

## OCTOBER TERM, 1963

## STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets-----	9	1, 238	1, 532	2, 779
Cases disposed of-----	2	1, 036	1, 374	2, 412
Remaining on dockets-----	7	202	158	367

## Cases disposed of—Appellate Docket:

By written opinions-----	123
By per curiam opinions or orders-----	180
By motion to dismiss or per stipulation (merits cases)---	0
By denial or dismissal of petitions for certiorari-----	733

## Cases disposed of—Miscellaneous Docket:

By written opinions-----	0
By denial or dismissal of petitions for certiorari-----	1, 093
By denial or withdrawal of other applications-----	180
By granting of other applications-----	1
By per curiam dismissal of appeals-----	30
By other per curiam opinions or orders-----	59
By transfer to Appellate Docket-----	11

Number of written opinions-----	111
Number of printed per curiam opinions-----	20
Number of petitions for certiorari granted (Appellate)-----	118
Number of appeals in which jurisdiction was noted or postponed-----	31
Number of admissions to bar-----	3, 184

## REFERENCE INDEX

## GENERAL:

Court convened October 7, 1963 and adjourned June 22, 1964.

Members of Court attended funeral of President Kennedy (not in session) (November 25, 1963).

Court attended Joint Session of Congress to hear President Johnson's Message following President Kennedy's death (not in session) (November 27, 1963).

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Nicholas deB. Katzenbach, of Washington, D.C., Harry F. Malzeke II, of Washington, D.C., Robert J. Cooney, of St. Louis, Mo., Robert Daniel De Wolf, of San Marino, Calif., Harvey J. Abel, of Sarasota, Fla., Lloyd H. Jameson, of Ferndale, Mich., William F. Roemer, Jr., of South Bend, Ind., Cuddie E. Davidson, of Westfield, N.J., Cuddie E. Davidson, Jr., of Westfield, N.J., William J. Hughes, of Ocean City, N.J., George B. Francis, of Wildwood, N.J., Henry Gorelick, of Wildwood, N.J., James A. O'Neill, of Wildwood, N.J., Boston E. Witt, of Santa Fe, N. Mex., Maurice Adelman, Jr., of Providence, R.I., Samuel W. Warner, of Dallas, Tex., Stephen Pinckney Killough, of Waco, Tex., Jerome A. Hochberg, of Washington, D.C., Bruce Cannon Johnson, of Conway, N.C., Theodore S. Tabah, of Los Angeles, Calif., and Jerome J. Duff, of St. Louis, Mo., on motion of Mr. Solicitor General Archibald Cox; William Forrest Grant, of Elberton, Ga., on motion of Mr. Robert Grier Stephens, Jr.; William S. Mathews, of Cincinnati, Ohio, Calvin W. Prem, of Cincinnati, Ohio, Burton Robert Signer, of Cincinnati, Ohio, and Roy A. West, of Elyria, Ohio, on motion of Mr. Robert Taft, Jr.; Riney B. Salmon, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Alvin Forrest Grauerholz, of Coffeyville, Kans., on motion of Mr. Robert J. Dole; Hal M. Rawlins, of Denison, Tex., on motion of Mr. Graham Purcell; Kenneth A. Roberts, of Anniston, Ala., on motion of Mr. Marx Leva; Stanley F. Davie, of Oakland, Calif., on motion of Mr. Warren Olney III; William H. Dempsey, Jr., of Washington, D.C., on motion of Mr. Francis M. Shea; George H. Clark, of Washington, D.C., John A. Earnest, of Washington, D.C., and Robert Raymond Redmon, of Washington, D.C., on motion of Mr. Chester H. Gray; Clay R. Williams, of Milwaukee, Wis., on motion of Mr. Roy Dale Adcock; Arthur V. Butler, of Rockville, Md., on motion of Mr. H. Mason Welch; Chester Richard Andrews, of Fresno, Calif., on motion of Mr. Richard David Andrews; Melvin I. Bernstein, of Gloucester, Mass., on motion of Mr. David Ferber; Carl Hurst Steck, of Houston, Tex., Gerard Ludwig Isken, of Houston, Tex., and Alan Stamm, of Beverly Hills, Calif., on motion of Mr. Charles M. Johnston; Anthony M. Wynn, of Los

Angeles, Calif., on motion of Mr. Charles B. Guy; Richard Landis Peck, of San Diego, Calif., on motion of Mr. Robert P. Stranahan, Jr.; Frank Cummings, of New York, N.Y., on motion of Mr. E. Riley Casey; Milton Victor Milich, of Miami, Fla., on motion of Mr. Luke E. White; Edward James Drury, of St. Paul, Minn., Douglas W. Thomson, of St. Paul, Minn., and John A. Cochrane, of St. Paul, Minn., on motion of Mr. Jonas G. Schwartz; Fred L. Davis, of Parkersburg, West Va., on motion of Mr. John M. Lynham; Walter Lawrence Baumann, of Alexandria, Va., on motion of Mr. Carl Adam Baumann; Leroy Nesbitt, of Washington, D.C., Arthur M. Reynolds, of Washington, D.C., William R. Durland, of Washington, D.C., and Arnold A. Stahl, of Washington, D.C., on motion of Mr. Belford V. Lawson; Irving D. Goodstein, of New York, N.Y., on motion of Mr. Morton E. Yohalem; Regina Marie Ward, of Merion, Pa., and William Weinert Cancelmo, of Wynnewood, Pa., on motion of Mr. James C. McConnon; John Bacheller, Jr., of Atlanta, Ga., on motion of Mr. Jacob I. Karro; Charles A. Friedman, of Baltimore, Md., on motion of Mr. Harry Friedman; John H. O. Clarke, of Annapolis, Md., and Jerome Francis Fallon, of Chicago, Ill., on motion of Mr. N. Douglas Parker, Jr.; Edward N. Wehr, of Davenport, Iowa, on motion of Mr. David Kammerman; Richard J. Cass, of Boston, Mass., on motion of Mr. William H. Collins; David V. Anthony, of Washington, D.C., on motion of Mr. Jesse Baskett; Jerome Fontaine Leavell, of New York, N.Y., on motion of Mr. Webb C. Hayes III; J. Coleman Bean, of Arlington, Va., on motion of Mr. Frank Livingston Ball, Jr.; Spencer Ervin, Jr., of Philadelphia, Pa., and Paul Carpenter Graves Dewey, of Newton Square, Pa., on motion of Mr. Robert Matthew Beckman; José Colón Gordiany, of San Juan, P.R., on motion of Mr. Rowland F. Kirks; and Roger Q. White, of Chicago, Ill., on motion of Mr. Frederick R. Tansill, were admitted to practice.

#### ORDER

It is ordered that Mr. Walter Wyatt be, and he hereby is, appointed Reporter of Decisions of this Court, effective August 1, 1963, and continuing to and including December 31, 1963.

#### ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (Retired) to perform judicial duties in the United States Court of Claims beginning October 7, 1963, and ending June 30, 1964, 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.

Adjourned until Monday, October 14, 1963, at 10 o'clock.

The day call for Monday, October 14, 1963, will be as follows: Nos. **6, 9, 10, 12, and 60.**

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Salvatore J. Locascio, of Winsted, Conn., Robert J. Wirth, of Albuquerque, N. Mex., Edward F. McCarthy, of River Edge, N.J., and William Ronald Malsh, of Tucson, Ariz., on motion of Mr. Ralph Simon Spritzer; Edward L. Flaherty, Jr., of Pittsburgh, Pa., Gregor F. Meyer, of Pittsburgh, Pa., and Bernard Patrick Costello, of Greensburg, Pa., on motion of Mr. Hugh D. Scott, Jr.; Aaron R. Paller, of Cleveland, Ohio, Joseph A. Cipollone, of Parma, Ohio, and Julian Kahan, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Jack H. Greene, of Wichita, Kans., on motion of Mr. Garner E. Shriver; Walter D. Felzke, of Tulsa, Okla., and Robert A. Huffman, of Tulsa, Okla., on motion of Mr. Page Belcher; Harold E. Mutnick, of Lafayette, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; L. Sheldon Daly, of Boston, Mass., on motion of Mr. Edward G. Hudon; Shelburne Taylor Buck, of Bristol, Tenn., on motion of Mr. Godfrey Munter; Maurice A. Hartnett III, of Dover, Del., on motion of Mr. Frederick Bernays Wiener; John W. Sholenberger, of Columbia, S.C., and David W. Robinson II, of Columbia, S.C., on motion of Mr. Charles Sylvanus Rhyne; Jack H. Weiner, of Washington, D.C., on motion of Miss Bessie Margolin; Tucker Russell Dearing, of Baltimore, Md., on motion of Mrs. Juanita Jackson Mitchell; Benjamin M. Wall, of Omaha, Nebr., and John T. West, Jr., of Waiialua, Oahu, Hawaii, on motion of Mr. George S. Prugh, Jr.; Mathias J. DeVito, of Baltimore, Md., Franklin Goldstein, of Baltimore, Md., and Robert L. Karwacki, of Baltimore, Md., on motion of Mr. Robert C. Murphy; David Arthur Binder, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; Gild E. Desetti, of Washington, D.C., on motion of Mr. Charles Orlando Pratt; Richard M. Goldwater, of Los Angeles, Calif., on motion of Mr. Fulton M. Brylawski; Herbert Edward Marks, of Dayton, Ohio, James Warren Johnson, of Grand Forks, S. Dak., and Albert V. Bush, of Tuscaloosa, Ala., on motion of Mr. Roy Dale Adcock; R. Toms Dalton, Jr., of Waynesboro, Va., and Francis Lee Summers, Jr., of Staunton, Va., on motion of Mr. C. Dean Reasoner; John T. Coburn, of Chicago, Ill., on motion of Mr. Vincent A. Pepper; Carl Richard Brown, of San Diego, Calif., Myron J.

Seibold, of Los Angeles, Calif., and Walter Joseph Jason, of Encino, Calif., on motion of Mr. Edward L. Gilmore; W. Ford Reese, of New Orleans, La., on motion of Mr. Robert E. LeCorgne, Jr.; Robert Frank Conrad, of Sumner, Md., on motion of Mr. Robert C. Watson; Louis Sterling Peirce, of Cleveland, Ohio, on motion of Mr. Benjamin G. Habberton; Harry William Goldberg, of Washington, D.C., on motion of Mr. Nathan Rubey; Hosea J. Taylor, of Huntsville, Mo., on motion of Mr. Bernard Fensterwald, Jr.; Wilbert McInerney, of Washington, D.C., on motion of Mr. John L. Laskey; Darall Gilmore Hawk, of Bartlesville, Okla., on motion of Mr. Sam Clammer; Thomas A. Lazaroff, of Pittsburgh, Pa., on motion of Mr. Richard L. Widman; Sidney C. Ward, of Orlando, Fla., on motion of Mr. John J. Sexton; William Patrick Pellow, of La Crescenta, Calif., on motion of Mr. Roger Lee Campbell; Theodore Joseph Cachey, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Robert Hugh Young, of Philadelphia, Pa., on motion of Mr. J. Louis Monarch; George Lawton Saunders, Jr., of Chicago, Ill., on motion of Mr. Howard J. Trienens; and John H. Mitchell, of Wilmington, Del., on motion of Mr. Clifford L. Wiser, were admitted to practice.

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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. 47. Margaret Lemmon et al., appellants, *v.* John J. Robertson et al. Appeal from the Supreme Court of Kansas. The motion of appellees, Lewis Woodard and May Woodard, for leave to proceed *in forma pauperis* is granted. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 97. Leroy Henry, and 64 others, petitioners, *v.* City of Rock Hill. On petition for writ of certiorari to the Supreme Court of South Carolina. Petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of South Carolina for further consideration in light of *Edwards v. South Carolina*, 372 U.S. 229. Opinion *per curiam*.

No. 127. H. J. Ryan, appellant, *v.* President of the Senate, etc. Appeal from the United States Court of Appeals for the Sixth Circuit. The motion to dismiss is granted and the appeal is dismissed for the want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 132. Don Williams, appellant, *v.* City of Wichita, Kansas. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 153. Trunkline Gas Company, petitioner, *v.* Hardin County. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 162. Leon Averitt and Percy Donald Livingston, appellants, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 177. Roadway Express, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Delaware. The motions to affirm are granted the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

No. 188. Sayles Finishing Plants, Inc., appellant, *v.* Martin J. Toomey, Tax Assessor of the Town of East Providence. Appeal from the Superior Court of Rhode Island. The motion to dismiss is granted and the appeal is dismissed for want of substantial federal question. Opinion *per curiam*.

No. 212. Morris Rapoport, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 217. State Corporation Commission of Kansas, appellant, *v.* United States et al. Appeal from the United States District Court for the District of Kansas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 225. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Chicago and Illinois Midland Railway Co. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Southern District of Illinois for dismissal because of mootness. Opinion *per curiam*.

No. 231. Wabaningo Boy Scout Camp, appellant, *v.* Michigan State Tax Commission; and

No. 232. Evanston Y.M.C.A. Camp, appellant, *v.* Michigan State Tax Commission. Appeals from the Supreme Court of Michigan.

The motion to dismiss is granted and the appeals are dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 238. In the Matter of Contempt Proceedings in re Mrs. Owen Jenison, petitioner. On petition for writ of certiorari to the Supreme Court of Minnesota. Petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Minnesota for further consideration in light of *Sherbert v. Verner*, 374 U.S. 398. Opinion *per curiam*.

No. 244. John Frank Butler, appellant, *v.* Walter Dunbar, Director of Corrections of the State of California. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 259. Adolph Kaukas et ux., appellants, *v.* City of Chicago. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 260. Hymen Miller et al., appellants, *v.* City of Chicago. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 285. Louis L. Friedman, Justice of the Supreme Court, Second Judicial District, appellant, *v.* Court on the Judiciary of the State of New York, etc. Appeal from the Court on the Judiciary, New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 291. Pierce Oliver Kidd Brewer et al., appellants, *v.* 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. 311. Louisiana ex rel. Schwegmann Bank and Trust Company et al., appellants, *v.* J. W. Jeansonne, State Bank Commissioner. Appeal from the Court of Appeal of Louisiana, First Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 6, Misc. David W. Higbee, petitioner, *v.* Luther Thomas, Warden. On petition for writ of certiorari to the Court of Appeals of Kentucky. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case re-

manded to the Court of Appeals of Kentucky for further consideration in light of *Pennsylvania ex rel. Herman v. Claudy*, 350 U.S. 116. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 8, Misc. Anthony Scarnato, petitioner, *v. J. E. LaVallee*, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Fay v. Noia*, 372 U.S. 391. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that certiorari should be denied.

No. 11, Misc. Jacob Newsome, petitioner, *v. North Carolina*. On petition for writ of certiorari to the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of North Carolina for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after argument of No. 16, Misc., *Pickelsimer v. Wainwright*, and related cases, decided this day.

No. 16, Misc. Clyde Pickelsimer, Jr., petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 36, Misc. Martin A. Mihelich, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 54, Misc. Donald Cowan, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections of Florida;

No. 55, Misc. Joseph R. Dumond, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 60, Misc. Robert Clayton Sharp, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 62, Misc. William E. Baker, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 70, Misc. Sidney James Heard, petitioner, *v. L. L. Wainwright*, Director, Division of Corrections;

No. 71, Misc. Arthel Campbell, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections;

No. 86, Misc. Lafayette E. Mitchell, petitioner, *v. L. L. Wainwright*, Director, Division of Corrections; and

No. 87, Misc. Roy Kitchens, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari granted. Judgments vacated and cases remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

**No. 20, Misc.** Eugene F. Shockey, petitioner, *v. Illinois*. On petition for writ of certiorari to the Supreme Court of Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Illinois for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after argument, of **No. 72, Misc.**, *Daegele v. Kansas*, decided this day.

**No. 32, Misc.** Grant Cooper, petitioner, *v. Alabama*. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Alabama for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

**No. 50, Misc.** Robert Reatz, petitioner, *v. New York*. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Appellate Division of the Supreme Court of New York, Second Judicial Department, for further consideration in light of *Griffin v. Illinois*, 351 U.S. 12, *Eskridge v. Washington*, 357 U.S. 214, and *Norvell v. Illinois*, 373 U.S. 420. Opinion *per curiam*.

**No. 52, Misc.** Dudley Ausbie, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after arguments, of **No. 72, Misc.**, *Daegele v. Kansas*, decided this day.

**No. 68, Misc.** Warren V. Nicholson, 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. Judgment vacated and case remanded to the Supreme Court of Appeals of West Virginia for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that certiorari should be denied.

**No. 72, Misc.** George Wm. Daegele, petitioner, *v. Kansas*. On petition for writ of certiorari to the Supreme Court of Kansas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Su-

preme Court of Kansas for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. For reasons expressed in his dissenting opinion in No. 16, Misc., *Pickelsimer v. Wainwright*, and related cases, decided this day, Mr. Justice Harlan would set this case for argument of the question whether *Douglas v. California*, 372 U.S. 353, should be applied retroactively.

No. 82, Misc. Simon Navarro Herrera, petitioner, *v.* Robert A. Heinze, Warden. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after argument, of No. 72, Misc., *Daegele v. Kansas*, decided this day.

No. 83, Misc. James Franklin Tabb, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after argument, of No. 72, Misc., *Daegele v. Kansas*, decided this day.

No. 116, Misc. Francisco Cepero, appellant, *v.* Honorable John F. X. Peloso. Appeal from the United States District Court for the Southern District of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 118, Misc. Alberto Carreon Salas, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 141, Misc. Jimmie Harold Johnson, appellant, *v.* Walter H. Wilkins, 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*.

No. 153, Misc. Aaron David (Fallin) King et al., appellants, *v.* Jackson Lee King et al. Appeal from the Supreme Court of Georgia. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 353, Misc. Edna K. Matson, appellant, *v.* The Queen's Hospital. Appeal from the Supreme Court of Hawaii. The appeal is

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

No. 383, Misc. Norman C. Gray, Jr., appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Western District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 385, Misc. Albert E. Barnes, etc., petitioner, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of North Carolina for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*. Mr. Justice Harlan would withhold disposition of the petition for certiorari until the disposition, after argument, of No. 16, Misc., *Pickelsimer v. Wainwright*, and related cases, decided this day.

No. 403, Misc. James Patrick Ryan, appellant, *v.* Harry C. Tinsley, Warden. Appeal from the United States Court of Appeals for the Tenth Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 520, October Term, 1962. Harlow Chamberlin et al., appellants, *v.* Dade County Board of Public Instruction et al. The motion of the intervening appellees to dispense with printing the motion to vacate the judgment is granted. The motion of intervening appellees to vacate the judgment is denied.

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al. The case is set for oral argument on the motion for leave to file the bill of complaint and answer. Two hours are allowed for oral argument.

No. 13. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. The motion of Claude Pepper for leave to withdraw his appearance as counsel for the petitioners is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 16. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabbatino, etc., et al. The motion of John A. Wilson for leave to withdraw his appearance as counsel for Compania Azucarera Vertientes-Camaguey de Cuba is granted.

No. 28. Francesco Foti, a/k/a Frank Foti, petitioner, *v.* Immigration and Naturalization Service. The motion of the Association of

Immigration and Nationality Lawyers for leave to file a brief, as *amicus curiae*, is granted. The motion for leave to participate in the oral argument is denied.

No. 39. The New York Times Company, petitioner, *v.* L. B. Sullivan. The motion of The Washington Post Company for leave to file a brief, as *amicus curiae*, is granted.

No. 61. Ethel Meyer, petitioner, *v.* United States. The motion of Lillian Wintner for leave to file a brief, as *amicus curiae*, is granted.

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. The motion of American Public Power Association for leave to file a brief, as *amicus curiae*, is granted.

No. 72. Bradley Reed Smith, petitioner, *v.* California. The motion of the petitioner to dispense with printing the record is granted.

No. 75. Aro Manufacturing Co., Inc., et al, petitioners, *v.* Convertible Top Replacement Co., Inc. Further consideration of the motion of respondent to settle the record is postponed to the hearing of the case on the merits.

No. 81. National Equipment Rental, Ltd., petitioner, *v.* Steve Szukhent et al. The motion of the Bankers Trust Co. et al., for leave to file a brief, as *amici curiae*, is granted.

No. 82. Italia Societa Per Azioni Di Navigazione, petitioner, *v.* Oregon Stevedoring Company, Inc. The motion of the American Merchant Marine Institute, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 107. United States *v.* Ross R. Barnett et al. The motion of the American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted.

No. 209. Joseph Lyle Stoner, petitioner, *v.* California. The motion for the appointment of counsel is granted and it is ordered that William H. Dempsey, Jr., Esquire, of Washington, D.C., a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 210. Floyd Charles Fallen, petitioner, *v.* United States. The motion for the appointment of counsel is granted and it is ordered that William B. Killian, Esquire, of Miami, Florida, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

#### APPEALS—JURISDICTION NOTED

No. 167. Sidney J. Ungar, appellant, *v.* Honorable Joseph A. Sarafite, Judge, etc. Appeal from the Court of Appeals of New York;

No. 185. United States et al., appellants, *v.* B. J. Boyd, Commissioner. Appeal from the Supreme Court of Tennessee;

No. 204. United States, appellant, *v.* Aluminum Company of America et al.; Appeal from the United States District Court for the Northern District of New York; and

No. 220. Lawrence W. Baggett et al., appellants, *v.* Dorothy Bullitt et al. Appeal from the United States District Court for the Western District of Washington. In these cases probable jurisdiction is noted.

No. 116. Donald S. Hostetter et al, etc., appellants, *v.* Idlewild Bon Voyage Liquor Corporation. 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 placed on the summary calendar. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 235. United States, appellant, *v.* William C. Welden. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

No. 137. Massachusetts Trustees of Eastern Gas and Fuel Associates, petitioners *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted.

No. 169. National Association for the Advancement of Colored People, petitioner, *v.* Alabama ex rel. Richmond M. Flowers, Attorney General. Petition for writ of certiorari to the Supreme Court of Alabama granted.

No. 253. Herman Frederick Marks, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service, New York District. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 273. Federal Power Commission, petitioner, *v.* H. L. Hunt et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 287. Victor Rabinowitz 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 granted.

No. 157. R. B. Parden et al., petitioners, *v.* Terminal Railway of the Alabama State Docks Department et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 223. Samuel Joseph Rugendorf, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 292. Missouri Pacific Railroad Company, petitioner, *v.* Elmore & Stahl. Petition for writ of certiorari to the Supreme Court of Texas granted and case placed on the summary calendar.

No. 138. William Murphy and John Moody, Sr., petitioners, *v.* The Waterfront Commission of New York Harbor. Petition for writ of certiorari to the Supreme Court of New Jersey granted and case set for oral argument immediately following No. 110. This case and case No. 110 both placed on the summary calendar.

No. 168. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama granted and case placed on the summary calendar. Mr. Justice White took no part in the consideration or decision of this petition.

No. 389. Department of Revenue, petitioner, *v.* James B. Beam Distilling Company. Petition for writ of certiorari to the Court of Appeals of Kentucky granted and case placed on the summary calendar. Case set for oral argument immediately following No. 116. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 39, Misc. Nick Alford Aguilar, petitioner, *v.* Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket.

#### CERTIORARI DENIED

No. 63. Allied Paint & Color Works, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 103. Gulf/Mediterranean Ports Conference et al., petitioners, *v.* Federal Maritime Commission et al.; and

No. 166. Far East Conference et al., petitioners, *v.* United States et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 118. Balbine Denise Gand Baron, petitioner, *v.* Roger E. Valleton, Administrator. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 121. Zeb Mattox, petitioner, *v.* Charles C. Hertwig, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 124. Peter Jakobson, petitioner, *v.* George C. Levin et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 125. Edward Lamb et al., petitioners, *v.* Isadore Blau, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 126. Chesapeake & Ohio Railway Company et al., petitioners, *v.* Lois Bray Vera Cruz. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 129. Pittsburgh & Lake Erie Railroad Company, petitioner, *v.* John R. Carney. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 130. George Anthony Rossetti, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 131. The M. J. Uline Company, petitioner, *v.* Washington Sportservice, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 133. The Clemson Agricultural College of South Carolina et al., petitioners, *v.* Harvey B. Gantt, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 135. Leroy Silverstein and George Harris, petitioners, *v.* Craig Phelps. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 139. The Pennsylvania Railroad Company, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 142. General Aggregates Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 143. Leathehide Industries, Inc., et al., petitioner, *v.* Lawrence C. Gutman, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 144. William W. Rabin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 146. Bryan W. Nickerson, Jr., petitioner, *v.* The Bearfoot Sole Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 147. Harry Portnoy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

LEATHERHIDE

No. 148. Owens Generator Company, Inc., et al., petitioners, *v.* H. J. Heinz, Co. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 149. O. C. Lee, etc., et al., petitioners, *v.* Louisville and Nashville Railroad Company et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 150. The Gemex Corporation, petitioner, *v.* A. C. Becken Co.; and

No. 265. A. C. Becken Co., petitioner, *v.* The Gemex Corporation. Petitions for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 151. John D. Byrd et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 152. Frank A. DiPierro, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 154. Wilbur J. Fabre, petitioner, *v.* Reserve Insurance Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 156. Louis DeLeo and Abraham Abisoror, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 158. M. W. Zack Metal Company, petitioner, *v.* SS. Birmingham City, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 161. Everett McGarrh, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 165. John P. Glass, Jr., petitioner, *v.* Bendix Aviation Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 171. Abraham Teitelbaum, petitioner, *v.* The Curtis Publishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 172. Holly Johnson, Administrator, etc., petitioner, *v.* Morgan F. Livingston. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 173. Garnett R. Davis, petitioner, *v.* The Tennessee Valley Authority. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 174. Eugene Donald Metz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 175. Congress Construction Corp., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 176. Marydale Products Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 179. Burnell Keath Uptagrafft et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 180. T. W. and Evelyn B. Wheeler, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 181. George Slater et al., petitioners, *v.* Mark E. Stoffel, Administrator, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 182. Newberry Mills, Inc., petitioner, *v.* United Textile Workers of America, AFL-CIO, Local Union No. 120. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 183. Walter A. Sheaffer II 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. 184. Vernon Grant, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 186. Isthmian Lines, Inc., petitioner, *v.* George E. Street. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 187. Brotherhood of Locomotive Engineers, et al., petitioners, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 189. Atlantic Mutual Insurance Company, petitioner, *v.* Poseidon Schiffahrt G. m. b. H. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 190. The Connecticut Fire Insurance Company, petitioner, *v.* Allen N. Spooner & Son, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 191. International Shoe Machine Corporation, petitioner, *v.* United Shoe Machinery Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 192. United States ex rel. L. B. Binion, petitioner, *v.* James V. Ryan, United States Marshal for the Eastern District of Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 193. David H. Rubinger et al., petitioners, *v.* International Telephone & Telegraph Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 202. Howeth M. Mills and Crawford Mills, d/b/a Mills Dairy Products Company, et al., petitioners, *v.* Orville L. Freeman, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 203. Imperial Meat Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 205. The Pullman Company, petitioner, *v.* Order of Railway Conductors and Brakemen et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 206. Paul DeFina, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 207. Bridgeport Rolling Mills Company, petitioner, *v.* Theodore Roosevelt Brown, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 208. Comptroller of the Treasury of the State of Maryland, Retail Sales Tax Division, petitioner, *v.* Pittsburgh-Des Moines Steel Company. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 211. Marvin Delane White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 213. Avis, Inc., et al., petitioners, *v.* Tanner Motor Livery, Ltd., etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 215. Cherry Meat Packers, Inc., petitioner, *v.* Harris Truck Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 216. In re Estate of Cora Hubbard Williams, petitioner. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 218. John Cardillo, petitioner, *v.* United States; and

No. 221. Louis Margolis, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 222. Thomas Eistrat, petitioner, *v.* Irving Lumber & Moulding, Inc., et al. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, denied.

No. 224. Dominick Tufaro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 226. Gabbs Exploration Company, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 228. Gulf Oil Corporation, petitioner, *v.* Edward Lieberman. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 229. Robert Weber, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 233. City Bank Farmers Trust Company, etc., et al., petitioners, *v.* Bernarr Macfadden Foundation, Inc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 234. 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. 239. Frankfort Oil Company, etc., petitioner, *v.* E. S. Heyser, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 240. American Civil Liberties Union of Southern California et al., petitioners, *v.* Board of Education of the City of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 241. Dale Ross, petitioner, *v.* Great Northern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 242. Robert L. Miller et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 243. Thomas Letchos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 247. Ohio Turnpike Commission, petitioner, *v.* S. J. Groves & Sons Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 248. Frank M. DeFino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 249. Clinton S. Lutkins et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 250. Carl Brandenfels, petitioner, *v.* J. Edward Day, Postmaster General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 251. Sioux Tribe of Indians of the Lower Brule Reservation, South Dakota, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 252. Harry A. Toulmin, Jr., petitioner, *v.* The Rike-Kumler Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 254. Henry J. Frolich, d/b/a Encino Chemicals, petitioner, *v.* Miles Laboratories, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 255. Bros Incorporated, petitioner, *v.* Browning Manufacturing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 257. William T. Spence, petitioner, *v.* Balogh & Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 258. Staten Island Rapid Transit Railway Company, petitioner, *v.* Clifford Barney. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 261. Estate of Winfred S. Hurst, Deceased: Harry J. Alker, Jr., petitioner. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 262. Commissioner of Internal Revenue, petitioner, *v.* Estate of Annette S. Morgan, Deceased, William H. Morgan, Executor. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 266. W. T. Hagans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 268. Gladys Hildreth, petitioner, *v.* Union News Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 270. Edythe C. Urow, Administratrix, etc., petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 271. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, AFL-CIO.

Local 840, petitioners, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 272. Ripple Sole Corporation, petitioner, *v.* American Biltrite-Rubber Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 278. Carlos Esteva, Jr., petitioner, *v.* The House of Seagram, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 279. Lee-Rowan Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 280. Kenneth Adams Tolliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 281. Sam Bass, petitioner, *v.* South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 286. W. M. Miles et al., petitioners, *v.* Laurie W. Tomlinson, District Director Internal Revenue, District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 289. Edward Mishkin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 290. Walter E. Kline et al., petitioners, *v.* Stewart Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 293. Carl W. Mullis Engineering and Manufacturing Company, Inc., petitioner, *v.* Thomas W. Nicholson. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 295. Gerald A. Guidarelli, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 296. William Alfred Reno, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 298. Charles A. Meeker, petitioner, *v.* W. E. Walraven. Petition for writ of certiorari to the Supreme Court <sup>(fo)</sup>New Mexico denied.

No. 299. H. G. Maison, etc., et al., petitioners, *v.* Confederated Tribes of the Umatilla Indian Reservation et al. Petition for writ

of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 301. R. Gordon Burt, Jr., Mayor of the City of McComb City, Mississippi, et al., petitioners, *v.* The Congress of Racial Equality. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 302. Cia Mar Adra, S. A., petitioner, *v.* Samuel Mosley et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 306. John N. Crudup, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 308. Jefferson Davis Broadus et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 309. Nina N. Anthony and Graydon Anthony, Partners, d/b/a Graydon Anthony Lumber Company, petitioners, *v.* Louisiana & Arkansas Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 310. Glen F. Dastugue, petitioner, *v.* American Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 312. W. P. Kennedy, President, Brotherhood of Railroad Trainmen, etc., et al., petitioners, *v.* The Long Island Rail Road Company, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 314. Arnold Schildhaus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 315. The Austin Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 317. Leo P. McKee, Trustee, etc., petitioner, *v.* Great American Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 318. Safway Products, Inc., and R. D. Werner Co., Inc., petitioners, *v.* Up-Right, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 319. Caribbean Federation Lines, petitioner, *v.* Karl Dahl et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 320. Jerrold Orland Conaway et al., petitioners, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 322. John Colbert et al., petitioners, *v.* Peerless Chemicals (P.R.) Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 325. Joseph Bacino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 338. Kalman Greenhill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 341. Carl V. Daniels et al., petitioners, *v.* Florida Power & Light Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 355. Sanford E. Aday et al., petitioners, *v.* United States District Court for the Western District of Michigan, Southern Division, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 391. Alex Hollander, petitioner, *v.* George Hollander. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 90. W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary, petitioner, *v.* Claude O. Jones, Jr. Motion for respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 117. Spencer M. Anderson et al., petitioners, *v.* Panama Canal Company. 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. 128. B. R. Sheffield, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 155. John Oddo, 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. 164. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL-CIO, et al., petitioners, *v.* Louis F. Davis, Trustee of Muskegon Motor Specialities Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 178. Local No. 201, American Federation of State, County and Municipal Employees (AFL-CIO), et al., petitioners, *v.* City of

Muskegon. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 230. Lee Wei Fang 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. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 237. Illinois, petitioner, *v.* Commonwealth Edison Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 269. R. K. Laros Company, now Pharmachem Corporation, et al., petitioners, *v.* Benger Laboratories Limited, 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. 120. Marie H. Chandler et al., petitioners, *v.* Board of Public Education for the City of Savannah et al. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 136. Daniels & Kennedy, Inc., petitioner, *v.* A/S Inger. Motion of The National Association of Stevedores for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 140. Fitzgerald Mills Corporation, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 170. Samuel Mosley, petitioner, *v.* Cia. Mar. Adra, S.A., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 214. State Farm Mutual Automobile Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

No. 227. Antonio Corallo, petitioner, *v.* United States;

No. 303. James Vincent Keogh, petitioner, *v.* United States; and

No. 304. Elliott Kahaner, petitioner, *v.* United States. Petitions for writs 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 these petitions.

No. 256. Dodson Benedec et al., petitioners, *v.* United States; and No. 333. Lester E. Butler et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 332. Southern Railway Company, petitioner, *v.* John H. Jackson. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

Mr. Justice Black and Mr. Justice Douglas dissenting:

Respondent Jackson brought a diversity action in the United States District Court for the Northern District of Georgia claiming damages from the railroad for personal injuries. The trial judge charged the jury under the applicable Georgia comparative negligence statute<sup>1</sup> that if the plaintiff had been himself negligent, though less so than the defendant, his recovery "would be reduced in proportion to the amount of default attributable to him." The jury returned a verdict of \$2,500 although there had been medical expenses of \$1,300, evidence of lost earnings of \$12,000, and other damage alleged up to a total of \$100,000. Claiming that the instruction on comparative negligence was improper and accounted for the "grossly inadequate" award, plaintiff moved for a new trial. The District Court denied the motion but the Court of Appeals reversed, holding that under either a federal or a state standard the evidence failed to show any negligence of the plaintiff. In our judgment this reversal denied the railroad its right to a trial of the question by the jury in the United States District Court as guaranteed by the Seventh Amendment to the Constitution. See *Simler v. Conner*, 372 U.S. 221. Because of the importance of preserving this constitutional right we would grant certiorari and affirm the District Court's ruling on this issue.

No. 10, Misc. Alfred Earl Toles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 12, Misc. Paul D. O'Neill, petitioner, *v.* Alfred T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 13, Misc. James Andrew Greyson, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 17, Misc. Harry Walker, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

<sup>1</sup> Georgia Code § 94-703.

No. 19, Misc. Oran Finley Hudspeth, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 22, Misc. Wm. S. McDonald, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 23, Misc. John Everette Horne, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 24, Misc. James H. Moody, petitioner, *v.* Alabama et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 25, Misc. E. J. Williams, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 26, Misc. Elmer Bellach, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 27, Misc. Sherman Preston, petitioner, *v.* Colorado et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 29, Misc. Bryant W. Bowles, Jr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 30, Misc. John Hawryliak, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 33, Misc. Charles Kenneth Rasmussen, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 34, Misc. Gene Alvin Krupnick, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 35, Misc. Earl H. Hootman, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 38, Misc. Clarence Pugh, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 40, Misc. Samuel Taylor, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 43, Misc. Sidney Lansing, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 44, Misc. John Max Lange, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 48, Misc. Dupree Poe, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 51, Misc. Willie James Lawery, Jr., petitioner, *v.* Colorado et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 53, Misc. Albert F. Eckert, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

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

No. 58, Misc. John Nettingham, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 65, Misc. Cloyd William Blankenship, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 73, Misc. Walter Woll, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 75, Misc. John J. Breen, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 77, Misc. Theodore R. Krzywosz, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 78, Misc. Jesse T. Hecke, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 84, Misc. Robert Draper, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 90, Misc. Stanley Marsh, petitioner, *v.* George Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 91, Misc. Reuben Lee Clark, petitioner, *v.* Vernon L. Peper-sack, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 94, **Misc.** Elmer Tahtinen, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 95, **Misc.** Wayne F. McLain, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 96, **Misc.** James Eugene Matney, petitioner, *v.* Louie L. Wainwright, Director, Florida State Prison. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 97, **Misc.** Grover Sweeney, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Morgan County, Illinois, denied.

No. 98, **Misc.** Pete Giacona, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 99, **Misc.** Richard J. X. Williams, petitioner, *v.* Sam A. Anderson, Superintendent of D.C. Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 100, **Misc.** Frank Chase, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 102, **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. 103, **Misc.** William R. Mills, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 104, **Misc.** Roland Chester Pitts, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 105, **Misc.** Louis Herbert Martin, 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. 106, **Misc.** Grady Smith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 107, **Misc.** Christopher Romano, petitioner, *v.* Joseph E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 108, **Misc.** Alfonse Indelicato, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 109, **Misc.** Alfonse Indelicato, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 110, **Misc.** Jack R. Foutty, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 111, **Misc.** Donald Richard Sanders, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 114, **Misc.** Clarence McNair, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 117, **Misc.** Howard Lee Jarrell, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 120, **Misc.** Joseph Bradford, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 121, **Misc.** Jewel Polk, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 122, **Misc.** Charles E. O'Connor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 124, **Misc.** Sherwood Edwards, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 126, **Misc.** Debs Crawford, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 127, **Misc.** Joseph Weaver, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 128, **Misc.** Tony Garcia, Jr., petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 129, **Misc.** Paul Rodger Weller, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 131, **Misc.** Kenneth Leo Fowler et al., petitioners, *v.* Board of County Commissioners of Prince George's County, etc., et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 132, **Misc.** Robert Charles Winter, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 133, **Misc.** Mary Goveia, petitioner, *v.* Michael Haritas et al. Petition for writ of certiorari to the Superior Court of Massachusetts, Suffolk County, denied.

No. 134, **Misc.** Oscar A. Harrison, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 137, **Misc.** Richard Carnell Robinson, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 139, **Misc.** Clarence DeRose, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 140, **Misc.** Charles Henry Snebold, petitioner, *v.* Superior Court of Sacramento County. Petition for writ of certiorari to the Supreme Court of California denied.

No. 142, **Misc.** Harold Seiler, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 143, **Misc.** Nathaniel Wade, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 144, **Misc.** Gordon DeSimone, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 146, **Misc.** George A. Clark, petitioner, *v.* James F. Maroney, Superintendent. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 147, **Misc.** Frank Egitto, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 148, **Misc.** James Jones, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 150, **Misc.** Herndon Shaw, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 151, **Misc.** John Winn, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 152, **Misc.** John G. Ahlstedt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 154, **Misc.** 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.

No. 155, **Misc.** John C. Bennett, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 156, **Misc.** David Rogers and James Belk, petitioner, *v.* Allied Aviation Service Company of New Jersey, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157, **Misc.** Irvin Berless Bartlett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 158, **Misc.** Donald P. Petty, et al., petitioner, *v.* Connecticut. Petition for writ of certiorari to the Appellate Division of the Circuit Court of Connecticut denied.

No. 159, **Misc.** John Mentessana, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

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

No. 161, **Misc.** Alexander W. Cantie, 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. 164, **Misc.** Thomas C. Hudgens, petitioner, *v.* Clarence T. Gladden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 167, **Misc.** James Elmer Watson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 168, **Misc.** Chester Banks, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 170, **Misc.** Francis Julius Green, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 171, **Misc.** Reginald Jones, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 173, **Misc.** Robert Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 174, **Misc.** Vito W. Rizzi, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 175, **Misc.** William Ernest Frye, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 177, **Misc.** Mike McCarroll, petitioner, *v.* Minnesota. Petition for writ of certiorari to the District Court of Minnesota, Ninth Judicial District, denied.

No. 178, Misc. Clifton L. Gravette, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 180, Misc. Royal Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 181, Misc. Jesus M. Montalvo, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 183, Misc. James Robert Casper, petitioner, *v.* Minnesota. Petition for writ of certiorari to the District Court of Minnesota, Fourth Judicial District, denied.

No. 184, Misc. Robert F. Robinson, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 186, Misc. Leo Adkins, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 187, Misc. John Elton Whitlow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 188, Misc. L. Gilbert Cohen, petitioner, *v.* Time, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 189, Misc. Carl Grant Mills, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 193, Misc. Vernon Mahan, petitioner, *v.* Frank A. Eyman et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 194, Misc. Max Earl Shannon, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 195, Misc. Cleveland Lindsey, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Lake County, Illinois, denied.

No. 197, Misc. Willie L. Gilliam, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 198, Misc. Lloyd Denson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 199, **Misc.** Frank Abel and John G. Grimes, petitioners, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 201, **Misc.** Alvin Wilson, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 202, **Misc.** David L. Rose, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 203, **Misc.** Chester Gray, petitioner, *v.* United States; and

No. 206, **Misc.** Alfred Schiff, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 204, **Misc.** Charles Henry Williams, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 205, **Misc.** Leroy Gault, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 208, **Misc.** Robert J. Carter, petitioner, *v.* Mary C. Abbate and John Abbate. Petition for writ of certiorari to the Civil Court of City of New York, New York, County of New York, denied.

No. 209, **Misc.** Clarence R. Mitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 212, **Misc.** Checotah Anderson, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 213, **Misc.** Richard M. Galvan, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 214, **Misc.** Mrs. Sam Rotolo, petitioner, *v.* The Halliburton Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 215, **Misc.** Bennie Simms, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 216, **Misc.** Henry P. Bryant, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 217, **Misc.** Vernon A. Mitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 218, Misc. Orié Elvin Biles, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 220, Misc. In the Matter of the Application of William R. Liss, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 221, Misc. McKinley 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. 223, 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. 225, Misc. Albert Casey, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 229, Misc. Athel Robert Gemmel, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 230, Misc. Clarence Duke McGann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 231, Misc. Ronald Maurice Stump, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 233, Misc. Thomas Frank Bertone, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 234, Misc. Margarita Nazario, petitioner, *v.* Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 236, Misc. Estelle D. Deininger, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 237, Misc. William B. Peaden, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 238, Misc. Juan Jose Medrano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 239, Misc. Robert Donald Sullivan and Johnny Frederick Woods, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 242, Misc. William Howard King, petitioner, *v.* Jack Heard, Acting Director, Texas Department of Corrections. Petition for writ

of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 243, *Misc.* Robert Andrew Prather, Jr., petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 244, *Misc.* Albert B. Jackovick, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 245, *Misc.* Manuel Rosales, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 246, *Misc.* Mack Jones, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 249, *Misc.* Billy S. R. Alexander, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 250, *Misc.* Ellsworth Roberts, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 251, *Misc.* Leon D. Noah, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 252, *Misc.* Floyd E. Umbel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 253, *Misc.* Philip Priore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 256, *Misc.* Vincent Johnson, etc., petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 257, *Misc.* John J. Spriggs, Sr., petitioner, *v.* Pioneer Carissa Gold Mines, Inc., et al. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 258, *Misc.* George L. Ginger, petitioner, *v.* George E. Bowles, Wayne Circuit Judge. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 259, *Misc.* Ulfrano Garcia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 260, *Misc.* William Sorenson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 261, **Misc.** John H. Billman, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 262, **Misc.** Paul Navarro, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 263, **Misc.** Robert W. Thomas, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 266, **Misc.** Lee Giron, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 267, **Misc.** Walter E. Zukoski, petitioner, *v.* Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

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

No. 272, **Misc.** Thomas Cooper, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 273, **Misc.** Robert William Schuette, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court for Baltimore County, Maryland, denied.

No. 274, **Misc.** Willie D. Byrd, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 276, **Misc.** Louis E. Hughes et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Circuit Court of Kalamazoo County, Michigan, denied.

No. 277, **Misc.** Carl Hamby, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 279, **Misc.** John Knapp, petitioner, *v.* United States; and

No. 300, **Misc.** Louis Piselli, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 281, **Misc.** Jack Meikle, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 282, **Misc.** Ralph C. Mathewson, petitioner, *v.* Henry C. McGrath, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 284, **Misc.** Edison R. Womack, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 285, Misc. George Reed, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 289, Misc. Monie Jones, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 291, Misc. David Homer Tidmore, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 292, Misc. In the Matter of William S. Wellman, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 293, Misc. Clarence Moore, 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. 295, Misc. Lawrence Selph, petitioner, *v. Dr. George Beto, Director, Texas Department of Corrections*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 296, Misc. Preston R. Reams, petitioner, *v. Kentucky*. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 297, Misc. John Joseph Powers, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 299, Misc. Gus Alfred DeMoss, petitioner, *v. Alfred T. Rundle, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 301, Misc. James Campy Irby, petitioner, *v. Maryland*. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 302, Misc. William Wesley Oliphant, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 303, Misc. Leslie Lincoln Ranous, 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. 304, Misc. Alfred Taylor, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 305, Misc. Robert Bergen, petitioner, *v. B. J. Rhay, Superintendent, Washington State Penitentiary*. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 306, Misc. Joseph Gaito, petitioner, *v. A. T. Rundle, Superintendent, State Correctional Institution*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 309, **Misc.** Lewis L. Wayne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 310, **Misc.** Burt D. Seniff, petitioner, *v.* Mary A. Seniff. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 311, **Misc.** Jesse Allen Sullivan, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 312, **Misc.** Roy David Tyson, 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. 313, **Misc.** Norman F. Greene, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 314, **Misc.** Edmund V. Picciotti, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 315, **Misc.** Dan Duncan, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 316, **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. 317, **Misc.** Loy Rollin Kirk, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 319, **Misc.** Peter Corso, 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. 321, **Misc.** Walter Kennedy, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 322, **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. 325, **Misc.** Archie Price, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 328, **Misc.** Peter Palumbo, petitioner, *v.* Hon. Daniel J. Ryan, Judge, Municipal Court of Chicago. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 329, **Misc.** William C. Wycoff, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the Supreme Court of Indiana denied.

- No. 330, **Misc.** Benjamin Hill, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.
- No. 333, **Misc.** James Overby, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.
- No. 334, **Misc.** E. J. Biggs et al., petitioners, *v.* Hope Evangelical Church. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.
- No. 335, **Misc.** Charles Elmer Cantrell and Robert Archie Bergland, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.
- No. 338, **Misc.** Nathaniel Burdette, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.
- No. 339, **Misc.** Bernard Stevens, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.
- No. 342, **Misc.** David Miles, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.
- No. 343, **Misc.** Donald Gene Durham, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.
- No. 345, **Misc.** Jacob Nibbs, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.
- No. 346, **Misc.** Howard G. Bible, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.
- No. 347, **Misc.** Confesora Casiano, petitioner, *v.* Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.
- No. 349, **Misc.** Charles D. Dagle, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.
- No. 350, **Misc.** Guy N. Stafford, petitioner, *v.* J. R. Vaughan et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.
- No. 351, **Misc.** James Vernon Ward, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.
- No. 352, **Misc.** Ralph Leon Gandy, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 355, Misc. John Dean Quintana, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 356, Misc. Marion Stevenson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 359, Misc. Charles A. Lipinczyk, Legally Known as Robert George Werner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 360, Misc. Joseph Booth, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 361, Misc. Demitrios B. Tsermengas, petitioner, *v.* Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 362, Misc. Joseph Riley, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 363, Misc. George Wilson, Jr., petitioner, *v.* Michigan. Petition for writ of certiorari to the Circuit Court for Berrien County, Michigan, denied.

No. 365, Misc. Maurice King, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 367, Misc. Robert Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 368, Misc. Robert Edward Day, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 370, Misc. James Messer, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 371, Misc. Walter Gray, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 373, Misc. Woodrow W. Gainey, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 374, Misc. Jean L. Chester, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 376, Misc. Frederick C. Fermin, petitioner, *v.* Veterans Administration et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 377, Misc. Webster Paige, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 379, *Misc.* Curtis Mitchell, 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. 380, *Misc.* Memphis Bridges, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 382, *Misc.* Harvey Oliver Drumm, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 384, *Misc.* Peter Gomino, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 386, *Misc.* Victoria St. Pierre Lartigue, petitioner, *v.* R. J. Reynolds Tobacco Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 389, *Misc.* Joseph J. Cuff, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 390, *Misc.* Jesse Hollins, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 391, *Misc.* Tommy Harris, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 393, *Misc.* Richard Machado, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 394, *Misc.* Earl Phillips, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 395, *Misc.* John Tanchyn, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 397, *Misc.* William Clyde Wright et al., petitioners, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 399, *Misc.* Sylvester Holt, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 401, *Misc.* Anthony J. Rossano, Jr., b/n/f Anthony J. Rossano, Sr., petitioner, *v.* Blue Plate Foods, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 402, *Misc.* Kay Otis Dillon, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 404, Misc. LeRoy F. Stoflet, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 407, Misc. Cleo Gaither, 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 B. Elliott, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 410, Misc. William Jack Glancy, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 411, Misc. Edward Earl Fine III, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 413, Misc. Robert Carr Mix, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 415, Misc. Foster Wilhelm, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 416, Misc. Robert Herman Shanholtz, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 423, Misc. Paul V. Harris, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 425, Misc. Dominick Zizzo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 435, Misc. Alan Goodsaid, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 437, Misc. Hugh Webster, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 438, Misc. Anthony Vellucci, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 440, Misc. Eucepheus Young, Sr., 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. 446, Misc. William R. Mills, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama, denied.

No. 467, **Misc.** John Joseph Lawlor, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 473, **Misc.** Wilbur Hill, 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. 1, **Misc.** Joseph Yancy, Jr., petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 63, **Misc.** George W. Milton, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. 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. 92 **Misc.** Joseph De Grandis et al., petitioners, *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. 332, **Misc.** Kenneth J. Zimple, 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. 337, **Misc.** Glen Watson Reamer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 101 **Misc.** James Earl Browder, petitioner, *v.* Washington. The motion of Daniel J. Riviera for leave to withdraw his appearance as counsel for the petitioner is granted. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 119, **Misc.** Robert Wright, petitioner, *v.* Texas. The motion for leave to supplement the petition is granted. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 185, **Misc.** Vincent Lopez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit and for other relief denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 294, **Misc.** Forrest E. Burkey, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Motion for leave to file a petition for writ of certiorari denied without prejudice to an application to the appropriate United States District Court for relief in light of *Fay v. Noia*, 372 U.S. 391.

## LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 9, *Misc.* Louis D. Mantzouranis, petitioner, *v.* Robert A. Heinze, Warden;

No. 190, *Misc.* Robert Allen Streit, petitioner, *v.* John E. Bennett, Warden;

No. 210, *Misc.* Louis Perry, petitioner, *v.* Frank J. Pate, Warden, et al.;

No. 235, *Misc.* Ex parte Malcolm R. Schlette, petitioner;

No. 241, *Misc.* Dewey D. Hamlin, petitioner, *v.* Lawrence E. Wilson, Superintendent, et al.;

No. 264, *Misc.* William Foy Turpin, petitioner, *v.* E. L. Maxwell, Warden;

No. 283, *Misc.* Billy Jack Ellis, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary;

No. 326, *Misc.* Ex parte Huey R. Lee, petitioner.

No. 331, *Misc.* Frank Chase, petitioner, *v.* Albert D. Rosellini, Governor, State of Washington, et al.;

No. 340, *Misc.* Marvin E. Maddox, petitioner, *v.* Alabama;

No. 354, *Misc.* Edward J. Ellis, petitioner, *v.* Donald Clemmer, Director, District of Columbia Department of Corrections, et al.;

No. 364, *Misc.* William H. Chapman, petitioner, *v.* E. L. Maxwell, Warden;

No. 444, *Misc.* William J. Patton, petitioner, *v.* E. L. Maxwell, Warden;

No. 449, *Misc.* Chester L. Oughton, petitioner, *v.* John C. Taylor;

No. 457, *Misc.* Ray G. Dodge, petitioner, *v.* Frank A. Eyman, Warden; and

No. 470, *Misc.* Charles Price, Jr., petitioner, *v.* Maryland. Motion for leave to file petitions for writs of habeas corpus denied.

No. 28, *Misc.* Utah Smith, Jr., petitioner, *v.* Nebraska;

No. 31, *Misc.* William H. Jackson, petitioner, *v.* Warden, Maryland Penitentiary; and

No. 271, *Misc.* John Chipman, petitioner, *v.* John Burke, Warden. Motions for leave to file petitions for writ 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. 130, *Misc.* Eusebius J. Biggs, petitioner, *v.* Hon. Hubert H. Will et al.; and

No. 228, *Misc.* Gloria Parker, petitioner, *v.* Hon. Sterry R. Waterman et al. Motions for leave to file petitions for writs of mandamus denied.

No. 268, Misc. Karoline Cauer et al., etc., petitioners, *v.* The Honorable Justice of the United States Court of Customs and Patent Appeals. Motion for leave to file petition for writ for mandamus and/or prohibition denied.

No. 275, Misc. Robert Draper and Raymond Lorentzen, petitioners, *v.* Hon. Charles L. Powell, Judge, United States District Court, Eastern District of Washington, et al. Motion for leave to file petition for writ of mandamus and for other relief denied.

#### REHEARINGS DENIED

No. 73, October Term, 1962. California et al., petitioner, *v.* Federal Power Commission et al.;

No. 150, October Term, 1962. Harold J. Silver, d/b/a Municipal Securities Company, et al., petitioners, *v.* New York Stock Exchange;

No. 236, October Term, 1962. German S. Lopez, petitioner, *v.* United States;

No. 463, October Term, 1962. Thomas I. Fitzgerald, Public Administrator of the County of New York, etc., petitioner, *v.* United States Lines Company;

No. 513, October Term, 1962. Willie Norvell, petitioner, *v.* Illinois;

No. 604, October Term, 1962. Division 1287 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employes of America, et al., appellants, *v.* Missouri;

No. 686, October Term, 1962. Ralph R. Benson, petitioner, *v.* California;

No. 1014, October Term, 1962. Reverend George Burdikoff et al., petitioners *v.* The Russian Orthodox Greek Catholic St. Peter and St. Paul's Church of Lorain, Ohio, et al.;

1016 No. ~~4916~~ 4916, October Term, 1962. Charles W. Jamieson, appellant, *v.* Anthony J. Celebrezze, Secretary of Health, Education and Welfare;

No. 1017, October Term, 1962. Jan Emil Donato, petitioner, *v.* United States;

No. 1044, October Term, 1962. Harold Wapnick, petitioner, *v.* United States;

No. 1045, October Term, 1962. Millard Vance et al., petitioners, *v.* Midland Enterprises, Inc., et al.;

No. 1058, October Term, 1962. Ernestine Greene, petitioner, *v.* Immigration and Naturalization Service, etc.; and

No. 1097, October Term, 1962. Samuel James, petitioner, *v.* United States. The petitions for rehearing are denied.

No. 301, October Term, 1962. George Weigel, petitioner, *v.* Partenweederei, MS Belgrano, et al.; and

No. 467, October Term, 1962. James Alvado et al., petitioners, *v.* General Motors Corporation. The motions for leave to file second petitions for rehearing are denied. Mr. Justice Goldberg took no part in the consideration or decision of these motions.

No. 482, October Term, 1962. Local No. 207, International Association of Bridge, Structural and Ornamental Iron Workers Union, et al., petitioners, *v.* Jacob Perko; and

No. 541, October Term, 1962. Local 100 of the United Association of Journeymen and Apprentices, petitioner, *v.* H. N. Borden. The petitions for rehearing are denied. Mr. Justice Goldberg took no part in the consideration or decision of these petitions.

No. 509, October Term, 1962. Elijah Reed, petitioner, *v.* Steamship Yaka, etc., et al. The motion of American Marine Institute, Inc., et al., for leave to file a brief, as *amici curiae*, is granted. Petition for rehearing denied.

No. 589, October Term, 1962. Texas and New Orleans Railroad Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. Motion for leave to file petition for rehearing denied.

No. 611, October Term, 1962. Public Utility District No. 1 of Pend Oreille County, Washington, petitioners, *v.* Federal Power Commission et al. Motion for leave to file second petition for rehearing denied.

No. 824, October Term, 1962. Willard Dairy Corporation, petitioner, *v.* National Dairy Products Corporation. The motion for leave to file a supplement to the petition for rehearing is granted. Petition for rehearing denied.

No. 1074, October Term, 1962. James LaFazia, et al., petitioners, *v.* United States. Petition for rehearing by petitioners, Brill and Gersh, denied.

No. 660, Misc., October Term, 1962. L. T. McKee, petitioner, *v.* Illinois;

No. 788, Misc., October Term, 1962. Harold L. Palmer, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections;

No. 842, Misc., October Term, 1962. Alex A. Popeko, petitioner, *v.* United States;

No. 885, Misc., October Term, 1962. H. J. Jones, petitioner, *v.* United States;

No. 965, Misc., October Term, 1962. Joseph W. Parry-Hill, petitioner, *v.* Honorable Joseph C. McGarraghy, Judge, United States District Court for the District of Columbia;

- No. 996, Misc. October Term, 1962. Larry West Shipley, petitioner, *v. Oregon*;
- No. 997, Misc., October Term, 1962. Fred Stein, petitioner, *v. United States*;
- No. 1008, Misc., October Term, 1962. Phillip Scasserra, petitioner, *v. Pennsylvania*;
- No. 1035, Misc., October Term, 1962. William W. Stewart, petitioner, *v. Michigan et al.*;
- No. 1062, Misc., October Term, 1962. Clarence R. Bosler, petitioner, *v. Honorable S. P. Dalton et al.*;
- No. 1070, Misc., October Term, 1962. Robert H. Briggs, appellant, *v. Louisiana State Bar Association, Committee on Bar Admissions*;
- No. 1080, Misc., October Term, 1962. Albert Sumpter, petitioner, *v. United States*;
- No. 1139, Misc., October Term, 1962. Rose Florence May, petitioner, *v. Fidelity and Deposit Company of Maryland*;
- No. 1149, Misc., October Term, 1962. Thaddeus E. Tansimore, petitioner, *v. United States*.
- No. 1195, Misc., October Term, 1962. James E. Berry, petitioner, *v. Donald C. Clemmer, Director, District of Columbia Department of Corrections*;
- No. 1200, Misc., October Term, 1962. Harry Vogelstein, etc., petitioner, *v. National Screen Service Corporation et al.*;
- No. 1230, Misc., October Term, 1962. Joseph W. DiSilvestro, petitioner, *v. Hon. Charles E. Clark, et al., etc.*;
- No. 1232, Misc., October Term, 1962. Emmett J. Stebbins, petitioner, *v. John W. Macy, Chairman, United States Civil Service Commission, et al.*;
- No. 1263, Misc., October Term, 1962. Jorge Colon Montes, petitioner, *v. David M. Heritage, Warden*;
- No. 1269, Misc., October Term, 1962. Robert M. Lee, Jr., petitioner, *v. Frank J. Pate, Warden, et al.*;
- No. 1279, Misc., October Term, 1962. Theodore Harper, petitioner, *v. California*;
- No. 1288, Misc., October Term, 1962. Frances Lenore Holt, petitioner, *v. Wisconsin*;
- No. 1325, Misc., October Term, 1962. Charles Clemons, petitioner, *v. United States*;
- No. 1359, Misc., October Term, 1962. John B. White, petitioner, *v. United States*;
- No. 1377, Misc., October Term, 1962. Ronald Lee Wolfe, petitioner, *v. Elbert N. Nash, Warden*;
- No. 1421, Misc., October Term, 1962. Joseph A. Weiss, petitioner, *v. Emerich Hunna*;

No. 1427, Misc., October Term, 1962. Francis Marion Black, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 1434, Misc., October Term, 1962. Alfred Lewis, petitioner, *v.* New York;

No. 1437, Misc., October Term, 1962. Commodore Reed, Jr., petitioner, *v.* Frank J. Pate, Warden;

No. 1448, Misc., October Term, 1962. In the Matter of James Wilson, petitioner;

No. 1467, Misc., October Term, 1962. Minniola O. Miller, petitioner, *v.* Ufa E. Guthrie; and

No. 1474, Misc., October Term, 1962. In the Matter of James Wilson, petitioner. Petitions for rehearing denied.

No. 331, Misc., October Term, 1962. Aurweid George Reickauer, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary;

No. 590, Misc., October Term, 1962. Lemuel Mont, petitioner, *v.* United States;

No. 1133, Misc., October Term, 1962. Bobby Ray Gill, petitioner, *v.* United States; and

No. 1212, Misc., October Term, 1962. Richard Browne, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

No. 1256, Misc., October Term, 1962. Irvin C. Scarbeck, petitioner, *v.* United States; and

No. 1322, Misc., October Term, 1962. Richard C. Collins, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these petitions.

#### ORAL ARGUMENT

No. 6. William L. Griffin et al., petitioners, *v.* Maryland. Reargument commenced by Mr. Joseph L. Rauh, Jr., for the petitioners and continued by Mr. Robert C. Murphy for the respondent.

No. 9. Charles F. Barr et al., petitioners, *v.* City of Columbia; and

No. 10. Simon Bouie and Talmadge J. Neal, petitioners, *v.* City of Columbia. Argument commenced by Mr. Matthew Perry for the petitioners and continued by Mrs. Constance B. Motley for the petitioners and by Mr. David W. Robinson II for the respondent.

No. 12. Robert Mack Bell et al., petitioners, *v.* Maryland. Argument commenced by Mr. Jack Greenberg for the petitioners and continued by Mr. Loring E. Hawes for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 15, 1963, will be as follows: Nos. 6, 9 (and 10), 12, 60, 7, 17, and 18.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Edmund Farnsworth Barker, of Montebello, Calif., Robert E. Knowles, of Bradenton, Fla., Joseph R. Hague, of Columbus, Ohio and Joseph Briggs DeVennish, of Columbus, Ohio, on motion of Mr. Ralph Simon Spritzer; Morris Zipper, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Robert W. Bartley, of Pueblo, Colo., on motion of Mr. Donald G. Brotzman; John Earl Pratt, of Ironton, Ohio, on motion of Mr. Homer E. Abele; Arnold Ordman, of Wheaton, Md., on motion of Mr. Dominick Manoli; Charles E. Day, Jr., of Grand Rapids, Mich., on motion of Mr. James E. Corkey; Robert L. Tross, of Louisville, Ky., Josephine P. Hughett, of Louisville, Ky., Maude Hughett, of Louisville, Ky., and Mae R. Stricklin, of Louisville, Ky., on motion of Mr. David Previat; Frank Mather Archer II, of Fairfax, Va., on motion of Mr. Edward D. Gasson; Floyd J. Reed, of New Orleans, La., on motion of Mr. J. Minos Simon; Richard Lee Hames, of Idaho Falls, Idaho, on motion of Mr. Howard K. Shaper; Russell F. Bartlett, of Sarasota, Fla., on motion of Mr. Louis Rogers; and John X. Combo, of Idaho Falls, Idaho, on motion of Mr. James P. Murray, Jr., were admitted to practice.

### ORAL ARGUMENT

No. 60. James Russell Robinson et al., appellants, *v.* Florida. Argument commenced by Mr. Alfred I. Hopkins for the appellants and continued by Mr. George R. Georgieff for the appellee.

No. 6. William L. Griffin et al., petitioners, *v.* Maryland;

No. 9. Charles F. Barr et al., petitioners, *v.* City of Columbia;

No. 10. Simon Bouie and Talmadge J. Neal, petitioners, *v.* City of Columbia;

No. 12. Robert Mack Bell et al., petitioners, *v.* Maryland; and

No. 60. James Russell Robinson et al., appellants, *v.* Florida. Argument continued by Mr. Ralph S. Spritzer for the United States, as *amicus curiae*, by special leave of Court, by Mr. Russell R. Reno, Jr., for the respondent in Nos. 6 and 12, by Mr. John W. Sholenberger

for the respondent in Nos. 9 and 10, by Mr. George R. Georgieff for the appellee in No. 60, and concluded by Mr. Jack Greenberg for the petitioners and appellants.

No. 7. Jerry R. England et al., appellants, *v.* Louisiana State Board of Medical Examiners et al. Argued by Mr. Russell Morton Brown for the appellants and by Mr. Robert E. LeCorgne, Jr., for the appellees.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 16, 1963, will be as follows: Nos. 17 (and 18), 19, 13, and 31.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Robert A. Rickey, of Bradenton, Fla., Otis Don Chapoton, of Houston, Tex., and Edward W. Jacko, Jr., of New York, N.Y., on motion of Mr. Daniel M. Friedman; Charles B. Garabedian, of Boston, Mass., and Richard Russell Flood, of Lowell, Mass., on motion of Mr. Edward M. Kennedy; John H. Edris, of Bluffton, Ind., on motion of Mr. E. Ross Adair; William H. McCann, of Lexington, Ky., and Herbert D. Sledd, of Lexington, Ky., on motion of Mr. John Young Brown; Richard Alsina Fulton, of Baton Rouge, La., on motion of Mr. Julian P. Freret; William James Peeler, of Waverly, Tenn., on motion of Mrs. Dorothy Daughtridge Goodwin; David Henry Fromkin, of New York, N.Y., on motion of Mr. Morris Fromkin; Lawrence Mills, of Salt Lake City, Utah, on motion of Mr. James O'Donnell Moran; Julian B. Fenster, of Los Angeles, Calif., on motion of Mr. Gerald B. Greenwald; Ralph Hull Erickson, of Denver, Colo., on motion of Mr. Donald J. Stocking; Willis Hugh Riccio, of Providence, R.I., on motion of Mr. James E. Dowd; and Jules E. Angoff, of Boston, Mass., George Broomfield, of Boston, Mass., Archie H. Cohen, of Boston, Mass., Americo L. Ferullo, of Boston, Mass., Sven A. Johanson, Jr., of Boston, Mass., Louis F. Katz, of Boston, Mass., Herbert L. Kliger, of Boston, Mass., William J. LaFay, of Boston, Mass., Edward F. McLaughlin, Jr., of Boston, Mass., William M. Olin, of Boston, Mass., Lewis H. Peters, of Boston, Mass., Leo P. DeMarco, of Malden, Mass., Gerald Earl Norman, of Worcester, Mass., Samuel Zaharoff, of Sharon, Mass., Theodore Jack Vaitses, of Melrose, Mass., Stephen P. Weston, of Danvers, Mass., Sidney Solomon, of Uxbridge, Mass., Elliott T. Cowdrey, of Lowell, Mass., George T. Bolger, of Fall River, Mass., and Sirley Berger, of Bangor, Maine, on motion of Mr. Edward M. Dangel, were admitted to practice.

### ORAL ARGUMENT

No. 17. Walter Humphrey, etc., et al., petitioners, *v.* C. W. Moore, etc., et al.; and

No. 18. General Drivers, Warehousemen and Helpers, Local Union No. 89, petitioner, *v.* C. W. Moore, et al. Argued by Mr. David

Previant and Mr. Mozart G. Ratner for the petitioners and by Mr. John Y. Brown and Mr. Newell N. Fowler for the respondents.

**No. 19.** Harold Fahy, petitioner, *v.* Connecticut. Argued by Mr. Francis J. McNamara, Jr., for the petitioner and by Mr. John F. McGowan for the respondent.

**No. 13.** Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn, et al. Reargument commenced by Mr. S. G. Lippman for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 17, 1963, will be as follows: Nos. 13, 31, 86, 28, and 44.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Robert Edward Puckett, of San Diego, Calif., O. Allan Gulker, of Columbus, Ohio, and George D. Massar, of Columbus, Ohio, on motion of Mr. Solicitor General Archibald Cox; George A. Forde, of Pacific Palisades, Calif., on motion of Mr. Thomas H. Kuchel; Melvyn J. Stauffer, of Sandusky, Ohio, on motion of Mr. Jackson E. Betts; Alvin J. Porsche, of Pittsburgh, Pa., on motion of Mr. William S. Moorhead; William Ross Luney, of New York, N.Y., on motion of Mr. Thomas Francis Quinn, Jr.; and William James Stevens, Jr., of Philadelphia, Pa., on motion of Mr. Robert Lowe Kunzig, were admitted to practice.

### ORAL ARGUMENT

No. 13. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. Reargument continued by Mr. S. G. Lippman for the petitioners, by Mr. Bernard B. Weksler for the respondents, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. S. G. Lippman for the petitioners.

No. 31. Benjamin W. Corey, petitioner, *v.* United States. Argued by Mr. Russell Morton Brown for the petitioner and by Mr. Louis F. Claiborne for the respondent.

No. 86. United States, petitioner, *v.* Kenneth Leroy Behrens. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. Aribert L. Young for the respondent.

No. 28. Francesco Foti, a/k/a Frank Foti, petitioner, *v.* Immigration and Naturalization Service. Argument commenced by Mr. James J. Cally for the petitioner and continued by Mr. Philip R. Monahan for the respondent.

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Adjourned until Monday, October 21, 1963, at 10 o'clock.

The day call for Monday, October 21, 1963, will be as follows: Nos. 28, 42, 44, and 107.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

John Basil Farmakides, of Washington, D.C., Walker A. Anderson, Jr., of Clearwater, Fla., Richard M. Welsh, of Miami, Fla., Gerard E. Pyszka, of Miami, Fla., Ollen B. Hinnant, Jr., of Montclair, N.J., Robert J. Geniesse, of New York, N.Y., Gordon Caldis, of Grand Forks, N. Dak., Robert R. Aldinger, of Arlington, Va., Robert Frederick Allnut, of Arlington, Va., Irwin W. Barkan, of Columbus, Ohio, Edward A. Copley, Jr., of Dallas, Tex., Herbert Spencer Kendrick, of Brownfield, Tex., and Julius C. Grossenbacher, Jr., of San Antonio, Tex., on motion of Mr. Solicitor General Archibald Cox; Daniel R. Kane, of Washington, D.C., and Harmon David Maxson, of Arlington, Va., on motion of Mr. A. Leon Higginbotham, Jr.; Edmund W. Montgomery II, of Jackson, Miss., on motion of Mr. Malcolm B. Montgomery; Urville J. Beaumont, of Lawrence, Mass., Victor L. Hatem, of Methuen, Mass., and Daniel J. Leonard, of Lawrence, Mass., on motion of Mr. Daniel T. Coughlin; Joseph A. Carretto, of New York, N.Y., Richard K. Easley, of Memphis, Tenn., and Joseph W. Morrow, Jr., of Neodesha, Kans., on motion of Mr. Roy Dale Adcock; Charles L. Saunders, Jr., of Denver, Colo., and Marcia Toll Saunders, of Denver, Colo., on motion of Mr. William A. Sutherland; Edward C. Connolly, of Philadelphia, Pa., on motion of Mr. Robert Lowe Kunzig; Irving Barkan, of Columbus, Ohio, on motion of Mr. Joseph H. Sharlitt; David S. Bate, of Montclair, N.J., on motion of Mr. Harry Tyson Carter; Richard D. DeLuce, of Los Angeles, Calif., on motion of Mr. John W. Armagost; Paul William Flanigan of Cleveland, Ohio, on motion of Mr. Edward L. Merrigan; Michael L. Weissman, of Chicago, Ill., on motion of Mr. James M. Henderson; and Gary Green, of Washington, D.C., on motion of Mr. Norton J. Come, were admitted to practice.

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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. 1. Manuel Aristeguieta, etc., petitioner, *v.* First National City Bank of New York et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion to vacate judgment granted. Judgment vacated and case remanded to the United States District Court for the Southern District of Florida with instructions to dismiss the cause as moot. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 2. Manuel Aristeguieta, Consul General of the Republic of Venezuela, etc., petitioner, *v.* First National City Bank of New York et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion to vacate judgment granted. Judgment vacated and case remanded to the United States District Court for the Southern District of New York with instructions to dismiss the cause as moot. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of this case.

No. 45. Salvatore Panico, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan would affirm the judgment below substantially for the reasons given by Judge Smith in his opinion for the Court of Appeals. *United States v. Panico*, 308 F. 2d 125.

No. 194. Natale Evola, petitioner, *v.* United States;

No. 195. Salvatore Santora, petitioner, *v.* United States;

No. 196. Vito Genovese, petitioner, *v.* United States;

No. 197. Vincent Gigante, petitioner, *v.* United States;

No. 79, Misc. Joseph DiPalermo, petitioner, *v.* United States;

No. 80, Misc. Charles DiPalermo, petitioner, *v.* United States;

No. 115, Misc. Rocco Mazzie, petitioner, *v.* United States;

No. 149, Misc. Carmine Polizzano and Ralph Polizzano, petitioners, *v.* United States; and

No. 224, Misc. Charles Barcellona, petitioner, *v.* United States. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit. Petitions for writs of certiorari granted, in Nos. 194, 195, 196, and 197. Motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari granted in Nos. 79, Misc., 80, Misc., 115, Misc., 149, Misc., and 224, Misc. Judgment vacated and cases remanded to the Court of Ap-

peals for reconsideration in light of *Campbell v. United States*, 373 U.S. 487, and for such further consideration as may be appropriate. Opinion *per curiam*. Mr. Justice Clark, with whom Mr. Justice Harlan and Mr. Justice White join, concurring in part and dissenting in part.

No. 200. Clarence D. Tipton, petitioner, *v. Socony Mobil Oil Company, Inc.* On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Southern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan dissents.

No. 288. Fred Dunlap et al., appellants, *v. Ohio*. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 313. Marion A. Stover et al., appellants, *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. 323. Shenandoah Valley Broadcasting, Inc., et al., petitioners, *v. American Society of Composers, Authors and Publishers*. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Appeals for consideration on its merits. Opinion *per curiam*. Mr. Justice Black acquiesces in the Court's judgment because of the holding in the prior appeal.

No. 326. Humble Oil & Refining Company et al., appellants, *v. Raymond F. Male, Commissioner, Department of Labor and Industry, New Jersey*. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 331. Sinclair Davis et al., appellants, *v. City of Bowling Green, Kentucky, etc., et al.* Appeal from the United States District Court for the Western District of Kentucky. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 335. James Fields et al., petitioners, *v. South Carolina*. On petition for writ of certiorari to the Supreme Court of South Carolina. Petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of South Carolina for proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 340. Troy Bland Cade, appellant, *v. Louisiana*. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 59, Misc. John W. Crews, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Clark dissent for the reason that the judgment rests on an adequate State ground.

No. 76, Misc. Elmer Banks, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*. Mr. Justice Douglas and Mr. Justice Clark dissent for the reason that the judgment rests on an adequate state ground.

No. 318, Misc. Rudolph Hess et al., appellants, *v. Frank Kriz, Jr., et al.* Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 420, Misc. C. B. Jacobs, appellant, *v. Arizona*. Appeal from the Supreme Court of Arizona. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 426, Misc. John A. Luomala, appellant, *v. Joseph Shore*, Chief Executive of the United States Board of Parole. Appeal from the United States Court of Appeals for the Second Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 477, Misc. Solomon Chodorov, 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 jurisdiction.

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

No. 500, Misc. Stanley Simmons, appellant, *v.* Russell G. Oswald, Chairman, et al., 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. 551, Misc. Douglas Wayne Thompson, appellant, *v.* Missouri. Appeal from the Supreme Court of Missouri. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 23. B. A. Reynolds, etc., et al., appellants, *v.* M. O. Sims et al.;

No. 27. David J. Vann and Robert S. Vance, appellants, *v.* Agnes Baggett, Secretary of State of the State of Alabama, et. al.;

No. 41. John W. McConnell, Jr., et al., appellants, *v.* Agnes Baggett, Secretary of State of Alabama, et al.; and

No. 69. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. The motion of American Jewish Congress et al., for leave to file a brief, as *amici curiae*, is granted.

No. 72. Bradley Reed Smith, petitioner, *v.* California. The motion of Edward de Grazia for leave to argue orally, as *amicus curiae*, is denied.

No. 86. United States, petitioner, *v.* Kenneth Leroy Behrens. The motion of the respondent for leave to proceed *in forma pauperis* is granted.

#### APPEALS—JURISDICTION NOTED

No. 201. Willis Shaw Frozen Express, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of Arkansas. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 307. Mabel V. Roman, Clerk, etc., et al., appellants, *v.* Richard Sincok et al. Appeal from the United States District Court for the District of Delaware. In this case probable jurisdiction is noted. The motion to advance is granted and the case is set for argument on Monday, December 9, 1963. The printing of the record is dispensed with. The brief of the appellants shall be filed on or before November 9th and the brief of the appellees shall be filed on or before November 29th.

No. 328. United States, appellant, *v.* Rocco Tateo. Appeal from the United States District Court for the Southern District of New York. The motion of the appellee for leave to proceed *in forma pauperis* is granted. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

## CERTIORARI GRANTED

No. 245. Milton Berman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 321. George T. Aratani et al., petitioners, *v.* Robert F. Kennedy, Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

No. 264. James P. Donovan et al., petitioners, *v.* City of Dallas et al. Petition for writs of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, granted. Petition for writ of certiorari to the United States District Court for the Northern District of Texas denied.

No. 329. Humble Pipe Line Company, petitioner, *v.* W. E. Waggoner, Sheriff, etc.; and

No. 354. Natural Gas and Oil Corporation et al., petitioners, *v.* W. E. Waggoner, Sheriff, etc. Petitions for writs of certiorari to the Court of Appeals of Louisiana, Second Circuit, granted. Cases consolidated and a total of two hours allowed for oral argument.

No. 138, Misc. Jesse James Arnold and George Dixon petitioners, *v.* North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of North Carolina granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 274. Backus Plywood Corporation, petitioner, *v.* Commercial Decal, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 305. Wright Contracting Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 334. Bessie Wagner, petitioner, *v.* Charles N. Fairlamb et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 339. Henrietta O. Murdoch, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **342.** Harry J. Alker, Jr., and Mamie DuBan, Individually and as Executrix of the Estate of Alfred A. DuBan, petitioners, *v.* Federal Deposit Insurance Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **343.** Anthony P. Miller, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **345.** Manufacturers Hanover Trust Company, as Trustee, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **463.** Lydon Webber et al., petitioners, *v.* Turner & Blanchard, Inc., et al.; and

No. **499.** Maritime Food Corporation, petitioner, *v.* Turner & Blanchard, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **219.** Isabel Carmen Sauri Tyrell et al., petitioners, *v.* Mercedes Berdecia. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. **277.** Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. **45, Misc.** Joseph White, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **47, Misc.** James R. Spivey, petitioner, *v.* Texas et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. **49, Misc.** Elton Cassidy, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **61, Misc.** Stewart W. Newsom, 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. **64, Misc.** Otis L. Turner, 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. **67, Misc.** Charles Edwards, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. **74, Misc.** Louis J. Spivak, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 85, **Misc.** Joseph Miles Walker, petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 88, **Misc.** Eddie Lee Turner, petitioner, *v.* Dr. George J. Beto, Director, Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 89, **Misc.** Rafael Rivera Rivera, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 166, **Misc.** Charles Ramsey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 196, **Misc.** James A. Hallman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 226, **Misc.** Leroy Moon, 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. 232, **Misc.** Don Anthony White, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 248, **Misc.** Joe Edward Smith, petitioner, *v.* Jack Heard, Acting Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 344, **Misc.** Yancey Wilson and Audrey Walker, petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 348, **Misc.** Albert Earl Farmer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 369, **Misc.** Thomas Grossman, 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. 392, **Misc.** Wilbur M. Cleveland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 405, **Misc.** James E. Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 414, **Misc.** Arnold B. Alcorn, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 419, **Misc.** James Whiting, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 421, **Misc.** Henry Agard, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 427, **Misc.** Thomas Maryanski, petitioner, *v.* D. N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 430, **Misc.** Wardell Bowie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 432, **Misc.** Barney P. Bennett, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County of Illinois denied.

No. 433, **Misc.** James Turner, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 434, **Misc.** David E. Coles, 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. 436, **Misc.** Geneva H. Sayles, petitioner, *v.* Roger Ratcliff et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 442, **Misc.** James W. Oyler, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 443, **Misc.** George Hazelwood, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 445, **Misc.** Robert Lee Haynes et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 447, **Misc.** Robert L. Stevens, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 450, **Misc.** Robert Roberts, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Criminal Court of Baltimore City, Maryland, denied.

No. 451, **Misc.** Gustave Shapiro, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 458, **Misc.** Paul Farmer, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 459, **Misc.** Bernard Thomas O'Rourke, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 462, **Misc.** Earl F. Prater, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 463, **Misc.** William E. Warden, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 476, **Misc.** George Starks, 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. 479, **Misc.** Richard Hicks, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 480, **Misc.** John Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 481, **Misc.** David Jacob Seiterle, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 482, **Misc.** Goebel Lee Newsome, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 483, **Misc.** Joseph A. Lindsey, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 484, **Misc.** Francis George Mooney, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 485, **Misc.** Gino Albini, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 487, **Misc.** Alfred Royal Szabo, petitioner, *v.* Connecticut et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 488, **Misc.** Paul Sanderson, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 490, **Misc.** Floyd S. Harrod et al., petitioners, *v.* Joseph Mihojevich. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 493, **Misc.** Howard N. Davison, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of <sup>Oregon</sup> Washington denied.

No. 496, **Misc.** Elijah Coleman, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 502, **Misc.** Henry Carver, petitioner, *v.* Robert O'Neal, Sheriff, Marion County, et al. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 503, **Misc.** Raul Allende, 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. 504, **Misc.** Crystle A. Colbert, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 508, **Misc.** Frederick Collins Fermin, petitioner, *v.* Department of Employment, State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 509, **Misc.** Dennis Manafort Whitney, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 510, **Misc.** Vernon C. O'Neill, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 511, **Misc.** Maggie Preston Williams, petitioner, *v.* Tillett Brothers Construction Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 514, **Misc.** Charles Sims, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 515, **Misc.** Clarence C. 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. 538, **Misc.** Walter Kennedy, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 539, **Misc.** Gerhardus Oosterwyk, petitioner, *v.* Lawrence Corrigan et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 547, **Misc.** In the Matter of Samuel Lemkin, petitioner. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 557, Misc. George Jones, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 169, Misc. Frank Jimmy Snider, Jr., petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Goldberg, with whom Mr. Justice Douglas and Mr. Justice Brennan join, is of the opinion that the petition should be granted for the reasons expressed in his dissenting opinion in *Rudolph v. Alabama*, No. 308, Misc., decided this date.

No. 308, Misc. Frank Lee Rudolph, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Goldberg, with whom Mr. Justice Douglas and Mr. Justice Brennan join, dissenting:

I would grant certiorari in this case and in *Snider v. Cunningham*, 169, Misc., to consider whether the Eighth and Fourteenth Amendments to the United States Constitution permit the imposition of the death penalty on a convicted rapist who has neither taken nor endangered human life.

The following questions, *inter alia*, seem relevant and worthy of argument and consideration:

(1) In light of the trend both in this country and throughout the world against punishing rape by death,<sup>1</sup> does the imposition of the death penalty by those States which retain it for rape violate "evolving standards of decency that mark the progress of [our] maturing society,"<sup>2</sup> or "standards of decency more or less universally accepted?"<sup>3</sup>

<sup>1</sup> The United Nations recently conducted a survey on the laws, regulations and practices relating to capital punishment throughout the world. In addition to the United States, 65 countries and territories responded. All but five—Nationalist China, Northern Rhodesia, Nyasaland, Republic of South Africa, and the United States—reported that their laws no longer permit the imposition of the death penalty for rape.

The following of the United States reported that their laws no longer permit the imposition of the death penalty for rape: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming. The laws of the remaining States permit the imposition of the death penalty for rape, but some States do not, in fact, impose it. United Nations, *Capital Punishment* (prepared by Mr. Marc Ancel, Justice of the French Supreme Court) (N.Y. 1962) 38, 71-75.

<sup>2</sup> *Trop v. Dulles*, 356 U.S. 86, 101 (opinion of WARREN, C. J., joined by Justices BLACK, DOUGLAS, and WHITTAKER).

<sup>3</sup> *Francis v. Resweber*, 329 U.S. 495, 469 (Frankfurter, J., concurring). See *Weems v. United States*, 217 U.S. 349, 373:

"Legislation, both statutory and constitutional, is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purpose. Therefore, a principle to be vital must be capable of wider application than the mischief which gave it birth. This is peculiarly true of constitutions. They are not ephemeral enactments, designed to meeting passing occasions. They are, to use the words of Chief Justice Marshall,

(2) Is the taking of human life to protect a value other than human life consistent with the constitutional proscription against "punishments which by their excessive \* \* \* severity are greatly disproportioned to the offenses charged?"<sup>4</sup>

(3) Can the permissible aims of punishment (*e.g.*, deterrence, isolation, rehabilitation)<sup>5</sup> be achieved as effectively by punishing rape less severely than by death (*e.g.*, by life imprisonment);<sup>6</sup> if so, does the imposition of the death penalty for rape constitute "unnecessary cruelty?"<sup>7</sup>

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 532, Misc. James Burks, petitioner, *v.* Frank J. Pate, Warden. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 523, Misc. Alan Benjamin Luckman, petitioner, *v.* California et al.;

No. 546, Misc. Robert L. Stanton, petitioner, *v.* Ross V. Randolph, Warden;

No. 601, Misc. Lewis Talmadge Hill, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

'designed to approach immortality as nearly as human institutions can approach it.' The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality."

Also see *Ex parte Wilson*, 114 U.S. 417, 427-428:

"What punishments may be considered as infamous may be affected by the changes of opinions from one age to another. In former times, being put in the stocks was not considered as necessarily infamous \* \* \*. But at the present day [it] might be thought an infamous punishment."

<sup>4</sup> *Weems v. United States*, 217 U.S. 349, 371. Cf. *Lambert v. California*, 355 U.S. 225, 231 (dissenting opinion of Frankfurter, J.).

<sup>5</sup> See *e.g.*, *Williams v. New York*, 337 U.S. 241; *Trop v. Dulles*, 356 U.S. 86, 111 (concurring opinion of BRENNAN, J.); *Blyew v. United States*, 13 Wall. 581, 600.

<sup>6</sup> The United Nations Report on Capital Punishment noted: "In Canada, rape ceased to be punishable with death in 1954: it is reported that there were 37 convictions for rape in 1950, 44 in 1953 and only 27 in 1954, the year of abolition; from 1957 to 1959 a steady decrease in convictions was noted (from 56 to 44), while in the same period the population of Canada increased by 27 percent." United Nations, Capital Punishment, *supra*, note 1, at 54-55.

Such statistics must of course be regarded with caution. See, *e.g.*, Royall Commission Report on Capital Punishment (1953) 24; Hart, Murder and Its Punishment, 12 N.W.L. Rev. 433, 457 (1957); Allen, Review, 10 Stan. L. Rev. 595, 600 (1958). In Canada, for example, the death sentence was rarely imposed for rape even prior to its formal abolition in 1954. In 1961 there was a slight increase in the number of convictions for rape. See United Nations, Capital Punishment, *supra*, note 1, at 55.

<sup>7</sup> *Weems v. United States*, 217 U.S. 349, 370. See *Robinson v. California*, 370 U.S. 660, 677 (concurring opinion of DOUGLAS, J.).

No. 602, *Misc.* Raymond E. Hall, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections; and

No. 605, *Misc.* Perry Walker, petitioner, *v.* Frank J. Pate, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 598, *Misc.* Frank C. Waltz, petitioner, *v.* Lynn Peterson et al. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 41, *Misc.* Milton Howard, petitioner, *v.* Nebraska; and

No. 537, *Misc.* Carl Ray Becker, petitioner, *v.* Ralph H. Tahash, 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.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 255, *Misc.* Audilio Carrillo, petitioner, *v.* United States District Court for the District of New Mexico. Motion for leave to file petition for writ of mandamus and for other relief denied.

#### REHEARINGS DENIED

No. 8, *Original.* State of Arizona, complainant, *v.* State of California et al. Petitions for rehearing filed by the Metropolitan Water District of Southern California, the Imperial Irrigation District, and the State of California, denied. The Chief Justice took no part in the consideration or decision of these petitions.

No. 533, *October Term, 1962.* Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al. Motion for leave to file second petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, October 28, 1963, until Tuesday, November 12, 1963.

#### ORAL ARGUMENT

No. 28. Francesco Foti, a/k/a Frank Foti, petitioner, *v.* Immigration and Naturalization Service. Argument concluded by Mr. Philip R. Monahan for the respondent.

No. 42. Securities and Exchange Commission, petitioner, *v.* Capital Gains Research Bureau, Inc., et al. Argued by Mr. David Ferber for the petitioner and by Mr. Leo C. Fennelly for the respondents.

No. 44. United States, petitioner, *v.* Aaron Zacks et al. Argued by Mr. Mitchell J. Reese for the petitioner and by Mr. Scott P. Crampton for the respondents.

No. 107. United States *v.* Ross R. Barnett et al. Three hours allowed for oral argument. Argument commenced by Mr. Solicitor General Cox for the United States and continued by Mr. Malcolm B. Montgomery for the defendants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 22, 1963, will be as follows:  
Nos. 107, 16, and 32.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Myres S. McDougal, of Booneville, Miss., and Cecil J. Olmstead, of New York, N.Y., on motion of Mr. Nicholas deB. Katzenbach; Max Kaplan, of Canton, Mass., and Benjamin M. Klekner, of Los Angeles, Calif., on motion of Mr. Solicitor General Archibald Cox; Edward J. Hill, of Tallahassee, Fla., Mallory E. Horne, of Tallahassee, Fla., and Roy T. Rhodes, of Tallahassee, Fla., on motion of Mr. George A. Smathers; Roy E. Blixt, of Arnold, Nebr., August Ross, of Omaha, Nebr., and Alfred A. Fiedler, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Jack Dale Files, of Hunter, Ark., Leo Howard Irwin, of Washington, D.C., Raymond Francis Conkling, of Arlington, Va., Alfred R. McCauley, of Washington, D.C., and William Russell Goodrich, of Little Rock, Ark., on motion of Mr. Wilbur Daigh Mills; Melvin D. Heckt, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Sam M. Gibbons, of Tampa, Fla., on motion of Mr. Paul G. Rogers; Theodore A. Groenke, of Chicago, Ill., on motion of Mr. John Lord O'Brian; Eastman Birkett, of New York, N.Y., and Thomas W. Cashel, of New York, N.Y., on motion of Mr. Whitney North Seymour; Donald Gilmore Beste, of Peoria, Ill., on motion of Mr. Newton Barr Miller; Charles J. O'Laughlin, of Chicago, Ill., on motion of Mr. Stanley L. Temko; Michael S. Striker, of New York, N.Y., on motion of Mr. George H. Spencer; Pieter J. Kooiman, of New York, N.Y., on motion of Mr. Henry F. Butler; John A. Weiss, of Kansas City, Mo., on motion of Mr. Jacob I. Karro; George Calvert Steuart, Jr., of Washington, D.C., on motion of Mr. Ellis W. Manning; Edward Charles Bou, of Washington, D.C., on motion of Mr. Lucien Hilmer; Michael B. Standard, of New York, N.Y., and Henry Winestine, of New York, N.Y., on motion of Mr. Victor Rabinowitz; Seymour Margulies, of Springfield, N.J., on motion of Mr. John J. Lemken; Eugene M. Warlich, of St. Paul, Minn., and Richard H. Magnuson, of St. Paul, Minn., on motion of Mr. Jack R. Cluck; John Willis Hutton, of King City, Calif., on motion of Mr. Jeremiah C. Waterman; and Milton T. Simmons, of San Francisco, Calif., on motion of Mr. Robert T. Reynolds, were admitted to practice.

## ORAL ARGUMENT

No. 107. United States, *v.* Ross R. Barnett et al. Argument continued by Mr. Charles Clark for the defendants and concluded by Mr. Leon Jaworski for the United States.

No. 16. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabatino, etc., et al. Three hours allowed for oral argument. Argument commenced by Mr. Victor Rabinowitz for the petitioner and continued by Mr. Nicholas deB. Katzenbach for the United States, as *amicus curiae*, by special leave of Court, by Mr. C. Dickerman Williams for respondent Farr, Whitlock and Company, and by Mr. Whitney North Seymour for respondent, Compania Azucarera Vertientes-Camaguey de Cuba. Leave granted to file rebuttal brief for respondent Farr, Whitlock and Company.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 23, 1963, will be as follows:  
Nos. 16, 32, 35, and 54.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Donald J. Omodt, of Minneapolis, Minn., on motion of Mr. Nicholas deB. Katzenbach; Sherman Glenn Finesilver, of Denver, Colo., on motion of Mr. Gordon Allott; Austin Henry Furse, Jr., of Bay City, Tex., on motion of Mr. Arthur C. Perry; Will David Davis, of Austin, Tex., on motion of Mr. Charles M. Johnston; Dirks B. Foster, of San Francisco, Calif., on motion of Mr. William Britton Moore; M. Bayard Crutcher, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; Arthur C. Bailey, of Washington, D.C., on motion of Mr. John Roy Thompson, Jr.; James Owen Dixon, of Dallas, Tex., on motion of Mr. Robert F. Davis; Edward N. Delaney, of Minneapolis, Minn., on motion of Mr. George E. MacKinnon; Frances McGovern, of Akron, Ohio, on motion of Mr. Donald R. Brenner; and J. Shan Mullin, of Seattle, Wash., on motion of Mr. Clarence T. Kipps, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 16. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabbatino, etc., et al. Argument continued by Mr. Whitney North Seymour for respondent Compania Azucarera Vertientes-Camaguey de Cuba and concluded by Mr. Victor Rabinowitz for the petitioner.

No. 32. The Honorable James B. Parsons, Judge of the United States District Court for the Northern District of Illinois, petitioner, *v.* The Chesapeake & Ohio Railway Company. Argued by Mr. John J. Naughton for the petitioner and by Mr. Charles J. O'Laughlin for the respondent.

No. 35. Israel Dresner et al., petitioners, *v.* City of Tallahassee. Argued by Mr. Howard Dixon and Mr. Carl Rachlin for the petitioners and by Mr. Edward J. Hill and Mr. Roy T. Rhodes for the respondent. Briefs to come.

No. 54. United States, petitioner, *v.* Dorothy Anne Stapf and B. T. Ware II, Executors and Trustees of the Estate of Lowell H. Stapf, Deceased, and Dorothy Anne Stapf, Individually. Argument com-

menced by Mr. Wayne G. Barnett for the petitioner and continued by Mr. W. M. Sutton for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 24, 1963, will be as follows: Nos. 54, 37, 55, 50, and 61.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Clifford Jay Peterson, of Torrance, Calif., on motion of Mr. Wayne Goodwin Barnett; Warren Carlisle Stack, of Charlotte, N.C., on motion of Mr. Basil Lee Whitener; Nellie J. Gray, of Washington, D.C., on motion of Miss Helen Rose Lally; Herbert Hatfield Anderson, of Portland, Oreg., on motion of Mr. Alan Y. Cole; Phyllis Tate Holzer, of New York, N.Y., Henry Mark Holzer, of New York, N.Y., and Theodore Charnas, of New York, N.Y., on motion of Mr. O. John Rogge; J. Philip Smith, of Washington, D.C., on motion of Mr. Joseph W. Kiernan; Seymour B. Goldfeld, of New York, N.Y., on motion of Mr. Irving M. Pollack; Rose Skalak, of Washington, D.C., on motion of Mr. Joseph William Lang, Jr.; Stephen R. Walsh, of East Providence, R.I., on motion of Mr. Maurice Adelman, Jr.; Harry L. Lepape, of Palos Verdes, Calif., on motion of Mr. Richard David Andrews; and George W. Wulff, of Oklahoma City, Okla., on motion of Mr. Samuel H. Crossland III, were admitted to practice.

## ORAL ARGUMENT

No. 54. United States, petitioner, *v.* Dorothy Anne Stapf and B. T. Ware II, Executors and Trustees of the Estate of Lowell H. Stapf, Deceased, and Dorothy Anne Stapf, Individually. Argument continued by Mr. W. M. Sutton for the respondents and concluded by Mr. Wayne G. Barnett for the petitioner. Memorandum for respondents to come.

No. 37. Gene Durfee et ux., petitioners, *v.* Julia E. Duke. Argued by Mr. August Ross for the petitioners and by Mr. Robert A. Brown for the respondent.

No. 55. Marguerite Loretta Aldrich, petitioner, *v.* William T. Aldrich et al. Argued by Mr. Herman D. Rollins for the petitioner and submitted by Mr. Charles M. Love for the respondents on the brief in opposition to the petition for writ of certiorari.

No. 50. Morris Gotthilf, petitioner, *v.* Benjamin Sills et al. Argued by Mr. O. John Rogge for the petitioner and by Mr. Theodore Charnas for the respondents. Memorandum for respondents to come.

No. 61. Ethel Meyer, petitioner, *v.* United States. Argued by Mr. Samuel W. Sherman for the petitioner and by Mr. Joseph Kovner for the respondent.

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Adjourned until Monday, October 28, 1963, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Thomas Anthony Kennelly, of Santa Clara, Calif., Fay L. Becker, of Miami, Fla., Dougald Dickson McMillan, of Pensacola, Fla., Philip Mark Cronin, of Boston, Mass., Julian S. Ertz, of Albuquerque, N. Mex., Thomas F. McQueeney, Jr., of Manhasset, N.Y., George Robert Blakey, of Burlington, N.C., Jacob F. Bunstead, Jr., of Houston, Tex., John Francis Beggan, of Watertown, Wis., and Wendell C. Tombaugh, of Rochester, Ind., on motion of Mr. Solicitor General Archibald Cox; Alexander Burton Keel, of Hawthorne, Calif., on motion of Mr. Richard David Andrews; Jon Robert Kerian, of Bismarck, N. Dak., on motion of Mr. Quentin N. Burdick; James Douglas Henderson, of Marietta, Ga., and Harry Vincent Lamon, Jr., of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Irwin Katzman, of Cincinnati, Ohio, and Wayne Francis Wilke, of Cincinnati, Ohio, on motion of Mr. William H. Harsha, Jr.; Fred Murray Nelson, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Robert R. Casey, of Houston, Tex., and Mayo J. Thompson, of Houston, Tex., on motion of Mr. Omar Burleson; Lee Sellers, of Wichita Falls, Tex., on motion of Mr. Frank N. Ikard; Morgan C. Torrey, of Washington, D.C., on motion of Mr. Charles E. Pledger, Jr.; Howard M. Nelson, of Lincoln, Nebr., on motion of Miss Rose Skalak; Jon R. Collins, of Ely, Nev., on motion of Mr. Chester H. Smith; Leon Earl Mendel, of Columbus, Ohio, on motion of Mr. Donald R. Brenner; William Gerald Downey, Jr., of Fairfax, Va., on motion of Mr. John E. McCollum; Thomas Eskridge Twitty, Jr., of Mobile, Ala., on motion of Mr. Thomas H. Wall; Francis L. Young, Jr., of Chevy Chase, Md., on motion of Mr. Thomas Searing Jackson; John P. Higgins, of Clark, N.J., John W. Cavanagh, of Freehold, N.J., Albert S. Parsonnet, of Newark, N.J., Robert H. Otten, of Shrewsbury, N.J., Meyer Chazin, of Verona, N.J., Alfred M. Wolin, of Westfield, N.J., Ellsworth J. Sterner, of West Mantoloking, N.J., James H. Coleman, Jr., of Elizabeth, N.J., Benny A. Dudek, of Elizabeth, N.J., John J. Dugan, of Elizabeth, N.J., Charles J. Grinchis, of Elizabeth, N.J., Joseph R. Kane, of Elizabeth, N.J., Eugene J. Kirk, of Elizabeth, N.J., William Thomas Lyons, of Elizabeth, N.J., Robert P. McDon-

ough, of Elizabeth, N.J., Paul Miller, of Elizabeth, N.J., James G. Murphy, of Elizabeth, N.J., John P. Arnone, of Red Bank, N.J., William H. Frank, of Red Bank, N.J. Bernard H. Hoffman, of Red Bank, N.J., William Klemann Madden, of Red Bank, N.J., Russell H. Hulsizer, of Union, N.J., Vincent J. Iacopino, of Union, N.J., Ernest Lebowitz, of Union, N.J., Emanuel Needle, of Union, N.J., Samuel E. Princer, of Union, N.J., Albert L. Simpson, of Union, N.J., and Philip D. Vitiello, of New York, N.Y., on motion of Mr. Harrison A. Williams, Jr.; Donald Barnett King, of Pullman, Wash., on motion of Mr. Wilbur D. Sparks; Charles S. Vizzini, of Washington, D.C., on motion of Mr. Benedick F. FitzGerald, Jr.; Murray Kirschner, of Miami, Fla., on motion of Mr. Samuel A. Cohen; Paul LeRoy Latham, of Riverside, Calif., on motion of Mr. Harry A. Bowen; Oliver Wendell Hasenflue, of Cleveland, Ohio, on motion of Mr. Harry S. Wender; Armin V. Austerman, Jr., of Tarzana, Calif., and William C. Saltzer, of Boston, Mass., on motion of Mr. Alan J. Gould; John Christian Sullivan, of Frostburg, Md., on motion of Mr. George J. Thomas; James Hoagland French, of Washington, D.C., on motion of Mr. Jesse Baskette; Roy Clyde Alletag, of Houston, Tex., and Robert Emery Shaw, of Alexandria, Va., on motion of Mr. Stanley M. Morley; Sidney C. Kleinman, of Chicago, Ill., on motion of Mr. Elliott Moyer; John Michael Koch, of Hollywood, Calif., on motion of Mr. Richard Paul Schulze; Robert Stark Trigg, of Lancaster, Pa., on Motion of Mr. J. R. Smith; Grady Barrett, of San Antonio, Tex., on motion of Mr. Arthur J. Phelan; LeRoy Rodney Compton, of Jessup, Md., on motion of Mr. Lee W. Cowan; James E. Nelson, of Seattle, Wash., on motion of Mr. Stanton Pavian Sender; and Thomas G. Nash, Jr., of Dallas, Tex., on motion of Mr. William Boys Harman, Jr., were admitted to practice.

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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. 337. Dominick Bartone, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted. Judgment reversed and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Clark, with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 365. Canton Company of Baltimore, appellant, *v.* Comptroller of the Treasury, Retail Sales Tax Division, Maryland. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 372. South Coast Fisheries, Inc., et al., appellants, *v.* Department of Fish and Game. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 424. Orkin Exterminating Company, Inc., appellant, *v.* Gulf Coast Rice Mills. Appeal from the Court of Civil Appeals of Texas, First Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDER IN PENDING CASE

No. 111. National Labor Relations Board, petitioner, *v.* Servette, Inc. The motion of American Federation of Television and Radio Artists, San Francisco Local, et al., for leave to file a brief, as *amici curiae*, is granted.

#### APPEALS—JURISDICTION NOTED

No. 367. United States, appellant, *v.* Continental Can Company, et al. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted.

No. 368. Angelika L. Schneider, appellant, *v.* Dean Rusk, Individually, and as Secretary of State. Appeal from the United States District Court for the District of Columbia. In this case probable jurisdiction is noted and the case is set for oral argument immediately following No. 253.

#### CERTIORARI GRANTED

No. 353. Ivan Mrvica, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 361. L. R. Jackson et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 617, Misc. John Coleman, petitioner, *v.* Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of cer-

tiorari to the Supreme Court of Alabama granted. Case transferred to the appellate docket and placed on the summary calendar.

## CERTIORARI DENIED

No. 283. Orkin Exterminating Company, Inc., petitioner, *v.* Gulf Coast Rice Mills. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 327. Howard Ross, petitioner, *v.* United States; and

No. 431. Paul Gordon, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 348. Board of School Commissioners of Mobile County et al., petitioners, *v.* Birdie Mae Davis et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 349. Marion J. Berguido, etc., et al., petitioners, *v.* Eastern Airlines, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 350. Lundy Manufacturing Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 351. William J. Powers, Jr., petitioner, *v.* Paul Slaton. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 352. Ductless Hood Co., Inc., et al., petitioners, *v.* A & B Home Appliances, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 357. Joseph W. Dick et al., petitioners, *v.* Robert S. McNamara, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 358. Thelma Louise Hainline, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 360. American Diet aids Co., Inc., petitioner, *v.* Anthony J. Celebrezze, Secretary, Department of Health, Education, and Welfare, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 363. Jack S. Machin, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 364. Zigmund A. Milos, etc., petitioner, *v.* Ford Motor Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 366. Joseph James Carleno, petitioner, *v.* Marine Transport Lines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 369. John Joseph Crane et al., petitioners, *v.* United States; and

No. 370. Robert Zane et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 347. Willmark Service System, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 371. Orest Panza et al., petitioners, *v.* Armco Steel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 7, Misc. James T. Harris, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 42, Misc. Jimmy Rollins, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 46, Misc. Bernell Hampton, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 179, Misc. Paul Ingle, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 247, Misc. Edward Calvin Powell, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 366, Misc. Eugene Lloyd, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 499, Misc. Demosthenes Arrocha, petitioner, *v.* E. A. Salyer. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 506, Misc. Roy Ross, Jr., et al., petitioners, *v.* William H. Bannan, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 590, Misc. Richard X. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 612, Misc. Drewey Aaron, Jr., petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 640, Misc. Darrell Devere Poulson, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 656, Misc. Reuben William Black, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 66, Misc. James Crawford, petitioner, *v.* L. B. Stevens, Warden. Motion for leave to file petition for writ of habeas corpus denied.

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Adjourned until Tuesday, November 12, 1963, at 10 o'clock.

The day call for Tuesday, November 12, 1963, will be as follows: Nos. 20 and 23 (27 and 41).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Joseph Di Bartolomeo, of Miami, Fla., Edgar Elliott Cox, Jr., of Miami, Fla., Joseph Franklin McMullen, of Miami, Fla., Waldo G. Rothenberg, of Miami, Fla., George Baker Thomson, of Miami, Fla., Walter G. Sorokoty, of Naples, Fla., William F. Quinn, of Honolulu, Hawaii, Theodore H. Eberle, of Boise, Idaho, Herman J. McDevitt, of Pocatello, Idaho, John C. Eldridge, of Annapolis, Md., Solomon Portnow, of New York, N.Y., Richard Stephen Salzman, of New York, N.Y., and Daniel Paul Ryan, Jr., of Houston, Tex., on motion of Mr. Solicitor General Archibald Cox; Louis Schnitzer, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Robert L. Leggett, of Vallejo, Calif., on motion of Mr. John J. McFall; W. L. Parker, Jr., of Topeka, Kans., on motion of Mr. Garner E. Shriver; Gary D. Gortmaker, of Salem, Oreg., on motion of Mr. Walter Norblad; Claud Robert Erickson, of Lansing, Mich., on motion of Mr. J. Edward Hutchinson; Richard J. Flynn, of Washington, D.C., and Jules Martin Perlberg, of Chicago, Ill., on motion of Mr. J. Edward Day; Edmund L. Brunini, of Jackson, Miss., on motion of Mr. Wm. Ephraim Cresswell; Robert A. Curley, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Russell Frederick Laux, of New York, N.Y., Jerry Delbert Kirk, of Westlake, La., and Samuel W. Taylor, of Birmingham, Ala., on motion of Mr. William E. O'Donovan; Gerald Andrew Donahue, of Columbus, Ohio, on motion of Mr. Wm. Saxbe; Bernard Kleinman, of Chicago, Ill., and Richard M. Ramsey, of Santa Rosa, Calif., on motion of Mr. Charles Sylvanus Rhyne; Richard Alfred Palewicz, of Chicago, Ill., and Leslie Laszlo Nemes, of Richmond, Va., on motion of Mr. Thomas P. Kerester; Elmer G. Neumann, of Washington, D.C., on motion of Mr. Donald M. Murtha; George H. P. Dwight, of New York, N.Y., on motion of Mr. Leonard B. Sand; Paul W. O. Preisler, of St. Louis, Mo., John David Collins, of Macon, Mo., and A. D. Sappington, of Columbia, Mo., on motion of Mr. William W. Beckett; Robert S. Vance, of Birmingham, Ala., and C. H. Erskine Smith, of Birmingham, Ala., on motion of Mr. David J. Vann; Edward C. Loughead, of Portsmouth, Va., on motion of Mr. Gordon W. Daisley;

Paul R. Moody, of St. Louis, Mo., on motion of Mr. John E. McCullough; Stanley Jay Bartel, of Miami, Fla., on motion of Mr. Ky P. Ewing, Jr.; Bruce Emory Lovett, of Falls Church, Va., and Benjamin Henry Vogler, of Arlington, Va., on motion of Mr. Brockman Horne; Donald Robert Dunner, of Washington, D.C., and William Coogan Nealon, of Pittsburgh, Pa., on motion of Mr. Giles Sutherland Rich; Richard Newell Flint, of Minneapolis, Minn., on motion of Mr. John Bodner, Jr.; Warren G. Miller, of Boston, Mass., on motion of Mr. James C. Paras; William James Pascoe, of Winter Park, Fla., on motion of Mr. Julian C. Renfro; Stanford Stevenson Smith, of Cleveland, Ohio, on motion of Mr. William S. Thompson; Roy E. Scheider, of Newark, N.J., and Charles B. Turner, of Newark, N.J., on motion of Mr. Warren M. Davison; Albert H. Grenadier, of Alexandria, Va., and George M. Giammittorio, of Alexandria, Va., on motion of Mr. Leroy S. Bendheim; Philip Cosmas Valenti, of Boca Raton, Fla., on motion of Mr. Carl W. Milzer; and Daniel Michael Luevano, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager, were admitted to practice.

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#### OPINIONS

No. 44. United States, petitioner, *v.* Aaron Zacks et al. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Black agrees with the Court of Claims and would affirm its judgment. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 32. The Honorable James B. Parsons, Judge of the United States District Court for the Northern District of Illinois, petitioner, *v.* The Chesapeake & Ohio Railway Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 55. Marguerite Loretta Aldrich, petitioner, *v.* William T. Aldrich et al. On writ of certiorari to the Supreme Court of Appeals of West Virginia. Decision that certain questions of Florida law be certified to the Supreme Court of Florida. 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. 388. Herbert C. Barker et ux., appellants, *v.* Metropolitan Life Insurance Company. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 399. Courtesy Sandwich Shop, Inc., et al., appellants, *v.* The Port of New York Authority et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 403. Mississippi Power & Light Company et al., appellants, *v.* Capital Electric Power Association et al. Appeal from the Supreme Court of Mississippi. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. —. The Association for Preservation of Freedom of Choice, Inc, et al., appellants, *v.* The Nation Company. The motion of Association for the Preservation of Freedom of Choice, Inc., for leave to proceed *in forma pauperis* is denied. Mr. Justice Black, Mr. Justice Stewart, and Mr. Justice Goldberg are of the opinion that the motion should be granted.

No. 1467, Misc., October Term, 1962. Minniola O. Miller, petitioner, *v.* Ufa E. Guthrie. The motion to recall the order denying the petition for certiorari and for other relief is denied.

No. 30. Edward R. Fields et al., appellants, *v.* City of Fairfield. The motion of NAACP Legal Defense and Educational Fund, Inc., for leave to file a brief, as *amicus curiae*, is granted.

#### APPEALS—JURISDICTION NOTED

No. 400. Jim Garrison, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 406. Red Ball Motor Freight, Inc., et al., appellants, v. Emma Shannon et al., etc.; and

No. 421. United States and Interstate Commerce Commission, appellants, v. Emma Shannon et al., etc. Appeals from the United States District Court for the Western District of Texas. The motion of Transportation Association of America for leave to file a brief, as *amicus curiae*, is granted. The motion of the Common Carrier Conference-Irregular Route of The American Trucking Association, Inc., for leave to file a brief, as *amicus curiae*, in No. 421, is granted. 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. 386. Federal Power Commission, petitioner, v. Texaco Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 384. Publishers' Association of New York City, etc., petitioner, v. New York Mailers' Union Number Six. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 402. J. I. Case Company, et al., petitioners, v. Carl H. Borak, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 320, Misc. Danny Escobedo, petitioner, v. Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Illinois granted. Case transferred to the appellate docket.

#### CERTIORARI DENIED

No. 324. Time, Incorporated, petitioner, v. Frank Pape. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 373. James Brown et al., petitioners, v. W. B. Rayfield, Chief of Police of Jackson, Mississippi. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 374. Amerio Contact Plate Freezer, Inc., petitioner, v. Belt-Ice Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 375. St. Paul Fire and Marine Insurance Company, petitioner, v. Willis P. Coleman et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 377. American Air Filter Company, Inc., petitioner, *v.* Farr Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 378. Harley Blaylock et al., petitioners, *v.* The State Highway Commission of the State of Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 382. Vaughan B. Connelly, Debtor, petitioner, *v.* Central States Southeast and Southwest Areas Pension Fund. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 383. Ian Woodner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 385. North Carolina National Bank, petitioner, *v.* United States Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 390. Margaret Chenoweth et al., petitioners, *v.* Pan American Petroleum Corporation et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 392. Abraham M. Katz et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 393. McLouth Steel Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 394. Daniel F. O'Brien et al., petitioners, *v.* Theodore H. Lang as Personnel Director of the Department of Personnel of the City of New York, etc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 395. Eunice Janousek, petitioner, *v.* Effie D. Chatterton et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 396. Addison Raymond Ketchum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 397. Sherman H. Skolnick, petitioner, *v.* Otto Spolar et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 398. Lakeside Truck Rental, Inc., petitioner, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 401. Delta Air Lines, Inc., petitioner, *v.* Robert E. Coleman, Tax Commissioner of Clayton County, Georgia, et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 404. Pan American Fire & Casualty Company, petitioner, *v.* Raymond Pendleton. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 405. Willie Peevyhouse et ux., petitioners, *v.* Garland Coal and Mining Company. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 407. Immaculate Conception Church of Los Angeles et al., petitioners, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 408. Mathias Walker, Jr., et al., petitioners, *v.* Forest Preserve District of Cook County, Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 409. Indemnity Insurance Company of North America, petitioner, *v.* Mildred L. Smith. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 411. Eugene P. Murphy et al., petitioners, *v.* The St. Paul Fire and Marine Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 412. Dominick S. Fago, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 413. Rafael Cruz, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 417. The Director of the Department of Welfare and Institutions et al., petitioners, *v.* Charles F. Yaeger. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 418. Thompson Mahogany Company, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 427. Sherman H. Skolnick, petitioner, *v.* Charles T. Martin et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 410. Kevin J. Ryan et al., petitioners, *v.* William J. Hirsch, Sheriff. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 567. James R. Hoffa, petitioner, *v.* Honorable Frank Gray, Jr., United States District Judge for the Middle District of Tennessee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 414. Joseph P. Monterosso et al., petitioners, *v.* St. Louis Globe-Democrat Publishing Company. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 415. Harry Irwin et al., petitioners, *v.* Globe-Democrat Publishing company. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 416. Maurice A. Hutcheson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 69, Misc. John Banker, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 81, Misc. Richard A. Robinson, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution, Philadelphia, Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 113, Misc. Clayton W. James, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 135, Misc. Kiney J. Davis, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 162, Misc. Kenneth O. Van Slyke, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 165, Misc. Aileen Henig, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 172, Misc. Bennie Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 182, Misc. John Matthew Weeks, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 200, Misc. John Winston Prince, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 207, Misc. Isiah Bingley, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 227, Misc. Nelson Hugh Heintzelman, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 265, Misc. Jimmie W. Sullivan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 288, Misc. Lucius Grubbs, 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. 327, Misc. Steven E. Roberts, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 341, Misc. Chester Clark, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 372, Misc. Frank Bosurgi, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 381, Misc. Beverly Morris, 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. 388, Misc. Carlos Coffman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 398, Misc. Henry Bowens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 428, Misc. Jasper C. Pressley, etc., petitioner, *v.* Robert V. Murray, Chief, Metropolitan Police Department, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 454, Misc. Donald Roganovich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 455, *Misc.* Donald Moynahan, petitioner, *v.* Pari-Mutuel Employees Guild of California, Local 280, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 489, *Misc.* Hansel L. Bray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 495, *Misc.* Harry B. Frink, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 501, *Misc.* Raymond 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. 505, *Misc.* Norman Gene Sipes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 512, *Misc.* Luther L. Powell, petitioner, *v.* Sam A. Anderson, 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. 516, *Misc.* Charles Robert Chapman, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 518, *Misc.* Adelaide Viola Gonzales, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 524, *Misc.* Robert Draper, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 527, *Misc.* Robert William Agnew, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 529, *Misc.* Robert Andrews, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 530, *Misc.* Harold E. Nance, petitioner, *v.* Warden, Maryland Penitentiary, et al. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 531, *Misc.* Michael Kane, petitioner, *v.* Burlington Savings Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 534, *Misc.* Alfred T. Taylor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 536, **Misc.** William Theodore Lovely, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 541, **Misc.** Robert Buck, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 544, **Misc.** Shelton Butler, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 545, **Misc.** James McGrane, 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. 550, **Misc.** Billy Ferguson, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 552, **Misc.** William S. Wellman, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 554, **Misc.** Thomas B. Buyalos, Jr., petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the District Court of New Mexico, First Judicial District, denied.

No. 555, **Misc.** James Resor, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the District Court of New Mexico, First Judicial District, denied.

No. 556, **Misc.** Ben Stanton, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 558, **Misc.** Walter Creasey, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 560, **Misc.** Elmer O. Eliason, Jr., petitioner, *v.* State Roads Commission of Maryland et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 562, **Misc.** Joseph Hobbs, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 565, **Misc.** John J. Spriggs, Sr., petitioner, *v.* Pioneer Carissa Gold Mines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 567, **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. 572, **Misc.** Jay King, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 576, Misc. William Diaz, 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. 587, Misc. Heard Harden, Jr., 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. 588, Misc. John W. Morton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 591, Misc. Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 592, Misc. Leo DuBoise, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 593, Misc. Harvey Lauderdale, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 594, Misc. Murray Dickerson, petitioner, *v.* Albert T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 600, Misc. Milton Bowers, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 607, Misc. Thomas Williams, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 608, Misc. Grady C. Hayes, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 611, Misc. Elmer A. Merrill, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 614, Misc. Kenneth Gordon Smith, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 615, Misc. Wade Johnson and Lucille Perry, petitioners, *v.* Redevelopment Agency of the City of Oakland et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 630, Misc. Elizabeth Rose Davis Harris, formerly Talley, petitioner, *v.* J. B. Talley, Jr. Petition for writ of certiorari to the Court of Appeals of Tennessee denied.

No. 191, **Misc.** Robert Lee Perkins, 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. 387, **Misc.** John Darnell III, 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. 542, **Misc.** Eva F. Midgett, petitioner, *v.* John Keely Clifford et al. The motion to strike appendix "B" to the petition for writ of certiorari is denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 568, **Misc.** Bobby Stinson, petitioner, *v.* United States. Motion for leave to file a petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 280, **Misc.** Frank H. Hughes, petitioner, *v.* William C. Holman;

No. 559, **Misc.** John R. Kilbourne, Jr., petitioner, *v.* North Carolina et al.;

No. 571, **Misc.** Robert Coulton, petitioner, *v.* E. L. Maxwell, Warden;

No. 580, **Misc.** Bill Teague, petitioner, *v.* David M. Heritage, Warden;

No. 629, **Misc.** Edgar Garland Cook, petitioner, *v.* E. L. Maxwell, Warden;

No. 635, **Misc.** Rush O. Nichols, petitioner, *v.* J. C. Taylor, Warden, et al.;

No. 654, **Misc.** Joseph Wright, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 672, **Misc.** Charles Gregory Cannon, petitioner, *v.* Hon. Charles M. Metzner, United States District Judge, et al.;

No. 673, **Misc.** Fredrick A. Hunter, petitioner, *v.* Arthur T. Prasse et al.;

No. 674, **Misc.** Sylvester R. Winston, petitioner, *v.* O. G. Blackwell, Warden; and

No. 688, **Misc.** William J. Ford, petitioner, *v.* Fred R. Dickson, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 569, **Misc.** Charles Gratten, Jr., petitioner, *v.* Elbert V. Nash, Warden, and

No. 645, Misc. Kenneth Pardee, petitioner, *v.* John C. Burke, 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.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 578, Misc. Gloria Parker, petitioner, *v.* Hon. J. Edward Lumbard, Chief Judge, United States Court of Appeals for the Second Circuit, et al. Motion for leave to file a petition for writ of mandamus denied.

No. 307, Misc. Samuel Broyde, petitioner, *v.* Joseph S. Perry, Judge. Motion for leave to file a supplement to the petition for writ of mandamus granted. Motion for leave to file a petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 1216, Misc., October Term, 1961. Joseph O'Leary, petitioner, *v.* John W. Macy, Jr., Chairman, etc., et al. Motion for leave to file a second petition for rehearing and to continue case denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 762, October Term, 1962. Tar Asphalt Trucking Co., Inc., appellant, *v.* United States et al. Motion for leave to file a petition for rehearing and for other relief denied.

No. 298. Charles A. Meeker, petitioner, *v.* W. E. Walraven;

No. 25, Misc. E. J. Williams, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 116, Misc. Francisco Cepero, appellant, *v.* Honorable John F. X. Peloso;

No. 133, Misc. Mary Goveia, petitioner, *v.* Michael Haritas, et al.;

No. 155, Misc. John C. Bennett, petitioner, *v.* North Carolina;

No. 208, Misc. Robert J. Carter, petitioner, *v.* Mary C. Abbate and John Abbate;

No. 300, Misc. Louis Piselli, petitioner, *v.* United States;

No. 308, Misc. Frank Lee Rudolph, petitioner, *v.* Alabama;

No. 338, Misc. Nathaniel Burdette, petitioner, *v.* United States;

No. 361, Misc. Demitrios B. Tsermengas, petitioner, *v.* Michigan et al.; and

No. 449, Misc. Chester L. Oughton, petitioner, *v.* John C. Taylor. Petitions for rehearing denied.

## ORAL ARGUMENT

No. 20. WMCA, Inc., et al., appellants, *v.* Caroline K. Simon, Secretary of State of the State of New York, et al. Four hours allowed for oral argument. Argument commenced by Mr. Leonard B. Sand for the appellants and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Irving Galt for the appellees.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 13, 1963, will be as follows:  
Nos. 20, 23 (27, and 41) and 29.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Emmet J. Bondurant II, of Atlanta, Ga., and Frederick J. Petersen, of Detroit, Mich., on motion of Mr. Solicitor General Archibald Cox; Carl E. B. McKenry, Jr., of Boca Raton, Fla., and Roberta McCahill McKenry, of Boca Raton, Fla., on motion of Mr. Spessard L. Holland; Charles Redman Moon, Jr., of Detroit, Mich., and John H. Yoe, of Detroit, Mich., on motion of Mr. James G. O'Hara; Robert F. Griffith, Jr., of Boynton Beach, Fla., and Gene Moore III, of Boynton Beach, Fla., on motion of Mr. Paul G. Rogers; Howard Gould, of Cincinnati, Ohio, Edward D. Mosser, of Cadiz, Ohio, and M. G. Snyder, of Louisville, Ky., on motion of Mr. Robert Taft, Jr.; Richard L. Bond, of Overland Park, Kans., and William Armour Walton, of Topeka, Kans., on motion of Mr. Robert F. Ellsworth; Nelson Lacione, of Columbus, Ohio, and Robert Norton Shamansky, of Columbus, Ohio, on motion of Mr. Neal E. Smith; Charles Lacey, of Sioux Falls, S. Dak., on motion of Mr. Boyd Leedom; David Kreider, of Washington, D.C., and Paul J. Luckern, of Auburn, N.Y., on motion of Mr. George Edward Hutchinson; William E. Neely, of Washington, D.C., Thomas Edwin Lohrey, Jr., of Arlington, Va., LaVerne E. Evans, of Oconomowoc, Wis., and James Nello Martin, of Virginia Beach, Va., on motion of Mr. Robert Davis Powers, Jr.; Burton H. Hall, of New York, N.Y., on motion of Mr. John Silard; John Page Austin, of San Francisco, Calif., on motion of Mr. Richard J. Archer; Fred Oken, of Baltimore, Md., on motion of Mr. Robert S. Bourbon; Leonard Bertram Sachs, of Norfolk, Va., on motion of Mr. Henry E. Howell, Jr.; George M. Barody, of New York, N.Y., and Dickson Randall Loos, of Washington, D.C., on motion of Mr. Alexander M. Heron; James Francis Duggan, of Washington, D.C., on motion of Mr. John F. Fanning; and Iver C. Macdougall, of Old Hickory, Tenn., and Lester J. Dequaine, of New York, N.Y., on motion of Mr. Gerhard A. Gesell, were admitted to practice.

### ORAL ARGUMENTS

No. 20. WMCA, Inc., et al., appellants, *v.* Caroline K. Simon, Secretary of State of the State of New York, et al. Arguments con-

tinued by Mr. Irving Galt for the appellees and concluded by Mr. Leonard B. Sand for the appellants.

No. 23. B. A. Reynolds, etc., et al., appellants, *v.* M. O. Sims, et al.;

No. 27. David J. Vann and Robert S. Vance, appellants, *v.* Agnes Baggett, Secretary of State of the State of Alabama, et al.; and

No. 41. John W. McConnell, Jr., et al., appellants, *v.* Agnes Baggett, Secretary of State of Alabama, et al. Three hours allowed for oral argument. Argued by Mr. W. McLean Pitts for the appellants in No. 23 and the appellees in Nos. 27 and 41, by Mr. Richmond M. Flowers for appellee, Richmond M. Flowers, by Mr. Charles Morgan, Jr., for the appellees in No. 23, by Mr. David J. Vann for the appellants in No. 27, by Mr. John W. McConnell, Jr., for the appellants in No. 41 and by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

No. 29. The Maryland Committee for Fair Representation et al., appellants, *v.* J. Millard Tawes, Governor, et al. Two hours and forty minutes allowed for oral argument. Argument commenced by Mr. Alfred L. Scanlan for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 14, 1963, will be as follows: Nos. 29, 69, and 22.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

John Harry Wiggins, of Kansas City, Mo., on motion of Mr. Solicitor General Archibald Cox; Clayton H. Morrison, of Denver, Colo., J. Earl Kuttler, of Aurora, Colo., and Marion D. Sell, of Aurora, Colo., on motion of Mr. Gordon Allott; William Francis Ryan, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Robert George Sommer, of Miami, Fla., on motion of Mr. Claude Pepper; Elliott Harris Levitas, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Louis Worthington Brydges, of Waukegan, Ill., on motion of Mr. Robert McClory; Harlan Dillman Friend, of Liberty, Tex., on motion of Mr. Jack B. Brooks; Horace James Garrett, of Manchester, Tenn., and David William Shields III, of Manchester, Tenn., on motion of Mr. Joe L. Evins; Joan Anita Schevitz, of Miami, Fla., Bernard R. Cratty, of Waterville, Maine, Peter I. Campisi, of Yonkers, N.Y., and Leonard Victor Hughes, Jr., of Memphis, Tenn., on motion of Mr. Roy Dale Adcock; Geo. H. Morgan, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald, Jr.; William Bernard Wirin, of Los Angeles, Calif., on motion of Mr. Harry B. Wirin; James E. Youngdahl, of Little Rock, Ark., on motion of Mr. Joseph L. Rauh, Jr.; Herbert F. Hewett, of Oklahoma City, Okla., and Delmer LeRoy Stagner, of Oklahoma City, Okla., on motion of Mr. Norman E. Reynolds, Jr.; Del B. Rowe, of Salt Lake City, Utah, on motion of Mr. Robert W. Barker; Scott R. Traylor, of Springfield, Mo., on motion of Mr. Claude T. Wood; Louis Etlinger, of Nashua, N.H., on motion of Mr. Adolph Charles Hugin; Lawrence Harold Hoover, of Harrisonburg, Va., on motion of Mr. John J. Czyzak; Willard L. Atkinson, of Omaha, Nebr., on motion of Mr. Stuart J. Land; Nancy Pyeatt, of Tulsa, Okla., on motion of Mr. Lester M. Bridgeman; John Coventry Smith, Jr., of Bethesda, Md., on motion of Mr. Lawrence A. Hymo; Roger Bryant Hunting, of New York, N.Y., on motion of Mr. John S. Stillman; Robert C. Kline, of Wilmington, Del., on motion of Mr. Frederick Schafer; George B. Foy, of Chicago, Ill., on motion of Mr. James Francis Reilly; and Lionell M. Lockhart, of Seat Pleasant, Md., Robert Banks Mathias, of Mt. Rainier, Md., and Russell W. Shipley,

of Beltsville, Md., on motion of Mr. Cary M. Euwer, were admitted to practice.

#### ORAL ARGUMENT

No. 29. The Maryland Committee for Fair Representation et al., appellants, *v.* J. Millard Tawes, Governor, et al. Argument continued by Mr. Alfred L. Scanlan for the appellants, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by Mr. Robert S. Bourbon for the appellees, by Mr. Theodore I. Botter for the State of New Jersey, as *amicus curiae*, and concluded by Mr. Alfred L. Scanlan for the appellants.

No. 69. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. Two hours and forty minutes allowed for oral argument. Argument commenced by Mr. David J. Mays for the appellants and continued by Mr. Robert D. McIlwaine III, for the appellants.

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Adjourned until Monday, November 18, 1963, at 10 o'clock.

The day call for Monday, November 18, 1963, will be as follows: Nos. 69, 22, and 96.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Philip Benjamin Heymann, of Washington, D.C., Richard Caballero, of Los Angeles, Calif., Granger Cook, Jr., of Chicago, Ill., Gilbert William Rubloff, of Chicago, Ill., Roger E. Fritz, of Granite City, Ill., Joseph P. Spellman, of Arlington, Va., Arthur Kronenberg, of Newark, N.J., Oral Ray Adams, Jr., of Albuquerque, N. Mex., and Amos C. Saunders, of Fair Lawn, N.J., on motion of Mr. Solicitor General Archibald Cox; Harry Noe, of Chicago, Ill., Joseph L. Tita, of Houston, Tex., Charles A. Pinney, Jr., of El Centro, Calif., and Effie Cook Sparling, of San Francisco, Calif., on motion of Mr. Ralph W. Yarborough; William H. Jeter, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Daniel K. Mayers, of Washington, D.C., on motion of Mr. John H. Pickering; Arthur Throop Cole, Jr., of Wheaton, Ill., on motion of Mr. Frederick Bernays Wiener; Elsie M. Quinlan, of New York, N.Y., and Edward N. Costikyan, of New York, N.Y., on motion of Mr. Justin N. Feldman; Joseph L. Droege, of Santa Fe, N. Mex., on motion of Mr. Marion A. Hornbeck; Kendall Oliver Schlenker, of Albuquerque, N. Mex., on motion of Mr. David A. Sutherland; Frank Samuel Farrell, of St. Paul, Minn., on motion of Mr. Grant W. Wiprud; R. Kenton Musgrave, of Los Angeles, Calif., on motion of Mr. Edward M. Lightfoot; William B. Cassin, of Houston, Tex., on motion of Mr. Emmet J. Bondurant II; and Paul Raymond Stone, of Falls Church, Va., on motion of Mr. Louis Russell Harding, were admitted to practice.

## OPINION

No. 50. Morris Gotthilf, petitioner, *v.* Benjamin Sills et al. On writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department. 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."

#### OPINION PER CURIAM

No. 430. Certified Credit Corporation, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. —. Thomas T. Kawahara, petitioner, *v.* Elvis J. Stahr, Jr., Individually and as Secretary of the Department of the Army. The motion for leave to file a petition for writ of certiorari out of time is denied.

No. 6. William L. Griffin et al., petitioners, *v.* Maryland;

No. 12. Robert Mack Bell et al., petitioners, *v.* Maryland;

No. 9. Charles F. Barr et al., petitioners, *v.* City of Columbia;

No. 10. Simon Bouie and Talmadge J. Neal, petitioners, *v.* City of Columbia; and

No. 60. James Russell Robinson et al., appellants, *v.* Florida. In view of the Statement of the Solicitor General on oral argument signifying "his readiness to express himself further, at the suggestion of the Court, to the broader constitutional issues which have been mooted," the Solicitor General is invited to file a brief within 30 days expressing the views of the United States. Counsel for the parties may have 30 days thereafter to respond if they so desire. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White are of the opinion that the Court should not request the Department of Justice to file a brief concerning its views upon the basic constitutional issues on which the Department chose not to take a position in its original brief and in its oral argument.

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. The motion of The National Association of Railroad and Utilities Commissioners for leave to join in the brief of the Public Utilities Commission of California, as *amicus curiae*, is granted.

No. 420. Banco do Brasil, S.A., petitioner, *v.* A. C. Israel Commodity Co., Inc. The Solicitor General is invited to file a brief expressing the views of the United States.

## APPEAL—JURISDICTION NOTED

No. 449. A Quantity of Copies of Books et al., appellants, *v.* Kansas. Appeal from the Supreme Court of Kansas. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

## CERTIORARI GRANTED

No. 336. Wanda Mercer, petitioner, *v.* Paris Theriot. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 423. Paul F. Bruning, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 419. Howard Johnson Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 422. Milton Aronson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 426. Bowman Stirling Tighe, petitioner, *v.* Mrs. Lou Frissell Moore. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 428. Citizens Utilities Company, petitioner, *v.* Charles T. Prouty et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 433. Charles W. Cockfield, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 434. Frank Bloch et al., petitioners, *v.* Marie Louise Brill. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 436. Local Union No. 5, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 437. Sager Glove Corporation, petitioner, *v.* Aetna Insurance Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 438. The Sac and Fox Tribe of Indians of Oklahoma et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 441. Dr. Fred Royer and Dr. Clara Williams, petitioners, *v.* Board of Election Supervisors for Cecil County, Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 442. Lucile McAulay Filippini, as Executrix, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 443. Chicago, Rock Island and Pacific Railroad Company, petitioner, *v.* City of Alexandria, Louisiana. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 446. Independent Iron Works, Inc., petitioner, *v.* United States Steel Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 447. United Mine Workers of America, petitioner, *v.* Sunfire Coal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 448. United Mine Workers of America, petitioner, *v.* Sunfire Coal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 425. Walls Manufacturing Co., 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. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 429. Seaway Beverages, Inc., petitioner, *v.* C. Douglas Dillon, Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 444. Ace Beer Distributors, Inc., petitioner, *v.* Kohn, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 440. In re Petition of A. & H. Transportation, Inc., petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 270, Misc. Walter E. Nolan, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 408, *Misc.* Donald Allen Kiger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 456, *Misc.* Sewell W. Rouzer, petitioner, *v.* Harry E. Russell et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 461, *Misc.* Clark Luke, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 472, *Misc.* Carl Clayton Coppinger, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 474, *Misc.* Richard Willard Kay, petitioner, *v.* Richard Chappell, Chairman, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 494, *Misc.* Monroe Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 507, *Misc.* Comer Blocker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 519, *Misc.* Hebie Wright, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 522, *Misc.* John Earnest Lucas, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 525, *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. 526, *Misc.* W. R. Gibbons, petitioner, *v.* Precision Inspections, Ltd., et al. Petition for writ of certiorari to the One Hundred Fifty-seventh Judicial District Court of Harris County, Texas denied.

No. 535, *Misc.* Jack Edward French, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 577, *Misc.* Confesor Gomez, 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. 581, *Misc.* Leonard Zanca, petitioner, *v.* Herman T. Stichman, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 589, **Misc.** Edward H. Milne, petitioner, *v.* Maryland. Petition for writ of certiorari to the Circuit Court of Baltimore County, Maryland denied.

No. 698, **Misc.** Frederick Collins Fermin, petitioner, *v.* Municipal Court Department #3, Oakland, California. Petition for writ of certiorari to the Supreme Court of California denied.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 660, **Misc.** John P. Medley, petitioner, *v.* Oregon et al. Motion for leave to file a petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 583, **Misc.** Albert S. Brodbent, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 586, **Misc.** Vernon C. O'Neill, petitioner, *v.* Ralph H. Tahash, Warden; and

No. 595, **Misc.** Eddie Wooten, petitioner, *v.* United States. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 498, **Misc.** Eusebius J. Biggs, petitioner, *v.* Hon. Bernard Decker, Judge, etc. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 130. George Anthony Rossetti, petitioner, *v.* United States;

No. 218. John Cardillo, petitioner, *v.* United States;

No. 250. Carl Brandenfels, petitioner, *v.* J. Edward Day, Postmaster General, et al.; and

No. 286. W. M. Miles et al., petitioners, *v.* Laurie W. Tomlinson, District Director, Internal Revenue, District of Florida. Petitions for rehearing denied.

No. 304. Elliott Kahaner, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 46, **Misc.** Bernell Hampton, petitioner, *v.* Victor G. Walker, Warden;

No. 89, **Misc.** Rafael Rivera Rivera, petitioner, *v.* David M. Heritage, Warden;

No. 226, **Misc.** Leroy Moon, Jr., petitioner, *v.* United States;

No. 367, **Misc.** Robert Gray, petitioner, *v.* United States;

No. 397, Misc. William Clyde Wright et al., petitioners, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 601, Misc. Lewis Talmadge Hill, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, November 25, 1963, until Monday, December 9, 1963.

#### ORAL ARGUMENT

No. 69. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. Argument continued by Mr. Robert D. McIlwaine III for the appellants, by Mr. Edmund D. Campbell for the appellees, by Mr. Henry E. Howell, Jr., for the appellees, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. David J. Mays for the appellants.

No. 22. James P. Wesberry, Jr., et al., appellants, *v.* Carl E. Sanders, etc., et al. Three hours allowed for oral argument. Leave granted Frank T. Cash to appear and present oral argument for the appellants, *pro hac vice*, on motion of Mr. Emmet J. Bondurant II. Argument commenced by Mr. Emmet J. Bondurant for the appellants and continued by Mr. Bruce J. Terris for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Paul Rodgers for the appellees.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 19, 1963, will be as follows: 22, 96, 25, 46, and 38.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Clifford L. Ashton, of Salt Lake City, Utah, and C. Harold Thweatt, of Oklahoma City, Okla., on motion of Mr. Frank E. Moss; Alan W. Farley, of Kansas City, Kans., on motion of Mr. Robert F. Ellsworth; William E. Bush, of Memphis, Tenn., on motion of Mr. Nicholas Johnson; John R. Lawson, Jr., of Tampa, Fla., on motion of Mr. Bruce J. Terris; A. McConnell Faucette, Jr., of Columbia, S.C., on motion of Mr. Hubert H. Finzel; Robert Henry Stone, of Alliance, Ohio, on motion of Mr. Samuel J. L'Hommiedieu, Jr.; Johnson S. Savary, of Inverness, Fla., on motion of Mr. Mallory E. Horne; John J. Flynn, of Washington, D.C., on motion of Mr. Lawrence C. Merthan; James Gaston Williamson, of Little Rock, Ark., on motion of Mr. William H. Borghesani, Jr.; William Paul Higgins, of Omaha, Nebr., on motion of Mr. John C. Poole; John Gordon Smith, of Washington, D.C., on motion of Mr. James E. Greeley; Glenn Harland Staley, of Oklahoma City, Okla., on motion of Mr. Benjamin E. Hinden; Millard Cox, of Louisville, Ky., on motion of Mr. Milton W. King; and Ralph M. Goren, of Chicago, Ill., and Marvin Silverman, of Chicago, Ill., on motion of Mr. Robert M. Lichtman, were admitted to practice.

## ORAL ARGUMENT

No. 22. James P. Wesberry, Jr., et al., appellants, *v.* Carl E. Sanders, etc., et al. Argument continued by Mr. Paul Rodgers for the appellees and concluded by Mr. Frank T. Cash for the appellants, *pro hac vice*, by special leave of Court.

No. 96. Yvette M. Wright et al., appellants, *v.* Nelson A. Rockefeller, Governor of New York, et al. Argued by Mr. Justin N. Feldman for the appellants and by Mr. Irving Galt and Mr. Jawn A. Sandifer for the appellees.

No. 25. Claude Dennis, petitioner, *v.* The Denver & Rio Grande Western Railroad Company. Argued by Mr. Wayne L. Black for the petitioner and by Mr. Clifford L. Ashton for the respondent.

No. 46. Charles A. Meeker, et ux., petitioners, *v.* Ambassador Oil Corporation. Argument commenced by Mr. O. R. Adams, Jr., for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 20, 1963, will be as follows:  
Nos. 46, 38, 81, 51, and 84.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

T. B. Keleher, of Albuquerque, N. Mex., Roland Fox, of Clearwater, Fla., and Gayen L. Kennedy, Jr., of Clearwater, Fla., on motion of Mr. Joseph M. Montoya; Bernard West, of New York, N.Y., on motion of Mr. John V. Lindsay; Stephen F. Lichtenstein, of Trenton, N.J., on motion of Mr. Frank Thompson, Jr.; Teddy W. Airhart, Jr., of Baton Rouge, La., on motion of Mr. Jack P. F. Gremillion; John Thomas Healey, of Indianapolis, Ind., on motion of Mr. Albert M. Kuhfeld; Edward Daniel Rosenberg, of Chicago, Ill., on motion of Mr. Robert E. Redding; Sam Del Fuston, Jr., of Chattanooga, Tenn., on motion of Mr. H. G. B. King; William Herman Sager, of Arlington, Va., on motion of Mr. Thomas J. Reilly; Arthur McKee Wisehart, of New York, N.Y., on motion of Mr. Howard C. Westwood; Martin C. Seham, of New York, N.Y., on motion of Mr. Bruce J. Terris; John Glen Cassity, of Salt Lake City, Utah, on motion of Mr. Robert Whitney Barker; and George W. Shadoan, of Rockville, Md., on motion of Mr. Plummer M. Shearin, were admitted to practice.

## ORAL ARGUMENT

No. 46. Charles A. Meeker et ux., petitioners, *v.* Ambassador Oil Corporation. Argument continued by Mr. C. Harold Thweatt for the respondent and concluded by Mr. O. R. Adams, Jr., for the petitioners.

No. 38. Polar Ice Cream & Creamery Company, appellant, *v.* Charles O. Andrews, Jr., etc., et al. Argued by Mr. Joe J. Harrell for the appellant and by Mr. Mallory E. Horné and Mr. Johnson S. Savary for the appellees.

No. 81. National Equipment Rental, Ltd., petitioner, *v.* Steve Szukhent et al. Argued by Mr. Wilbur G. Silverman for the petitioner and by Mr. Harry R. Schwartz for the respondents.

No. 51. Dupuy H. Anderson et al., appellants, *v.* Wade O. Martin, Jr. Argument commenced by Mr. Jack Greenberg for the appellants.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 21, 1963, will be as follows:  
Nos. 51, 84, 43, and 112.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Lawrence E. Hess, Jr., of Oreland, Pa., and Gordon Eugene McCutchan, of Suitland, Md., on motion of Mr. Hugh D. Scott, Jr.; Hillard J. Trubitt, of Bloomington, Ind., on motion of Mr. William G. Bray; Daniel A. McGovern III, of New Orleans, La., on motion of Mr. Jack P. F. Gremillion; Russell H. Yeager, of El Centro, Calif., and Irving L. Rudin, of Newton, Mass., on motion of Mr. J. William Doolittle; Allen Ted Yarowsky, of Cedar Rapids, Iowa, on motion of Mr. Robert J. Kutak; Nicholas F. Novak, of Tulsa, Okla., on motion of Mr. Lowell B. Mason; Allyn B. Henderson, of Santa Fe Springs, Calif., on motion of Mr. Daniel T. Coughlin; George A. Arkwright, Jr., of Washington, D.C., Jack Y. Dinsmore, of Washington, D.C., and Bernard Edward Shlesinger, Jr., of Washington, D.C., on motion of Mr. Harry J. Bozof; James F. Corn, of Cleveland, Tenn., on motion of Mr. John A. Chambliss, Jr.; Charles Henry McWherter, of Palmersville, Tenn., on motion of Mr. William Garrison Allen; James C. Cacheris, of Washington, D.C., and Joseph Bernard Gildenhorn, of Washington, D.C., on motion of Mr. Karl George Feissner; Leonard R. Murph, of Dallas, Tex., on motion of Mr. Gerritt W. Wesselink; and F. Harlan Flint, Jr., of Santa Fe, N. Mex., on motion of Mr. Claud S. Mann, were admitted to practice.

## ORAL ARGUMENT

No. 51. Dupuy H. Anderson et al., appellants, *v.* Wade O. Martin, Jr. Argument continued by Mr. Jack P. F. Gremillion for the appellee and concluded by Mr. Jack Greenberg for the appellants. Memorandum to come.

No. 84. William L. Greene, petitioner, *v.* United States. Argued by Mr. Eugene Gressman for the petitioner and by Mr. J. William Doolittle for the respondent.

No. 43. N. L. Liner et al., petitioners, *v.* Jafco, Inc., et al. Argued by Mr. S. Del Fuston for the petitioners and by Mr. John A. Chambliss, Jr., for the respondents.

No. 112. Zebedee Hardy, petitioner, *v.* United States. Argued by Mr. Mozart G. Ratner for the petitioner and by Mr. Louis F. Claiborne for the respondent.

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Adjourned until Monday, November 25, 1963, 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Gregg R. Potvin, of American Falls, Idaho, Martin Anthony Crowe, of Stewart Manor, N.Y., Gerald I. Friedman, of New York, N.Y., and James Jay Files, of Biloxi, Miss., on motion of Mr. Ralph Simon Spritzer; Ramon Lomba-Miranda, of San Juan, P.R., on motion of Mr. Steven B. Derounian; David Reichert, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; William Lawrence Sanders, of Harper Woods, Mich., and Wilson Monroe Jackson, of Grosse Pointe Woods, Mich., on motion of Mr. Paul F. Dougherty; Estelle Wheatley Dooley, of San Francisco, Calif., on motion of Mr. Claude Vibart Worrell; Bertram Braufman, of New York, N.Y., on motion of Mr. Lawrence J. Latto; and Roy Caldwell Hopgood, of New York, N.Y., on motion of Mr. W. Brown Morton, Jr., were admitted to practice.

## OPINIONS

No. 54. United States, petitioner, *v.* Dorothy Anne Stapf and B. T. Ware II, Executors and Trustees of the Estate of Lowell H. Stapf, Deceased, and Dorothy Anne Stapf, Individually. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg.

No. 37. Gene Durfee et ux., petitioners, *v.* Julia E. Duke. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment of the Court of Appeals reversed and judgment of the United States District Court for the Western District of Missouri affirmed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Black.

No. 13. Retail Clerks International Association, Local 1625, AFL-CIO, et al., petitioners, *v.* Alberta Schermerhorn et al. On writ of certiorari to the Supreme Court of Florida. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 19. Harold Fahy, petitioner, *v.* Connecticut. On writ of certiorari to the Supreme Court of Errors of Connecticut. Judgment reversed and case remanded to the Supreme Court of Errors of Connecticut for further 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, Mr. Justice Stewart, and Mr. Justice White join.

No. 35. Israel Dresner et al., petitioners, *v.* City of Tallahassee. On writ of certiorari to the Circuit Court of Florida, Second Judicial Circuit. Questions certified to the Supreme Court of Florida. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 46. Charles A. Meeker et ux., petitioners, *v.* Ambassador Oil Corporation. 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 Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 275. Chicago & Eastern Illinois Railroad Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Illinois. The motion to add the Baltimore and Ohio Railroad Company, et al., as parties appellee is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas concurs.

No. 450. J. K. Abernathy et al., appellants, *v.* Eastern Air Lines, Inc., et al.; and

No. 451. Charlotte Council, Air Line Pilots Association, et al., appellants, *v.* Eastern Air Lines, Inc., et al. Appeals from the Supreme Court of North Carolina. The motion to dismiss is granted and the appeals are dismissed for want of jurisdiction. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*.

No. 465. Cleveland Kirkland, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

**No. 163, Misc.** George Albert Berry, petitioner, *v.* New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, for further consideration in light of *Gideon v. Wainwright*, 372 U.S. 335. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

**No. 5, Original.** The United States of America, plaintiff, *v.* The State of California. The motion of the United States for leave to file a supplemental complaint herein is granted. The motion of California to dismiss the case is denied and California is allowed 60 days to answer. Both parties, should they so desire, are allowed 60 days to file additional exceptions to the Special Master's Report filed on November 10, 1952, together with briefs in support of the exceptions already filed and such additional exceptions, if any. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of these motions.

**No. 13, Original.** State of Texas, plaintiff, *v.* State of New Jersey et al. The Report of the Special Master submitted in response to the order of this Court dated February 25, 1963, 372 U.S. 926, is received and ordered filed. Exceptions, if any, with supporting briefs, to the Report of the Special Master may be filed by the parties on or before February 15, 1964. Reply briefs, if any, to such exceptions may be filed on or before March 15, 1964.

**No. 91.** John Wiley & Sons, Inc., petitioner, *v.* David Livingston, etc. The motion of The American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

**No. 323.** Shenandoah Valley Broadcasting Inc., et al., petitioners, *v.* American Society of Composers, Authors and Publishers. The petitioners are requested to file a response to the petition for rehearing in this case within 30 days.

#### APPEAL—JURISDICTION NOTED

**No. 461.** Herbert Aptheker et al., appellants, *v.* The Secretary of State. Appeal from the United States District Court for the District of Columbia. In this case probable jurisdiction is noted.

## CERTIORARI GRANTED

No. 470. John Clay, petitioner, *v.* Sun Insurance Office, Limited. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 14. Harry B. Smith et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 70. Kenneth J. Tobin et ux., petitioners, *v.* Laurie W. Tomlinson, District Director of Internal Revenue, District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 439. Radiant Burners, Inc., petitioner, *v.* American Gas Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 445. The Shell Company (Puerto Rico), Ltd., petitioner, *v.* Secretary of the Treasury of the Commonwealth of Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 452. Allied Van Lines, Inc., petitioner, *v.* Carl G. Zimmerman. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 453. George Tyler, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 456. Frederic Wayne Etcheverry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 457. George Wojcik, petitioner, *v.* Burton Palmer et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 458. Texas, petitioner, *v.* Leslie Douglas Ashley and Carolyn Lima. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 459. Jones Oil Company et al., petitioners, *v.* Corporation Commission of the State of Oklahoma et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 460. Walter F. O'Brien, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 462. Harry Zubik Company, Inc., petitioner, *v.* James W. Ralph. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 464. In the Matter of Sadie H. Markham, petitioner. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 466. Alexander R. Surrey et al., petitioners, *v.* David L. Ladd, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 469. George Abernathy, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 472. Vessel Judith Lee Rose, Inc., petitioner, *v.* Dorothy M. Chermesino, Administratrix. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 435. Arthur Levine, petitioner, *v.* Emily Kathryn Lacy. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Black would grant certiorari to consider the two following questions presented by petitioner which challenge the validity under the Federal Constitution and laws of a \$9,000 default judgment rendered against him by a Virginia state court in a tort case involving an automobile accident:

(1) Whether entry of the default judgment while petitioner's answer and cross-claim—which had been filed in the United States District Court as authorized by 81(c) of the Federal Rules of Civil Procedure—were pending, amounted under the circumstances to a denial of due process of law.

(2) Whether Virginia denied petitioner the kind of notice due process requires in rendering the judgment by default against him without giving him any notice at all to enable him to contest the judgment or its amount, despite the fact that he then had pending and undisposed of an answer and cross-bill, which had been filed months before the judgment by default was entered against him.

No. 222, Misc. Robert Samuel White, petitioner, *v.* New York. Petition for writ of certiorari to the Court of General Sessions of County of New York, New York, denied.

No. 375, Misc. Albert A. Palomino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 465, Misc. Karl H. Stello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 469, Misc. Virgil L. Bryan, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 521, **Misc.** Edward J. Farrant, petitioner, *v.* Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 604, **Misc.** James Nicholas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 613, **Misc.** James Daniel Norman, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 621, **Misc.** Woodrow Studemeyer, petitioner, *v.* John W. Macy, Jr., Chairman, United States Civil Service Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 632, **Misc.** Joseph Dalton, etc., petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 633, **Misc.** James G. Ware, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 637, **Misc.** Paul Snopek, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 643, **Misc.** Robert E. Heiss, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 646, **Misc.** Manuel M. Pizarro, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 647, **Misc.** John Bernard Roberts, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, Bronx County, denied.

No. 649, **Misc.** James Williams, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 650, **Misc.** Roger T. Cisneros, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 655, **Misc.** Thomas C. Washington, petitioner, *v.* Illinois. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 658, **Misc.** Ellis Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 662, **Misc.** John E. Thom, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 687, **Misc.** Austin Gilbert, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 692, **Misc.** Leon Lawlor, 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. 93, **Misc.** Caleb Peterson, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 324, **Misc.** May Malory, petitioner, *v.* James J. McGettrick, Sheriff of Cuyahoga County, Ohio. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 406, **Misc.** Harold W. Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 563, **Misc.** Marion T. Pyles, petitioner, *v.* West Virginia et al.;

No. 696, **Misc.** Earl T. Penrice, petitioner, *v.* California;

No. 707, **Misc.** Charles Dawes, Jr., and Joseph Mosolygo, petitioners, *v.* Ellie C. MacDougall, Director, Board of Corrections, et al.; and

No. 715, **Misc.** James Carl Gullette, petitioner, *v.* D. M. Heritage, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 659, **Misc.** George Charles Boston, petitioner, *v.* Wallace E. Sturgis, Chief Justice of the Appellate Court, Second District, Tallahassee, Florida. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 132. Don Williams, appellant, *v.* City of Wichita, Kansas;

No. 162. Leon Averitt and Percy Donald Livingston, appellants, *v.* Mississippi;

- No. 200. Clarence D. Tipton, petitioner, *v.* Socony Mobil Oil Company, Inc.;
- No. 216. In re Estate of Cora Hubbard Williams, petitioner;
- No. 234. Paul Ginsburg, petitioner, *v.* Horace Stern et al.;
- No. 261. Estate of Winfred S. Hurst, Deceased: Harry J. Alker, Jr., petitioner;
- No. 90, Misc. Stanley Marsh, petitioner, *v.* George Kropp, Warden;
- No. 131, Misc. Kenneth Leo Fowler et al., petitioners, *v.* Board of County Commissioners of Prince Georges County, etc., et al.;
- No. 188, Misc. L. Gilbert Cohen, petitioner, *v.* Time, Inc., et al.;
- No. 236, Misc. Estelle D. Deininger, petitioner, *v.* Commissioner of Internal Revenue;
- No. 257, Misc. John J. Spriggs, Sr., petitioner, *v.* Pioneer Carissa Gold Mines, Inc., et al.;
- No. 282, Misc. Ralph C. Mathewson, petitioner, *v.* Henry C. McGrath, Trustee;
- No. 310, Misc. Burt D. Seniff, petitioner, *v.* Mary A. Seniff; and
- No. 480, Misc. John Oppenheimer, petitioner, *v.* California. Petitions for rehearing denied.

## RECESS ORDER

The Court will take a recess from today until Monday, December 9, 1963.

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Adjourned until Monday, December 9, 1963, at 10 o'clock.

The day call for Monday, December 9, 1963, will be as follows: Nos. 307 and 62.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

David Charles Zimmermann, of Massena, N.Y., Gary G. Keltner, of Globe, Ariz., Mitchell Samuelson, of Boston, Mass., David O. Fischer, of Washington, D.C., Eugene P. Everhart, of Columbus, Ohio, Bernard L. Heffernan, of Columbus, Ohio, Gerald Robert Leippy, of Cuyahoga Falls, Ohio, Charles Joseph Reymann, of Akron, Ohio, and Jerre H. Frazier, of Houston, Tex., on motion of Mr. Solicitor General Archibald Cox; Benjamin Sloan Atkins, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Ward Martin, of Little Rock, Ark., on motion of Mr. Wilbur Daigh Mills; Hugh R. Jones, of Utica, N.Y., on motion of Mr. Alexander Pirnie; Morris Gordon Meyers, of Chicago, Ill., on motion of Mr. Edward R. Finnegan; Bernard J. Caillouet, of New Orleans, La., and Robert M. Bass, Jr., of Jackson, Miss., on motion of Mr. John L. Madden; Charles Alvin Miller, of Washington, D.C., on motion of Mr. William H. Allen; William T. O'Hara, of New Haven, Conn., on motion of Mr. C. Aubrey Gasque; Houston Wilson, of Georgetown, Del., on motion of Mr. Frederick Bernays Wiener; James G. Perry, of Baltimore, Md., on motion of Mr. Harry S. Wender; Joseph H. Hairston, of Washington, D.C., on motion of Mr. Oliver H. Bassuener; John P. Riordan, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; Chester L. Dillahunty, of North Little Rock, Ark., Jack Lynn Finder, of New York, N.Y., and George Robert Stevens, of Centralia, Ill., on motion of Mr. Roy Dale Adcock; Mark Lichtenstein, of Boston, Mass., on motion of Mr. Richard G. Garties; Neal G. Winnig, of Milwaukee, Wis., on motion of Mr. David Ferber; J. Milton McDonald, of Dillon, S.C., on motion of Mr. Edward Overton McCue III; Joseph Raymond Dwyer, of Downey, Calif., on motion of Mr. Conder C. Henry; Edgar A. Neely, Jr., of Atlanta, Ga., on motion of Mr. Earl E. Eisenhart, Jr.; Edward Kolkey, of Chicago, Ill., on motion of Mr. Abraham Maller; James H. Dunn, of Baltimore, Md., and Anthony Joseph Nolan, of Baltimore, Md., on motion of Mr. A. Vernon von Lindenbergh; Robert Laurie Mitchell, of La Plata, Md., on motion of Mr. John Marshall Niswander; William

James Hickey, of Menlo Park, Calif., on motion of Mr. Eugene T. Liipfert; Walker W. Evans, of Leesburg, Va., on motion of Mr. Merle C. Rideout, Jr.; Marvin Roy Short, Jr., of New Bern, N.C., on motion of Mr. Kennedy W. Ward; Frederick W. Post, of Seattle, Wash., on motion of Mr. Clifford R. Stearns; and James Norman Jacobi, of Washington, D.C., on motion of Mr. Donald D. Webster, were admitted to practice.

#### OPINIONS

No. 42. Securities and Exchange Commission, petitioner, *v.* Capital Gains Research Bureau, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 31. Benjamin W. Corey, petitioner, *v.* United States. 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. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan.

No. 86. United States, petitioner, *v.* Kenneth Leroy Behrens. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Harlan.

No. 25. Claude Dennis, petitioner, *v.* The Denver & Rio Grande Western Railroad Company. On writ of certiorari to the Supreme Court of Utah. Judgment reversed and case remanded to the Supreme Court of Utah for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Harlan.

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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. 478. Bess Kaye, appellant, *v.* Spence Chapin Adoption Home. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction.

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

No. 497. Algot V. Eckstrom, appellant, *v.* Reading Police Home Association of Reading, Pa. Appeal from the Supreme Court of Pennsylvania, Eastern District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 506. Frank Adams & Co., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of Ohio. The motion of Henry B. Street for leave to withdraw his appearance as counsel for the appellants is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 510. Brotherhood of Maintenance of Way Employes et al., appellants, *v.* United States et al.; and

No. 511. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, et al., appellants, *v.* United States et al. Appeals from the United States District Court for the Eastern District of Michigan. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 34. Brotherhood of Railroad Trainmen, petitioner, *v.* Virginia ex rel. Virginia State Bar. The motion of the American Bar Association for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company, et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. The motion of the American Public Power Association for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 74. Southern Railway Company, appellant, *v.* North Carolina et al.; and

No. 93. United States et al, appellants, *v.* North Carolina et al. The motion of the Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, is granted.

No. 138. William Murphy and John Moody, Sr., petitioners, *v.* The Waterfront Commission of New York Harbor. The motion of the respondent to require certification of additional parts of the record is granted.

## APPEALS—JURISDICTION NOTED

No. 503. United States, appellant, *v.* Penn-Olin Chemical Company et al. Appeal from the United States District Court for the District of Delaware. In this case probable jurisdiction is noted.

No. 489. Hudson Distributors, Inc., appellant, *v.* The ~~Up-John~~ Company. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 490. Hudson Distributors, Inc., appellant, *v.* Eli Lilly & Company. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction is noted. The case is placed on the summary calendar and set for argument immediately following No. 489.

No. 508. Andres Lucas et al., etc., appellants, *v.* The Forty-Fourth General Assembly of the State of Colorado et al. Appeal from the United States District Court for the District of Colorado. The motion of Edwin C. Johnson et al. to be added as parties appellee is granted. In this case probable jurisdiction is noted.

## CERTIORARI GRANTED

No. 362. National Association for the Advancement of Colored People et al., petitioners, *v.* Webb's City, Inc. Petition for writ of certiorari to the District Court of Appeal of Florida, Second District, granted.

No. 481. Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted.

No. 485. Local 20, Teamsters, Chauffeurs and Helpers Union, etc., petition, *v.* Lester Morton, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 294. Catherine Clinton, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted and case placed on the summary calendar.

No. 509. United States, petitioner, *v.* Vermont et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 263. Fred Bernard DeGillio et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 276. Eastern Air Lines, Inc., et al., petitioners, *v.* Dorothy Weinstein, Extrx., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 344. John Ormento, petitioner, *v.* United States;

No. 346. Carlie DiPietro, petitioner, *v.* United States;

No. 356. Joseph Fernandez, petitioner, *v.* United States;

No. 359. Carmine Panico, petitioner, *v.* United States;

No. 468. Carmine Galante, petitioner, *v.* United States;

No. 568. Angelo Loicano, petitioner, *v.* United States;

No. 441, Misc. Frank Mancino, petitioner, *v.* United States;

No. 492, Misc. Salvatore Sciremammano, petitioner, *v.* United States; and

No. 705, Misc. Anthony Mirra, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 473. American Federation of Musicians, etc., et al., petitioners, *v.* Ben Cutler. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 474. Paul Lamonge, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 475. Texaco, Inc., et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 477. American Export Lines, Inc., petitioner, *v.* Caterpillar Overseas, S. A. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 482. Robert S. Gerstell et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 484. The Manufacturers Light and Heat Company et al., petitioners, *v.* Texas Eastern Transmission Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 486. Tidewater Oil Company, petitioner, *v.* George E. Jackson and Karl B. Jackson, etc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 487. National Bank of Washington et al., petitioners, *v.* Gertrude McGettigan, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 488. John J. Czap, Jr., petitioner, *v.* James A. Marshall et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 491. J. C. Gulley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 492. Avelino Gomez-Fernandez, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 493. Nathan Shavin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 494. Norman Mastrain, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 495. Waltham Watch Co. 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. 500. 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. 501. Division No. 892, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, petitioner, *v.* M. K. & O. Transit Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 502. Oliver Oren Clark, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 504. Charles Matthews, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 507. Hahn & Clay, petitioner, *v.* A. O. Smith Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 512. Clarence N. Beach, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 513. Raymond D. Brown, petitioner, *v.* Drew Chemical Corporation. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 514. The Most Worshipful Universal Grand Lodge, A.F. & A.M., of Washington, et al., petitioners, *v.* Most Worshipful Prince Hall Grand Lodge of Washington and its Jurisdiction, F. & A.M., et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

Mastrain

No. 515. Union Railway Company, petitioner, *v.* J. R. Cobb. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 516. Interstate Life & Accident Insurance Company, petitioner, *v.* RKO Teleradio Pictures, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 517. Hartley Pen Company, petitioner, *v.* Honorable William C. Mathes, Judge of the United States District Court for the Southern District of California, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 520. Cone Brothers Contracting Company et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 282. Louis Caputo, etc., et al., petitioners, *v.* Solomon Salzhandler. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 498. John Wesley Sharpe, 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.

No. 518. Meyer Ackerman et al., petitioners, *v.* Globe-Democrat Publishing Company. Petition for writ of certiorari to the Supreme Court of Missouri denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 358, Misc. Charles Robert Chapman, petitioner, *v.* Dr. George Beto, Director, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 448, Misc. Robert E. Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 486, Misc. William Tinsley, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 497, Misc. Conrad L. Jones, petitioner, *v.* Sam A. Anderson, 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. 520, Misc. Murad Nersesian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 543, Misc. Thomas Mixon, petitioner, *v.* Penn Stevedores Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 596, **Misc.** Luis Romero, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 597, **Misc.** John Chapman 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. 610, **Misc.** Arthur O. Hutchinson, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 620, **Misc.** Hannelore Pistor, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 627, **Misc.** Charles Wanamaker, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 628, **Misc.** Dexter C. Dayton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 631, **Misc.** Martin R. Westphal, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 634, **Misc.** Joseph Ryan, petitioner, *v.* A. T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 644, **Misc.** Walter E. Island, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 651, **Misc.** John F. Beltowski, petitioner, *v.* R. H. Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 667, **Misc.** William E. Carman, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 678, **Misc.** Don Mocabee, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 681, **Misc.** James Roqueni, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 683, **Misc.** Fred E. Dexter, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 695, **Misc.** Dan Coffman, petitioner, *v.* James F. Maroney, Superintendent, Western State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 710, **Misc.** Richard J. Thomas, petitioner, *v.* W. C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 716, **Misc.** Willie Powers, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 723, **Misc.** Jacob Wissenfeld, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 737, **Misc.** Theodore Everly, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 471, **Misc.** Willie Sinks, petitioner, *v.* United States. Motion to strike supplemental record and portions of memorandum of United States relating thereto denied. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 728, **Misc.** James Edward Padgett, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 691, **Misc.** Robert Draper, petitioner, *v.* Hon. Charles L. Powell, Judge, United States District Court, Eastern District of Washington, et al. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 146. Bryan W. Nickerson, Jr., petitioner, *v.* The Bearfoot Sole Co., Inc., et al.;

No. 149. O. C. Lee, etc., et al., petitioners, *v.* Louisville and Nashville Railroad Company et al.;

No. 331. Sinclair Davis et al., appellants, *v.* City of Bowling Green, Kentucky, etc., et al.;

No. 339. Henrietta O. Murdoch, petitioner, *v.* Commissioner of Internal Revenue;

No. 340. Troy Bland Cade, appellant, *v.* Louisiana;

No. 342. Harry J. Alker, Jr., and Mamie DuBan, Individually and as Executrix of the Estate of Alfred A. DuBan, petitioners *v.* Federal Deposit Insurance Corporation, etc., et al.;

No. 10, **Misc.** Alfred Earl Toles, petitioner, *v.* United States;

No. 43, **Misc.** Sidney Lansing, petitioner, *v.* New York;

No. 318, **Misc.** Rudolph Hess et al., appellants, *v.* Frank Kriz, Jr., et al.;

No. 436, Misc. Geneva H. Sayles, petitioner, *v.* Roger Ratcliff et al.;

No. 509, Misc. Dennis Manafort Whitney, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 511, Misc. Maggie Preston Williams, petitioner, *v.* Tillet Brothers Construction Company, Inc., et al.;

No. 551, Misc. Douglas Wayne Thompson, appellant, *v.* Missouri; and

No. 614, Misc. Kenneth Gordon Smith, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petitions for re-hearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, December 16, 1963, until Monday, January 6, 1964.

#### ORAL ARGUMENT

No. 307. Mabel V. Roman, Clerk, etc., et al., appellants, *v.* Richard Sincock et al. Three hours allowed for oral argument. Argued by Mr. Frederick Bernays Wiener for the appellants, by Mr. Vincent A. Theisen for the appellees, and by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

No. 62. Nathan Jackson, petitioner, *v.* Wilfred Denno, Warden. Argument commenced by Mr. Daniel G. Collins for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 10, 1963, will be as follows: Nos. 62, 14, Original, and 30.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Dale Harlan Johnson, of Lubbock, Tex., on motion of Mr. George H. Mahon; Neville Patterson, of Jackson, Miss., on motion of Mr. Martin Ray McLendon; Stephen R. Bloss, of Wichita, Kans., on motion of Mr. Roy Dale Adcock; John William Rood, of Phoenix, Ariz., on motion of Mr. Frank C. Stetson; Kenward Kilroy Harris, of Washington, D.C., on motion of Mr. Lowell B. Mason; Burrow E. Friday, of Little Rock, Ark., on motion of Mr. John Patrick Baker; John C. Mertz, of Arlington, Va., and Raymond Villemarette, of Fairfax, Va., on motion of Mr. Oliver Elwood Pagan II; James G. Newby, of Woodward, Okla., on motion of Mr. Ellwood L. Englander; and Edward A. Gordon, of Andover, Mass., on motion of Mr. Irvin H. Rimel, were admitted to practice.

## ORAL ARGUMENT

No. 62. Nathan Jackson, petitioner, *v.* Wilfred Denno, Warden. Argument continued by Mr. Daniel G. Collins for the petitioner, by Mr. William I. Siegel for the respondent, and concluded by Mr. Daniel G. Collins for the petitioner.

No. 14, **Original.** State of Louisiana, plaintiff, *v.* State of Mississippi et al. Argued by Mr. John L. Madden and Mr. Edward M. Carmouche for the plaintiff and by Mr. Landman Teller and Mr. Martin R. McLendon for the defendants.

No. 30. Edward R. Fields et al., appellants, *v.* City of Fairfield. Three hours allowed for oral argument. Argument commenced by Mr. Melvin L. Wulf for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 11, 1963, will be as follows:  
Nos. 30, 26, and 21.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Marion C. Pritchard, of Waycross, Ga., on motion of Mr. Burke Marshall; Herman Philip Goebel, Jr., of Cincinnati, Ohio, on motion of Mr. Hugh D. Scott, Jr.; Donald E. Leonard, of Lincoln, Nebr., on motion of Mr. Alan D. McArthur; Harland Norton Green, of Los Angeles, Calif., on motion of Mr. Julius M. Greisman; Joel Elihu Hoffman, of Washington, D.C., on motion of Mr. Richard A. Solomon; Dan Yardley, of Livingston, Mont., on motion of Mr. William H. Horkan; and William Bruce Kopper, of St. Louis, Mo., on motion of Mr. John E. McCullough, were admitted to practice.

## ORAL ARGUMENT

No. 30. Edward R. Fields et al., appellants, *v.* City of Fairfield. Argument continued by Mr. Melvin L. Wulf for the appellants, by Mr. Burke Marshall for the United States, as *amicus curiae*, by special leave of Court, by Mr. Frank B. Parsons for the appellee and concluded by Mr. Melvin L. Wulf for the appellants.

No. 26. National Labor Relations Board, petitioner, *v.* Exchange Parts Company. Argued by Mr. Dominick L. Manoli for the petitioner and by Mr. Karl H. Mueller for the respondent.

No. 21. James B. Carey, as President of the International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* Westinghouse Electric Corporation. Two hours allowed for oral argument. Argument commenced by Mr. Benjamin C. Sigal for the petitioner and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of the Court, and by Mr. John F. Hunt, Jr., for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 12, 1963, will be as follows:  
Nos. 21, 83, and 119.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Joseph C. Bruno, of Philadelphia, Pa., on motion of Mr. Hugh D. Scott, Jr.; George Francis Ogilvie, Jr., of Las Vegas, Nev., on motion of Mr. Alan Bible; Alfred L. Newbould, of Seattle, Wash., on motion of Mr. Henry M. Jackson; John C. McCarthy, of Pomona, Calif., on motion of Mr. Richard T. Hanna; William P. Berzak, of Fairfax, Va., on motion of Mr. James H. Falloon, Jr.; Benjamin Smith, of Brookline, Mass., on motion of Mr. Dominick Manoli; Gene Perry Bond, of Chevy Chase, Md., on motion of Mr. Richard F. Generelly; Willard Zeller Carr, Jr., of Los Angeles, Calif., on motion of Mr. Isaac Nathan Groner; Robert Lester Weinberg, of Washington, D.C., on motion of Mr. Edward Bennett Williams; William Mark Ward, of Bethesda, Md., on motion of Mr. George Kaufmann; Peter Joseph McGinn, of Providence, R.I., on motion of Mr. Carl G. Moore; Patricia Emily Eames, of New York, N.Y., Edward Wynne, of New York, N.Y., and Michael H. Gottesman, of Washington, D.C., on motion of Mr. David E. Feller; Tsuyoshi Dean Itano, of Sacramento, Calif., and James K. Naruse, of Los Angeles, Calif., on motion of Mr. Taul Watanabe; John J. Kennelly, of Chicago, Ill., William H. Schrader, of Chicago, Ill., George E. Sweeney, of Chicago, Ill., and Elmer Michael Walsh, Jr., of Chicago, Ill., on motion of Mr. Bernard J. Waters; Maurice Alan Sovern, of Washington, D.C., on motion of Mr. Frederick Carl Heiken; Charles F. Young, of New York, N.Y., on motion of Mr. Robert D. Larsen; William J. Powell, of Arlington, Va., on motion of Mr. Bolling R. Powell, Jr.; and Martin L. Wolf, of Seattle, Wash., on motion of Mr. Michael J. Cafferty, were admitted to practice.

No. 21. James B. Carey, as President of the International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* Westinghouse Electric Corporation. Argument continued by Mr. John F. Hunt, Jr., for the respondent and concluded by Mr. Benjamin C. Sigal for the petitioner.

No. 83. Frank Costello, petitioner, *v.* Immigration and Naturalization Service. Argued by Mr. Edward Bennett Williams for the petitioner and by Mr. Wayne G. Barnett for the respondent.

No. 119. Samuel Reisman et al., d/b/a Trammell, Rand & Nathan, petitioners, *v.* Hon. Mortimer M. Caplin et al. Argued by Mr. Warren E. Magee for the petitioners and by Mr. Louis F. Oberdorfer for the respondents.

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Adjourned until Monday, December 16, 1963, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Martin Barnett Cowan, of Silver Spring, Md., Arthur Norman Field, of New York, N.Y., Daniel Thomas Lehigh, of Dover, Ohio, and Marvin Posner, of Memphis, Tenn., on motion of Mr. Solicitor General Archibald Cox; Hugh Hunter Howard, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; James F. Haythornewhite, of Nogales, Ariz., on motion of Mr. Morris K. Udall; John Harvey Sacks, of Arlington, Va., on motion of Mr. Mortimer M. Caplin; Patricia Roberts Harris, of Washington, D.C., on motion of Mr. William Beasley Harris; Jerry Murad, of Fort Worth, Tex., on motion of Mr. Charles E. Pledger, Jr.; Hubert D. Snider, of Louisville, Ky., and Richard Gordon Troop, of Arlington, Va., on motion of Mr. Newell H. Clapp; Edward Brent Dufreche, of Ponchatoula, La., on motion of Mr. Julian P. Freret; Louis Berg, of New York, N.Y., Emanuel Richard Gold, of New York, N.Y., and Julius Mendalis, of New York, N.Y., on motion of Mr. Nicholas Atlas; Patrick T. McGahn, Jr., of Atlantic City, N.J., and Thomas Charles McGrath, Jr., of Margate City, N.J., on motion of Mr. John E. Nolan, Jr.; Malcolm S. Bradway, of Chicago, Ill., on motion of Mr. Richard Greeley Wynne; George Clark Cummings, of New York, N.Y., on motion of Mr. Clark C. Vogel; and Alan F. Meckstroth, of Piqua, Ohio, on motion of Mr. Robert F. Ziems, were admitted to practice.

### OPINIONS

**No. 61.** Ethel Meyer, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join.

**No. 28.** Francesco Foti, a/k/a Frank Foti, petitioner, *v.* Immigration and Naturalization Service. 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 for further consideration

consistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan.

No. 30. Edward R. Fields et al., appellants, *v.* City of Fairfield. Appeal from the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 55. Marguerite Loretta Aldrich, petitioner, *v.* William T. Aldrich et al. On writ of certiorari to the Supreme Court of Appeals of West Virginia. Questions certified to the Supreme Court of Florida. Opinion *per curiam*.

No. 72. Bradley Reed Smith, petitioner, *v.* California. On writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles. The motion of Citizens for Decent Literature, Inc., et al., for leave to file a brief, as *amici curiae*, is granted. Judgment vacated and case remanded to the Appellate Department of the Superior Court of California, County of Los Angeles, for further consideration in light of the decision of the Supreme Court of California in *Zeitlin* and *Ferguson v. Arnebergh*, 59 A.C. 930, 383 P. 2d 152. Opinion *per curiam*.

No. 480. Walter A. Eichel, petitioner, *v.* New York Central Railroad Company. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas concurs in the result. Opinion by Mr. Justice Harlan, concurring in part and dissenting in part.

No. 604. Fair Drain Taxation, Inc., et al., appellants, *v.* City of St. Clair Shores et al. Appeal from the United States District Court for the Eastern District of Michigan. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 37, Misc. Peter Macon, petitioner, *v.* Indiana. On petition for writ of certiorari to the Supreme Court of Indiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court

of Indiana for further consideration in light of *Lane v. Brown*, 372 U.S. 477. Opinion *per curiam*.

No. 721, Misc. Bobby Milton McAllister, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 140, October Term, 1962. Nathan Willner, petitioner, *v.* Committee on Character and Fitness, etc. The motion for clarification or amendment of the mandate is denied.

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al. The motion for leave to file a bill of complaint is granted and the State of Mississippi is allowed 90 days to answer.

No. 527. United Fuel Gas Company, appellant, *v.* Public Service Commission of West Virginia. The Solicitor General is invited to file a brief expressing the views of the United States.

#### CERTIORARI DENIED

No. 284. Paul Doyle Artell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 300. Rev. L. A. Clark et al., petitioners, *v.* Allen C. Thompson, Mayor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 505. Committee Appointed by the Court of Common Pleas of Franklin County, Ohio, petitioner, *v.* Battelle Memorial Institute. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 521. Anthony L. Nugey, petitioner, *v.* Oliver Manufacturing Supply Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 522. Federation Credit Union, Local No. 89, N.F.P.O.C., et al., petitioners, *v.* Hubert P. Render et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 524. Carter Mountain Transmission Corporation, 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. 525. Morton Salt Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 526. Holland-America Line, petitioner, *v.* Texports Stevedoring Company, Inc. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 528. Norfolk Dredging Company, petitioner, *v.* Sylvester Lawrence. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 529. Rodney Browne Starr, petitioner *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 532. Gene O'Neal et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 533. Marion Lee (Bill) Ivey et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 535. United Brotherhood of Carpenters and Joiners of America, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 536. Marvin Schere, d/b/a Jenasol Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 537. Norden-Ketay Corporation, 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. 538. G. L. Christian and Associates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 540. Hunilda Balbas Gardiner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 543. United States, petitioner, *v.* Maryland, for the Use of Mary Jane Meyer et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 600. Ward Lane, Warden, Indiana State Prison, petitioner, *v.* Archie A. White. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 471. Judy Bond, Inc., petitioner, *v.* Charles Kreindler, etc. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 483. Ng Kam Fook et al., petitioners, *v.* P. A. Esperdy, as District Director of the Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas dissenting:

Section 243(a) of the Immigration and Nationality Act (66 Stat. 163, 212, 8 U. S. C. § 1253(a)) provides in pertinent part:

“ \* \* \* deportation of such alien shall be directed to any country of which such alien is a subject national, or citizen if such country is willing to accept him into its territory.”

Respondent and both lower federal courts have determined that petitioners, who were both born on the mainland of China, who came to the United States as crewmen in 1953 and 1955, and who have never resided in Formosa, are “subject nation[s] or citizen[s]” of the Republic of China, located on Formosa. Accordingly, when the Republic of China refused to accept petitioners, they were ordered deported, under other provisions of the Act, to Hong Kong and the Netherlands—regimes to which they have never been subject—either as citizens or as nationals, petitioners having been born on the mainland of China, as I have said.

The decision below is predicated in part upon nonrecognition of the Peking regime by the United States, and the fear that a contrary holding would require a preliminary inquiry concerning its willingness to accept petitioners “which might impliedly suggest recognition and thus might embarrass the decisions of the Executive Department as to foreign policies.” 320 F. 2d 86, 89. But that overlooks the fact that since 1955 we have been in regular contact with the Peking regime, first by Alexis Johnson, our former Ambassador to Czechoslovakia and now by John M. Cabot, our Ambassador to Poland; and, as the press has related,<sup>1</sup> the matters discussed have reached far more delicate questions than this one, which, though minor, touches a basic human right.

The proper construction of the statute poses a substantial question,<sup>2</sup> which should be considered by this Court.

I would grant certiorari.

<sup>1</sup> See Department of State, Release Aug. 14, 1963, interview of U. Alexis Johnson by Irving Chapman; Washington Post, Sept. 12, 1963, p. A-24; New York Times, Aug. 8, 1963, pp. 1-2.

<sup>2</sup> Chief Judge Lumbard stated in dissent, 320 F. 2d 86, 90:

“For the reasons stated in my concurring opinion in *Leong Leun Do v. Esperdy*, 309 F. 2d 467, 475, 477-479 (2 Cir. 1962), I would hold that for purposes of the present proceeding, ‘the Chinese mainland is a country of which an alien may be a subject national or citizen.’ *Id.* 309 F. 2d at 478. It seems to me that some agencies of the United States government could, directly or through intermediaries, contact agents of the Communist government without implying recognition. If such a procedure is rejected by the executive branch, then, under the present statute, the alien should not be deported. This area of the law seems to be one which particularly requires legislative attention.”

No. 542. Marvin Kenneth Roy, petitioner, *v.* Minnesota. The motion to dispense with printing the petition is granted. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 584. Roger Arnebergh, petitioner, *v.* Jacob Zeitlin et al. The motion of Citizens for Decent Literature, Inc., an Ohio Corporation, et al., for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 136, Misc. Norbert Aias et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 192, Misc. Robert Thompson, petitioner, *v.* United States Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 278, Misc. Lloyd H. Jackson, Jr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 286, Misc. Edward Otho Hagans, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 418, Misc. Larry T. Jamison et al., petitioners, *v.* Richard A. Chappell, Chairman, United States Board of Parole, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia denied.

No. 429, Misc. Barry W. Ashton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 466, Misc. Sam Kalama Mahi, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 548, Misc. John Freeman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 564, Misc. Federico Garcia Revazquez, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 606, Misc. James Campy Irby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 616, Misc. Robert Thomas Lingo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 626, Misc. Vito Palma, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 636, **Misc.** Fred Goins, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 642, **Misc.** Charles Woodrow Burns, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 666, **Misc.** James Douglas Latham and George Ronald York, petitioners, *v.* Sherman Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 677, **Misc.** Robert V. Bogan, 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. 684, **Misc.** Paul T. Schexnayder, petitioner, *v.* Edwin F. Hunter, Jr., United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit and the Supreme Court of Louisiana denied.

No. 685, **Misc.** Marvin Jenkins, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 693, **Misc.** Donald Peppentenza, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 702, **Misc.** Henry Lyles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 708, **Misc.** Richard Earl Pealo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 733, **Misc.** Salvatore Oddo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 4, **Misc.** Ernest Whippler, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied. Mr. Justice Douglas is the opinion that certiorari should be granted.

No. 5, **Misc.** Doyle Alva Terry, 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.

## REHEARINGS DENIED

No. 1321, Misc., October Term, 1962. William P. Gregory, petitioner, *v.* United States. Motinn for leave to file a petition for rehearing denied.

No. 397. Sherman H. Skolnick, petitioner, *v.* Otto Spolar et al.;

No. 399. Courtesy Sandwich Shop, Inc., et al., appellants, *v.* The Port of New York Authority et al.;

No. 427. Sherman H. Skolnick, petitioner, *v.* Charles T. Martin et al.; and

No. 527, Misc. Robert William Agnew, petitioner, *v.* California. Petitions for rehearing denied.

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Adjourned until Monday, January 6, 1964, at 10 o'clock.

The day call for Monday, January 6, 1964, will be as follows:  
Nos. 64, 39, and 40.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

George Parmalee Gruger, of Bellevue, Wash., on motion of Mr. Solicitor General Archibald Cox; Ernest R. Whitmore, Jr., of Wenatchee, Wash., on motion of Mr. George Meader; G. Edward McHie, of Hammond, Ind., on motion of Mr. Ray J. Madden; Doris Wechsler, of New York, N.Y., on motion of Mr. Francis B. Biddle; Ronald S. Diana, of New York, N.Y., T. Eric Embry, of Birmingham, Ala., and Louis M. Loeb, of New York, N.Y., on motion of Mr. Herbert Brownell, Jr.; Robert Sanders Campbell, Jr., of Salt Lake City, Utah, and Clarence F. Williams, of Salt Lake City, Utah, on motion of Mr. Alonzo Pratt Kesler; John Richard DeBarr, of Northumberland, Pa., and William Ross St. George, of Arlington, Va., on motion of Mr. Robert Davis Powers, Jr.; Victor Agmata, Jr., of Honolulu, Hawaii, on motion of Mr. Roy Dale Adcock; Benoni O. Reynolds IV, of Lake Geneva, Wis., on motion of Mr. Harold R. Vague; Charles W. Cone, of Wenatchee, Wash., on motion of Mr. Thomas Stephen Foley; Alvin Goodman, of Miami, Fla., on motion of Mr. Robert L. Shevin; Floyd Allen Fredrickson, of Portland Oreg., and Wendell Gray, of Portland, Oreg., on motion of Mr. Don V. Harris, Jr.; Donald F. Auchter, of Glastonbury, Conn., Frank Auchter, of Springfield, Mass., and John R. Auchter, of Springfield, Mass., on motion of Mr. Wallace T. Ward; and Martin A. Coleman, of New York, N.Y., Stephen J. Jelin, of New York, N.Y., and Arthur M. Michaelson, of New York, N.Y., on motion of Mr. Isadore H. Wachtel, were admitted to practice.

### OPINIONS

No. 17. Walter Humphrey, etc., et al., petitioners, *v.* C. W. Moore, etc., et al.; and

No. 18. General Drivers, Warehousemen and Helpers, Local Union No. 89, petitioner, *v.* C. W. Moore et al. On writs of certiorari to the Court of Appeals of Kentucky. Judgment reversed and cases remanded to the Court of Appeals of Kentucky for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Goldberg with whom Mr. Justice

Brennan joins concurring in the result. Opinion by Mr. Justice Douglas concurring in part and dissenting in part. Opinion by Mr. Justice Harlan concurring in part and dissenting in part.

No. 38. Polar Ice Cream & Creamery Company, appellant, *v.* Charles O. Andrews, Jr., etc., et al. Appeal from the United States District Court for the Northern District of Florida. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White.

No. 81. National Equipment Rental, Ltd., petitioner, *v.* Steve Szukhent et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Goldberg join.

No. 43. N. L. Liner et al., petitioners, *v.* Jafco, Inc. et al. On writ of certiorari to the Court of Appeals of Tennessee. Judgment reversed and case remanded to the Court of Appeals of Tennessee for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 21. James B. Carey, as President of the International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* Westinghouse Electric Corporation. 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 further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Clark joins. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 112. Zebedee Hardy, 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 Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Clark concurring in the result. Concurring opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice Harlan.

The Chief Justice said:

"On behalf of the Court, I announce that Mr. Walter Wyatt, who had reached the statutory age, retired from the service of the Supreme Court as of December 31, 1963.

"Mr. Wyatt, the twelfth Reporter of Decisions in the history of the Court, has served the Court well in that capacity for the past 18 years. He has been diligent and faithful in the work of preparing the Court's decisions for final publication, and has supervised the publishing of 49 volumes of the U.S. Reports. His efforts have helped to perpetuate a part of the Court's history, and he is entitled to great satisfaction in this accomplishment.

"We wish for him many years of happiness in the leisure he has earned and continued success in anything he may undertake in the future.

"His successor will be announced in the near future."

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"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. 98. Lillian Wintner, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 236. Sidney Walker, Jr., et al., appellants, *v.* Louisiana ex rel. Joint Legislative Committee on Un-American Activities. Appeal from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 496. Frederick Willard Thompson, petitioner, *v.* Immigration and Naturalization Service. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals so that petitioner's appeal may be heard on the merits. Opinion *per curiam*. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 547. Gerald L. Ratigan et al., appellants, *v.* Herbert Davis et al. Appeal from the Supreme Court of Nebraska. The motion to dismiss

is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 562. Milton E. Spatt, appellant, *v.* City of New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 566. The Consul General of Yugoslavia at Pittsburgh, Pennsylvania, etc., petitioner, *v.* Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 580. Victor H. Schiro, etc., et al., appellants, *v.* Horace C. Bynum et al. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment affirmed. Opinion *per curiam*.

No. 586. H. W. Hansell et al., appellants, *v.* G. A. Douglass et al. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 597. National Labor Relations Board, petitioner, *v.* International Union, Progressive Mine Workers of America, et al. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 123, Misc. Robert Louis Faudel, appellant, *v.* Iowa. Appeal from the District Court of Scott County, Iowa. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 417, Misc. James Watkins, petitioner, *v.* George Beto, Director, Texas Department of Corrections, et al. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Criminal Appeals of Texas for consideration in light of *Douglas v. California*, 372 U.S. 353; *Draper v. Washington*, 372 U.S. 487. Opinion *per curiam*.

No. 717, Misc. Alex Jennings, Sr., appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The appeal is dis-

missed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 11. Nico Jacobellis, appellant, *v.* Ohio. The motion of the Citizens for Decent Literature, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 198. Waldo Kent Ferguson and Robert Lowell Rogers, petitioners, *v.* United States. The motion of the United States to remand is granted. The judgment of the Court of Appeals is vacated and the case is remanded to that Court with directions to determine whether, in the light of the relevant circumstances, the trial court's ruling that only one of the two defense counsel would be allowed to question each prosecution witness on cross-examination constitutes error of such magnitude as to require a reversal under the plain error rule.

No. 449. A Quantity of Copies of Books et al., appellants, *v.* Kansas. This case is set for argument immediately following No. 11.

No. 508. Andres Lucas et al., etc., appellants, *v.* The Forty-Fourth General Assembly of the State of Colorado et al. This case is set for argument on Tuesday, March 31, 1964, and the printing of the record is dispensed with. The brief for the appellants shall be filed on or before February 11, 1964, and the brief for the appellees shall be filed on or before March 17, 1964.

#### CERTIORARI GRANTED

No. 558. National Labor Relations Board, petitioner, *v.* John Brown et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

No. 582. Mabel Gillespie, Administratrix, etc., petitioner, *v.* United States Steel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case set for argument on March 30, 1964. Opinion *per curiam*.

No. 606. United States, petitioner, *v.* Roy Lee Barrett et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 575. Ralph D. Abernathy et al., petitioners, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama granted and case placed on the summary calendar. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this petition.

No. 610. Fibreboard Paper Products Corporation, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to Questions 1 and 3 presented by the petition which read as follows:

"1. Was Petitioner required by the National Labor Relations Act to bargain with a union representing some of its employees about whether to let to an independent contractor for legitimate business reasons the performance of certain operations in which those employees had been engaged?

"3. Was the Board, in a case involving only a refusal to bargain, empowered to order the resumption of operations which had been discontinued for legitimate business reasons and reinstatement with back pay of the individuals formerly employed therein?"

The case is placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 15, Misc. Filippo Giova, etc., petitioner, *v.* George K. Rosenberg, District Director of Immigration and Naturalization Service, Los Angeles. 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. 523. John L. Lewis et al., petitioners, *v.* John Kosty. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 530. Ida Laura Sigler et al., petitioners, *v.* Allstate Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 531. Jack B. Cooper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 544. Maurice Guy Bowling, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 545. Pacific Supply Cooperative, etc., petitioner, *v.* Farmers Union Central Exchange, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 549. Constantin D. Cozinacis, petitioner, *v.* Constantin P. Cozinacis. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 550. Chemical Bank New York Trust Company et al., petitioners, *v.* Robert F. Kennedy, Attorney General of United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 551. Cleo Francis Hughes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 552. Kenneth E. Grigsby et al., petitioners, *v.* Paul F. Mitchum, Mayor of the City of Kansas City, Kansas, et al. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 555. General Instrument Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 556. United Mine Workers of America, petitioner, *v.* White Oak Coal Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 557. John Berkery, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 563. United States, petitioner, *v.* Bethlehem Steel Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 564. Alphonso Nichols, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 573. Bruce M. Sigman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 574. Robert M. Williamson, Jr., et al., etc., petitioners, *v.* The Honorable Paul Peurifoy, Judge of the 95th District Court in Dallas County, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 576. Theron C. Lynd, Circuit Clerk, etc., Forrest County, Mississippi, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 577. Mrs. Lydia Sandoz Hassan, Administratrix of the Estate of Owen J. Sandoz, petitioner, *v.* A. M. Landry & Son, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 578. Joseph D'Ercole, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 579. In the Matter of the Application of Friedrich Gruschwitz et al., petitioners. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 581. Loren R. Gajewski et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 587. American Compress Warehouse, Division of Frost-Whited Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 589. Lee Danfelter et al., petitioners, *v.* State Highway Commission of New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 591. Alexander McDonald, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 593. Edward C. St. Clair, etc., petitioner, *v.* Yonkers Raceway, Inc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 594. Jewel Richard Browder, petitioner, *v.* Cyrus R. Vance, Secretary of the Army, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 596. Public Utility District No. 2 of Grant County, Washington, petitioner, *v.* Merritt-Chapman & Scott Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 598. Peoria and Pekin Union Railway Company et al., petitioners, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 599. New York, Chicago and St. Louis Railroad Company, petitioner, *v.* Chicago and North Western Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 602. Minnesota Mining and Manufacturing Company, petitioner, *v.* Plymouth Rubber Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 605. Raymond H. Peterson, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 611. David L. Nichol, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 613. Mitchell Ross, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 616. Chicago Metallic Manufacturing Company, petitioner, *v.* The Ekco Products Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 618. General Motors Corporation et al., petitioners, *v.* Devex Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 619. Joseph Alex Cota, petitioner, *v.* The Regents of the University of California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 622. Shreveport Macaroni Manufacturing Company, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 641. John Cimino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 123. United States, petitioner, *v.* George Johnson. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 479. Edward Earle Beck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

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

Like *United States v. Shotwell Mfg. Co.*, 355 U.S. 233, 234, "This case presents an unusual question involving the integrity of a criminal trial in the federal courts."

Petitioner was convicted by a jury of violating 21 U.S.C. § 176(a)—smuggling marihuana into the United States. The Court of Appeals affirmed. 317 F. 2d 865. A principal witness for the Government was a woman, Janet Watkins, arrested with petitioner, the marihuana having been discovered in her hair. Before petitioner's trial, she pleaded

guilty to transporting marihuana without having paid a transfer tax, and the smuggling charge against her was then dismissed. At the trial, she testified on cross-examination that her guilty plea was still in effect, that no action, personally or through an attorney, had been taken to withdraw it, and that she did not then intend to withdraw it. The judge instructed the jury that he had accepted the plea only after she admitted knowing that the marihuana was in her hair.

Following affirmance in the Court of Appeals, petitioner filed two petitions for rehearing and a motion to supplement the record, pointing out that the judge who presided at his trial had subsequently granted the woman's unopposed motion to withdraw the guilty plea and that, on the Government's motion, the indictment against her was dismissed. In support of his request that the case be remanded to the Federal District Court for an inquiry into the propriety of what had transpired, petitioner presented this newly discovered letter from one of the woman's attorneys to the other:

"Since Janet pled guilty she has had a conference with Hugh Johnson, Probation Officer, who believes that she was a victim of circumstances the same as you and I believe. After conferring with the Probation Officer he was able to have a conference with Judge Connally<sup>1</sup> concerning the matter, who, in turn, had a conference with Janet personally. It is my understanding, although not confirmed, that Judge Connally is of the same opinion as we are. After conferring with Judge Connally we were able to talk to Bill Jackson of the Federal District Attorney's office, who is also convinced that Janet is a victim of circumstances and not guilty.

"The present course of action is as follows: Janet will be a witness for the Government against Mr. Beck. After she testifies against him Janet will withdraw her plea of guilty to not guilty, and the cases will be tried before the court if tried at all. Although the Government has not promised anything, they have as much as indicated her cases will be dismissed. \* \* \*"

Had all these facts been known and disclosed at the time of the trial they might have had an effect on the outcome. For the case was submitted to the jury on two separate theories—the petitioner alone smuggled the marihuana into the United States and that he aided and abetted Janet Watkins in doing so. The jury returned a general verdict; and on appeal the Court of Appeals rejected the argument that the case had been improperly submitted on the aider and abetter theory. 317 F.2d, at 870-871.

The Government argues that petitioner should have proceeded by filing a motion for a new trial. See Rule 33, Fed. Rules Crim. Proc.

<sup>1</sup> Judge Connally presided at petitioner Beck's trial in this case.

"It is more appropriate, whenever possible, to correct errors reachable by the appeal rather than remit the parties to a new collateral proceeding." *Bartone v. United States*, 375 U.S. 52, 54.

I would grant certiorari, reverse the judgment below, and remand the case for a new trial. Cf. *Brady v. Maryland*, 373 U.S. 83.

No. 519. Marvin Sherwin, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 541. National Surety Corporation, petitioner, *v. W. T. Musgrove et al.* The motion of respondent, Gladys Holmes Southwick, 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. 570. James Quinten Anderson, petitioner, *v. Clarence T. Glad-den, Warden*. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 603. L. B. Sullivan et al., petitioners, *v. Barbara A. Nesmith 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 petition.

No. 628. East Bay Union of Machinists, Local 1304, United Steelworkers of America, 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. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 176, Misc. Ellis Sydnor, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 254, Misc. William Spencer, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 287, Misc. Jefferson Harris, petitioner, *v. Dr. George Beto, Director*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 439, Misc. William C. Harris, petitioner, *v. Luther Thomas, Warden*. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 475, Misc. Leroy Walker, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 528, Misc. John G. Oppenheimer, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 638, Misc. Doris L. Gardiner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 648, Misc. Wardell Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 657, Misc. R. W. Agnew, petitioner, *v.* Contractors Safety Association, etc., et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 661, Misc. William C. X. Rindgo, Jr., petitioner, *v.* Walter N. Tobriner et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 663, Misc. William C. Tucker, petitioner, *v.* Hon. Anna M. Kross, Commissioner of Correction of the City of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 664, Misc. Robert Morton, petitioner, *v.* Hon. James McDonald, Sheriff, Cayuga County Jail. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 680, Misc. James Banton, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 694, Misc. Morris Joseph, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 704, Misc. Clarence Mahurin, petitioner, *v.* Missouri. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 706, Misc. Charles R. Fox, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 712, Misc. John Leo Maroney, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 713, Misc. Dennis Copeman, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 718, Misc. Edward J. Farrant, petitioner, *v.* John E. Bennett, Warden, et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 720, Misc. Russell Squires, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 724, **Misc.** Wesley Wright, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 725, **Misc.** Russell F. Schoeneich, petitioner, *v.* Illinois. Petition for writ of certiorari to the Court of Claims of Illinois denied.

No. 726, **Misc.** Edward Thomas, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 727, **Misc.** Mulford Meadows, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 730, **Misc.** George H. Hornbeck, petitioner, *v.* New York State Parole Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 732, **Misc.** Jerry Alvin Hall, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 734, **Misc.** Boyker E. Ream, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 735, **Misc.** John Collins, petitioner, *v.* Fred Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 739, **Misc.** Thomas Contaldo, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 740, **Misc.** Thomas J. Auflick, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 741, **Misc.** James M. Chase, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 742, **Misc.** Winfred Weaver, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 743, **Misc.** Edward Barnes, 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. 744, **Misc.** James Hammond, petitioner, *v.* North Carolina et al. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 746, **Misc.** Robert V. Bogan, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 748, Misc. Jerry Clements, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 749, Misc. John Charles Greulich, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 753, Misc. Ernest J. Daniels and Ira Clifford Ellison, petitioners, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 754, Misc. Charles Williams, petitioner, *v.* New York. Petition for writ of certiorari of the Court of Appeals of New York denied.

No. 757, Misc. Benjamin Pacheco Febus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 758, Misc. Jimmy Babb and Ernest Babb, petitioners, *v.* South Carolina et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 762, Misc. Laurie J. Carpenter, petitioner, *v.* James M. Murphy, M.D., Acting Director, Willard State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 766, Misc. Fred Bates, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 772, Misc. Fred Bates, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 773, Misc. Clarence R. Cole, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 774, Misc. Leroy Pierce, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 775, Misc. Allen Brasfield, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 778, Misc. Kenneth Hall, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 785, Misc. Jesse Hollins, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 797, Misc. Bernhardt Peguese, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York, denied.

No. 240, Misc. James Leroy Cochran, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri de-

nied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 566, Misc. George Hetenyi, petitioner, *v.* Walter H. Wilkins, 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 that certiorari should be granted.

No. 619, Misc. Jack V. K. Ragan, petitioner, *v.* Colonel Weldon W. Cox, Commandant, U.S. Disciplinary Barracks. 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. 540, Misc. Antranik Paroutian, petitioner, *v.* United States. The motion to remand is denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 752, Misc. Doyle Terry, petitioner, *v.* Fred R. Dickson, Warden;

No. 759, Misc. William S. Rhodes, petitioner, *v.* South Carolina et al.;

No. 769, Misc. George J. Hurley, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail;

No. 825, Misc. Michael G. Hemmis, petitioner, *v.* John C. Burke, Warden;

No. 833, Misc. Arnold Burton Unger, petitioner, *v.* New Jersey; and

No. 842, Misc. Wright Williams, petitioner, *v.* North Carolina. Motions for leave to file petitions for writs of habeas corpus denied.

No. 789, Misc. Howard Clay Chance, petitioner, *v.* Arizona, et al.;

No. 810, Misc. Odell Smith, petitioner, *v.* North Carolina; and

No. 814, Misc. Sam Curtis Warren, petitioner, *v.* Florida. Motions for leave to file petitions for writ of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

#### REHEARINGS DENIED

No. 54. United States, petitioner, *v.* Dorothy Anne Stapf and B. T. Ware II, Executors and Trustees of the Estate of Lowell H. Stapf, Deceased, and Dorothy Anne Stapf, Individually;

No. 305. Wright Contracting Company, petitioner, *v.* Commissioner of Internal Revenue;

No. 403. Mississippi Power & Light Company, et al., appellants, *v.* Capital Electric Power Association et al.;

No. 408. Mathias Walker, Jr., et al., petitioners, *v.* Forest Preserve District of Cook County, Illinois;

No. 422. Milton Aronson, petitioner, *v.* United States;

No. 429. Seaway Beverages, Inc., petitioner, *v.* C. Douglas Dillon, Secretary of the Treasury, et al.;

No. 435. Arthur Levine, petitioner, *v.* Emily Kathryn Lacy; and

No. 444. Ace Beer Distributors, Inc., petitioner, *v.* Kohn, Inc., et al. Petitions for rehearing denied.

No. 171. Abraham Teitelbaum, petitioner, *v.* The Curtis Publishing Company. Motion for leave to file a petition for rehearing denied.

No. 227. Antonio Corallo, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 258, Misc. George L. Ginger, petitioner, *v.* George E. Bowles, Wayne Circuit Judge;

No. 297, Misc. John Joseph Powers, petitioner, *v.* United States;

No. 307, Misc. Samuel Broyde, petitioner, *v.* Joseph S. Perry, Judge;

No. 324, Misc. May Malory, petitioner, *v.* James J. McGettrick, Sheriff of Cuyahoga County, Ohio;

No. 387, Misc. John Darnell III, petitioner, *v.* United States;

No. 465, Misc. Karl H. Stello, petitioner, *v.* United States;

No. 565, Misc. John J. Spriggs, Sr., petitioner, *v.* Pioneer Carissa Gold Mines, Inc., et al.;

No. 581, Misc. Leonard Zanca, petitioner, *v.* Herman T. Stichman, etc.; and

No. 591, Misc. Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petitions for rehearing denied.

#### ORAL ARGUMENT

No. 64. United States, appellant, *v.* David Thomas Healy et al. Argued by Mr. Stephen J. Pollak for the appellant and by Mr. Robert L. Shevin for the appellees. Memoranda to come.

No. 39. The New York Times Company, petitioner, *v.* L. B. Sullivan. Argued by Mr. Herbert Wechsler for the petitioner and by Mr. M. Roland Nachman, Jr., for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 7, 1964, will be as follows: Nos. 40, 48, 49, and 53.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Stanley J. Aronoff, of Cincinnati, Ohio, and Barry Jan Levey, of Middletown, Ohio, on motion of Mr. Robert Taft, Jr.; Peter W. Asher, of New York, N.Y., on motion of Mr. Walter W. Ahrens; Charles B. Markham, of New York, N.Y., on motion of Mr. Samuel R. Pierce, Jr.; Joseph H. Geoghegan, of Wilmington, Del., on motion of Mr. Converse Murdoch; William R. Denton, of San Francisco, Calif., on motion of Mr. Henry J. Vinskey; and Ann Wansley, of San Diego, Calif., James Alan Mundt, of Mobridge, S. Dak., Robert Davis Bell, of Pensacola, Fla., Arthur Howard Taylor, of Miami, Fla., Donald Leslie Pierce, of Beltsville, Md., James Larry Green, of Lawrence, Kans., Darrell Owen McNeil, of Peabody, Kans., Richard Wesley Snyder, of Kansas City, Kans., Mary Louise Attaya, of Boston, Mass., Harvey Burton Meyer, of St. Louis, Mo., Jack Mortimer Marden, of New York, N.Y., Keith Douglas Lawrence, of Portland, Oreg., Robert Stephen Poydasheff, of Charleston, S.C., John F. Webb, Jr., of Freeport, Tex., Darrell Lyle Peck, of Seattle, Wash., Neil Thomas McLean, of Laramie, Wyo., and Albert A. Covington, of Meridian, Miss., on motion of Mr. George S. Prugh, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 40. Ralph D. Abernathy et al., petitioners, *v.* L. B. Sullivan. Argued by Mr. William P. Rogers and Mr. Samuel R. Pierce, Jr., for the petitioners and by Mr. M. Roland Nachman, Jr., for the respondent. Memorandum to come.

No. 48. Gust Yiatchos, petitioner, *v.* Pearle W. Yiatchos, etc., et al. Argued by Mr. Ernest R. Whitmore, Jr., for the petitioner and by Mr. Charles W. Cone for the respondents.

No. 49. Donald I. Tilton et al., petitioners, *v.* Missouri Pacific Railroad Company. Argued by Mr. Philip B. Heymann for the petitioners and by Mr. Robert W. Yost for the respondent.

No. 53. Robert C. Brooks, petitioner, *v.* Missouri Pacific Railroad Company. Argument commenced by Mr. Philip B. Heymann for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 8, 1963, will be as follows:  
Nos. 53, 82, 66, and 56 (and 80).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Betty Jo Christian, of Austin, Tex., on motion of Mr. Issac K. Hay; and Angelo Anthony Iadarola, of Washington, D.C., on motion of Mr. Donald Charles Gormley, were admitted to practice.

## ORAL ARGUMENT

No. 53. Robert C. Brooks, petitioner, *v.* Missouri Pacific Railroad Company. Argument continued by Mr. Philip B. Heymann for the petitioner, by Mr. Robert V. Light for the respondent, and concluded by Mr. Philip B. Heymann for the petitioner.

No. 82. Italia Societa per Azioni di Navigazione, petitioner, *v.* Oregon Stevedoring Company, Inc. Argued by Mr. Erskine B. Wood for the petitioner and by Mr. Floyd A. Fredrickson for the respondent.

No. 66. United States et al., appellants, *v.* J. B. Montgomery, Inc. Leave granted Frank I. Goodman to appear and present oral argument for the appellants, *pro hac vice*, on motion of Mr. Morton Hollander. Argued by Mr. Frank I. Goodman for the appellants, *pro hac vice*, by special leave of Court, and by Mr. Charles W. Singer for the appellee.

No. 56. Honorable Francis L. Van Dusen, Judge, etc., et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al.; and

No. 80. Francis L. Van Dusen, United States District Judge, et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al. Argument commenced by Mr. Owen B. Rhoads for the petitioners in No. 56.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 9, 1964, will be as follows: Nos. 56 (and 80), 113, 91, and 34.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Sidney Efronson, of Miami, Fla., on motion of Mr. Daniel M. Friedman; Thomas R. Burke, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Leon F. Rokosz, of Hershey, Pa., on motion of Mr. Roy Dale Adcock; Raymond C. Troll, of Corning, N.Y., on motion of Mr. Daniel Eli Henderson, Jr.; Joseph Grant McCabe III, of Philadelphia, Pa., on motion of Mr. Owen B. Rhoads; Mary Moran Pajalich, of San Francisco, Calif., John Raymond Bury, of Los Angeles, Calif., and William Edward Marx, of Los Angeles, Calif., on motion of Mr. Boris H. Lakusta; Ralph Earle II, of Philadelphia, Pa., on motion of Mr. John R. McConnell; Mallory Erle Phillips, Jr., of Atlanta, Ga., on motion of Mr. Cecil A. Beasley, Jr.; Allan J. Reniche, of Chicago, Ill., and Glenn W. McGee, of Chicago, Ill., on motion of Mr. John T. Chadwell; Irving Rozen, of Flushing, N.Y., and Herbert S. Keller, of New Rochelle, N.Y., on motion of Mr. Thomas E. Harris; Robert H. Bloom, of New York, N.Y., and Louis B. Resnick, of New York, N.Y., on motion of Mr. Charles H. Lieb; Robert E. L. Richardson, of Weatherford, Okla., on motion of Mr. George W. Perry; John E. Wenstrand, of Omaha, Nebr., on motion of Mr. Henry E. Wixon; and Robert Stanley Richard, of Montgomery, Ala., Phil Jacobson, of Los Angeles, Calif., William P. Sullivan, of Washington, D.C., Robert W. Loser, of Indianapolis, Ind., Louis E. Smith, of Indianapolis, Ind., Donald Wallington Smith, of Indianapolis, Ind., Francis E. Barrett, of Milton, Mass., Francis P. Barrett, of Milton, Mass., Earl Hacking, of Minneapolis, Minn., Val M. Higgins, of Minneapolis, Minn., Donald A. Morken, of Minneapolis, Minn., Phineas Stevens, of Jackson, Miss., Sam Zacharia, of St. Joseph, Mo., William J. Augello, Jr., of New York, N.Y., James M. Burtch, Jr., of Columbus, Ohio, Jack B. Josselson, of Cincinnati, Ohio, Earl N. Merwin, of Columbus, Ohio, Edwin Carl Reminger, of Cleveland, Ohio, Vincent Baker Smith, of Philadelphia, Pa., Harry D. Pugsley, of Salt Lake City, Utah, John Louis Bruemmer, of Madison, Wis., Paul C. Gartzke, of Madison, Wis., and Joseph Emmett Ludden, of La Crosse, Wis., on motion of Mr. Howell Ellis, were admitted to practice.

## ORAL ARGUMENT

No. 56. Honorable Francis L. Van Dusen, Judge, etc., et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al.; and

No. 80. Francis L. Van Dusen, United States District Judge, et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al. Argument continued by Mr. Morton Hollander for the petitioners in No. 80 and concluded by Mr. John R. McConnell for the respondents in both cases.

No. 113. Hon. Casper Platt, Chief Judge, United States District Court, Eastern District of Illinois, petitioner, *v.* Minnesota Mining and Manufacturing Company. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. John T. Chadwell for the respondent.

No. 91. John Wiley & Sons, Inc., petitioner, *v.* David Livingston, etc. Argument commenced by Mr. Charles H. Lieb for the petitioner and continued by Mr. Irving Rozen for the respondent.

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Adjourned until Monday, January 13, 1964, at 10 o'clock.

The day call for Monday, January 13, 1964, will be as follows: Nos. 91, 34, 65, 79, and 71 (and 73).

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Ernest J. Ettliger, of San Francisco, Calif., Albert B. Ellentuck, of Washington, D.C., and Denver W. Meacham, of Clinton, Okla., on motion of Mr. Solicitor General Archibald Cox; Anthony J. Cefali, of Hobart, Ind., Lowell E. Enslin, of Hammond, Ind., Orval W. Anderson, of Gary, Ind., and Thomas R. Fadell, of Gary, Ind., on motion of Mr. Ray J. Madden; Charles E. Rickershauser, Jr., of Los Angeles, Calif., on motion of Mr. Robert H. Mundheim; Marshall S. Mayer, of San Francisco, Calif., and Harold A. Berliner, of Nevada City, Calif., on motion of Mr. C. Emerson Duncan II; Charles Wesley Barbee, Jr., of Durham, N.C., on motion of Mr. Eugene Clyde Brooks, Jr.; Turner L. Smith, of Washington, D.C., on motion of Mr. Robert Stuart Erdahl; Rollin E. Woodbury, of Los Angeles, Calif., on motion of Mr. William R. Connole; and Thomas G. Crouch, of Dallas, Tex., and Robert W. Henderson, of Dallas, Tex., on motion of Mr. Robert E. May, were admitted to practice.

## OPINIONS

No. 7. Jerry R. England et al., appellants, *v.* Louisiana State Board of Medical Examiners et al. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Black concurring in part and dissenting in part.

No. 26. National Labor Relations Board, petitioner, *v.* Exchange Parts Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 51. Dupuy H. Anderson et al., appellants, *v.* Wade O. Martin, Jr. Appeal from the United States District Court for the Eastern

District of Louisiana. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

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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. 565. Brazosport Savings & Loan Association et al., appellants, v. Jimmy Phillips et al. Appeal from the Supreme Court of Texas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 601. Leslie D. Stickler, appellant, v. Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 617. Robert B. Blaikie, appellant, v. James M. Power et al., Constituting the Board of Elections of the City of New York, et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 621. John R. Pennington et al., appellants, v. City of Corpus Christi et al. Appeal from the Court of Civil Appeals of Texas, Fourth Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDER IN PENDING CASE

No. 53. Robert C. Brooks, petitioner, v. Missouri Pacific Railroad Company. The motion of Pat Mehaffy for leave to withdraw his appearance as counsel for the respondent is granted.

#### CERTIORARI GRANTED

No. 569. Robert L. Schlagenhauf, petitioner, v. Cale J. Holder, United States District Judge for the Southern District of Indiana. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 637. National Labor Relations Board, petitioner, *v.* Burnup and Sims, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 654. Elizabeth Simonson King, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 623. Fred S. Calhoun et al., petitioners, *v.* A. C. Latimer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar. Case set for argument immediately following No. 592.

#### CERTIORARI DENIED

No. 595. Bethlehem Steel Company, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 620. Boeing Airplane Company, petitioner, *v.* Arthur E. Perry, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 625. Braswell Motor Freight Lines, Inc., et al., petitioners, *v.* Pensick & Gordon, Inc.; and

No. 645. Pensick & Gordon, Inc., petitioner, *v.* California Motor Express et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 627. Albert Agobian et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 629. John E. Francis, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 632. James E. Harris, petitioner, *v.* Norfolk Southern Railway. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 640. Carl I. Cohen, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, Kings County, denied.

No. 643. Willmut Gas & Oil Company, petitioner, *v.* Eugene Fly, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 644. Southern Railway Company, petitioner, *v.* Guilford National Bank of Greensboro, Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 646. Peter S. Sarelas, petitioner, *v.* George S. Porikos et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 647. Neal Clark, petitioner, *v.* Washington State Bar Association. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 650. James B. Boren, petitioner, *v.* Honorable Edward C. McLean, United States District Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 651. Grady L. Rushing, etc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 633. Miller & Lux, Incorporated, petitioner, *v.* R. H. Anderson et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 662. United States, petitioner, *v.* Nathan Mann. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 460, Misc. James E. McIntosh, 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. 478, Misc. Ray Lee Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 491, Misc. James R. Kincaid, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 517, Misc. Raymond Edward Amiotte, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 575, Misc. Randall L. Watkins, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 582, Misc. Juvenal Martinez Alvarado, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 584, Misc. Edgar J. Murdaugh, 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. 599, Misc. Robert Ernest Miers, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 609, Misc. Walter Nash, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 622, Misc. Amy L. Booker, petitioner, *v. Overnite Transportation Co., Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 623, Misc. Isaac Byrd, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 653, Misc. George Lavern Smith, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 665, Misc. Raymond Lawrence Haider, petitioner, *v. Minnesota*. Petition for writ of certiorari to the District Court of Minnesota, Fourth Judicial ~~Circuit~~, denied. ✓ DISTRICT

No. 670, Misc. Leo F. Koch, petitioner, *v. Board of Trustees of the University of Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 703, Misc. James Rogers, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 549, Misc. Leon Malone, petitioner, *v. Victor G. Walker, Warden*. Motion for leave to file a petition for writ of habeas corpus denied.

No. 883, Misc. William L. Taub, petitioner, *v. Warden of the Federal House of Detention in the Borough of Manhattan, New York*. The motion to dispense with printing is granted. Motion for leave to file a petition for writ of habeas corpus denied.

#### REHEARINGS DENIED

No. 46. Charles A. Meeker et ux., petitioners, *v. Ambassador Oil Corporation*;

No. 356. Joseph Fernandez, petitioner, *v. United States*;

No. 453. George Tyler, petitioner, *v. West Virginia*;

No. 456. Frederic Wayne Etcheverry, petitioner, *v. United States*;

No. 460. Walter F. O'Brien, petitioner, *v. Commissioner of Internal Revenue*;

- No. 286, Misc. Edward Otho Hagans, petitioner, *v.* Texas;  
No. 375, Misc. Albert A. Palomino, petitioner, *v.* United States;  
No. 406, Misc. Harold W. Miller, petitioner, *v.* United States;  
No. 651, Misc. John F. Beltowski, petitioner, *v.* R. H. Tahash,  
Warden; and  
No. 710, Misc. Richard J. Thomas, petitioner, *v.* W. C. Holman,  
Warden. Petitions for rehearing denied.

## RECESS ORDER

The Court will take a recess from Monday, January 20, 1964, until Monday, February 17, 1964.

## ORAL ARGUMENT

No. 91. John Wiley & Sons, Inc., petitioner, *v.* David Livingston, etc. Argument continued by Mr. Thomas E. Harris for the American Federation of Labor and Congress of Industrial Organizations, as *amicus curiae*, and concluded by Mr. Charles H. Lieb for the petitioner.

No. 34. Brotherhood of Railroad Trainmen, petitioner, *v.* Virginia ex rel. Virginia State Bar. Argued by Mr. Beecher E. Stallard and Mr. John J. Naughton for the petitioner and by Mr. Aubrey R. Bowles, Jr., for the respondent.

No. 65. United States, petitioner, *v.* Louis T. Merz et al. Argument commenced by Mr. Roger P. Marquis for the petitioner and continued by Mr. Denver W. Meacham for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 14, 1964, will be as follows: Nos. 65, 79, 71 (and 73), and 74 (and 93).

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Roger T. Tilbury, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Jerry B. Whitney, of Stockton, Calif., on motion of Mr. John J. McFall; Bertrand De Blanc, of Lafayette, La., on motion of Mr. Edwin E. Willis; J. Wesley Mieras, of Los Angeles, Calif., on motion of Mr. Warren Olney III; Edwin C. Bryson, of Durham, N.C., on motion of Mr. Charles Sylvanus Rhyne; Yolanda G. Barco, of Meadville, Pa., on motion of Mr. George J. Barco; Leonard I. Lindas, of Salem, Oreg., on motion of Mr. Clifton W. Enfield; A. Lincoln Green, of Alexandria, Va., on motion of Mr. Francis T. Nolan; Alexander H. Graham, Jr., of Durham, N.C., on motion of Mr. Eugene Clyde Brooks, Jr.; Fred Gordon Battle, Jr., of Durham, N.C., on motion of Mr. Victor S. Bryant; William T. Joyner, Jr., of Raleigh, N.C., on motion of Mr. William T. Joyner; Richard Edward Streeter, of Alexandria, Va., on motion of Mr. Herbert Reis; John Mourer Bixler, of Washington, D.C., on motion of Mr. David W. Richmond; and Russell A. Rourke, of Bethesda, Md., and Kenneth T. Statmore, of Passaic, N.J., on motion of Mr. Thomas B. Joseph, were admitted to practice.

## ORAL ARGUMENT

No. 65. United States, petitioner, *v.* Louis T. Merz, et al. Argument concluded by Mr. Denver W. Meacham for the respondents.

No. 79. 2,872.88 Acres of Land, etc., et al., petitioners, *v.* United States. Argued by Mr. Forrest L. Champion, Jr., for the petitioners and by Mr. Harold S. Harrison for the respondent.

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. Argued by Mr. Ralph S. Spritzer and Mr. John W. Cragun for the petitioners and by Mr. Boris H. Lakusta, Mr. John R. Bury, and Mrs. Mary Moran Pajalich for the respondents.

No. 74. Southern Railway Company, appellant, *v.* North Carolina et al.; and

No. 93. United States et al., appellants, *v.* North Carolina et al.  
Argument commenced by Mr. Robert W. Ginnane for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 15, 1964, will be as follows:  
Nos. 74 (and 93), 76, and 87.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

William A. Sampson II, of Los Angeles, Calif., on motion of Mr. Roy Dale Adcock; Peter Forbes Langrock, of Salisbury, Vt., on motion of Mr. Brice Wilson Rhyne; Dimitri Dennis Allegretti, of Chicago, Ill., and George Brock Newitt, of Chicago, Ill., on motion of Mr. Will Freeman; Dolph B. H. Simon, of Washington, D.C., on motion of Mr. David Ferber; Walter John McGraw, of Richmond, Va., and William John Williams, of Richmond, Va., on motion of Mr. John Justin Pajak; John Paul Otto, of Phoenix, Ariz., on motion of Mr. Edward P. Morgan; Charles E. Roth, of Greensboro, N.C., on motion of Mr. Russell Sherman Bernhard; Raymond Alderson Haile, Jr., of Oakland, Calif., on motion of Mr. John M. Bixler; and Michael Gerald Gilman, of Palisades, N.Y., on motion of Mr. John A. Maher, Jr., were admitted to practice.

### ORAL ARGUMENT

No. 74. Southern Railway Company, appellant, *v.* North Carolina et al.; and

No. 93. United States et al., appellants, *v.* North Carolina et al. Argument continued by Mr. William T. Joyner for the appellants, by Mr. Gordon Battle for the appellees, and concluded by Mr. Charles W. Barbee, Jr., for the appellees.

No. 76. Sidney Arceneaux, petitioner, *v.* Louisiana. Argued by Mr. J. Minos Simon for the petitioner and by Mr. Bertrand De Blanc for the respondent. Memoranda to come.

No. 87. Richard S. Simpson, petitioner, *v.* Union Oil Company of California. Argument commenced by Mr. Maxwell Keith for the petitioner and continued by Mr. Moses Lasky for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 16, 1964, will be as follows: Nos. 87, 106, 108, 92, and 75.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Randall C. Jackson, of Abilene, Tex., on motion of Mr. Ralph W. Yarborough; Frank E. Day, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Mary Claire Randle, of Atlanta, Ga., on motion of Mrs. Anne M. Mosher; James E. Work, of Oklahoma City, Okla., on motion of Mr. Will Freeman; Louis Adam Schultz, of Sandusky, Ohio, on motion of Mr. Charles M. Munnecke; James Spratt Taylor, of Jacksonville, Fla., on motion of Mr. William Trueman McInarnay; Francis Owen McDermott, of Omaha, Nebr., on motion of Mr. Philip Thomas White; Alan D. Hakes, of Boston, Mass., and George H. Lewald, of Hanover, Mass., on motion of Mr. Harry L. Shniderman; Isadore B. Hurwitz, of Brooklyn, N.Y., on motion of Mr. Lewis Bernstein; and Gerald Sartwell McKenna, of Bethesda, Md., on motion of Mr. John Jude O'Donnell, were admitted to practice.

## ORAL ARGUMENT

No. 87. Richard S. Simpson, petitioner, *v.* Union Oil Company of California. Argument continued by Mr. Moses Lasky for the respondent and concluded by Mr. Maxwell Keith for the petitioner.

No. 106. Compeco Corporation, petitioner, *v.* Day-Brite Lighting, Inc. Argued by Mr. Jerome F. Fallon for the petitioner and by Mr. Owen J. Ooms for the respondent.

No. 108. Sears, Roebuck and Co., petitioner, *v.* The Stiffel Company. Argued by Mr. Will Freeman for the petitioner and by Mr. Warren C. Horton for the respondent.

No. 92. United States, appellant, *v.* Wiesenfeld Warehouse Company. Argued by Mr. Louis F. Claiborne for the appellant and by Mr. James S. Taylor for the appellee.

Adjourned until Monday, January 20, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

Present: Mr. Chief Justice Warren, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Mary C. Lawton, of Kensington, Md., Clement W. Parkhurst, of Richland, Wash., Seymour N. Gordon, of Chicago, Ill., Richard Joseph Neiman, of Mattoon, Ill., Crombie James Dickinson Garrett, of Annapolis, Md., Stephen Koplan, of Belmont, Mass., Burton Alan Schwalb, of Boston, Mass., Richard W. Marshall, of Madison Heights, Mich., Andrew Hudson La Force II, of Columbia, Mo., Richard J. Wertheimer, of Garrett Park, Md., Gerald E. Kandler, of Cheltenham, Pa., and Richard H. Hansen, of Lincoln, Nebr., on motion of Mr. Solicitor General Archibald Cox; Don Edwards, of San Jose, Calif., Robert M. Kaiser, of San Jose, Calif., and Jerome B. Peterson, of Ponca City, Okla., on motion of Mr. Page Belcher; Kenneth Kermit McMillan, of Austin, Minn., on motion of Mr. Will Shafroth; Leonard R. Kohan, of Washington, D.C., on motion of Mr. George W. Reiber; Michael M. Hoch, of Torrington, Wyo., on motion of Mr. Charles M. Soller; Samuel R. Edelstein, of Harrison, N.Y., on motion of Mr. John J. Flynn; Augustus G. Douvas, of Chicago, Ill., on motion of Mr. Felix M. De Rosa; Reginald L. Norris, of Grand Rapids, Mich., on motion of Mr. Stephen F. Dunn; John L. Muething, of Cincinnati, Ohio, on motion of Mr. F. Murray Callaghan; Louis Poisson Davis, Jr., of Lake Forest, Ill., on motion of Mr. Walter A. Slowinski, Jr.; James M. Dale, of Beverly Hills, Calif., on motion of Mr. Michael H. Bader; Thomas F. Engelhardt, of Washington, D.C., on motion of Mr. Sidney G. Kingsley; Louis F. Fetterly, of Los Angeles, Calif., on motion of Mr. James H. Littlepage; Joseph M. Detrio, of Miami, Fla., on motion of Mr. Rimmel Hamilton Dudley; Robert Eugene Harris, of Cedar Rapids, Iowa, on motion of Mr. Robert B. Harmon; Richard D. Schall, of Albuquerque, N. Mex., on motion of Mr. John J. Keyser; Peter Raymond Cella, Jr., of Washington, D.C., on motion of Mr. A. Kenneth Pye; Thomas Daniel Loftus, of Seattle, Wash., on motion of Mr. William E. Stewart, Jr.; Robert L. Metz, of Phoenix, Ariz., William Joseph Keeler, of Buffalo, N.Y., Robert A. Zellers, of Jacksonville, Fla., James M. Sheil, of Miami, Fla., James Clay Hancock, of Odessa, Tex., Lloyd L. Martin, of Starkville, Miss., Aldred Van Calloway, of Louisville, Ky., and Albert Sid-

ney Golbert, of Denver, Colo., on motion of Mr. Roy Dale Adcock; and Julian R. Manelli, of Baltimore, Md., Howard J. Needle, of Baltimore, Md., Benjamin Notes Dorman, of Baltimore, Md., James Franklin Garrity, of Baltimore, Md., Andrew Joseph Burns, Jr., of Baltimore, Md., Edward L. Blanton, Jr., of Baltimore, Md., Benjamin H. Murray, of Baltimore, Md., Michael Paul Yuhasz, of Baltimore, Md., Vincent J. Leahy, Jr., of Baltimore, Md., Robert Franklyn Collins, of Baltimore, Md., Thomas E. Kelly, Jr., of Baltimore, Md., George Louis Huber, Jr., of Baltimore, Md., James B. Stradtner, of Baltimore, Md., Eugene Philip Krach, of Baltimore, Md., A. Douglas Owens, of Baltimore, Md., David B. Rudow, of Baltimore, Md., Stanley Simon Cohen, of Baltimore, Md., Eugene A. Edgett, Jr., of Baltimore, Md., Alva Palmer Weaver III, of Baltimore, Md., Eugene H. Schreiber, of Baltimore, Md., Richard C. Whiteford, of Baltimore, Md., William Ashby Agee, of Baltimore, Md., Charlie E. Hagwood, of Baltimore, Md., Harry Edward Silverwood, Jr., of Baltimore, Md., James Arthur Cole, of Baltimore, Md., Julian B. Stevens, Jr., of Annapolis, Md., Brian Randolph Williford, of Hyattsville, Md., Forrest Johnston Prettyman, of Rockville, Md., William M. Lenck, of Oxon Hill, Md., and Barbara Day Nall, of New York, N.Y., on motion of Mr. Thomas B. Finan, were admitted to practice.

## OPINION

No. 119. Samuel Reisman et al., d/b/a Trammell, Rand & Nathan, petitioners, v. Hon. Mortimer M. Caplin et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Clark.

The Chief Justice said:

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

## OPINIONS PER CURIAM

No. 467. Arrow Carrier Corporation, appellant, v. United States et al. Appeal from the United States District Court for the District of New Jersey. The motion of Pennsylvania Public Utility Commission to be added as a party appellee is granted. The motion to correct the caption to include The Pennsylvania Railroad Company, Highway Express Lines, Inc., and Modern Transfer Co., Inc., as parties appellee is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 560. Silvio A. Lanza et al., appellants, v. New Jersey. Appeal from the Supreme Court of New Jersey. The motion to dismiss is

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

No. 639. Stuart Aronoff et al., appellants, *v.* Franchise Tax Board of California et al. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 5, **Original**. The United States of America, plaintiff, *v.* The State of California. The joint motion of counsel for extensions of time to file pleadings and briefs is granted and the order of this Court of December 2, 1963, is amended to provide that the answer to the supplemental complaint shall be filed on or before March 2, 1964; additional exceptions to the Report of the Special Master and briefs in support thereof shall be filed on or before April 1, 1964, and answering briefs shall be filed on or before May 15, 1964. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 94. United States, appellant, *v.* El Paso Natural Gas Company et al. The motion of the State of California for leave to participate in oral argument, as *amicus curiae*, is denied. Mr. Justice White took no part in the consideration or decision of this motion.

No. 636. Joseph Germano et al., appellants, *v.* Otto Kerner et al. The appellants' motion to advance is denied. Mr. Justice Goldberg took no part the consideration or decision of this motion.

#### CERTIORARI GRANTED

No. 688. Jesse M. Calhoun, as President, or Herbert W. Peters, as Secretary-Treasurer of District No. 1 National Marine Engineers' Beneficial Association, AFL-CIO, petitioner, *v.* Raymond H. Harvey et al., Individually and on Behalf of Other Persons Similarly Situated. Petition for a writ of certiorari to the United States Court of Appeal for the Second Circuit granted. The Solicitor General is invited to file a brief expressing the views of the United States.

#### CERTIORARI DENIED

No. 588. Henry Monroe, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 607. Meridian, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 626. Clara Barkman, petitioner, *v.* City of Akron et al. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 635. William K. Carpenter et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 638. David Farrell et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 648. Bryan Clemmons et al., petitioners, *v.* Congress of Racial Equality et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 652. Aaron Trosch et al., petitioners, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 656. American Can Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 658. Seymour R. Rayor, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 661. Forrest Parrott et al., petitioners, *v.* Securities and Exchange Commission. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 667. Dale Myers, petitioner, *v.* Hon. Norman R. Moore, Judge, etc. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 666. The Nooksack Tribe of Indians, etc., petitioner, *v.* United States. The motion to dispense with printing the petition for a writ of certiorari is granted. Petition for a writ of certiorari to the United States Court of Claims denied.

No. 668. John A. Bross et al., petitioners, *v.* Board of County Supervisors of Fairfax County, Virginia, et al. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas and Mr. Justice White took no part in the consideration or decision of this petition.

No. 686, **Misc.** Willie Butler, petitioner, *v.* New Jersey. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 697, **Misc.** Ward Raymond Lee, petitioner, *v.* William C. Holman, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 767, Misc. Charles Harvey Odom, petitioner, *v.* Missouri. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 794, Misc. Alexander Robert Hall, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 804, Misc. Ernest Barragan Lopez, petitioner, *v.* California; and

No. 817, Misc. Willard Arthur Winhoven, petitioner, *v.* California. Petitions for writs of certiorari to the Supreme Court of California denied.

No. 823, Misc. Jay R. Timmons, petitioner, *v.* W. K. Cunningham, Jr., Superintendent, Virginia State Penitentiary. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 862, Misc. John Bizup, Jr., petitioner, *v.* Harry C. Tinsley, Warden. Motion for leave to file a petition for writ of mandamus and for other relief denied.

#### REHEARING GRANTED

No. 323. Shenandoah Valley Broadcasting Inc., et al., petitioners, *v.* American Society of Composers, Authors and Publishers. Petition for rehearing granted and the last sentence of the *per curiam* opinion announced on October 21, 1963, is amended to read: "The petition is therefore granted and the judgment is reversed and the cause remanded to the Court of Appeals for further proceedings in conformity with this opinion."

MR. JUSTICE GOLDBERG, with whom MR. JUSTICE BLACK joins, dissenting from the order granting rehearing and from the modification of the original opinion.

In my view, the cause was properly remanded "to the Court of Appeals for consideration on its merits," 375 U.S. 39, 41, and there is no reason to modify the original opinion.

Respondent requests the change in order to be free upon remand to argue to the Court of Appeals that petitioners originally failed to perfect their appeal to that court because they did not comply with the 30-day requirement of Rule 73(a) of the Federal Rules of Civil Procedure. The Rule provides that:

"When an appeal is permitted by law from a district court to a court of appeals the time within which an appeal may be taken shall be 30 days from the entry of the judgment appealed from

unless a shorter time is provided by law, *except* that in any action in which the United States or an officer or agency thereof is a party the time as to all parties shall be 60 days from such entry, \* \* \*.”

[Emphasis added.]

Petitioners, having filed their notice of appeal with the Court of Appeals more than 30 days but less than 60 days after the entry of the District Court order dismissing their petition, contend that the 60-day limitation applies, that their appeal to the Court of Appeals was timely, and, therefore, that this Court properly remanded the case for consideration on the merits. Petitioners argue that the proceedings they had instituted in the District Court must be regarded as a continuation of the original suit brought by the United States, that the United States is a “party” to the action within the meaning of 28 U.S.C. § 2107 and Rule 73(a), and, therefore, all the parties have 60 days from the entry of judgment to file a notice of appeal.

The Court in granting rehearing does not pass on the merits of these contentions, leaving them for consideration by the Court of Appeals. I do not believe that the Court of Appeals need consider this procedural question and wish to point out why our original opinion properly directed that court to consider the case on its merits.

We are here confronted with a situation in which, at the time when review of a District Court decision was sought, two questions concerning appellate jurisdiction had not definitely been settled. First, it was not altogether clear whether review in this type of action should be sought in the Court of Appeals or directly in this Court under § 2 of the Expediting Act, 32 Stat. 823, as amended, 15 U.S.C. § 29. To avoid being impaled upon the horns of this procedural dilemma, petitioners attempted to pursue both routes. We have now clarified the law and held that the Expediting Act was inapplicable and that review should proceed through the Court of Appeals. 375 U.S. 39. Second, even if the first question had not been beset by uncertainties, it was not clearly settled whether, in proceeding to the Court of Appeals, petitioners’ case would come within the 60-day, as opposed to the 30-day, appeal limitation. Under these circumstances, given the prior complexities and our decision that the case is one to be reviewed by the Court of Appeals, we should now issue an order which will insure that petitioners’ right to appellate review is properly safeguarded. We have the power to do precisely that.

The Court has frequently held, in cases involving attempted direct appeals from three-judge District Courts to this Court, that “where the question of jurisdiction was not obviously settled by prior decisions,” the Court will enter “an order framed to save appellants their proper remedies.” *Phillips v. United States*, 312 U.S. 246, 254. See also *Walling v. James V. Reuter, Inc.*, 321 U.S. 671, 676-678; *Okla-*

*homa Gas & Electric Co. v. Oklahoma Packing Co.*, 292 U.S. 386, 392; *Gully v. Interstate Natural Gas Co.*, 292 U.S. 16, 19. To accomplish this the Court has remanded "the cause to the court which heard the case so that it may enter a fresh decree from which appellants may, if they wish, perfect a timely appeal to the circuit court of appeals." *Phillips v. United States*, *supra*, at 254. Here, as in the cited decisions, we have a case in which, as a result of uncertainties in federal appellate procedures and without unreasonable action by petitioners, it is conceivable under the Court's modified opinion that an appellate review of the merits of the case may not only be unnecessarily delayed but even ultimately thwarted. What we have accomplished indirectly in the cited cases—to the end of safeguarding the statutory right to appellate review—we should be able to do directly in the exercise of our powers of appellate supervision. Compare *Bartone v. United States*, 375 U.S. 52.

A remand to the Court of Appeals for consideration on the merits is expressly authorized by 28 U.S.C. § 2106 which provides that:

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside, or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

The decisions in the above-cited cases establish that this Court has on numerous occasions made "such disposition of the case as justice requires" as is authorized by the statute. *Walling v. James V. Reuter, Inc.*, *supra*, at 676. In the present case there can be no doubt that a hearing on the merits would "be just under the circumstances." The fact that this case has proven to involve two procedural difficulties, instead of simply one as in other instances, should not so confuse the matter as conceivably to defeat the realization of appellate review on the merits. This case, which has been in this Court twice and which will now be in the Court of Appeals for a second time, should be decided in that court on the merits. The right to appellate review should no longer be delayed or denied as a result of uncertainties in federal procedures.

#### REHEARINGS DENIED

No. 491. J. C. Gully, petitioner, *v. United States*; and

No. 495. Waltham Watch Co., et al., petitioners, *v. Federal Trade Commission*. Petitions for rehearing denied.

No. 478. Bess Kaye, appellant, *v. Spence Chapin Adoption Home*. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this petition.

No. 502. Oliver Oren Clark, petitioner, *v.* California. The motion to dispense with printing the petition for rehearing is granted. Petition for rehearing denied.

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Adjourned until Monday, February 17, 1964, at 10 o'clock.

The day call for Monday, February 17, 1964, will be as follows: Nos. 75, 77, 101, and 58 (and 59).

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Florence Baldwin, of Austin, Tex., John M. Hammerman, of Washington, D.C., Frank Ira Goodman, of Washington, D.C., Henry Crook Johnson, of Washington, D.C., Herbert J. Teller, of Miami, Fla., Caryl E. Shupe, of Elmhurst, Ill., Leonard Townsend, of Detroit, Mich., John Joseph Mulhern, of Buffalo, N.Y., Arthur John Murphy, Jr., of New York, N.Y., Robert J. Hoerner, of Cleveland, Ohio, Miles Francis Ryan, Jr., of Cleveland, Ohio, and Joseph Martin Sindell, of Cleveland, Ohio, on motion of Mr. Solicitor General Archibald Cox; Robert B. Horner, of Jacksonville, Fla., and R. Hudson Olliff, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Robert C. Probst, of Kendallville, Ind., on motion of Mr. William G. Bray; Edward M. Selfe, of Birmingham, Ala., on motion of Mr. Louis F. Oberdorfer; Allison W. Brown, Jr., of Washington, D.C., on motion of Mr. Norton J. Come; John D. Picco, of Portland, Oreg., on motion of Mr. William Berg, Jr.; John Peter Forte, of Boston, Mass., on motion of Mr. Anthony James DeVico; Frederick David Clements, of Jacksonville, N.C., on motion of Mr. John Richard DeBarr; William Frohlich, of Chevy Chase, Md., and Newton Frohlich, of Washington, D.C., on motion of Mr. Sidney Sachs; Joseph S. Jenckes, Jr., of Phoenix, Ariz., on motion of Mr. Denison Kitchel; W. Albert Stewart, Jr., of Las Vegas, Nev., on motion of Mr. Chester H. Smith; Davisson F. Dunlap, of Jacksonville, Fla., on motion of Mr. Richard L. Hershberg; Calvin Davison, of Washington, D.C., on motion of Mr. Robert H. Shorb; Parker Davidson Thomson, of Miami, Fla., on motion of Mr. Thomas C. Matthews, Jr.; Samuel Stein, of Bronxville, N.Y., on motion of Mr. Arthur John Keeffe; Edmond Joseph Gong, of Miami, Fla., on motion of Mr. Robert E. Herzstein; Joe Franklin Ramsey, Jr., of Houston, Tex., on motion of Mr. Millard W. Rice; Michæl Harris, of Los Angeles, Calif., on motion of Mr. Edmund Douglas Edelman; Tyler B. Gaines, of Omaha, Nebr., on motion of Mr. Henry E. Wixon; Nelson Robert Kandel, of Baltimore, Md., on motion of Mr. Leonard J. Kerpelman; Edwin A. Oser, of Los Angeles, Calif., on motion of Mr. James W. Dent; and William Randolph Blandford, of Powhatan, Va., Ernest Pleasants Gates,

of Chesterfield, Va., Leslie Longstreet Mason, Jr., of Powhatan, Va., and William F. Watkins, Jr., of Farmville, Va., on motion of Mr. James E. Palmer, Jr., were admitted to practice.

## OPINIONS

No. 84. William L. Greene, petitioner, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims for a determination of the amount of restitution due petitioner. Opinion by Justice Goldberg. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice White joins.

No. 49. Donald I. Tilton et al., petitioners, *v.* Missouri Pacific Railroad Company. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg.

No. 53. Robert C. Brooks, petitioner, *v.* Missouri Pacific Railroad Company. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg.

No. 92. United States, appellant, *v.* Wiesenfeld Warehouse Company. Appeal from the United States District Court for the Middle District of Florida. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 74. Southern Railway Company, appellant, *v.* North Carolina et al.; and

No. 93. United States et al., appellants, *v.* North Carolina et al. Appeals from the United States District Court for the Middle District of North Carolina. Judgment reversed and cases remanded to the District Court with instructions to reinstate the report and order of the Interstate Commerce Commission. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren joins.

No. 83. Frank Costello, petitioner, *v.* Immigration and Naturalization Service. 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 for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Justice

Clark joins. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 64. United States, appellant, *v.* David Thomas Healy et al. Appeal from the United States District Court for the Southern District of Florida. Judgment reversed and case remanded to the District Court with instructions to reinstate both counts of the indictment. Opinion by Mr. Justice Harlan.

No. 22. James P. Wesberry, Jr., et al., appellants, *v.* Carl E. Sanders, etc., et al. Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Clark concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Harlan. Separate opinion by Mr. Justice Stewart joining with a qualification in the dissenting opinion by Mr. Justice Harlan.

No. 96. Yvette M. Wright et al., appellants, *v.* Nelson A. Rockefeller, Governor of New York, et al. Appeal from the United States District Court for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Goldberg joins. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Douglas joins.

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The Chief Justice said :

"On behalf of the Court, I announce the appointment of Henry Putzel, Jr., as Reporter of Decisions effective February 17, 1964. Mr. Putzel comes to us after a distinguished career in the Department of Justice. We are very happy to have him with us as an officer of this Court."

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"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. 362. National Association for the Advancement of Colored People et al., petitioners, *v.* Webb's City, Inc. On writ of certiorari to the District Court of Appeal of Florida, Second District. Petitioners' motion to advance is denied. On respondent's suggestion of mootness, judgment vacated and case remanded to the District Court of Appeal of Florida, Second District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 659. *Metromedia, Inc., et al., appellants, v. City of Pasadena, etc., et al.* Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 663. *City of New Orleans et al., appellants, v. Evangeline Barthe et al.* Appeal from the United States District Court for the Eastern District 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, before judgment, to the United States Court of Appeals for the Fifth Circuit, certiorari is granted. Judgment affirmed. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White are of the opinion that this case is not appealable to this Court under 28 U.S.C. § 1281 but is appealable to the Court of Appeals under 28 U.S.C. § 1291, and that this Court should dismiss the appeal for the Court of Appeals to consider and decide the appeal of this case now properly pending before it. See *Bailey v. Patterson*, 369 U.S. 31. 125

No. 665. *Arlan's Department Store of Louisville, Inc., appellant, v. Kentucky.* Appeal from the Court of Appeals of Kentucky. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 681. *Adolphus Brooks, etc., appellant, v. Florida.* Appeal from the Supreme Court of Florida. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 412, *Misc.* *Harrison Rogers, petitioner, v. United States.* On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion *per curiam*.

No. 453, *Misc.* *Clarence S. Cox, petitioner, v. Kansas.* On petition for writ of certiorari to the Supreme Court of Kansas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Kansas for further consideration in light of *Douglas v. California*, 372 U.S. 353, and *Daegele v. Kansas*, 375 U.S. 1. Opinion *per curiam*.

No. 745, *Misc.* *Lee Roy Persinger, appellant, v. Washington.* Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 908, Misc. Charles G. Kotek, appellant, *v.* John E. Bennett, Warden. Appeal from the Supreme Court of Iowa. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 463, October Term, 1962. Thomas I. Fitzgerald, Public Administrator of the County of New York, etc., petitioner, *v.* United States Lines Company. The motion of petitioner to clarify opinion and to amend or modify the judgment is denied. Mr. Justice Black is of the opinion that the motion should be granted.

No. —. In the Matter of Jessie Hendrick Hardie. The motion to amend the attorneys' roll to show the change of name of Jessie Hendrick Hardie to Jessie Hendrick Bartlett is granted.

No. 141. Paul John Carbo, petitioner, *v.* United States. The motion for leave to file a supplement to the petition for certiorari is granted.

No. 216. In re Estate of Cora Hubbard Williams, petitioner. The motion for docketing and submission of petitioner's motion to remand for consideration on the merits is denied.

No. 381. Victor A. Meyers, Secretary of State of Washington, appellant, *v.* James Thigpen et al. The application for stay presented to Mr. Justice Douglas, and by him referred to the Court, is granted and the judgment of the United States District Court for the Western District of Washington of May 27, 1963, is stayed pending the issuance of the judgment of this Court.

No. 669. Hattiesburg Building and Trades Council et al., petitioners, *v.* J. D. Broome, etc., et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 749. John J. Keller, petitioner, *v.* State of Wisconsin ex rel. State Bar of Wisconsin. The Solicitor General is invited to file a brief expressing the views of the United States on the extent of the authority granted by a license to practice issued by the Interstate Commerce Commission as applied to the activities involved in this case.

## CERTIORARI GRANTED

No. 539. Aaron Henry, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi granted and case placed on the summary calendar.

No. 590. Bayard Edward Ryan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 696. William Beck, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio granted and case placed on the summary calendar.

No. 707. Walter C. Brulotte et al., petitioners, *v.* Thys Company. Petition for writ of certiorari to the Supreme Court of Washington granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Whether it is a misuse to include in a license agreement a provision which perpetuates the monopoly of a licensed patent by a requirement that royalties be paid for the use of the invention after the patent has expired and the invention had been dedicated to the public.

"2. Whether it is a misuse or an antitrust violation to include in a license agreement a provision which extends the monopoly of a patent to unpatented subject matter by a provision which requires the payment of post-expiration royalties."

The case is placed on the summary calendar.

No. 452, Misc. William Lyman Dew, petitioner, *v.* Najeeb E. Halaby, Administrator, Federal Aviation Agency, 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. 420. Banco do Brasil, S.A., petitioner, *v.* A.C. Israel Commodity Co., Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 612. John Milton Addison et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 614. Vincent Iglesias Armada, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 624. Temescal Water Company et al., petitioners, *v.* Public Utilities Commission of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 630. Allen M. Williams et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 631. Builders Corporation of America et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 634. American Stevedores, Inc., petitioner, *v.* Maxwell Shenker et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 642. Joel A. Burns, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 649. Dominick Castiglia, petitioner, *v.* Hon. Dudley B. Bonsal, United States District Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 653. W. Dalton LaRue, Sr., et ux., petitioners, *v.* Stewart L. Udall, Individually and as Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 664. Western Fruit Growers Sales Co., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 670. Linda Sue Gibson et al., petitioners, *v.* Carolyn Eleanor Harris et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 671. Elbert Moore, Inc., petitioner, *v.* Honorable Ray E. Green, as Comptroller of the State of Florida, et al. Petition for writ of certiorari to the District Court of Appeal of Florida, First Appellate District, denied.

No. 674. Automobile Transporters Welfare Fund et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 676. Taylor Robinson, petitioner, *v.* Honorable Bailey Brown, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 678. Nafi Corporation, petitioner, *v.* American Arbitration Association et al. Petition for writ of certiorari to the Court of Appeals of Ohio, Hancock County, denied.

No. 679. James D'Antonio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 685. Skyline Homes, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 686. Walter Scott Brown et ux., petitioners, *v.* Superior Court of the State of Washington in and for King County, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 687. Edward T. Roehner, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the

Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 689. Beverly Call Shew and John Williams Shew, petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 692. Sandy Sommerville, etc., petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 693. E. S. Heward, petitioner, *v. Frederick Cromwell*. Petition for writ of certiorari to the District Court of Appeals of California, First Appellate District, denied.

No. 694. Hunt Oil Company and Bodcaw Company, etc., petitioners, *v. Marathon Oil Company, etc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 695. Victor Spilotro, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 697. Reynolds Metals Company et al., petitioners, *v. Julius Lampert, et ux.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 699. Shaffiq Kassab, petitioner, *v. Immigration and Naturalization Service*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 702. Joseph Galloway, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 704. Ronald Hansen, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 705. John William Whaley, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 708. City of Jackson et al., petitioners, *v. Samuel Bailey et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 712. Sidney O. Sampson, petitioner, *v. Charles A. Church, District Director, Internal Revenue Service, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 713. W. C. Nabors, d/b/a W. C. Nabors 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. 714. James J. Donohue, petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 715. William J. Jacobs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 716. John L. Lewis, petitioner, *v.* Pennsylvania Railroad Company. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 723. Inter-City Transportation Co., Inc., petitioner, *v.* Henry A. Barnes, etc. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 729. Keith Wilson et al., petitioners, *v.* Washington Congregational Church. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 730. Wisconsin & Michigan Steamship Company, petitioner, *v.* Corporation and Securities Commission. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 734. Ronnie M. Moore, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 738. Charles Travitzky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 750. Lodge No. 42 of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, et al., petitioners, *v.* International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 756. Richard Arlen Badger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 762. Benjamin Dranow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 554. Popeil Brothers, Inc., petitioner, *v.* Karl Zysset et al. The motion of petitioner for leave to file new and additional conflicting authority is granted. 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. 609. Charles H. Ruby, as President of the Air Line Pilots Association, International, et al., petitioners, *v.* American Airlines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 657. Melvin H. Osterman, Judge, etc., petitioner, *v.* Court on the Judiciary of the State of New York, etc. Petition for writ of certiorari to the Court on the Judiciary of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 682. American Pipe and Construction Company et al., petitioners, *v.* United States District Court for the Southern District of California, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. *Commissioner*

No. 698. Worz, Inc., petitioner, *v.* Federal Communications Service et al. The motion for leave to use the record in No. 349, **October Term, 1958**, is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 700. Sangamon Valley Television Corporation et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Chief Justice Warren and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 721. Edwin M. Fay, Warden, petitioner, *v.* Samuel Tito Williams. The motion to dispense with printing the respondent's brief is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 18, **Misc.** Luther C. Sykes, Jr., petitioner, *v.* John C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 145, **Misc.** Rogers Lee Gilliam, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 336, **Misc.** Henry Smith, Jr., petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 378, **Misc.** Edward E. Berend, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 400, **Misc.** Jayne Ackerman Rogers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 424, **Misc.** Joseph Coffey, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 468, **Misc.** Nirvana Ward Zuideveld et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 513, **Misc.** Henry Taylor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 533, Misc.** James Edward Kelly, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

**No. 561, Misc.** William Estep, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 573, Misc.** Izell J. Postom, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

**No. 585, Misc.** John James Holt, petitioner, *v.* City of Richmond. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

**No. 603, Misc.** Manuel Lee Matysek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 618, Misc.** Harry R. Howard, Senior, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

**No. 624, Misc.** Leslie G. Standley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 625, Misc.** William Ralph Armstrong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

**No. 652, Misc.** James Morris Johnson, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

**No. 676, Misc.** Ralph Woodrow Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

**No. 679, Misc.** Edward C. Kuhl, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 690, Misc.** Dante Gori, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 701, Misc.** James Pierce et al., petitioners, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 709, *Misc.* Bobbie A. Mora, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 719, *Misc.* Tillman Overstreet, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 738, *Misc.* Lawrence X. Kearney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 747, *Misc.* Chester R. Morris, petitioner, *v.* Sam A. Hoerster et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 755, *Misc.* Tobias Bund, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 761, *Misc.* Adolphus Comer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 768, *Misc.* John S. Mason, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 770, *Misc.* Gerald L. Woods, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 777, *Misc.* Michael John Homchak, petitioner, *v.* New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 779, *Misc.* Evelyn Mavity, etc., petitioner, *v.* Associates Discount Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 781, *Misc.* Norman Goldstein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 782, *Misc.* William Devore Ashe, petitioner, *v.* Dr. John P. Shovlin et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 783, *Misc.* Wilbur Newton Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 784, *Misc.* Douglas Stiltner, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 786, *Misc.* Vandy Warren, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 787, *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.

No. 790, *Misc.* Claudia Walker, petitioner, *v.* Violet Konitzer et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 795, *Misc.* Gilbert Aragon, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 796, *Misc.* Coy Elmo Martin, etc., petitioner, *v.* Mossler Acceptance Co., etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 798, *Misc.* Harry DeStefano, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 801, *Misc.* C. T. Smith, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 802, *Misc.* Gary Lee Sorrells, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 803, *Misc.* Arnulfo S. Hinguanzo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 805, *Misc.* Leon Bearden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 807, *Misc.* Peter Calitri, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 808, *Misc.* Raymond Joseph White, petitioner, *v.* Minnesota. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 809, *Misc.* Kermit R. Ramsey, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 812, *Misc.* Frank Emmett Tweedy, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 813, *Misc.* Barrett Miles Pitmon, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 816, *Misc.* Frederick B. Kilgore and Robert L. Kilgore, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 819, **Misc.** Charles Washa, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 820, **Misc.** Vernon Johnson, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 822, **Misc.** Vincent Doyon, petitioner, *v.* Allen L. Robbins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 824, **Misc.** Edward Dobbins, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 826, **Misc.** George Gonzales Lugo, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 827, **Misc.** Marion Parker Duke, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 828, **Misc.** Joseph E. Magee, petitioner, *v.* C. C. Peyton. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 829, **Misc.** William A. Reed, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 831, **Misc.** Ernest Aragon, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 832, **Misc.** L. C. Nichelson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 834, **Misc.** Stuart Sutor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 835, **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. 837, **Misc.** Wilford McNair, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 838, **Misc.** James Jones, 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. 839, **Misc.** Ben Hitchcock, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 847, **Misc.** Karl H. Stello et al., petitioners, *v.* John Strand et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 849, **Misc.** Horace Mullins, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 850, **Misc.** Katherine Cunningham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 851, **Misc.** John G. Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 852, **Misc.** Elisha Merritt Croom, 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. 853, **Misc.** Albert Van Pelt, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 854, **Misc.** William B. Donnell, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 855, **Misc.** Irving Leibowitz, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 859, **Misc.** Dewright Baxter, petitioner, *v.* Judge Richard B. Austin et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 860, **Misc.** Lee R. Wyatt, petitioner, *v.* South Carolina et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 861, **Misc.** Jesse L. Hayes, petitioner, *v.* Ellis C. MacDougall, Director, Board of Corrections, State of South Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 864, **Misc.** Eli A. Gaskey, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 866, **Misc.** Richard S. Bittles, petitioner, *v.* Celeste B. Bittles, etc. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 867, **Misc.** Ernest Leroy White, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 868, **Misc.** Lawrence Magee and Michael Kilkenny, petitioners, *v.* California; and

No. 872, **Misc.** William Castillo, petitioner, *v.* California. Petitions for writs of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 870, **Misc.** James Knight, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 871, **Misc.** James Crevella Cortez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 873, **Misc.** William B. Brooks, 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. 877, **Misc.** James E. Bush, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 879, **Misc.** Boyker E. Ream, petitioner, *v.* Superior Court of Walla Walla County, Washington, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 880, **Misc.** In the Matter of Leonard Ewing Scott, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 881, **Misc.** John Seymore, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 884, **Misc.** Andrew White, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 885, **Misc.** Giovanni A. Dennis, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 886, **Misc.** Anthony Chacón Martinez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 888, **Misc.** Boyker E. Ream, petitioner, *v.* Washington State Board of Prison Terms and Paroles. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 894, **Misc.** Henry Bowen, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 897, **Misc.** Jerry S. Cokeley, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 902, **Misc.** Sebron Dandy, 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. 906, Misc.** Gerald Thomas Casper, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

**No. 909, Misc.** William Wilkes, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 916, Misc.** Henry Sliva, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

**No. 918, Misc.** Jay King, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

**No. 919, Misc.** Edward Everett DeVaughn, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

**No. 920, Misc.** Norma Brill, petitioner, *v.* Muller Brothers, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

**No. 923, Misc.** Antonio Diaz Gomez, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 925, Misc.** William Henry Darnold and John Lenahan, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

**No. 926, Misc.** Henry Paul Alvarado, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

**No. 967, Misc.** Richard Alston, 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. 290, Misc.** John Scull, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

**No. 793, Misc.** Edgar Smith, petitioner, *v.* New Jersey 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. 731, Misc. Eugene Barefield et al., petitioners, *v.* Walter R. Byrd, Regional Manager, Veterans Administration Center, Jackson, Mississippi et al. The motion for leave to file a supplement to the petition is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 818, Misc. John R. Franco, petitioner, *v.* United States. Motion for leave to file a petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 830, Misc. Jay King, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. 875, Misc. Thaddeus E. Tansimore, petitioner, *v.* Sam A. Anderson;

No. 905, Misc. LeRoy Watkins, petitioner, *v.* Paul Madigan, Warden;

No. 917, Misc. Thomas Wayne Winberry, petitioner, *v.* Florida;

No. 922, Misc. Aurweid George Reickauer, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary;

No. 941, Misc. Sandor J. Karl, petitioner, *v.* G. V. Richardson, Warden;

No. 949, Misc. Wilbert J. Arend, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution;

No. 950, Misc. Philip C. Macfadden, petitioner, *v.* Alameda City Police Court et al.;

No. 960, Misc. Linus M. Bulliner, petitioner, *v.* Frank A. Eyman, Warden;

No. 978, Misc. Soloman Partee, petitioner, *v.* Ohio;

No. 984, Misc. Don B. Cook, petitioner, *v.* J. C. Taylor, Warden;  
and

No. 987, Misc. Vernon C. O'Neill, petitioner, *v.* Ralph H. Tahash, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 891, Misc. Jesus Manuel Vasquez, petitioner, *v.* Arizona et al.;

No. 904, Misc. Joseph R. Dumond, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 935, Misc. Delphos B. Burns, petitioner, *v.* Kansas;

No. 956, Misc. Barney L. Brannan, petitioner, *v.* William C. Holman, Warden;

No. 964, Misc. Lyle E. Triplett, petitioner, *v.* Arizona et al.;

No. 986, Misc. Stanley J. Tomkalski, petitioner, *v.* Ohio et al.;

and

No. 998, *Misc.* John T. Forsythe, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

No. 924, *Misc.* In the Matter of the Application of Robert Edward Lipscomb, petitioner. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 910, *Misc.* Stanley Simmons, petitioner, *v.* Hon. James T. Foley, Judge, United States District Court, Northern District, New York. Motion for leave to file a petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 533, *October Term, 1962.* Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al. Motion for leave to file a third petition for rehearing denied.

No. 219. Isabel Carmen Sauri Tyrell et al., petitioners, *v.* Mercedes Berdecia;

No. 479. Edward Earle Beck, petitioner, *v.* United States;

No. 506. Frank Adams & Co., et al., appellants, *v.* United States et al.;

No. 531. Jack B. Cooper, petitioner, *v.* United States;

No. 538. G. L. Christian and Associates, petitioner, *v.* United States;

No. 598. Peoria and Pekin Union Railway Company et al., petitioners, *v.* Chicago and North Western Railway Company;

No. 616. Chicago Metallic Manufacturing Company, petitioner, *v.* The Ekco Products Company, Inc.;

No. 528, *Misc.* John G. Oppenheimer, petitioner, *v.* California;

No. 653, *Misc.* George Lavern Smith, petitioner, *v.* United States;

No. 693, *Misc.* Donald Peppentenza, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 704, *Misc.* Clarence Mahurin, petitioner, *v.* Missouri. Petitions for rehearing denied.

No. 342. Harry J. Alker, Jr., and Mamie DuBan, Individually and as Executrix of the Estate of Alfred A. DuBan, petitioners, *v.* Federal Deposit Insurance Corporation, etc. et al. Motion for leave to file a second petition for rehearing denied.

No. 348. Board of School Commissioners of Mobile County et al., petitioners, *v.* Birdie Mae Davis et al.; and

No. 265, *Misc.* Jimmie W. Sullivan, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

## ORAL ARGUMENT

**No. 75.** Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. Argued by Mr. Charles Hieken for the petitioners and by Mr. Elliott I. Pollock for the respondent.

**No. 77.** Harold A. Boire, Regional Director, Twelfth Region, National Labor Relations Board, petitioner, *v.* The Greyhound Corporation. Argued by Mr. Norton J. Come for the petitioner and by Mr. Warren E. Hall, Jr., for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 18, 1964, will be as follows:  
Nos. 101, 58 (and 59), 88, and 111.

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# SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Edward M. Miller, of Detroit, Mich., on motion of Mrs. Martha W. Griffiths; Robert F. Adams, of Mobile, Ala., on motion of Mr. George Huddleston, Jr.; Robert M. Williams, of Valdosta, Ga., on motion of Mr. George S. Prugh, Jr.; John W. LaRocque, of New York, N.Y., on motion of Mr. Kenneth William Moroney; Thomas James Hughes, of Detroit, Mich., on motion of Mr. Donald King Barnes; William L. Daly, Sr., of Towson, Md., on motion of Mr. Harry J. Daly; William Harry Emerson, of Tulsa, Okla., on motion of Mr. Carroll M. Gilliam; Richard W. Sabin, of Salem, Oreg., on motion of Mr. Gene B. Conklin; Rufus S. Hill, Jr., of Anderson, S.C., on motion of Mr. William Sutton Potter; and Stanley Rier, of New York, N.Y., on motion of Mr. Abbott A. LeBan, were admitted to practice.

## ORAL ARGUMENT

**No. 101.** United States, appellant, *v.* Ward Baking Co. et al. Argued by Mr. William H. Orrick, Jr., for the appellant and by Mr. Davisson F. Dunlap for the appellees.

**No. 58.** A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al.; and

**No. 59.** Board of Trade of the City of Chicago, appellant, *v.* United States et al. Two and one-half hours allowed for oral argument. Argued by Mr. Edward B. Hayes, Mr. Harold E. Spencer, and Mr. Frank I. Goodman for the appellants and by Mr. H. Neil Garson and Mr. Richard J. Murphy for the appellees.

**No. 88.** National Labor Relations Board, petitioner, *v.* Fruit & Vegetable Packers & Warehousemen, Local 760, et al. One and one-half hours allowed for oral argument. Argument commenced by Mr. Solicitor General Cox for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 19, 1964, will be as follows: Nos. 88, 111, 89, and 100.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

James W. Kynes, of Tallahassee, Fla., and Benjamin H. Dickens, of Tallahassee, Fla., on motion of Mr. Spessard L. Holland; Judson T. Klingberg, of Longview, Wash., on motion of Mr. Henry M. Jackson; Howard H. Moldenhauer, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Edward T. Butler, of San Diego, Calif., on motion of Mr. Thomas H. Kuchel; Ralph L. Roy, of Baton Rouge, La., on motion of Mr. James H. Morrison; Stanley V. Anderson, of Oakland, Calif., and Herbert M. Franklin, of Milwaukee, Wis., on motion of Mr. Henry S. Reuss; George T. Boland, of New York, N.Y., Eugene J. Harmon, of Worcester, Mass., and Jack Charles Thomas, of Omaha, Nebr., on motion of Mr. Robert Davis Powers, Jr.; Lyle Earl Strahan, of Madison, Wis., on motion of Mr. George F. Sieker; Robert L. Bluemle, of Phoenix, Ariz., on motion of Mr. Courtney Whitney, Jr.; and Campbell C. MacArthur, Jr., of Chicago, Ill., on motion of Mr. Eldon H. Crowell, were admitted to practice.

## ORAL ARGUMENT

No. 88. National Labor Relations Board, petitioner, *v.* Fruit & Vegetable Packers & Warehousemen, Local 760, et al. Argument continued by Mr. Solicitor General Cox for the petitioner and concluded by Mr. David Previant for the respondents.

No. 111. National Labor Relations Board, petitioner, *v.* Servette, Inc. One and one-half hours allowed for oral argument. Argued by Mr. Solicitor General Cox for the petitioner and by Mr. Stanley E. Tobin for the respondent.

No. 89. United Steelworkers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board et al. One hour and forty minutes allowed for oral argument. Argued by Mr. Jerry D. Anker for the petitioners, by Mr. Dominick L. Manoli for the National Labor Relations Board, and by Mr. Theophil C. Kammholz for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 20, 1964, will be as follows:  
Nos. 100, 102, 109, and 137.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

T. W. Thordarson, of Fargo, N. Dak., and Robert Warren Gislason, of St. Paul, Minn., on motion of Mr. Quentin N. Burdick; R. E. Peppy Blount, of Longview, Tex., on motion of Mr. Lindley G. Beckworth; Stephen Mitchell Forrest, of Wichita Falls, Tex., on motion of Mr. Graham B. Purcell, Jr.; Charles Eugene Benson, of Lubbock, Tex., on motion of Mr. George H. Mahon; Oliver Boutwell Merrill, of New York, N.Y., on motion of Mr. John G. Laylin; Walter Ely, of Los Angeles, Calif., on motion of Mr. Joseph A. Ball; Samuel Lee Anderson, of Hot Springs, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Lawrence Harold Gingold, of Syracuse, N.Y., and Jerome A. Susskind, of Jackson, Mich., on motion of Mr. Roy Dale Adcock; John R. Stevenson, of New York, N.Y., on motion of Mr. Sam Clammer; Frank Lewis Bate, of Essex Fells, N.J., on motion of Mr. Harry Tyson Carter; Frank P. Hayes, of Olympia, Wash., on motion of Mr. Stanton P. Sender; George Brunner Schwahn, of Madison, Wis., on motion of Mr. George F. Sieker; Leigh L. Hunt, of Fort Wayne, Ind., on motion of Mr. Dale D. Drain; Stanley M. Weingarden, of Detroit, Mich., on motion of Mr. Jerome Nelson; and James A. Gilker, of Fort Smith, Ark., on motion of Mr. Alfred L. Scanlan, were admitted to practice.

## ORAL ARGUMENT

No. 100. Dion Tyrone Diamond, petitioner, *v.* Louisiana. Argued by Mr. James M. Nabrit III for the petitioner and by Mr. Ralph L. Roy for the respondent.

No. 102. Local Union No. 721, United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Needham Packing Company, d/b/a Sioux City Dressed Beef. Argued by Mr. Richard F. Watt for the petitioner and by Mr. Alfred L. Scanlan for the respondent.

No. 109. Wilbur-Ellis Company et al., petitioners, *v.* Max K. Kuther. Argued by Mr. Frank A. Neal for the petitioners and by Mr. Carlisle M. Moore for the respondent.

Adjourned until Monday, February 24, 1964, at 10 o'clock.

The day call for Monday, February 24, 1964, will be as follows: Nos. 167, 137, 163, and 209.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Michael I. Smith, of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; Timothy R. Malone, of Kennewick, Wash., and James A. Furber, of Olympia, Wash., on motion of Mr. Henry M. Jackson; Solomon E. Johnson, of San Francisco, Calif., on motion of Mr. George E. C. Hayes; Jeanne Urban Mortimer, of Chicago, Ill., and J. Stirling Mortimer, of Chicago, Ill., on motion of Mr. Edward R. Finnegan; William Taylor LaGrone, of Dallas, Tex., on motion of Mr. Jacob Goldberg; Robert Louis Segar, of Flint, Mich., on motion of Mr. Wilbur D. Sparks; John J. Goodwin, of White Plains, N.Y., on motion of Mr. Gideon Franklin Rothwell IV; and Marshall Edward Kidder, of Whittier, Calif., on motion of Mr. Robert T. Reynolds, were admitted to practice.

## OPINIONS

No. 65. United States, petitioner, *v.* Louis T. Merz et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit; and

No. 79. 2,872.88 Acres of Land, etc., et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment in No. 65 reversed and case remanded to the United States District Court for the Western District of Oklahoma for further proceedings in conformity with the opinion of this Court. Judgments in No. 79 modified, and as modified, the case is remanded to the United States District Court for the Middle District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 100. Dion Tyrone Diamond, petitioner, *v.* Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 680. Rebecca Simon Wolfsohn, Executrix for the Estate of Joel David Wolfsohn, Deceased, petitioner, *v.* Gregory Hankin et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 691. Ralph Neill et al., appellants, *v.* Robert J. Cook et al. Appeal from the Supreme Court of Texas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 422, Misc. Marvin Doughty, petitioner, *v.* E. L. Maxwell, Warden. On petition for writ of certiorari to the Supreme Court of Ohio. The motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 234. Paul Ginsburg, petitioner, *v.* Horace Stern et al. The motion for docketing and submission of petitioner's motion to remand for consideration on the merits is denied.

No. 714, Misc. Kenny Trinta et al., petitioners, *v.* The Superior Court of Puerto Rico et al. The Solicitor General is invited to file a brief expressing the views of the United States.

## CERTIORARI DENIED

No. 733. Richard Donald Costello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 736. Evanston-North Shore Board of Realtors, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 740. Charles Thornberry, petitioner, *v.* Buchanan County Coal Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 744. Ernest A. Mishne et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Geauga County, denied.

No. 747. Samuel Lucchesi and Milton Bevans, petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 748. Jack Pinkston, petitioner, *v.* Nicholas M. Carter et ux. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 764. Frank Sorce et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 769. Tom E. Rodgers, petitioner, *v.* Baltimore & Ohio Railroad Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 780. Ivory Slater, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 720. In the Matter of the Petition of Eastern Air Lines, Inc., petitioner; and

No. 766. In the Matter of the Petition of National Airlines, Inc., petitioner. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black took no part in the consideration or decision of these petitions.

No. 774. Philip Charles Testa, 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 that certiorari should be granted.

No. 219, Misc. Robert Wilcox, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 357, Misc. Edward Vieth Sittler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 570, Misc. James H. Childs et al., petitioner, *v.* Paul F. Pegelow, Superintendent, District of Columbia Reformatory, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 668, Misc. Carlos Acosta Abreu, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 669, Misc. Attilio Zupicich, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service, District of

New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 722, Misc.** James David Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 751, Misc.** Ben Holmes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

**No. 800, Misc.** Isaac Costner, petitioner, *v.* United States Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

**No. 840, Misc.** Alfred H. Lewis, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

**No. 858, Misc.** Jack Harold Halfen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 899, Misc.** Clayton Dawson, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

**No. 901, Misc.** Ronald Lee Wolfe, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

**No. 921, Misc.** James Cater, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

**No. 927, Misc.** George Sloan, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

**No. 931, Misc.** William Martin McCrae, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

**No. 933, Misc.** Thomas G. Evans, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

**No. 940, Misc.** Edward R. Edwardsen, petitioner, *v.* Maryland. Petition for writ of certiorari to the Circuit Court of Baltimore County of Maryland denied.

**No. 948, Misc.** Ralph Dorn, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 958, **Misc.** Fred Bates, petitioner, *v.* Fred R. Dickson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 961, **Misc.** John G. Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 962, **Misc.** Delbert W. Rhoads, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 965, **Misc.** Clarence Dawkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1009, **Misc.** Earl T. Penrice, petitioner, *v.* California; and

No. 1010, **Misc.** Frank Eugene Stratton, petitioner, *v.* E. L. Maxwell, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 936, **Misc.** Jerry Alvin Hall, petitioner, *v.* El Paso County Attorney, Colorado Springs, Colorado;

No. 937, **Misc.** Anthony H. Glesmann and Fred W. Busse, petitioners, *v.* Maurice H. Sigler, Warden;

No. 938, **Misc.** Henry E. Hansen, petitioner, *v.* John L. Coffey, Judge;

No. 939, **Misc.** Fred A. Cruz, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections; and

No. 959, **Misc.** Howard Allen, petitioner, *v.* Hon. Joe Johnson, Presiding Judge, Court of Criminal Appeals of Oklahoma. Motions for leave to file petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 17. Walter Humphrey, etc., et al., petitioners, *v.* C. W. Moore, etc., et al.; and

No. 18. General Drivers, Warehousemen and Helpers, Local Union No. 89, petitioner, *v.* C. W. Moore et al.;

No. 560. Silvio A. Lanza et al., appellants, *v.* New Jersey;

No. 601. Leslie D. Stickler, appellant, *v.* Ohio;

No. 632. James E. Harris, petitioner, *v.* Norfolk Southern Railway;

No. 647. Neal Clark, petitioner, *v.* Washington State Bar Association; and

No. 623, Misc. Isaac Byrd, petitioner, *v.* United States. Petitions for rehearing denied.

No. 377, Misc. Webster Paige, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

ORAL ARGUMENT

No. 167. Sidney J. Ungar, appellant, *v.* Honorable Joseph A. Sarafite, Judge, etc. Argued by Mr. Osmond K. Fraenkel and Mr. Emanuel Redfield for the appellant and by Mr. H. Richard Uviller for the appellee.

No. 137. Massachusetts Trustees of Eastern Gas and Fuel Associates, petitioners, *v.* United States. Argued by Mr. J. Franklin Fort for the petitioner and by Mr. Wayne G. Barnett for the respondent.

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Adjourned until tomorrow until 10 o'clock.

The day call for Tuesday, February 25, 1964, will be as follows: Nos. 163, 209, and 94.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Gerald Deller, of Angola, Ind., on motion of Mr. Vance Hartke; Newton B. Schwartz, of Houston, Tex., on motion of Miss Lou Nora Spiller; Allan G. Shepard, of Boise, Idaho, on motion of Mr. Richard David Andrews; James A. Gorrell, of Columbus, Ohio, and Raymond Warren Kilbourne, of Columbus, Ohio, on motion of Mr. John H. Pickering; Charles Murray Adams, of New York, N.Y., on motion of Mr. Roy H. Steyer; A. S. Scott, Jr., of Laurel, Miss., on motion of Mr. Wm. Ephriam Cresswell; Allen C. Holmes, of Cleveland, Ohio, on motion of Mr. John S. Walker; Edward H. Forgotson, of Washington, D.C., on motion of Mr. Neil David Naiden; Joseph Shade, of Washington, D.C., on motion of Mr. Manuel F. Cohen; Ernest Allen Cohen, of New York, N.Y., on motion of Mr. Howard A. Glickstein; and Hugh F. Mullin Jr., of San Mateo, Calif., on motion of Mr. Lyon L. Tyler, Jr., were admitted to practice.

### ORAL ARGUMENT

**No. 163.** John Brenton Preston, petitioner, *v.* United States. Argued by Mr. Francis M. Shea for the petitioner and by Mr. Sidney M. Glazer for the respondent.

**No. 209.** Joseph Lyle Stoner, petitioner, *v.* California. Argued by Mr. William H. Dempsey, Jr., for the petitioner and by Mr. Arlo E. Smith for the respondent.

**No. 94.** United States, appellant, *v.* El Paso Natural Gas Company et al. Argument commenced by Mr. Solicitor General Cox for the appellant.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 26, 1964, will be as follows: Nos. **94, 115, 157, 168, and 223.**

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Joseph Alexander Bennett, of Washington, D.C., on motion of Mr. Olin D. Johnston; Robert Sawtelle, of San Antonio, Tex., and John A. Daniels, of San Antonio, Tex., on motion of Mr. Ralph W. Yarborough; Harry G. Hill, of New York, N.Y., on motion of Mr. Harry G. Hill, Jr.; John Whyte, of Los Angeles, Calif., on motion of Mr. Ray E. Dougherty; Timothy Michael Conway, Jr., of Birmingham, Ala., on motion of Mr. Al G. Rives; Howard Lawrence Garrett, Jr., of Arlington, Va., Werner Strupp, of Washington, D.C., and Harold Arthur Parks Arnold, of Chapman, Kans., on motion of Mr. Daniel Eli Henderson, Jr.; John T. Crowell, of Plano, Tex., on motion of Mr. Louis M. Kaplan; and S. Lee Vavuris, of San Francisco, Calif., on motion of Mr. Charles Fellows Wheatley, were admitted to practice.

### ORAL ARGUMENT

No. 94. United States, appellant, *v.* El Paso Natural Gas Company et al. Argument continued by Mr. Gregory A. Harrison for the appellees and concluded by Mr. Solicitor General Cox for the appellant.

No. 115. General Motors Corporation, appellant, *v.* Washington et al. Argued by Mr. Donald K. Barnes for the appellant and by Mr. John W. Riley and Mr. Timothy R. Malone for the appellees.

No. 157. R. B. Parden et al., petitioners, *v.* Terminal Railway of the Alabama State Docks Department et al. Argument commenced by Mr. Al G. Rives for the petitioners and continued by Mr. Willis C. Darby, Jr., for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 27, 1964, will be as follows:  
Nos. 157, 168, 223, 235, and 273.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

James Bayard Grant, of Wichita, Kans., on motion of Mr. Garner E. Shriver; Michael Mitchell Bearden, of Alexandria, La., and Jules Louis Davidson, Jr., of Alexandria, La., on motion of Mr. Gillis W. Long; Ellen James Morphonios, of Miami, Fla., Robert Vernon Parker, of West Palm Beach, Fla., Angus John Campbell, of West Palm Beach, Fla., Paul Willson Potter, Jr., of West Palm Beach, Fla., and Leonard W. M. Zingler, of Buffalo, N.Y., on motion of Mr. Frank Ira Goodman; Phil Crane, of Houston, Tex., and B. Jeff Crane, Jr., of Houston, Tex., on motion of Mr. Murdaugh Stuart Madden; Frank T. Abraham, of Houston, Tex., on motion of Mr. Bill Allen; Willard S. Mielziner, of Cleveland, Ohio, on motion of Mr. Colman Brez Stein; Herbert M. Wolfson, of Wilmington, Del., on motion of Mr. Frederick Schafer; Leonard Lane, of Cleveland, Ohio, on motion of Mr. Arthur W. Scharfeld; and Francis Xavier McLaughlin, of Washington, D.C., on motion of Mr. John J. McGovern, were admitted to practice.

### ORAL ARGUMENT

No. 157. R. B. Parden et al., petitioners, *v.* Terminal Railway of the Alabama State Docks Department et al. Argument continued by Mr. Willis C. Darby, Jr., for the respondents and concluded by Mr. Al G. Rives for the petitioners.

No. 168. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham. Argued by Mr. Jack Greenberg for the petitioner and by Mr. John M. Breckenridge for the respondent.

No. 223. Samuel Joseph Rugendorf, petitioner, *v.* United States. Argued by Mr. Julius Lucius Echeles for the petitioner and by Mr. David C. Acheson for the respondent.

No. 235. United States, appellant, *v.* William C. Welden. Argued by Mr. Irwin A. Seibel for the appellant and by Mr. George H. Lewald for the appellee.

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Adjourned until Monday, March 2, 1964, at 10 o'clock.

The day call for Monday, March 2, 1964, will be as follows: Nos. 273, 287, and 199.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Lawrence J. Robinson, of Sarasota, Fla., Joseph B. Cramer, of Sarasota, Fla., Robert E. Boakes, of Woodbury, N.J., John J. Lindsay, of Woodbury, N.J., and Bernard Thorpe Halloran, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; J. V. Morgan, of High Point, N.C., and John Cornelius Riggs, of High Point, N.C., on motion of Mr. Horace Robinson Kornegay; Robert M. Myers, of Detroit, Mich., on motion of Mr. John D. Dingell; Arvin Lee Steinberg, of Indianapolis, Ind., on motion of Mr. J. Edward Roush; William H. Clark III, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Calvin K. Hamilton, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald, Jr.; Hilbert L. Bradley, of Gary, Ind., on motion of Mr. Charles P. Howard, Jr.; Marshall M. Truex, of New York, N.Y., on motion of Mr. James D. Stokes, Jr.; Thomas A. Harrell, of Shreveport, La., on motion of Mr. Leon O'Quin; Milton Jerome Grossman, of Washington, D.C., on motion of Mr. Peter Harvey Schiff; Daniel Orville Dechert, of Washington, D.C., on motion of Mr. John Francis Hillyard; and Robert Anthony Gearin, of St. Paul, Minn., on motion of Mr. W. Barrett McDonnell, were admitted to practice.

## OPINION

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al. On writs of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

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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. 85. Stephen L. Kreznar and Novera H. Spector, petitioners, *v. United States*. On petition for writ of certiorari to the United States Court of Claims. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States Court of Claims for further consideration in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Greene v. United States*, No. 84, October Term, 1963, decided February 17, 1964.

No. 267. Henry Honeywood et al., appellants, *v. Nelson A. Rockefeller*, Governor of the State of New York, et al. Appeal from the United States District Court for the Eastern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 675. Crawford Martin, as Secretary of State of the State of Texas, et al., appellants, *v. George H. W. Bush et al.* Appeal from the United States District Court for the Southern District of Texas. The motion to affirm is granted and the judgment is affirmed. The stay heretofore granted by Mr. Justice Black is continued in effect pending an application by April 1, 1964, for further equitable relief and final disposition thereof by the District Court. Opinion *per curiam*. Mr. Justice Clark joins this disposition, but upon the grounds stated in his separate opinion in *Wesberry v. Sanders*, 376 U.S. ——. Mr. Justice Harlan and Mr. Justice Stewart would reverse the judgment below for the reasons stated in their dissenting opinions in *Wesberry v. Sanders*, 376 U.S. ——.

No. 677. City of Seattle et al., appellants, *v. Robert R. Beezer et al.* Appeal from the Supreme Court of Washington. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted, judgment reversed and case remanded to the Supreme Court of Washington for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 732. Herbert Lord, appellant, *v. Winchester Star et al.* Appeal from the Supreme Judicial Court of Massachusetts. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 36. United States, appellant, *v. First National Bank and Trust Company of Lexington et al.* The motion of appellees to remand is denied.

No. 112. Zebedee Hardy, petitioner, *v.* United States. The motion for modification of the opinion is denied.

No. 321. George T. Aratani et al., petitioners, *v.* Robert F. Kennedy, Attorney General. The joint motion for reference to District Court to approve compromise settlement is granted.

No. 384. Publishers' Association of New York City, etc., petitioner, *v.* New York Mailers' Union Number Six. Further consideration of the suggestion of mootness is postponed pending the hearing on the merits.

No. 612. John Milton Addison et al., petitioners, *v.* United States. The application to stay issuance of the order denying the petition for certiorari is denied.

#### CERTIORARI DENIED

No. 683. Waterman Steamship Corporation, petitioner, *v.* Samuel W. Odom. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 722. Aleazur Burrell, petitioner, *v.* United States; and

No. 913, Misc. Mattie Moore, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 728. J. C. Hurwitz et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 739. John Miguel and Ralph Brown, petitioners, *v.* The Honorable Justices of the Supreme Court of New York, County of New York, et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 752. G. H. Martin, petitioner, *v.* Laura S. Straitz, Guardian, etc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 755. Estate of Ralph Slocum Davenport, Deceased, United States Trust Company of New York, Executor, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 757. Marquette Casualty Company, petitioner, *v.* Phoenix Assurance Company of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 759. George Theodore Munton, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 760. Sportservice Corporation et al., petitioners, *v.* Northern Illinois Development Corporation, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 768. Lonnie H. Stone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 770. Bethlehem Steel Company, petitioner, *v.* Charles T. Samuelson. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 773. General Radio Company, petitioner, *v.* The Superior Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 776. The Moses H. Cone Memorial Hospital et al., petitioners, *v.* G. C. Simkins et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 781. Virgil C. Moore, petitioner, *v.* Marie E. Mathis et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, denied.

No. 783. Ron Story et al., petitioners, *v.* Angelynn York. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 789. Allis-Chalmers Manufacturing Company et al., petitioners, *v.* Commonwealth Edison Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 928, *Misc.* Nathan Ashwell, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 989, *Misc.* James Weaver, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

#### REHEARINGS DENIED

No. 236. Sidney Walker, Jr., et al., appellants, *v.* Louisiana ex rel. Joint Legislative Committee on Un-American Activities;

No. 589, *Misc.* Edward H. Milne, petitioner, *v.* Maryland; and

No. 804, *Misc.* Ernest Barragan Lopez, petitioner, *v.* California. Petitions for rehearing denied.

No. 456. Frederic Wayne Etcheverry, petitioner, *v.* United States. Motion for leave to file second petition for rehearing denied.

## RECESS ORDER

The Court will take a recess from Monday, March 9, 1964, until Monday, March 23, 1964.

## ORAL ARGUMENT

No. 273. Federal Power Commission, petitioner, *v.* H. L. Hunt et al. Argued by Mr. Richard A. Solomon for the petitioner and by Mr. Richard F. Generelly for the respondents.

No. 287. Victor Rabinowitz et al., petitioners, *v.* Robert F. Kennedy, Attorney General of the United States. Argued by Mr. David Rein for the petitioners and by Mr. Stephen J. Pollak for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 3, 1964, will be as follows: Nos. 199, 423, 292, and 329 (and 354).

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Norton A. Goldstein, of Boston, Mass., on motion of Mr. Solicitor General Cox; Hiram A. Messmore, of Houston, Tex., on motion of Mr. Carl T. Curtis; Max O. Truitt, Jr., of Washington, D.C., and James Bennett Schnake, of Oakland, Calif., on motion of Mr. Daniel K. Mayers; Paul D. Schultz, of Portland, Oreg., on motion of Mr. Roy Dale Adcock; Edwin Thomas Sujack, of Chicago, Ill., on motion of Mr. Roderick Russell Eagan; Gerald A. Malia, of Washington, D.C., on motion of Mr. James Joseph Bierbower; John C. Argue, of Los Angeles, and Paul Burks, of Los Angeles, Calif., on motion of Mr. Thomas J. Beddow; Joel Wilcox West, Jr., of Merced, Calif., on motion of Mr. Charles Orlando Pratt; Thomas H. Ploss, of Washington, D.C., on motion of Mr. Isaac K. Hay; Robert P. Nash, of New York, N.Y., on motion of Mr. Ronald A. Capone; Norman A. Coplan, of New York, N.Y., on motion of Mr. Michael C. Bernstein; and Richard Clark Tefft, of Washington, D.C., on motion of Mr. Sydney S. Asher, Jr., were admitted to practice.

### ORAL ARGUMENT

No. 199. Winston Massiah, petitioner, *v.* United States. Argued by Mr. Robert J. Carluccio for the petitioner and by Mr. Solicitor General Cox for the respondent.

No. 423. Paul F. Bruning, petitioner, *v.* United States. Argued by Mr. Ernest R. Mortenson for the petitioner and by Mr. Philip B. Heymann for the respondent.

No. 292. Missouri Pacific Railroad Company, petitioner, *v.* Elmore & Stahl. Argued by Mr. Thurman Arnold for the petitioner and by Mr. John C. North, Jr., for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 4, 1964, will be as follows: Nos. 329 (and 354), 361, and 36.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

William S. Murray, of Bismarck, N. Dak., and Thomas A. Roney, of Carrington, N. Dak., on motion of Mr. Quentin N. Burdick; John P. Sauer, of Huron, S. Dak., on motion of Mr. John W. Cragun; Oscar R. Goodman, of Chicago, Ill., and Allen Rubin, of Worcester, Mass., on motion of Mr. John B. Jones, Jr.; C. McVea Oliver, of Monroe, La., on motion of Mr. Clarence L. Yancey; Gray Williams, of New York, N.Y., on motion of Mr. William Leavenworth Colby; Duane William Acklie, of Lincoln, Nebr., on motion of Mr. James O'Donnell Moran; Sidney Sugerman, of New York, N.Y., on motion of Mr. Gerhart P. Van Arkel; Frank M. Long, of Chicago, Ill., on motion of Mr. Gregory S. Prince; Jacob A. Stein, of Washington, D.C., on motion of Mr. Joseph J. Lyman; Ernest Blake Kimpel, Jr., of Memphis, Tenn., on motion of Mr. Waver White Dunnan; Arnold H. Klau, of Hartford, Conn., on motion of Mr. Harold Strauch; and Samuel D. Goodis, of Philadelphia, Pa., and Bernard M. Guth, of Philadelphia, Pa., on motion of Mr. Richard K. Lyon, were admitted to practice.

### ORAL ARGUMENT

No. 329. Humble Pipe Line Company, petitioner, *v.* W. E. Waggonner, Sheriff, etc.; and

No. 354. Natural Gas and Oil Corporation, et al., petitioners, *v.* W. E. Waggonner, Sheriff, etc. Argued by Mr. Clarence L. Yancy and Mr. Leon O'Quin for the petitioners and by Mr. Ferdinand A. Cashio for the respondent.

No. 361. L. R. Jackson et al., petitioners, *v.* United States. Argued by Mr. Paul Burks for the petitioners and by Mr. John B. Jones, Jr., for the respondent.

No. 36. United States, appellant, *v.* First National Bank and Trust Company of Lexington et al. Argument commenced by Mr. Daniel M. Friedman for the appellant and continued by Mr. Robert M. Odear for the appellees.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 5, 1964, will be as follows: Nos. 106, 110, 138, 353, and 384.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Blayne Jones Barton, of Beaver, Utah, on motion of Mr. Frank E. Moss; Charles P. Miller, of Montgomery, Ala., John M. Dietrich, Jr., of Billings, Mont., and R. F. Hibbs, of Billings, Mont., on motion of Mr. George Huddleston Jr.; James W. Rodgers, Jr., of Holdenville, Okla., on motion of Mr. Ed Edmondson; Charles E. Mosley, Jr., of Cleveland, Ohio, and James R. Willis, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; John Andrew Ertola, of San Francisco, Calif., on motion of Mr. Daniel M. Friedman; Michael Robin Juviler, of New York, N.Y., on motion of Mr. William P. Sirignano; Leonard David Rutstein, of Chicago, Ill., on motion of Mr. Wilbur Brice O'Brien; Louis Andrew Dirker, of Akron, Ohio, on motion of Mr. Elliot Bredhoff; James Newton Ebright, of Pasadena, Calif., on motion of Mr. Richard David Andrews; Thomas J. Meunier, of New Orleans, La., on motion of Mr. Warren Woods; Abraham Belilove, of Providence, R.I., and Samuel J. Kolodney, of Providence, R.I., on motion of Mr. George Henry Hearn; David William Belin, of Des Moines, Iowa, on motion of Mr. Albert E. Jenner, Jr.; and Arthur Francis Zeman, of Milwaukee, Wis., on motion of Mr. Irvin H. Rimel, were admitted to practice.

## ORAL ARGUMENT

No. 36. United States, appellant, *v.* First National Bank and Trust Company of Lexington et al. Argument continued by Mr. Robert M. Odear for the appellees and concluded by Mr. Daniel M. Friedman for the appellant.

No. 110. William Malloy, petitioner, *v.* Patrick J. Hogan, Sheriff of Hartford County. Argued by Mr. Harold Strauch for the petitioner and by Mr. John D. LaBelle for the respondent.

No. 138. William Murphy and John Moody, Sr., petitioners, *v.* The Waterfront Commission of New York Harbor. Argued by Mr. Harold Krieger for the petitioners and by Mr. William P. Sirignano for the respondent.

No. 353. Ivan Mrvica, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. Argued by Miss Edith Lowenstein for the petitioner and by Mr. Richard W. Schmude for the respondent.

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Adjourned until Monday, March 9, 1964, 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Arthur W. Burke, Jr., of Denver, Colo., on motion of Mr. Ralph Simon Spritzer; Oscar B. Jones, of Longview, Tex., on motion of Mr. Lindley G. Beckworth; Roger C. Butler, of Robstown, Tex., on motion of Mr. John Young; Lloyd L. DeWester, Jr., of Indianapolis, Ind., on motion of Mr. William G. Bray; Rebecca Thomas, of Nashville, Tenn., William Anthony, of Nashville, Tenn., and Frank R. Smith, of Los Angeles, Calif., on motion of Mr. William E. O'Donovan; William T. Watkins, of Washington, D.C., and Edward C. O. Thomas, of Garden City, N.Y., on motion of Mr. Roy Dale Adcock; Joseph Patrick Flanagan, of Amsterdam, N.Y., on motion of Mr. Abbott A. Leban; Miguel Pascual-Estéban, of San Juan, P.R., on motion of Mr. Eugene J. Kaplan; Thomas Dunne Gidley, Providence, R.I., on motion of Mr. Edwin L. Gidley; John Thomas Greene, Jr., of Salt Lake City, Utah, on motion of Mr. Glendon E. Johnson; Malcolm H. Bell, of New York, N.Y., and Leonard Bruce Boehner, of New York, N.Y., on motion of Mr. Leonard Joseph; Walter S. Davis, of Milwaukee, Wis., and Ray T. McCann, of Milwaukee, Wis., on motion of Mr. E. Riley Casey; Paul A. Harmon, of Omaha, Nebr., on motion of Mr. Edward J. Zamm; Joseph M. Trihey, of Oakland, Calif., on motion of Mr. Robert L. Maier; Seymour Strongin, of Washington, D.C., on motion of Mr. Seymour J. Rubin; Hugh L. Bailey, of Jackson, Miss., on motion of Mr. William E. Cresswell; William Reilly Grant, of San Diego, Calif., on motion of Mr. Robert Jordan Wager; Michael W. Brintzer, of Brooklyn, N.Y., Joel S. Sankel, of New York, N.Y., Howard Franklin Trussel, of New York, N.Y., and Donald J. Parmet, of New York, N.Y., on motion of Mr. Harry R. Pollak; Stuart L. Ain, of New York, N.Y., Leon B. Applewhaite, of New York, N.Y., Philip L. Arkow, of New York, N.Y., Dudley Delorn Bair, Jr., of New York, N.Y., David B. Bays, of New York, N.Y., Elbert G. Bellows, of New York, N.Y., Sheldon Berger, of New York, N.Y., Walter B. Bergner, of New York, N.Y., Martin Besen, of New York, N.Y., Martin H. Bockstein, of New York, N.Y.; Edward T. Brown, of Hicksville, N.Y., Charles S. Brownstein, of Flushing, N.Y., Nathan Cooper, of New York, N.Y., Morton Perry Cowen, of White Plains, N.Y., Jacqueline de La Fuente, of New York,

N.Y., August John Del Giudice, of New York, N.Y., Ellis M. Deull, of New York, N.Y., Herbert Dicker, of New York, N.Y., William E. Doud, of Mineola, N.Y., Stanley Epstein, of Brooklyn, N.Y., Edward Felder, of New York, N.Y., David A. Field, of New York, N.Y., Ralph Finerman, of New York, N.Y., Jack Goldstein, of New York, N.Y., Thomas Dudley Green, of Brooklyn, N.Y., Newton Greenberg, of New York, N.Y., Caesar C. Guazzo, of New York, N.Y., Bernard T. Hart, of Upper Montclair, N.J., William Charles Herman, of New York, N.Y., Hyman A. Hochman, of New York, N.Y., Bud George Holman, of New York, N.Y., Saul N. Horwitz, of New York, N.Y., David Isaacson, of New York, N.Y., Albert Jacobs, of Brooklyn, N.Y., Irwin Kahn, of New York, N.Y., Edwin Kaplan, of New York, N.Y., James J. Keefe, of Garden City, N.Y., Lawrence Marshal Klein, of New York, N.Y., Robert A. Klipstein, of New York, N.Y., Robert Graham Kurzman, of New York, N.Y., John Kuttas, of New York, N.Y., Roland D. Lasker, of New York, N.Y., Irving Lawrence, of Hicksville, N.Y., Roy M. Lazarus, of East Norwich, N.Y., John F. X. Finn, Jr., of New York, N.Y., William J. Fitzpatrick, of Staten Island, N.Y., Ross Lee Foertmeyer, of Pelham, N.Y., Harold O. N. Frankel, of New York, N.Y., A. Bernard Frechtman, of Valley Stream, N.Y., Sheldon Fried, of New York, N.Y., Leonard E. Friedman, of New York, N.Y., Stanley Friedman, of New York, N.Y., William Lee Frost, of New York, N.Y., Marvin H. Gadd, of New York, N.Y., Jerome Gold, of Jericho, N.Y., Harvey L. Goldstein, of New York, N.Y., Martin Norman Leaf, of Hastings-on-Hudson, N.Y., Arthur J. Lee, of New York, N.Y., Irving Levine, of New York, N.Y., Melvin C. Levine, of New York, N.Y., Bryan F. Levinson, of Brooklyn, N.Y., Jack G. Lieberman, of New York, N.Y., Samuel Lipschitz, of New York, N.Y., Joseph L. London, of New York, N.Y., Samuel J. Lurie, of New York, N.Y., George J. McCormack, of Brooklyn, N.Y., and Marvin Malin, of Roosevelt, N.Y., on motion of Mr. Leo Gottlieb; Milton S. Marks, of Scarsdale, N.Y., Gordon Marshall, of New York, N.Y., Frances Mechta, of Flushing, N.Y., James Mechta, of Flushing, N.Y., Harry D. Mencher, of Baldwin, N.Y., Samuel L. Nadler, of Elmira, N.Y., Fredric Newman, of New York, N.Y., Stevens George Nicholson, Jr., of New York, N.Y., Milton Harry Pachter, of New York, N.Y., Salvatore S. San Phillip, of New York, N.Y., Herbert Stanford Podell, of New York, N.Y., Irwin B. Polinsky, of New York, N.Y., Gerald Romanoff, of New York, N.Y., Michael Romanoff, of New York, N.Y., Joseph A. Rosenzweig, of New York, N.Y., Heyman Rothbart, of New York, N.Y., Mortimer M. Rothstein, of Bronx, N.Y., Seymour M. Rowen, of New York, N.Y., Theodore M. Ruzow, of Yonkers, N.Y., Alan P. Safir, of New York, N.Y., Isaac Salem, of New York, N.Y., Irving Saltzman, of New York, N.Y.,

Ludwig Anthony Saskor, of New York, N.Y., Richard A. Scheer, of New York, N.Y., Paul Marvin Scheib, of Yonkers, N.Y., Paul Gerard Schenker, of New York, N.Y., Abel Jack Schwartz, of Hewlett, N.Y., Jules V. Speciner, of New York, N.Y., A. Allen Stanger, of New York, N.Y., Harold Stern, of New York, N.Y., Theodore D. Stuzin, of New York, N.Y., Martin L. Suchoff, of Howard Beach, N.Y., T. Lawrence Tabak, of New York, N.Y., Stanley Vernon Tellerman, of New York, N.Y., Louis Arthur Thompson, Jr., of New York, N.Y., Morris G. Tusher, of New York, N.Y., Raymond Val Wayne, Jr., of Brooklyn, N.Y., Malcolm David Wertheimer, of Long Beach, N.Y., Jack S. Wlodawer, of New York, N.Y., Lewis I. Wolf, of Brooklyn, N.Y., Daniel D. Yudow, of Bayside, N.Y., Julius D. Freilicher, of New York, N.Y., Ronald Elliot Stringer, of New York, N.Y., Palmer Joseph Kennedy, of Delhi, N.Y., Irving Jacobs, of New York, N.Y., Stanley P. Salzman, of New York, N.Y., David Richard Carlin, of Long Beach, N.Y., Arthur Gerwin, of New York, N.Y., Nathan Lewis, of New York, N.Y., Norman C. Ryp, of New York, N.Y., Harry Balterman, of New York, N.Y., George Berstein, of New York, N.Y., Herbert Berman, of New York, N.Y., Thomas Patrick Burke, of New York, N.Y., Conrad Laurence Teitell, of New York, N.Y., Nathan Cyperstein, of Flushing, N.Y., Robert Glasser, of New York, N.Y., Stephen M. Leon, of Yonkers, N.Y., Richard P. McGrail, of Merrick, N.Y., Claudius Samuel Matthews, of Brooklyn, N.Y., Charles Coudert Nast, of New York, N.Y., John P. Rung, of New York, N.Y., Philip P. Weiss, of New York, N.Y., Joseph P. Bohan, Jr., of New York, N.Y., Barney Bernstein, of New York, N.Y., Joseph Edward Bissell, of New York, N.Y., Herman Cahn, of New York, N.Y., Louis B. Dailey, of Maplewood, N.J., Rudolph Erda, of New York, N.Y., and Irving Frederick, of New York, N.Y., on motion of Mr. Joseph L. Maged; Guy George Gabrielson, Jr., of New York, N.Y., Joshua S. Galitzer, of New York, N.Y., Ferdinand Richard Goglio, of New York, N.Y., Joseph E. Gore, of New York, N.Y., Howard Norman Gorham, of New York, N.Y., Norman Roy Grutman, of New York, N.Y., Sidney Holzer, of New York, N.Y., George E. Kersey, of New York, N.Y., Harvey Taylor Malakoff, of Brooklyn, N.Y., Ronald Joseph Meiselman, of New York, N.Y., Harold Merran, of New York, N.Y., Lloyd Gordon Milliken, of New York, N.Y., Irwin Kenneth Minzer, of Queens, N.Y., Julius Paige, of Brooklyn, N.Y., Leonard Jay Reade, of New York, N.Y., David Rubin, of Little Neck, N.Y., Daniel Scheyer, of Oceanside, N.Y., Marcus Schoenfeld, of New York, N.Y., Norman C. Schwartz, of New York, N.Y., Stanley Seitel, of New York, N.Y., Donald Wallace Smith, of New York, N.Y., William Spilky, of New York, N.Y., Marvin Sussman, of New York, N.Y., Daniel A. Walsh,

Jr., of New York, N.Y., Florrie Levison Wertheimer, of New York, N.Y., Harold Young, of New York, N.Y., Isidore Zamore, of Brooklyn, N.Y., Leonard C. Zamore, of Brooklyn, N.Y., Robert Daniel Gould, of New York, N.Y., Hyman Sidelle, of New York, N.Y., Abraham Abramowitz, of Syosset, N.Y., Robert B. Anderson, of Huntington Station, N.Y., Marvin V. Ausubel, of New York, N.Y., David Avrach, of New York, N.Y., Edward M. Bassett, of New York, N.Y., Paul Berger, of New York, N.Y., Abraham S. Bernstein, of Brooklyn, N.Y., Alexander Bills, of New York, N.Y., Edgar H. Booth, of Glen Rock, N.Y., Henry J. Buchman, of New York, N.Y., Theodore Calhoun, of New York, N.Y., Vito Catania, of Brooklyn, N.Y., Morris I. Chernofsky, of Brooklyn, N.Y., Stanley Chusid, of New York, N.Y., Stanley I. Clark, of New York, N.Y., Philip T. Dalsimer, of New York, N.Y., Florindo M. DeRosa, of New York, N.Y., John Patrick Dineen, of New York, N.Y., Florence Dominitz, of New York, N.Y., Jack Entmacher, of New York, N.Y., Arnold H. Fassler, of New York, N.Y., Philip T. Feiring, of New York, N.Y., Martin W. Felcher, of New York, N.Y., Norman Stiles Fink, of White Plains, N.Y., Abram Friedman, of New York, N.Y., Nathaniel M. Gallin, of New York, N.Y., Benjamin E. Gelerman, of Brooklyn, N.Y., Joshua J. Glaubman, of New York, N.Y., Grete Gluck, of New York, N.Y., Gerald F. Gold, of New York, N.Y., Stephen I. Goldberg, of New York, N.Y., Bernard H. Goldstein, of New York, N.Y., Louis Greenblatt, of New York, N.Y., David Greenfield, of Brooklyn, N.Y., Hans S. Grossmann, of New York, N.Y., Sanford Grossman, of New York, N.Y., Leon A. Friedland, of Roosevelt, N.Y., and Jerome H. Berkowitz, of New Rochelle, N.Y., on motion of Mr. Leo Gottlieb; and Richard Paul Gumson, of New York, N.Y., Benjamin M. Haber, of New York, N.Y., William J. Hammel, of New York, N.Y., Bernard Helfenstein, of Brooklyn, N.Y., Louis Helfenstein, of Brooklyn, N.Y., Sol Magezis Kagan, of New York, N.Y., Edward Theodore Kruglak, of Jackson Heights, N.Y., Rafael Lacot, of New York, N.Y., Arnold A. Levin, of New York, N.Y., Ruth Lewinson, of New York, N.Y., A. Robert Lieberman, of New York, N.Y., Jonathan S. Liebowitz, of New York, N.Y., Abraham M. Buchman, of New York, N.Y., Philip Galitzer, of New York, N.Y., Murray Lipsky, of New York, N.Y., Joseph J. Longo, of New York, N.Y., Peter F. X. McCoy, of Linthicum, Md., Pat Magarick, of New York, N.Y., George J. Maguire, of New York, N.Y., Leonard Milford Mandel, of New York, N.Y., Leah Ruth Marks, of New York, N.Y., Sidney Edward Mason, of Plainview, N.Y., Donald Francis Menagh, of New York, N.Y., Joseph Messina, of Brooklyn, N.Y., Norman Miles, of New York, N.Y., Elliot Ira Miller, of New York, N.Y., Morris M. Mintz, of New York, N.Y., Leonard Orkin, of Woodmere, N.Y., Casimir J. F.

Patrick, of New York, N.Y., Norbert M. Phillipps, of Staten Island, N.Y., Robert S. Ratner, of New York, N.Y., Abraham Richmond, of Brooklyn, N.Y., Mervin H. Riseman, of New York, N.Y., Shelia M. Roehner, of New York, N.Y., Harold L. Rosenthal, of Brooklyn, N.Y., Eugene Rosenzweig, of Brooklyn, N.Y., Julius L. Samuel, of Brooklyn, N.Y., Theresa Clarke Scott, of New York, N.Y., Abraham Shalo, of Brooklyn, N.Y., John J. Sheehan, of New York, N.Y., Stanley P. Siegel, of New York, N.Y., Edmund P. Silver, of New York, N.Y., Joseph I. Stone, of New York, N.Y., Maurice A. Taub, of New York, N.Y., Timothy Merritt Taylor, of New York, N.Y., Herbert Tenzer, of New York, N.Y., Milton Thurm, of Brooklyn, N.Y., Herman M. Trabich, of New York, N.Y., Charles Vogel, of New York, N.Y., Harry Wallach, of New York, N.Y., Richard A. Weinmann, of Great Neck, N.Y., Samuel Weinstein, of New York, N.Y., Solomon Z. Weiss, of New York, N.Y., Barney Dean Wellman, of New York, N.Y., Frederic Philip Werner, of New York, N.Y., Sidney E. Werner, of New York, N.Y., Anthony J. Wolf, of Sarasota, Fla., Leo Zivin, of New York, N.Y., Joseph P. Clifford, of New York, N.Y., and James G. Flanagan, Jr., of New York, N.Y., on motion of Mr. Joseph L. Maged, were admitted to practice.

#### OPINIONS

No. 101. United States, appellant, *v.* Ward Baking Co. et al. Appeal from the United States District Court for the Middle District of Florida. Judgment vacated and case remanded to the United States District Court for the Middle District of Florida for trial. Opinion by Mr. Justice Goldberg.

No. 48. Gust Yiatchos, petitioner, *v.* Pearle W. Yiatchos, etc., et al. On writ of certiorari to the Supreme Court of Washington. Judgment reversed insofar as it relates to one-half of the bonds referred to in the opinion of this Court. As to the other half of said bonds, judgment vacated and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Douglas joins.

No. 82. Italia Societa Per Azioni di Navigazione, petitioner, *v.* Oregon Stevedoring Company, Inc. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States ~~District Court for the District of Oregon~~ <sup>Circuit</sup> for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren and Mr. Justice Douglas join. <sub>Appeal</sub>

No. 39. The New York Times Company, petitioner, *v.* L. B. Sullivan; and

No. 40. Ralph D. Abernathy et al., petitioners, *v.* L. B. Sullivan. On writs of certiorari to the Supreme Court of Alabama. Judgment reversed and cases remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Opinion by Mr. Justice Goldberg, with whom Mr. Justice Douglas joins, concurring in the result.

No. 102. Local Union No. 721, United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Needham Packing Company, d/b/a Sioux City Dressed Beef. On writ of certiorari to the Supreme Court of Iowa. Judgment reversed and case remanded to the Supreme Court of Iowa for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 113. Hon. Casper Platt, Chief Judge, United States District Court, Eastern District of Illinois, petitioner, *v.* Minnesota Mining and Manufacturing 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 instructions to vacate the judgment of the United States District Court for the Eastern District of Illinois and remand the case for reconsideration of the motion for transfer, without reference to the ability of the United States to receive a fair and impartial trial in Minnesota. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan.

No. 108. Sears, Roebuck and Co., petitioner, *v.* The Stiffel Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 106. Compeco Corporation, petitioner, *v.* Day-Brite Lighting, Inc. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Harlan in No. 106 and No. 108, concurring in the result.

No. 76. Sidney Arceneaux, petitioner, *v.* Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Writ of certiorari dismissed for want of jurisdiction. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 168. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham. On writ of certiorari to the Court of Appeals of Alabama. Judgment reversed and case remanded to the Court of Appeals of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. 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."

No. 8, **Original**. State of Arizona, plaintiff, *v.* State of California et al. Decree entered. Mr. Justice Douglas dissents. Mr. Justice Harlan and Mr. Justice Stewart dissent to the extent that the decree conflicts with the views expressed in the dissenting opinion of Mr. Justice Harlan, 373 U.S. 546, 603. The Chief Justice took no part in the consideration or decision of this case.

#### OPINIONS PER CURIAM

No. 561. E. Newbold Smith, petitioner, *v.* Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Petition for writ of certiorari granted and case remanded to the Supreme Court of Pennsylvania, Eastern District, for reconsideration of petitioner's claim in light of the representations of the Solicitor General. Opinion *per curiam*.

No. 571. Michaels Enterprises, Inc., et al., petitioners, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for consideration of the sufficiency of the evidence. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 33. Henry Rogers Anderson, petitioner, *v.* Kentucky. By joint agreement of the parties this case is continued indefinitely.

No. 210. Floyd Charles Fallen, petitioner, *v.* United States. It is ordered that Isaac N. Groner, Esquire, of Washington, District of Columbia, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case and it is further ordered that William B. Killian, Esquire, is hereby relieved of further responsibility in this case.

No. 386. Federal Power Commission, petitioner, *v.* Texaco, Inc., et al. The motion of the People of the State of California and Public Utilities Commission of California for leave to file a brief, as *amicus curiae*, is granted.

No. 508. Andres Lucas et al., etc., appellants, *v.* The Forty-Fourth General Assembly of the State of Colorado et al. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the appellees are allotted an additional thirty minutes for oral argument.

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the respondents are allotted an additional thirty minutes for oral argument.

No. 623. Fred S. Calhoun et al., petitioners, *v.* A. C. Latimer et al. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the respondents are allotted an additional thirty minutes for oral argument.

#### APPEAL—JURISDICTION NOTED

No. 710. Chicago and North Western Railway Company, appellant, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company et al. Appeal from the United States District Court for the Eastern District of Wisconsin. The motion to strike the memorandum of the Solicitor General is denied. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

No. 775. American Federation of Musicians, etc., et al., petitioners, *v.* Eddie Wittstein et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. The Chief Justice and Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 804. Howard Farmer, petitioner, *v.* Arabian American Oil Company; and

No. 808. Arabian American Oil Company, petitioner, *v.* Howard Farmer. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

#### CERTIORARI DENIED

No. 655. William Pearlman et al., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 703. Skokomish Tribe of Indians, petitioner, *v.* E. L. France et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 765. George Schaeffer, Jr., et ux., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 779. Wilmer D. Rekeweg, etc., et al., petitioners, *v.* Federal Mutual Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 799. Central Louisiana Electric Company, Inc., et al., petitioners, *v.* Mrs. Sarah Lou P. Moses, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 806. Stewart-Warner Corporation, petitioner, *v.* Canadian Westinghouse Company, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 854. Central School District No. 1 of the Towns of Colchester, Hamden, Hancock, Walton, Andes and Tompkins, Delaware County, New York, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 711. United States et al., petitioners, *v.* Wilson & Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 786. Edward A. Fitzgerald, Jr., et al., petitioners, *v.* United States. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 675, Misc. Richard G. Marxhausen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 689, Misc. William E. Knicker, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 711, Misc. Edward F. Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 765, Misc. Robert Wood, petitioner, *v.* J. F. Maroney, Superintendent, Western State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 947, Misc. Walter Kuchta, petitioner, *v.* James B. Rice et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 969, **Misc.** Willis R. Oakley, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 975, **Misc.** Nathan Jerry Ellis, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 977, **Misc.** George C. Hooper, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 988, **Misc.** Lacy Johnson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 991, **Misc.** John Pollock, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1006, **Misc.** Eugene Kirby, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1007, **Misc.** James R. Moore, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1008, **Misc.** William H. Gilcrease, petitioner, *v.* Roger F. Maxwell, Superintendent, Washington State Reformatory. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1012, **Misc.** Paul Garcia Murgia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1018, **Misc.** Marcos Iriarte Aponte, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1020, **Misc.** Edward Donald Wisner, petitioner, *v.* Maryland. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 1028, **Misc.** William Lawrence, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1064, **Misc.** Arstell Young, petitioner, *v.* George A. Kropp, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 1016, **Misc.** John Medley, petitioner, *v.* Oregon et al. Motion for leave to file petition for writ of certiorari denied.

## LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1024, Misc. Michael Kane, petitioner, *v.* Daniel McMann, Warden;

No. 1039, Misc. James Robert Casper, petitioner, *v.* Ralph H. Tahash, Warden;

No. 1060, Misc. James K. Bassett, petitioner, *v.* R. P. Balkcom, Warden; and

No. 1080, Misc. Eugene O. Mitchell, petitioner, *v.* United States Attorney General. Motions for leave to file petitions for writs of habeas corpus denied.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1063, Misc. Charles L. McIntosh, petitioner, *v.* Hon. F. A. Hooper, etc. Motion for leave to file petition for writ of mandamus denied.

## REHEARINGS DENIED

No. 400, Misc. Jayne Ackerman Rogers, petitioner, *v.* United States;

No. 817, Misc. Willard Arthur Winhoven, petitioner, *v.* California;

No. 839, Misc. Ben Hitchcock, petitioner, *v.* Frank A. Eyman, Warden, et al.;

No. 847, Misc. Karl H. Stello et al., petitioners, *v.* John Strand et al.; and

No. 875, Misc. Thaddeus E. Tansimore, petitioner, *v.* Sam A. Anderson. Petitions for rehearing denied.

No. 519. Marvin Sherwin, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this motion.

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Adjourned until Monday, March 23, 1964, at 10 o'clock.

The day call for Monday, March 23, 1964, will be as follows: Nos. 166, 389, 384, and 169.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Sophie Saposnekoo Cozier, of Washington, D.C., Thomas Ehrlich, of Washington, D.C., Dollie Murnan Smith, of Washington, D.C., James W. Gallman, of Little Rock, Ark., Walter G. Riddick, of Little Rock, Ark., Michael Lewton, of San Francisco, Calif., Hugh Garland Head III, of Atlanta, Ga., Marcus S. Wallace, of Bowling Green, Ky., Abram Chayes, of Cambridge, Mass., Edmund I. Goldwag, of Arlington, Va., Lester Landy, of New York, N.Y., Harold Schwartz, of New Hyde Park, N.Y., W. Ellis Meehan, of Chapel Hill, N.C., and Edward Mulhall, Jr., of Denver, Colo., on motion of Mr. Solicitor General Archibald Cox; Rene F. Platzer, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Robert D. Bruce, of Saverna Park, Md., and James L. Moorefield, of Worcester, Mass., on motion of Mr. Leverett Saltonstall; George D. Byfield, of McAllen, Tex., on motion of Mr. Joe M. Kilgore; Harvey C. Ford, of Dallas, Tex., on motion of Mr. Joe Richard Pool; Roland F. Aldrich, of Pewaukee, Wis., on motion of Mr. Robert W. Kastenmeier; Jerry C. Gilmore, of Dallas, Tex., on motion of Mr. William Ramsey Clark; James E. Goodhue, of Glendale, Calif., on motion of Mr. Frank J. Barry; Donald J. Hand, of San Antonio, Tex., and Orville A. Harlan, of Houston, Tex., on motion of Mr. Peter N. Chumbris; Elmer A. Riddle, of Van Buren, Ark., on motion of Mr. Floyd Lee Williams; Gaines Neely Houston, of Little Rock, Ark., on motion of Mr. James E. Westbrook; Ben G. Levy, of Houston, Tex., and Joseph Spiro Lobenthal, Jr., of New York, N.Y., on motion of Mr. Lawrence Speiser; Francis D. Burke, of Pikeville, Ky., on motion of Mr. William S. Riley; Michel A. Coccia, of Chicago, Ill., on motion of Mr. Bernard J. Waters; P. Oswin Chrisman, of Dallas, Tex., and Norris W. Yates, Jr., of San Antonio, Tex., on motion of Mr. Charles M. Johnston; Addeliar Dell Guy, of Chicago, Ill., and Raymond Watkins, of Chicago, Ill., on motion of Mr. Glenn T. Johnson; William Albert Neal, of Mt. Rainier, Md., on motion of Mr. Oliver Bassuener; Saul C. Waldbaum, of Philadelphia, Pa., on motion of Mr. Joseph Forer; George D. Zuckerman, of New York, N.Y., on motion of Mr. Irving Galt; Clarence Edward Pusey, Jr., of Baltimore, Md., on motion of Mr. John Joseph Forbes; Morris

Futlick, of Fresno, Calif., on motion of Mr. Richard David Andrews; Gerald Benjamin Greenwald, of Pittsburgh, Pa., on motion of Mr. Nelson A. Stitt; Seymour S. Epstein, of New York, N.Y., on motion of Mr. Charles H. Mayer; Robert A. Fanning, of Dallas, Tex., on motion of Mr. Hubert W. Green, Jr.; Max Malin, of Washington, D.C., on motion of Mr. Lester P. Schoene; and John F. Kelly, of New York, N.Y., on motion of Mr. Charles H. Tuttle, were admitted to practice.

## OPINIONS

No. 89. United Steelworkers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board 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 for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Douglas concurs in the result. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 361. L. R. Jackson et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Justice White. Mr. Justice Douglas dissents.

No. 77. Harold A. Boire, Regional Director, Twelfth Region, National Labor Relations Board, petitioner, *v.* The Greyhound Corporation. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Mr. Justice Douglas dissents.

No. 209. Joseph Lyle Stoner, petitioner, *v.* California. On writ of certiorari to the District Court of Appeal of California, Second Appellate District. Judgment reversed and case remanded to the District Court of Appeal of California, Second Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice Harlan concurring in part and dissenting in part.

No. 16. Banco Nacional de Cuba, petitioner, *v.* Peter L. F. Sabbatino, etc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. The motion for leave to substitute Compania Azucarera Vertientes-Camaguey de Cuba in the place of Peter L. F. Sabbatino as a party respondent is denied without prejudice to the renewal of such a motion in the lower courts if it appears that Compania Azucarera Vertientes-Camaguey de Cuba's interests are not adequately represented by Farr, Whitlock & Co., and that the

granting of such a motion will not disturb federal jurisdiction. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. 58. *A. L. Mechling Barge Lines, Inc., et al., appellants, v. United States et al.*; and

No. 59. *Board of Trade of the City of Chicago, appellant, v. United States et al.* Appeals from the United States District Court for the Northern District of Illinois. Judgment reversed and cases remanded to the United States District Court for the Northern District of Illinois with directions to vacate the order of the Interstate Commerce Commission and remand for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 66. *United States et al., appellants, v. J. B. Montgomery, Inc.* Appeal from the United States District Court for the District of Colorado. Judgment affirmed. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan.

No. 163. *John Brenton Preston, petitioner, v. United States.* On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

No. 329. *Humble Pipe Line Company, petitioner, v. W. E. Waggoner, Sheriff, etc.*; and

No. 354. *Natural Gas and Oil Corporation et al., petitioners, v. W. E. Waggoner, Sheriff, etc.* On writs of certiorari to the Court of Appeal of Louisiana, Second Circuit. Judgments reversed and cases remanded to the Court of Appeal of Louisiana, Second Circuit, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black.

No. 423. *Paul F. Bruning, petitioner, v. United States.* On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion 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. 57. *Fawcett Publications, Inc., appellant, v. Dennit Morris.* Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction.

Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted or that the petition for writ of certiorari should be granted.

No. 724. Auclair Transportation, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Massachusetts. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 753. Daniel Kirk, appellant, *v.* Charles H. Boehm, etc., et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 671, Misc. Francisco Cepero, appellant, *v.* Honorable President of the United States et al.; and

No. 843, Misc. Francisco Cepero, appellant, *v.* Hon. President of the United States et al. Appeals from the United States District Court for the Southern District of New York. The appeals are dismissed for want of jurisdiction. Opinion *per curiam*. The Chief Justice took no part in the consideration or decision of these cases.

#### ORDERS IN PENDING CASES

No. 400. Jim Garrison, appellant, *v.* Louisiana. The motion of appellant to remove the case from the summary calendar is denied.

No. 468. Carmine Galante, petitioner, *v.* United States. The Solicitor General is requested to file a response to the petition for rehearing in this case within fifteen days.

No. 775. American Federation of Musicians, etc., et al., petitioners, *v.* Eddie Wittstein et al. The motion of petitioners to advance is denied. The Chief Justice and Mr. Justice Goldberg took no part in the consideration or decision of this motion.

#### CERTIORARI GRANTED

No. 828. Securities and Exchange Commission, petitioner, *v.* American Trailer Rentals Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted.

No. 763. Whitney National Bank in Jefferson Parish, petitioner, *v.* Bank of New Orleans and Trust Company et al.; and

No. 798. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Bank of New Orleans and Trust Company 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 two hours allotted for oral argument.

No. 763, Misc. Wayne Turner, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. Motion for leave to proceed *in forma pauperis* granted. Motion to dismiss granted and appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 52. The New York Times Company, petitioner, *v.* Frank W. Parks and John Patterson. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 672. Peter Igneri et ux., petitioners, *v.* Cie. de Transports Oceaniques. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 709. John S. Gorsuch and Albert J. Doig, petitioners, *v.* Angus J. DePinto et al.;

No. 790. Elmer W. Duhamel, petitioner, *v.* Provident Security Life Insurance Company et al.; and

No. 802. Angus J. DePinto, petitioner, *v.* Provident Security Life Insurance Company et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 717. John S. Gorsuch, petitioner, *v.* Provident Security Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 737. J. J. (Jake) Hardaway and Katie Mae Heidelberg, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 742. Harry Kaiser and Susan Kaiser, petitioners, *v.* New Jersey. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 777. Affiliated Government Employees' Distributing Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 778. Federal Employees' Distributing Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 788. Paul L. Tugwell, petitioner, *v.* A. F. Klaveness & Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 792. Hilton Hotels et al., petitioners, *v.* Robert C. Weaver, Administrator, Housing and Home Finance Agency. Petition for writ

of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 795. Mollie S. Taylor et al., petitioners, *v.* Fred H. Johnson, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 796. Loyal Protective Life Insurance Company, petitioner, *v.* Monarch Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 805. Akshun Manufacturing Company et al., petitioners, *v.* North Star Ice Equipment Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 807. United Aircraft Corporation, Pratt & Whitney Aircraft Division, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 809. United States ex rel. Evsey S. Petrushansky, etc., petitioner, *v.* Anthony R. Marasco, United States Marshal 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. 810. Frances H. Seligsohn, petitioner, *v.* The Philadelphia Parking Authority et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 814. American Export Lines, Inc., et al., petitioners, *v.* Joseph S. Provenza. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 816. Charles Berstein, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 820. Alfred G. Sica, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 825. H. A. Twillegear et al., petitioners, *v.* Quincy Columbia Basin Irrigation District et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 837. Dave Rice et al., petitioners, *v.* Ringsby Truck Lines et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 839. Joseph Gallo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 743. Southern Pilots Association et al., petitioners, *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. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 815. Strachan Shipping Company, petitioner, *v.* Koninklyke Nederlandsche Stoomboot Maalschappy, N.V. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 579, *Misc.* Peter Leroy Ortiz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 736, *Misc.* Frederick James Caster, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 791, *Misc.* James Ervin Boyd, petitioner, *v.* Robert L. Diamond. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 792, *Misc.* David Homer Tidmore, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 806, *Misc.* Harold L. Peek, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 815, *Misc.* Albert Huerta, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 846, *Misc.* Edward S. Enos, petitioner, *v.* Eugene M. Zuckert, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 869, *Misc.* Nathaniel Burdette, 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. 882, *Misc.* Joel B. Cantrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 890, *Misc.* Charles E. Berling, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 892, *Misc.* Edmund Figueroa, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 945, *Misc.* John D. Reagan, petitioner, *v.* Sinclair Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 946, *Misc.* Mario J. DeLucia, petitioner, *v.* United States Department of Justice, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 951, *Misc.* Charles C. Patterson, petitioner, *v.* Virginia Electric and Power Company. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 952, *Misc.* Delphos B. Burns, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 970, *Misc.* William Clyde Wright, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 971, *Misc.* Jesse Garfield Patton, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 972, *Misc.* Gerald Pate, petitioner, *v.* Ray Page, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 980, *Misc.* In re John G. Oppenheimer, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 981, *Misc.* Robert J. Mulligan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 990, *Misc.* Robert Cleggett, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 995, *Misc.* William A. Staples, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 996, *Misc.* Louella E. Puett, petitioner, *v.* City of Detroit et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 997, *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. 1000, *Misc.* John Mack Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1001, *Misc.* Dennis O'Kelly, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1002, Misc. Dewey Allison, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1003, Misc. Albert Young, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1015, Misc. Phillip Hill, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1021, Misc. William Lupo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1026, Misc. Gerald Gordon, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1027, Misc. Bernard E. Moore, 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. 1030, Misc. Daniel J. Koenig, petitioner, *v.* John T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1038, Misc. Albert E. Domanski, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1053, Misc. John L. Mize, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1070, Misc. Roland Causey, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1086, Misc. Eugene R. Waltreus, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 776, Misc. Hosley Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and for other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1045, Misc. Arthur Martinez, petitioner, *v.* P. J. Madigan, Warden;

No. 1058, Misc. William Sims, petitioner, *v.* A. C. Cavell, Superintendent, State Correctional Institution at Rockview, Bellefonte, Pennsylvania; and

No. 1106, Misc. John Joseph Powers, petitioner, *v.* United States. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 966, Misc. National Council on the Facts of Overpopulation, petitioner, *v.* Hon. John J. Sirica, Judge, United States District Court for the District of Columbia;

No. 968, Misc. Joseph W. Di Silvestro, petitioner, *v.* Hon. J. Edward Lumbard et al.; and

No. 1023, Misc. Cushman Motor Delivery Company et al., petitioners, *v.* Honorable F. Ryan Duffy et al. Motions for leave to file petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 96. Yvette M. Wright et al., appellants, *v.* Nelson A. Rockefeller, Governor of New York, et al.;

No. 554. Popeil Brothers, Inc., petitioner, *v.* Karl Zysset et al.;

No. 687. Edward T. Roehner, petitioner, *v.* The Association of the Bar of the City of New York;

No. 777, Misc. Michael John Homchak, petitioner, *v.* New York et al.;

No. 784, Misc. Douglas Stiltner, petitioner, *v.* Washington et al.;

No. 790, Misc. Claudia Walker, petitioner, *v.* Violet Konitzer et al.;

No. 854, Misc. William B. Donnell, petitioner, *v.* E. V. Nash, Warden;

No. 916, Misc. Henry Sliva, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution; and

No. 950, Misc. Philip C. Macfadden, petitioner, *v.* Alameda City Police Court et al. Petitions for rehearing denied.

No. 574. Robert M. Williamson, Jr., et al., etc., petitioners, *v.* The Honorable Paul Peurifoy, Judge of the 95th District Court in Dallas County, Texas. Motion for leave to file petition for rehearing denied.

#### ORDER

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

## ORAL ARGUMENT

No. 116. Donald S. Hostetter et al., etc., appellants, *v.* Idlewild Bon Voyage Liquor Corporation. Argued by Mr. Irving Galt for the appellants and by Mr. Charles H. Tuttle for the appellee.

No. 389. Department of Revenue, petitioner, *v.* James B. Beam Distilling Company. Argued by Mr. William S. Riley for the petitioner and by Mr. Millard Cox for the respondent.

No. 384. Publishers' Association of New York City, etc., petitioner, *v.* New York Mailers' Union Number Six. Argument commenced by Mr. Andrew L. Hughes for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 24, 1964, will be as follows: Nos. 384, 169, 220, and 386.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

James C. Cleveland, of New London, N.H., on motion of Mr. Norris Cotton; Bobby B. Bouneff, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Richard J. Anderson, of Lansing, Mich., on motion of Mr. Charles Ernest Chamberlain; John R. C. Cosgrove, of Menlo Park, Calif., on motion of Mr. Warren Olney III; Robert G. Nichols, Jr., of Jackson, Miss., on motion of Mr. Wm. Ephraim Cresswell; Harold Wayne Wells, of Maquoketa, Iowa, and Melvin G. Goodweather, of Cleveland, Ohio, on motion of Mr. Roy Dale Adcock; David Marston Chase, of Charlottesville, Va., and Martin Davey Colley, of Huntsville, Tex., on motion of Mr. Carl G. Moore; John Robert Ewers, of Washington, D.C., on motion of Mr. Ira L. Ewers; Roy A. Miles, Jr., of Nashville, Tenn., on motion of Mr. George F. Bason, Jr.; and William H. Marx, of New York, N.Y., on motion of Mr. William J. Taylor, were admitted to practice.

## ORAL ARGUMENT

No. 384. Publishers' Association of New York City, etc., petitioner, *v.* New York Mailers' Union Number Six. Argument continued by Mr. Andrew L. Hughes for the petitioner and concluded by Mr. Sidney Sugerman for the respondent.

No. 169. National Association for the Advancement of Colored People, petitioner, *v.* Alabama *ex rel.* Richmond M. Flowers, Attorney General. Argued by Mr. Robert L. Carter for the petitioner and by Mr. Gordon Madison for the respondent. The entire record shall be filed, and the petitioner shall file a brief on the merits within twenty days from today. The respondent may file a brief in reply thereto within twenty days thereafter.

No. 220. Lawrence W. Baggett et al., appellants, *v.* Dorothy Bullitt et al. Argued by Mr. Arval A. Morris and Mr. Kenneth A. MacDonald for the appellants and by Mr. Herbert H. Fuller for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 25, 1964, will be as follows:  
Nos. **386, 583, 548, and 572.**

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Jerry Strickland Harris, of Longview, Tex., on motion of Mr. Lindley G. Beckworth; Thomas Edward Collins, of Minneapolis, Minn., on motion of Mr. Joseph M. Montoya; Valerian J. Lavernoich, of Berlin, N.H., on motion of Mr. James C. Cleveland; Z. Simpson Cox, of Phoenix, Ariz., on motion of Mr. John W. Cragun; W. David Slawson, of Denver, Colo., on motion of Mr. Joseph A. Ball; Harry Jarvis Engel, of Brooklyn, N.Y., on motion of Mr. Donald T. Ruby; Walter P. Morton, Jr., of Denver, Colo., on motion of Mr. Roy Dale Adcock; Mary Bakshian, of Washington, D.C., Ann Dodge Goodbee, of Washington, D.C., and Julian Savage, of Washington, D.C., on motion of Mr. Richard W. Galiher; James F. Bullock, of Raleigh, N.C., on motion of Mr. Ralph M. Moody; Samuel D. Androw, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Fredrick Herman Braun, of Cincinnati, Ohio, on motion of Mr. Francis G. Cole; Lloyd Eckert Dietrich, of Arlington, Va., on motion of Mr. Peter Harvey Schiff; James J. Trench, of Minneapolis, Minn., on motion of Mr. Lorne Dale MacIver; and Walter Arnold Carr, of Houston, Tex., on motion of Mr. Clyde W. Woody, were admitted to practice.

### ORAL ARGUMENT

No. 386. Federal Power Commission, petitioner, *v.* Texaco Inc., et al. Argued by Mr. Howard E. Wahrenbrock for the petitioner and by Mr. Carroll L. Gilliam and Mr. Alfred C. DeCrane, Jr., for the respondents.

No. 583. John Coleman, petitioner, *v.* Alabama. Leave granted Michael C. Meltsner, to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Jack Greenberg. Argued by Mr. Michael C. Meltsner for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Leslie Hall for the respondent.

No. 548. Nick Alford Aguilar, petitioner, *v.* Texas. Argument commenced by Mr. Clyde W. Woody for the petitioner and continued by Mr. Carl E. F. Dally for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 26, 1964, will be as follows: Nos. 548, 572, and 245.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Earl E. McDonald, of Lansing, Mich., on motion of Mr. Charles Ernest Chamberlain; Russell Vernon Roessler, of San Jose, Calif., on motion of Mr. Don Edwards; Joseph W. Ryan, of Aitkin, Minn., and George H. Elliott, of Middletown, Ohio, on motion of Mr. Theodore George Gilinsky; William Bentle Devaney, Jr., of Washington, D.C., on motion of Mr. I. Martin Leavitt; John C. Vassil, of New York, N.Y., on motion of Mr. Eugene Sabol; Robert Finkelstein, of Boston, Mass., and Francis R. Mullen, of Boston, Mass., on motion of Mr. William H. Collins; Melvin Arnold Blum, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters, and Bernard Barry Polak, of New York, N.Y., on motion of Mr. Chester Charles Shore, were admitted to practice.

## ORAL ARGUMENT

No. 548. Nick Alford Aguilar, petitioner, *v.* Texas. Argument continued by Mr. Carl E. F. Dally for the respondent and concluded by Mr. Clyde W. Woody for the petitioner.

No. 572. Jesse James Arnold and George Dixon, petitioners, *v.* North Carolina. Argued by Mr. J. Harvey Turner and Mr. Fred W. Harrison for the petitioners and by Mr. Ralph Moody for the respondent.

No. 245. Milton Berman, petitioner, *v.* United States. Argued by Mr. Bernard B. Polak for the petitioner and by Mr. Theodore G. Gilinsky for the respondent.

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Adjourned until Monday, March 30, 1964, at 10 o'clock.

The day call for Monday, March 30, 1964, will be as follows: Nos. 592 and 623.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

William Victor Gruman, of Tampa, Fla., Herbert A. Karzen, of Chicago, Ill., Ralph R. Mickelson, of Chicago, Ill., Marvin A. H. Freiman, of New York, N.Y., Howard L. Jacobs, of New York, N.Y., Jack Donald Samuels, of New York, N.Y., Robert A. Jacobs, of Arlington, Va., and Lester V. Baum, of Fort Worth, Tex., on motion of Mr. Solicitor General Archibald Cox; James Lee Caldwell, of Huntsville, Ala., Ralph Hunter Ford, of Huntsville, Ala., William Thomas Galloway, Jr., of Huntsville, Ala., and Joe Leslie Payne, of Huntsville, Ala., on motion of Mr. John J. Sparkman; Willis H. McQueary, of Osawatomie, Kans., on motion of Mr. Robert F. Ellsworth; Maury D. Smith, of Montgomery, Ala., on motion of Mr. Wiley Messick; Robert Earl Hoffman, of Topeka, Kans., and William Donald Clement, of Junction City, Kans., on motion of Mr. William M. Ferguson; Donald A. Petrie, of Garden City, N.Y., on motion of Mr. Rocco C. Siciliano; Richard W. Bangert, of Denver, Colo., Richard S. Kitchen, Sr., of Denver, Colo., Anthony F. Zarlengo, of Denver, Colo., and David T. Smith, of Boston, Mass., on motion of Mr. Duke W. Dunbar; Charles Ford Keen, of Pueblo, Colo., William Truett Smith, of Macon, Ga., James D. Trabue, of Belleville, Ill., Joe Lee, of Lexington, Ky., Jacob Dim, of St. Paul, Minn., and John L. Peterson, of Butte, Mont., on motion of Mr. Warren Olney III; Jack Samuel Vihon, of Chicago, Ill., on motion of Mr. Bernard G. Waters; Norman Marcus, of New York, N.Y., Maria Lenhoff Marcus, of New York, N.Y., Barbara A. Morris, of Montclair, N.J., William Rosencrans, of Brooklyn, N.Y., and Edmund F. Wolk, of New York, N.Y., on motion of Mr. Robert L. Carter; Leslie Ira Levine, of New York, N.Y., on motion of Mr. Stuart Rothman; A. C. Latimer, of Atlanta, Ga., on motion of Mr. Newell Edenfield; Albert H. Gill, of Evansville, Wis., on motion of Mr. Thomas B. Columbus; George Louis Creamer, of Denver, Colo., on motion of Mr. Charles Ginsberg; George Charak, of New York, N.Y., on motion of Mr. Irving M. Pollack; Henry Levander Marsh III, of Richmond, Va., on motion of Mr. Samuel W. Tucker; Irwin Panter, of Chicago, Ill., on motion of Mr. Harry N. Rosenfield; and Edward R. Minor, of Washington, D.C., on motion of Mr. Edward R. Kenney, were admitted to practice.

## OPINIONS

No. 287. Victor Rabinowitz et al., petitioners, *v.* Robert F. Kennedy, Attorney General of the United States. On writ of certiorari to the United States Court of Appeal for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Goldberg.

No. 56. Honorable Francis L. Van Dusen, Judge, etc., et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al., and

No. 80. Francis L. Van Dusen, United States District Judge, et al., petitioners, *v.* Roberta Barrack, Administratrix, etc., et al. On writs of certiorari to the United States Court of Appeal for the Third Circuit. Judgment reversed and cases remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Mr. Justice Black concurs in the reversal substantially for the reasons set forth in the opinion of the Court, but he believes that under the circumstances shown in the opinion, this Court should now hold it was error to order these actions transferred to the District Court of Massachusetts.

No. 167. Sidney J. Ungar, appellant, *v.* Honorable Joseph A. Sarafite, Judge, etc. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted. Judgment affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Goldberg join. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Black and Mr. Justice Douglas join.

No. 91. John Wiley & Sons, Inc., petitioner, *v.* David Livingston, etc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 353. Ivan Mrvica, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Black and Mr. Justice Douglas join.

No. 273. Federal Power Commission, petitioner, *v.* H. L. Hunt et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed and case remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 223. Samuel Joseph Rugendorf, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Goldberg 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. 767. In the Matter of the Unauthorized Practice of Law of J. Harvey Crow, appellant. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 771. Port of Brookings et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Oregon. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 793. Mary Hamilton, petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Petition for writ of certiorari granted, judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black concurs in reversal of the judgment of contempt for reasons discussed in *In re Murchison*, 349 U.S. 133, *In re Oliver*, 333 U.S. 257 and *Thompson v. City of Louisville*, 362 U.S. 199. *Cf. Offutt v. United States*, 348 U.S. 11. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White are of the opinion that certiorari should be denied.

No. 800. Suburban Telephone Company, appellant, *v.* Mountain States Telephone and Telegraph Company et al. Appeal from the Supreme Court of New Mexico. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black took no part in the consideration or decision of this case.

No. 803. Dallas Sells et al., appellants, *v.* Matthew Welsh, as Governor of the State of Indiana, etc., et al. Appeal from the Supreme Court of Indiana. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 812. William Howard (Pat) O'Bryan, appellant, *v.* Oklahoma ex rel. Oklahoma Bar Association. Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 817. Theodore R. Carter, appellant, *v.* Florida. Appeal from the Supreme Court of Florida. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. The motion of Life Insurance Association of America for leave to file a brief as *amicus curiae*, is granted. This case is set for argument on the Report of the Special Master and the exceptions thereto. Two hours are allotted for oral argument.

No. 402. J. I. Case Company et al., petitioners, *v.* Carl H. Borak, etc. The motion of the Solicitor General, on behalf of the Securities and Exchange Commission, for leave to participate in oral argument, as *amicus curiae*, is granted and fifteen minutes are allotted for that purpose.

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. The motion of the National Education Association for leave to file a brief, as *amicus curiae*, is granted. The motion of the City of Charlottesville for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 718. Grove Press, Inc., petitioner, *v.* Richard E. Gerstein, etc., et al. The motion to advance is denied.

#### APPEAL—JURISDICTION NOTED

No. 719. All States Freight, Inc., et al., appellants, *v.* New York, New Haven and Hartford Railroad Company et al. Appeal from the United States District Court for the District of Connecticut. In this case probable jurisdiction is noted.

#### CERTIORARI GRANTED

No. 813. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. The motion of Richfield Oil Corporation et al., for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted.

## CERTIORARI DENIED

No. 751. F. J. Cosmark et al., etc., petitioners, *v.* Struthers Wells Corporation et al., etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 821. Marvin L. Kline, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 824. Clarence Cisin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 829. Gladys N. Waller, petitioner, *v.* New Amsterdam Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 831. Gene Logan Alger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 833. Sidney Steinschreiber, Doing Business as Sidcaps Laboratories, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 841. Hoisting & Portable Engineers, Local Union No. 701, of the International Union of Operating Engineers, et al., petitioners, *v.* Charles E. Gilbert et al., for Themselves and on Behalf of all of the Members of Hoisting & Portable Engineers, Local 701. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 843. Marie B. Nick, petitioner, *v.* State Highway Commission of Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 857. Robert F. Trost, petitioner, *v.* American Hawaiian Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 905. Steve E. Anthony, petitioner, *v.* County of Los Angeles. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 725. Pan American World Airways, Inc., petitioner, United Brotherhood of Carpenters and Joiners of America, Local Union 1780, et al.; and

No. 827. United Brotherhood of Carpenters and Joiners of America, Local Union 1780, et al., petitioners, *v.* Pan American World Airways, Inc. Petitions for writs 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. 822. Morris Gotthilf, petitioner, *v.* Benjamin Sills et al. Petition for writ of certiorari to the Appellate Division of the Supreme

Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 754. United States, petitioner, *v.* James R. Seals, Jr. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 857, Misc. Jack Wright Twining, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 895, Misc. Steve Wuckich, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 896, Misc. Alfred L. Johnson, petitioner, *v.* Alfred F. Dowd, Warden. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 911, Misc. Wesley Johnson, petitioner, *v.* Robert E. Murphy, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1034, Misc. Norman Mastrian, petitioner, *v.* Kermit Hedman, Ramsey County Sheriff, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1040, Misc. Alonzo P. Caldera, petitioner, *v.* Frank A. Eymann, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1042, 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. 1067, Misc. Norman Lee Rogers, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1068, Misc. Earl Camplain, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1075, Misc. Garrett Sadler Vinson, Jr., petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1079, Misc. Jack S. Hart, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1083, Misc. Red Bush, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1129, **Misc.** Lloyd Callahan, 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. 2, **Misc.** John Simon, petitioner, *v.* James F. Maroney, Warden, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1114, **Misc.** William McHenry, petitioner, *v.* Michigan;

No. 1127, **Misc.** Don C. Mosnar, petitioner, *v.* Frank A. Eyman, Warden, et al.; and

No. 1142, **Misc.** Arthur McCann, petitioner, *v.* E. L. Maxwell, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### REHEARINGS DENIED

No. 53. Robert C. Brooks, petitioner, *v.* Missouri Pacific Railroad Company;

No. 612. John Milton Addison et al., petitioners, *v.* United States;

No. 705. John William Whaley, petitioner, *v.* United States;

No. 730. Wisconsin & Michigan Steamship Company, petitioner, *v.* Corporation and Securities Commission;

No. 624, **Misc.** Leslie G. Standley, petitioner, *v.* United States;

No. 818, **Misc.** John R. Franco, petitioner, *v.* United States;

No. 868, **Misc.** Lawrence Magee and Michael Kilkenny, petitioners, *v.* California.

No. 902, **Misc.** Sebron Dandy, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution; and

No. 941, **Misc.** Sandor J. Karl, petitioner, *v.* G. V. Richardson, Warden. Petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, April 6, 1964, until Monday, April 20, 1964.

#### ORAL ARGUMENT

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. Three hours allowed for oral argument. Argued by Mr. Robert L. Carter for the petitioners, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and by Mr. J. Segar Gravatt and Mr. R. D. McIllwaine, III, for the respondents. Memoranda to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 31, 1964, will be as follows: Nos. 623, 508, and 11.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

George J. Nicholas, of Beverly Hills, Calif., and Morton J. Heckerling, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Charles R. Cater, of La Grande, Oreg., on motion of Mr. Wayne Lyman Morse; D. James Nielsen, of Minneapolis, Minn., on motion of Mr. Vernon W. Thomson; Ira William Butterfield, of Bay City, Mich., and James R. Ramsey, of Lansing, Mich., on motion of Mrs. Marguerite R. Cederberg; Joseph L. Fuller, of Houston, Tex., on motion of Mr. Roy Dale Adcock; James A. Pakenham, of Houston, Tex., on motion of Mr. Julian P. Freret; Maurice H. Klitzman, of Washington, D.C., and Bertram M. Mullin, of Poughkeepsie, N.Y., on motion of Mr. Julius Jancin, Jr.; Robert A. Schermerhorn, of Junction City, Kans., on motion of Mr. Joseph R. Gorman; Gary L. Cowan, of Chicago, Ill., on motion of Mr. Jules M. Perlberg; William E. Roberts, of Indianapolis, Ind., on motion of Mr. Henry C. Ikenberry, Jr.; Samuel William Cochran, of Washington, D.C., on motion of Mr. William Wallace Cochran; Francis X. Riley, of Chicago, Ill., on motion of Mr. Nathan Siegel; and Paul P. Sogg, of Cleveland, Ohio, on motion of Mr. Thomas Searing Jackson, were admitted to practice.

### ORAL ARGUMENT

No. 623. Fred S. Calhoun et al., petitioners, *v.* A. C. Latimer et al. Two hours allowed for oral argument. Argued by Mrs. Constance B. Motley for the petitioners, by Mr. Burke Marshall for the United States, as *amicus curiae*, by special leave of Court, and by Mr. A. C. Latimer for the respondents.

No. 508. Andres Lucas et al., etc., appellants, *v.* The Forty-Fourth General Assembly of the State of Colorado et al. Three hours allowed for oral argument. Argument commenced by Mr. George Louis Creamer for the appellants and continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 1, 1964, will be as follows: Nos. 508, 11, 449, and 253.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Barry Brandt, of Upland, Calif., John H. Armstrong, of Mattoon, Ill., David E. Furnall, of Mount Vernon, Ill., John E. Jacobsen, of Mount Vernon, Ill., Glenn E. Moore, of Mount Vernon, Ill., and Ronald W. Polston, of Mount Vernon, Ill., on motion of Mr. Solicitor General Archibald Cox; Robert A. Schiff, of Denver, Colo., on motion of Mr. Byron G. Rogers; Robert F. Marquardt, of Glen Ellyn, Ill., on motion of Mr. Joseph F. Spaniol, Jr.; Harry B. Bainbridge, of Chicago Heights, Ill., on motion of Mr. Peter N. Chumbris; Straley Thorpe, of Hammond, Ind., on motion of Mr. Bernard Dunau; Richard Richards, of Ogden, Utah, on motion of Mr. Keith Howard Jaques; Stanley Nemer, of St. Paul, Minn., on motion of Mr. Lawrence C. Merthan; and Don Kenneth Johnson, of Tulsa, Okla., John T. Sheets, of Alexandria, Va., Ira H. Hansen, of Arlington, Va., and Patrick Joseph Regan, of Bowie, Md., on motion of Mr. Thomas M. Wilkins, were admitted to practice.

### ORAL ARGUMENT

No. 508. Andres Lucas et al., etc., appellants, *v.* The Forty-fourth General Assembly of the State of Colorado et al. Argument continued by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by Mr. Anthony F. Zarlengo and Mr. Stephen H. Hart for the appellees and concluded by Mr. Charles Ginsberg for the appellants.

No. 11. Nico Jacobellis, appellant, *v.* Ohio. Reargued by Mr. Ephraim London for the appellant and by Mr. John T. Corrigan for the appellee.

No. 449. A Quantity of Copies of Books et al., appellants, *v.* Kansas. Argument commenced by Mr. Stanley Fleishman for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 2, 1964, will be as follows: Nos. 449, 253, 368, and 328.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Ernest Getz, of Detroit, Mich., on motion of Mr. Russell James Harvey; William Pinckney Rudland, of Brooklyn, N.Y., Ernest Aldo Panizzon, of Santa Barbara, Calif., Robert Kasanof, of New York, N.Y., and Alexander H. Martin, Jr., of Cleveland, Ohio, on motion of Mr. Roy Dale Adcock; Jerry D. Brownlow, of Grand Prairie, Tex., on motion of Mr. Charles M. Johnston; Andrew H. Marsch, of Glen Ellyn, Ill., on motion of Mr. Peter N. Chumbris; A. E. Robert Friedman, of New York, N.Y., on motion of Mr. Herbert S. Thatcher; George F. Wright, of Elko, Nev., on motion of Mr. Nicholas E. Allen; Ramon I. Esparolini, of St. Paul, Minn., on motion of Mr. John William Coleman; Alfred Lo Schiavo, of Brooklyn, N.Y., on motion of Mr. J. Stanley Payne; Dorane M. Robertson, of East Williston, N.Y., and Frank A. Celentano, of East Williston, N.Y., on motion of Mr. John L. Kilcullen; Ward Raynoldson, of Osceola, Iowa, on motion of Mr. David Kammerman; and Richard G. Green, of New York, N.Y., on motion of Mr. Harry M. Plotkin, were admitted to practice.

## ORAL ARGUMENT

No. 449. *A Quantity of Copies of Books et al., appellants, v. Kansas.* Argument continued by Mr. William M. Ferguson for the appellee and concluded by Mr. Stanley Fleishman for the appellants.

No. 253. *Herman Frederick Marks, petitioner, v. P. A. Esperdy, District Director, Immigration and Naturalization Service, New York District.* Argued by Mr. Murray A. Gordon for the petitioner and by Mr. Charles Gordon for the respondent. Petitioner allowed five days within which to file a reply brief.

No. 368. *Angelika L. Schneider, appellant, v. Dean Rusk, Individually, and as Secretary of State.* Argued by Mr. Milton V. Freeman for the appellant and by Mr. Bruce J. Terris for the appellee.

Adjourned until Monday, April 6, 1964, at 10 o'clock.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Kean St. Charles, of Los Angeles, Calif., Jackson L. Peters, of Miami, Fla., Cecyl L. Pickle, of Miami, Fla., John N. Brunacini, of Albuquerque, N. Mex., Victor Temkin, of New York, N.Y., and Norman D. Lane, of Nashville, Tenn., on motion of Mr. Solicitor General Archibald Cox; Frederick J. Titcomb, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; John C. Penny, of Burlington, Colo., on motion of Mr. Donald G. Brotzman; John C. Watts, of Nicholasville, Ky., and Arthur B. Rouse, Jr., of Lexington, Ky., on motion of Mr. Donald S. Dawson; George S. Porikos, of Chicago, Ill., on motion of Mr. Seymour S. Guthman; Herbert J. Gildenhorn, of Washington, D.C., on motion of Mr. Alan Y. Cole; John H. Bustamante, of Cleveland, Ohio, and John Guilford Pegg, of Cleveland, Ohio, on motion of Mr. Arthur Washington Jackson; Clifford James Brenner, of New York, N.Y., Joseph V. Fleming, of Staten Island, N.Y., and William P. Kain, Jr., of New York, N.Y., on motion of Mr. George Henry Hearn; Harold Jack Ackerman, of Los Angeles, Calif., on motion of Mr. Lawrence Speiser; Donald William Phillion, Sr., of Cedar Rapids, Iowa, on motion of Mr. Robert B. Harmon; Herbert A. Leland, of San Francisco, Calif., on motion of Mr. E. K. Gubin; Lawrence Charles Miller, of College Park, Md., on motion of Mr. John T. Miller, Jr.; Earl Francis Requa, of St. Paul, Minn., on motion of Mr. Robert Thomas Ainslie Molloy; John Jennings McCune, of Reno, Nev., on motion of Mr. Chester H. Smith; Eugene Thomas Sherman, of Chicago, Ill., on motion of Mr. Thomas A. Stansbury; Thomas C. Binkley, of Nashville, Tenn., George Harrison Cate, Jr., of Nashville, Tenn., John Cabler Corbitt, of Nashville, Tenn., Charles Kinian Cosner, of Nashville, Tenn., Albert Lucien Dale, of Nashville, Tenn., James Rhodes Linebaugh, of Nashville, Tenn., Harry L. Mettwede, of Nashville, Tenn., James Cornelius Summers, of Nashville, Tenn., Paul Reeves Summers, of Somerville, Tenn., and Donald Leroy Washburn, of Nashville, Tenn., on motion of Mr. William E. O'Donovan; Mary Helen Sears, of Washington, D.C., on motion of Mr. William Wade Beckett; Gerald Roy Clay, of Abbeville, S.C., on motion of Mr. Hubert Henry Finzel; Irvin I. Friedman of Hicksville, N.Y., and Ronald Allen

Friedman, of Hicksville, N.Y., on motion of Mr. Irwin S. Landau; Thomas O. H. Smith, Jr., of Nashville, Tenn., on motion of Mr. Roy Theodore Englert; Frank J. Martell, of Washington, D.C., on motion of Mr. William H. Clarke; Paul J. DeVault, of Indianapolis, Ind., on motion of Mr. Harold W. Starr; Lucian Lane, of Kansas City, Mo., on motion of Mr. Richard Heath Woods; Richard Rings Hollington, Jr., of Cleveland, Ohio, on motion of Mr. George S. Leonard; Victor J. Nearing, of New York, N.Y., on motion of Mr. George Bunn; Reginald Leo Duff, of New York, N.Y., on motion of Mr. Thomas A. Flannery; Dennis J. Psoras, of Baltimore, Md., and Burton W. Sandler, of Baltimore, Md., on motion of Mr. Robert R. Cohen; Eugene A. Falk, of New York, N.Y., David M. Gross, of Brooklyn, N.Y., Charles Lanzoff, of Brooklyn, N.Y., Allan S. Meyers, of Brooklyn, N.Y., Gerard H. Rosenberg, of Brooklyn, N.Y., Jerald Rosenbloom, of Brooklyn, N.Y., Perez Rosenthal, of Brooklyn, N.Y., Joel Jay Rubinton, of Brooklyn, N.Y., Jacob Steinberg, of Brooklyn, N.Y., and George J. Strauch, of New York, N.Y., on motion of Miss Mary Carmen Ballesteros; Richard Leslie Barnes, of New York, N.Y., Edward J. Bazarian, of New York, N.Y., Raphael H. Beauduy, of New York, N.Y., Edwin S. Bernstein, of Queens, N.Y., Lawrence Butner, of Riverdale, N.Y., John J. De Lury, of New York, N.Y., Vincent P. Di Stephan, of Queens, N.Y., S. Gerald Duckor, of Brooklyn, N.Y., Allan Feingertz, of Brooklyn, N.Y., Milton Arthur Goldberg, of Queens, N.Y., Harold Kramer, of New York, N.Y., Donald Bernard Krasnow, of Levittown, N.Y., Stanhope Lacy, Jr., of New York, N.Y., John P. Mahon, of Wantagh, N.Y., Theodore Mirkin, of New York, N.Y., Raymond Mirrer, of Long Beach, N.Y., Bert H. Nisonoff, of New York, N.Y., Henry Richard Peschel, of Flushing, N.Y., Matthew Picard, of Woodbury, N.Y., Alfred Rubinstein, of Hicksville, N.Y., Martin H. Shore, of New York, N.Y., Robert Irwin Silverberg, of Roslyn, N.Y., Robert L. Small, of Ridgewood, N.Y., George Taback, of Jamaica, N.Y., S. Charles Tabak, of New York, N.Y., Stephanos C. Tavuchis, of New York, N.Y., Richard H. Thomas, of New York, N.Y., Murray G. Weissman, of Brooklyn, N.Y., Paul N. Weltman, of Valley Stream, N.Y., Sol A. Wieselthier, of Jamaica, N.Y., and Lawrence M. Wynne, of Queens, N.Y., on motion of Mr. George J. Balbach, were admitted to practice.

#### OPINIONS

No. 107. *United States v. Ross R. Barnett et al.* On certificate from the United States Court of Appeals for the Fifth Circuit. Question certified to the Court answered in the negative. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Goldberg with

whom Mr. Chief Justice Warren and Mr. Justice Douglas join. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 94. United States, appellant, *v.* El Paso Natural Gas Company et al. Appeal from the United States District Court for the District of Utah. Judgment reversed and case remanded to the United States District Court for the District of Utah for further consideration in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Clark. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Mr. Justice White took no part in the consideration or decision of this case.

No. 36. United States, appellant, *v.* First National Bank and Trust Company of Lexington et al. Appeal from the United States District Court for the Eastern District of Kentucky. Judgment reversed and case remanded to the United States District Court for the Eastern District of Kentucky for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Mr. Justice Black. Mr. Justice Brennan and Mr. Justice White agree with the Court that the elimination of competition between the two banks in the circumstances here presented was a violation of § 1 of the Sherman Act. They would rest the reversal, however, solely on the conclusion that the factors relied on in *United States v. Columbia Steel Co.*, 334 U.S. 495, 527-528, quoted by the Court, as applied to the facts of this case, clearly compel the reversal. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 384. Publishers' Association of New York City, etc., petitioner, *v.* New York Mailers' Union Number Six. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Upon respondent's suggestion of mootness the judgment vacated insofar as it reversed the stay provision of the judgment of the United States District Court for the Southern District of New York, and case remanded to the United States District Court for the Southern District of New York with directions to dismiss as moot that portion of the complaint seeking such a stay. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 572. Jesse James Arnold and George Dixon, petitioners, *v.* North Carolina. On writ of certiorari to the Supreme Court of North Carolina. Judgment reversed and case remanded to the Supreme Court of North Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion *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. 67. Pan-American Life Insurance Company, petitioner, *v.* Pedro Menendez Rodriguez 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, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Banco Nacional de Cuba v. Sabbatino*, No. 16, October Term, 1963, decided March 23, 1964. Opinion *per curiam*.

No. 68. Aetna Insurance Company, petitioner, *v.* Pedro Menendez. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Banco Nacional de Cuba v. Sabbatino*, No. 16, October Term, 1963, decided March 23, 1964. Opinion *per curiam*.

No. 78. Standard Cigar Company, petitioner, *v.* Tabacalera Severiano Jorge, S.A. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Banco Nacional de Cuba v. Sabbatino*, No. 16, October Term, 1963, decided March 23, 1964. Opinion *per curiam*.

No. 527. United Fuel Gas Company, appellant, *v.* Public Service Commission of West Virginia. Appeal from the Supreme Court of Appeals of West Virginia. The motion to dismiss is granted and the appeal is dismissed for want of a substantiated federal question. Opinion *per curiam*.

No. 726. J. B. Acton, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of Missouri. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 772. Telephone News System, Inc., appellant, *v.* Illinois Bell Telephone Company et al. Appeal from the United States District Court for the Northern District of Illinois. The judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 811. John C. Yribarne, appellant, *v.* County of San Bernardino et al. Appeal from the District Court of Appeal of California, Fourth 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 Douglas is of the opinion that probable jurisdiction should be noted.

No. 826. Leroy Henry, and 64 Others, petitioners, *v.* City of Rock Hill. On petition for writ of certiorari to the Supreme Court of South Carolina. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 39. The New York Times Company, petitioner, *v.* L. B. Sullivan; and

No. 40. Ralph D. Abernathy et al., petitioners, *v.* L. B. Sullivan. The motion of respondent for the apportionment of printing costs and fees is denied.

No. 379. Pan-American Life Insurance Company, petitioner, *v.* Marie Lorido; and

No. 380. Pan-American Life Insurance Company, petitioner, *v.* Marie Lorido. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 481. Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. The motion of Theatre Owners of America, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 1041, Misc. Vincent Copeland, appellant, *v.* The Secretary of State. The motion of the appellant to advance is denied.

#### CERTIORARI DENIED

No. 731. Philip Gianopoulos, petitioner, *v.* Illinois. Petition for writ of certiorari to the Criminal Court of Cook County of Illinois denied.

No. 830. Stevens Bros. Foundation, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 847. Setrak K. Boyajian, Individually and Doing Business as Precision Testing Laboratories, petitioner, *v.* Old Colony Envelope Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 852. Maude H. Lamar, etc., petitioner, *v.* Edwin O. Bookwalter, District Director of Internal Revenue. Petition for writ of

certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 856. J. Leland Brown et al., petitioners, *v.* Pearl River Valley Water Supply District. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 859. Isthmian Lines, Inc., et al., petitioners, *v.* William Ballwanz, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 860. Des Plaines Currency Exchange, Inc., petitioner, *v.* Joseph E. Knight, Director of Financial Institutions, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 864. Charley Williams 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. 865. Leslie Brown et al., Individually and as a Partnership, petitioners, *v.* The Unauthorized Practice of Law Committee of Cuyahoga County, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 880. Frank E. Aiple, Doing Business as Aiple Towing Company, petitioner, *v.* Central Soya Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 893. United Mine Workers of America, petitioner, *v.* Love & Amos Coal Company. Petition for writ of certiorari to the Court of Appeals of Tennessee denied.

No. 660. Seattle Building and Construction Trades Council, etc., et al., petitioners, *v.* Rusty Rosling et al. 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. 818. The Timken Roller Bearing Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 848. Peter Michalsky, petitioner, *v.* City of New York. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 788, Misc. Brian A. Gosnell, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 821, *Misc.* Jack C. Massengale, petitioner, *v.* Margaret Massengale. Petition for writ of certiorari to the Court of Common Pleas of Ohio, Hamilton County, denied.

No. 841, *Misc.* James Jacobs, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Circuit Court for Baltimore County of Maryland denied.

No. 845, *Misc.* Bill Steve Hutchinson, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 907, *Misc.* Van R. Paige, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 932, *Misc.* Perry Walker, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 943, *Misc.* William A. Baber, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1054, *Misc.* Earthan Keitt, 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. 1066, *Misc.* Howard Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1074, *Misc.* Carl Hayes, 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. 764, *Misc.* Billy Maurice Ogden, 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. 878, *Misc.* Raphael Durr, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1138, *Misc.* Matthew T. Creagh, petitioner, *v.* E. L. Maxwell, Warden, et al.; and

No. 1171, *Misc.* Irvin C. Scarbeck, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1168, Misc. Mark G. Meachnor, petitioner, *v.* Frank A. Eyman, 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 is denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 912, Misc. Francis B. Springfield, petitioner, *v.* Surgeon General of the United States; and

No. 1013, Misc. Paul N. Sharp, petitioner, *v.* United States Court of Appeals for the Sixth Circuit et al. Motions for leave to file petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 79. 2,872.88 Acres of Land, etc., et al., petitioners, *v.* United States;

No. 108. Sears, Roebuck and Co., petitioner, *v.* The Stiffel Company;

No. 680. Rebecca Simon Wolfsohn, Executrix for the Estate of Joel David Wolfsohn, Deceased, petitioner, *v.* Gregory Hankin et al.;

No. 756. Richard Arlen Badger, petitioner, *v.* United States;

No. 769. Tom E. Rodgers, petitioner, *v.* Baltimore & Ohio Railroad Co.; and

No. 773. General Radio Company, petitioner, *v.* The Superior Electric Company. Petitions for rehearing denied.

No. 216. In re Estate of Cora Hubbard Williams, petitioner; and

No. 234. Paul Ginsburg, petitioner, *v.* Horace Stern et al. Petitions for rehearing sur motion for docketing and submission of petitioner's motion to remand denied.

No. 698, Misc. Frederick Collins Fermin, petitioner, *v.* Municipal Court Department #3, Oakland, California; and

No. 920, Misc. Norma Brill, petitioner, *v.* Muller Brothers, Inc. Motions for leave to file petitions for rehearing denied.

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Adjourned until Monday, April 20, 1964, at 10 o'clock.

The day call for Monday, April 20, 1964, will be as follows: Nos. 328, 185, and 461.

SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

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Mr. Attorney General Kennedy addressed the Court as follows:

“Mr. Chief Justice:

“May it please the Court. On behalf of the members of this Bar and of lawyers throughout the United States, I come here to join in paying tribute to Justice Douglas, who is celebrating the completion of 25 years of distinguished service on the Court. It is an unusual circumstance that just 2 years ago we were paying similar tribute to Mr. Justice Black.

“Justice Douglas came to the Court in the year 1939. He was able to draw upon a unique background, bringing with him knowledge and experience that were greatly needed in the United States at that time. His expertness in the fields of economic regulation and administrative law were of particular value and enabled him to make a vital contribution to the progress we were seeking to achieve during those very difficult days.

“I would also like to add a brief personal note. I think it was my father who was responsible for bringing Justice Douglas to Washington a number of years ago, when I was about 6 years old. He came on the Court when I was 13, and I remember that bright day even now. He has been a great friend of our family for many years.

“I also remember vividly my trips with him around the world—not merely because of what I gained personally, but primarily because I witnessed the way in which he presented a picture of the United States to the people of other countries. He was a man who was able to tell them, in ways they understood, of our views and beliefs. He could speak with wisdom of our laws and explain our system of government. He could talk to them also, in every-day terms, of many other matters in which they were deeply interested—how much cotton was produced per acre in South Carolina or how much wheat in Nebraska. The many who have seen him in his travels, read his books, and heard his friendly words have been moved and inspired.

“He has been a great credit not only to this Court, but as a citizen of the United States and of the world.

“Thank you, Mr. Chief Justice.”

The Chief Justice said:

“Mr. Attorney General:

“It is thoughtful of you to publicly remind us of this important milestone in the life of the Court, and it is generous of you to speak of our Brother Douglas in such felicitous terms. We heartily join you both in the timing and in the fervor of your remarks. Twenty-five years of devoted service to the highest Court of the Nation should not be passed over without comment. Only 18 of the 94 men appointed to the Court have achieved that distinction, and only 5 of them—Holmes, McReynolds, Van Devanter, Black and Douglas—were appointed in this century.

“When Mr. Justice Douglas, succeeding Justice Brandeis, took his seat on the Court, Mr. Justice McReynolds was the Senior Justice. Appointed in 1914, he had sat for 7 years with Chief Justice Edward D. White, who was appointed an Associate in 1894. Thus, as evidence of the continuing nature of the Court, it should be appropriate to point out that Mr. Justice Douglas served with one who had in turn sat for 7 years with Justice White, who was appointed 70 years ago. This continuity of service is one of the strong factors which brings stability and tradition to our Court.

“It has been said that in a cyclic way every basic problem of the American people eventually reaches the Supreme Court. If this is true—and there is evidence to sustain it—Mr. Justice Douglas has served through more than one of these cycles. The last quarter of a century has taken him through depression, hot wars, cold wars, and social and economic revolutions. He has written for the Court or in dissent in many hundreds of cases. His work is a vital part of the jurisprudence of the Court. It is recorded in more than 70 volumes of the United States Supreme Court Reports. His opinions will be read and studied so long as the Constitution is the guiding light of our Nation.

“This is neither the time nor the place to appraise his work. That will be done by lawyers, scholars, courts and the people in the fullness of time. One does not try to determine the record of a swimmer when he is in midstream, particularly when he is swimming against unknown currents. Mr. Justice Douglas is in midstream. We know that by nature he recoils against merely swimming downstream. He will continue to swim strongly and purposefully.

“We join with you, Mr. Attorney General, and with the Bar in wishing him continued success and happiness on the Court for many years to come.”

## ADMISSIONS TO THE BAR

Frank R. Dougherty, of Philadelphia, Pa., William J. Hagan, of Philadelphia, Pa., Bernard Povich, of Washington, D.C., Alex G. B. Radcliffe, of Miami, Fla., Robert Emerson Marshall, of Shelbyville, Ind., James Francis Flynn, of Bellingham, Wash., Francis G. McKenna, of Bozeman, Mont., Benjamin I. Kreitzberg, of Maplewood, N.J., Jack Louis Lipson, of New York, N.Y., Albert Squire, of Levittown, Pa., Solomon Fisher, of Philadelphia, Pa., S. Laurence Shaiman, of Philadelphia, Pa., William C. Gleisner, Jr., of Milwaukee, Wis., Daniel E. Isles, of Orange, N.J., Donald H. Mintz, of Orange, N.J., and Michael Armand Querques, of Orange, N.J., on motion of Mr. Solicitor General Archibald Cox; Charles F. Barnwell, of Atlanta, Ga., and Marvin W. Ransom, of Flint, Mich., on motion of Mr. Robert Grier Stephen, Jr.; Raymond H. Moseley, of Chattanooga, Tenn., on motion of Mr. Donald G. Brotzman; Joseph J. Simon, Jr., of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Robert F. Ward, of Chatham, Va., on motion of Mr. Frederick Bernays Wiener; Russell Arnold Kramer, of Knoxville, Tenn., Jackson Carlisle Kramer, of Knoxville, Tenn., David Lyons Oakley, Jr., of Knoxville, Tenn., William Jerry Flippin, of Milan, Tenn., and Orris S. Hiestand, Jr., of Bethesda, Md., on motion of Mr. Russell R. Kramer; Sidney Kurtz, of New York, N.Y., and John I. Van Voris, of Albany, N.Y., on motion of Mr. Frank C. Stetson; Charles J. Bufalino, Jr., of West Pittston, Pa., on motion of Mr. Charles J. Bufalino; Jerome H. Adler, of New York, N.Y., on motion of Mr. Henry Kaiser; Harold I. Kaplan, of New York, N.Y., and Robert Ira Pearlman, of New York, N.Y., on motion of Mr. Robert I. Dennison; Donald Hayes Mackaman, of Dallas, Tex., on motion of Mr. William Allen Quinlan; Louis Weiner, of Bethesda, Md., on motion of Mr. Charles Donohue; George M. Nachwalter, of Miami, Fla., on motion of Mr. Samuel J. Nachwalter; Mark Scott Hamilton, of San Francisco, Calif., on motion of Mr. Robert Fremlin; Hiram Emory Widener, Jr., of Bristol, Va., on motion of Mr. George D. Webster; Selden Gladding Brooks, of Springfield, Mass., on motion of Mr. Wallace T. Ward; Jim Garrison, of New Orleans, La., and Gerald J. Gallinghouse, of New Orleans, La., on motion of Mr. Eberhard P. Duetsch; Paul Edmund McNulty, of Washington, D.C., on motion of Mr. John W. Gaskins; Sylvia Roberts, of Baton Rouge, La., on motion of Mr. Ben Paul Noble; Edward Morris Statland, of Washington, D.C., on motion of Mr. James C. Cacheris; and Joseph Landis, of Boston, Mass., on motion of Mr. Michael H. Bader, were admitted to practice.

## OPINIONS

No. 235. United States, appellant, *v.* William C. Welden. Appeal from the United States District Court for the District of Massachusetts. Judgment reversed and case remanded to the United States District for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. 111. National Labor Relations Board, petitioner, *v.* Servette, Inc. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 88. National Labor Relations Board, petitioner, *v.* Fruit & Vegetable Packers & Warehousemen, Local 760, et al. 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 with direction to enter judgment setting aside the order of the National Labor Relations Board. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 87. Richard S. Simpson, petitioner, *v.* Union Oil Company of California. 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 Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Separate memorandum opinion by Mr. Justice Brennan and Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Stewart. Mr. Justice Harlan took no part in the disposition of this case.

No. 386. Federal Power Commission, petitioner, *v.* Texaco 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 Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Stewart dissenting in part.

No. 34. Brotherhood of Railroad Trainmen, petitioner, *v.* Virginia ex rel. Virginia State Bar. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgment and decree vacated and

case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins. Mr. Justice Stewart 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. 845. 378 Realty Corp., et al., etc., appellants, *v.* New York City Rent and Rehabilitation Administration, et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 855. Robert G. Vokes et al., appellants, *v.* City of Chicago. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 856, Misc. Hilliard Sanders, petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al. It is ordered that Honorable Marvin Jones, Chief Judge of the United States Court of Claims, be, and he is hereby, appointed Special Master in this case, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

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

The request of the State of Mississippi for admissions is referred to the Special Master for consideration and determination.

No. 1314, Misc. In the Matter of the Disbarment of Stanley Dolnick. It is ordered that Stanley Dolnick of Philadelphia, Pennsylvania, 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.

No. 33. Henry Rogers Anderson, petitioner, *v. Kentucky*. The motion of the petitioner to correct the order of this Court of March 9, 1964, is denied.

#### APPEAL—JURISDICTION NOTED

No. 866. City of El Paso, appellant, *v. Greenberry Simmons*. Appeal from the United States Court of Appeals for the Fifth Circuit. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

No. 801. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v. United Air Lines, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 846. Textile Workers Union of America, petitioner, *v. Darlington Manufacturing Company et al.*; and

No. 874. National Labor Relations Board, petitioner, *v. Darlington Manufacturing Company et al.* Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Cases consolidated and a total of two hours allotted for oral argument. Mr. Justice Stewart and Mr. Justice Goldberg took no part in the consideration or decision of these petitions.

No. 898. Mortimer Singer, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 899. Republic Steel Corporation, petitioner, *v. Charlie Maddox*. Petition for writ of certiorari to the Supreme Court of Alabama granted and case placed on the summary calendar.

#### CERTIORARI DENIED

No. 104. Jefferson City Cabinet Co., petitioner, *v. Local Union 748 of International Union of Electrical, Radio and Machine Workers, AFL-CIO*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 784. Aime Burie et al., petitioners, *v.* Overseas Navigation Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 797. Lena S. Tillman, Administratrix, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 823. Arthur S. Hames, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 836. Robert Catalano, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 842. Delta Engineering Corporation et al., petitioners. *v.* Joseph Ruby Scott et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 858. James Bass, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 863. Robert Albon Grayson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 871. Teamsters, Chauffeurs & Helpers Local Union No. 79, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 872. Mohawk Liqueur Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 873. Lillian Tenenbaum et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 875. Lyndon A. Durant, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 876. Edna Van der Schelling, petitioner, *v.* U.S. News & World Report, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 877. Earl Serap et al., petitioners, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 879. Norman Mayer, petitioner, *v.* Illinois Northern Railway. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 881. John Sittner, d/b/a Sittner's Auto Wrecking, et al., petitioners, *v.* City of Seattle. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 884. Tru-Line Metal Products Company et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 885. Drop Dead Co., Inc., d/b/a Paramount Chemical Co., et al., petitioners, *v.* S. C. Johnson & Son, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 886. Paul M. Hughes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 888. John Kaslow, etc., petitioner, *v.* Paul Rand Dixon et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 891. Alvin Grover Conner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 892. Ida Mae Palmer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 895. Bob and Dorothy Lee Hindes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 896. Charlie L. Dean, Jr., Administrator of the Estate of L. T. McGee, petitioner, *v.* Edmund V. Cole. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 912. Nello L. Teer Company et al., petitioners, *v.* Hollywood Golf Estates, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 948. Edmund Winkler, petitioner, *v.* Samuel W. Pringle et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 114. General Electric Company, petitioner, *v.* James B. Carey, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 838. Fred R. Dickson, Warden, petitioner, *v.* Charley Luther Pike. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 878. The General Tire & Rubber Company, petitioner, *v.* The Honorable R. Dorsey Watkins, United States District Judge for the District of Maryland. The motion of The Firestone Tire & Rubber Company et al., for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 902. S. Stern & Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 464, Misc. Jerry Delaney Stewart, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 811, Misc. Alastair Kyle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 836, Misc. Johnnie Llewellyn Frasier, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 874, Misc. Robert C. Harris, petitioner, *v.* Dr. R. O. Settle, Warden, Medical Center for Federal Prisoners. Petition for writ of certiorari to the United States Court of Appeals for the Eight Circuit denied.

No. 876, Misc. Samuel Murillo Gutierrez, petitioner, *v.* Immigration and Naturalization Service at Los Angeles. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 903, Misc. Manuel Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 929, Misc. Daniel J. Koenig, petitioner, *v.* Olin G. Blackwell, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 993, Misc. Henry Korman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1033, Misc. Jasper Johnson, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District denied.

No. 1043, Misc. John Collins, petitioner, *v.* Fred Dickson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1055, *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. 1065, *Misc.* Casper Baker Gary, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1069, *Misc.* Julius Dwaine Perry, Sr., petitioner, *v.* Charles N. Ronan et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1073, *Misc.* Donald Hicks, 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. 1084, *Misc.* Lorenzo Chandler, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1085, *Misc.* Joseph Nastasio, etc., petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1090, *Misc.* Hershley Jones, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1092, *Misc.* Johnny E. Harrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit, denied.

No. 1094, *Misc.* Robert B. Kimball, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1095, *Misc.* Eddie Lomax, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1100, *Misc.* Frank Finley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1102, *Misc.* Jessie Merritt, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1109, *Misc.* Henry A. Best, 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. 1110, *Misc.* John B. Turner, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1112, *Misc.* Robert C. King, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1119, **Misc.** Robert Saulsbury, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1123, **Misc.** Tom James Blevins, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1126, **Misc.** Lewis Randolph Carter, et al., petitioners, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1131, **Misc.** James Dutton, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1184, **Misc.** Ruben Williams, petitioner, *v.* Frank J. Pate, Warden;

No. 1199, **Misc.** Richard Ohodnicki, petitioner, *v.* Harry E. Russell, Superintendent;

No. 1214, **Misc.** Charles Haskel Wilson, petitioner, *v.* South Carolina et al.; and

No. 1215, **Misc.** Homer Olive, petitioner, *v.* Florida. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1210, **Misc.** Bob Loftice, petitioner, *v.* Elbert V. Nash, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

#### LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1148, **Misc.** Johnny Harper, petitioner, *v.* Honorable Talbot Smith, Judge, U.S. District Court for the Eastern District of Michigan. Motion for leave to file petition for writ of mandamus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 865, **Misc.** Frederick M. Raubinger, Commissioner of Education of the State of New Jersey, et al., petitioners, *v.* Anthony T. Augelli, Judge, United States District Court, District of New Jersey. Motion for leave to file petition for writ of prohibition denied. Mr. Justice Douglas is of the opinion that the motion for leave to file should be granted.

#### REHEARINGS DENIED

No. 71. Federal Power Commission, petitioner, *v.* Southern California Edison Company et al.; and

No. 73. City of Colton, California, petitioner, *v.* Southern California Edison Company et al.;

No. 106. Compco Corporation, petitioner, *v.* Day-Brite Lighting, Inc.;

No. 468. Carmine Galante, petitioner, *v.* United States;

No. 739. John Miguel and Ralph Brown, petitioners, *v.* The Honorable Justices of the Supreme Court of New York, County of New York, et al.;

No. 742. Harry Kaiser and Susan Kaiser, petitioners, *v.* New Jersey;

No. 968, **Misc.** Joseph W. Di Silvestro, petitioner, *v.* Hon. J. Edward Lumbard et al.; and

No. 1106, **Misc.** John Joseph Powers, petitioner, *v.* United States. Petitions for rehearing denied.

No. 669, **Misc.** Attilio Zupicich, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service, District of New York. Motion for leave to file petition for rehearing denied.

No. 671, **Misc.** Francisco Cepero, appellant, *v.* Honorable President of the United States et al.; and

No. 843, **Misc.** Francisco Cepero, appellant, *v.* Hon. President of the United States et al. Petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

#### ORAL ARGUMENT

No. 328. United States, appellant, *v.* Rocco Tateo. Argued by Miss Beatrice Rosenberg for the appellant and by Mr. Robert Kasanof for the appellee.

No. 185. United States et al., appellants, *v.* B. J. Boyd, Commissioner. Argument commenced by Mr. Solicitor General Cox for the appellants and continued by Mr. R. R. Kramer for the appellants and by Mr. Milton P. Rice for the appellee.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 21, 1964, will be as follows: Nos. 185, 461, 509, and 264.

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Thomas W. Cochran, of Long Beach, Calif., on motion of Mr. Joseph A. Ball; Thomas M. Hampson, of Rochester, N.Y., on motion of Mr. Abbott A. Leban; Paul A. Richards, of Reno, Nev., on motion of Mr. Chester H. Smith; Frank August Peters, of Puyallup, Wash., on motion of Mr. Thomas Stephen Foley; George S. Turner, of Springfield, Md., and Robert Lavelle Netterville, of Natchez, Miss., on motion of Mr. Rosel H. Hyde; Wayne A. Freeman, Jr., of Wellsville, N.Y., and Wilfred Carlmond Rice, of Detroit, Mich., on motion of Mr. Roy Dale Adcock; George H. Shapiro, of Atlanta, Ga., on motion of Mr. Harry M. Plotkin; Joseph V. Riley, of Ipswich, Mass., on motion of Mr. Francis W. Stover; John D. Sheehan, of New Bedford, Mass., Barnet Smola, of New Bedford, Mass., and Barry D. Berkal, of Salem, Mass., on motion of Mr. William H. Collins; Paul J. Kemp, of Washington, D.C., and Jacob H. Stillman, of San Antonio, Tex., on motion of Mr. Ellwood L. Englander; Joel I. Berson, of New York, N.Y., on motion of Mr. William B. Wolf, Jr.; Robert G. Desmond, of Pelham, N.Y., on motion of Mr. Charles L. Kades; Paul Ames Peterson, of San Diego, Calif., on motion of Mr. Richard David Andrews; Maurice S. Glaser, of Boston, Mass., on motion of Mr. Robert M. Scott; and Charles B. Myers, of Chicago, Ill., on motion of Mr. John F. Donegan, were admitted to practice.

## ORAL ARGUMENT

No. 185. United States et al., appellants, *v.* B. J. Boyd, Commissioner. Argument continued by Mr. Milton P. Rice for the appellee and concluded by Mr. Solicitor General Cox for the appellants.

No. 461. Herbert Aptheker et al., appellants, *v.* The Secretary of State. Argued by Mr. John J. Abt and Mr. Joseph Forer for the appellants and by Mr. Abram Chayes for the appellee.

No. 509. United States, petitioner, *v.* Vermont et al. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. Charles E. Gibson, Jr., for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 22, 1964, will be as follows:  
Nos. 264, 336, 400, and 402.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Clay Christopher Scott, Jr., of Dallas, Tex., and Leo Gordon, of Boston, Mass., on motion of Mr. Joe M. Kilgore; William A. Harper, of Big Rapids, Mich., on motion of Mr. Wilbur D. Sparks; John B. Toll, Jr., of Denver, Colo., on motion of Mr. Charles Stephen Leonard; Dale C. Nathan, of Washington, D.C., and Joseph F. Hennessey, of Washington, D.C., on motion of Mr. Mark H. Woolsey; Willard J. Lassers, of Chicago, Ill., and Aaron S. Wolff, of Chicago, Ill., on motion of Mr. Alex Elson; Glen Robert Miller, of Glendale, Calif., on motion of Mr. Robert B. Hankins; H. Maxwell Manzer, of Ripon, Wis., on motion of Mr. Walter S. Davis; George Clifton Davis, of Washington, D.C., on motion of Mr. Ashley Sellers; and Bernard L. Barasa, of Chicago, Ill., Richard P. Bogusz, of Chicago, Ill., James R. Bryant, Jr., of Chicago, Ill., Michael J. Bucko, of Chicago, Ill., Oscar Peter Chiappori, of Chicago, Ill., John P. Collins, of Chicago, Ill., John E. Cunningham, of Chicago, Ill., Harrison L. Dod, of Chicago, Ill., Raymond Nathan Friedlander, of Skokie, Ill., Ralph A. Gabric, of Chicago, Ill., William R. Galliani, of Chicago, Ill., Jason N. Gesmer, of Chicago, Ill., David Sherman Goodman, of Niles, Ill., James Francis Gorman, of Chicago, Ill., Sidney C. Hamper, of Chicago, Ill., Jerry B. Jaworsky, of Chicago, Ill., Raymond L. Lannon, of Chicago, Ill., Kenneth S. Lewis, of Chicago, Ill., Daniel F. Maras, of Antioch, Ill., John J. McNichols, of Chicago, Ill., John J. Milano, of Chicago, Ill., Henry D. Noetzel, of Chicago, Ill., Orest J. Popel, of Chicago, Ill., Arthur A. Reiser, Jr., of Chicago, Ill., John P. Roddy, of Chicago, Ill., Raphael H. Ross, of Chicago, Ill., Thomas P. Smith, of Chicago, Ill., Steven C. Spencer, of Chicago, Ill., Robert Lincoln Stanton, of Chicago, Ill., Lawrence W. Thomas, of Chicago, Ill., and Frank J. Wiedner, of Chicago, Ill., on motion of Mr. Joseph Edward DeTuno, were admitted to practice.

### ORAL ARGUMENT

No. 264. James P. Donovan et al., petitioners, *v.* City of Dallas et al. Argued by Mr. James P. Donovan for the petitioners and by Mr. H. P. Kucera for the respondents.

No. **336**. Wanda Mercer, petitioner, *v.* Paris Theriot. Argued by Mr. H. Alva Brumfield for the petitioner and by Mr. Stanley E. Loeb for the respondent.

No. **400**. Jim Garrison, appellant, *v.* Louisiana. Argued by Mr. Eberhard P. Deutsch for the appellant and by Mr. Jack P. F. Gremillion for the appellee.

No. **402**. J. I. Case Company et al., petitioners, *v.* Carl H. Borak, etc. One and one-half hours allowed for oral argument. Argument commenced by Mr. Walter S. Davis for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 23, 1964, will be as follows: Nos. **402, 204, and 201**.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Melvin Kent Kammerlohr, of Lincoln, Nebr., and Ewald D. Warnsholz, of Lincoln, Nebr., on motion of Mr. Roman L. Hruska; Arthur John Palmer, of Huntington, Ind., on motion of Mr. J. Edward Roush; William Herbert Price, of San Antonio, Tex., on motion of Mr. O. C. Fisher; Thomas D. Griffin, of Long Beach, Calif., on motion of Mr. Robert Jordan Wager; John David Fassett, of New Haven, Conn., on motion of Mr. George B. Mickum III; Ernest David Cunningham, of Colorado Springs, Colo., and Robert W. Fiddler, of New York, N.Y., on motion of Mr. Roy Dale Adcock; Chester Mueller, of Toms River, N.J., on motion of Mr. Robert Irving Dennison; R. William Johnston, of Pasadena, Calif., on motion of Mr. John Anthony Finken; W. Paul Gormley, of Vermillion, S. Dak., on motion of Mr. Will H. Carroll; Henry Harfield, of New York, N.Y., on motion of Mr. W. H. Reeves; Rudolph Victor Lutter, Jr., of Philadelphia, Pa., on motion of Mr. Howard Lawrence Kitzmiller; Irwin M. Aisenberg, of Hanover, N.J., on motion of Mr. Ernest F. Wondroth; Gershon S. Berg, of Chicago, Ill., on motion of Mr. Abraham H. Maller; Marvin Fortman, of Phoenix, Ariz., on motion of Mr. Herbert E. Forrest; and Magdalon B. Murphy, of Washington, D.C., Robert Henry Murphy, of Washington, D.C., Donald C. Chumley, of New York, N.Y., Stephen Joel Paradise, of Rye, N.Y., Lawrence Williams, of Woodmere, N.Y., and Martin I. Robins, of Philadelphia, Pa., on motion of Mr. David Ferber, were admitted to practice.

## ORAL ARGUMENT

No. 402. J. I. Case Company et al., petitioners, *v.* Carl H. Borak, etc. Argument continued by Mr. Walter S. Davis and Mr. Malcolm K. Whyte for the petitioners, by Mr. Alex Elson for the respondents and concluded by Mr. Philip A. Loomis, Jr., for the Securities and Exchange Commission, as *amicus curiae*, by special leave of Court.

No. 204. United States, appellant, *v.* Aluminum Company of America et al. Argued by Mr. Solicitor General Cox for the appellant and by Mr. Herbert Bergson for the appellees.

No. 201. Willis Shaw Frozen Express, Inc., appellant, *v.* United States et al. Argument commenced by Mr. A. Alvis Layne for the appellant.

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Adjourned until Monday, April 27, 1964, at 10 o'clock.

The day call for Monday, April 27, 1964, will be as follows: Nos. 201, 481, 294, and 367.

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SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## CERTIORARI DENIED

No. 1028. Stassen for President Citizens Committee, petitioner, *v.* Frank M. Jordan, Secretary of the State of California. The motions of Janice C. Herrera and Thomas N. Burbidge, Jr., for leave to file briefs, as *amicus curiae*, are granted. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Goldberg dissent. Opinions may be filed in due course.

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700-278-64-73

## 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

John Joseph Patrick Lynch, of Los Angeles, Calif., Donald Raymond Mark Mizener, of Montebello, Calif., James Robert Thompson, Jr., of Chicago, Ill., James G. Vetter, Jr., of Omaha, Nebr., Donald L. Hardison, of Greensboro, N.C., Stephen Francis Smetana, of Pittsburgh, Pa., and Bernard A. Kuttner, of Newark, N.J., on motion of Mr. Solicitor General Archibald Cox; Clarence J. Hamilton, of Coeur d'Alene, Idaho, on motion of Mr. Frank Church; Harvey John Kennedy, Jr., of Barnesville, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Henry Milton Quillian, Jr., of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Foster T. Bean, of Kilgore, Tex., on motion of Mr. Lindley G. Beckworth; Otis Hawes Turner, of Arkadelphia, Ark., on motion of Mr. John Patrick Baker; John A. Travis, Jr., of Jackson, Miss., and Rowland W. Heidelberg, of Hattiesburg, Miss., on motion of Mr. William E. Cresswell; J. Wallace Adair, of Birmingham, Ala., on motion of Mr. Alfonso Everette MacIntyre; Michael Joseph Egan, Jr., of Atlanta, Ga., and James Purcell Groton, of Atlanta, Ga., on motion of Mr. Mac Asbill, Sr.; C. Melvin Neal, of Hobbs, N. Mex., on motion of Mr. Max N. Edwards; Emory Linwood Carlton, of Tappahannock, Va., on motion of Mr. D. Gardiner Tyler; Roger James Anderson Turner, of San Antonio, Tex., on motion of Mr. William Simon; Donna Klingbiel Simpson, of Chicago, Ill., on motion of Mr. Milton Kramer; Julius Louis Tomaselli, of New York, N.Y., on motion of Mr. William Britton Moore; Mary Lonergan Rhomberg, of Dubuque, Iowa, on motion of Mr. John Anthony Rhomberg; David Hess Payne, of Salt Lake City, Utah, on motion of Mr. Glendon E. Johnson; Norbert Ederer, of Fair Lawn, N.J., on motion of Mr. James W. Dent; Joseph A. McManus, of New York, N.Y., on motion of Mr. Milo G. Coerper; H. Melvin Swift, Jr., of Los Angeles, Calif., on motion of Mr. Jerome C. Muys; Ralph Lawrence Grayson, of Memphis, Tenn., on motion of Mr. Oswald Ryan; Robert H. Elliott, Jr., of New York, N.Y., William C. Golden, of Washington, D.C., Johannes Robert Krahrmer, of Washington, D.C., Michael T. McGreevy, of Rockford, Ill., Arthur J. Rothkopf, of Washington, D.C., Jonathan Sobeloff, of Washington, D.C., and John Yeatman Taggart, of New York, N.Y., on mo-

tion of Mr. Stanley S. Surrey; M. Michael Cramer, of Washington, D.C., Ted Denise Kuemmerling, of Arlington, Va., Bruce Stephen Mencher, of Washington, D.C., and Harry Thomas Sisk, Jr., of Washington, D.C., on motion of Mr. Chester H. Gray; and William D. Cabell, of New York, N.Y., James William Chapin, of New York, N.Y., Francis Keil Decker, of New York, N.Y., Alfred M. Ehrenclou, of New York, N.Y., Alfred S. Forsyth, of New York, N.Y., Edwin J. Jacob, of New York, N.Y., Hanno D. Mott, of New York, N.Y., Charles Douglas Webb, of New York, N.Y., and Harold Mayer Weston, of New York, N.Y., on motion of Mr. Frank H. Medinger, 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. 669.** Hattiesburg Building and Trades Council et al., petitioners, *v.* J. D. Broome, etc., et al. On petition for writ of certiorari to the Supreme Court of Mississippi. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

**No. 791.** Frank Cickelli, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

**No. 890.** John H. Michell, appellant, *v.* Louisiana State Board of Optometry Examiners. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### APPEAL—JURISDICTION NOTED

**No. 585.** Dewey McLaughlin et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

**No. 909.** American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted.

No. 1093, Misc. Robert Swain, petitioner, *v.* Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Alabama granted. Case transferred to the appellate docket and placed on the summary calendar.

## CERTIORARI DENIED

No. 832. Stefanos Ktistakis, petitioner, *v.* United Cross Navigation Corp. et al. . Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 840. Byram Concretanks, Inc., petitioner, *v.* Warren Concrete Products Co., of N.J., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 887. Harmond E. Genstil, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 897. Board of Commissioners of the Port of New Orleans, petitioner, *v.* United States; and

No. 906. Laclede Steel Company et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 903. Oregon Saw Chain Corp., petitioner, *v.* McCulloch Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 907. Orleans Parish School Board, petitioner, *v.* Reliance Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 910. Dade Brothers, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 911. Antonio Rodriguez Silva, petitioner, *v.* Harlan B. Carter, as Regional Commissioner, Immigration and Naturalization Service, Southwest Region, San Pedro, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 917. Joseph Elkanich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 933. Henderson Clay Products, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 959. Builders' Association of Kansas City, petitioner, *v.* Greater Kansas City Laborers District Council of the International

Hod Carriers Building and Common Laborers Union of America of Greater Kansas City and Vicinity. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 967. Chicago and North Western Railway Company, petitioner, *v.* Arthur J. Rieger. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 908. William Leighton, etc., petitioner, *v.* Paramount Pictures Corporation et al. The motion to dispense with printing the petition for writ of certiorari is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

No. 935. Brotherhood of Locomotive Firemen and Enginemen, et al., petitioners, *v.* Certain Carriers Represented by the Eastern, Western, and Southeastern Carriers' Conference Committees, et al.; and

No. 1007. Brotherhood of Locomotive Engineers, petitioner, *v.* Certain Carriers Represented by the Eastern, Western, and Southeastern Carriers' Conference Committees, et al. The motion of The Transport Workers Union of America, AFL-CIO, for leave to file a brief, as *amicus curiae*, is granted. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion or these petitions.

No. 887, Misc. Charles E. Lawrenson, petitioner, *v.* Sam Anderson, 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. 1051, Misc. William A. Reed, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1121, Misc. Morris Weiss, petitioner, *v.* Spiro Skouras et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1154, Misc. Ex parte John G. Oppenheimer, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1158, Misc. Homer Neal, petitioner, *v.* Robert A. Heinze et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1160, Misc. Liberty Bridgers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1170, **Misc.** Earl Gandy, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1191, **Misc.** In the Matter of John G. Oppenheimer, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1313, **Misc.** Frank Lee Rudolph, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied. The application for a stay of execution presented to Mr. Justice Black, and by him referred to the Court, is also denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1014, **Misc.** Elmer Krepel, petitioner, *v.* Robert A. Heinze, Warden; and

No. 1250, **Misc.** Gary Taylor, petitioner, *v.* L. E. Wilson, 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.

#### REHEARINGS DENIED

No. 753. Daniel Kirk, appellant, *v.* Charles H. Boehm, etc., et al.;

No. 809. United States ex rel. Evsey S. Petrushansky, etc., petitioner, *v.* Anthony R. Marasco, United States Marshal for the Southern District of New York;

No. 816. Charles Berstein, petitioner, *v.* Missouri;

No. 830. Stevens Bros. Foundation, Inc., petitioner, *v.* Commissioner of Internal Revenue;

No. 846, **Misc.** Edward S. Enos, petitioner, *v.* Eugene M. Zuckert, etc., et al.; and

No. 951, **Misc.** Charles C. Patterson, petitioner, *v.* Virginia Electric and Power Company. Petitions for rehearing denied.

No. 342. Harry J. Alker, Jr., and Mamie DuBan, Individually and as Executrix of the Estate of Alfred A. DuBan, Petitioners, *v.* Federal Deposit Insurance Corporation et al. Motion for leave to file a third petition for rehearing denied.

#### 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, May 4, 1964, until Monday, May 18, 1964.

## ORAL ARGUMENT

No. 201. Willis Shaw Frozen Express, Inc., appellant, *v.* United States et al. Argument continued by Mr. A. Alvis Layne for the appellant, by Mr. Stephen J. Pollak for the appellees and concluded by Mr. A. Alvis Layne for the appellant.

No. 481. Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. Argued by Mr. Edward Bennett Williams for the petitioner and by Mr. Louis Nizer and Mr. Morris Wolf for the respondents.

No. 294. Catherine Clinton, petitioner, *v.* Virginia. Argued by Mr. Calvin H. Childress for the petitioner and by Mr. D. Gardiner Tyler for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 28, 1964, will be as follows: Nos. 367, 406 (and 421), and 470.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Harold Allan Greene, of Miami, Fla., and Lewis B. Whitworth, Jr., of Miami, Fla., on motion of Mr. Ralph Simon Spritzer; Thomas Warner Hauser, of Cassopolis, Mich., on motion of Mr. Wilbur D. Sparks; Bernard Irwin Snierson, of Laconia, N.H., on motion of Mr. Norris Cotton; Patrick Minor Martin, of Riverside, Calif., on motion of Mr. James B. Utt; Joe Boyd Hurley III, of El Dorado, Ark., on motion of Mr. Oren Harris; Percy A. Wright, of Blytheville, Ark., on motion of Mr. E. C. Gathings; John H. McCord, of Lynbrook, N.Y., Michael Thomas Malone, of Wichita, Kans., and Jerrold Eugene Markham, of Boring, Oreg., on motion of Mr. Roy Dale Adcock; James E. Nickerson, of New York, N.Y., and Philip J. Dunlay, of New York, N.Y., on motion of Mr. C. Roger Nelson; Robert Alan Hefner, of Escondido, Calif., on motion of Mr. Richard D. Andrews; Isaac D. Benkin, of New York, N.Y., on motion of Mr. Dudley G. Skinker; Herbert B. Roberts, of Springfield, Mass., on motion of Mr. Ellsworth H. Mosher; Walter C. Wolff, Jr., of San Antonio, Tex., on motion of Mr. Frank Ira Goodman; R. W. Gibson, of Quincy, Wash., and Richard Douglas Ford, of Olympia, Wash., on motion of Mr. Joseph Peter Adams; Robert J. Schwarz, of Chicago, Ill., on motion of Mr. James M. Parker; Philip F. Jehle, of Washington, D.C., on motion of Mr. Peter N. Chumbris; and Bernard Weisberg, of Chicago, Ill., on motion of Mr. Abe Krash, were admitted to practice.

## ORAL ARGUMENT

No. 367. United States, appellant, *v.* Continental Can Company et al. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. Helmer R. Johnson for the appellees.

No. 406. Red Ball Motor Freight, Inc., et al., appellants, *v.* Emma Shannon et al., etc.; and

No. 421. United States and Interstate Commerce Commission, appellants, *v.* Emma Shannon et al., etc. Argued by Mr. Robert W. Ginane and Mr. Amos M. Mathews for the appellants and by Mr. Walter C. Wolff, Jr., for the appellees.

No. 470. John Clay, petitioner, *v.* Sun Insurance Office, Limited. Leave granted James T. Carlisle to appear and present oral argument for the State of Florida, as *amicus curiae, pro hac vice*, on motion of Mr. Paschal C. Reese. Argued by Mr. Paschal C. Reese for the petitioner, by Mr. James T. Carlisle for the State of Florida, as *amicus curiae, pro hac vice*, by special leave of Court, and by Mr. Bert Cotton for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 29, 1964, will be as follows: Nos. 485, 615, 489, and 490.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

George L. Schwarz, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Chester C. Young, of Port Arthur, Tex., and George E. Dibrell, of Port Arthur, Tex., on motion of Mr. Jack Brooks; Edward J. Egan, of Chicago, Ill., on motion of Mr. Edward R. Finnegan; Theodore L. Schiavoni, of Haverhill, Mass., on motion of Mr. Silvio O. Conte; Lewis Kent, of Garden City, Mich., and David Lewis Denn, of Lavonia, Mich., on motion of Mr. Elliott Moyer; Joseph M. Smith, of Philadelphia, Pa., and William H. Wolf, Jr., of Philadelphia, Pa., on motion of Mr. Arlen Specter; Patrick Joseph Attridge, Jr., of Washington, D.C., on motion of Mr. Cornelius H. Doherty; James C. Crumlish, Jr., of Philadelphia, Pa., on motion of Mr. Charles A. Lord; Richard Michael Coleman, of Washington, D.C., on motion of Mr. William Walbridge Greenhalgh; Jerome G. Lee, of New York, N.Y., on motion of Mr. Eugene Sabol; Margaret Young, of St. Joseph, Mo., on motion of Mr. Hubert H. Finzel; James Y. Sitgreaves, of Houston, Tex., on motion of Mr. John C. White; Marshall J. Seidman, of Philadelphia, Pa., on motion of Mr. Michael Joseph Stack; Robert P. Hart, of New York, N.Y., on motion of Mr. T. S. L. Perlman; Jack Schuman, of Allentown, Pa., on motion of Mr. James T. Seavey; Duncan B. Phillips, of Washington, D.C., on motion of Mr. James Lawrence Dooley; and Bernard N. Katz, of Philadelphia, Pa., on motion of Mr. George Kaufmann, were admitted to practice.

No. 485. Local 20, Teamsters, Chauffeurs and Helpers Union, etc., petitioner, *v.* Lester Morton, etc. Argued by Mr. David Previant for the petitioner and by Mr. M. J. Stauffer for the respondent.

No. 615. Danny Escobedo, petitioner, *v.* Illinois. Argued by Mr. Barry L. Kroll for the petitioner, by Mr. Bernard Weisberg for the American Civil Liberties Union, as *amicus curiae*, and by Mr. James R. Thompson for the respondent.

No. 489. Hudson Distributors, Inc., appellant, *v.* The Upjohn Company. Argued by Mr. Myron N. Krotinger for the appellant and by Mr. Ralph M. Carson for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 30, 1964, will be as follows: Nos. 490, 503, and 210.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Edmund K. Trent, of Pittsburgh, Pa., on motion of Mr. Solicitor General Cox; Allen Andrew Thoreen, of Denver, Colo., on motion of Mr. Gordon Allott; William L. Mitchell, of Hutchinson, Kans., on motion of Mr. Bob Dole; Robert Jameson Baker, of Adrian, Mich., on motion of Mr. George Meader; Harold W. Hannah, of Mahomet, Ill., on motion of Mr. William Lee Springer; William J. Keating, of Arlington, Va., on motion of Mr. Robert Davis Powers, Jr.; Bernice G. Miller, of Seven Hill, Ohio, on motion of Mrs. Ida McKinney; Ronald J. Cracas, of New York, N.Y., and L. Robert Fullem, of New York, N.Y., on motion of Mr. Everett I. Willis; John J. Mitchell, of Clinton, Mass., on motion of Mr. Daniel T. Coughlin; Iryne Codon Black, of Los Angeles, Calif., on motion of Mr. Carleton Allen Harkrader; Michael Lee Parker, of Los Angeles, Calif., on motion of Mr. Robert J. Wager; John Thomas Murphy, of San Francisco, Calif., on motion of Mr. Richard D. Andrews; Lucille Huston, of Chagrin Falls, Ohio, and James Ira Huston, of Cleveland, Ohio, on motion of Mr. Louis Sterling Peirce; Frederick Albert Tilton, of Laconia, N.H., on motion of Mr. Walter T. Shallerup, Jr.; Irvine Furman Belser, Jr., of Columbia, S.C., on motion of Mr. Hubert Henry Finzel; Gerald J. Thain, of Washington, D.C., on motion of Mr. J. Richard Carr; Leland French Cadenhead, of Houston, Tex., and John Wilson Coolidge, Jr., of Houston, Tex., on motion of Mr. Raymond N. Shibley; Nicholas M. Walker, of Philadelphia, Pa., Robert D. Williams, of Philadelphia, Pa., John T. Subak, of Philadelphia, Pa., and J. Gordon Logue, of Philadelphia, Pa., on motion of Mr. H. Francis DeLone; Saul J. Bernard, of Beverly Hills, Calif., F. Filmore Jaffe, of Beverly Hills, Calif., and David L. Sefman, of Beverly Hills, Calif., on motion of Mr. Wallace Luchs, Jr.; Leslie Westbrook Hobson, Jr., of Palo Alto, Calif., Frank Piombo, of Redwood City, Calif., William A. Sullivan, of San Mateo, Calif., John C. Bartler, of Elmhurst, Ill., Edmund H. Drager, Jr., of Evanston, Ill., Herbert M. Riley, of Brooklyn, N.Y., Robert A. Trevisani, of New York, N.Y., Sheldon Cohen, of New York, N.Y., Paul Frohman, of New York, N.Y., Robert P. Herzog, of New York, N.Y., Jack Rabin, of Nanuet, N.Y.,

Edwin Verzyl, of Sayville, N.Y., J. Lewis Kinnard, of Sweetwater, Tenn., Warren P. McKenney, of Austin, Tex., Kerns B. Taylor, of Austin, Tex., Jack David Eades, of Dallas, Tex., Virgil A. Lowrie, of Irving, Tex., Robert L. Blevins, Jr., of Houston, Tex., Lynn Prewit Carter, of Houston, Tex., John D. Gilpin, of Houston, Tex., Charles R. Gregg, of Houston, Tex., Kenneth J. Peden, of Houston, Tex., James Isaac Smith, Jr., of Houston, Tex., Jimmie C. Dixon, of Fort Worth, Tex., and James A. McMullen III, of Fort Worth, Tex., on motion of Mr. William E. O'Donovan; and William Edward Jackson, of Drayton Plains, Mich., R. Robert Lynn, of Ferndale, Mich., Robert H. Nelson, of Farmington, Mich., Gene Schnelz, of Walled Lake, Mich., Joseph H. Shimmick, of Bloomfield Hills, Mich., Donald M. Traeger, of Southfield, Mich., Rudolph J. Zabel, of Lathrup Village, Mich., David F. Breck, of Birmingham, Mich., George J. Fulkerson, of Birmingham, Mich., Alice Lee Gilbert, of Birmingham, Mich., Albert Lilly, of Birmingham, Mich., Nelson A. Miles, of Birmingham, Mich., John Tyler Rogers, of Birmingham, Mich., Robert Lewis Templin, Jr., of Birmingham, Mich., Bruce O. Wilson, of Birmingham, Mich., Jack Hanna, of Clawson, Mich., Bristol E. Hunter, of Clawson, Mich., Herbert Burdick, of Detroit, Mich., Bernard Sumner Kahn, of Detroit, Mich., S. Jerome Bronson, of Madison Heights, Mich., Edward Walsh Lawrence, of Madison Heights, Mich., Raymond A. Macdonald, of Madison Heights, Mich., Jerome K. Barry, Jr., of Pontiac, Mich., John Wright Bell, of Pontiac, Mich., Thomas J. Dillon, Jr., of Pontiac, Mich., Isadore L. Goode, of Pontiac, Mich., Kenneth H. Hempstead, of Pontiac, Mich., David C. Hertler, of Pontiac, Mich., John Emerson McGrath, of Pontiac, Mich., Richard L. Murphy, of Pontiac, Mich., Robert V. Parenti, of Pontiac, Mich., Leonard A. Peres, of Pontiac, Mich., T. Boice Purdy, of Pontiac, Mich., Albert H. Reifler, of Pontiac, Mich., Carleton A. Shafer, of Pontiac, Mich., Gerald G. White, of Pontiac, Mich., William Parshall Whitfield, of Pontiac, Mich., Lewis Rexford Bebout, of Rochester, Mich., Arthur Roy Cox, of Rochester, Mich., Robert L. Shipper, of Rochester, Mich., Lawrence Hensley Best, of Royal Oak, Mich., Theodore F. Hughes, of Royal Oak, Mich., William E. Lang, of Royal Oak, Mich., and John Newell O'Brien, of Royal Oak, Mich., on motion of Mr. Philip A. Hart, were admitted to practice.

#### ORAL ARGUMENT

No. 490. Hudson Distributors, Inc., appellant, *v.* Eli Lilly & Company. Argued by Mr. Myron N. Krotinger for the appellant and by Mr. Everett I. Willis for the appellee.

No. 503. United States, appellant, *v.* Penn-Olin Chemical Company et al. Argued by Mr. Solicitor General Cox for the appellant and by Mr. H. Francis DeLone and Mr. Albert R. Connelly for the appellees.

No. 210. Floyd Charles Fallen, petitioner, *v.* United States. Argued by Mr. Isaac N. Groner for the petitioner and by Mr. Philip B. Heymann for the respondent.

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Adjourned until Monday, May 4, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mrs. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

William Hopple Anderson, of Wyoming, Ohio, Theodore C. Ball, of Columbus, Ohio, Dorothy S. Cook, of Silver Spring, Md., Milton A. Fried, of Miami Beach, Fla., Downey A. Grosenbaugh, of Los Angeles, Calif., Stephen Lubow, of Miami, Fla., and Henry Clay Scott, of Columbus, Ohio, on motion of Mr. Ralph Simon Spritzer; Marion B. Earl, of Las Vegas, Nev., on motion of Mr. Howard W. Cannon; Florence R. Zimmerman, of New York, N.Y., on motion of Mr. John V. Lindsay; Harry C. Evans, of Kingfisher, Okla., and C. Everett Murphy, of Kingfisher, Okla., on motion of Mr. Page Belcher; James William Wilson, of Denver, Colo., on motion of Mr. Byron G. Rogers; Richard I. Snouffer, of Fort Wayne, Ind., and Joseph Christoff, of Fort Wayne, Ind., on motion of Mr. Jackson E. Betts; Paul Michaels Weil, of Whittier, Calif., on motion of Mr. Robert L. Leggett; George Edward Benko, of Crosswell, Mich., on motion of Mr. James Russell Harvey; David Haskel Edelstein, of Norwich, Conn., and Norman Leon Schmoll, of St. Louis, Mo., on motion of Mr. William E. O'Donovan; Frederick Giles Taintor, of Lewiston, Maine, on motion of Mr. Edward G. Hudon; Karl Mathie Tippet, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Frank Noel Burke, Jr., of Marianna, Ark., on motion of Mr. James E. Westbrook; Mack Paul Lovett, of San Diego, Calif., on motion of Mr. Robert P. Stranahan, Jr.; Theodore H. Goding, of New York, N.Y., on motion of Mr. Norton Jay Come; Charles Brinkley Morton, of Memphis, Tenn., on motion of Mr. William E. Cresswell; Paul Anthony Ward, of Grand Rapids, Mich., on motion of Mr. Harold D. Beaton; George L. Herr, of Lancaster, Pa., on motion of Mr. Jesse R. Smith; James I. Burkhardt, of Washington, D.C., on motion of Mr. E. Riley Casey; Theodore Albert Le Gros, of Seattle, Wash., on motion of Mr. Kenneth A. Cox; Stuart Paul Kaplan, of Los Angeles, Calif., on motion of Mr. Charles H. Kaplan; Charles E. Griner, of San Jose, Calif., on motion of Mrs. LuVerne Conway; Alfred A. Speer II, of St. Louis, Mo., on motion of Mr. Ronald J. Foulis; Burton M. Weinstein, of Stratford, Conn., on motion of Mr. David B. Isbell; Thomas G. Johnson, Jr., of Locust Valley, N.Y., on motion of Mr. James D. McKinney, Jr.; Richard B. Jablow, of New York, N.Y., on motion of Mr. James J. Bier-

bower; Robert E LeBlanc III, of Bethesda, Md., on motion of Mr. Henry Shur; David J. Eisenberg, of New York, N.Y., on motion of Mr. Harvey A. Jacobs; Joe L. Horne, of New Orleans, La., and George Herbert Weller, of San Rafael, Calif., on motion of Mr. William R. Furlong, Jr.; Nathaniel M. Swergold, of Lawrence, N.Y., on motion of Mr. Paul Dobin; Charles W. Rees, Jr., of San Diego, Calif., on motion of Mr. Frederick A. Ballard; Horace N. Fuller, of Westfield, Mass., on motion of Mr. Wallace T. Ward; Harold A. Chamberlain, of Houston, Tex., on motion of Mr. Myron C. Baum; Francis C. Schroeder, of Detroit Lakes, Minn, on motion of Mr. J. Mitchell Brown; George M. Porter, of Casper, Wyo., and Joe R. Wilmetti, of Rock Springs, Wyo., on motion of Mr. Charles Stuart Brown; Louise O'Neil, of Washington, D.C., on motion of Mrs. Loraine Wall Hurney; Harvey I. Feldman, of St. Louis, Mo., on motion of Mr. Victor Packman; Sanford Robert Shapiro, of Rochester, N.Y., on motion of Mr. J. Richard Carr; Carter Lee, of Quincy, Mass., on motion of Mr. John Greenway Keller; Benjamin Neugeboren, of New York, N.Y., on motion of Mr. Joseph L. Freiman; Milton Stern, Jr., of San Francisco, Calif., on motion of Mr. Leonard N. Beichick; Edward L. Burke, of Gary, Ind., on motion of Mr. Charles W. Halleck; Frederick Patterson Crowell, of San Diego, Calif., on motion of Mr. Samuel L. Davidson; Bryan A. Chancey, of Birmingham, Ala., Charles Cleveland, of Birmingham, Ala., and Robert Scott Gordon, of Birmingham, Ala., on motion of Mr. Robert L. Weinberg; Arthur Bardack, of Yonkers, N.Y., Seymour J. Bernstein, of Rockville Centre, N.Y., William Cohen, of Croton-on-Hudson, N.Y., G. Frank Curran, of Stamford, Conn, Leon Freedman, of Nanuet, N.Y., Harvey Gladstein, of Brooklyn, N.Y., Joseph F. Manes, of Croton-on-Hudson, N.Y., Mildred Mayem, of White Plains, N.Y., Arthur S. Schechter, of Bronx, N.Y., Irving M. Schlosberg, of Valley Stream, N.Y., Gerald Howard Siegel, of Kew Gardens Hills, N.Y., William Taylor, of Hartsdale, N.Y., David J. Tischler, of Syosset, N.Y., Joseph J. Beriman, of New York, N.Y., Lowell Burton, of New York, N.Y., Albert R. Couchman, Jr., of New York, N.Y., Robert G. Fine, of New York, N.Y., William F. Fischer, Jr., of New York, N.Y., Jack S. Isaacson, of New York, N.Y., Louis Johnson, of New York, N.Y., Charles J. Jones, of New York, N.Y., Hyman A. Katz, of New York, N.Y., Harry I. Kurach, of New York, N.Y., Burton Allan Lazarus, of New York, N.Y., Edward I. Leidman, of New York, N.Y., Leon I. Levitt, of New York, N.Y., Leonard J. Linden, of New York, N.Y., Leonard Marsili, of New York, N.Y., Albert L. Merlis, of New York, N.Y., Solomon Messias, of New York, N.Y., Joseph Milberg, of New York, N.Y., Joseph L. Minore, of New York, N.Y., Bernard L. Neumark, of New York, N.Y., Elsie Offenberger, of New York, N.Y., Betty J. O'Shea, of New York, N.Y., Frank Pasternack, of New York,

N.Y., Samuel Popish, of New York, N.Y., Charles Reisman, of New York, N.Y., David Revinson, of New York, N.Y., Theodore P. Ronca, of New York, N.Y., I. Jules Rosen, of New York, N.Y., Milton Sanders, of New York, N.Y., Thomas J. Scacco, of New York, N.Y., Cyrus William Schamps, of New York, N.Y., Alexander A. Suess, of New York, N.Y., Eli S. Tanner, of New York, N.Y., and Benjamin Zeche, of New York, N.Y., on motion of Mr. Abraham Markhoff; and Raymond Harris, of Albany, N.Y., Joseph S. Alto, of Baldwin, N.Y., William T. Glover, of Baldwin, N.Y., John J. Mullahy, of Baldwin N.Y., William M. Goldman, of Bayside, N.Y., Harry Sternlicht, of Bayside, N.Y., Joseph J. Durkin, of Briarcliff Manor, N.Y., Thomas J. Canale, of Brightwaters, N.Y., Jacob Zwirn, of Bronx, N.Y., Frank J. Adipietro, of Brooklyn, N.Y., Vivian H. Agress, of Brooklyn, N.Y., Aldo E. Alleva, of Brooklyn, N.Y., Joan D. Ariola, of Brooklyn, N.Y., Peter S. Bonwich, of Brooklyn, N.Y., Thomas V. Burnett, of Brooklyn, N.Y., Thomas J. Burns, of Brooklyn, N.Y., Paul F. Callahan, of Brooklyn, N.Y., Robert Amelie Couze, of Brooklyn, N.Y., Henry Cron, of Brooklyn, N.Y., Peter Deutsch, of Brooklyn, N.Y., Irvin L. Freeman, of Brooklyn, N.Y., Isidore William Gellar, of Brooklyn, N.Y., Moses Goldberg, of Brooklyn, N.Y., John F. Gorski, of Brooklyn, N.Y., John W. Greenlay, of Brooklyn, N.Y., Jesse Gruber, of Brooklyn, N.Y., William L. Hamm, of Brooklyn, N.Y., Valentine G. Henigin, of Brooklyn, N.Y., Arthur M. Hubschman, of Brooklyn, N.Y., Albin Victor Javarone, of Brooklyn, N.Y., Joseph V. Labate, of Brooklyn, N.Y., Philip Levine, of Brooklyn, N.Y., Marion C. Mallory, of Brooklyn, N.Y., Joseph P. Marcelle, of Brooklyn, N.Y., Peter G. Mirto, of Brooklyn, N.Y., Joseph Moriber, of Brooklyn, N.Y., Thomas G. Moringiello, of Brooklyn, N.Y., Salvatore A. Moscott, of Brooklyn, N.Y., Charles Pollack, of Brooklyn, N.Y., Silvio Edmund Resciniti, Jr., of Brooklyn, N.Y., Alex Rosenzweig, of Brooklyn, N.Y., Joseph F. Ruggiero, of Brooklyn, N.Y., David D. Schepps, of Brooklyn, N.Y., Nicholas C. Silletti, of Brooklyn, N.Y., James G. Starkey, of Brooklyn, N.Y., William K. Teen, of Brooklyn, N.Y., Meyer L. Trubatch, of Brooklyn, N.Y., John J. Walsh, of Brooklyn, N.Y., Eileen Frances Wells, of Brooklyn, N.Y., Michael F. Waters, of Brooklyn, N.Y., John P. Quinn, of Buffalo, N.Y., John Michael Tubridy, of Buffalo, N.Y., Frank Oliva, of Cambria Heights, N.Y., Leo G. Hosenfeld, of Canandaigua, N.Y., Manuel T. Murcia, of East Greenbush, N.Y., Wm. Donald Fleck, of East Williston, N.Y., Vladimer Atlas, of Elmont, N.Y., Frederick S. Tomasone, of Elmont, N.Y., Robert Emmett Dunn, of Farmingdale, N.Y., Blair W. F. Allen, Jr., of Floral Park, N.Y., Francis X. Reilly, of Flushing, N.Y., Francis John Phelan, Jr., of Flushing, N.Y., William J. Brown, of Flushing, N.Y., Thomas Joseph Graham, Jr., of Flushing, N.Y., Alexander L. Caccia, Jr., of Forest Hills,

N.Y., Jerome H. Mandel, of Forest Hills, N.Y., William J. Kelly, of Forest Hills, N.Y., Edward Kallich, of Fresh Meadows, N.Y., Edmund G. Bill, of Garden City, N.Y., Donald Edward Deegan, of Garden City, N.Y., Peter R. J. Goigel, of Garden City Park, N.Y., Vincent J. Haley, of Garden City, N.Y., Alfred E. Keane, of Garden City, N.Y., Catherine King Neaher, of Garden City, N.Y., Edward A. Palange, of Garden City, N.Y., Nehemiah H. Press, of Garden City, N.Y., William J. White, of Garden City, N.Y., Joseph L. Vetrone, of Glen Cove, N.Y., Edward G. Condon, of Hastings-on-Hudson, N.Y., Roger A. Delisle, of Hempstead, N.Y., Robert Arthur Loberfeld, of Hempstead, N.Y., Hyman B. Jackson, of Hewlett, N.Y., Robert A. Perkins, of Hollis, N.Y., Robert J. Chojnacki, of Jamaica, N.Y., Mary Louise Jennerjahn, of Jamaica, N.Y., James E. McGinniss, of Jamaica, N.Y., Denis Peter O'Donoghue, Jr., of Jamaica, N.Y., Arthur James Lyons, of Lake Mahopac, N.Y., Alfred Hecker, of Lawrence, N.Y., Jerome S. Sverdlik, of Lawrence, N.Y., Joseph P. Milana, of Massapequa, N.Y., Raymond H. Sipperley, of Massapequa, N.Y., John C. Sullivan, of Massapequa, N.Y., Henry A. Weinstein, of Massapequa, N.Y., Eugene U. DeVivo, of Merrick, N.Y., Robert F. Nolan, of Merrick, N.Y., Mildred Ann Shanley, of Middle Village, N.Y., Richard D. Marks, of Mineola, N.Y., Thomas F. Egan, of Mount Vernon, N.Y., Wiliam Joseph Mulry, of New Hyde Park, N.Y., S. Michael Oliva, of New Hyde Park, N.Y., Michael J. Tully, Jr., of New Hyde Park, N.Y., Edmund J. Waldron, of New Hyde Park, N.Y., George F. Murphy, of New Rochelle, N.Y., Alfred Adamo, of New York, N.Y., Patrick W. Allatin, of New York, N.Y., Francis J. Alwill, of New York, N.Y., William E. Bandon, Jr., of New York, N.Y., Philip J. Blanda, Jr., of Hazlet, N.J., Meyer Bornfriend, of New York, N.Y., Charles F. Brady, of Baldwin, N.Y., Theodore Brooks, of New York, N.Y., Alexander J. Brown, of Eastchester, N.Y., Louis B. Bruman, of New York, N.Y., George J. Campo, Jr., of New York, N.Y., Bruno Cappellini, of New York, N.Y., Benjamin H. Chasin, of New York, N.Y., Carmine Coniglione, of New York, N.Y., Paul M. Coonrod, of New York, N.Y., Arthur Cooperman, of New York, N.Y., Dominick A. Dattile, of New York, N.Y., Robert J. DeBoissiere, of New York, N.Y., John Joseph DeLucia, of New York, N.Y., James J. Doran, of New York, N.Y., David Eiten, of New York, N.Y., Myron A. Ellis, of New York, N.Y., Walter William Evans, of New York, N.Y., Michael Joseph Ferlisi, of New York, N.Y., Ralph S. Fitzer, of New York, N.Y., Lewis Florman, of New York, N.Y., Ruth Hilfman Frank, of New York, N.Y., Saul Fromkes of New York, N.Y., Louis A. Hulnick, of New York, N.Y., Kenneth J. Jewell, of New York, N.Y., Hiram Kleinstein, of New York, N.Y., Cornelius C. Leary, of New York, N.Y., Russell R. Leggett, of New York, N.Y., Carmine D. LoBosco,

of New York, N.Y., Harry Lorber, of New York, N.Y., James Justin Mahoney, Jr., of New York, N.Y., Leonard L. Mancusi, of New York, N.Y., Abram Mason, of New York, N.Y., Vincent M. McConnell, of New York, N.Y., Thomas F. H. McGuire, of New York, N.Y., Louis Mitler, of New York, N.Y., Eugene J. Moran, of New York, N.Y., Isidore Okun, of New York, N.Y., Ralph H. O'Donoghue, of New York, N.Y., John O'Shea, of New York, N.Y., Walter J. Pajion, of New York, N.Y., Thomas R. Purcell, of New York, N.Y., Harriet G. Sarback, of New York, N.Y., Harry Scheer, of New York, N.Y., Benjamin B. Scherman, of New York, N.Y., Barnett Schiff, of New York, N.Y., Bernard Schiff, of New York, N.Y., Samuel B. Schneider, of New York, N.Y., Hyman L. Schwartz, of New York, N.Y., John A. Sidirourgos, of New York, N.Y., Michael Sigler, of New York, N.Y., Shirley Cherin Sigler, of New York, N.Y., Marvin Stang, of New York, N.Y., William Steingesser, of New York, N.Y., Jack B. Tannenbaum, of New York, N.Y., Vito J. Titone, of New York, N.Y., James Joseph von Oiste, of New York, N.Y., Melvin N. Weissler, of North Bellmore, N.Y., John V. Vaughn, North Lindenhurst, N.Y., Thomas P. Dowling, of Point Lookout, N.Y., Thomas F. Gordon, of Queens, N.Y., John G. Nicholas, of Queens, N.Y., Hugh R. Riley, of Queens, N.Y., Barbara M. Connavale, of Queens Village, N.Y., James A. Nolan, of Queens Village, N.Y., John David Schimmel, of Ridgewood, N.J., Frederick D. Hatem, of Rye, N.Y., James D. Behan, of Scarsdale, N.Y., Alfred J. Hopkins, of Scarsdale, N.Y., Joseph Vohnout, of Scarsdale, N.Y., Yolanda L. Flanagan, of Smithtown, N.Y., Joseph A. Ingrao, of Smithtown, N.Y., Peter P. Cusick, of Staten Island, N.Y., Pasquale Edward DiVernieri, of Staten Island, N.Y., Cornelius Thomas Dorans, of Staten Island, N.Y., James J. Hasson, of Staten Island, N.Y., Matthew Aloysius Toner, of Tuckahoe, N.Y., Michael J. Ricigliano, of Uniondale, N.Y., S. Harvey Fosner, of Westbury, N.Y., John G. McCormack, of West Hempstead, N.Y., Justin Joseph Karl, of White Plains, N.Y., Kenneth E. Merklen, of Stamford, Conn., Richard P. Lawlor, of Washington, D.C., Frank H. Czajkowski, of Hyattsville, Md., Nino D. Caridi, of Fort Lee, N.J., John J. Finn, of Norwood, N.J., William Henry McLeester, of Teaneck, N.J., Salvatore Capra, of Union City, N.J., and James L. Kenefick, of Arlington, Va., on motion of Mr. Edward D. Re, were admitted to practice.

#### OPINIONS

No. 292. Missouri Pacific Railroad Company, petitioner, *v.* Elmore & Stahl. On writ of certiorari to the Supreme Court of Texas. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. 583. John Coleman, petitioner, *v.* Alabama. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark.

No. 336. Wanda Mercer, petitioner, *v.* Paris Theriot. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Louisiana with instructions to enter judgment in accordance with the jury's verdict. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan.

No. 294. Catherine Clinton, petitioner, *v.* Virginia. On writ of certiorari to the Supreme Court of Appeals of Virginia. The motion to strike the supplemental brief on behalf of the respondent is denied. Judgment reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Clark. Mr. Justice White dissents.

No. 201. Willis Shaw Frozen Express, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of Arkansas. Judgment reversed and case remanded to the United States District Court for the Western District of Arkansas with instructions to remand the case to the Interstate Commerce Commission for reconsideration in light of appellant's status and performance as a common carrier, the transportation characteristics and marketing pattern of these seasonal agricultural products, and the demonstrated ability of appellant to perform the services. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White dissent.

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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. 758. Antoine Bontz, appellant, *v.* Kansas. Appeal from the Supreme Court of Kansas. 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. 834. United States, appellant, *v.* Continental Oil Company. Appeal from the United States District Court for the District of New Mexico. Judgment vacated and case remanded to the United States District Court for the District of New Mexico for a trial on the merits of the case. Opinion *per curiam*. Separate memorandum by Mr. Justice Harlan.

#### ORDERS 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 all of the parties agreeing thereto, the parties are ordered to make additional payments totalling \$50,000 to Simon H. Rifkind, Esquire, Special Master constituting the balance of full payment of his compensation for his services as Special Master.

Such additional payments are to be made in the following proportions: Arizona, 28%; California, 28%; United States, 28%; Nevada, 12%; New Mexico, 2%; and Utah, 2%. The Chief Justice took no part in the consideration or decision of this petition.

No. 849. Inland Empire Builders, Inc., et al., appellants, *v.* Washington et al.;

No. 850. Hebb & Narodick Construction Co., Inc., and General Construction Co., Joint Venturers, doing business as Hebb & Narodick Construction Co., Inc., & Associates, appellants, *v.* Washington et al.;

No. 851. Ian Murray, Cedric E. Sanders, Haskell Development Co., et al., etc., appellants, *v.* Washington et al.; and

No. 930. Joseph L. Sanapaw et al., petitioners, *v.* Wisconsin. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

#### APPEALS—JURISDICTION NOTED

No. 735. B. Elton Cox, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 934. B. Elton Cox, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. In this case probable jurisdiction is noted. The case is placed on the summary calendar and set for oral argument immediately following No. 735.

#### CERTIORARI GRANTED

No. 787. Forest Britt Peter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 937. United States, petitioner, *v.* Arno Sascha Jakobson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 936. United States, petitioner, *v.* Daniel Andrew Seeger. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 787.

#### CERTIORARI DENIED

No. 387. Pan American 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. 684. The Superior Oil Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 835. Mueller Co., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 861. Engelhard Industries, Inc., petitioner, *v.* Research Instrument Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 870. The Boeing Company, etc., petitioner, *v.* The Renegotiation Board of the United States of America. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 923. Hollywood Brands, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 924. Baldwin Bracelet Corp., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 926. Pittsburgh Railways Company, petitioner, *v.* Duquesne Light Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 929. Ronel Corporation, petitioner, *v.* Anchor Lock of Florida, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 954. Board of Public Instruction of Duval County, Florida, et al., petitioners, *v.* Daly N. Braxton and Sharon Braxton, Minors, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 957. Rachel Lynn Bell, a Minor, by Mrs. Odessa K. Bell, her Mother and next Friend, et al., petitioners, *v.* School City of Gary, Indiana, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 960. Harold E. Marasco et al., petitioners, *v.* Compo Shoe Machinery Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 947. W. Willard Wirtz, Secretary of Labor, United States Department of Labor, petitioner, *v.* Modern Trashmoval, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 953. The President of India, acting by and through The Director of the India Supply Mission, petitioner, *v.* West Coast Steamship Company. 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. 848, Misc. Julius Dwaine Perry, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1057, Misc. Joseph Gaito, petitioner, *v.* Samuel Strauss et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1239, Misc. Lester King, petitioner, *v.* E. V. Nash, Warden. Motion for leave to file petition for writ of habeas corpus denied.

#### REHEARINGS DENIED

No. 57. Fawcett Publications, Inc., appellant, *v.* Dennit Morris;

No. 66. United States et al., appellants, *v.* J. B. Montgomery, Inc.;

No. 167. Sidney J. Ungar, appellant, *v.* Honorable Joseph A. Sarafite, Judge, etc.; and

No. 815. Strachan Shipping Company, petitioner, *v.* Koninklyke Nederlandsche Stoomboot Maalschappy, N. V. Petitions for rehearing denied.

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Adjourned until Monday, May 18, 1964, at 10 o'clock.

## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Arthur Louis Burnett, of Washington, D.C., Jerry Fine, of Los Angeles, Calif., Charles A. O'Brien, of San Francisco, Calif., Charles F. Lindsay, of Miami, Fla., David Denbo Rosenstein, of Chicago, Ill., Norman Aon Witt, of Lane Zurich, Ill., George A. Hrdlicka, of St. Louis Mo., Gerald B. Franklin, of New York, N.Y., Joseph Lawrence Tangel, of New York, N.Y., Robert Ingram White, of Houston, Tex., R. Hernandez-Colon, of Ponce, P.R., Gustavo A. Rodríguez, of Ponce, P.R., Raymond F. Hayes, of Tucson, Ariz., Edward B. Berger, of Tucson, Ariz., Paul H. Ferguson, of Decatur, Ill., and Thurlow Smoot, of Cleveland, Ohio, on motion of Mr. Solicitor General Archibald Cox; Robert T. Cummins, of Helena, Mont., on motion of Mr. Lee Metcalf; Joseph R. Moore, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; H. Robert Henderson, of West Des Moines, Iowa, and Harry Howard Smith, of Sioux City, Iowa, on motion of Mr. Jack R. Miller; Robert S. Crawford, Jr., of Uvalde, Tex., and J. R. Blumrosen, of Lubbock, Tex., on motion of Mr. Joe M. Kilgore; William G. Brigance, Sr., of Sacramento, Calif., and Gerald A. Malat, of Los Angeles, Calif., on motion of Mr. Robert L. Leggett; Alfred Lawrence Toombs, of New York, N.Y., on motion of Mr. John V. Lindsay; Roy C. Haberkern, Jr., of New York, N.Y., on motion of Mr. John J. McCloy; Oliver F. Fenstermacher, of Pittsburg, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; Ernest J. Brown, of Cambridge, Mass., on motion of Mr. Wayne Goodwin Barnett; James H. Skinner, Jr., of Denver, Colo., on motion of Mr. Will Shafroth; Myron L. Borawick, of Seattle, Wash., on motion of Mr. Stewart French; Harry Elwood Warren, of Wellesley, Mass., on motion of Mr. Daniel T. Coughlin; Joseph Goldstein, of Mineola, N.Y., on motion of Miss Bessie Ray Geffner; Edward Eddins Partridge, of Demopolis, Ala., William Vinkley Neville, Jr., of Eufaula, Ala., and Thomas Petigru Lesesne III, of Columbia, S.C., on motion of Mr. George Hunter Gibbons; Jean L. Carpenter, of Orchard Lake, Mich., on motion of Mr. Frank J. Soucek; Gerald A. Margolis, of Beverley Hills, Calif., on motion of Mr. Gregg R. Potvin; George Allen Avery, of Washington, D.C., on motion of Mr. Alan S. Ward; John L. Dowling, of Lakewood, Ohio, on motion of Mr. Robert B. Hummel; George S. Hastings, of Darien,

Conn., and Stewart F. Moore, of North Tarrytown, N.Y., on motion of Mr. Donald C. Roylance; Daniel Walker, of Deerfield, Ill., on motion of Mr. Francis D. Fisher; Irving Appelman, of Silver Spring, Md., on motion of Mr. L. Paul Winings; James Anton, of Washington, D.C., Harold P. Boss, of Silver Spring, Md., Clay Evans Brooks, Sr., of Silver Spring, Md., Gerald Francis Colfer, of Washington, D.C., William Newlon Culbertson, of Falls Church, Va., Abraham J. Essrick, of Silver Spring, Md., Lyle Crawford Farmer, of Hillcrest Heights, Md., James Holmes Gaffney, of Rockville, Md., Richard Henry Roberts, of Chevy Chase, Md., Dallas B. Russell, of Silver Spring, Md., Frank R. Saltzman, of Arlington, Va., Samuel Charles Shoup, of Washington, D.C., Francis A. Welch, of Silver Spring, Md., and Henry Whitehouse, of Silver Spring, Md., on motion of Mr. Leo Maurice Pellerzi; Nancy A. Bannister, of Mount Vernon, Wash., and Harwood Bannister, of Mount Vernon, Wash., on motion of Mr. Kenneth A. Cox; Carl V. Greenburg, of Clifton, N.J., on motion of Mr. Robert O. Harris; Alvin L. Corbin, of Washington, D.C., Allen W. Hagerty, of Silver Spring, Md., and Alton R. Smith, of Washington, D.C., on motion of Mr. A. Alvis Layne, Jr.; Robert John Moody, of Woodacres, Md., and Thomas L. C. Vail, of Arlington, Va., on motion of Mr. Colin F. Stam; Kenneth W. Cleary, of Bradenton, Fla., Francis J. Cranston, of Barre, Mass., and Edward P. Healy, of Worcester, Mass., on motion of Mr. James John Stapleton; Martin E. Geary, of Pittsburgh, Pa., Paul Leo McSorley, of Philadelphia, Pa., and William J. Toy, of Philadelphia, Pa., on motion of Mr. Michael Joseph Stack, Jr.; Albert E. Jones, Jr., of Miami, Fla., on motion of Mr. Adolph H. Zwerner; Monroe Baer, Jr., of San Francisco, Calif., on motion of Mr. Noble McCartney; Raphael J. Shortlidge, Jr., of Keene, N.H., on motion of Mr. Frederick A. Ballard; Russell C. Schildt, of San Francisco, Calif., on motion of Mr. M. Maurice Parshall; Neil Greenbaum, of Chicago, Ill., on motion of Mr. Jerome Harvey Simonds; Ira B. Grudberg, of New Haven, Conn., on motion of Mr. Marshall Tamor Golding; Leon B. Seck, of Kansas City, Mo., on motion of Mr. Leonard Raum; Richard F. Knight, of Bogalusa, La., and Bascom D. Talley, Jr., of Bogalusa, La., on motion of Mr. Julian P. Freret; Victor Greenburg, of Passaic, N.J., on motion of Mr. Saul J. Jaffe; Aaron B. Karas, of New York, N.Y., on motion of Mr. Ralph H. Hudson; Jerry Jones, of Fulton, Ky., on motion of Mr. Charles D. Lee; Thaddeus Rojek, of Washington, D.C., on motion of Mr. William Lee McLane; A. James Wriston, Jr., of Honolulu, Hawaii, on motion of Mr. Henry Roemer McPhee; Irving M. Freedman, of Utica, N.Y., on motion of Mr. Frank L. Neuhauser; R. William Rogers, of Detroit, Mich., on motion of Mr. Karl D. Loos; Samuel C. Powell, of Ogden, Utah, on motion of Mr. J. W. Glass-

man; William J. Lowry, of Findlay, Ohio, on motion of Mr. Harold L. Kennedy; Donald Stuart Rosenberg, of Miami, Fla., on motion of Mr. Sheldon E. Bernstein; Joseph Henry Bamberger, of Chicago, Ill., Daniel A. Becco, of Chicago, Ill., Vincent Bentivenga, Jr., of Chicago, Ill., Harry A. Carlson, of Chicago, Ill., Chester L. Chowanec, of Chicago, Ill., F. Patrick Conlon, of Chicago, Ill., Howard Randolph Franks, of Chicago, Ill., Allen Hartman, of Chicago, Ill., Rudolph LeRoy Huszagh, of Wheaton, Ill., Stanley H. Jakala, of Chicago, Ill., Edward L. Jensen, of Evanston, Ill., Ernest S. Kettelson, of Chicago, Ill., Richard J. Myers, of Chicago, Ill., Anthony J. Scotillo, of Chicago, Ill., Frank E. Stachnik, of Cicero, Ill., Mitchell L. Stevens, of Lombard, Ill., Hilmond O. Vogel, of Bensenville, Ill., Edwin L. Wojciak, of Chicago, Ill., and William Frank Zavis, of Chicago, Ill., on motion of Mr. Anthony A. Digrazia; Hykel James Abdella, of Jamestown, N.Y., Park T. Adikes, of New York, N.Y., Cyrus B. Adler, of New York, N.Y., Fredric Lee Adler, of Queens, N.Y., Bradford S. Allen, of Oxford, N.Y., John L. Amabile, of New York, N.Y., Carl Angeloff, of Rochester, N.Y., Arthur Argiriou, of Brooklyn, N.Y., Frank H. Armani, of Syracuse, N.Y., Clayton M. Axtell, Jr., of Binghamton, N.Y., William Homer Ball, Jr., of New York, N.Y., William F. Banks, of Bedford, N.Y., Raymond W. Batt, of Shirley, N.Y., Bruce O. Becker, of Endicott, N.Y., Roy Robert Bejsovec, of Brooklyn, N.Y., Stuart B. Belanoff, of Brooklyn, N.Y., Sebastian J. Bellomo, of Buffalo, N.Y., Richard A. Berenson, of New York, N.Y., Aaron I. Berk, of Brooklyn, N.Y., Irwin Birnbaum, of Fayetteville, N.Y., Richard Birnbaum, of New York, N.Y., Walter Black, of Jamaica, N.Y., William T. Brennan, of Laurelton, N.Y., Marshall Leib Brenner, of Poughkeepsie, N.Y., Daniel J. Brownstein, of New York, N.Y., Irving Noah Budoff, of New Hartford, N.Y., Richard N. Burns, of New York, N.Y., Charles V. Butera, of Niagara Falls, N.Y., William Cahn, of Long Beach, N.Y., Daniel J. Callanan, of Buffalo, N.Y., Donald Charles Carmien, of Binghamton, N.Y., Ross M. Cellino, of West Seneca, N.Y., Louis S. Cifarelli, of Utica, N.Y., Leslie Hirsch Cohen, of Syracuse, N.Y., Sheldon Cohen, of New York, N.Y., Anthony J. Colucci, Jr., of Buffalo, N.Y., Julien Martin Cornell, of New York, N.Y., Albert Douglas Price Craig, of New York, N.Y., Joel Danziger, of White Plains, N.Y., Thomas P. Daubner, of New York, N.Y., James A. Davidson, of Glens Falls, N.Y., James Holmes Davis, of Plainville, Conn., Reuben K. Davis, of Rochester, N.Y., Barbara Sue Dealy, of Buffalo, N.Y., George T. Decker, of Binghamton, N.Y., Edward J. Degnan, of New York, N.Y., Richard C. Delin, of Seaford, N.Y., Anthony J. De Marie, of Buffalo, N.Y., James J. Devine, Jr., of Oneida, N.Y., Stephen G. Doig, Jr., of New York, N.Y., Harry A. Dorian, of Philadelphia, Pa., Francis E.

Dorsey, Jr., of Saratoga Springs, N.Y., James W. Dowling, of Binghamton, N.Y., Frank J. Duffy, of Staten Island, N.Y., Richard Walton Edwards, Jr., of Washington, D.C., Robert J. Ensher, of New York, N.Y., Salvatore A. Fauci, of Endicott, N.Y., Bernard R. Fields, of New York, N.Y., and Bernard Finkel, of Brooklyn, N.Y., on motion of Mr. William D. Brinnier; Albert Finkelstein, of New York, N.Y., Rose M. Fredrickson, of Albany, N.Y., Carl Arnold Friedman, of New York, N.Y., Neil L. Fuhrer, of Brooklyn, N.Y., Benjamin Galperin, of Tonawanda, N.Y., Donald Edward Gilbert, of New York, N.Y., Theodore Gilbert, of New York, N.Y., Morton E. Gilday, of Poughkeepsie, N.Y., Lambert L. Ginsberg, of Troy, N.Y., John J. Glavin, Jr., of Albany, N.Y., Hadley W. Gold, of New York, N.Y., William Gold, of New York, N.Y., David A. Goldstein, of Monticello, N.Y., Paul S. Goldstein, of New York, N.Y., Joseph G. Gorayeb, of New York, N.Y., William John Gray, of Albany, N.Y., Richard J. Grey, of New York, N.Y., John James Griffin, of New York, N.Y., Howard H. Hall, of Syracuse, N.Y., Charles Reese Hann, of New York, N.Y., Robert Lee Harp, of New Paltz, N.Y., Jay Robert Handwerger, of Albany, N.Y., James Matthew Hartman, of Rochester, N.Y., Allen J. Heffner, of Oceanside, N.Y., John R. Heilman, Jr., of Poughkeepsie, N.Y., Joseph S. Hellman, of New York, N.Y., DeBanks M. Henward III, of Syracuse, N.Y., G. Delwin Hervey, of Tonawanda, N.Y., A. Edward Hill, of Binghamton, N.Y., John Chisholm Hinkle, of Hancock, N.Y., Stanley Hoffman, of Bay-side, N.Y., Peter Horenstein, of New York, N.Y., Stephen B. Hughes, of Batavia, N.Y., Lloyd L. Hurst, of Rochester, N.Y., Hesper A. Jackson, Jr., of New York, N.Y., Davies Johnson, of of Utica, N.Y., Charles F. Kaiser, Jr., of Ellenville, N.Y., Philip Kaplan, of New York, N.Y., Edward Michael Katz, of New York, N.Y., Harold W. Katz, of Glens Falls, N.Y., Alan B. Kayton, of Copiague, N.Y., Frederick A. Keck, Jr., of New York, N.Y., Platt V. Ketcham, of New York, N.Y., Archibald Edward King, Jr., of New York, N.Y., Richard T. Kinnie, of Watertown, N.Y., Irving Kissin, of New York, N.Y., Jeanette P. Kostyrka, of Lynbrook, N.Y., John S. Kramer, of Princeton, N.J., Howard M. Lester, of New York, N.Y., Samuel H. Levine, of Albany, N.Y., Herbert Arnold Levy, of Massapequa, N.Y., David George Lewis, of White Plains, N.Y., Michael Likoudis, of Amherst, N.Y., Charles Frederick Little, Jr., of Latham, N.Y., Albert I. Lonstein, of Ellenville, N.Y., Samuel Lorenzo, of New York, N.Y., Eugene S. Lovette, of Westbury, N.Y., Joyce M. Lovette, of Westbury, N.Y., Francis G. Lugert, of New York, N.Y., and D. Edwin Lyons, of Binghamton, N.Y., on motion of Mr. Harold Tompkins; Warren G. MacKenzie, of Darien, Conn., Austin P. Magner, of New York, N.Y., Richard D. Malcolm, of Auburn, N.Y., Arthur N. Maldonado,

of Croton-on-Hudson, N.Y., Arnold M. Malech, of Schenectady, N.Y., Peter A. Malia, of Brooklyn, N.Y., Roger H. Mallery, of Cobleskill, N.Y., H. Gerald Malmud, of New York, N.Y., Robert J. Maloney, of Watertown, N.Y., Israel Margolis, of Binghamton, N.Y., Sheldon M. Markel, of Buffalo, N.Y., Russell W. Martin, Jr., of New York, N.Y., John Tyler Mayo, of Goshen, N.Y., Thomas F. McCarthy, of New York, N.Y., John F. McGreevy, of Jackson Heights, N.Y., Donald F. McKenna, of Buffalo, N.Y., Jeremiah B. McKenna, of New York, N.Y., M. Curt Meltzer, of New York, N.Y., Morton Mendelsohn, of Buffalo, N.Y., Alan Manning Miller, of Seaford, N.Y., Robert Morris, of New York, N.Y., William G. Muehlbauer, of Buffalo, N.Y., Peter P. Mullen, of New York, N.Y., James J. Murray, of Ellenville, N.Y., Francis C. Musselman, of Queens Village, N.Y., Lawrence Newmark, of East Northport, N.Y., Eugene C. Nicolato, of Poughkeepsie, N.Y., Victor C. Norman, of New York, N.Y., Frederic Paul Norton, of Kenmore, N.Y., E. George Nyberg, of Yonkers, N.Y., Julian V. Orton, of Salem, N.Y., Anthony L. Pagonos, of Beacon, N.Y., Sidney B. Palley, of Laurelton, N.Y., Valentine Fraser Parker, of Huntington, N.Y., Emanuel H. Pavsner, of New York, N.Y., David L. Pell, of New York, N.Y., Louis Pelowski, of Buffalo, N.Y., William J. Pentak, of Albany, N.Y., John Joseph Pettigrass, of Auburn, N.Y., Irving Pheterson, of Rochester, N.Y., John A. Piccirillo, of Jamaica, N.Y., James Albert Porter, of Buffalo, N.Y., Herman Postel, of New York, N.Y., Richard J. Prentiss, Jr., of Hewlett, N.Y., Sherwin Rear, of Lynbrook, N.Y., Seymour Reich, of New York, N.Y., Edmund T. Ross, of New York, N.Y., George H. Ross, of New York, N.Y., Louis A. Ryen, of Rochester, N.Y., Mervyn Allan Salzman, of Rochester, N.Y., Anthony Louis Schiavetti, of New Rochelle, N.Y., Edward J. Schultz, of New York, N.Y., H. Richard Schumacher, of New York, N.Y., David Schuman, of Great Neck, N.Y., Robert A. Schuman, of New York, N.Y., Marvin E. Segal, of New York, N.Y., Irwin Seliger, of Brentwood, N.Y., Martin I. Semel, of New York, N.Y., Giriaco M. Serino, of Poughkeepsie, N.Y., and Joseph C. Shapiro, of Margaretville, N.Y., on motion of Mr. Samuel G. Brundage; Louis H. Sherwin, of Middletown, N.Y., Harold Henry Siegel, of New York, N.Y., Herbert J. Silver, of New York, N.Y., Joel J. Silver, of New York, N.Y., Leon F. Simmonds, of Endicott, N.Y., Lyman H. Smith, of Penn Yan, N.Y., Harry D. Snyder, Jr., of Saratoga Springs, N.Y., Maxwell B. Spoot, of Binghamton, N.Y., David G. Stearns, of Binghamton, N.Y., Robert R. Strack, of New York, N.Y., Robert Milton Sunshine, of New York, N.Y., Bernard Tannenbaum, of New York, N.Y., Martyn Taub, of Middletown, N.Y., David L. Tecklin, of New York, N.Y., M. David Tell, of Jamaica, N.Y., John G. Turner, Jr., of Albany, N.Y., Eugene Van Voorhis, of Rochester, N.Y.,

Frederick J. Vavra, of Binghamton, N.Y., Henry C. Weinstein, or New York, N.Y., Earl Barrison, of New York, N.Y., Thomas Theophilos Basil, of Buffalo, N.Y., J. Lee Benice, of Alexandria, Va., James H. Biben, of Rochester, N.Y., John J. Biscone, of Albany, N.Y., David O. Boehm, of Rochester, N.Y., Peter D. Bogart, of Sherman Oaks, Calif., Philip D. Brent, of New York, N.Y., Robert H. Brodrick, of Mineola, N.Y., Phillip C. Broughton, of New York, N.Y., William E. Cass, of Syracuse, N.Y., Anthony C. Christy, of New York, N.Y., Ernest L. Colucci, of Buffalo, N.Y., John J. Connerton, of Binghamton, N.Y., Ralph E. Cory, of Staten Island, N.Y., Edward Henry Coughlin, of Buffalo, N.Y., Richard G. Della Ratta, of Schenectady, N.Y., Vincent E. Doyle, Jr., of Buffalo, N.Y., Leroy Eason, of New York, N.Y., William D. Weisberg, of Syracuse, N.Y., Richard H. Weiss, of Brooklyn, N.Y., K. Robert Wisner, of Watertown, N.Y., Howard M. Woods, of Rochester, N.Y., John J. Zoller, of Little Falls, N.Y., Morton Alpert, of New York, N.Y., David Altschul, of New York, N.Y., Stanley E. Anderson, Jr., of Mount Kisco, N.Y., Culver Kent Barr, of Rochester, N.Y., Anthony S. Farinacci, of New York, N.Y., William Dean Ferguson, of Atlanta, Ga., Harvey Friedman, of Brooklyn, N.Y., Carl R. Friedrich, of Mineola, N.Y., John T. Frizzell, of Buffalo, N.Y., Gerard Giordano, Jr., of New York, N.Y., George W. Gowen II, of New York, N.Y., Richard W. Griggs II, of Port Ewen, N.Y., Neil Grundman, of New York, N.Y., and Francis H. Chester, of Roslyn Heights, N.Y., on motion of Mr. Albert K. Hill; and Charles J. Hahn, of Buffalo, N.Y., Thomas Carroll Hartzell, of Rochester, N.Y., Warren H. Heilbronner, of Rochester, N.Y., Murray Norman Jacobson, of New City, N.Y., Murray Marcus Jaros, of Albany, N.Y., Bernard Jenkin, of Brooklyn, N.Y., Stanley William Kallman, of New York, N.Y., Samuel John Kearing, Jr., of Binghamton, N.Y., Paul D. Kelly, of New York, N.Y., Richard D. Kharas, of Syracuse, N.Y., Robert F. Kilmer, of Schenectady, N.Y., Jerome Kretchmer, of New York, N.Y., Douglas H. Krieger, of Flushing, N.Y., Joseph J. Laub, of Merrick, N.Y., Stanley Lerner, of Merrick, N.Y., Leslie Lester, of New York, N.Y., Sherman F. Levey, of Rochester, N.Y., Arthur Levine of Syosset, N.Y., Peter J. Martin, of New York, N.Y., Matthew H. Mataraso, of Albany, N.Y., Carl Jay Nathanson, of New York, N.Y., Stuart K. Nelson, of New York, N.Y., Richard I. Nunez, of Albany, N.Y., William J. O'Brien, of New York, N.Y., Eugene J. O'Donnell, of Garden City, N.Y., Michael J. Ostrow, of Mineola, N.Y., Neils K. Pedersen, of Binghamton, N.Y., Frank E. Pitcher, of Wantagh, N.Y., Roland Plottel, of New York, N.Y., George C. Pratt, of Mineola, N.Y., Louis C. Pulvermacher, of Stamford, Conn., John G. Putnam, Jr., of Buffalo, N.Y., Kenneth Paul Ray, of Utica, N.Y., Herbert K.

Redbord, of New York, N.Y., Walter J. Relihan, Jr., of Binghamton, N.Y., Emory Bailey Rockwell, of Corning, N.Y., Richard T. Rosen, of Poughkeepsie, N.Y., Donald Bertram Rosenberg, of New York, N.Y., Jerome C. Rosenthal, of Buffalo, N.Y., Herbert J. A. Runsdorf, of New York, N.Y., Allen I. Sak, of Smithtown, N.Y., John C. Sarazen, of White Plains, N.Y., F. W. Dietmar Schaefer, of New York, N.Y., Paul Shatkin, of Buffalo, N.Y., Mortimer C. Shea, of Staten Island, N.Y., Eugene J. Steiner, of Albany, N.Y., James D. Stillman, of New York, N.Y., Robert Eugene Tate, of Mineola, N.Y., George N. Tompkins, Jr., of New York, N.Y., Joyce Marie Topp, of Buffalo, N.Y., Frank E. Visco, of Cortland, N.Y., Norman F. Walawender, of Lackawanna, N.Y., Leonard F. Walentynowicz, of Buffalo, N.Y., John T. Ward, of Mount Kisco, N.Y., Paul A. Weiss, of New York, N.Y., Walter Edward Welch, of Syracuse, N.Y., Thomas M. Whalen III, of Albany, N.Y., Walter J. Williams, Jr., of Lynbrook, N.Y., Wayne David Wisbaum, of Buffalo, N.Y., Marcia Helene Wishengrad, of Rochester, N.Y., Frederick M. Wittenstein, of Lawrence, N.Y., and Robert Marshall Zinman, of Brooklyn, N.Y., on motion of Mr. Harold Tompkins, were admitted to practice.

## OPINIONS

No. 199. Winston Massiah, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark and Mr. Justice Harlan join.

No. 157. R. B. Parden et al., petitioners, *v.* Terminal Railway of the Alabama State Docks Department 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 Southern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice White with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 368. Angelika L. Schneider, appellant, *v.* Dean Rusk, individually, and as Secretary of State. Appeal from the United States District Court for the District of Columbia. Judgment reversed and case remanded to the District Court for further proceedings in conformity 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 White join. Mr. Justice Brennan took no part in the decision of this case.

No. 470. John Clay, petitioner, *v.* Sun Insurance Office, Limited. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. The motion of respondent to strike the brief, as *amicus curiae*, filed by the State of Florida, is denied. Judgment reversed and case remanded to the United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 253. Herman Frederick Marks, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service, New York District. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Brennan took no part in the decision of this case.

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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. 900. Highway Express Lines, Inc., et al., appellants, *v.* Jones Motor Co., Inc., and

No. 977. Pennsylvania Public Utility Commission, appellant, *v.* Jones Motor Co., Inc. Appeals from the United States District Court for the Eastern District of Pennsylvania. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Goldberg are of the opinion that probable jurisdiction should be noted.

No. 916. Luckenbach Steamship Company, Inc., appellant, *v.* Franchise Tax Board of the State of California. Appeal from the District Court of Appeal of California, Third Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 949. James M. Sinclair, Jr., appellant, *v.* Glenn R. Baker, etc., et al. Appeal from the District Court of Appeal of California, Second Appellate District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 771, Misc. Donald A. Swan, appellant, *v.* The Nation Company. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1087, Misc. Fred Hunter, appellant, *v.* Illinois et al. Appeal from the United States Court of Appeals for the Seventh Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 5, Original. The United States of America, plaintiff, *v.* The State of California. The joint application for an extension of time for filing answering briefs and for allowance of time for filing reply briefs is granted. Answering briefs shall be filed on or before June 15, 1964, and reply briefs shall be filed on or before July 30, 1964. The motion of Carl Whitson for leave to file a petition for intervention is denied but the alternative motion for leave to file a brief, as *amicus curiae*, is granted. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this application and motion.

No. 16, Original. State of Arizona, plaintiff, *v.* State of California and Charles L. Harney, Inc. The motion for leave to file a bill of complaint is denied. *Massachusetts v. Missouri*, 308 U.S. 1.

No. 1028. Stassen for President Citizens Committee, petitioner, *v.* Frank M. Jordan, Secretary of the State of California. Dissenting opinion by Mr. Justice Douglas from the order of April 24, 1964, denying certiorari, with whom the Chief Justice and Mr. Justice Goldberg concur.

I would have granted certiorari in this case as the Journal entry for April 24, 1964, shows; and I file this statement of reasons pursuant to the reservation made at the time.

It is now settled, after a period of some uncertainty (*cf. Newberry v. United States*, 256 U.S. 232, 250), that a primary election for representatives for the Congress is a part of the election process guaranteed by Art. I, §§ 2 and 4 of the Constitution (*United States v. Classic*, 313 U.S. 299); and the same reasoning applies to primary elections for Senators pursuant to the Seventeenth Amendment. *Terry v. Adams*, 345 U.S. 461, 468; *Gray v. Sanders*, 372 U.S. 368, 380.

We deal here not with the primary election for either members of Congress or the Senate but with the nominating process for a primary election<sup>1</sup> in which convention delegates favorable to a particular presi-

<sup>1</sup>The California Elections Code (1961) provides that nomination papers shall be left with the county clerk of the county in which they are circulated at least 60 days prior to the presidential primary. § 6081. The nomination papers in the present case are required to be signed by not less than one-half of one percent and not more than two percent of the vote for the Republican Governor at the last general election. § 6080(a), § 6082. And it is provided in § 6087 that a "verified nomination paper is prima facie

dential candidate are chosen, the convention choice ultimately to compete for President in an election under Article II of the Constitution—a procedure that Congress has regulated in detail. See 3 U.S.C. § 1 *et seq.*

The Court in the *Classic* case said:

“That the free choice by the people of representatives in Congress subject only to the restrictions to be found in §§ 2 and 4 of Article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted. We cannot regard it as any the less the constitutional purpose, or its words as any the less guarantying the integrity of that choice, when a state, exercising its privilege in the absence of Congressional action, charges the mode of choice from a single step, a general election, to two, of which the first is the choice at a primary of those candidates from whom, as a second step, the representative in Congress is to be chosen at the election.” 313 U.S., at 316–317.

The “mode of choice” (*id.*, at 316) in California for Presidential candidates is first the nominating petition, second the primary, third, the convention, and fourth, the general election. That fact that the “mode of choice” is enlarged to four stages is irrelevant to the constitutional purpose to protect “the free choice” of the people (*ibid.*) in federal elections.

California, zealous to protect that right, creates the presumption that signatures on a petition are signatures of bona fide electors. Elections Code § 6087.<sup>2</sup>

In this case, however, the presumption is defeated, not because the signatories to the nominating petitions are found to be unqualified but for reasons that relate solely to the administrative convenience of the county clerks. They certify as qualified voters only those that their office has indexed; and concededly the indices are not up to date. A voter recently moving to a new district and registering in time nevertheless loses his franchise—not because of any disqualification or irregularity, not because of his failure to do something required, and not because of his commission of a wrongful act. He has done all in his power to qualify as a voter; but his vote is not counted in the nominating stage of the electoral process merely on account of the laziness of the county clerks. This to me is at least arguably an impermissible state denial of a federal right; the question is substantial;<sup>3</sup> and I regret it was not argued and decided on the merits.

evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.”

<sup>2</sup> Note 1, *supra*.

<sup>3</sup> No other infirmity is shown on the papers before us; and the Supreme Court of California in denying relief wrote no opinion. See — Calif. 2d —, — P. 2d —.

## CERTIORARI GRANTED

No. 927. United Mine Workers of America, petitioner, *v.* James M. Pennington et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 944. United States et al., petitioners, *v.* Max Powell et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 590.

No. 971. Independent Petroleum Workers of American, Inc., petitioner, *v.* American Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 999, Misc. Victor Linkletter, petitioner, *v.* Victor G. Walker, Warden. 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.

## CERTIORARI DENIED

No. 862. Bernard Reich and Sylvia Reich, etc., petitioners, *v.* Eugene Webb, Jr., et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 868. Gerald Taylor et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 894. L. B. Vance and Ford Vance, Partners, doing business as Vance Dairy, petitioners, *v.* Orville Freeman, Secretary of Agriculture of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 901. John Reiner & Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 928. Litchfield Securities Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 932. Eunice Byrth, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 938. Mrs. Walter Lewis, Circuit Clerk and Registrar of Elections of Bolivar County, Mississippi, 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 Fifth Circuit denied.

No. 945. Massey-Ferguson Limited, petitioner, *v.* Intermountain Ford Tractor Sales Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 946. Security State Bank of Pharr, Texas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 950. Peter S. Sarelas, petitioner, *v.* Thomas J. Sheehan. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 952. Maryland Casualty Company, petitioner, *v.* Harry H. Hallatt, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 955. Richard Howard, a/k/a John W. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 956. Lyon Steamship Limited, petitioner, *v.* John A. Sullivan. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 963. University National Stockholders Protective Committee, Inc petitioner, *v.* University National Life Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 964. Norman Bennett, petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 965. Linus C. Pauling et al., petitioners, *v.* Robert S. McNamara, Secretary of Defense 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. 966. Bill Herron, petitioner, *v.* Portland Collection Bureau et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 969. Nelson Bryant et al., petitioners, *v.* Charles K. Moore et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 970. Anonymous No. 1, an Attorney, petitioner, *v.* Co-ordinating Committee on Discipline. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 972. Melville Confections, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 976. Johnson & Johnson, petitioner, *v.* The Kendall Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 978. Henrietta Brody, doing business as Albert French Restaurant, petitioner, *v.* Martin C. Epstein, Chairman of the New York State Liquor Authority, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 979. Keener Rubber, 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. 994. Betty Jeanne Stearns et al., petitioners, *v.* The Hertz Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1012. Langdon Gates, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1013. Edward Krock, petitioner, *v.* Electric Motor & Repair Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1049. The Glidden Company, Durkee Famous Foods Division, petitioner, *v.* Olga Zdanok et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 925. William L. Heuer, Jr., petitioner, *v.* Crescent River Port Pilots Association. Petition for writ of certiorari to the Supreme Court of Louisiana and for other relief denied.

No. 958. Paul Revere Life Insurance Company, petitioner, *v.* First National Bank in Dallas, Administrator of the Estate of Loy Thomas Brown. 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. 991. Alfonso Spinelli, petitioner, *v.* Isthmian Steamship Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 760, Misc. David Frank McKnight, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 844, Misc. Irving M. Saunders, 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. Raymond Williams, petitioner, *v.* Sam A. Anderson, 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. 953, **Misc.** David X. Johnson, 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. 1004, **Misc.** Ralph Woodrow Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1019, **Misc.** J. Edward Jones, petitioner, *v.* Evelyn S. Jones. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1029, **Misc.** John C. Gager, 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. 1044, **Misc.** William J. Stacey, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1076, **Misc.** Audry Mack Lane, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1082, **Misc.** Theodore Hersh, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1099, **Misc.** Allen Coleman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1103, **Misc.** In the Matter of the Application of Frederick W. Boyer, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1107, **Misc.** Lisa Parnova Schneider, petitioner, *v.* L. Arnold Weissberger et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1118, **Misc.** Thomas McCormack, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1137, **Misc.** Salvatore D'Ambrosio, 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. 1141, **Misc.** Arthur Spinney, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1147, **Misc.** Howard Yates, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1149, **Misc.** Anthony Pollino, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1162, **Misc.** Eugene Arthur Stepney, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1163, **Misc.** Frank Satterfield and A. L. Galley, petitioners, *v.* Pennsylvania Railroad Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1167, **Misc.** Stephen Kalec, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1175, **Misc.** Earl H. Martin, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1177, **Misc.** Perrin Stewart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1181, **Misc.** Chester Clark, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 1182, **Misc.** Felix G. Hernandez, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1183, **Misc.** Raymond Benjie Martinez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1192, **Misc.** Clifford Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1193, **Misc.** LeRoy Nash, petitioner, *v.* Warden Reincke, Connecticut State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1195, **Misc.** Larry M. McIntosh, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1198, **Misc.** John Peter Seay, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1211, **Misc.** Ernest Wiggins, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1213, **Misc.** Charles Ray Carroll, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1216, Misc. James Conway, petitioner, *v.* San Quentin Prison Officials et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1223, Misc. Joseph Corbett, Jr., alias Walter Osborne, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1229, Misc. Mac Tanner, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1244, Misc. John Williams, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1248, Misc. Oscar Case, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1259, Misc. Floyd Allison, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 21, Misc. John Jefferson Poland, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of Superior Court of California, County of San Joaquin, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1081, Misc. Emmett J. Stebbins, petitioner, *v.* United States. Motion to use other records denied. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1128, Misc. William J. Ford, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California and for other relief denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1296, Misc. Jack R. Delaney, petitioner, *v.* Oregon. Motion for leave to file petition for writ of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1197, Misc. Emmett J. Stebbins, petitioner, *v.* Chief Judge, United States Court of Appeals for the District of Columbia Circuit, et al. Motion for leave to file petition for writ of mandamus and for other relief denied.

No. 1221, Misc. Peter S. Sarelas, petitioner, *v.* United States Court of Appeals for the Seventh Circuit et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

## REHEARINGS DENIED

- No. 209. Joseph Lyle Stoner, petitioner, *v.* California;
- No. 223. Samuel Joseph Rugendorf, petitioner, *v.* United States;
- No. 767. In the Matter of the Unauthorized Practice of Law of J. Harvey Crow, appellant;
- No. 821. Marvin L. Kline, petitioner, *v.* Minnesota;
- No. 847. Setrak K. Boyajian, individually and doing business as Precision Testing Laboratories, petitioner, *v.* Old Colony Envelope Co., Inc., et al.;
- No. 865. Leslie Brown et al., individually and as a partnership, petitioners, *v.* The Unauthorized Practice of Law Committee of Cuyahoga County, Ohio;
- No. 886. Paul M. Hughes, petitioner, *v.* United States;
- No. 905. Steve E. Anthony, petitioner, *v.* County of Los Angeles; and
- No. 932, Misc. Perry Walker, petitioner, *v.* Frank J. Pate, Warden. Petitions for rehearing denied.
- No. 800. Suburban Telephone Co., appellant, *v.* Mountain States Telephone and Telegraph Co. et al. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this petition.
- No. 848. Peter Michalsky, petitioner, *v.* City of New York. Motion to dispense with printing petition granted. Petition for rehearing denied.

## RECESS ORDER

The Court will take a recess from today until Monday, May 25, 1964.

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Adjourned until Monday, May 25, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Thomas Joseph Jenkins, of Washington, D.C., Manfred Julius Schmidt, of Washington, D.C., Samuel Hopkins Wagener, of Oakland, Calif., Thomas Peter Athridge, Jr., of Boston, Mass., John Raymond Barnes, of Lansing, Mich., Neil John Welch, of Washington, D.C., Alan R. Kaplan, of Tenafly, N.J., James P. Lee, of Chillum, Md., Anthony Peter Litrento, of New York, N.Y., John Joseph McDermott, of New York, N.Y., Joseph T. O'Leary, of Brooklyn, N.Y., Paul A. Comstock, of Pawhuska, Okla., Gibbon E. McNeely, of Arlington, Va., and Jerome Henry Silber, of Washington, D.C., on motion of Mr. Solicitor General Archibald Cox; James Walter Respass, of Washington, D.C., on motion of Mr. Lee Metcalf; Samuel H. Robertson, Jr., of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Jack A. Alfeld, of Carrollton, Ill., on motion of Mr. Scott W. Lucas; Gene Edward Wilkins, of Indianapolis, Ind., on motion of Mr. J. Edward Roush; Frank Gibson, of Wichita Falls, Tex., and Robert M. Helton, of Grandfield, Okla., on motion of Mr. Graham B. Purcell, Jr.; Raymond C. Ploetz, of Mound, Minn., on motion of Mr. Clark MacGregor; George F. Rabe, of South Fort Mitchell, Ky., on motion of Mr. George L. Hart, Jr.; Paul Hofflund, of San Diego, Calif., on motion of Mr. Chester H. Gray; Foster Etheredge, of Birmingham, Ala., on motion of Mr. Louis F. Oberdorfer; Paul A. Renne, of Washington, D.C., on motion of Mr. David C. Acheson; Mary Jeanne Coyne, of Minneapolis, Minn., on motion of Mrs. Maurine Howard Abernathy; Jerry Dee Worthy, of Fyffe, Ala., on motion of Mr. Wiley S. Messick; Haines S. Lippincott, of Arlington, Va., on motion of Mr. Edward S. Whitaker; August J. Goebel, of Pasadena, Calif., and William J. Clark, Jr., of Yucaipa, Calif., on motion of Mr. William J. Clark; Carl D. Overman, of Indianapolis, Ind., on motion of Mr. Richard T. Conway; Edward S. O'Neill, of Washington, D.C., on motion of Mr. E. Tillman Stirling; Richard H. Keatinge, of Los Angeles, Calif., on motion of Mr. Joseph A. Ball; George C. Pendleton, of Washington, D.C., on motion of Mr. Irving R. L. Panzer; Arthur M. Boal, Jr., of New York, N.Y., on motion of Mr. Gray Williams; M. Bernard Aidinoff, of New York,

N.Y., on motion of Mr. Norris Darrell; Arthur Harrison, of New York, N.Y., on motion of Mr. Robert C. Fable, Jr.; L. Edgar Barnes, of Tulsa, Okla., on motion of Mr. Peyton Ford; Hewitt H. Covington, of Atlanta, Ga., on motion of Mr. William L. Covington; Richard C. Forman, of Greensboro, N.C., John Robert Hughes, of Greensboro, N.C., Lacy Lee Lucas, Jr., of Greensboro, N.C., Philip Tracy Wall, of Greensboro, N.C., Herman Winfree, of Greensboro, N.C., Frank Burkhead Wyatt, of High Point, N.C., Jack W. Worsham, of Greensboro, N.C., William E. Zuckerman, of Greensboro, N.C., and Harry Joseph O'Connor, Jr., of Greensboro, N.C., on motion of Mr. Horace Robinson Kornegay; David Seabury Henkel, of New York, N.Y., on motion of Mr. Robert M. Scott; John David Logsdon, of Topeka, Kans., James A. Mitchell, of Syracuse, N.Y., Lionel Lee Riave, of Colorado Springs, Colo., Robert Anthony Williams, Sr., of Baltimore, Md., William C. Parnell, of West Englewood, N.J., and Joseph Paul Terence Kelly, of Philadelphia, Pa., on motion of Mr. Roy Dale Adcock; Frederick A. Sauer, Jr., of Kalamazoo, Mich., on motion of Mr. Wilbur D. Sparks; Siegfried W. Steele, of Lakewood, N.J., on motion of Mr. Morton C. Steinberg; Francisco Corneiro, of St. Thomas, V.I., on motion of Mr. David Ginsberg; Benjamin Z. Tabb, of Chattanooga, Tenn., on motion of Mr. William G. Allen; George C. McConnaughey, Jr., of Columbus, Ohio, on motion of Mr. Robert D. L'Heureux; John F. Dugger, of Morristown, Tenn., and Herbert Martin Bacon, of Morristown, Tenn., on motion of Mr. George D. Webster; Lewis T. Steadman, of Chicago, Ill., on motion of Mr. Donald C. Roylance; Peter B. Gay, of Taunton, Mass., on motion of Mr. Melvin S. Louison; Gerald J. O'Rourke, Jr., of Chicago, Ill., on motion of Mr. John S. Fessenden; John H. Hall, of Elizabeth City, N.C., on motion of Mr. Ward E. Lattin; Morris M. Goldings, of Boston, Mass., on motion of Mr. Francis X. McLaughlin; John L. Moore, Jr., of Atlanta, Ga., on motion of Mr. Robert H. Short; Alvin K. Hellerstein, of New York, N.Y., on motion of Mr. Lewis Jacobs; Richard Robert Paradise, of Washington, D.C., on motion of Mr. Charles B. McInnis; Max E. Kaplan, of New York, N.Y., on motion of Mr. Richard H. Heidermann; Frank Gay Gantz Conley, of Fairmont, W. Va., on motion of Mr. Perry W. Woofter; Allen B. Gresham, of San Bernardino, Calif., on motion of Mr. William H. Allen; Florence Schoenherr Cahill, of Center Line, Mich., Emil E. Cardamano, of Warren, Mich., Robert Joseph Chrzanowski, of Warren, Mich., Harold B. Clark, of Warren, Mich., Walter P. Cynar, of Mount Clemens, Mich., Guy L. Frost, of Center Line, Mich., Roger F. Golden, of New Baltimore, Mich., Ted F. Hamera of East Detroit, Mich., Kenneth Frederick Martin, of Roseville, Mich., Nicholas M. Perica, of Warren, Mich., Roy W. Rogensues, of East Detroit, Mich., Joseph C. Soma, of St. Clair Shores, Mich.,

and Gerald Franklin Wigle, of Detroit, Mich., on motion of Mr. James G. O'Hara; and Isadore Aberlin, of Staten Island, N.Y., Gerald Aksen, of Scarsdale, N.Y., Frank Arcuri, of New York, N.Y., Arthur E. Arnow, of New York, N.Y., Harry Auerbach, of New York, N.Y., Emanuel Austern, of Woodmere, N.Y., Jacob Bacal, of New York, N.Y., Clifford G. Bacharach, of New York, N.Y., Stanley Belsky, of Burlington, Mass., Harry J. Bernstein, of New York, N.Y., Arnold I. Biegen, of New York, N.Y., Samuel D. Bierman, of New York, N.Y., Ralph F. Bischoff, of Westport, Conn., Simon L. Blauman, of New York, N.Y., Alvin Borden, of New York, N.Y., Irving Brawer, of New York, N.Y., James C. Bretton, of New York, N.Y., Ronald J. Brooks, of Forest Hills, N.Y., Ralph Malcolm Brozan, of New York, N.Y., Lester Clarke Budlong, of Larchmont, N.Y., Richard S. Bull, Jr., of Chicago, Ill., Harvey E. Bumgardner, Jr., of New York, N.Y., Francis X. Burke, of Hackensack, N.J., Richard P. Burtson, of New York, N.Y., Nathan W. Butt, Jr., of New York, N.Y., G. William Calascione, of Brooklyn, N.Y., S. Richard Carlton, of Cresskill, N.J., Daniel Cohen, of New York, N.Y., Henry M. Cohn, of New York, N.Y., Robert Conrad, of New York, N.Y., Miguel Angel De Capriles, of New York, N.Y., Albert P. De Lillo, of Staten Island, N.Y., Edward de Rochemont, of Shreveport, La., Jerome Edwards, of New York, N.Y., Robert Eisenberg, of Jersey City, N.J., Martin Elson, of New York, N.Y., Leonard J. Felzenberg, of Newark, N.J., Arnold B. Firestone, of New York, N.Y., Richard J. Fisher, of Milwaukee, Wis., Jack H. Fox, of Woodmere, N.Y., Marcus Franks, of New York, N.Y., Melvin D. Freidel, of Bay Shore, N.Y., Matthew J. Gallo, of Baltimore, Md., Milton H. Getschel, of North Bellmore, N.Y., Florence I. Gittens, of New York, N.Y., Arthur Irwin Goldberg, of Great Neck, N.Y., Stanley E. Goodman, of Staten Island, N.Y., Samuel Gordon, of Jericho, N.Y., Joel B. Grae, of Staten Island, N.Y., Leonard Grau, of New York, N.Y., Allen Greenberg, of New York, N.Y., Alfred Gross, of New York, N.Y., Max A. Gulack, of New York, N.Y., Ian Jay Gura, of New York, N.Y., Rose Richman Gurenson, of New Rochelle, N.Y., Harold A. Halperin, of New York, N.Y., Herbert Ira Handman, of New York, N.Y., William A. Heine- man, of Rockville Centre, N.Y., Richard Heller, of Larchmont, N.Y., Gertrude Herschler, of Sunnyside, N.Y., H. Melville Hicks, Jr., of White Plains, N.Y., Sidney S. Hodes, of New York, N.Y., Howard Bernard Holt, of New York, N.Y., Miles R. Jacobson, of Great Neck, N.Y., Francis H. Jas, of Evanston, Ill., Bernard Kahn, of New York, N.Y., James B. Kelly, of Pound Ridge, N.Y., Irwin S. Klein, of New York, N.Y., Victor Wm. Kleinfeld, of Brooklyn, N.Y., Myron George Lasser, of New York, N.Y., Isidor E. Leinwand, of New York, N.Y., Robert E. Levy, of Oakhurst, N.J., Lester Lewin, of Hempstead, N.Y., Robert L. Mahar, of Brooklyn, N.Y., Joseph

Mandell, of New York, N.Y., Donald L. Mantel, of Summit, N.J., William Benjamin Markovits, of Middletown, N.Y., Seymour Marks, of New York, N.Y., Theodore Lee Marks, of New York, N.Y., Richard Benjamin Marx, of Miami, Fla., Irving E. Meller, of New York, N.Y., Gerald Moss, of East Hills, N.Y., John H. Mulvehill, of Brooklyn, N.Y., Samuel D. Muneay, of New York, N.Y., John E. Murphy, of Syosset, N.Y., Alex V. Myslicki, Jr., of New York, N.Y., Arthur G. Nadel, of New York, N.Y., Edward L. Newberger, of Meadowbrook, Pa., James Wilson Newman, of New York, N.Y., Edward J. O'Connor, of New York, N.Y., George R. Osborne, Jr., of New York, N.Y., Melvin Paradise, of New York, N.Y., Sigrid H. Pedersen, of New York, N.Y., Lester Pollack, of New York, N.Y., Harry Pomerantz, of New York, N.Y., Stuart H. Pomerantz, of Merrick, N.Y., Donald Press, of Long Beach, N.Y., Irene M. Quinn, of Brooklyn, N.Y., Robert Jay Rapoport, of New York, N.Y., Martin Rosen, of New York, N.Y., Robert Rosenthal, of New York, N.Y., Jonathan L. Rosner, of New York, N.Y., Nathaniel Rothstein, of New York, N.Y., Charles J. Sakany, of Hackensack, N.J., Arnold V. Schwartz, of Staten Island, N.Y., John E. Shipper, of Wantagh, N.Y., Joseph Shuter, of New York, N.Y., Jacob Siegal, of Bayonne, N.J., John Francis Smith, of New York, N.Y., Aristotle Souval, of New York, N.Y., Sidney Stecher, of New York, N.Y., William A. Stein, of New York, N.Y., Stanley R. Stern, of New York, N.Y., Henry Hans Sternberg, of New York, N.Y., Lawrence Suslow, of New York, N.Y., Herbert Smith Sylvester, New York, N.Y., Stanley Warzala, of Wayne, N.J., Bertram I. Weiner, of Washington, D.C., Morton J. Weiner, of New York, N.Y., Moses Weintraub, of Oceanside, N.Y., Martin I. Weistrop, of South River, N.J., Morris Woolf, of New York, N.Y., Daniel A. Zucker, of New York, N.Y., Karl D. Zukeman, of New York, N.Y., Pascual Valencia, of New York, N.Y., and John Oscar Tessier, of Freeport, N.Y., on motion of Mr. William C. Matison, were admitted to practice.

#### OPINIONS

No. 485. Local 20, Teamsters, Chauffeurs and Helpers Union, etc., petitioner, *v.* Lester Morton, etc. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed as to compensatory damages but vacated in all other respects and case remanded to the United States District Court for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Mr. Justice Goldberg concurs.

No. 137. Massachusetts Trustees of Eastern Gas and Fuel Associates, petitioners, *v.* United States. On writ of certiorari to the United

States Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment of the Court of Appeals reversed and judgment of United States District Court for the Eastern District of Virginia affirmed. Case remanded to the District Court with directions to enter a decree, permitting the addition of new parties if necessary, which will guarantee that these petitioners will get the kind of education that is given in the State's public schools. Opinion by Mr. Justice Black. Mr. Justice Clark and Mr. Justice Harlan disagree with the holding that the federal courts are empowered to order the reopening of the public schools in Prince Edward County, but otherwise join in the Court's opinion.

No. 623. Fred S. Calhoun et al., petitioners, *v.* A. C. Latimer et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the United States District Court for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 785. Gerson Nagelberg, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 889. W. S. Rogers et al., appellants, *v.* City of Pine Bluff, Arkansas. Appeal from the Supreme Court of Arkansas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 931. Lynchburg Traffic Bureau, appellant, *v.* United States and Interstate Commerce Commission. Appeal from the United States District Court for the Western District of Virginia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1096, Misc. Harry W. Raymond, d/b/a Crestmark Dairy, appellant, v. Don J. Wickham, Commissioner of Agriculture and Markets, et al. Appeal from the Supreme Court of New York, Albany County. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1108, Misc. Roy Alex Ahlstrand, appellant, v. United States et al. Appeal from the United States District Court for the District of Minnesota. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 1156, Misc. Charles E. Horner, appellant, v. Florida. Appeal from the Supreme Court of Florida. The appeal is dismissed for what of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDER IN PENDING CASE

No. 1108. Sergeant Herbert N. Carrington, petitioner, v. Alan V. Rash et al. The motion under Rule 43(4) for expeditious treatment is denied.

#### CERTIORARI GRANTED

No. 1000. Nick Jankovich and Paul Jankovich, Co-partners, doing business as Calumet Aviation Company, petitioners, v. Indiana Toll Road Commission. Petition for writ of certiorari to the Supreme Court of Indiana granted.

No. 1010. Federal Trade Commission, petitioner, v. Colgate-Palmolive Company et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar.

No. 1061, Misc. Thomas J. Crider, petitioner, v. Zurich Insurance Company. The motion for leave to file a supplement to the petition for a writ of certiorari 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.

#### CERTIORARI DENIED

No. 904. A. C. King et al., petitioners, v. Atlantic Coast Line Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 918. Evanston Cab Co., et al., petitioners, v. City of Chicago et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 940. Burlington-Rock Island Railroad Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 961. The American Tobacco Company, petitioner, *v.* Edwin Green, Jr., etc., et al.; and

No. 997. Edwin Green, Jr., etc., et al., petitioners, *v.* The American Tobacco Company. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 973. Edward R. Gayles, petitioner, *v.* United States;

No. 974. Nathaniel Spurlark, petitioner, *v.* United States;

No. 975. Dennis Green, petitioner, *v.* United States; and

No. 1288, Misc. Gladys Davis and Arthur Faulkner, Jr., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 980. James F. McManus, petitioner, *v.* Lake Central Airlines. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 984. Sterling Edward Newcomb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 985. James Pickens et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 986. Marsh Supermarkets, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 988. Joseph Beasley, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 989. Jerome J. Haskell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 992. Rubie Charles Jenkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1025. Arthur W. Kirkorian, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 780, Misc. Bennie Williams, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 799, Misc. Edward J. Souder, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 955, *Misc.* Alvin Maurice Parham, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 992, *Misc.* Albert Houston Carter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1032, *Misc.* Charles Reid, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1046, *Misc.* George Turner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1048, *Misc.* Walter Raymond Demes, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1056, *Misc.* David W. Wion, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1111, *Misc.* Clarence Keith Waller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1132, *Misc.* Edward Peter Keenan, Jr., petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1164, *Misc.* Jerome Kenneth Mack, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1176, *Misc.* Solomon Arnold Buchtel, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1178, *Misc.* Charles G. Breazeale, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1194, *Misc.* Howard Stiehler, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1196, *Misc.* Theophilus Ward, petitioner, *v.* Dr. Ross E Herold, Acting Superintendent of Dannemora State Hospital, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1204, *Misc.* Lawrence E. Cermak, 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. 1209, Misc. George K. Colbert, Sr., petitioner, *v.* George A. Kropp, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1218, Misc. Oliver Raven, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1225, Misc. George Albert Berry, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1226, Misc. Walter Williams, petitioner, *v.* Supreme Court of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1233, Misc. Fred White, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1235, Misc. William Howell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1237, Misc. Annie Mae Petty, petitioner, *v.* Harry Porter. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1241, Misc. Jack David Love, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1243, Misc. Carlos Rodriguez, petitioner, *v.* New York. Petition for writ of certiorari to the Court of General Sessions of New York, New York County, denied.

No. 1247, Misc. Jerome Golenbock, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1251, Misc. John G. Oppenheimer, petitioner, *v.* L. C. Boies. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1252, Misc. Nathaniel A. Denman et al., petitioners, *v.* County of Barnstable et al. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1255, Misc. Samuel Kass, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1258, Misc. Ronald Eugene Walker, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1261, *Misc.* Joseph P. J. Winter, petitioner, *v.* Dr. W. C. Johnston, Director, Dannemora State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1262, *Misc.* William Dewight Bircher, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1323, *Misc.* George Pirkle, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 979, *Misc.* Frank Oliver Domneys, 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 that certiorari should be granted.

No. 1165, *Misc.* Leonard Wallach, petitioner, *v.* Philip Lieberman et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 1036, *Misc.* David A. Randall, petitioner, *v.* United States; and

No. 1104, *Misc.* Albert Ross Brown, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Motions for leave to file petitions for writs of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1267, *Misc.* Antonio Diaz Gomez, petitioner, *v.* Robert A. Heinze, Warden;

No. 1329, *Misc.* In the Matter of the Application of George Gonzales Lugo, petitioner;

No. 1336, *Misc.* Jesse Bruce Moore, petitioner, *v.* Ross V. Randolph, Warden;

No. 1344, *Misc.* DeWitt Harris, Sr., petitioner, *v.* Paul D. McGinnis, Commissioner of New York Department of Corrections, et al.; and

No. 1356, *Misc.* Thomas M. Moore, petitioner, *v.* Harold A. Cox, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1316, *Misc.* Guy Donald McQuaide, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections; and

No. 1335, *Misc.* E. Melvin Robertson, petitioner, *v.* California. Motion 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 CERTIORARI DENIED

No. 1189, Misc. Thaddeus E. Tansimore, petitioner, *v.* United States. Motion for leave to file petition for writ of mandamus denied.

## REHEARINGS DENIED

No. 87. Richard S. Simpson, petitioner, *v.* Union Oil Company of California. Petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 1121, Misc. Morris Weiss, petitioner, *v.* Spiro Skouras et al. Petition for rehearing denied.

## RECESS ORDER

The Court will take a recess from today until Monday, June 1, 1964.

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Adjourned until Monday, June 1, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

James Louis Lund, of Los Angeles, Calif., Everett H. Dudley, Jr., of Miami Springs, Fla., Samuel Sheradsky, of Miami, Fla., Jack R. Wood, of Shelbyville, Ind., Harold Rawlings Dobson, of St. Louis, Mo., Harold Baer, Jr., of New York, N.Y., Arthur Jacob Goldblatt, of New York, N.Y., Irwin Goldbloom, of Syracuse, N.Y., Philip J. Ryan, Jr., of New York, N.Y., G. Sydney Shane, of Olean, N.Y., James H. Harrod, of Oklahoma City, Okla., Joe L. Roselle, of Oklahoma City, Okla., and Austin J. Murphy, of Charleroi, Pa., on motion of Mr. Solicitor General Archibald Cox; Thomas P. Gill, of Honolulu, Hawaii, and Clesson Y. Chikasuye, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Milward L. Simpson, of Cody, Wyo., and Alan K. Simpson, of Cody, Wyo., on motion of Mr. Peter H. Dominick; Charles W. Bailey, of Paris, Tex., Thomas L. Clinton, of Lubbock, Tex., Albert B. Fenton, of Dallas, Tex., Alfred L. Ruebel II, of Dallas, Tex., and Joe Clarence Marlin Spurlock, of Fort Worth, Tex., on motion of Mr. Ralph W. Yarborough; Birch E. Bayh, Jr., of W. Terre Haute, Ind., and Larry A. Conrad, of Muncie, Ind., on motion of Mr. Ray J. Madden; Michael Dean Groshek, of Denver, Colo., on motion of Mr. Charles E. Chamberlain; Gerald L. Nurdin, Sr., of Enid, Okla., on motion of Mr. Page Belcher; Albert Paul Blase, of Wichita, Kans., on motion of Mr. Garner E. Shriver; James F. Simpson, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Eugene R. Marable, Jr., of Petersburg, Va., on motion of Mr. Fred M. Vinson, Jr.; Philip L. Reardon, of Houston, Tex., on motion of Mr. Arthur C. Perry; Lawrence E. Soriano, of Bremerton, Wash., on motion of Mr. Boyd Leedom; George Anthony Wray, of Washington, D.C., on motion of Mr. Charles Sylvanus Rhyne; George Alex Chuparkoff, of McDonald, Ohio, on motion of Mr. Donald S. Dawson; Bill B. Lambert, of Atlanta, Tex., Felix John Zaniewski, of New Haven, Conn., and Alfred J. Ashton, Jr., of Sulphur, Okla., on motion of Mr. Roy Dale Adcock; Edwin Meese III, of Oakland, Calif., on motion of Mr. Charles Alvin Miller; Matthew R. McCann, of Worcester, Mass., on motion of Mr.

Robert Reed Gray; Irving Koufax, of Los Angeles, Calif., on motion of Mr. J. Allan Sherier; Harris L. Kane, of Fall River, Mass., on motion of Mr. Oliver H. Bassuener; Joseph Patrick Clancy, of Washington, D.C., on motion of Mr. Charles R. Rickey; Charles Donald Garrett, of Arlington, Va., on motion of Mr. Walter T. Skallerup; Waters Lee Helms, of New York, N.Y., on motion of Mr. Ellsworth Martin Jennison; Hurd Baruch, of New Milford, Conn., on motion of Mr. Will H. Carroll; Page Morris Anderson, of Honolulu, Hawaii, on motion of Mr. Robbins B. Anderson; Frederick A. Kepka, of Long Beach, Calif., on motion of Mr. Joseph A. Ball; Neale Scott, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; Ann Schafer Dodge, of Manchester, Mass., on motion of Mr. Frederick Schafer; Robert D. Barbagelata, of San Francisco, Calif., Paul P. Selvin, of Los Angeles, Calif., and Arthur C. Zief, of San Francisco, Calif., on motion of Mr. Richard D. Andrews; Richard Glynn Hansen, of Los Altos, Calif., on motion of Mr. John R. BeBarr; George Nager, of Levittown, N.Y., on motion of Mr. David Schechter; George Hughes Revercomb, of Washington, D.C., on motion of Mr. William Chapman Revercomb; Harris B. Taylor, of Los Angeles, Calif., on motion of Mr. Neil Bernard Kabatchnich; Gerald Leighton Ewell, Sr., of Manchester, Tenn., on motion of Mr. William G. Allen; Donald F. Sileo, of Brooklyn, N.Y., on motion of Mr. Hugh J. Beins; Gordon Gelfond, of Philadelphia, Pa., on motion of Mr. Gordon Callow; James Edward Mazure, of Silver Spring, Md., on motion of Mr. Paul D. Page, Jr.; William Franklin Harvey, of Topeka, Kans., on motion of Mr. Joseph Quinn O'Connell; Jack E. Armore, of New York, N.Y., on motion of Mr. Joseph Schimmel; David E. Evrard, of Washington, D.C., on motion of Mr. Lawrence M. Holloway; James Matthieas Russ, of Orlando, Fla., on motion of Mr. Walter H. E. Jaeger; Vincent J. Grogan, of Pittsburgh, Pa., on motion of Mr. Robert A. Doyle; J. B. Mirassou, of Redondo Beach, Calif., on motion of Mr. William H. Webb; William Merlin, of Plymouth, Minn., on motion of Mr. Albert Boyd Logan; Charles R. Donnenfeld, of Brooklyn, N.Y., on motion of Mr. Louis Sherman; Joseph S. McCarthy, of Washington, D.C., on motion of Mr. Thomas V. Moore; Alan Howard Buchfirer, of Springfield, Ohio, on motion of Mr. Manuel F. Cohen; and Melvin Miller Farr, of Salt Lake City, Utah, on motion of Mr. Claron Chipman Spencer, were admitted to practice.

#### OPINIONS

No. 489. Hudson Distributors, Inc., appellant, *v.* The Upjohn Company; and

No. 490. Hudson Distributors, Inc., appellant, *v.* Eli Lilly & Company. Appeals from the Supreme Court of Ohio. Judgments af-

firmed. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Harlan.

**No. 220.** Lawrence W. Baggett et al., appellants, *v.* Dorothy Bullitt et al. Appeal from the United States District Court for the Western District of Washington. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins.

**No. 116.** Donald S. Hostetter et al., etc., appellants, *v.* Idlewild Bon Voyage Liquor Corporation. Appeal from the United States District Court for the Southern District of New York. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Goldberg joins. Mr. Justice Brennan took no part in the consideration or decision of this case.

**No. 389.** Department of Revenue, petitioner, *v.* James B. Beam Distilling Company. On writ of certiorari to the Court of Appeals of Kentucky. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Goldberg joins. Mr. Justice Brennan took no part in the decision of this case.

**No. 509.** United States, petitioner, *v.* Vermont et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart.

**No. 406.** Red Ball Motor Freight, Inc., et al., appellants, *v.* Emma Shannon et al., etc.; and

**No. 421.** United States and Interstate Commerce Commission, appellants, *v.* Emma Shannon et al., etc. Appeals from the United States District Court for the Western District of Texas. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join. Dissenting opinion by Mr. Justice White.

**No. 169.** National Association for the Advancement of Colored People, petitioner, *v.* Alabama ex rel. Richmond M. Flowers, Attorney General. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan.

**No. 204.** United States, appellant, *v.* Aluminum Company of America et al. Appeal from the United States District Court for the Northern District of New York. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice Goldberg join.

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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. 819. Irving Marder, appellant, *v.* Massachusetts. Appeal from the Superior Court of Massachusetts, Suffolk County. 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 Goldberg with whom Mr. Justice Douglas joins. Mr. Justice White is of the opinion that probable jurisdiction should be noted.

No. 939. Harlow Chamberlin, etc., et al., appellants, *v.* The Dade County Board of Public Instruction et al. Appeal from the Supreme Court of Florida. The motion to use the record in No. 520, **October Term, 1962**, is granted. Judgment reversed and case remanded to the Supreme Court of Florida with respect to the issues of the constitutionality of prayer and of devotional Bible reading pursuant to a Florida statute, Fla. Stat. (1961) § 231.09, in the public schools of Dade County. School District of Abington Township *v.* Schempp, 374 U.S. 203. As to the other questions raised, the appeal is dismissed for want of properly presented federal questions. *Asbury Hospital v. Cass County*, 326 U.S. 207, 213-214. Opinion *per curiam*. Separate opinion by Mr. Justice Douglas, with whom Justice Black joins, concurring in part. Mr. Justice Stewart would note probable jurisdiction and set case down for argument on the merits.

No. 968. Union Oil Company of California, appellant, *v.* State Board of Equalization of California. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 981. Frank E. Meeks, petitioner, *v.* Georgia Southern & Florida Railway Company. On petition for writ of certiorari to the Court of Appeals of Georgia. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals of Georgia for further proceedings not inconsistent with the opinion of this Court; and

No. 1004. Dorothy Braswell, Administratrix of the Estate of Courtney L. Braswell, Deceased, petitioner, *v.* The New York, Chicago and St. Louis Railroad Company. On petition for writ of certiorari to the Supreme Court of Illinois. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Separate opinion by Mr. Justice Harlan, with whom Mr. Justice Stewart joins, dissenting in No. 981, and dissenting in part and concurring in part in No. 1004.

No. 1022, Misc. Guy Williams, Jr., appellant, *v.* United States et al. Appeal from the United States Court of Appeals for the Sixth Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1025, Misc. Ernie Zapata, appellant, *v.* California. Appeal from the District Court of Appeal of California, Third Appellant District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 592. Cocheyse J. Griffin, etc., et al., petitioners, *v.* County School Board of Prince Edward County et al. The motion of the petitioners that the judgment issue forthwith is granted.

No. 1006. Radio and Television Broadcast Technicians Local Union 1264, etc., et al., petitioners, *v.* Broadcast Service of Mobile, Inc. The Solicitor General is invited to file a brief expressing the views of the United States.

#### CERTIORARI GRANTED

No. 914. People of the State of California et al., petitioners, *v.* Lo-Vaca Gathering Company et al.;

No. 915. Southern California Gas Company et al., petitioners, *v.* Lo-Vaca Gathering Company et al.; and

No. 990. Federal Power Commission, petitioner, *v.* Lo-Vaca Gathering 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 allotted for oral argument.

No. 998. United States, petitioner, *v.* First National City Bank. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 882. Louis Guido, petitioner, *v.* United States;

No. 883. Alex Micele, petitioner, *v.* United States;

No. 1052, Misc. Albert Sakal, petitioner, *v.* United States;

No. 1146, Misc. John C. Pellegrini, petitioner, *v.* United States;

and

No. 1155, Misc. James T. McGarry, petitioner, *v.* United States.

Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 922. Withlacoochee River Electric Cooperative, Inc., et al., petitioners, *v.* Tampa Electric Company. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1001. The Prudential Insurance Company of America, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1002. Marvin R. Cole, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1003. C. George Swallow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1005. Vernon Evans Bergman et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1008. Morris C. Goldberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1011. Bernard Howard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1015. No. 3 Bull Towing Company et al., petitioners, *v.* Monsanto Chemical Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1016. Cermak Club, Inc., et al., petitioners, *v.* Illinois Liquor Control Commissioners. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 122. Frank Palermo, petitioner, *v.* United States;

No. 134. Joseph Sica, petitioner, *v.* United States;

No. 141. Paul John Carbo, petitioner, *v.* United States; and

No. 145. Truman Gibson, Jr., petitioner, *v.* United States. Petitions for writs 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 these petitions.

**No. 999.** The General Tire & Rubber Company, petitioner, *v.* Honorable R. Dorsey Watkins, United States District Judge for the District of Maryland. The motion of The Firestone Tire and Rubber Company, et al., for leave to file a brief, as *amici curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

**No. 1014.** Federal Trade Commission, petitioner, *v.* The American Oil Company. 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. 898, Misc.** Angelo Paccione, petitioner, *v.* David M. Heritage, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 973, Misc.** Wilson M. Smith, Jr., petitioner. *v.* United States; and

**No. 974, Misc.** Raymond Bowden, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia denied.

**No. 976, Misc.** Joseph Kirkwood, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

**No. 1031, Misc.** William McBee, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

**No. 1035, Misc.** Clarence Gene Leggett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

**No. 1049, Misc.** David Lindsey Crews, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

**No. 1059, Misc.** George Wilson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

**No. 1062, Misc.** Henry Armstrong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 1071, Misc.** John Ellis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

**No. 1091, Misc.** Edward Lee Jones, Sr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1097, **Misc.** James Coley Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1113, **Misc.** James R. Walker 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. 1116, **Misc.** James G. Sorce, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1135, **Misc.** William C. Rindgo, Jr., petitioner, *v.* Sam A. Anderson, 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. 1144, **Misc.** Richard X. Williams, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1145, **Misc.** Roy Vester Clark, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1172, **Misc.** Sanford Ralph Abramson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1186, **Misc.** Joe Samuel King, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1222, **Misc.** Edward Allen, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1224, **Misc.** Lawrence Akin Jackson, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1242, **Misc.** William E. Leek, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1245, **Misc.** Louis C. White, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1246, **Misc.** Robert H. Long, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1253, **Misc.** Donald Kahigas, 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. 1254, **Misc.** Robert F. Urbano, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1256, **Misc.** Harry F. Burghardt, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1268, **Misc.** Dallas O. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1269, **Misc.** Louis Tirado, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1270, **Misc.** James E. Perry, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1271, **Misc.** Henry S. Badders, petitioner, *v.* Ellen C. Uhler. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1274, **Misc.** Thomas McCormack, 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. 1277, **Misc.** James D. Mooneyham, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1281, **Misc.** Robert S. Van Rensselaer et al., petitioners, *v.* General Motors Corp. etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1285, **Misc.** William S. Wellman, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1291, **Misc.** Robert Beauchamp, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1294, **Misc.** Wayne F. McLain, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1304, **Misc.** Robert E. Leeper, 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. 1312, **Misc.** Hansel L. Bray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 112, **Misc.** Madison Wilson, 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. 1077, Misc.** James Matthew Land, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court. The stay of execution heretofore granted by Mr. Justice Black pending the disposition of the petition for writ of certiorari is hereby extended for a period of 60 days from this date to allow the petitioner to file a petition for a writ of habeas corpus. If a petition for writ of habeas corpus is so filed, this stay is to continue pending disposition of the petition for a writ of habeas corpus.

**No. 1219, Misc.** Robert B. Traub, petitioner, *v.* Connecticut. The motion to use the record in **No. 1285, Misc., October Term 1962**, is granted. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

**No. 1403, Misc.** Donald R. Head, petitioner, *v.* California. Motion for leave to file a petition for writ of certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

**No. 1349, Misc.** Marvin E. Maddox, petitioner, *v.* William C. Holman, Warden;

**No. 1350, Misc.** J. C. McDonald, petitioner, *v.* George A. Kropp, Warden;

**No. 1378, Misc.** Leroy Richard McDermott and Edward Jodon, petitioners, *v.* H. E. Russell, Superintendent of State Correctional Institution at Huntingdon;

**No. 1388, Misc.** James D. Testa, petitioner, *v.* Superintendent, Deuel Vocational Institution;

**No. 1394, Misc.** George E. Duggin, petitioner, *v.* Tennessee et al.; and

**No. 1404, Misc.** Charles E. Horner, petitioner, *v.* Florida. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

**No. 1276, Misc.** Frank Shoenfield, petitioner, *v.* Harold Hughes, et al.; and

**No. 1303, Misc.** Johnny Harper, petitioner, *v.* Honorable Talbot Smith, Judge, United States District Court for the Eastern District

of Michigan. Motions for leave to file petitions for writs of mandamus denied.

#### LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 1228, Misc. Andrew J. Easter, petitioner, *v.* Frederick W. Brune et al., Judges of the Court of Appeals of Maryland. Motion for leave to file petition for writ of prohibition denied.

#### REHEARINGS DENIED

No. 58. A. L. Mechling Barge Lines, Inc., et al., appellants, *v.* United States et al.; and

No. 59. Board of Trade of the City of Chicago, appellant, *v.* United States et al.;

No. 684. The Superior Oil Company, petitioner, *v.* Federal Power Commission;

No. 821, Misc. Jack C. Massengale, petitioner, *v.* Margaret Massengale;

No. 856, Misc. Hilliard Sanders, petitioner, *v.* Alabama; and

No. 1094, Misc. Robert B. Kimball, petitioner, *v.* United States. Petitions for rehearing denied.

No. 34. Brotherhood of Railroad Trainmen, petitioner, *v.* Virginia ex rel. Virginia State Bar. The motion of American Bar Association for leave to file a brief, as *amicus curiae*, in support of rehearing is granted. Petition for rehearing denied. Mr. Justice Stewart took no part in the consideration or decision of this motion and petition.

#### RECESS ORDER

The Court will take a recess from today until Monday, June 8, 1964.

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Adjourned until Monday, June 8, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

### ADMISSIONS TO THE BAR

Frederick R. Bland, of Fort Lauderdale, Fla., Meredith J. Cohen, of Orlando, Fla., Benjamin S. Mackoff, of Chicago, Ill., Arthur Harold Zimmerman, of Chicago, Ill., Joseph C. Keefe, of Decorah, Iowa, James T. Connolly, of Newburyport, Mass., Anthony Grancio, of New York, N.Y., Edward S. Wallach, of New York, N.Y., William J. Abraham, of Columbus, Ohio, John S. Ballard, of Akron, Ohio, Robert Paul Mittelman, of Scranton, Pa., and Melvin Ernest Beyer, of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; Gerald Naum Svetanoff, of Gary, Ind., on motion of Mr. Birch Bayh; Manfred Pieck, of Omaha, Nebr., on motion of Mr. Roman L. Hruska; Dean Winkjer, of Williston, N. Dak., on motion of Mr. Quentin N. Burdick; Ralph Charles Thomas, of Tulsa, Okla., on motion of Mr. Page Belcher; John Lydon O'Brien, of Pompano Beach, Fla., on motion of Mr. Paul G. Rogers; Michael L. Flanagan, of Minneapolis, Minn., Richard Temby Todd, of Minneapolis, Minn., and John J. Kirby, of St. Paul, Minn., on motion of Mr. Clark MacGregor; Harry A. Ackley, of Woodland, Calif., on motion of Mr. Robert L. Leggett; George Wirt Herrick, of Clinton, Ill., on motion of Mr. William Lee Springer; Morton D. Barrisch, of Cleveland, Ohio, Robert M. Wurzman, of Cleveland, Ohio, John E. Forrester, of Cleveland, Ohio, and Ralph D. Kovanda, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Orrin W. Johnson, of Harlingen, Tex., on motion of Mr. Joe M. Kilgore; Wallace M. Buck, Jr., of Topeka, Kans., on motion of Mr. Robert F. Ellsworth; Nelson K. Doi, of Hilo, Hawaii, on motion of Mr. Thomas P. Gill; Walter E. Chastain, Jr., of Corpus Christi, Tex., on motion of Mr. John Young; Alexander L. Paskay, of Tampa, Fla., and Charles J. Crowder, of Miami, Fla., on motion of Mr. Will Shafroth; Edward Dessau Clarkson, Jr., of La Jolla, Calif., Allen Butler Pierson, Jr., of Ponchatoula, La., John Allen Lighthall, of Syracuse, N.Y., and Lamar Fincher Graves, of Walnut, Calif., on motion of Mr. William E. O'Donovan; Sheldon Rosenthal, of San Francisco, Calif., on motion of Mr. Charles A. Miller; Frederick L. Hill, of Reno, Nev., and Patrick Engler Katzen, of Reno, Nev., on motion of Mr. Chester H. Smith; Simon A. Zelden, of Chicago, Ill., on motion of Mrs. Ethel Schiler Zelden; James Robertson March, of

Stroudsburg, Pa., on motion of Mr. Frank Kennard Lewis; Leonard J. D. Myers, of Norristown, Pa., on motion of Mr. William D. Patton; William Spencer Aaron, Jr., of Alexandria, Va., Robert Metcalfe Musselman, of Charlottesville, Va., and B. B. Woodson III, of Charlottesville, Va., on motion of Mr. William H. Sager; Elizabeth M. Horowitz, of Los Angeles, Calif., and Harold W. Horowitz, of Los Angeles, Calif., on motion of Mr. David Marlin; Alan G. Fleischer, of Richmond, Va., on motion of Mr. Philip Goldstein; Edward J. Kremer, Jr., of Dallas, Tex., and Sherman S. Poland, of Washington, D.C., on motion of Mr. Bradford Ross; Richard S. Bolte, of Wausau, Wis., on motion of Mr. Roy Dale Adcock; John J. C. Martin, of East Brunswick, N.J., on motion of Mr. John M. Cleary; Alan S. Ganz, of Chicago, Ill., on motion of Mr. Seymour Strongin; Patrick H. McCauley, of Kalamazoo, Mich., on motion of Mr. Robert Douglas Colman; James G. Donald, of Quitman, Miss., and Curtis J. Anstine, of Silver Spring, Md., on motion of Mr. Henry G. Langley; Denning Schattman, of Fort Worth, Tex., on motion of Mr. Charles M. Johnston; Herbert Logan Toms, Jr., of Raleigh, N.C., on motion of Mr. Hugh Q. Alexander; John V. Visco, of New York, N.Y., on motion of Mr. Sheldon E. Bernstein; Maynard Christian Bahre, of San Carlos, Calif., and Ross E. Hamlin, Jr., of San Mateo, Calif., on motion of Mr. Warren Staiger; Mayron R. Crenshaw, of Chicago, Ill., on motion of Mr. William S. Thompson; George B. Oujevolk, of Waldwick, N.J., on motion of Mr. Donald R. Dunner; Charles H. Creason, of Rupert, Idaho, on motion of Mr. Richard D. Andrews; Stanley R. Fimberg, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; Richard J. Meunier, of New Orleans, La., on motion of Mr. George Kaufmann; Norman Nathan Gottlieb, of Flint, Mich., and Joseph D. Hartwig, of Benton Harbor, Mich., on motion of Mr. Robert Milton Schmidt; Byron Edward Harrison, of Washington, D.C., on motion of Mr. John H. Midlen; Joseph Lesser, of New York, N.Y., on motion of Mr. Arthur L. Winn, Jr.; I. Walter Fisher, of Atlanta, Ga., on motion of Mr. F. Cleveland Hedrick; Jair S. Kaplan, of Silver Spring, Md., on motion of Mr. Henry J. Vinskey; Newton C. Taylor, of Huntingdon, Pa., on motion of Mr. Rufus S. Hill, Jr.; Thomas V. McMahon, of New York, N.Y., and Sigmund Katz, of Plainview, N.Y., on motion of Mr. Thomas A. Flannery; John Edward Price, of Fort Worth, Tex., on motion of Mr. Kenneth McGuinness; James W. Wallace, of Northridge, Calif., on motion of Mr. Richard Gordon Troop; Wesley L. Lance, of Glen Gardner, N.J., on motion of Mr. Joseph Harrison; William F. Russell, of Centerville, Ohio, on motion of Mr. Frederick Sass, Jr.; Revius O. Ortique, Jr., of New Orleans, La., on motion of Mr. William S. Thompson; Arthur Gooding Barnhart, of Washington, D.C., on motion of Mr. John W. Coggins; Ralph J. Moore, Jr., of Oakland,

Calif., and Benjamin W. Boley, of Washington, D.C., on motion of Mr. Alfred Long Scanlan; Hugh F. Owens, of Oklahoma City, Okla., and Dennis A. Bell, of Chicago, Ill., on motion of Mr. Manuel F. Cohen; William Carroll Withers, of Alexandria, Va., on motion of Mr. Harold C. Wilkenfeld; Stanley Sutherland Harris, of Washington, D.C., on motion of Mr. Charles A. Halleck; Frank Pierce Jones, Jr., of Lubbock, Tex., on motion of Mr. Marvin Jones; James Levin, of Louisville, Ky., and Louis Cohen, of Louisville, Ky., on motion of Mr. Robert Dolan Peloquin; David Huddle, of Washington, D.C., and Robert A. Bergs, of Arlington, Va., on motion of Mr. Milton W. King; John K. McNulty, of Cleveland, Ohio, on motion of Mr. Robert W. McNulty; Dorothy G. Newman, of Norwalk, Conn., on motion of Mr. Howard A. Newman; Paul Campbell, Jr., of Chattanooga, Tenn., on motion of Mr. Sam E. Whitaker; Thomas D. Wilcox, of Alexandria, Va., on motion of Mr. George F. Galland; Lewis C. Teegarden, of Los Angeles, Calif., on motion of Mr. Bryce Rea, Jr.; Rudi Milton Brewster, of San Diego, Calif., on motion of Mr. Richard E. Blair; Charles J. Mackres, of Chula Vista, Calif., on motion of Mr. Robert H. Hare; Francis E. Shields, of Philadelphia, Pa., and Victor L. Drexel, of Philadelphia, Pa., on motion of Mr. Frederick M. Bradley; Harvey Kaye, of Washington, D.C., on motion of Mr. George H. Spencer; George J. Hughes, of Washington, D.C., on motion of Mr. Harvey Allen Jacobs; Berg J. Jensen, of Bayside, N.Y., on motion of Mr. Niall O. Meagher; John W. Martin, Jr., of Chicago, Ill., on motion of Mr. Edward R. Kenney; Margaret O. Coffin, of Oak Brook, Ill., on motion of Mrs. Margaret A. Re; Robert Jack Corber, of Washington, D.C., on motion of Mr. I. Martin Leavitt; George T. Avery, of Alexandria, Va., on motion of Mr. Louis Weiner; Henry C. Bolling, of Alexandria, Va., on motion of Mr. M. M. Heuser; Willie M. Whiting, of Chicago, Ill., and Odas Nicholson, of Chicago, Ill., on motion of Mr. Jessie O. Dedmon, Jr.; Samuel Klafter, of Rochester, N.Y., on motion of Mr. J. Richard Carr; Werner J. Kronstein, of Washington, D.C., on motion of Mr. Milton V. Freeman; William T. Oxley, of Ashland, Ohio, on motion of Mr. John D. Dingell; Ivan Vlado Kerno, of Washington, D.C., on motion of Mr. Elmer E. Batzell; Jerry Paul D'Avanzo, of Southgate, Mich., Hanley M. Gurwin, of Southfield, Mich., Paul B. Newman, of Oak Park, Mich., Frederick G. Weideman, of Dearborn, Mich., Edward C. Bladyko, of Detroit, Mich., William S. Evans, of Detroit, Mich., Donald E. Gratrix, of Detroit, Mich., Sheridan V. Holzman, of Detroit, Mich., Frederic I. Keywell, of Detroit, Mich., C. Michael Kimber, of Detroit, Mich., Bethany J. Ochal, of Detroit, Mich., Edward L. Ochal, of Detroit, Mich., Norman P. Ochs, of Detroit, Mich., Alexander P. Perry, of Detroit, Mich., Leo Pollack, of Detroit, Mich., Robert G. Portnoy, of Detroit, Mich., Earl Thomas Prosser,

of Detroit, Mich., Thomas W. Ricard, of Detroit, Mich., Richard E. Rosin, of Detroit, Mich., and John Randolph Whitehouse, of Detroit, Mich., on motion of Mr. John D. Dingell; Stephen George Altman, of New Rochelle, N.Y., Joseph A. Cassidy, of New Rochelle, N.Y., Robert A. Freeman, of New Rochelle, N.Y., Mitchell R. Glick, of New Rochelle, N.Y., Harold Greenstein, of New Rochelle, N.Y., Samuel J. Kalmanson, of New Rochelle, N.Y., Louise L. Kreppel, of New Rochelle, N.Y., Norman B. Lichtenstein, of New Rochelle, N.Y., Thomas A. Mamalis, of New Rochelle, N.Y., Anthony A. Moley, of New Rochelle, N.Y., Hermine S. Preiss, of New Rochelle, N.Y., and David D. Siegel, of Brooklyn, N.Y., on motion of Mr. Frederick William Glassberg; and Harry C. Hulbert, Jr., of Franklin, N.J., Lloyd Gordon, of Hackensack, N.J., Arthur Rose, of Hackensack, N.J., Thomas W. Winnerman, of Milburn, N.J., Angelo R. Bianchi, of Newark, N.J., Samuel D. Bozza, of Newark, N.J., Nicholas Brescia, of Newark, N.J., John J. Dios, of Newark, N.J., Anthony E. Grasso, of Newark, N.J., Bernard I. Kramer, of Newark, N.J., Peter Murray, of Newark, N.J., Edward E. Pack, of Newark, N.J., Bernard S. Wildstein, of Newark, N.J., Irving John Zwillman, of Newark, N.J., Robert J. Citrino, Jr., of Nutley, N.J., and John M. Skevin, of Oradell, N.J., on motion of Mr. Aristo Dallavalle, were admitted to practice.

#### OPINIONS

No. 75. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Convertible Top Replacement Co., Inc. The motion to settle the record is denied without prejudice to its renewal upon taxation of costs in United States Court of Appeals for the First Circuit. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed insofar as it holds Aro liable for contributor infringement with respect to replacement-fabric sales made after July 21, 1955. Judgment affirmed insofar as it holds Aro liable with respect to sales made before that date, but subject to the reservation based on the knowledge requirement with respect to sales made before January 2, 1954. Case remanded to the United States District Court for the District of Massachusetts for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Clark join.

No. 328. United States, appellant, *v.* Rocco Tateo. Appeal from the United States District Court for the Southern District of New York. Judgment reversed and case remanded to the District Court with instructions to reinstate the four bank robbery counts. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Black and Mr. Justice Douglas join.

No. 402. J. I. Case Company et al., petitioners, *v.* Carl H. Borak, etc. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Clark.

No. 115. General Motors Corporation, appellant, *v.* Washington et al. Appeal from the Supreme Court of Washington. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Stewart and Mr. Justice White join.

No. 109. Wilbur-Ellis Company et al., petitioners, *v.* Max K. Kuther. 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 Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Harlan would affirm the judgment substantially for the reasons given in the majority opinion by the Court of Appeals, 314 F. 2d 71.

No. 264. James P. Donovan et al., petitioners, *v.* City of Dallas et al. On writ of certiorari to the Supreme Court of Texas and the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. Judgment of Supreme Court of Texas reversed, and judgment of Court of Civil Appeals of Texas, Fifth Supreme Judicial District, vacated and case remanded to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join.

The Chief Justice said:

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

#### OPINION PER CURIAM

No. 995. Tacoma Association of Credit Men, appellant, *v.* Washington. 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*.

#### ORDERS IN PENDING CASES

No. 134. Joseph Sica, petitioner, *v.* United States. The application for a stay of the issuance of the order denying the petition for a writ of certiorari presented to Mr. Justice Douglas, and by him referred to the Court, is denied. Mr. Justice White took no part in the consideration or decision on this application.

No. 610. Fibreboard Paper Products Corporation, petitioner, *v.* National Labor Relations Board et al. The motion of the respondents to remove this case from the summary calendar is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. 701. The American Oil Company, appellant, *v.* P. G. Neill et al. Appeal from the Supreme Court of Idaho. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 1041. Commissioner of Internal Revenue, petitioner, *v.* Clay B. Brown et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

CERTIORARI DENIED

No. 749. John J. Keller, petitioner, *v.* State of Wisconsin ex rel. State Bar of Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 942. Thomas Kerr et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 983. Chicago North Shore and Milwaukee Railway Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 987. Prado Oil and Gas Company, petitioner, *v.* Federal Power Commission et al.;

No. 1026. Skelly Oil Company et al., petitioners, *v.* Federal Power Commission et al.; and

No. 1080. Jake L. Hamon 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 denied.

No. 1009. In re Suspension of Maurice W. Tindall from Judicial Office et al., petitioners. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1017. Rose Courts, Inc., petitioner, *v.* Harry L. Hastings et ux. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1019. Lester Webster et al., petitioners, *v.* Midland Electric Coal Corporation et al. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 1020. Irving Eisenberg et ux., petitioners, *v.* H. D. Goldstein et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1021. Handelsvennootschap Norma N. V., et al., petitioners, *v.* Robert F. Kennedy, Attorney General of the United States, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1022. Herman Myron Feldman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1023. Wells Fargo Bank et al., etc., petitioners, *v.* Howard C. Platt et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1031. Wilbur G. Silverman, as Administrator of the Estate of Harry L. Silverman, petitioner, *v.* City of New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Department, denied.

No. 1034. Axel Harald Holstensson et al., petitioners, *v.* V-M Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1036. Atkinson Dredging Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1039. Robert E. Hooper, petitioner, *v.* Chrysler Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1040. Ike J. Davis et ux., petitioners, *v.* Dexter Barr, Chairman, Mississippi State Tax Commission, et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1044. Eastern Express, Inc., petitioner, *v.* Mack Warehouse Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1046. George Weiss, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1047. Miller and Company of Birmingham, Inc., petitioner, *v.* Louisville and Nashville Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1053. The United States Time Corporation, petitioner, *v.* Hamilton Watch Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1066. Swingline, Inc., et al., petitioners, *v.* Overland Machined Products, Inc. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1093. Robert Donnell McCreery, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 1027. United States, petitioner, *v.* Communist Party of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1076. Robert E. Murphy, Warden, petitioner, *v.* Charles Everett. The motion of the respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 983, Misc. Frank Sasser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1005, Misc. Maurice N. Whittington, petitioner, *v.* Sam A. Anderson, 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. 1072, Misc. Charles Evans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1089, Misc. James Henry Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1098, Misc. Howard Allen, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1115, Misc. John G. Ahlstedt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1120, Misc. Lowell Lyons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1143, Misc. Gerhard Willie Gawantka, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1161, Misc. Manuel Ray Rua, Jr., etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1166, **Misc.** Benjamin Burroughs, petitioner, *v.* Robert A. Heinze et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1169, **Misc.** Robert E. Pauley, petitioner, *v.* Frank B. King, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1185, **Misc.** Earl Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1202, **Misc.** Ronald Charles Edgar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1227, **Misc.** Rush O. Nichols, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1230, **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. 1231, **Misc.** Josephine Hargraves et al., petitioners, *v.* Luella Hamilton et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1234, **Misc.** Jerome Byrnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1236, **Misc.** Charles H. Prysock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1278, **Misc.** Curtis J. Olive, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1283, **Misc.** Ellis Jackson Martin, petitioner, *v.* Texas Indemnity Insurance Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1292, **Misc.** Charles Johnson, 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. 1295, **Misc.** Robert J. Murphy, 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. 1300, **Misc.** Hezekiel Moore, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1301, *Misc.* John Daniel Butler, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1302, *Misc.* Ralph Darling, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1307, *Misc.* Herbert Lee Foster, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1308, *Misc.* Alvie Wright, petitioner, *v.* Ray H. Page, Warden. Petition for writ of certiorari to the Criminal Court of Appeals of Oklahoma denied.

No. 1309, *Misc.* George R. Barber, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1319, *Misc.* Roland B. Redfield, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1320, *Misc.* Jay R. Kurth, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1324, *Misc.* Frank Hudson, petitioner, *v.* Fred R. Dickson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1325, *Misc.* Joseph W. Bailey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1343, *Misc.* Luther L. Powell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1347, *Misc.* Joe Flores, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1355, *Misc.* Vernon Melvin Blackman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1260, *Misc.* Raymond Moss, petitioner, *v.* Nebraska;

No. 1402, *Misc.* James F. Armstrong, petitioner, *v.* Fred R. Dickson, Warden, et al.;

No. 1411, *Misc.* Richard J. Thomas, petitioner, *v.* William C. Holman, Warden;

No. 1421, *Misc.* William Loftis, petitioner, *v.* Frank A. Eyman, Warden, et al.; and

No. 1445, Misc. In the Matter of the Application of William Bryce Peebles, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1415, Misc. Harry Pinkerton, petitioner, *v.* E. L. Maxwell, Warden. Motion for leave to file a petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1266, Misc. Niki Z. Schwartz et al., petitioners, *v.* Mell G. Underwood, Judge. Motion for leave to amend and supplement petition for writ of mandamus granted. Motion for leave to file petition for writ of mandamus denied.

No. 1286, Misc. Henry Smith, petitioner, *v.* Mrs. Earle B. Searcy, Clerk of the Illinois Supreme Court, et al. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

No. 107. United States *v.* Ross R. Barnett et al.;

No. 336. Wanda Mercer, petitioner, *v.* Paris Theriot;

No. 958. Paul Revere Life Insurance Company, petitioner, *v.* First National Bank in Dallas, Administrator of the Estate of Loy Thomas Brown; and

No. 1296, Misc. Jack R. Delaney, petitioner, *v.* Oregon. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Monday, June 15, 1964.

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Adjourned until Monday, June 15, 1964, 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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Anita Lewis, of Phoenix, Ariz., Walter Charles Rogers, of Stafford, Ariz., William B. Jones, of Los Angeles, Calif., John Montague Steadman, of San Francisco, Calif., Frank J. Kalvelage, of Detroit, Mich., Alfred C. Clapp, of Newark, N.J., Samuel J. Warms, of New York, N.Y., Ralph A. Miller, of Cleveland, Ohio, Ernestine Breisch Powell, of Columbus, Ohio, Daniel Harper Benson, of Lubbock, Tex., and Dennis M. Selby, of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; John Hoyle McCormick, of Jasper, Fla., on motion of Mr. Spessard Holland; Robert Joseph Fanning, of Kellogg, Idaho, on motion of Mr. Frank Church; Gerald R. Ford, of Grand Rapids, Mich., on motion of Mr. Charles E. Chamberlain; Bert McCoy, of Eugene, Oreg., and Edwin Joseph Welsh, of Portland, Oreg., on motion of Mr. Robert B. Duncan; W. Crosby Few, of Tampa, Fla., Bruce Thall Fraser, of Tampa, Fla., H. Eugene Johnson, of Tampa, Fla., Paul Bryan Johnson, of Tampa, Fla., and Thomas Edwin Henderson, of Tampa, Fla., on motion of Mr. Sam M. Gibbons; Orville Gray, of Great Falls, Mont., on motion of Mr. Royal E. Jackson; Harold L. Rock, of Omaha, Nebr., on motion of Mr. Robert J. Kutak; William F. Clare, Jr., of New York, N.Y., and Henry P. Poole, of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; Joseph David Phelps, of Montgomery, Ala., and Vaughan Hill Robison, of Montgomery, Ala., on motion of Mr. Donald J. Cronin; S. David Freeman, of Knoxville, Tenn., on motion of Mr. Joseph C. Swidler; James C. Moseley, Jr., of Union, S.C., John Oliver Green, of Halifax, Va., and Gordon G. Ovington, of Silver Spring, Md., on motion of Mr. Roy Dale Adcock; Richard Sheppard Arnold, of Texarkana, Ark., on motion of Mr. Gerhard A. Gesell; George Martin Coburn, of Washington, D.C., on motion of Mr. F. Trowbridge vom Baur; James M. Ballowe, of Des Plaines, Ill., and Paul William Kaiser, Jr., of Waukegan, Ill., on motion of Mr. Donald E. Deuster; S. John Canino, of North Reading, Mass., on motion of Mr. Daniel T. Coughlin; Joel David Fedder, of Baltimore, Md., and Stanley Arnold Racoosin, of Washington, D.C., on motion of Mr. Douglas A. Kahn; Robert M. Jones, of Santa Barbara, Calif., on motion of Mr. Donald

D. Webster; Gerard K. Donovan, of Tulsa, Okla., on motion of Mr. Joseph R. Gorman; Walton George Grayson III, of Dallas, Tex., on motion of Mr. David H. Semmes; Richard E. Valois, of River Rouge, Mich., on motion of Mr. Wilbur D. Sparks; Ronald Earl Madsen, of Washington, D.C., on motion of Mr. Hugh H. Obear; Arthur A. Arsham, of New York, N.Y., on motion of Mr. Robert H. Duff; Martin B. Rosner, of New York, N.Y., on motion of Mr. Alfred I. Rosner; Lawrence C. Porter, of Miami, Fla., on motion of Mr. Jerome Harvey Simonds; William Madigan Epes, of Philadelphia, Pa., on motion of Mr. Paul T. O'Neil; William B. Teasdale, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald, Jr.; John B. McNamara, Jr., of Waco, Tex., on motion of Mr. William W. Goodrich; Josiah Knowles Adams, Jr., of New York, N.Y., on motion of Mr. George F. Galland; Cotton Howell, of Miami, Fla., on motion of Mr. John G. Laylin; Royal Jacob Voegeli, of Washington, D.C., on motion of Mr. John C. White; Stanley R. Jacobs, of Washington, D.C., on motion of Mr. Sol Rothbard; Michael W. J. Shea, of Washington, D.C., on motion of Mr. Jerome A. Hochberg; Jerold Irving Perlstein, of Milwaukee, Wis., on motion of Mr. Harold Kaufman; Matthew S. Perlman, of Bethesda, Md., on motion of Mr. Gerritt W. Wesselink; E. Milton Farley III, of Richmond, Va., and Joseph C. Carter, Jr., of Richmond, Va., on motion of Mr. Richard N. Harris; and Leon Windsor Biser, of Dallas, Tex., and Curtis White, of Dallas, Tex., on motion of Mr. Reo C. Knowles, were admitted to practice.

#### OPINIONS

No. 548. Nick Alford Aguilar, petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Black and Justice Stewart join.

No. 185. United States et al., appellants, *v.* B. J. Boyd, Commissioner. Appeal from the Supreme Court of Tennessee, Middle Division. Judgment affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan.

No. 110. William Malloy, petitioner, *v.* Patrick J. Hogan, Sheriff of Hartford County. On writ of certiorari to the Supreme Court of Errors of Connecticut. Judgment reversed and case remanded to the Supreme Court of Errors of Connecticut for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. While Mr. Justice Douglas joins the opinion of the Court, he also adheres to his concurrence in *Gideon v. Wainwright*,

372 U.S. 335, 345. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Dissenting opinion by Mr. Justice White with whom Mr. Justice Stewart joins.

No. 138. William Murphy and John Moody, Sr., petitioners, *v.* The Waterfront Commission of New York Harbor. On writ of certiorari to the Supreme Court of New Jersey. Judgment affirmed in part and vacated in part and case remanded to the Supreme Court of New Jersey for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Mr. Justice Black concurs in the judgment and opinion of the Court for the reasons stated in that opinion and in *Feldman v. United States*, 322 U.S. 487, 494 (dissenting opinion), as well as *Adamson v. California*, 332 U.S. 46, 68 (dissenting opinion); *Speiser v. Randall*, 357 U.S. 513, 529 (concurring opinion); *Bartkus v. Illinois*, 369 U.S. 121, 150 (dissenting opinion); and *Abbate v. United States*, 359 U.S. 187, 201 (dissenting opinion). Concurring opinion by Mr. Justice White with whom Mr. Justice Stewart joins. Opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins concurring in the judgment.

No. 481. Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Douglas took no part in the decision of this case.

No. 23. B. A. Reynolds, etc., et al., appellants, *v.* M. O. Sims et al.;

No. 27. David J. Vann and Robert S. Vance, appellants, *v.* Agnes Baggett, Secretary of the State of Alabama, et al.; and

No. 41. John W. McConnell, Jr., et al., appellants, *v.* Agnes Baggett, Secretary of State of Alabama, et al. Appeals from the United States District Court for the Middle District of Alabama. Judgment affirmed and cases remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Clark. Separate opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan in these cases and in Nos. 20, 29, 69, 307 and 508, *infra*.

No. 20. WMCA, Inc., et al., appellants, *v.* John P. Lomenzo, Secretary of State of the State of New York, et al. Appeal from the United States District Court for the Southern District of New York. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court in this case and in *Reynolds v. Sims*, decided this date. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan, *supra* Nos. 23, 27 and 41. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Clark joins in this case and in No. 508, *infra*. Dissenting opinion by Mr. Justice Clark.

No. 29. The Maryland Committee for Fair Representation et al., appellants, v. J. Millard Tawes, Governor, et al. Appeal from the Court of Appeals of Maryland. Judgment reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court in this case and in *Reynolds v. Sims*, decided this date. Opinion by Mr. Chief Justice Warren. Mr. Justice Clark concurs in the reversal for the reasons stated in his concurring opinion in *Reynolds v. Sims*, decided this date. Separate opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan, *supra* Nos. 23, 27 and 41.

No. 69. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, v. Harrison Mann et al. Appeal from the United States District Court for the Eastern District of Virginia. Judgment affirmed on the merits and case remanded to the District Court for further proceedings in conformity with the opinion of this Court in this case and in *Reynolds v. Sims*, decided this date. Opinion by Mr. Chief Justice Warren. Mr. Justice Clark concurs in the affirmance for the reasons stated in his concurring opinion in *Reynolds v. Sims*, decided this date. Separate opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan, *supra* Nos. 23, 27 and 41.

No. 307. Mabel V. Roman, Clerk, etc., et al., appellants, v. Richard Sincok et al. Appeal from the United States District Court for the District of Delaware. Judgment affirmed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court in this case and in *Reynolds v. Sims*, decided this date. Opinion by Mr. Chief Justice Warren. Mr. Justice Clark concurs in the affirmance for the reasons stated in his concurring opinion in *Reynolds v. Sims*, decided this date. Separate opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan, *supra* Nos. 23, 27 and 41.

No. 508. Andres Lucas et al., etc., appellants, v. The Forty-Fourth General Assembly of the State of Colorado, et al. Appeal from the United States District Court for the District of Colorado. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court in this case and in *Reynolds v. Sims*, decided this date. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Clark joins in this case and in No. 20, *supra*. Dissenting opinion by Mr. Justice Harlan, *supra* Nos. 23, 27 and 41. Dissenting opinion by Mr. Clark.

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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. 919. Department of Alcoholic Beverage Control for the State of California et al., appellants, *v.* Ammex Warehouse Company of San Ysidro, Inc., et al. Appeal from the United States District Court for the Southern District of California. The motion to affirm is granted and the judgment is affirmed. *Hostetter v. Idlewild Bon Voyage Liquor Corporation*, No. 116, October Term, 1963, decided June 1, 1964. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Goldberg dissent for the reasons stated in their dissenting opinion in *Hostetter v. Idlewild Bon Voyage Liquor Corporation*, *supra*.

No. 993. Mitchell Bros. Truck Lines, appellant, *v.* United States and Interstate Commerce Commission. Appeal from the United States District Court for the District of Oregon. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 1029. Dunne Leases Cars and Trucks, Inc., appellant, *v.* Laure B. Lussier, etc. Appeal from the Superior Court of Rhode Island, Providence County. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1033. Curtis, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Colorado. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 553, Misc. Barbara Elfbrandt et al., petitioners, *v.* Imogene R. Russell et al. On petition for writ of certiorari to the Supreme Court of Arizona. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Arizona for further consideration in light of *Baggett v. Bullitt*, No. 220, October Term, 1963, decided June 1, 1964. Opinion *per curiam*.

No. 1130, Misc. Christy Zoumah, petitioner, *v.* United States. 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 writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals in light of the recommendation of the Solicitor General and upon examination of all the papers filed in this case. Opinion *per curiam*.

No. 1345, Misc. Paul Benko, appellant, *v.* Hartford Accident and Indemnity Co., et al. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 89. United Steelworkers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board, et al. The motion of the petitioners to retax costs is granted. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. 386. Federal Power Commission, petitioner, *v.* Texaco Inc., et al. The motion of Texaco Inc. for an order perfecting proper venue on remand is denied.

No. 585. Dewey McLaughlin et al., appellants, *v.* Florida. The motion of the appellants to remove this case from the summary calendar is granted.

No. 801. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v.* United Air Lines, Inc. The motion of the respondent to require certification of additional parts of the record is granted. Mr. Justice Goldberg took no part in the consideration or decision on this motion.

No. 1314, Misc. In the Matter of the Disbarment of Stanley Dolnick.

It having been reported to the Court that Stanley Dolnick, of Philadelphia, Commonwealth of Pennsylvania, has been bisbarred from the practice of the law by the judgment of the Supreme Court of Pennsylvania, Eastern District, duly entered on the 4th day of April, 1964, and this Court by order of April 20, 1964, having suspended the said Stanley Dolnick from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

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

It is ordered that the said Stanley Dolnick be, and he is hereby, disbarred and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

## APPEAL—JURISDICTION NOTED

No. 941. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. Appeal from the United States District Court for the Eastern District of Louisiana. The motion of The National Lawyers Guild for leave to file a brief, as *amicus curiae*, is granted. The motion of The American Civil Liberties Union, et al., for leave to file a brief, as *amici curiae*, is granted. In this case probable jurisdiction is noted. Mr. Justice Black took no part in the consideration or decision of this case.

## CERTIORARI DENIED

No. 1018. New Jersey, petitioner, *v.* Wayne Godfrey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit, denied.

No. 1030. Selden G. Hooper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1038. H. Elizabeth Galbreath, petitioner, *v.* City of Chicago. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1042. Zola A. Aronson, petitioner, *v.* John F. McNeill, Superintendent of Matteawan State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1045. Albert A. Goldfarb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1050. City of Detroit et al., petitioners, *v.* General Motors Corporation. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1052. Jessie E. Jones, petitioner, *v.* President and Directors of Georgetown College, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1054. Harry F. Werling et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1055. Edward C. Heard et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1056. Dave Louis Goldberg et al., petitioners, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1058. Julia de Rieras et al., petitioners, *v.* Cenovia Madero et al. Petition for writ certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1059. Certain Interests in Property in the Borough of Brooklyn, County of Kings, State of New York, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1060. Chicago Automobile Trade Association et al., petitioners, *v.* Ross M. Madden, Regional Director, Thirteenth Region, National Labor Relations Board, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1064. Clifford Rees et al., petitioners, *v.* Local Union No. 9 of the International Brotherhood of Electrical Workers, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1074. Tom Brown et al., petitioners, *v.* Richard E. Brown, Jr., Administrator, etc., et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1088. Francis J. DeSisto, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1113. Normand Smith et al., petitioners, *v.* Government of the Virgin Islands et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1116. Railroad Yardmasters of America, AFL-CIO, petitioner, *v.* St. Louis, San Francisco and Texas Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1143. J. B. Michael & Co., Inc., petitioners, *v.* Jerome C. Powers. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1149. Oran Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 608. Roy J. Neering, petitioner, *v.* Florida. The motion to strike portions of respondent's brief is denied. 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. 1043. Cecil H. Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1067. Amalgamated Clothing Workers of America, AFL-CIO, et al., petitioners, *v.* Local 1441, Retail Clerks International Association, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 1133, Misc. John Joseph Berry, petitioner, *v.* Warden, Queens House of Detention. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1140, Misc. Alfred Cross, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1153, *Misc.* Donald L. Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1232, *Misc.* Benjamin Brown, 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. 1280, *Misc.* Robert Edward Lipscomb, petitioner, *v.* Robert F. Kennedy, United States Attorney General, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1289, *Misc.* William B. Brown, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1298, *Misc.* Stephen L. Kempinski, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1299, *Misc.* Francis D. Perra, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 1305, *Misc.* John T. Glazewski, petitioner, *v.* Fred Sigafos et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1311, *Misc.* Charles Smythe, petitioner, *v.* A. T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1330, *Misc.* John Banker, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari of the United States Court of Appeals for the Third Circuit denied.

No. 1332, *Misc.* Paul Punturi, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution at Huntingdon, Pa. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1337, *Misc.* Richard X. Williams, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1338, *Misc.* James Daniel Hall, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1339, *Misc.* James Collins, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1340, **Misc.** Kermit R. Ramsey, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1341, **Misc.** Paul J. Pryor, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1342, **Misc.** Beecher Burton, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1351, **Misc.** Howard Monroe Floyd, 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. 1354, **Misc.** Isaac E. Foster, petitioner, *v.* Indiana et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1359, **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. 1360, **Misc.** Thomas V. Jackson, 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. 1366, **Misc.** August H. Brunjes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1377, **Misc.** Gabriel Dementer Toth, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1384, **Misc.** Ralph D. McKinney, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1395, **Misc.** In the Matter of Aileen Henig, a Minor, et al., Petitioners. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 714, **Misc.** Kenny Trinta et al., petitioners, *v.* The Superior Court of Puerto Rico et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1322, **Misc.** Sylvester Johnson and Stanley Cassidy, petitioners, *v.* Howard Yeager, Principal Keeper of the New Jersey State Prison. 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. 1238, Misc. S. Leon Levy, petitioner, *v.* John W. Macy, Jr., et al., Commissioners, United States Civil Service Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit and for other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1393, Misc. Johnnie K. Baxstrom, petitioner, *v.* Dr. Ross E. Herold, Director, Dannemora State Hospital;

No. 1441, Misc. In the Matter of the Petition of Edgar Owens, Stanley Smith, and Norman Wicks, petitioners;

No. 1443, Misc. James K. Tomlin, petitioner, *v.* Lynn Bomar, Warden; and

No. 1454, Misc. Vincent E. Ortega, petitioner, *v.* Robert A. Heinze, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1357, Misc. Martin X. Sostre, petitioner, *v.* Hon. Charles S. Desmond, Chief Judge, etc., et al.; and

No. 1431, Misc. Richard Allen, petitioner, *v.* United States Court of Appeals for the Sixth Circuit et al. Motions for leave to file petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 292. Missouri Pacific Railroad Company, petitioner, *v.* Elmore & Stahl;

No. 386. Federal Power Commission, petitioner, *v.* Texaco Inc., et al.;

No. 387. Pan American Petroleum Corporation, petitioner, *v.* Federal Power Commission;

No. 969. Nelson Bryant et al., petitioners, *v.* Charles K. Moore et al.;

No. 977. Pennsylvania Public Utility Commission, appellant, *v.* Jones Motor Co., Inc.;

No. 850, Misc. Katherine Cunningham, petitioner, *v.* United States;

No. 1082, Misc. Theodore Hersh, petitioner, *v.* Securities and Exchange Commission; and

No. 1189, Misc. Thaddeus E. Tansimore, petitioner, *v.* United States. Petitions for rehearing denied.

No. 938. Mrs. Walter Lewis, Circuit Clerk and Registrar of Elections of Bolivar County, Mississippi, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Motion to dispense with printing the petition granted. Petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 22, 1964, upon which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 22, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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Present: Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Goldberg.

## CERTIORARI DENIED

No. 1532, Misc. Willimina Anderson et al., petitioners, *v.* Raleigh Fitkin-Paul Morgan Memorial Hospital et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

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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, Mr. Justice White, and Mr. Justice Goldberg.

## ADMISSIONS TO THE BAR

Spark Masayuki Matsunaga, of Honolulu, Hawaii, Ernest Edward Wiles, of Honolulu, Hawaii, Stella E. Gramer, of Los Angeles, Calif., Charles L. Fielding, of Los Angeles, Calif., William Fitts Ryan, of New York, N.Y., Stuart Forrest Cartoon, of New York, N.Y., John G. Milano, of Newark, N.J., John Marvin Youngquist, of Seattle, Wash., Joseph William Speicher, of Riverdale, Md., Allan T. Quello, of Minnetonka, Minn., A. Philip Towsner, of Silver Spring, Md., Jacob Hagopian, of Providence, R.I., and Hugo H. Braemer, of Miami, Fla., on motion of Mr. Solicitor General Archibald Cox; Abraham Hochler, of Fremont, Calif., Gordon Minder, of San Leandro, Calif., Allan S. Ghitterman, of Ventura, Calif., Alvin L. Dove, of San Jose, Calif., and Donald Jay Licker, of Sacramento, Calif., on the motion of Mr. Thomas H. Kuchel; Reginald A. Eilbott, of Pine Bluff, Ark., on the motion of Mr. Oren Harris; Roger A. Kander, of Long Beach, Calif., on the motion of Mr. Craig Hosmer; Richard Donald Loffswold, of Girard, Kans., Frederick T. Miles, of Grand Haven, Mich., Lindsay G. Arthur, of Minneapolis, Minn., Lloyd B. Bennett, of Eaton, Ohio, Robert George Ray, of Lebanon, Ohio, John Mulvey, of St. Albans, Vermont, William B. Goldsbury, of St. Albans, Vermont, Carl Simpson Gregg, of St. Albans, Vermont, Macy M. Carmel, of Hampton, Va., Daniel L. Skoler, of Chicago, Ill., Harrison H. McDonald, of Gainesville, Fla., Francis J. Donofrio, of Phoenix, Ariz., Shirley B. Underwood, of Johnson City, Tenn., Mary Durham Adams, of Idaho Falls, Idaho, and James M. Davidson, Jr., of Lexington, Va., on motion of Mr. Orman W. Ketcham; Willie Lewis Brown, Jr., of San Francisco, Calif., and Terry A. Francois, of San Francisco, Calif., on motion of Mr. A. Phillip Burton; Adelbert George Clostermann, of Portland, Oreg., on motion of Mr. William E. O'Donovan; Lowell R. Bowen, of Baltimore, Md., on motion of Mr. Clayton A. Dietrich; Jack D. Most, of Los Angeles, Calif., on motion of Mr. J. Roger Wollenberg; John S. Yodice, of Washington, D.C., on motion of Mr. Philip F. Herrick; Alfreda Scobey, of Atlanta, Ga., on motion of Mr. Albert E. Jenner, Jr.; Lillian S. Friedman, of Schenectady, N.Y., and John Damian Valenti, of Washington, D.C., on motion of Mr.

Dominick Manoli; Stanley H. Lieberstein, of Washington, D.C., on motion of Mr. George Edward Hutchinson; Bruce K. Thomas, of Glencoe, Ill., on motion of Mr. Lewis S. Garner; Robert L. Davidson, Jr., of Tulsa, Okla., on motion of Mr. Samuel H. Crossland III; Ralph W. Campbell, of Deal, N.J., on motion of Mr. John Jay Mangini; Donald S. Siegel, of St. Louis, Mo., on motion of Mr. Bernard Dunau; William D. Paton, of Bethesda, Md., on motion of Mr. Samuel F. Ianni; Frederick Simpich, of Washington, D.C., on motion of Mr. Daniel M. Gribbon; Roger L. St. Pierre, of Oakland, R.I., on motion of Mr. James H. Duffy; James Easley, of Cleveland, Ohio, on motion of Mr. A. Gilmore Flues; Max Lee Wymore, of Denver, Colo., on motion of Mr. James W. Dent; Daniel R. Thompson, of Carrollton, Md., on motion of Mr. Joseph M. Creed; Clarence B. Canson, Sr., of Sacramento, Calif., and Norris Muldrow, of Cincinnati, Ohio, on the motion of Mr. Frank D. Reeves; Joseph Diamond, of Washington, D.C., on motion of Mr. David M. Schwartz; Arthur Kalman Radin, of Cheverly, Md., on motion of Mr. Lawrence E. Soriano; Jerome I. Meyers, of New York, N.Y., on motion of Mr. Walter Franklin Sheble; Donald Ray Bernard, of Houston, Tex., on motion of Mr. John Richard DeBarr; Stanley D. Perry, of Alexandria, Va., on motion of Mr. Vail W. Pischke; and Daniel V. De Simone, of Chicago, Ill., on motion of Mr. Frederick W. Glassberg were admitted to practice.

## OPINIONS

No. 615. Danny Escobedo, petitioner, *v.* Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark and Mr. Justice Stewart join.

No. 461. Herbert Aptheker et al., appellants, *v.* The Secretary of State. Appeal from the United States District Court for the District of Columbia. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas announced by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins and Mr. Justice White joins in part.

No. 62. Nathan Jackson, petitioner, *v.* Wilfred Denno, Warden. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals and the judgment

of the District Court denying the petition for writ of habeas corpus reversed and case remanded to the United States District Court for the Southern District of New York to allow the State a reasonable time to afford petitioner a hearing or a new trial, failing which Jackson is entitled to his release. Opinion by Mr. Justice White. Opinion by Mr. Justice Black, with whom Mr. Justice Clark joins as to Part I, dissenting in part and concurring in part. Dissenting opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join.

No. 367. United States, appellant, *v.* Continental Can Company et al. Appeal from the United States District Court for the Southern District of New York. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 11. Nico Jacobellis, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Brennan announced the judgment of the Court and delivered an opinion in which Mr. Justice Goldberg joins. Mr. Justice White concurs in the judgment. Opinion by Mr. Justice Black with whom Mr. Justice Douglas joins concurring in the reversal of the judgment. Concurring opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Clark joins. Dissenting opinion by Mr. Justice Harlan.

No. 449. A Quantity of Copies of Books et al., appellants, *v.* Kansas. Appeal from the Supreme Court of Kansas. Judgment reversed and case remanded to the Supreme Court of Kansas for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Brennan announced the judgment of the Court and delivered an opinion in which Mr. Chief Justice Warren, Mr. Justice White, and Mr. Justice Goldberg join. Opinion by Mr. Justice Black with whom Mr. Justice Douglas joins concurring in the judgment. Opinion by Mr. Justice Stewart concurring in the judgment. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 12. Robert Mack Bell et al., petitioners, *v.* Maryland. On writ of certiorari to the Court of Appeals of Maryland. Judgment reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Douglas reversing and directing dismissal of the indictment with whom Mr. Justice Goldberg joins as respects Parts II-V. Concurring opinion

by Mr. Justice Goldberg with whom Mr. Chief Justice Warren joins and Mr. Justice Douglas joins as to Parts II-V. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Harlan and Mr. Justice White join.

No. 10. Simon Bouie and Talmadge J. Neal, petitioners, *v.* City of Columbia. On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Goldberg, with whom Mr. Chief Justice Warren joins, would, while joining in the opinion and judgment of the Court, also reverse for the reasons stated in the concurring opinion of Mr. Justice Goldberg in *Bell v. Maryland*, No. 12, October Term, 1963, decided this date. Mr. Justice Douglas would reverse for the reasons stated in his opinion in *Bell v. Maryland*. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Harlan and Mr. Justice White join.

No. 503. United States, appellant, *v.* Penn-Olin Chemical Company et al. Appeal from the United States District Court for the District of Delaware. Judgment vacated and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice White dissents. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Dissenting opinion by Mr. Justice Harlan.

No. 9. Charles F. Barr et al., petitioners, *v.* City of Columbia. On writ of certiorari to the Supreme Court of South Carolina. Judgments for breach of the peace reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Opinion *per curiam* announced by Mr. Justice Black, reversing the judgments for criminal trespass and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Douglas would reverse for the reasons stated in his opinion in *Bell v. Maryland*, No. 12, October Term, 1963, decided this date. Mr. Justice Goldberg, with whom Mr. Chief Justice Warren joins, would, while joining in the opinion and judgment of the Court, also reverse for the reasons stated in the concurring opinion of Mr. Justice Goldberg in *Bell v. Maryland*. Dissenting opinion by Mr. Justice Black, with whom Mr. Justice Harlan and Mr. Justice White join, dissenting from the reversal of the trespass convictions.

No. 60. James Russell Robinson, et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by

Mr. Justice Black. Mr. Justice Douglas would reverse the judgment below for the reasons stated in his opinion in *Bell v. Maryland*, No. 12, October Term, 1963, decided this date. Mr. Justice Harlan, considering himself bound by *Peterson v. City of Greenville*, 373 U.S. 244, acquiesces in the judgment of the Court.

No. 6. William L. Griffin et al., petitioners, *v. Maryland*. On writ of certiorari to the Court of Appeals of Maryland. Judgment reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Douglas would reverse for the reasons stated in his opinion in *Bell v. Maryland*, No. 12, October Term, 1963, decided this date. Concurring opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black and Mr. Justice White join.

No. 210. Floyd Charles Fallen, petitioner, *v. United States*. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for a prompt disposition of the appeal on the merits. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Brennan join.

No. 245. Milton Berman, petitioner, *v. United States*. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Goldberg join.

No. 35. Israel Dresner et al., petitioners, *v. City of Tallahassee*. On writ of certiorari to the Circuit Court of Florida, Second Judicial Circuit. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 55. Marguerite Loretta Aldrich, petitioner, *v. William T. Aldrich et al.* On writ of certiorari to the Supreme Court of Appeals of West Virginia. Judgment reversed and case remanded to the Supreme Court of Appeals of West Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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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. 3. Dale H. Drews et al., appellants, *v.* Maryland. Appeal from the Court of Appeals of Maryland. Judgment vacated and case remanded to the Court of Appeals of Maryland for consideration in light of *Griffin v. Maryland*, No. 6, **October Term, 1963**, and *Bell v. Maryland*, No. 12, **October Term, 1963**, both decided this date. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland supra*. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White dissent.

No. 4. Robert Williams, petitioner, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of North Carolina for consideration in light of *Robinson v. Florida*, No. 60, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland*, No. 12, **October Term, 1963**, decided this date. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White dissent.

No. 5. James A. Fox, et al., petitioners, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of North Carolina for consideration in light of *Robinson v. Florida*, No. 60, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland*, No. 12, **October Term, 1963**, decided this date. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White dissent.

No. 8. Christopher Mitchell et al., petitioners, *v.* City of Charleston. On petition for writ of certiorari to the Supreme Court of South Carolina. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland*, No. 12, **October Term, 1963**, decided this date. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White dissent.

No. 246. S. Robert Tralins, etc., petitioner, *v.* Richard E. Gerstein, State Attorney. On petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District. Petition for writ of certiorari granted, judgment reversed, and case remanded to the District Court of Appeal of Florida, Third Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas

would reverse for the reasons stated in the opinion of Mr. Justice Black in *Jacobellis v. Ohio*, No. 11, **October Term, 1963**, decided this date. Mr. Justice Brennan and Mr. Justice Goldberg would reverse for the reasons stated in the opinion of Mr. Justice Brennan in *Jacobellis*. Mr. Justice Stewart would reverse for the reasons stated in his opinion in *Jacobellis*. The Chief Justice, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White are of the opinion that certiorari should be ~~granted~~. *denied*

No. 297. Richard H. M. Swann, appellant, *v. Tom Adams*, Secretary of State of Florida, et al. Appeal from the United States District Court for the Southern District of Florida. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Clark would reverse on the grounds stated in his opinion in *Reynolds v. Sims*, No. 23, **October Term, 1963**, decided June 15, 1964. Mr. Justice Stewart would remand for further proceedings consistent with the views expressed in his dissenting opinion in *Lucas v. Colorado General Assembly*, No. 508, **October Term, 1963**, and *WMCA, Inc. v. Lomenzo*, No. 20, **October Term, 1963**, both decided June 15, 1964. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. 330. Harry Fried, appellant, *v. New York*. Appeal from the Appellate Division of the Supreme Court of New York, First Judicial Department. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted and the judgment reversed.

No. 381. Victor A. Meyers, Secretary of State of Washington, appellant, *v. James Thigpen et al.* Appeal from the United States District Court for the Western District of Washington. Judgment affirmed on the merits, insofar as it relates to the apportionment of seats in the Washington Legislature, and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. 23, **October Term, 1963**, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would affirm on the grounds stated in his opinion in *Reynolds v. Sims*. Mr. Justice Stewart would remand for further proceedings consistent with the views expressed in his dissenting opinion in *Lucas v. Colorado General Assembly*, No. 508, **October Term, 1963**, and *WMCA, Inc. v. Lomenzo*, No. 20, **October Term, 1963**, both decided June 15, 1964. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. 454. James D. Nolan, appellant, *v. James A. Rhodes*, Governor of Ohio, et al.; and

No. 455. Leonard M. Sive et al., appellants, *v.* Harry Ellis, Earl Matheny, Lloyd S. Roush, et al. Appeals from the United States District Court for the Southern District of Ohio. Judgment reversed and cases remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. 23, October Term, 1963, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would reverse on the grounds stated in his opinion in *Reynolds v. Sims*. Mr. Justice Stewart would affirm the judgment because the Ohio System of legislative apportionment is clearly a rational one and clearly does not frustrate effective majority rule. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. 476. Cowboy Pink Williams, State Treasurer, Oklahoma, et al., appellants, *v.* Harry R. Moss; *et al*

No. 534. Oklahoma Farm Bureau et al., appellants, *v.* Harry R. Moss et al.; and

No. 546. Don Baldwin et al., appellants, *v.* Harry R. Moss. Appeals from the United States District Court for the Western District of Oklahoma. Judgment affirmed on the merits and cases remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. 23, October Term, 1963, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would affirm on the merits on the grounds stated in his opinion in *Reynolds v. Sims*. Mr. Justice Stewart would affirm the judgment insofar as it holds that Oklahoma's system of legislative apportionment violates the Equal Protection Clause. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. 559. Elcee Lucas et al., appellants, *v.* Tom Adams, Secretary of the State of Florida, et al. Appeal from the United States District Court for the Middle District of Florida. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 636. Joseph Germano et al., appellants, *v.* Otto Kerner 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 further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. 23, October Term, 1963; *Lucas v. Colorado General Assembly*, both decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Stewart would affirm the judgment, because, as the opinions of Judge Schnackenberg and Judge Campbell demonstrate, 220 F. Supp. 230, the Illinois system of legislative apportionment is entirely rational and does not frustrate effective majority rule. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 706. Ben West et al., appellants, *v.* Joe C. Carr et al. Appeal from the Supreme Court of Tennessee, Middle Division. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 718. Grove Press, Inc., petitioner, *v.* Richard E. Gerstein, etc., et al. On petition for writ of certiorari to the District Court of Appeal of Florida, Third Judicial District. Petition for writ of certiorari granted, judgment reversed, and case remanded to the District Court of Appeal of Florida, Third Judicial District, for further proceedings in conformity with the opinion of this Court. Mr. Justice Black and Mr. Justice Douglas would reverse for the reasons stated in the opinion of Mr. Justice Black in *Jacobellis v. Ohio*, No. 11, **October Term, 1963**, decided this date. Mr. Justice Brennan and Mr. Justice Goldberg would reverse for the reasons stated in the opinion of Mr. Justice Brennan in *Jacobellis*. Mr. Justice Stewart would reverse for the reasons stated in his opinion in *Jacobellis*. The Chief Justice, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White are of the opinion that certiorari should be denied.

No. 746. Milton S. Mayer, appellant, *v.* Dean Rusk, Secretary of State. Appeal from the United States District Court for the District of Columbia. Judgment vacated and case remanded to the District Court for consideration in light of *Aptheker v. Secretary of State*, No. 461, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White would affirm the judgment.

No. 761. Reginald M. Green et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Appeals of Virginia for consideration in light of *Peterson v. City of Greenville*, 373 U.S. 244, and *Robinson v. Florida*, No. 60, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland*, No. 12, **October Term, 1963**, decided this date.

No. 849. Inland Empire Builders, Inc., et al., appellants, *v.* Washington et al.;

No. 850. Hebb & Narodick Construction Co., Inc., and General Construction Co., Joint Venturers, doing business as Hebb & Narodick Construction Co., Inc., & Associates, appellants, *v.* Washington et al.; and

No. 851. Ian Murray, Cedric E. Sanders, Haskell Development Co., et al., etc., appellants, *v.* Washington et al. Appeals from the Su-

preme Court of Washington. The motion to dismiss is granted and the appeals are dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 853. Powell Glass, Jr., et al., appellants, *v.* Hancock County Election Commission et al. Appeal from the Supreme Court of Mississippi. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 962. William C. Marshall et al., appellants, *v.* James M. Hare, Secretary of State of Michigan, et al. Appeal from the United States District Court for the Eastern District of Michigan. Judgment reversed and case remanded for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. 23, October Term, 1963; *Lucas v. Colorado General Assembly*, No. 508, October Term, 1963, both decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Stewart would affirm the judgment because the Michigan system of legislative apportionment is clearly a rational one and clearly does not frustrate effective majority rule. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. 1024. Bob Jones University, Inc., appellant, *v.* City of Greenville, South Carolina, et al. Appeal from the Supreme Court of South Carolina. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1032. Town of Franklin et al., appellants, *v.* Oliver Butterworth et al. Appeal from the United States District Court for the District of Connecticut. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 1037. Hudson County News Company, Inc., appellant, *v.* Arthur J. Sills, etc., et al. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1048. The Texas Company (P.R.), Inc., et al., appellants, *v.* Secretary of the Treasury of Puerto Rico. Appeal from the Supreme Court of Puerto Rico. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1075. Walter R. Hearne, et al., appellants, *v.* Robert E. Smylie, Governor of Idaho, et al. Appeal from the United States District Court for the District of Idaho. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Baker v. Carr*, 369 U.S. 186;

*Reynolds v. Sims*, No. **23, October Term, 1963**, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would reverse on his opinion in *Lucas v. Colorado General Assembly*, No. **508, October Term, 1963**; *WMCA, Inc. v. Lomenzo*, No. **20, October Term, 1963**, both decided June 15, 1964. Mr. Justice Stewart would remand for further proceedings consistent with the views stated in his dissenting opinion in *Lucas v. Colorado General Assembly* and *WMCA, Inc. v. Lomenzo*. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. **1078**. A. Searle Pinney et al., appellants, *v. Oliver Butterworth et al.* Appeal from the United States District Court for the District of Connecticut. Judgment affirmed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. **20, October Term, 1963**, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would affirm the judgment on the basis of his opinion in *Reynolds v. Sims*. Mr. Justice Stewart would affirm the judgment insofar as it holds that Connecticut's system of legislative apportionment violates the Equal Protection Clause. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. **1079**. Dean D. Hill, County Auditor of Clarke County, Iowa, et al., appellants, *v. Charles L. Davis et al.* Appeal from the United States District Court for the Southern District of Iowa. Judgment affirmed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. *Reynolds v. Sims*, No. **20, October Term, 1963**, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Clark would affirm on the grounds stated in his opinion in *Reynolds v. Sims*. Mr. Justice Stewart would affirm the judgment insofar as it holds that Iowa's system of legislative apportionment violates the Equal Protection Clause. Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds v. Sims*.

No. **14, Misc.** Joseph T. McLeod, 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, judgment vacated, and case remanded to the Supreme Court of Ohio for consideration in light of *Massiah v. United States*, No. **199, October Term, 1963**, decided May 18, 1964. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White dissent for the reasons assigned in the dissenting opinion in *Massiah v. United States*.

No. **57, Misc.** Curtis W. Harris, et al., petitioner, *v. Virginia*. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated, and case re-

manded to the Supreme Court of Appeals of Virginia for consideration in light of *Peterson v. City of Greenville*, 373 U.S. 244, and *Robinson v. Florida*. No. 60, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Douglas would reverse outright on the basis of the views expressed in his opinion in *Bell v. Maryland*, No. 12, **October Term, 1963**, decided this date.

No. 298, Misc. Caswell Lathan, Jr., petitioner, *v. New York*. On petition for writ of certiorari to the Court of Appeals of New York. 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 of New York for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 396, Misc. Pedro Camacho Lopez, petitioner, *v. Texas*. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinion in *Jackson v. Denno*.

No. 682, Misc. Howard N. Oister, petitioner, *v. Pennsylvania*. On petition for writ of certiorari to the Superior Court of Pennsylvania. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Superior Court of Pennsylvania for further proceedings not inconsistent with the opinion of this Court, in *Jackson v. Denno*, No. 62, **October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 699, Misc. John Blair, appellant, *v. Ohio*. Appeal from the Supreme Court of Ohio. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 729, Misc. Robert A. Muschette, 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 United States District Court for the District of Columbia for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. **62, October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. **893, Misc.** Alisandro Del Hoyo, petitioner, *v.* New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated, and case remanded to the Appellate Division of the Supreme Court of New York, First Judicial Department, for further proceedings not inconsistent with the the opinion of this Court in *Jackson v. Denno*, No. **62, October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. **900, Misc.** Frank Earl Senk, petitioner, *v.* Pennsylvania. On petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. **62, October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. **915, Misc.** Sidney Smith, petitioner, *v.* Sherman H. Crouse, Warden. On petition for writ of certiorari to the Supreme Court of Kansas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Kansas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

No. **930, Misc.** Emanuel Pea, Jr., 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 for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. **62, October Term, 1963**, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 934, Misc. Benny Peoples, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for consideration in light of *Fallen v. United States*, No. 210, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart dissent.

No. 963, Misc. Stafford James Harris, petitioner, *v.* Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 994, Misc. Lorenzo Catanzaro, petitioner, *v.* New York. On petition for writ of certiorari to the Court of Appeals of New York. 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 of New York for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 1011, Misc. Robert Lowell Rogers, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Western District of Oklahoma for resentencing in light of the concessions made by the Solicitor General and upon an examination of the entire record in the case. Opinion *per curiam*.

No. 1017, Misc. Andrew J. Leonard, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment of conviction reversed, and case remanded to the United States District Court for the District of Alaska for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 1041, Misc. Vincent Copeland, petitioner, *v.* The Secretary of

State. Appeal from the United States District Court for the Southern District of New York. Motion for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded to the District Court for consideration in light of *Aptheker v. Secretary of State*, No. 461, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White would affirm the judgment.

No. 1050, Misc. Virgil John Etchieson, petitioner, v. Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Criminal Appeals of Texas for consideration in light of *Aguilar v. Texas*, No. 548, October Term, 1963, decided June 15, 1964. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Stewart dissent for the reasons assigned in the dissenting opinion in *Aguilar v. Texas*.

No. 1078, Misc. Fred Lee Owen and Ruben Federico, petitioners, v. Arizona. On petition for writ of certiorari to the Supreme Court of Arizona. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of Arizona for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 1117, Misc. Harry Carson McNerlin, petitioner, v. Wilfred L. Denno, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Northern District of New York for further proceedings not inconsistent with the opinion of this Court in *Jackson v. Denno*, No. 62, October Term, 1963, decided this date. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*.

No. 1134, Misc. Thomas Cooper, petitioner, v. Frank J. Pate, Warden. 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 writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 1173, Misc. Theodore C. Ruark, petitioner, *v.* Colorado. On petition for writ of certiorari to the Supreme Court of Colorado. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of Colorado for consideration in light of *Douglas v. California*, 372 U.S. 353. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

## ORDERS IN PENDING CASES

No. 5, Original. United States of America, plaintiff, *v.* State of California. The joint motion to set this case down for oral argument on the exceptions to the report of the Special Master is granted and two hours are allotted to each side for that purpose. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 400. Jim Garrison, appellant, *v.* Louisiana. This case is restored to the calendar for reargument.

No. 556. United Mine Workers of America, petitioner, *v.* White Oak Coal Company, Inc. The respondent is requested to file a response to the petition for rehearing.

No. 735. B. Elton Cox, appellant, *v.* Louisiana; and

No. 934. B. Elton Cox, appellant, *v.* Louisiana. The motion of the appellant for leave to proceed further herein *in forma pauperis* is granted. It is ordered that the printing of the records be dispensed with.

## APPEALS—JURISDICTION NOTED

No. 1073. Louisiana et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Louisiana. In this case probable jurisdiction is noted.

No. 1087. Donald F. Freedman, appellant, *v.* Maryland. Appeal from the Court of Appeals of Maryland. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 1097. United States, appellant, *v.* Mississippi et al. Appeal from the United States District Court for the Southern District of Mississippi. In this case probable jurisdiction is noted and the case is set for oral argument immediately following No. 1073.

## CERTIORARI GRANTED

No. 105. Arthur Hamm, Jr., petitioner, *v.* City of Rock Hill. Petition for writ of certiorari to the Supreme Court of South Carolina granted.

No. 432. Frank James Lupper et al., petitioners, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas granted.

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No. 869. John W. Stanford, Jr., petitioner, *v. Texas*. Petition for writ of certiorari to the 57th Judicial District Court of Texas granted.

No. 782. United States, petitioner, *v. Giacomo Ventresca*. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit granted and case placed on the summary calendar.

No. 1068. Veterans of the Abraham Lincoln Brigade, petitioner, *v. Subversive Activities Control Board*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar. It is set for oral argument immediately following No. 909 which case is also placed on the summary calendar.

No. 700, Misc. Eddie Dean Griffin, petitioner, *v. California*. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to Supreme Court of California granted. Case transferred to the appellate docket and placed on the summary calendar.

#### CERTIORARI DENIED

No. 24. Frank D. Beadle et al., petitioners, *v. August Scholle et al.* Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 379. Pan-American Life Insurance Company, petitioner, *v. Marie Lorida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 380. Pan-American Life Insurance Company, petitioner, *v. Marie Lorida*. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 553. Harry Finch et al., petitioners, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 673. Pan-American Life Insurance Company, petitioner, *v. Augustin Goytisolo Recio*. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 930. Joseph L. Sanapaw et al., petitioners, *v. Wisconsin*. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 951. Carpenters Local Union No. 345 of the United Brotherhood of Carpenters and Joiners of America et al., petitioners, *v. Howard Rubin, d/b/a Howard Rubin and Company*. Petition for writ of certiorari to the Chancery Court of Shelby County of Tennessee denied.

No. 1057. Leslie Andre Eisenhower, a/k/a Leslie Andre and Leslie Y. Ford, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1061. Richardo Santana, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1062. Felix O. Bullard, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First Appellate District, and Supreme Court of Florida denied.

No. 1063. Allen E. Northern, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1065. Clement J. Prucha et al., petitioner, *v.* Harold M. Weiss et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1070. Carlos Marcello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1077. Claude Wallace, petitioner, *v.* John A. Gronouski, Postmaster General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1081. Waltham Precision Instrument Company, Inc., etc., 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. 1082. Robert Lewis Krogness et al., petitioners, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1084. Anthony Mugnola et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1085. Milton Parness, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1089. Archie K. Babson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1090. Max Blum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1094. Marie H. Hamm et vir., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1095. Tidewater Oil Company, petitioner, *v.* Paul Lessig. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1102. Houston Maritime Association, Inc., 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. 1104. Realist, Inc., petitioner, *v. National Labor Relations Board.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1110. Pan American Life Insurance Company, petitioner, *v. Carlos Manuel Theye y Ajuria.* Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1187. George Albert Rutherford, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1188. Jaime J. Merino, petitioner, *v. United States Marshal.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 15. Evander Ford et al., petitioners, *v. Tennessee.* Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 95. Samuel Dodd Williamson, petitioner, *v. California.* Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 99. Harold Eugene Wenzler, Sr., and John Imlay, petitioners, *v. California.* Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1035. Joseph Bertman, doing business as Bertman Food Products, petitioner, *v. J. A. Kirsch Co.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

Mr. JUSTICE BLACK, with whom Mr. JUSTICE DOUGLAS and Mr. JUSTICE GOLDBERG join, dissenting from the denial of certiorari.

The United States contracted with Bertman, the petitioner here, for the delivery of imported tomato paste. Bertman in turn contracted with J. A. Kirsch Co. to supply the paste. After the United States had taken delivery, it claimed that the paste was spoiled, and it sued Bertman for breach of contract. In addition to defending against the Government's claims, Bertman brought Kirsch in as a defendant, claiming that if the paste was defective then the blame rested on Kirsch and that if the Government recovered against Bertman he in turn was entitled to recover against Kirsch. After a trial in the United States District Court, the jury found that the paste was not defective, and the court entered judgment holding Bertman not liable.

Since Bertman owed the Government nothing, naturally Kirsch owed Bertman nothing, and judgment was entered holding that Bertman should recover nothing from Kirsch. Under 28 U.S.C. § 2107 and Fed. Rules Civ. Proc. 73, a party aggrieved by a judgment of this kind has sixty days in which to appeal. In this case the only party which stood to lose by the judgments when entered was the United States. At some time on the 60th day it filed a notice of appeal with the clerk of the court. At the moment this appeal was filed, Bertman once again was subject to the danger of liability which had originally caused him to bring Kirsch into the suit as a defendant. The natural defensive step for Bertman to take then was to file a notice of appeal against Kirsch, but notice of the Government's appeal was not served on Bertman until after the 60 days had passed—too late, both courts below held, for Bertman to take his appeal. Thus, even though Bertman's ability to protect himself against paying for another man's wrong depended on his having notice of the Government's appeal just as much as it depended his having notice when he was sued in the first place, neither the statutes nor the rules required that he have notice in time to file his own appeal.

I am aware of the argument that an able, alert, ever-diligent lawyer could have, had he tried hard enough, discovered that the Government had appealed—even in the closing hours of the sixtieth day. I do not doubt that had Bertman's counsel been Superman, his X-ray eyes would have told him that a notice of appeal was being filed blocks away in the courthouse, or had he been a lawyer with no clients but Bertman he could have spent the sixtieth day hovering at the clerk's office to see whether the Government would file a notice of appeal. But Bertman's counsel (so far as the record shows) is not Superman, nor should the law expect him to be. The record is barren of any suggestion that he fell short of the standards generally expected of a capable lawyer. He relied, as lawyers in our system of jurisprudence are entitled to do, on the principle expressed by Daniel Webster when he said that due process means a law which "hears before it condemns." A chance to be heard, of course, requires notice. Bertman had no notice of the Government's appeal in time to file his own appeal. A system of appeals which fails to give this notice, whether by statute or rule, fails to provide the most elemental requirement of due process. The only construction of this rule consistent with due process and with the purpose of the Civil Rules to secure the "just . . . determination of every action"<sup>1</sup> would therefore be to hold that Bertman's filing within a reasonable time after notice was timely. Cf. *Fallen v. United States*, No. 210, October Term, 1963, decided this date.

No. 1069. Ali Fatemi et al., petitioners, v. United States. The motion to dispense with printing the petition for writ of certiorari

<sup>1</sup> Fed. Rules Civ. Proc. 1.

granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1071. Shenandoah Valley Broadcasting Inc., et al., petitioners, *v.* American Society of Composers, Authors and Publishers. The motion to use portions of the record in No. 323, **October Term, 1963**, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1083. William O. Burt, petitioner, *v.* City of Palm Springs, California, etc. The motion to dispense with printing the petition for certiorari is granted. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 1109. J. E. LaVallee, Warden, et al., petitioners, *v.* Raymond Durocher et al. The motion of respondents for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

Mr. Justice Harlan, dissenting:

I believe that the issue in this case has an importance which justifies departure from my usual practice of not noting a dissent to a denial of certiorari with which I do not agree. The issue is whether this Court's holding in *Giedon v. Wainwright*, 372 U.S. 335, is required to be given retroactive effect. That question, which is of continuing concern in the administration of criminal justice in a substantial number of States, deserves plenary consideration by this Court, which it has not yet had. See my dissenting opinion in *Pickelsimer v. Wainwright*, 375 U.S. 2, 3. I would grant certiorari and set the case for argument.

No. 1214. Edward Schenker and David Schenker, etc., petitioners, *v.* E. I. duPont de Nemours & Company, Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan and Mr. Justice White took no part in the consideration or decision of this petition.

No. 323, **Misc.** Frank J. Mee, petitioner, *v.* United States;

No. 1179, **Misc.** Walter E. Fisher, petitioner, *v.* United States; and

No. 1180, **Misc.** Joseph Lindquist, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 574, **Misc.** Otis Lee, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First Appellate District, denied.

No. 641, **Misc.** Chester R. Morris, petitioner, *v.* Anthony P. Rousos. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 750, *Misc.* Clarence Smith and Lee Stanford, petitioners, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 863, *Misc.* Oscar Shipp, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 889, *Misc.* Kenneth Anderson, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 914, *Misc.* Warren Hill, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 942, *Misc.* Albert Edward Raymond, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 957, *Misc.* Clone S. Clay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 982, *Misc.* Michael Reynolds, petitioner, *v.* New Jersey; and

No. 1139, *Misc.* Martin Reynolds, petitioner, *v.* New Jersey. Petitions for writs of certiorari to the Supreme Court of New Jersey denied.

No. 1088, *Misc.* Victoria Randazzo and Bertha Lee Bracken, petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1124, *Misc.* Russell T. Halliday, petitioner, *v.* David M. Heritage, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1136, *Misc.* Franklin Brothers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1150, *Misc.* Edward Williams, petitioner, *v.* South Carolina; and

No. 1151, *Misc.* John Morris, petitioner, *v.* South Carolina. Petitions for writs of certiorari to the Supreme Court of South Carolina denied.

No. 1174, *Misc.* William Smith, Jr., petitioner, *v.* C. E. Breazeale, Superintendent, Mississippi State Penitentiary. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 1188, *Misc.* Russell Nelson and Fred J. Martineau, petitioners, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 1203, *Misc.* Kethel Osborne, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1206, **Misc.** Joseph Lee Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1217, **Misc.** Elijah L. Frison, petitioner, *v.* Donald Clemmer. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1249, **Misc.** H. J. Jones, petitioner, *v.* J. C. Taylor, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1264, **Misc.** Thomas E. Purvis, petitioner, *v.* Superior Court of Alameda County. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1273, **Misc.** Alfred James Williams, Jr., petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1279, **Misc.** Robert Edward Lipscomb, petitioner, *v.* O. G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1287, **Misc.** Clarence Ferguson, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1297, **Misc.** Clifford Melvin Robinson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1310, **Misc.** Thomas D. Ramsey, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1317, **Misc.** David L. Coleman, petitioner, *v.* Wilfred L. Denno et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1328, **Misc.** John T. Benton, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1333, **Misc.** John T. Diring, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1352, **Misc.** Winston Phillip, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1353, **Misc.** Charles Nathaniel Johnson, 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. 1358, **Misc.** Donald R. Brant, petitioner, *v.* Edwin B. Tetlow. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1363, *Misc.* Sherrod Holly, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1364, *Misc.* Tommie Smith, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1367, *Misc.* Salvatore J. Barone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1368, *Misc.* Fred Boston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1369, *Misc.* Buddy Joe Delano, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1370, *Misc.* Ralph Darling, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1371, *Misc.* Percy E. Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1372, *Misc.* Henry V. Wolenski, petitioner, *v.* John P. Shovlin, Superintendent, Fairview State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1373, *Misc.* James Cunningham, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1375, *Misc.* Joe Sinette, petitioner, *v.* F. R. Dickson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1379, *Misc.* William Jack Glancy, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1385, *Misc.* Earl F. Prater, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution, Graterford, Pa. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1392, *Misc.* Percy Lee King, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1398, *Misc.* Lina Derritt, petitioner, *v.* State Board of Real Estate Examiners. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1399, Misc. John Joseph Kerrigan, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts. *denied*

No. 1401, Misc. John Humphrey Sullivan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1405, Misc. Arthur Clark, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1408, Misc. Guy Auguste Duval, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1410, Misc. Richard Zelnick, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 1414, Misc. Jack S. Sofocleous, petitioner, *v.* Maryland. Petition for writ of certiorari to the Circuit Court of Anne Arundel County, Maryland, denied.

No. 1416, Misc. Roland J. Jackson, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1427, Misc. Kentha Earl McDowell, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 954, Misc. Roland E. Simcox, petitioner, *v.* Jessie B. Harris, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1201, Misc. Andrew Gust, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1412, Misc. Hyman Finkelstein, 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. 1348, Misc. Troy W. Townsend, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for writ of ceriorari to the Supreme Court of Georgia denied without prejudice to an application for a writ of habeas corpus in an appropriate United States District Court.

No. 639, Misc. Harold Allen Spencer, petitioner, v. California. Petition for writ of certiorari to the Supreme Court of California denied.

MR. JUSTICE GOLDBERG, dissenting from denial of certiorari.

Petitioner, an indigent defendant, was, after a jury trial, convicted of murder and sentenced to death. The California Supreme Court affirmed the conviction, 31 Cal. Rptr. 782, and petitioner seeks a writ of certiorari.

Prior to the trial, petitioner entered pleas of not guilty and not guilty by reason of insanity. The court pursuant to California law thereupon appointed two psychiatrists "to examine the defendant and investigate his sanity . . ." On the basis of their examinations and interviews, the psychiatrists filed a report "stating that in their opinion defendant was sane . . . at the time of the alleged commission of the crimes." At the start of the trial petitioner withdrew his plea of not guilty by reason of insanity. Nevertheless, during the guilt phase of the trial, which under California procedure is separate from the punishment phase, the State called one of the psychiatrists, who related incriminating statements "made by defendant in the course of the psychiatric examination."

Under § 1027 of the California Penal Code, whenever "a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists . . . to examine the defendant and investigate his sanity . . ." Even if the defendant subsequently withdraws his insanity plea, the psychiatrists "may be called" to testify concerning their interviews with the defendant. The defendant may not invoke any privilege to prevent disclosure of the content of such interviews. On its face this provision applies equally to affluent as well as to indigent defendants, for any defendant, interposing a defense of insanity, is subject to interviews and examinations by state-hired psychiatrists who may later be called by the State to testify as witnesses against the defendant. However, the interaction of another California rule, namely, that any communication between a defendant and a privately hired psychiatrist is privileged, see, *e. g.*, *Jones v. Superior Court*, 58 Cal. 2d 56, 61, and the California procedure under § 1027 creates a critical difference between the affluent defendant and the indigent defendant. And affluent defendant, before deciding to interpose an insanity defense, may seek the advise of a private psychiatrist and, if the defendant thereby determines that there is no basis for an insanity defense, any incriminating statements made in the course of the psychiatric examination are privileged and not admissible in evidence against the defendant. In contrast, an indigent defendant, unable to retain a private psychiatrist, must, in order to determine whether he has a basis for an insanity defense, submit

to interviews with state-hired psychiatrists. If the indigent defendant then determines that there is no basis for such a defense, notwithstanding the withdrawal of that defense, any incriminating statements made in the interviews with the psychiatrists are not privileged and may be used against the defendant at his trial. An indigent defendant therefore is often in effect compelled to choose between foregoing an insanity defense and waiving his privilege against self-incrimination.

Petitioner contends that the operation of these laws effects an invidious discrimination between the affluent defendant who is able to retain a private psychiatrist and the indigent defendant who lacks funds to do so, in that the latter, but not the former, is required to surrender his constitutional privilege against self-incrimination as a condition of ascertaining whether there is any basis for a plea of not guilty by reason of insanity.

I believe that petitioner's claim raises substantial and important questions under the Equal Protection and Due Process Clauses of the Constitution. See, *e. g.*, *Griffin v. Illinois*, 351 U.S. 12; *Gideon v. Wainwright*, 372 U.S. 335; *Douglas v. California*, 372 U.S. 353; *Lane v. Brown*, 372 U.S. 477; *Draper v. Washington*, 372 U.S. 487. "Both equal protection and due process emphasize the central aim of our entire judicial system—all people charged with crime must, so far as the law is concerned, 'stand on an equality before the bar of justice in every American court.'" *Griffin v. Illinois, supra*, at 17. This Court should, in my view, grant the petition for a writ of certiorari to consider whether the California procedure for pleading not guilty by reason of insanity is consonant with this "central aim" of our Constitution. Accordingly, I respectfully dissent from the denial of the petition.

#### LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1101, Misc. Grey Everett McNeer, petitioner, *v.* Robert A. Heinze, Warden; and

No. 1468, Misc. Frank Lee, Jr., petitioner, *v.* Dr. George Beto. Motions for leave to file petitions for writs of habeas corpus denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 985, Misc. John Paul Herb, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Motion for leave to file petition for writ of mandamus denied.

No. 1125, Misc. In the Matter of the Petition of Clyde C. Stout, petitioner. Motion for leave to file petition for writ of mandamus denied and petitioner granted 60 days from the expiration of the statutory time within which to file a petition for writ of certiorari.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS  
DENIED

No. 1361, Misc. Georgia, petitioner, *v.* Honorable Elbert Tuttle, Chief Judge, United States Court of Appeals for the Fifth Circuit, et al. The motion of Congress of Racial Equality, Inc., et al., for leave to file a brief, as *amici curiae*, is granted. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 157. R. B. Parden et al., petitioners, *v.* Terminal Railway of the Alabama State Docks Department et al.;

No. 204. United States, appellant, *v.* Aluminum Company of America et al.;

No. 931. Lynchburg Traffic Bureau, appellant, *v.* United States and Interstate Commerce Commission;

No. 980. James F. McManus, petitioner, *v.* Lake Central Airlines;

No. 991. Alfonso Spinelli, petitioner, *v.* Isthmian Steamship Company et al.;

No. 112, Misc. Madison Wilson, petitioner, *v.* United States;

No. 1081, Misc. Emmett J. Stebbins, petitioner, *v.* United States;

No. 1107, Misc. Lisa Parnova Schneider, petitioner, *v.* L. Arnold Weissberger et al.; and

No. 1144, Misc. Richard X. Williams, petitioner, *v.* Sam A. Anderson. Petitions for rehearing denied.

No. 122. Frank Palermo, petitioner, *v.* United States;

No. 134. Joseph Sica, petitioner, *v.* United States; and

No. 141. Paul John Carbo, petitioner, *v.* United States. Petitions for rehearing denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 253. Herman Frederick Marks, petitioner, *v.* P. A. Esperdy, District Director, Immigration and Naturalization Service, New York District. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 538. G. L. Christian and Associates, petitioner, *v.* United States. Motion for leave to file second petition for rehearing denied.

No. 896. Charlie L. Dean, Jr., Administrator of the Estate of L. T. McGee, petitioner, *v.* Edmund V. Cole. Motion for leave to file petition for rehearing denied.

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 the all cases on the docket be, and they are hereby, continued to the next term.”

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Adjourned to the time and place appointed by law.

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