

OCTOBER TERM, 1965

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STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets.....	17	1, 436	1, 831	3, 284
Cases disposed of.....	9	1, 182	1, 502	2, 693
Remaining on dockets.....	8	254	329	591

Cases disposed of—Appellate Docket :

By written opinions.....	121
By per curiam opinions or orders.....	161
By motion to dismiss or per stipulation (merits cases).....	0
By denial or dismissal of petitions for certiorari.....	900

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By written opinions.....	0
By denial or dismissal of petitions for certiorari.....	1, 271
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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 Fortas.

The Chief Justice said:

“With the concurrence of my colleagues, I announce the resignation of Mr. Justice Goldberg who resigned as an Associate Justice of this Court since we last met to become the United States Representative to the United Nations.

“Justice Goldberg is a native of Chicago, Illinois. He attended the public schools of that city and Northwestern University where he graduated from the Law School with highest honors.

“With the exception of the time he served with distinction in the Armed Forces during World War II, he practiced law for over thirty years in Chicago and in Washington, D.C. During all of that time he pursued good causes and without regard as to whether they were popular or not.

“In 1961, he was appointed Secretary of Labor by the late lamented President John F. Kennedy, and served in that capacity until October 1, 1962, when he was appointed an Associate Justice of this Court. His service here was brief but distinguished, and he has left an indelible mark on our jurisprudence.

“The Court would make this announcement with deep regret except for the fact that Justice Goldberg has accepted another post of duty in our Government which he in conscience felt he could not decline. We wish him every happiness and success in his new position.

“Our appreciation of our association with Justice Goldberg and for his fine service to the Court is amplified in a letter to him which, together with his letter to the members of the Court, will be spread upon the Minutes of the Court.”

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C., 20543

CHAMBERS OF
JUSTICE ARTHUR J. GOLDBERG

July 26, 1965

MY DEAR BRETHREN :

It is with the deepest of regrets that I take my leave of you. These three short but eventful years have been the happiest and most rewarding of my life, not only because service here is the dream of every man of law and because of the opportunities for creative and useful work, but also because of the kindness and fellowship which each of you has shown to me.

As you must know, only the most compelling call to duty could bring me to leave this Court and your dedicated and joyous company. But that call did come, and I could not refuse.

In those days and years ahead allotted to me, my thoughts will often be of you and your unstinting efforts to bring equal justice under law to all of our countrymen. And I trust that I shall enjoy the benefit of your prayers as I undertake my part in our country's striving to bring peace and the rule of law to all mankind.

Sincerely yours,

ARTHUR J. GOLDBERG.

THE CHIEF JUSTICE.

MR. JUSTICE BLACK.

MR. JUSTICE DOUGLAS.

MR. JUSTICE CLARK.

MR. JUSTICE HARLAN.

MR. JUSTICE BRENNAN.

MR. JUSTICE STEWART.

MR. JUSTICE WHITE.

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C., 20543

CHAMBERS OF
THE CHIEF JUSTICE

October 4, 1965

HONORABLE ARTHUR J. GOLDBERG,
United States Representative to the United Nations,
New York, New York.

DEAR AMBASSADOR GOLDBERG:

Your letter advising us of your resignation from the Court was received with deep regret. In the three years you were with us, you became so much a part of the Court and of our lives that we shall miss you greatly.

We fully realize that your decision to leave was a difficult one to make. And we also realize that in making that decision you were moved by a profound sense of duty to our country and to the world of which we are all a responsible part. Men of your stature do not resist a call to duty in times of crisis regardless of the sacrifice involved, and we honor you for obeying the demand of your conscience. Also, we believe that those great qualities which made you an invaluable member of this Court will guide you in your efforts to achieve honorable peace for everyone in this troubled world.

Our heartfelt good wishes will always be with you, and we will feel that as you pursue your cause our ties to you will be continuously strengthened regardless of the time or distance between us.

Sincerely,

EARL WARREN.
HUGO L. BLACK.
WILLIAM O. DOUGLAS.
TOM C. CLARK.
JOHN M. HARLAN.
WILLIAM J. BRENNAN, JR.
POTTER STEWART.
BYRON R. WHITE.

The Chief Justice said further:

"We are fortunate, however, that his successor was appointed to fill the vacancy before the opening of our 1965 Term. We welcome him today.

"The President, with the advice and consent of the Senate, has appointed the Honorable Abe Fortas of Tennessee an Associate Justice of the Supreme Court. Justice Fortas has taken the Constitutional Oath administered by the Chief Justice. He is now present in Court. The Clerk will read his commission. He will then take the Judicial Oath, to be administered by the Clerk, after which the Marshal will escort him to his seat on the Bench."

The Clerk then read the commission as follows:

"LYNDON B. JOHNSON,

"President of the United States of America,

"TO ALL WHO SHALL SEE THESE PRESENTS, *Greeting:*

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

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

"Done at the City of Washington this eleventh day of August, in the year of our Lord one thousand nine hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

"LYNDON B. JOHNSON.

"By the President:

"NICHOLAS DEB. KATZENBACH,

"Attorney General."

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

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

"I, Abe Fortas, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and

domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

“So help me God.

“ABE FORTAS.

“Subscribed and sworn to before me this 4th day of October A.D. 1965.

“EARL WARREN,
“*Chief Justice.*”

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

“So help me God.

“ABE FORTAS.

“Subscribed and sworn to before me this 4th day October A.D. 1965.

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

ADMISSIONS TO THE BAR

Alan M. Wolk, of Cleveland, Ohio, Tom Ford, of Cleveland, Ohio, J. Brin Schulman, of Los Angeles, Calif., David L. Tobin, of Miami, Fla., Charles F. McCain, of Boston, Mass., John Wall, of Lynn, Mass., and Lloyd R. Dobbins, of North Olmsted, Ohio, on motion of Mr. Ralph Simon Spritzer; Henry Edward Hyden, of Muskogee, Okla., on motion of Mr. John A. Carver, Jr.; Vincent J. Kirby, of Norfolk, Nebr., Ellis Ray Brown, Sr., of Atlanta, Ga., and Leon Hugh Warren, of Lansing, Mich., on motion of Mr. Charles Longstreet Weltner; Edward Clair Harms, Jr., of Springfield, Oreg., on motion of Mr. Robert B. Duncan; Calvin Peter Schmidt, of Santa Ana, Calif., on motion of Mr. Richard T. Hanna; George Donald Beverly, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Bud R. Chastain, of Corpus Christi, Tex., on motion of Mr. John Young; Edwin Remick Cooley, of Wichita, Kans., on motion of Mr. Garner E. Shriver; Sam P. Applewhite III, of Phoenix, Ariz., on motion of Mr. John K. Carlock; Thomas C. Ferguson, of Johnson City, Tex., on motion of Judge Thurman Arnold; William C. Wunsch, of San Francisco, Calif., on motion

of Mr. Richard N. Little; Milas H. Hale, of Little Rock, Ark., on motion of Mr. John Patrick Baker; Richard James Miller, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; John T. Rigby, of Washington, D.C., on motion of Mr. Dennis G. Lyons; Wallace Edward Grissett, Jr., of Jacksonville, Fla., on motion of Mr. J. William Norman; Learthon Steven Robinson, Jr., of Warren, Ohio, on motion of Mr. William S. Thompson; William T. Ovington, of Silver Spring, Md., on motion of Mr. Wilbur D. Sparks; Leonard Herbert Arber, of Adelphi, Md., Robert S. Amery, of Springfield, Va., and Thomas E. Playle, of Denver, Colo., on motion of Mr. David Leib; Frank Emery Bartos, of McLean, Va., on motion of Mr. Loran Paul Winings; Jackson B. Howard, of Provo, Utah, on motion of Mr. John W. Cragun; Gerald J. Tobin, of Miami, Fla., on motion of Mr. Robert Silverstein; Joseph P. Cooney, of Hartford, Conn., on motion of Mr. William H. Consedine; Bruce Edward Golden, of Glen Ellyn, Ill., on motion of Mr. Oswald Ryan; Jack E. Dominik, of Chicago, Ill., on motion of Mr. Ralph Leslie Thomas; Wilford L. Whitley, Jr., of Alexandria, Va., on motion of Mr. Larry L. Williams; Joseph Launice Herring, of Meridian, Miss., and H. C. Mike Watkins, of Meridian, Miss., on motion of Mr. Robert Barnes Young; Joel Halpern, of Plainview, N.Y., and Isaac Jarkovsky, of Brooklyn, N.Y., on motion of Mr. Howard I. Forman; Donald Anthony Straub, of Park Ridge, Ill., on motion of Mr. Ralf Hillemann Owen; and Herbert S. Reid, Jr., of Virginia Beach, Va., on motion of Mr. Charles White Halleck, were admitted to practice.

Adjourned until Monday, October 11, 1965, at 10 o'clock.

The day call for Monday, October 11, 1965, will be as follows: Nos. 4, 5, and 6.

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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 Fortas.

Mr. Nicholas deB. Katzenbach, Attorney General, stated:

“Mr. Chief Justice:

“May it please the Court. I have the honor to present the newly appointed Solicitor General of the United States, The Honorable Thurgood Marshall of New York.”

The Chief Justice said:

“Mr. Solicitor General, the Court welcomes you to the performance of the important duty with which you are specially charged, the duty of representing the Government at the Bar of this Court in all cases in which it asserts an interest. Your commission will be recorded by the Clerk.”

ADMISSIONS TO THE BAR

Donald Frank Turner, of Lexington, Mass., on motion of Mr. Nicholas deB. Katzenbach; Stanley Zipser, Sr., of Beverly Hills, Calif., Arthur Wolf, of Chicago, Ill., R. Phillip Harker, of Wheaton, Md., Harry Bernard Letzer, of Detroit, Mich., Charles A. Goldstein, of New York, N.Y., Robert O’Dea Edington, of Cincinnati, Ohio, Michael A. Lacinak, of Cincinnati, Ohio, Fred L. Kruse, of Cincinnati, Ohio, Harry Edward Leas, of Pittsburgh, Pa., Floyd R. Warren, of North Huntingdon Township, Pa., John Aloysius Stassi II, of New Orleans, La., Neal Jay Hurwitz, of New York, N.Y., and Thomas Joseph Cahill, of New York, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; Paul Lynn Beck, of Lenoir, N.C., on motion of Mr. Samuel J. Ervin, Jr.; Frederick George Vogel, of Austin, Minn., and Lee B. Primus, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Thurl R. Blume, of Portsmouth, Ohio, Everett Burton, of Portsmouth, Ohio, Robert E. Dever, of Portsmouth, Ohio, and John Bell Marshall, of Portsmouth, Ohio, on motion of Mr. William H. Harsha; Leo Wulfsohn, of Hot Springs Natural Park, Ark., on motion of Mr. Oren Harris; H. Helmut Loring, of Berkeley, Calif., and Richard G. Harris, of Los Angeles, Calif., on motion of Mr. Francis R. Kirkham; William H. Abbott, of Sacramento, Calif., John A. Brady, of San Diego, Calif., and Raymond Leonard Winters, of Palos Verdes Estates, Calif., on

motion of Mr. Richard N. Little; Thomas R. Moore, of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; James J. Reidy, Jr., of Chicago, Ill. on motion of Mr. Bernard J. Waters; Louis P. De Rosa, of Bronx, N.Y., on motion of Mr. Daniel H. Greenberg; Walter G. Vartanian, of Cambridge, Mass., on motion of Mr. Gregory Benjamin Khachadorian; Charles Berstein, of Hempstead, N.Y., on motion of Mr. Marvin Phillip Sadur; William C. Waler, of Birmingham, Ala., on motion of Mr. Earl McBee; Ronald T. Oldenburg, of Biloxi, Miss., on motion of Mr. David Leib; Charles Wiley Ryan, of Chicago, Ill., Lloyd C. Hartman, of San Jose, Calif., and R. Howard Goldsmith, of Chicago, Ill., on motion of Mr. Sheldon O. Collen; Philip Kahaner, of New York, N.Y., on motion of Mr. Samuel A. Hirshowitz; Robert M. Brown, of Spokane, Wash., on motion of Mr. Russell A. Potter; Antonio Zapater, of Ponce, P.R., on motion of Mr. Gene Perry Bond; Roy Dale Smith, of Little Rock, Ark., on motion of Mr. Leon B. Catlett; Warren E. Ray, of Arlington, Va., on motion of Mr. Americus Mitchell; John D. Lofton, of Miami, Fla., on motion of Miss Hermine Herta Meyer; Harold Lewis Levy, of San Francisco, Calif., on motion of Mr. T. S. Pearlman; David Francis Gould, of Bangor, Maine, and Jules Phineas Kirsch, of Plainfield, N.J., on motion of Mr. Oscar B. Waddell; Edward J. Menard, of Oxon Hill, Md.; Graham W. McGowan, of Washington, D.C., on motion of Mr. Robert M. O'Mahoney; Franklin D. Rubin, of Philadelphia, Pa., on motion of Mr. Harry K. Schwartz; John Ballard Bennett, of Angleton, Tex., William David Evans, of Angleton, Tex., Ralph K. Miller, of Houston, Tex., and Wiley B. Thomas, Jr., of Angleton, Tex., on motion of Mr. Leland Barron Kee; James W. McPherson, Jr., of Hartville, Ohio, on motion of Mr. Earl R. Stanley; Edward S. Barlock, of Denver, Colo., on motion of Mr. Kenneth R. Harkins; Clarence Evans Beaver, of North Springfield, Va., on motion of Mr. Ralph Hunter Tracy; I. Irving Silverman, of Chicago, Ill., Joseph A. Scarlett, of De Land, Fla., and Donald L. Dennison, of Washington, D.C., on motion of Mr. Robert Irving Dennison; Thomas M. McGurkin, of Beverly Hills, Calif., an motion of Mr. Richard Hildreth; James L. Donnelly, Sr., and James L. Donnelly, Jr., of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Dean Schron, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; Fred H. Dill, of Redlands, Calif., on motion of Mr. Howard Painter; and Rosa S. Backman, of Lynn, Mass., Daniel W. Carney, of Boston, Mass., Mary A. Dean, of Boston, Mass., Richard Vincent Ducey, of Wellesley, Mass., Mary W. Fidler, of Boston, Mass., Dewey C. Kadra, of Framingham, Mass., Anna J. O'Brien, of Cambridge, Mass., Leonard E. Rae, of West Acton, Mass., Max Rosenblatt, of Malden, Mass., John J. Sheehan, of Concord, Mass., Andre R. Sigourney, of Nahant, Mass., Samuel

Silverman, of Boston, Mass., Richard H. Steinberg, of Boston, Mass., Kenneth L. Sullivan, of Fall River, Mass., Joseph T. Travaline, of Somerville, Mass., and Paul Waitz, of Boston, Mass., on motion of Mr. Edward M. Dangel, 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. 62. Robert J. Jobe et al., appellants, *v.* City of Erlanger, 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*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

No. 84. Aluminum Company of America et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Missouri. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 85. 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. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Concurring opinion by Mr. Justice Harlan in this case and in Nos. 191, 319, and 449, *infra*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 119. United States, appellant, *v.* New Orleans Chapter, Associated General Contractors of America, Inc., et al. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment reversed and case remanded to the United States District Court for the Eastern District of Louisiana for further proceedings. Opinion *per curiam*.

No. 124. Fairfax Family Fund, Inc., appellant, *v.* California. 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*. Dissenting opinion by Mr. Justice Douglas.

No. 144. Howard Price d/b/a Howard Price and Company, appellant, *v.* The State Road Commission of West Virginia et al. Appeal from the Circuit Court of Kanawaha County, West Virginia. The motion to dismiss is granted and the appeal is dismissed in light of the representations of the Attorney General of West Virginia that there

is open to the appellant an effective state procedure of which he has not availed himself. Opinion *per curiam*.

No. 156. Herald Publishing Company, appellant, *v.* Whitehead-Donovan Corporation. 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 is of the opinion that probable jurisdiction should be noted.

No. 170. Robert Bowman, etc., appellant, *v.* Lake County Public Building Commission et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 179. Pure-Vac Dairy Products Corporation, appellant, *v.* Mississippi ex rel. Joe T. Patterson, Attorney General. Appeal from the Supreme Court of Mississippi. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 184. Maurice M. Filister, et al. appellants, *v.* City of Minneapolis et al. Appeal from the Supreme Court of Minnesota. The motion to substitute Katherine E. Bliss in place of J. J. Bliss as a party appellant 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 writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 191. Anthony J. Travia 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. The motion to dispense with printing the jurisdictional statement is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Concurring opinion by Mr. Justice Harlan, *supra* No. 85. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 206. Evans K. Griffing et al., Constituting the Board of Supervisors of Suffolk County, New York, appellants, *v.* I. William Bianchi, Jr., et al. Appeal from the United States District Court for the Eastern District of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 226. Coral B. Jones et al., appellants, *v.* W. P. H. McFaddin et al. Appeal from the Court of Civil Appeals of Texas, Sixth Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

Opinion *per curiam*. Mr. Justice Black took no part in the consideration or decision of this case.

No. 229. Nathaniel E. Berry, appellant, *v.* State Tax Commission. Appeal from the Supreme Court of Oregon. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

No. 283. Seacat Marine Drilling Company et al., appellants, *v.* Cleophile Babineaux, Jr. Appeal from the Court of Appeal of Louisiana, Third Circuit. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that the appeal should be dismissed for want of jurisdiction.

No. 308. Lester G. Maddox, appellant, *v.* George F. Willis, Jr., et al. Appeal from the United States District Court for the Northern District of Georgia. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 319. Nelson A. Rockefeller, etc., et al., appellants, *v.* Jerome T. Orans et al. Appeal from the Court of Appeals of New York. Insofar as the decision of the Court of Appeals has been superseded by the order of the District Court, the appeal is dismissed. In all other respects, the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Concurring opinion by Mr. Justice Harlan, *supra* No. 85. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 357. Alamo Express, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Texas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 358. Walter E. Braadt, appellant, *v.* City of New York, Department of Sanitation. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 395. El Paso Electric Company, appellant, *v.* Robert S. Calvert et al. Appeal from the Court of Civil Appeals of Texas, Third Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 449. Paul R. Screvane, President of the City Council of the City of New York, 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. The motions to affirm are granted and the judgment is affirmed. Opinion *per*

curiam. Concurring opinion by Mr. Justice Harlan, *supra* No. 85. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 12, Misc. Burton N. Pugach, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 81, Misc. May Mallory 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 jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 137, Misc. Sidney Cassese, appellant, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Appeal from the Supreme Court of Appeals of Virginia. 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. 202, Misc. Frank Granieri, appellant, *v.* Salt Lake City. Appeal from the Supreme Court of Utah. 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. 248, Misc. Conrad Thompson, appellant, *v.* City and State of New York. 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. 281, Misc. John P. O'Connor, 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. 342, Misc. Frank A. Hourihan, appellant, *v.* George F. Mahoney, Insurance Commissioner. Appeal from the Supreme Judicial Court of Maine. 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. 389, Misc. George Kasharian, appellant, *v.* Joseph Halpern et al. Appeal from the United States District Court for the District of New Jersey. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 399, Misc. Joseph M. Kadans, appellant, *v.* Harvey Dickerson et al. Appeal from the United States District Court for the District of Nevada. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 18, Original. State of Illinois, plaintiff, *v.* State of Missouri. The motion to make complaint more definite and certain is granted.

No. 12. The Western Pacific Railroad Company et al., appellants, *v.* United States et al. The joint motion to remove this case from the summary calendar and for permission for two attorneys to present oral argument for each side is granted.

No. 29. United States, appellant, *v.* Clarence Ewell and Ronald K. Dennis. The motion for the appointment of counsel is granted and it is ordered that David B. Lockton, Esquire, of Indianapolis, Indiana, be, and he is hereby, appointed to serve as counsel on behalf of Clarence Ewell, an appellee, in this case.

No. 38. Alfred D. Rosenblatt, petitioner, *v.* Frank P. Baer. The motion of American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted.

No. 42. Ralph Ginzburg et al., petitioners, *v.* United States. The motion of petitioner to remove this case from the summary calendar is denied.

No. 88. In the Matter of Disciplinary Proceedings against Neil S. Mackay, petitioner. The motion to defer consideration of the petition for writ of certiorari is granted.

No. 104. Morris A. Kent, Jr., petitioner, *v.* United States. The motion to remove this case from the summary calendar is granted.

No. 346. Canada Packers, Limited, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company et al.; and

No. 355. Norman M. Littell, petitioner, *v.* Raymond Nakai. The Solicitor General is invited to file briefs expressing the views of the United States.

APPEALS—JURISDICTION NOTED

No. 238. United States, appellant, *v.* Sealy, Inc. Appeal from the United States District Court for the Northern District of Illinois. In this case probable jurisdiction is noted.

No. 291. United States, appellant, *v.* Standard Oil Company. Appeal from the United States District Court for the Middle District of Florida. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 303. United States, appellant, *v.* Von's Grocery Company et al. Appeal from the United States District Court for the Southern Dis-

trict of California. In this case probable jurisdiction noted. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 318. John A. Burns, Governor of the State of Hawaii, appellant, *v.* William S. Richardson et al.;

No. 323. Elmer F. Cravalho et al., appellants, *v.* William S. Richardson et al.; and

No. 409. Kazuhisa Abe et al., appellants, *v.* William S. Richardson et al. Appeals from the United States District Court for the District of Hawaii. Motion of Harold S. Roberts for leave to file brief, as *amicus curiae* in Nos. 318 and 323, granted. In these cases probable jurisdiction noted. Cases consolidated and a total of three hours allotted for oral argument. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 28, Misc. Evelyn Butts, appellant, *v.* Albertis Harrison, Governor, et al. Appeal from the United States District Court for the Eastern District of Virginia. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted and case transferred to the appellate docket. Case consolidated with No. 48 and a total of two hours allotted for oral argument.

CERTIORARI GRANTED

No. 106. Federal Trade Commission, petitioner, *v.* The Borden Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 118. Federal Trade Commission, petitioner, *v.* Brown Shoe Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted.

No. 147. Georgia, petitioner, *v.* Thomas Rachel et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 243. United Mine Workers of America, petitioner, *v.* Paul Gibbs. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 127. United States, petitioner, *v.* Charles E. O'Malley et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 280. Pasquale J. Accardi et al., petitioners, *v.* The Pennsylvania Railroad Company. 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. 282. Harry J. Amell et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

No. 351. Commissioner of Internal Revenue, petitioner, *v.* Walter F. Tellier et ux. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 387. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, petitioner, *v.* Hoosier Cardinal Corporation. 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. 161. Dora Surowitz, etc., petitioner, *v.* Hilton Hotels Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar. The Chief Justice took no part in the consideration or decision of this petition.

No. 210. James T. Stevens, petitioner, *v.* Charles Marks, Justice of the Supreme Court of New York, County of New York. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department; and

No. 290. James T. Stevens, petitioner, *v.* John J. McCloskey, Sheriff of New York City. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petitions for writs of certiorari granted limited to Question 1 presented by the petitions which reads as follows:

"1. Is Article 1, Section 6 of the New York State Constitution and Section 1123 of the New York City Charter repugnant to the United States Constitution in that any public officer who refused to sign a waiver of immunity and claims a privilege against self-incrimination suffers a penalty of loss of his public position and is barred from public employment for five years under the New York State Constitution and forever under the New York City Charter?"

The cases are consolidated and a total of two hours is allotted for oral argument.

No. 341. Floyd A. Wallis, petitioner, *v.* Pan American Petroleum Corporation 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. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 168, Misc. Barbara Elfbrandt, petitioner, *v.* Imogene R. Russell et al. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the Supreme Court of Arizona granted. Case transferred to the appellate docket.

No. 99, Misc. James Brookhart, petitioner, *v.* Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Ohio granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 64. Eastern Air Lines, Inc., petitioner, *v.* Flight Engineers' International Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 66. Albert A. List, petitioner, *v.* Louis C. Lerner, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 68. Meyer Sigal, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 78. Atlantic & Gulf Stevedores, Inc., petitioner, *v.* Ellerman Lines, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 80. John E. Ring, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 83. Gertrude Crombie, petitioner, *v.* Helen F. Crombie. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 91. Elsie C. Wiper, Executrix, etc., petitioner, *v.* Great Lakes Engineering Works. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 95. Peter Berata et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 96. Raymond S. Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 97. Commissioner of Internal Revenue, petitioner, *v.* Fender Sales, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 98. Matilda Roumania Walker, petitioner, *v.* Edith Cecilia Foster et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 99. Ernest A. Henriques, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 101. Rita G. Shephard, Guardian of Susan Shephard, petitioner, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 102. Economy Forms Corporation, petitioner, v. Trinity Universal Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 103. United Draperies, Inc., petitioner, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 105. Charles E. Williams, petitioner, v. Howard Johnson's Inc. of Washington. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 107. Waltham Watch Company 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. 108. John G. Stephenson III, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 109. Albritton Engineering Corporation, petitioner, v. National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 110. I. L. Van Zandt et ux., petitioners, v. Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 113. U. S. Industries, Inc., et al., petitioners, v. United States District Court for the Southern District of California, Central Division, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 115. Carroll Dunscombe, petitioner, v. Bessie F. Sayle, Executrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 116. Norman H. Helms, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 117. Snyder Vogel and Sam Vogel, petitioners, v. The Corporation Commission of the State of Oklahoma and Tenneco Oil Company. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 120. Cheyenne River Sioux Tribe of Indians, petitioner, v. United States and Peter Hiatt. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 126. August J. Lippi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 129. Arlo C. Crance et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 130. Jean Rucker, etc., petitioner, *v.* Fifth Avenue Coach Lines, Inc., and Edward Devlin. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 133. Isao Hitai, etc., petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 134. Drexel & Co., et al., petitioners, *v.* George Hall et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 136. Frantzeskos Pavgouzas, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 138. The Exchange National Bank of Olean, petitioner, *v.* Insurance Company of North America. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 139. Walter F. Tellier et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 142. The Flying Tiger Line, Inc., petitioner, *v.* Frederic T. Mertens, Sr., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 145. John Miller, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 146. Milk Drivers and Dairy Employees Local Union No. 584, etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 148. Homer Trimble, petitioner, *v.* Texas State Board of Registration for Professional Engineers. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 152. Stanwood A. Demers, petitioner, *v.* Edwin C. Brown et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 153. Paul Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157. Michele Marchese et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 162. Jerrold Electronics Corporation et al, petitioners, *v.* West-coast Broadcasting Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 164. Abraham Potter et al., etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 165. Rolland B. McMaster, petitioner, *v.* United States; and

No. 166. William F. Wolff, Sr. petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 167. 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. 168. Mt. Mansfield Television, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 169. Sun Ray Drug Company, petitioner, *v.* Ida Lieberman. Petition for writ of certiorari to the Superior Court of Pennsylvania, Philadelphia District, denied.

No. 171. Village of Port Chester, petitioner, *v.* M. P. Catherwood, Industrial Commissioner, etc., et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 172. Joseph Y. Houghton, petitioner, *v.* J. William Pike. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 173. Donald J. Pinciotti, petitioner, *v.* United States; and

No. 174. Richard T. Gossler, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 175. Danny Frank Luster et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 176. Jenkins Bros., petitioner, *v.* Local 5623, United Steelworkers of America, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 177. Southwest Engineering Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 178. J. H. Page et al., petitioners, *v.* Pan American Petroleum Corporation et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Thirteenth Supreme Judicial District, denied.

No. 183. The Associated Press, petitioner, *v.* Taft-Ingalls Corporation etc.; and

No. 185. Taft-Ingalls Corporation, petitioner, *v.* The Associated Press. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 186. David H. Price et al., petitioners, *v.* Esther Price. Petition for writ of certiorari to the Superior Court of Massachusetts, Norfolk County, denied.

No. 187. Stevan Durovic, petitioner, *v.* Robert N. Palmer et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 188. Scherer & Sons, Inc., petitioner, *v.* International Ladies' Garment Workers' Union, Local No. 415, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 189. Charles I. Lichtenstein, a/k/a Charles Wells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 190. Lowell Michael Coil, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 192. William Sessoms, petitioner, *v.* The Union Savings and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 193. Thornton G. Dewey, petitioner, *v.* The American National Bank et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 194. Abraham Baker, petitioner, *v.* Simmons Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 195. Fred DeLucia et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 196. Paul H. Wofford et al., petitioners, *v.* The North Carolina State Highway Commission. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 197. G. L. Christian and Associates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 198. Helen Pratt Stuff, petitioner, *v.* E. C. Publications, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 199. Gabriel Diaz et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 200. Michele H. Bates dba Fratelli's Restaurant, petitioner, *v.* Board of Liquor Control et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 201. Wilbur Penzien et al., petitioners, *v.* Dielectric Products Engineering Company, Inc. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 203. McCloskey & Co., Inc., petitioner, *v.* N. L. Wymard and George L. Stark, Receivers of Kemmel & Co., Inc., Debtor. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 205. Robert Grene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 207. Gene Jacobs, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 208. Machinery, Scrap Iron, Metal & Steel Chauffeurs, Warehousemen, Handlers, Helpers, Alloy Fabricators, Theatrical, Exposition, Convention & Trade Show Employees, Local Union No. 714, International Brotherhood of Teamsters, petitioner, *v.* Ross M. Madden, as Regional Director of the National Labor Relations Board for the Thirteenth Region. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 209. Earl J. Lombard 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. 214. Home News Publishing Company, Inc., et al., petitioners, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 215. Leon Adjmi et al., petitioners, *v.* United States; and

No. 314. Leon Adjmi et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 216. Fred T. Mackey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 217. Pepperidge Farm, Incorporated, petitioner, *v.* Frederick van Pelt Bryan, District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 220. James Howell Smith et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 221. Joe Graham Post No. 119, American Legion, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 223. Raymond Carter, petitioner, *v.* Zula Winter, etc., et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 224. John A. Gautier, Tax Assessor, et al., petitioners, *v.* Florida Greenheart Corporation. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 225. The Miami Herald Publishing Company, petitioner, *v.* Harold A. Boire, Regional Director, Twelfth Region, National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 228. Waverly C. Broadwell et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 231. Dun & Bradstreet, Inc., petitioner, *v.* G. C. Nicklaus, Trustee in Bankruptcy for Fordyce Wood Products, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 233. Joseph Nello Spino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 237. Dominic J. Avallone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 239. United Specialty Advertising Company et al., petitioners, *v.* Furr's, Inc., et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, denied.

No. 240. Paul E. McDaniel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 242. Heman H. McGuire, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 244. Luis J. Nicole et al., petitioners, *v.* Mercedes Ortiz Berdecia et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 246. Michael Vetere et al., petitioners, *v.* James E. Allen, Jr., Commissioner of Education of the State of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 247. Northern Lights Shopping Center, Inc., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 248. Central Packing Company, Inc., petitioner, *v.* Ryder Truck Rental, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 249. Fibreboard Paper Products Corporation, petitioner, *v.* East Bay Union of Machinists, Local 1304, United Steelworkers of America, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 252. Estate of Lillian Virginia Sperling, Deceased, Warren Richard Sperling, Administrator, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 254. Allen Clements et al., petitioners, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 255. Local 50, American Bakery & Confectionery Workers Union, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 257. The Crown Life Insurance Company, petitioner, *v.* Alicia Varas. Petition for writ of certiorari to the Superior Court of Pennsylvania, Philadelphia District, denied.

No. 259. Gerald George Tomaszek, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 261. Bernarr Frank Hayden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 262. Richard W. Burge, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 263. Howard Drew Wagner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 264. Frank L. Martin et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 266. Knapp-Monarch Company, petitioner, *v.* Casco Products Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 267. Arlie Mitchell et al., petitioners, *v.* Malvern Gravel Company. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 268. Dagmar C. Joseph, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 271. James H. Quarles, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 277. Harry G. Silverstein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 278. Chester William Stupak, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 279. Charles H. Blanchard, d/b/a Blanchard Construction Company, petitioner, *v.* 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. 284. Nicholas A. Stirone, petitioner, *v.* T. W. Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 286. Peter DiFronzo, petitioner, *v.* United States; and

No. 287. Medo Calzavara, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 289. Edythe Yenowine et al., petitioners, *v.* State Farm Mutual Automobile Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 292. Primrose Super Market of Salem, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 293. Jake Sherman and Jennie Sherman, co-partners, etc., petitioners, *v.* Goerlich's, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 294. Mary L. Megge et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 295. Winn-Dixie Stores, Inc., 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. 296. The Bankers Bond Company, Inc., et al., petitioners, *v.* All States Investors, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 297. J. A. Tobin Construction 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. 298. Daniel Construction Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 299. Mrs. Charles Jarvis et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 300. Thornton R. Ambold, petitioner, *v.* Seaboard Air Line Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 301. Abraham Teitelbaum, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 304. Tradeways Incorporated, petitioner, *v.* Chrysler Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 306. Rochester Gas and Electric Corporation, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 307. Rose H. Bencel, Administratrix, etc., et al., petitioners, *v.* William Frost et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 309. Curtis Taylor, petitioner, *v.* The Baltimore & Ohio Railroad Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 310. Peerless Insurance Company, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 311. Edward Pool, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 313. E. F. Hammons, petitioner, *v.* Texas and New Orleans Railroad Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Twelfth Supreme Judicial District, denied.

No. 316. Michael Zobel, petitioner, *v.* South Dakota. Petition for writ of certiorari to the Supreme Court of South Dakota denied.

No. 317. James H. Matthews & Co., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 320. Edward Earl Massengill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 321. Fotochrome, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 322. Harold A. Stevenson et al., petitioners, *v.* Louis Silverman et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 324. L. N. Wilson and W. C. White, petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 325. Roy Wright DeWelles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 327. William Buck, petitioner, *v.* Superior Court of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 329. Charles P. Hasbrook et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 330. J. C. Wade, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 331. Clarence Coleman, petitioner, *v.* James McGettrick, Sheriff. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 332. Clarence Studemeyer, petitioner, *v.* John W. Macy, Jr., Chairman, U.S. Civil Service Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 333. Hulburt Oil and Grease Company, an Illinois Corporation, petitioner, *v.* Hulburt Oil and Grease Company, a Pennsylvania Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 334. National Maritime Union of America, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 335. Florida East Coast Railway, petitioner, *v.* Martin County, etc. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 339. Anthony Verzi et al., petitioners, *v. Ohio*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 340. In-Sink-Erator Manufacturing Company, petitioner, *v. Waste King Corporation*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 342. Vincent A. Palisi, petitioner, *v. Louisville & Nashville Railroad Company, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 344. Michigan Mutual Liability Company et al., petitioners, *v. Philip F. Arrien, Deputy Commissioner, Second Compensation District, Bureau of Employees Compensation, United States Department of Labor, et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 348. Edward J. Krystoforski, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 350. David A. Ruhl, petitioner, *v. Railroad Retirement Board*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 353. Kohler Co., 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. 356. I. Posner, Inc., et al., petitioners, *v. National Labor Relations Board*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 359. Jimmie Johnson, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 360. T. J. Marshall et al., petitioners, *v. Mayor and Board of Selectmen of the City of McComb, Mississippi*. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 361. J. L. Kamsler, petitioner, *v. H. A. Seinscheimer Co.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 362. Robert W. Matthews, as Trustee in Bankruptcy of Beard & Company, Inc., petitioner, *v. James Talcott, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 363. Joseph Sam Perry, petitioner, *v. Karl Zysset et al.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 364. Robert Froehlich et al., petitioners, *v. The District Judges Constituting the United States District Court for the Southern Dis-*

trict of New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 365. Lux Art Van Service, Inc., petitioner, *v.* Art Pollard. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 369. Musa Hamadeh, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 370. Wesley Hammonds et al, petitioners, *v.* City of Corpus Christi, Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 371. Edward J. McCarthy and Lora R. McCarthy, petitioners, *v.* Joseph J. Conley, District Director for Internal Revenue for District of Connecticut. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 374. C. Frank Smith, petitioner, *v.* Jim Crouch, Sheriff. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 376. The Paine Drug Company, petitioner, *v.* New York. Petition for writ of certiorari to the County Court of Monroe County of New York denied.

No. 377. Donald Angelini, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 378. Robert E. Howard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 379. Everett Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 380. Everett Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 381. Retail Clerks International Association, Local Unions Nos. 128, 633 and 954, petitioners, *v.* Lion Dry Goods, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 388. Louise A. Chisholm, etc., et al., petitioners, *v.* R. A. Billings, etc., et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 389. Maria Garcia-Gonzales, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 390. Peter Machel, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeals of California, First Appellate District, denied.

No. 393. The Sill Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 394. Hesmer Foods, Inc., petitioner, *v.* Campbell Soup Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 403. National Maritime Union of America, 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. 405. Bernard J. Semel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 114. Carlo Bianchi and Company, Inc., petitioner, *v.* United States. Motion to use the record in No. 529, October Term, 1962, granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 128. Else Willheim and Randolph Phillips, petitioners, *v.* John D. Murchison and Clint W. Murchison, Jr., co-partners d/b/a Murchison Brothers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 137. The V. L. Smithers Manufacturing Company, petitioner, *v.* William P. O'Brien et al., d.b.a. Illinois Wholesale Florist. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 155. Hughes Tool Company, petitioner, *v.* Trans World Airlines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 160. Brotherhood of Locomotive Firemen and Enginemen, petitioner, *v.* Central of Georgia Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 182. Stanley Jachimiec, etc., petitioner, *v.* Schenley Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 222. Atlas-Pacific Engineering Company, petitioner, *v.* Geo. W. Ashlock Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 265. Giuseppe Brandano et al., petitioners, *v.* Stanley L. Handman et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 272. Sylvester Caparotta, d/b/a Kings Brush Company and as Kings Brush & Mop Company, petitioner, *v.* American Technical Machinery Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 288. Welsh Co., petitioner, *v.* Victor A. Chernivsky, d/b/a Comfy Babe Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 302. Bernard Mortimer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 328. Space Aero Products Co., Inc., et al., petitioners, *v.* R. E. Darling Co., Inc. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 337. R. A. Hanson et al., petitioners, *v.* No-Joint Concrete Pipe Co. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 354. S. W. Farber, Inc., petitioner, *v.* Texas Instruments, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 398. John C. Doyle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 150. John William Haluska, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 163. Eugene Lynch, petitioner, *v.* Industrial Indemnity Company et al. Motion to dispense with printing the petition granted.

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

No. 181. James Robert Burchinal, petitioner, *v.* United States. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 202. Siesel A. Franklin and Helen W. Franklin, petitioners, *v.* United States et al. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 232. Verlyn G. Marth et ux., petitioners, *v.* Commissioner of Internal Revenue. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 273. The Cuban Truck and Equipment Company, petitioner, *v.* United States. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 401. Bill Yonema Tomiyasu et al., petitioners, *v.* Richard Golden et ux. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 151. Carlton S. Dargusch, petitioner, *v.* Columbus Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Stewart took no part in the consideration or decision of this petition.

No. 158. Eastern Air Lines, Incorporated, et al., petitioners, *v.* Northeast Airlines, Incorporated, et al. Motion of International Association of Machinists and the Master Executive Council of Pilots of Northeast Airlines to be named parties respondent granted. Motion for leave to supplement the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Black and Mr. Justice Fortas took no part in the consideration or decision of these motions and petition.

No. 180. W. S. Tatum et al., petitioners, *v.* Joe B. Singer et al. Motion for abstention denied. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 213. H. T. Shelton, petitioner, *v.* Missouri-Kansas-Texas Railroad Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 250. Stitzel-Weller Distillery, petitioner, *v.* Department of Revenue, Commonwealth of Kentucky. Petition for writ of certiorari

to the Court of Appeals of Kentucky denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 315. Doroteo Fuentes-Torres, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 338. George F. Mohr et al., petitioners, *v.* State Highway Commission of Missouri. 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. 235. Norman Gradsky, petitioner, *v.* United States; and

No. 251. Leon Gradsky, petitioner, *v.* United States. Motion of B. J. Gradsky to be added as a party petitioner in No. 235 denied. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 253. Mohasco Industries, Inc., petitioner, *v.* E. T. Barwick Mills, Inc., et al. Motion for leave to file supplement to petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this motion and petition.

No. 260. Doris Nyssonen, Administratrix, etc., petitioner, *v.* Bendix Corporation. Motion for leave to supplement record granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this motion and petition.

No. 6, Misc. Elzie McCoy, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 7, Misc. William Lee Taylor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 8, Misc. Robert L. Morris, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 9, Misc. Louis Gravley, petitioner, *v.* Robert J. Carter, etc. Petition for writ of certiorari to the Superior Court of Bartow County of Georgia denied.

No. 13, Misc. Alan Lee Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 16, Misc. Lester E. Butler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

Oyer
No. 17, Misc. James W. Oyer, petitioner, v. J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 20, Misc. Jose Benedicto Lebron, petitioner, v. Warden of Detention Headquarters. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 21, Misc. Candida Scalzo, petitioner, v. L. W. Hurney, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 26, Misc. Vido G. Vatelli, petitioner, v. Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 27, Misc. Dante Gori, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 31, Misc. Charles Edward Lewis, petitioner, v. Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 32, Misc. George Stine Smith, petitioner, v. J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 33, Misc. John Lee Purifoy, petitioner, v. Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 34, Misc. Robert R. Hyde, petitioner, v. Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 36, Misc. James Wilson, petitioner, v. Richard A. McGee, Administrator, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 39, Misc. A. Robert Kaufman, petitioner, v. Taxicab Bureau, Baltimore City Police Department. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 41, Misc. John L. Reed, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 42, Misc. H. Jardine Samurine, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 44, Misc. James Andrew Norris, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 45, Misc. Leroy DeGregory, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 46, Misc. Loyd Lucas, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 47, Misc. Daniel Curry, petitioner, *v.* K. A. Weakley, Supt., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 48, Misc. Gerard Robert Acosta, petitioner, *v.* Cletus J. Fitzharris, Superintendent, Correctional Training Facility. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 49, Misc. Donald A. Luaces, petitioner, *v.* Raymond W. May, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 50, Misc. Kenneth Klein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 51, Misc. Charles H. Prysock, petitioner, *v.* Kermit A. Weakley. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 57, Misc. Frank Monroe Doub, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 61, Misc. Joyce 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. 62, Misc. Joseph Von Atzinger, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 63, Misc. Clifford E. Barnes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 64, Misc. Gordon M. Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 67, Misc. Joseph Leo Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 71, Misc. Jack Bertrand Richardson, Jr., petitioner, *v.* T. W. Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 73, **Misc.** Calvin Fennell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 74, **Misc.** Alfred Eugene Grizzell, 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. 76, **Misc.** Raymond I. Peterson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 78, **Misc.** Howard R. Baylor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 82, **Misc.** Aubrey D. Higginbotham, petitioner, *v.* United States Civil Service Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 83, **Misc.** Raymond Lee Muench, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 84, **Misc.** Paul Russell Crain, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 86, **Misc.** Vincent J. Daly, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 88, **Misc.** Carroll S. Wears, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 89, **Misc.** Thomas Montgomery, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 92, **Misc.** Herbert Raymond Bridges, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 94, **Misc.** Nicholas Sten, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 95, **Misc.** Eugene R. Waltreus, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 96, **Misc.** Dale J. Steenbergen, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 98, **Misc.** Philip N. McAbee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 101, **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. 104, **Misc.** Richard A. Black, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 106, **Misc.** Richard L. Everist, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 108, **Misc.** Maceo Thomas et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 109, **Misc.** Leonard J. McMullen, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 110, **Misc.** Maurice N. Whittington, petitioner, *v.* Dale C. Cameron, M.D., Superintendent, St. Elizabeths Hospital. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 111, **Misc.** James Leak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 112, **Misc.** Louis F. Cerrano, petitioner, *v.* Lawrence Fleishman, Supervising Customs Agent, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 113, **Misc.** William L. Myartt, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 118, **Misc.** Willie M. Vaughn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 119, **Misc.** Robert Richmond, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 121, **Misc.** Jack Silver, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 122, **Misc.** Nathaniel E. Shelton and Robert B. Pannell, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 123, **Misc.** John Crane et al., petitioners, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 126, *Misc.* Robert DeVaughn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 127, *Misc.* Rafael Quintana Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 129, *Misc.* Vernon Taylor, petitioner, *v.* Charles S. Ward and Harriet Hodges. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 132, *Misc.* James Allen, 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. 133, *Misc.* Charles I. Spiesel, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 134, *Misc.* Joseph Elmer Whitworth, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 135, *Misc.* Clifton Hairston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 136, *Misc.* Donald Gene Durham, petitioner, *v.* Missouri. Petition for certiorari to the Supreme Court of Missouri denied.

No. 138, *Misc.* Calvin Summers, Jr., petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 139, *Misc.* William McKenna, 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. 143, *Misc.* Emery L. Bales, petitioner, *v.* Lillian H. Hayes. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 144, *Misc.* Melvin Harris, 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. 145, *Misc.* Ralph Woody, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 146, *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. 149, **Misc.** William Howlett Thompson, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 150, **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. 151, **Misc.** N. K. Fields, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 152, **Misc.** Almars Elksnis, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 153, **Misc.** Herman Evald Olson, petitioner, *v.* Ralph H. Tashash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 154, **Misc.** J. Howard Arnold, petitioner, *v.* Robert L. Bostick. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 156, **Misc.** Joseph P. Capolino, petitioner, *v.* Joseph P. Kelly, Collector of Customs. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157, **Misc.** Celestine Hudson, petitioner, *v.* Joseph B. Arce-neaux et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 159, **Misc.** Alvin Burton, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 160, **Misc.** Clarence Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 161, **Misc.** Albert W. Pearson and Maxine Pearson, petitioners, *v.* Joseph Hillary Birdwell et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 163, **Misc.** Marvin E. Maddox, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 164, **Misc.** John Kenneth Riffle, petitioner, *v.* United States District Court for the Northern District of Ohio. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 165, **Misc.** Walter Williams, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 166, Misc. Leonard Albert Vesay, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 167, Misc. Kermie Williams, petitioner, *v.* Theodore Levin, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 170, Misc. John Miguel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 173, Misc. Theodore Rhodes, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 178, Misc. Henry Walker, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

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

No. 181, Misc. Walter Lee Johnson, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 184, Misc. Bonifacio Arthur Olguin, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 186, Misc. George Budner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 188, Misc. Lester L. Richter, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 189, Misc. Richard B. Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 190, Misc. Percy Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 191, Misc. Eugene Elmer Crossley, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 192, Misc. John Edwin Byers, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 193, Misc. Alphonse Kanton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 198, *Misc.* Teresa M. Smith, petitioner, *v.* Industrial Accident Commission of California, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 199, *Misc.* Philip Kerner, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 200, *Misc.* Ethel R. Haley, Administratrix, etc., petitioner, *v.* Baltimore and Ohio Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 208, *Misc.* Hugh MacLeod Pheaster, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 209, *Misc.* Robert Thomas Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 210, *Misc.* Cecil Moore, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 214, *Misc.* Earl William Sawyer, 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. 215, *Misc.* Arthur Witherspoon, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 216, *Misc.* George W. Grumble, petitioner, *v.* Richard E. Brown, Jr., Administrator, et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 218, *Misc.* Rafael Vega et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 220, *Misc.* Thomas W. Whalem, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 227, *Misc.* S. Leon Levy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 228, *Misc.* Hildree Oliver, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 229, *Misc.* Earl Glover, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 230, Misc. Jim Fair, petitioner, *v.* Farris Bryant, Governor of the State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 235, Misc. Alonzo L. Lucas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 236, Misc. Robert James Foster, petitioner, *v.* William Parker, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 237, Misc. Catherine Lake, petitioner, *v.* Dale Cameron, Superintendent, St. Elizabeths Hospital. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 238, Misc. Robert Roy Peters, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 239, Misc. Richard Howard, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 240, Misc. Jasper Dawson, petitioner, *v.* City Council of the City of Butte, Montana, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 241, Misc. Clarence C. Frace, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 242, Misc. William A. McClenny, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 243, Misc. William C. Auth, 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. 244, Misc. Louis C. White, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Superior Court of California, County of Marin, denied.

No. 246, Misc. Robert Benveniste, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 247, Misc. Robert Andrew Bowers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 250, Misc. Marion Stevenson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 253, *Misc.* Louis Y. 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. 259, *Misc.* Ralph Michael Lepiscopo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 261, *Misc.* Calvin C. Shobe, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 262, *Misc.* Autar Nauton, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 264, *Misc.* Douglas Stiltner, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 267, *Misc.* Charles Harris, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 270, *Misc.* Raymond Charles Creason, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 271, *Misc.* Ted W. Swanner, petitioner, *v.* Luther Thomas, Warden, et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 275, *Misc.* Louis D'Antonio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 277, *Misc.* Foster Dash, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 280, *Misc.* Roland F. Veney, 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. 282, *Misc.* Jesus F. Fernandez, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 284, *Misc.* George M. Wood, Jr., petitioner, *v.* Conneaut Lake Park, Inc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 285, *Misc.* Donald Clarence Smith, petitioner, *v.* Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 286, **Misc.** Valentine Catena, petitioner, *v.* William Gennetti, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 291, **Misc.** Stacy Calvin Byrd, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 294, **Misc.** Lowell Lyons, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 296, **Misc.** Ora E. Gaines, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 298, **Misc.** Paul E. Thacker, petitioner, *v.* Ward Markham Company. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 301, **Misc.** Salvatore Passante, petitioner, *v.* Ross E. Herold, Director, Dannemora State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 302, **Misc.** Louis Arthur Martinez, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 304, **Misc.** Jesse Root, petitioner, *v.* W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 305, **Misc.** David G. Harris, petitioner, *v.* Harold E. Bruzee, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 307, **Misc.** David Kenneth Davis, petitioner, *v.* L. E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 312, **Misc.** Harry Downs, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 313, **Misc.** Stanley Simmons, petitioner, *v.* Russell G. Oswald, et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 316, **Misc.** Edward Donald Creswell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 322, **Misc.** Louis B. Harper, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 325, **Misc.** Ernest L. Thompson, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 326, Misc. John Ross, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 328, Misc. John T. Oksten, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 333, Misc. John Michael Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 334, Misc. Robert B. Runnels, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 340, Misc. Alice E. Bradford, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 344, Misc. Nelson X. Canady, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 347, Misc. Clarence Hayes, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 351, Misc. Tobias Bund, petitioner, *v.* Edwin LaVallee, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 352, Misc. Francis Jarad Schultz, petitioner, *v.* Chief Mullins, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 355, Misc. Robert Lee Bruce, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 356, Misc. Jack Thornton Atkinson and M. Dean Hodges, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 361, Misc. Henry V. Wolenski, petitioner, *v.* Judge Henry G. Sweney, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 364, Misc. William Strickland, 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. 365, Misc. Americo Lluveras, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

No. 371, Misc. Douglas Ray Fletcher, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 372, Misc. Joseph F. Bent, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 374, Misc. Charles F. Hanovich, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 376, Misc. Paul Courter Holland, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 377, Misc. Edward J. Farrant, petitioner, *v.* John E. Bennett, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 379, Misc. John Charles Talbert, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 380, Misc. John Seymore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 381, Misc. William Olivo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 382, Misc. Richard St. Clair Wellington, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 383, Misc. David A. Keys, 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. 385, Misc. United States ex rel. Otis Swanson, petitioner, *v.* Frederick G. Reincke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 395, Misc. Jerome Golenbock, petitioner, *v.* Walter Wallack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 398, Misc. Raul Leopoldo Cruz, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 401, Misc. Edward Muza, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 402, Misc. Per Fjellhammer, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 404, *Misc.* Gennaro Salzano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 405, *Misc.* Joseph W. Di Silvestro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 408, *Misc.* Roberto Salgado, petitioner, *v.* United States, Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 409, *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. 417, *Misc.* Thomas C. Batchelor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 418, *Misc.* Madelyne Krennrich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 426, *Misc.* Frances O. Warriner, petitioner, *v.* Harry Fink et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 434, *Misc.* Julia Schatz, petitioner, *v.* John W. Gardner, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 444, *Misc.* Robert Joyner White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 445, *Misc.* Kenneth Young Hee Choy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 463, *Misc.* Charles S. Pheribo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 29, *Misc.* Albert McFadden, 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.

No. 103, *Misc.* Theodore Ervin Davis, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 217, *Misc.* Lloyd Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 219, Misc. Louis E. Hughes and Van Wallace Williams, petitioners, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 254, Misc. Arden E. Tuttle, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 90, Misc. Clarence E. Whaley, petitioner, *v.* Edward Cavanaugh et al. Petition for writ of certiorari to the United States of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 141, Misc. James Edward Lewis, petitioner, *v.* Ashley A. Aderholdt et al. Motion of the National Capital Area Civil Liberties Union for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 22, Misc. Mac Henry Davis, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 117, Misc. Woodrow B. Parson, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail;

No. 177, Misc. Daniel E. Langston, petitioner, *v.* Joseph O. Kearney, Warden;

No. 179, Misc. LeRoy Henderson, petitioner, *v.* E. L. Maxwell, Warden;

No. 195, Misc. S. J. Brown, petitioner, *v.* Florida;

No. 204, Misc. Patrick J. Huffman, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution;

No. 245, Misc. David Martinez, Jr., petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 306, Misc. Fred A. Cruz, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 309, Misc. Tommie Smith, petitioner, *v.* California et al.;

No. 329, Misc. Larry T. Jamison, petitioner, *v.* J. O. Kearney, Warden;

No. 330, Misc. Eddie B. Parker, petitioner, *v.* E. L. Maxwell, Warden;

No. 349, Misc. Pete Hayes, petitioner, *v.* Frank J. Pate, Warden;

No. 391, Misc. Judson B. Bey, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail;

No. 393, Misc. Edward E. Mitchell, petitioner, *v.* Florida;

No. 440, Misc. Leon G. Schack, petitioner, *v.* Florida et al.;

- No. 447, **Misc.** Franklin M. Archie, petitioner, *v.* New Mexico;
 No. 450, **Misc.** William Michael Dangler, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, et al.; and
 No. 532, **Misc.** W. Dean Cline, petitioner, *v.* Walter Dunbar. Motions for leave to file petitions for writs of habeas corpus denied.
 No. 58, **Misc.** Jo Ann Lyons, petitioner, *v.* W. E. Klatte, Superintendent and Medical Director, Mendocino State Hospital; and
 No. 308, **Misc.** Everett Plunkett, petitioner, *v.* Ward Lane, 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 INJUNCTION DENIED

- No. 501, **Misc.** Ralph G. Acuff, petitioner, *v.* Cook Machinery Company, Inc. Motion for leave to file petition for writ of injunction and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

- No. 18, **Misc.** Clarence E. Caldwell, petitioner, *v.* Hon. Mell G. Underwood, Judge, et al.;
 No. 19, **Misc.** Charles F. Miller, petitioner, *v.* Hon. John Biggs, Jr., Chief Judge, etc.;
 No. 232, **Misc.** Bennie Doster, petitioner, *v.* Louis E. Coash, Circuit Judge, et al.;
 No. 251, **Misc.** Burton Ginsberg, as Trustee and Transferee, petitioner, *v.* Charles B. Fulton, Judge; and
 No. 260, **Misc.** Michael A. DeSimone, petitioner, *v.* Chief Justice of the Illinois Supreme Court, et al. Motions for leave to file petitions for writs of mandamus denied.
 No. 91, **Misc.** Richard Wallach, petitioner, *v.* Stephen S. Chandler, Judge, etc., et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARING DENIED

- No. 86, **October Term, 1964.** Louis Zemel, appellant, *v.* Dean Rusk, Secretary of State, et al.;
 No. 245, **October Term, 1964.** Waterman Steamship Corporation, petitioner, *v.* United States;
 No. 246, **October Term, 1964.** National Bulk Carriers, Inc., petitioner, *v.* United States;
 No. 292, **October Term, 1964.** The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission.

- No. 296, October Term, 1964. The Goodyear Tire & Rubber Company, petitioner *v.* Federal Trade Commission ;
- No. 347, October Term, 1964. Max Jabben, petitioner, *v.* United States ;
- No. 832, October Term, 1964. Pete Avgikos, petitioner, *v.* Louisiana ;
- No. 972, October Term, 1964. Holland Furnace Company, petitioner, *v.* Elmer J. Schnackenberg et al. ;
- No. 997, October Term, 1964. Lenine Strollo, petitioner, *v.* United States ; and
- No. 1011, October Term, 1964. Vincent Serman, petitioner, *v.* United States ;
- No. 1017, October Term, 1964. The Interlake Steamship Company, petitioner, *v.* Marcella R. Nielsen et al. ;
- No. 1053, October Term, 1964. Donald D. Randall, et ux., et al., petitioners, *v.* Commissioner of Internal Revenue ;
- No. 1056, October Term, 1964. Emilius August Tjonaman, petitioner, *v.* A/S Glittre et al. ;
- No. 1067, October Term, 1964. W. M. R. Watch Case Corporation et al., petitioners, *v.* Federal Trade Commission ;
- No. 1106, October Term, 1964. David Ratke et al., petitioners, *v.* United States ;
- No. 513, Misc., October Term, 1964. Robert William Crawford, petitioner, *v.* William H. Bannan, Warden ;
- No. 612, Misc., October Term, 1964. Nathan Berman, petitioner, *v.* Edward M. Fay, Warden ;
- No. 657, Misc., October Term, 1964. Robert Gray, petitioner, *v.* United States ;
- No. 730, Misc., October Term, 1964. Marcos Valcarcel, petitioner, *v.* United States ;
- No. 743, Misc., October Term, 1964. Albert Lloyd, petitioner, *v.* United States ;
- No. 890, Misc., October Term, 1964. James Castle, petitioner, *v.* United States ;
- No. 998, Misc., October Term, 1964. Frederick E. Wells, petitioner, *v.* United States ;
- No. 1047, Misc., October Term, 1964. Hyman Goldberg, petitioner, *v.* Office Employes International Union, Local 153, et al. ;
- No. 1055, Misc., October Term, 1964. Robert Dewey Hilbrich, petitioner, *v.* United States ; and
- No. 1159, Misc., October Term, 1964. Nicholas Jacop Uselding, petitioner, *v.* United States ;
- No. 1058, Misc., October Term, 1964. Ronald M. Halyshyn, petitioner, *v.* United States ;

No. 1117, Misc., October Term, 1964. Joseph T. McLeod, petitioner, *v. Ohio*;

No. 1118, Misc., October Term, 1964. Leopold J. Gunston, petitioner, *v. United States*;

No. 1122, Misc., October Term, 1964. Freda Clark, petitioner, *v. Catherine Payne*;

No. 1130, Misc., October Term, 1964. Cora S. Nelms, petitioner, *v. United States*;

No. 1150, Misc., October Term, 1964. Philip C. Macfadden, petitioner, *v. Robert A. Heinze, Warden, et al.*; and

No. 1237, Misc., October Term, 1964. William W. Stewart, petitioner, *v. Michigan et al.* Petitions for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of these petitions.

No. 120, October Term, 1964. Rita Gottesman et al., petitioners, *v. General Motors Corporation et al.* Motion for leave to file second petition for rehearing denied. Mr. Justice Harlan and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 256, October Term, 1964. Billie Sol Estes, petitioner, *v. Texas*. Motion for leave to file petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 580, Misc., October Term, 1964. Kenneth Hall, petitioner, *v. Warren Pinto, Superintendent, New Jersey State Prison Farm*;

No. 968, Misc., October Term, 1964. Claudia Walker, petitioner, *v. Superior Court of California, City and County of San Francisco, et al.*; and

No. 1106, Misc., October Term, 1964. Charles Lee McIntosh, petitioner, *v. United States*. Petitions for rehearing denied. The Chief Justice and Mr. Justice Fortas took no part in the consideration or decision of these petitions.

ORDER

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

For the District of Columbia Circuit, Earl Warren, Chief Justice,

For the First Circuit, Abe Fortas, Associate Justice,

For the Second Circuit, John M. Harlan, Associate Justice,

For the Third Circuit, William J. Brennan, Jr., Associate Justice,

For the Fourth Circuit, Earl Warren, Chief Justice,

For the Fifth Circuit, Hugo L. Black, Associate Justice.

For the Sixth Circuit, Potter Stewart, Associate Justice,

For the Seventh Circuit, Tom C. Clark, Associate Justice,
For the Eighth Circuit, Byron R. White, Associate Justice,
For the Ninth Circuit, William O. Douglas, Associate Justice,
For the Tenth Circuit, Byron R. White, Associate Justice.

ORAL ARGUMENT

No. 4. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al., Argued by Mr. Richard G. Harris for the petitioners and by Mr. Francis R. Kirkham for the respondents.

No. 5. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham. Argued by Mr. James M. Nabrit III for the petitioner and by Mr. Earl McBee for the respondent.

No. 6. Al Harris, petitioner, *v.* United States. Argument commenced by Mr. Ronald L. Goldfarb for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 12, 1965, will be as follows: Nos. 6, 7, 13, and 9.

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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 Fortas.

ADMISSIONS TO THE BAR

Joseph J. Talafous, of Jersey City, N.J., on motion of Mr. Charles S. Joelson; William Y. Chalfant, of Hutchinson, Kans., on motion of Mr. Robert F. Ellsworth; Joseph Jennings Fagaly, of St. Petersburg, Fla., and Henry J. Prominski, of Fort Lauderdale, Fla., on motion of Mr. William C. Cramer; J. Edward Fitzgerald, of Springfield, Mass., on motion of Mr. Ralph Simon Spritzer; Edward A. Ruestow, of Old Westbury, N.Y., on motion of Mr. George Raymond Jones; David S. Carton, of Cos Cob, Conn., John Richard Marshall, of Muncie, Ind., and Robert Cook Rice, of Dallas, Tex., on motion of Mr. Robert H. Hare; Laurence Stephen Gold, of New York, N.Y., on motion of Mr. Norton Come; Jason J. Cohen, of Framingham, Mass., and Gerald E. Gaffin, of Framingham, Mass., on motion of Mr. Maurice C. Goodpasture; Martin Fleit, of Washington, D.C., on motion of Mr. Ellsworth H. Mosher; Kenneth Edward Vassie, of Inglewood, Calif., on motion of Mr. George McCall Courts Oulahian; Stanley Richard Medsker, of Denver, Colo., on motion of Mr. Arthur H. Nielsen; Albert Xavier Bader, Jr., of New York, N.Y., on motion of Mr. Edward L. Coffey; James F. Temple, of Washington, D.C., on motion of Mr. Tench T. Marye; Paul F. Arseneau, of Alexandria, Va., on motion of Mr. Thomas Hayward Brown; Charles S. Carrere, of Tampa, Fla., on motion of Mr. Edward F. Boardman; S. Thomas Morris, of Amarillo, Tex., on motion of Mr. James L. Dooley; Mr. Myron C. Cass, of Chicago, Ill., on motion of Mr. I. Irving Silverman; John H. Hanninen, of Cleveland, Ohio, on motion of Mr. Lucian Y. Ray; Jerome Harold Heckman, of Washington, D.C., Charles Michael Meehan, of Washington, D.C., and Robert Reitano Tiernan, of Washington, D.C., on motion of Mr. Joseph Eugene Keller; and Nels Michael Hansen, of Seattle, Wash., Russell Jonas Reid, of Bellingham, Wash., Norman Metcalfe Reed, of Fort Worth, Tex., and William Ray Schief, of Washington, D.C., on motion of Mr. Philip A. Loomis, Jr., were admitted to practice.

ORAL ARGUMENT

No. 6. Al Harris, petitioner, *v.* United States. Argument continued by Mr. Ronald L. Goldfarb for the petitioner, by Mr. Ralph S. Spritzer for the respondent, and concluded by Mr. Ronald L. Goldfarb for the petitioner.

No. 7. The Hanna Mining Company et al., petitioners, *v.* District 2, Marine Engineers Beneficial Association, AFL-CIO, et al. Argued by Mr. John H. Hanninen for the petitioners and by Mr. Lee Pressman for the respondents.

No. 13. Walker Process Equipment, Inc., petitioner, *v.* Food Machinery and Chemical Corporation. Argument commenced by Mr. Charles J. Merriam for the petitioner and continued by Mr. Daniel M. Friedman for the United States, as *amicus curiae*, and by Mr. Sheldon O. Collen for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 13, 1965, will be as follows: Nos. 13, 9, 10, 11, and 37 (and 43).

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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 Fortas.

ADMISSIONS TO THE BAR

Richard Ernest Eagleton, of Peoria, Ill., on motion of Mr. Daniel M. Friedman; James Lyle Treece, of Denver, Colo., Thomas A. Nelson, Jr., of Denver, Colo., and Gerald T. Gardner, of Pierre, S. Dak., on motion of Mr. Gordon Allott; H. Theodore Noell, of South Bend, Ind., on motion of Mr. Birch E. Bayh, Jr.; Alfred N. Feldman, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; John Joseph Burkhart, of Toledo, Ohio, and John Augustus DeVictor, Jr., of Toledo, Ohio, on motion of Mr. Thomas Ludlow Ashley; George Lawrence Ricketson, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Luis F. Gonzalez Correa, of San Juan, P.R., on motion of Mr. Albert E. Arent; Dimitri Kiril Ilyin, of San Francisco, Calif., on motion of Mr. Norman M. Littell; Jon B. Shastid, of Modesto, Calif., on motion of Mr. Eldon S. Olson; Donald A. Teare, of Cleveland, Ohio, on motion of Mr. Fred Graham; John S. Halsted, of Kennett Square, Pa., on motion of Mr. James Rintoul Treese; Daniel Saul Lumian, of Kansas City, Mo., on motion of Mr. Earl W. Kintner; Winfield W. Foster, of San Francisco, Calif., on motion of Mr. Timothy J. May; James Iden Nelson, of Wichita, Kans., on motion of Mr. Sol Lindenbaum; Channing E. Harwood, of Torrington, Conn., and William J. Larkin 2d, of Waterbury, Conn., on motion of Mr. Jay S. Siegel; Ronald F. Ball, of New York, N.Y., on motion of Mr. Gideon Franklin Rothwell IV; George T. Morton, Jr., of Kansas City, Mo., on motion of Mr. Gordon Schmidt; Howard A. Crawford, of Kansas City, Mo., on motion of Mr. George H. Mortimer; John E. Jones, of Denver, Colo., on motion of Mr. Donald J. Stocking; Bertram Bradley, of Washington, D.C., on motion of Mr. Nicholas N. Kittrie; and Raymond P. Lawrence, of Redwood City, Calif., on motion of Mr. Edward B. Beale, were admitted to practice.

ORAL ARGUMENT

No. 13. Walker Process Equipment, Inc., petitioner, *v.* Food Machinery and Chemical Corporation. Argument continued by Mr. Sheldon O. Collen for the respondent, by Mr. Charles J. Merriam for the petitioner, and concluded by Mr. Daniel M. Friedman for the United States, as *amicus curiae*.

No. 9. Swift & Company, Inc., et al., appellants, *v.* Don J. Wickham, Commissioner of Agriculture and Markets of New York. Argued by Mr. William J. Condon for the appellants and by Mr. Samuel A. Hirshowitz for the appellee.

No. 10. United States, petitioner, *v.* Ethel Mae Yazell. Argued by Mr. Solicitor General Marshall for the petitioner and by Mr. J. V. Hammett for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 14, 1965, will be as follows:
Nos. 11, 37 (and 43), 55, and 2.

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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 Fortas.

ADMISSIONS TO THE BAR

Thomas J. McIntyre, of Laconia, N.H., on motion of Mr. Norris Cotton; Ben Fuyunori Kaito, of Honolulu, Hawaii, on motion of Mrs. Patsy Takemoto Mink; Robert J. Gilliland, of Hutchinson, Kans., on motion of Mr. Garner E. Shriver; Gilbert Thomas Brophy, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Ralph H. Prince, of San Bernardino, Calif., on motion of Mr. A. Phillip Burton; Noel G. Conway, of Santa Ana, Calif., on motion of Mr. James B. Utt; James S. Kidd, of Fayetteville, Tenn., on motion of Mr. Joe L. Evins; William C. Battle, of Charlottesville, Va., on motion of Mr. Mortimer M. Caplin; Richard Blanks Adkisson, of Little Rock, Ark., on motion of Mr. John Patrick Baker; William H. Griswold, of New Orleans, La., on motion of Mr. Eugene Gressman; Jeffrey M. Bucher, of Los Angeles, Calif., and Donald W. Pollock, of Menlo Park, Calif., on motion of Mr. John Stephan Nolan; Donald L. Dorward, of Worthington, Ohio, and Robert Kirkwood Kennon Jones, of Washington, D.C., on motion of Mr. Arthur B. Hanson; Emmet W. Rohan, of Kaukauna, Wis., and Charles E. Schaller, of Neenah, Wis., on motion of Mr. George McCall Courts Oulahan; Melvin Small, of Los Angeles, Calif., on motion of Mr. John D. Schuyler; Walter Aaron Modance, of Chevy Chase, Md., on motion of Mr. Joseph Schimmel; Donald J. Miller, of Livonia, Mich., on motion of Mr. Earl Hubert Davis; John E. McDowell, of Cincinnati, Ohio, on motion of Mr. Richard Wichgar Barrett; Dudley O'Neal Emmert, of Manitowoc, Wis., on motion of Mr. Franklin Martin Stone; Lawrence F. Henneberger, of Princeton, Ind., on motion of Mr. Allen G. Siegel; Paul Harold Blaustein, of White Plains, N.Y., on motion of Mr. John M. Calimafde; John Tyden Ketcham, of Bowie, Md., on motion of Mr. Charles E. McGee; Robert F. Hauth, of Olympia, Wash., on motion of Mr. Stanton Pavian Sender; and Vance B. Grannis, of South St. Paul, Minn., on motion of Mr. Joseph P. O'Hara, were admitted to practice.

ORAL ARGUMENT

No. 11. William T. Graham et al., petitioners, *v.* John Deere Company of Kansas City et al. Argued by Mr. Orville O. Gold for the petitioners and by Mr. S. Tom Morris for the respondents.

No. 37. Calmar, Inc., petitioner, *v.* Cook Chemical Company; and
No. 43. Colgate-Palmolive Company, petitioner, *v.* Cook Chemical Company. Argued by Mr. Dennis G. Lyons for the petitioners, and by Mr. Gordon D. Schmidt for the respondent.

No. 55. United States, petitioner, *v.* Bert N. Adams et al. Argued by Mr. John W. Douglas for the petitioner and by Mr. John A. Reilly for the respondents.

No. 2. United States, petitioner, *v.* Frank Romano et al. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. W. Paul Flynn for the respondents.

Adjourned until Monday, October 18, 1965, at 10 o'clock.

The day call for Monday, October 18, 1965, will be as follows: Nos. 3 and 21 (22, 26, and 32).

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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 Fortas.

The Chief Justice said:

“On behalf of the Court, I announce that Honorable Charles E. Whittaker, who retired on April 1, 1962, because of disability, has resigned his commission as an Associate Justice of the Supreme Court (Retired) effective September 30, 1965.

“In his letter to the President, Justice Whittaker advised that since his retirement he has regained his health, and he now wishes to be freed from the occupational restrictions that necessarily inhere in his retired status, so that he may, with propriety, engage in other activities.

“We are very pleased to know that Justice Whittaker has recovered his health to such an extent that he is able to resume other activities, and we wish for him success and happiness in all of his future endeavors.”

ADMISSIONS TO THE BAR

Jay Dushoff, of Phoenix, Ariz., Lawrence Beryl Barrett, of Canton, Kans., Robert C. Weinbaum, of Detroit, Mich., Barry Jerome Waldman, of St. Louis, Mo., Mary Gardiner Jones, of New York, N.Y., Charles R. Welch, of Syracuse, N.Y., H. Philip Heil, Jr., of Lakewood, Ohio, James M. Burns, of Portland, Oreg., Erwin J. Peterson, of Portland, Oreg., John Francis Dominguez, of Mercedes, Tex., Thomas C. Brickle, of Fond du Lac, Wis., Marvin W. Cherrin, of Detroit, Mich., and David Lebenbom, of Detroit, Mich., on motion of Mr. Solicitor General Thurgood Marshall; Taylor M. Belt, of Cheyenne, Wyo., and James Gaus Watt, of Wheatland, Wyo., on motion of Mr. Milward L. Simpson; Molly D. Zimring, of Hilo, Hawaii, on motion of Mrs. Patsy Takemoto Mink; Harold O. Holaday, of Montrose, Calif., on motion of Mr. H. Allen Smith; John N. Erlenborn, of Elmhurst, Ill., on motion of Mr. William Pitt Shattuck; William Sherrick Barker, of Las Vegas, Nev., on motion of Judge Louis J. Smith, Jr.; Don D. Bercu, of Alhambra, Calif., Riley Eugene Fletcher, of Austin, Tex., Wendell Raymond Thompson, of Pasadena, Calif., and Donald H. Smith of Monterey, Calif., on motion of Mr. Brice Wilson Rhyne; Clifford Arthur Egan, of Martinez, Calif., on motion of Mr. William E. Foley; Daniel H. Hanscom, of Baldwin, Kans., on motion of Mr. James

McI. Henderson; Joseph Michael Stanichak, of Aliquippa, Pa., on motion of Mr. Harry K. Schwartz; Richard Keith Smith, of Savanna, Ill., and William R. Slate, of Markesan, Wis., on motion of Mr. John Philip Carlson; J. Richard Reuter, Jr., of New Orleans, La., and Arthur C. Reuter, of New Orleans, La., on motion of Mr. Clarence J. Martin; George A. Thompson, of Bellevue, Nebr., on motion of Mr. Walter Frederick Brown; Benjamin E. Haller, of New York, N.Y., on motion of Mr. T. S. L. Perlman; Martin L. Barr, of Albany, N.Y., Vincent P. Furlong, of Albany, N.Y., and Charles R. Gibson, of Albany, N.Y., on motion of Mr. Kent H. Brown; Horace Raymond George, of Milwaukee, Wis., on motion of Mr. Jesse O. Dedmon, Jr.; John Bernard Nelson, of Fort Worth, Tex., on motion of Mr. Gordon Allison Phillips; Donald Keith Young, of Dallas, Tex., on motion of Mr. Thomas G. Crouch; William Haley Drushel, Jr., of Houston, Tex., on motion of Mr. J. Evans Attwell; Robert Laurence Schaffer, of Beverly Hills, Calif., on motion of Mr. Herbert S. Thatcher; Henry Clay Hart, Jr., of Keyser, W. Va., Charles W. Smith, of Keyser, W. Va., and George I. Sponaule of Franklin, W. Va., on motion of Mr. Joseph Andrew Blundon; Robert Douglas Hoffman, of Bethesda, Md., on motion of Mr. C. Frank Reifsnnyder; George M. Hilgendorf, of Chicago, Ill., on motion of Mr. John Palmer Witsil; Alfred G. Swedlaw, of Birmingham, Ala., on motion of Mr. Donald Joseph Cronin; Robert E. Patmont, of San Francisco, Calif., and John F. Sullivan, of Hollidaysburg, Pa., on motion of Mr. Samuel J. L'Hommedieu, Jr.; and Salvatore J. Carletta, of Brooklyn, N.Y., Frank A. Castucci, of Brooklyn, N.Y., Thomas A. Conniff of Brooklyn, N.Y., John B. D'Albora, of Brooklyn, N.Y. William R. Johnson, of Brooklyn, N.Y., Christopher J. Mega, of Brooklyn, N.Y., Charles F. X. Perrotta, of Brooklyn, N.Y., Austen D. Canade, of New York, N.Y., and Nicholas J. Cooney, of New York, N.Y., on motion of Mr. William R. Foley 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. 919, October Term, 1961. Jeanette E. Gondeck, petitioner, v. Pan American World Airways, Inc., et al. On motion for leave to file a petition for rehearing. Motion for leave to file rehearing granted, petition for rehearing granted, order denying petition for certiorari vacated, petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted, judgment reversed and case remanded to the Court of Appeals for further proceeding in conformity with the opinion of this Court. Opinion *per curiam*.

Mr. Justice Clark joins in the result. Mr. Justice Black dissents with whom The Chief Justice, Mr. Justice Douglas, and Mr. Justice Clark join. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 123. Jones & Laughlin Steel Corporation, petitioner, *v.* Grid-iron Steel Company. 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 Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 141. First Security National Bank and Trust Company of Lexington et al., appellants, *v.* United States. 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 proceeding in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 212. Metromedia, Inc., appellant, *v.* American Society of Composers, Authors and Publishers, et al. Appeal from the United States District Court for the Southern District of New York. The motions to dismiss are granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 258. Samuel B. Wells et al., appellants, *v.* Robert Reynolds et al. Appeal from the United States District Court for the Middle District of Georgia. The judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas, Mr. Justice Brennan and Mr. Justice Fortas dissent.

No. 281. Marguerite Shakespeare et al., appellants, *v.* City of Pasadena. Appeal from the Supreme Court of California. The motion to dispense with printing the jurisdictional statement 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 writ of certiorari is denied. Opinion *per curiam*.

No. 373. National Trailer Convoy, Inc. appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Oklahoma. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 384. Emmett J. Stebbins, appellant, *v.* John W. Macy, Jr., et al. Appeal from the United States District Court for the District of Columbia. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 23, Misc. Otis James, petitioner, *v.* Louisiana. On petition for writ of certiorari to the Supreme Court of Louisiana. 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 Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 433, Misc. George Kasharian et al., appellants, *v.* South Plainfield Baptist Church et al. Appeal from the United States District Court for the District of New Jersey. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 446, Misc. George Kasharian et al., appellants, *v.* Metropolitan Life Insurance Co. et al. Appeal from the United States District Court for the District of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al. 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. 345, October Term, 1964. Maryland, for the use of Nadine Y. Levin, Sydney L. Johns, et al., petitioners, *v.* United States. The respondent is requested to file, within 20 days, a response to the petition for rehearing limited to the question as to whether this case should be remanded to the District Court for further proceedings with respect to the unresolved issues tendered in the petitioners' bill of complaint. Mr. Justice Fortas took no part in the consideration of this petition.

No. 57. Hazeltine Research, Inc., et al., petitioners, *v.* Edward J. Brenner, Commissioner of Patents. The motion of Irwin M. Aisenberg for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice Fortas took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. 396. Hugo DeGregory, appellant, *v.* Attorney General of the State of New Hampshire. Appeal from the Supreme Court of New Hampshire. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI DENIED

No. 211. Metromedia, Inc., petitioner, *v.* American Society of Composers, Authors and Publishers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 336. DeLong Corporation, petitioner, *v.* The Oregon State Highway Commission, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 349. Sabena Belgian World Airways (Societe Anonyme Belge D'Exploitation de La Navigation Aeriennne), petitioner, *v.* Jacques L. LeRoy, Administrator, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 367. Marjorie R. Skahill, as Administratrix, etc., petitioner, *v.* Capital Airlines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 392. Earl L. Stager, petitioner, *v.* Florida East Coast Railway Company. Petition for writ of certiorari to the Supreme Court of Florida and/or the District Court of Appeal of Florida, Third Appellate District, denied.

No. 399. Sarah Smith, Administratrix, etc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 400. Robert Owens et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 402. Dempster Brothers, Inc., petitioner, *v.* Milton M. Cohn, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 408. John B. Janigan, petitioner, *v.* Frederick B. Taylor et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 410. Trailways of New England, Inc., petitioner, *v.* Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, AFL-CIO, Division 1318. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 391. Railway Express Agency, Inc., petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 43, Misc. Roger M. Lott, petitioner, *v.* Michigan et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 130, Misc. Wilbert Lee Sturgis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 176, Misc. William Joseph Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 182, Misc. Francis J. Burke, petitioner, *v.* United States. Petition writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 283, Misc. James Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 314, Misc. Ralph Oden Anderson and Raymond L. Reese, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 335, Misc. Lee Colligan, 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. 358, Misc. Francis Jarad Schultz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 360, Misc. Jesse Wright, petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 410, Misc. Charles W. Evans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 413, Misc. George J. Hurley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 415, Misc. Joseph Shisoff, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 416, Misc. John Wesley Collins, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 420, Misc. John Massie Davis, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 422, **Misc.** Willie Blunt, 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. 430, **Misc.** Robert Lowther, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 431, **Misc.** James K. Kelly, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 432, **Misc.** Hollis Richardson, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 436, **Misc.** Robert James Long, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 437, **Misc.** John E. Hensley, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 438, **Misc.** Robert Saulsbury, petitioner, *v.* Lamoyne Green, Superintendent, Marion Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 439, **Misc.** Dale Carlyle Grimes, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 441, **Misc.** Peter S. Scherck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 443, **Misc.** Robert Chester Wilson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 449, **Misc.** Fance Bell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 464, **Misc.** Ernest F. Williams, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 465, **Misc.** Theodore C. Ruark, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 468, **Misc.** Lee David Arwine, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 472, **Misc.** Margie Hargrove, petitioner, *v.* Richard E. Brown, Jr., Administrator, etc., et al. Petition for writ of certiorari to the Supreme Court Louisiana denied.

No. 473, **Misc.** James C. Dillard, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 474, **Misc.** Harold Paneitz, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 482, **Misc.** Mafalda Maritote, Administratrix of the Estate of Alphonse (Al) Capone, et al., petitioners, *v.* Desilu Productions, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 485, **Misc.** Arnold Finfer, petitioner, *v.* Sheldon S. Cohen, Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 489, **Misc.** David G. Newcombe, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 503, **Misc.** Archie Harold Davis, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 510, **Misc.** Betty Lancaster Shively, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 511, **Misc.** In the Matter of the Application of Gilbert Duarte. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 513, **Misc.** Ray Holmes, 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. 520, **Misc.** Edward Carter et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 528, **Misc.** Jim Fair, petitioner, *v.* City of Tampa et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 540, Misc. Alice Miller, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 553, Misc. Max Lujan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 357, Misc. John W. Price, 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 Fortas took no part in the consideration or decision of this petition.

No. 224, Misc. Florence Simmons, petitioner, *v.* Union News Co., a New York Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Dissenting opinion by Mr. Justice Black with whom the Chief Justice concurs:

"I would grant certiorari in this case. While petitioner presents other interesting and important questions concerning the right of trial by jury under the Seventh Amendment and concerning the power of a district court to grant summary judgment, my opinion is addressed to the question of whether the courts below were right in denying petitioner Simmons a court trial of her claim that she had been wrongfully discharged without 'just cause' in violation of the collective bargaining agreement under which she was employed. The ground for refusing to let her try her case was that her employer and her union had agreed among themselves that her discharge was for 'just cause.' I think the courts below were wrong. The material facts upon which I base my conclusion are these:

"Petitioner was one of about a dozen employees working at the lunch counter in respondent's restaurant in a railway station. For about a year prior to petitioner's discharge, profits at the lunch counter lagged behind those expected by respondent. Respondent suspected that this was due either to the mishandling or to the actual stealing of its funds or goods. The collective bargaining agreement provided that no employee should be discharged without 'just cause' and that prospective discharges would be discussed by the employer and the union. Pursuant to the contract, the company's representative went to the union's representative to discuss what could be done in order to improve the profit situation at the lunch counter. The company representative suggested that all of the counter employees be discharged and others take their places. The union representative objected. After lengthy negotiations, however, a plan was agreed upon by the company and the union under which five of the employees would be immediately laid off for a two-week period. If at the end of the

period, records indicated that there was a significant improvement in the company's business at the lunch counter, it was agreed that the five employees were to be discharged. The five were laid off including the petitioner and Gladys Hildreth.¹ When the company convinced the union that the lunch counter profits had increased during the period, the union agreed with respondent that the workers should be discharged permanently. Both petitioner and Miss Hildreth vigorously protested. They urged the union to carry their protest all the way up through the various stages of negotiations leading to arbitration. The union representative, however, refused to give any help to petitioner and Miss Hildreth. Then, petitioner, by herself, took the matter up with the company, endeavoring to settle it as a personal grievance of her own. The company refused to negotiate with petitioner in any way whatever, notwithstanding § 9(a) of the National Labor Relations Act² which states in part, 'That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect.' Petitioner, out of a job, then brought this action against the company for the alleged breach of contract in discharging her."

"Although this Court has gone very far in some of its cases with reference to the power of a collective bargaining union to process the personal grievances of its members, it has not yet gone so far as to say that where there is a personal grievance for breach of a collective bargaining agreement, the employee can be deprived of an independent judicial determination of the claim by an agreement between the union and the employer that no breach exists. But this is exactly what was done to petitioner and Miss Hildreth. Though I dissented in *Republic Steel Corp. v. Maddox*, 379 U.S. 650, I was, and still am of the belief that the majority opinion purported to preserve the right of an employee to sue his employer if his union refused to press his grievances. However, I fear that the decisions below in the *Hildreth* case and in this one go a long way toward effectively destroying whatever redress this Court left the individual employee in *Maddox*. The courts below refused to make their own determination of whether Miss Hildreth's and petitioner's discharges were made for 'just cause.' Instead they allowed the employer's defense that 'just cause' was simply what the employer and the union jointly wanted it to be. While we often say that nothing is decided by a denial of certiorari, all of

¹ See *Union News Company v. Hildreth*, 295 F. 2d 658; *Hildreth v. Union News Company*, 315 F. 2d 548; certiorari denied, 375 U.S. 826.

² 61 Stat. 143, 29 U.S.C. § 159 (1964 ed.).

us know that a denial of certiorari in this case, following the denial of certiorari in the *Hildreth* case, will undoubtedly lead people to believe, and I fear with cause, that this Court is now approving such a forfeiture of contractual claims of individual employees.

"This case points up with great emphasis the kind of injustice that can occur to an individual employee when the employer and the union have such power over the employee's claim for breach of contract. Here no one has claimed from the beginning to the end of the *Hildreth* lawsuit or this lawsuit that either of these individuals was guilty of any kind of misconduct justifying their discharges. Each was one of twelve employees engaged in the operation of a lunch counter. In the *Hildreth* case respondent's supervisor testified that he had no knowledge that any of the employees discharged were in any way responsible for the lunch counter's unsuccessful operation. The manager of the lunch counter stated that he did not know of "one single thing" that Miss *Hildreth* had done to reduce the counter's profits. We must assume that had petitioner here been given an opportunity to try her case, the same facts would have appeared. Moreover, petitioner alleges that she was prepared to show that subsequent to her discharge, the office girl who counted the money received at the lunch counter was found to be embezzling those funds and was discharged for it. Miss *Hildreth* had worked for respondent for nine and one-half years, and petitioner for fifteen years, prior to their discharges. There is no evidence that respondent had ever been dissatisfied with their work before the company became disappointed with its lunch counter about a year prior to the discharges. Yet both were discharged for "just cause," as determined not by a court but by an agreement of the company and the union.

"I would not construe the National Labor Relations Act as giving a union and an employer any such power over workers. In this case there has been no bargain made on behalf of all the workers represented by the union. Rather there has been a sacrifice of the rights of a group of employees based on the belief that some of them might possibly have been guilty of some kind of misconduct that would reduce the employer's profits. Fully recognizing the right of the collective bargaining representative to make a contract on the part of the workers for the future, I cannot believe that those who passed the Act intended to give the union the right to negotiate away alleged breaches of a contract claimed by individual employees.

"The plain fact is that petitioner has lost her job, not because of any guilt on her part, but because there is a suspicion that some one of the group which was discharged was guilty of misconduct. The sum total of what has been done here is to abandon the fine, old American ideal that guilt is personal. Our system of jurisprudence should not tol-

erate imposing on the innocent, punishment that should be laid on the guilty. If the construction of the labor law given by the courts below is to stand, it should be clearly and unequivocally announced by this Court so that Congress can, if it sees fit, consider this question and protect the just claims of employees from the joint power of employers and unions."

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 575, Misc. Clarence R. Edwards, petitioner, *v.* Kermit A. Weakley, Superintendent, District of Columbia Reformatory. Motion for leave to file petition for writ of habeas corpus denied.

No. 256, Misc. William Ellhamer, petitioner, *v.* California. Motion for leave to file petition for writ of habeas corpus denied. Treating the paper submitted as a petition for writ of certiorari, certiorari is denied.

REHEARING DENIED

No. 5, Original. The United States of America, plaintiff, *v.* The State of California. Petition for rehearing denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that the rehearing should be granted. The Chief Justice, Mr. Justice Clark and Mr. Justice Fortas took no part in the consideration or decision of this petition.

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 November 1, 1965, and ending June 30, 1966, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

RECESS ORDER

The Court will take a recess from Monday, October 25, 1965, until Monday, November 8, 1965.

ORAL ARGUMENT

No. 3. William Albertson et al., petitioners, *v.* Subversive Activities Control Board. Argued by John J. Abt for the petitioners and by Mr. Kevin T. Maroney for the respondent.

No. 21. The United Gas Improvement Company et al., petitioners, *v.* Callery Properties, Inc., et al.;

No. 22. Public Service Commission of the State of New York, petitioner, *v.* Callery Properties, Inc., et al.;

No. 26. Ocean Drilling & Exploration Company, petitioner, *v.* Federal Power Commission et al; and

No. 32. Federal Power Commission, petitioner, *v.* Callery Properties, Inc., et al. Four hours allowed for oral argument. Argument commenced by Mr. Richard A. Solomon for the Federal Power Commission and continued by Mr. William T. Coleman, Jr., for the United Gas Improvement Company, et al. and by Mr. Kent H. Brown for the Public Service Commission of the State of New York.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 19, 1965, will be as follows: Nos. 21 (22, 26, and 32), 12, and 18 (and 53).

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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 Fortas.

ADMISSIONS TO THE BAR

Arthur H. Nighswander, of Laconia, N.H., on motion of Mr. Norris Cotton; Albert M. Leddy, of Bakersfield, Calif., on motion of Mr. Harlan Hagen; Amos Lamar Reid, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Raymond H. Williamson, of Sacramento, Calif., on motion of Mr. John J. McFall; Edsel W. Haws, of Sacramento, Calif., on motion of Mrs. Doris Hoffman Maier; Herbert Blecker, of New York, N.Y., on motion of Mr. Edward B. Beale; Edward J. Murray, of Arlington, Mass., on motion of Mr. Daniel T. Coughlin; Leonard G. James, of San Francisco, Calif., on motion of Mr. Ira L. Ewers; Francis A. Even, of Chicago, Ill., and Richard H. Haas, of Akron, Ohio, on motion of Mr. Andrew B. Beveridge; Charles Koozman, of New York, N.Y., on motion of Mr. Arthur V. Edulian; J. Robert McClure, Jr., of Tallahassee, Fla., on motion of Mr. J. William Norman; John M. Curry, Jr., of New York, N.Y., on motion of Mr. Alexander M. Heron; Daniel O'Connell Mahoney, of Boston, Mass., and John A. Perkins, of Boston, Mass., on motion of Mr. Charles C. Glover III; Peter Claude Alegi, of New Haven, Conn., on motion of Mr. Walter A. Slowinski, Jr.; Howard Barwick, of Miami, Fla., on motion of Mr. Richard W. Galihier; Audrey Lewis Burgess, of Pittsburgh, Pa., on motion of Mr. George Raymond Jones; Theodore E. Desch., of Chicago, Ill., on motion of Mr. Allen I. Mendelsohn; Sal. J. Patronite, of Cleveland, Ohio, on motion of Mr. S. Neil Hosenball; and Lawrence S. Levinson, of Scotch Plains, N.J., on motion of Mr. Theodore J. Criares, were admitted to practice.

ORAL ARGUMENT

No. 21. The United Gas Improvement Company et al., petitioners, *v.* Callery Properties, Inc., et al.;

No. 22. Public Service Commission of the State of New York, petitioner, *v.* Callery Properties, Inc., et al.;

No. 26. Ocean Drilling & Exploration Company, petitioner, *v.* Federal Power Commission et al.; and

No. 32. Federal Power Commission, petitioner, *v.* Callery Properties, Inc., et al. Argument continued by Mr. J. Evans Attwell for

the Ocean Drilling & Exploration Company, by Mr. Herbert W. Varner for The Superior Oil Company et al., by Mr. Richard F. Generally for the Callery Properties, Inc., et al., by Mr. Paul W. Hicks for the Placid Oil Company et al., and concluded by Mr. Richard A. Solomon for the Federal Power Commission.

No. 12. The Western Pacific Railroad Company et al., appellants, v. United States et al. One and one-half hours allowed for oral argument. Leave granted Paul Bender to appear and present oral argument for the appellants, *pro hac vice*, on motion of Mr. Ralph S. Spritzer. Argued by Mr. Walter G. Treanor and by Mr. Paul Bender for the appellants, *pro hac vice*, by special leave of Court, and by Mr. Robert W. Ginnane and Mr. Frank S. Farrell for the appellees. Memoranda to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 20, 1965, will be as follows: Nos. 18 (and 53), 17, 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 Fortas.

ADMISSIONS TO THE BAR

Donald Bruce King, of San Francisco, Calif., and Richard J. Steinberg, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; William Wayne Kilgarlin, of Houston, Tex., and Jack Clemens Skaggs, of Harlingen, Tex., on motion of Mr. Ralph W. Yarborough; Archie Newton Bobbitt, of Indianapolis, Ind., on motion of Mr. William G. Bray; John Everett Houser, of Long Beach, Calif., on motion of Mr. James B. Utt; Pete M. Rubi, of Tucson, Ariz., on motion of Mr. Morris King Udall; Eligio de la Garza II, of Mission, Tex., and Robert H. Kern, Jr., of McAllen, Tex., on motion of Mr. Arthur C. Perry; Jules E. Delwiche, of Santa Barbara, Calif., on motion of Miss Alice L. O'Donnell; James B. Gambrell, of Washington, D.C., Thomas J. Macpeak, of Washington, D.C., John H. Mion, of Bethesda, Md., Richard Charles Sughrue, of Bethesda, Md., and Clarence R. Patty, Jr., of Corning, N.Y., on motion of Mr. Gideon Franklin Rothwell IV; Thomas Allen Briody, of Decatur, Ill., on motion of Mr. Oscar B. Waddell; Paul A. Skjervold, of Minneapolis, Minn., on motion of Mr. Lorne Dale MacIver; Manley Everet Davis, Jr., of Braintree, Mass., on motion of Mr. William S. Fulton, Jr.; Nathan Markowitz, of New York, N.Y., on motion of Mr. Aaron Levy; Gaston Hemphill Gage, of Charlotte, N.C., on motion of Mr. Joseph W. Grier, Jr.; William G. Ewert, of Minneapolis, Minn., and Sherman Joseph Kemmer, of Minneapolis, Minn., on motion of Mr. Vincent P. Pirri; Stephen B. Grant, of Los Angeles, Calif., on motion of Mr. George Kaufmann; and Charles Austin Marlow, Jr., of Arlington, Va., on motion of Mr. John Russell Whitney, were admitted to practice.

ORAL ARGUMENT

No. 18. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (Local 283), petitioner, *v.* Russell Scofield et al.; and

No. 53. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 133, UAW, AFL-CIO, petitioner, *v.* The Fafnir Bearing Company et al. Argued

by Mr. Joseph L. Rauh, Jr., for the petitioners and by Mr. Solicitor General Marshall for the respondents.

No. 17. United States, petitioner, *v.* Ray F. Speers, Trustee in Bankruptcy of the Kurtz Roofing Company, etc. Argued by Mr. Richard M. Roberts for the petitioner and by Mr. Robert B. Gosline for the respondent.

No. 38. Alfred D. Rosenblatt, petitioner, *v.* Frank P. Baer. Argued by Mr. Arthur H. Nighswander for the petitioner and by Mr. Stanley M. Brown for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 21, 1965, will be as follows:
Nos. 51, 15, 19, and 23.

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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 Fortas.

ADMISSIONS TO THE BAR

Billy Gene Mills, of Los Angeles, Calif., on motion of Mr. Solicitor General Thurgood Marshall; Robert Yutaka Kimura, of Honolulu, Hawaii, and Yukio Naito, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Hugh Hess Drake, of Elmhurst, Ill., and James E. Tracy, of Chicago, Ill., on motion of Mr. John N. Erlenborn; Perry G. Gathright, of Houston, Tex., and John F. Goldsum, Jr., of Austin, Tex., on motion of Mr. Graham Purcell; Thornton Hardie, Jr., of Midland, Tex., on motion of Mr. Richard C. White; Carroll Brewster Jones, of Marcellus, Mich., on motion of Judge Arthur M. Smith; Sidney P. Nadel, of New York, N.Y., on motion of Mr. Brice Wilson Rhyne; Earl Floyd Hedlund, of Red Bluff, Calif., on motion of Mr. Lawrence Speizer; Edgar Alan Zingman, of Louisville, Ky., on motion of Mr. Wilson W. Wyatt; John H. Bowers, of Madison, Wis., on motion of Mr. Robert C. Lester; Nathan G. Gray, of Berkeley, Calif., and John F. Wells, of Oakland, Calif., on motion of Mr. Ralph J. Moore, Jr.; Michael Jay Nassau, of New York, N.Y., on motion of Mr. James B. Lewis; Robert L. Levin, of St. Louis, Mo., on motion of Mr. Irvin H. Rimel; John R. Quarles, of Boston, Mass., on motion of Mr. David Ferber; John W. McFadden, Jr., of Chicago, Ill., on motion of Mr. Homer S. Carpenter; Clyde Edward Miller, of San Francisco, Calif., and Sidney A. Romer, of San Francisco, Calif., on motion of Mr. Louis D. Brown; Charles R. Oldham, of St. Louis, Mo., Theodore T. Robinson, of Chicago, Ill., and John C. Zinos, of Milwaukee, Wis., on motion of Mr. Robert Hathaway Hastings; E. Roger Frisch, of New York, N.Y., on motion of Mr. David W. Peck; Gerald Brunsell Parent, of Santa Barbara, Calif., on motion of Mr. Ronald J. Foulis; William Harvey King, of Kaysville, on motion of Mr. Keith L. Seegmiller; and Lillian Katherine Kubicek, of Chicago, Ill., on motion of Mr. Roderick Russell Eagan, were admitted to practice.

ORAL ARGUMENT

No. 51. Eddie J. Hicks, petitioner, *v.* District of Columbia. Leave granted Charles Wolfram to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Lawrence Speiser.

Argued by Mr. Charles Wolfram for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Hubert B. Pair for the respondent. Memorandum for petitioner to come.

No. 15. Federal Trade Commission, petitioner, *v.* Mary Carter Paint Co. et al. Argued by Mr. Nathan Lewin for the petitioner and by Mr. David W. Peck for the respondents.

No. 19. United Steelworkers of America, AFL-CIO, petitioner, *v.* R. H. Bouligny, Inc. Argued by Mr. Michael H. Gottesman for the petitioner and by Mr. Joseph W. Grier, Jr., for the respondent.

Adjourned until Monday, October 25, 1965, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

James Thomas Kelly, Jr., of Santa Clara, Calif., on motion of Mr. Ralph Simon Spritzer; John Lewis Fox, of Indianapolis, Ind., on motion of Mr. Birch E. Bayh, Jr.; John Lawson Cloninger, of Fort Smith, Ark., on motion of Mr. James W. Trimble; Thomas Francis Monaghan, of Portland, Maine, on motion of Mr. William D. Hathaway; John Howard Mansfield, of Cambridge, Mass., on motion of Mr. Archibald Cox; Andrew G. Pattillo, Jr., of Ocala, Fla., Raymond H. Hodges, of Zephyrhills, Fla., and Joseph Teck, of Norfolk, Va., on motion of Mr. J. William Norman; Paul L. Davies, Jr., of San Francisco, Calif., on motion of Mr. Noble McCartney; Edward N. Engolio, of Plaquemine, La., on motion of Mr. Julian P. Freret; Donald R. Bradshaw, of Houston, Tex., on motion of Mr. Gardiner Haight; Harry P. Dees, of Evansville, Ind., on motion of Mr. Richard L. Hirshberg; Craig Shelby Rice, of Silver Spring, Md., on motion of Mr. Robert C. Heeney; James W. Chamberlain, of Lafayette, Tenn., on motion of Mr. Richard Laken Mitchell II; Douglas Keen, of Scottsville, Ky., and James Seaton Secrest, of Scottsville, Ky., on motion of Mr. Fred W. Morrison; Paul Anthony Tenney, of Wakefield, Mass., on motion of Mr. William H. Horkan; Herbert E. Ellingwood, of Oakland, Calif., on motion of Mr. Duard R. Barnes; David Shipley Antrobius, of Richmond, Va., on motion of Mr. Wilkes Coleman Robinson; Charles Carroll Maccubbin Woodward, on motion of Mr. Gilbert Cuneo; Richard M. Millman, of Washington, D.C., on motion of Mr. Joseph A. Fanelli; Joseph H. Einhorn, of Albany, N.Y., on motion of Mr. Milton E. Canter; Joseph Micajah Boyd, Jr., of Dyersburg, Tenn., on motion of Mr. John R. Schmertz, Jr.; Samuel B. Herbst, of New York, N.Y., on motion of Mr. Noel Hemmindinger; Robert B. Watts, Jr., of Los Angeles, Calif., on motion of Mr. John H. Heck; Delmar W. Brobst, of Piedmont, Calif., on motion of Mr. Cecil A. Beasley, Jr.; William Friedman, of Pittsburgh, Pa., on motion of Mr. William H. Clarke; Joseph D. Krol, of Daytona Beach, Fla., and Stanley W. Rosenkranz, of Tampa, Fla., on motion of Mr. Louis Ossinsky, Sr.; Sanford Arthur Berliner, of San Jose, Calif., on motion of Mr. William Arthur Jennings; Neil E. Falconer, of San Francisco, Calif., on

motion of Mr. J. Roger Wallenberg; Robert J. Schaap, of St. Louis, Mo., on motion of Mr. John Howard Lewis; Henry Abromson, of Mount Pleasant, Pa., William F. Caruthers, of Irwin, Pa., Wayne R. Donahue, of New Kensington, Pa., Irving M. Green, of New Kensington, Pa., Louis J. Kober, of Irwin, Pa., Albert A. Kovach, of Latrobe, Pa., B. Earnest Long, of Export, Pa., James J. Manderino, of Monessen, Pa., Gilfert M. Mihalich, of Monessen, Pa., Lawrence E. Moore, Jr., of Latrobe, Pa., Daniel Myshin, of Monessen, Pa., Ned J. Nakles, of Latrobe, Pa., James L. Nardelli, of New Kensington, Pa., Albert Michael Nichols, of Irwin, Pa., Orlando N. Prospero, of Export, Pa., Henry E. Shaw, of Derry, Pa., Bernard S. Shire, of Monessen, Pa., Ralph W. Spencer, of New Kensington, Pa., S. Wayne Whitehead, of Irwin, Pa., Robert M. Carson, of Greensburg, Pa., Robert Y. Cassol, of Greensburg, Pa., Dominic Ciarimboli, of Greensburg, Pa., William T. Dom III, of Greensburg, Pa., Edward B. Doran, of Greensburg, Pa., Daniel R. Edwards, of Greensburg, Pa., Carl E. Fisher, of Greensburg, Pa., Robert Wm. Garland, of Greensburg, Pa., Blair A. Griffith, of Greensburg, Pa., Edgar T. Hammer, Jr., of Greensburg, Pa., Theodore Levin, of Greensburg, Pa., Charles H. Loughran, of Greensburg, Pa., John D. Lyons, Jr., of Greensburg, Pa., Robert John Milie, of Greensburg, Pa., John M. Noel, of Greensburg, Pa., A. C. Scales, of Greensburg, Pa., John Neil Scales, of Greensburg, Pa., Louis E. Sensenich, of Greensburg, Pa., Edward S. Stiteler, of Greensburg, Pa., Christ. C. Walthour, Jr., of Greensburg, Pa., Henry B. Waltz, Jr., of Greensburg, Pa., Paul Welty, of Greensburg, Pa., and H. Nevin Wollam, of Greensburg, Pa., on motion of Mr. William Ramsey Clark; and Hillard Crost, of Evanston, Ill., Paul Bernstein, of Deerfield, Ill., M. Robert Bogart, of Glencoe, Ill., Leonard H. Davidson, of Skokie, Ill., Israel Dordek, of Evanston, Ill., Hugh J. McCarthy, of Winnetka, Ill., Bernard S. Schragar, of South Bend, Ind., Martin S. Abrams, of Chicago, Ill., Sidney William Ballis, of Chicago, Ill., Michael G. Berkman, of Chicago, Ill., Milroy R. Blowitz, of Chicago, Ill., Frances Brown Corwin, of Chicago, Ill., Irwin Cohen, of Chicago, Ill., Marshall J. Cooper, of Chicago, Ill., Harold R. Corwin, of Chicago, Ill., Stuart Thomas Edelstein, of Chicago, Ill., Alan Jerome Feder, of Chicago, Ill., Samuel D. Freifeld, of Chicago, Ill., David Thomas Fried, of Chicago, Ill., Joseph J. Goldberg, of Chicago, Ill., Jack Gomberg, of Chicago, Ill., Harry H. Henry, of Chicago, Ill., Friedrich Fred Herzog, of Chicago, Ill., Charles Matthew Holleb, Jr., of Chicago, Ill., Leonard Karlin, of Chicago, Ill., William A. Kessler, of Chicago, Ill., Samuel W. Kipnis, of Chicago, Ill., Arnold I. Kramer, of Chicago, Ill., Luis Kutner, of Chicago, Ill., Sheldon L. Lebold, of Chicago, Ill., Louis W. Levit, of Chicago, Ill., Sidney Morton Libit, of Chicago, Ill., Henry D. Lindauer, of Chicago, Ill., Albert S. Lipman,

of Chicago, Ill., Charles Stuart Lippa, of Chicago, Ill., Herbert G. Lowinger, of Chicago, Ill., Fred Mandell, of Chicago, Ill., Joseph Mendelsohn, of Chicago, Ill., Samuel I. Neiberg, of Chicago, Ill., Louis J. Nurenberg, of Chicago, Ill., Maurice Perlin, of Chicago, Ill., Seymour H. Persky, of Chicago, Ill., Daniel M. Pierce, of Chicago, Ill., Louis A. Rosenthal, of Chicago, Ill., Charles J. Rothbart, of Chicago, Ill., Joseph S. Rubenstein, of Chicago, Ill., Marshall J. Ruttenberg, of Chicago, Ill., Allan G. Sherman, of Chicago, Ill., Howard A. Shlay, of Chicago, Ill., Maurice H. Spira, of Chicago, Ill., Michael G. Stein, of Chicago, Ill., Paul S. Stern, of Chicago, Ill., Sherwin J. Stone, of Chicago, Ill., Morris Topol, of Chicago, Ill., John R. Wall, of Chicago, Ill., Leon Charles Wexler, of Chicago, Ill., Harold H. Winer, of Chicago, Ill., Jerome J. Zelden, of Chicago, Ill., and Charlotte Weinberg Ziporyn, of Chicago, Ill., on motion of Mr. Ralph Simon Spritzer, 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. 241. Simeon A. Burnette et al., appellants, *v.* Levin Nock Davis et al.; and

No. 424. William S. Thornton et al., appellants, *v.* Levin Nock Davis et al. Appeals from the United States District Court for the Eastern District of Virginia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 275. Morton Salt Company, appellant, *v.* United States; and

No. 276. Diamond Crystal Salt Company, appellant, *v.* United States. Appeals from the United States District Court for the District of Minnesota. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

No. 422. Service Trucking Company, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Maryland. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 428. R. C. Wetherall, Jr., et al., appellants, *v.* The State Road Commission of West Virginia et al. Appeal from the Circuit Court of West Virginia, Kanawha County. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 522, Misc. Ross Kent Keller, appellant, *v.* California. Appeal from the District Court of Appeal of California, First Appellate District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.

No. 551, Misc. Roy Ratley, appellant, *v.* Sherman H. Crouse, Warden. Appeal from the Supreme Court of Kansas. 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, Original. United States, plaintiff, *v.* State of Alabama;

No. 24, Original. United States, plaintiff, *v.* State of Mississippi; and

No. 25, Original. United States, plaintiff, *v.* State of Louisiana. The motions to expedite consideration are granted and the defendants are directed to file responses to the motions for leave to file bills of complaint on or before November 10, 1965.

CERTIORARI GRANTED

No. 382. Frank J. Pate, Warden, petitioner, *v.* Theodore Robinson. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. The parties are requested to brief and argue, in addition to the questions presented, the question whether any of the further proceedings contemplated in the opinion of the Court of Appeals should be conducted in the appropriate Illinois courts rather than in the District Court.

No. 120, Misc. Warren W. Perry, petitioner, *v.* Commerce Loan Company. The motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 331, Misc. Joe Robert Collier, petitioner, *v.* United States. Motion for leave to file petition for writ of mandamus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari to the United States Court of Appeals for the Sixth Circuit granted. Motion for leave to proceed *in forma pauperis* granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 414. Bernard Klebanow et al., petitioners, *v.* The Chase Manhattan Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 418. A. J. Bumb, as Trustee in Bankruptcy of United States Chemical Milling Corporation, petitioner, *v.* The Hartwell Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 419. Roland E. Barnes, petitioner, *v.* Abraham S. Sind et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 421. Local 1291, International Longshoremen's Association, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 426. Lillian Wall Bain, petitioner, *v.* Joan Bain Nicodemus et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 427. William F. Jesse, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 430. Chung Leung et al., petitioners, *v.* P. A. Esperdy, as District Director of the Immigration Service for the District of New York, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 431. Wallace Glick, etc., et al., petitioners, *v.* Ballentine Produce, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 432. John V. Holmes et al., petitioners, *v.* Jay Eddy et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 433. The Shamrock Oil and Gas Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 435. Herman Berman, Individually and Trading as Scott Construction Company, et al., petitioners, *v.* Seymour Herrick and Abraham Kamber, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 500. William S. Halpern and Louis N. Seltzer, d/b/as Burlington Broadcasting Company, petitioners, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 140. Isadore Blau, petitioner, *v.* Max Factor & Company et al. Motion of petitioner for leave to submit additional authority granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 204. Mid-Florida Television Corp., petitioner, *v.* Federal Communications Commission et al. Motion to use the record in No. 698, **October Term, 1963**, granted. Motion to direct the Federal Communications Commission and the Solicitor General to file a statement of their position denied. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 413. Sheldon L. Pollack et al., petitioner, *v.* Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 434. John Anderson, Jr., in his official capacity as Governor of Kansas, et al., petitioners, *v.* J. P. Harris et al. Petition for writ of certiorari to the Supreme Court of Kansas denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 590. Florida-Georgia Television Company, Inc., petitioner, *v.* Federal Communications Commission; and

No. 678. Jacksonville Broadcasting Corporation, petitioner, *v.* Florida-Georgia Television Company, Inc. Motion of Jacksonville Broadcasting Corporation to be added as a party respondent in No. 590 denied. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 114, **Misc.** Willie Fred Phillips, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 276, **Misc.** Candelario Gonzalez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 318, **Misc.** Robert Santos, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 375, **Misc.** Louis R. Hutcherson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 394, **Misc.** Barney Patrick Bennett, petitioner, *v.* Benjamin Adamowski et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 414, **Misc.** James Durwood Grisham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 423, **Misc.** John Prater, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 452, **Misc.** Achilles G. Cyronne-De Virgin, petitioner, *v.* Missouri et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 461, **Misc.** Thomas L. Cummings, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 477, **Misc.** Richard Morris Goldstein, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 487, **Misc.** David Michael Rising, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 508, **Misc.** Andrew Groza, petitioner *v.* John V. Lemmon et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 527, **Misc.** Earl Cantrell, petitioner, *v.* E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 530, **Misc.** Barney Patrick Bennett, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 531, **Misc.** Gardie L. Saylor, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 535, **Misc.** Logan Peter Rollins, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 545, **Misc.** Arnold S. Fernandez, petitioner, *v.* John H. Klinger. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 560, **Misc.** Ardis Oliver Smart, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 561, **Misc.** Howard C. Rather, petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 565, **Misc.** Emery L. Bales, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 578, Misc. William Foy Turpin, petitioner, *v. E. L. Maxwell, Warden*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 585, Misc. Samuel Haddad, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 588, Misc. Richard Edwards, petitioner, *v. Warden, Maryland Penitentiary*. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 2 Misc. Edward H. Milne, petitioner, *v. Elizabeth B. Milne*. Petition for writ of certiorari to the Court of Appeals of Maryland denied on the representation of the Attorney General that there may be an adequate state remedy available to petitioner.

No. 526, Misc. Benny Snell, petitioner, *v. Alabama*. Motion to strike brief of respondent denied. Petition for writ of certiorari to the Supreme Court of Alabama denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 554, Misc. Gene Elmer Johnson, petitioner, *v. E. L. Maxwell, Warden*. Motion for leave to file petition for writ of habeas corpus denied.

Mr. Solicitor General Marshall addressed the Court as follows:

“Mr. Chief Justice, may it please the Court:

“A meeting of the Bar of the Supreme Court was held at 11:00 this morning in honor of the memory of Mr. Justice Felix Frankfurter. Former Solicitor General Cox, who initiated and completed the plans for that meeting, was selected as chairman, and the Honorable John F. Davis was selected as secretary of that meeting. Resolutions were adopted and will be read by Honorable Dean Acheson, chairman of the Resolutions Committee.”

“The resolutions unanimously adopted are as follows:

“RESOLUTIONS

“Mr. Justice Frankfurter because of grave impairment of his health retired on August 28, 1962, from active service on the bench. For three years, he gallantly bore his afflictions and died on February 22, 1965, in his eighty-third year.

“Felix Frankfurter’s birth on November 15, 1882, to Jewish parents in Vienna, Austria, little betokened a career in America as legal

scholar, teacher, and jurist. The family, the Justice has said, was an intellectual one, though he admits to having been "more bookish" than the others, excepting his paternal uncle, an "oppressively learned man," the "librarian-in-chief of the great library of the University of Vienna." His Viennese origin was treasured by the Justice. Though time had dimmed memory of detail, he delighted in attributing to it his *joie de vivre*—what he called the Blue Danube side of his nature.

"When at the age of twelve Felix Frankfurter landed in New York, he had never heard a word of English spoken. Two years later, on graduation from Public School 25, he was reciting Chatham's speech on the conflict with America. At the school his beloved benefactress, Miss Hogan, had threatened with the rod any boy caught speaking German with him. He read omnivorously. At Cooper Union the periodical room brought on that addiction to newspapers from which he could never free himself. There, too, were lectures and, above all, debates—ecstatic fare. The reading rooms at the Ottendorfer, the Astor and the Lenox libraries all knew him.

"His vocabulary, over the years, became immense and exotic. Many of us have often turned from one of his pages to the dictionary to look up gallimaufry, for example, or hagiolater or palimpsests. He delighted in English words; but was not so happy with English style. His continued to be involved, often ornate, carrying a touch of the baroque. His best writing is his speech transcribed.

"Once he had firm grasp of the language, nothing could stop the flood of achievement. What enables one to be sympathetic with such continuous and unqualified success is an initial failure. He had set his heart on winning a Pulitzer scholarship to the Horace Mann School. But he failed. Looking back on this disappointment, he found a curious ground for comfort in accepting kismet. "But if I had gone to Horace Mann, I would doubtless have gone to Columbia, and beyond that I don't know—Columbia Law I suppose * * *. These people who plan their careers—I have so little respect for them * * *." His path was laid out for him. He followed it with submission and with joy. It led not to Columbia but to City College and to the Harvard Law School, the absorbing love of his life.

"At the turn of the century, student life at City College was more European than American collegiate. The students lived and studied in the midst of a great city, not segregated from it but a part of it. They learned the discipline of hard work in crowded and distracting conditions, completing half of high school and all of a college course in five years. They found relaxation in the East Side tea shops and coffee rooms, drinking tea and rum out of tall glasses and talking with all comers until dawn. The course was prescribed and rigid. Young

Frankfurter completed it with high honors, gathering on the way yet another joy from language. He found great interest in the delicacy and precision of Greek until, unhappily, poor teaching stifled it. For the most part he taught himself in his usual way. "I read a lot," he has reported, "a terrible lot."

"After City College there was no money for law school, so a year was set aside to earn some as a clerk in the Tenement House Department of the City of New York. Again he toyed with fate. One fine spring day in 1903, with ten dollars in his pocket, he set out on foot for Morningside Heights to matriculate at Columbia Law School. But kismet would no longer be denied and events moved quickly to settle the matter.

"The prospective matriculant had not gone far when he met a friend who persuaded him to spend so fine a day—and the matriculation fee—more fittingly at Coney Island. Soon afterwards the family doctor, examining his lungs, advised strongly against continuing in New York and in favor of country air. Finally, a brother of a friend in the Tenement House Department, a first-year man at Harvard Law School, home for the Easter holiday, persuaded him that Harvard was practicable financially, that Cambridge was about as far into the country as a New Yorker should venture, and that they should room together the next year. Thus was fate fulfilled and Frankfurter's distrust of those who plan their lives confirmed.

"Not only the Law School but Harvard University as a whole offered inexhaustible joys. A Lucullan banquet lay before him or, as he more earthily put it, "a free lunch counter." "I went to this and that, went to the library, read, roamed all around, and just satisfied a gluttonous appetite for lectures, exhibitions, concerts." His roommate protested; mid-year tests brought him up with a jerk. In all three years he led his class, still stubbornly, but more moderately, insisting that "I don't think law requires that I stifle all other interests." It never did.

"The addresses this morning recounted Felix Frankfurter's years before coming to the bench. One would not go wrong in thinking that these were his happiest, as they were his freest, years. He never thought of them as years of preparation. They were years of gloriously self-justifying life in action. Nonetheless, they gave him rare insights into the changing social and economic facts of life in this country, whether he represented the federal government on the legal and social frontier, or, at the Law School, inspired young men to adventure by the tales he brought back from his forays into the surrounding battle.

"Hardly had Frankfurter left the Law School in 1906 for the law offices of Hornblower, Byrne, Miller and Potter in Manhattan, when he was lured away by an offer of a 25% reduction in salary and unlim-

ited work. The offer came from Henry L. Stimson, President Theodore Roosevelt's newly appointed United States Attorney for the Southern District of New York. Frankfurter was inclined to worry about the ethics of this desertion until Professor Ames wrote him to "follow the dominant impulses of your nature," which, of course, he was about to do anyway.

"Rarely can a decision or event in a man's life be called crucial. This was one. Colonel Stimson was a noble man, of towering integrity, an old Roman of the days of the Republic. Frankfurter's standards of work, of fairness, of integrity—as he himself often said—were forged in his years with Stimson.

"The times, too, were moving: The Progressive Era was a gestation. The United States Attorney's office, a storm center in itself, brought actions against the railroads for rebates, against sugar companies for customs frauds, against Mr. Charles W. Morse for banking manipulations disclosed by the panic of 1907. Mr. E. H. Harriman was haled before a United States court to answer questions of the Interstate Commerce Commission about his acquisition of control of railroads. The federal government had moved against business. This was revolution. People spoke of it, said Frankfurter, as they might have of the attack on the Bastille. But not all the work involved great matters. The young assistant tried run-of-the-mill criminal cases on his own and was assigned responsibility for the troubles of the 100,000 immigrants a month who passed through Ellis Island, since Stimson thought he was "likely to have more understanding of these problems than some of the other lads in the office."

"Soon the scene shifted. Stimson left office with Roosevelt and ran for Governor of New York. Frankfurter was soon in the fight, too, traveling with both the candidate and his supporter, the former President, and finding politics as absorbing as the law courts. Stimson lost the election of 1910. Almost at once he went to Washington as Secretary of War, taking Frankfurter with him.

"Again a new life opened vistas onto a new world. In 1910 the War Department was not only the War Office but the Colonial Office and Office of Public Works as well. Its jurisdiction had followed the flag in its unplanned course from the Caribbean, across the Isthmus of Panama, to the Southwest Pacific. Manifest destiny brought in its train governmental, administrative, and constitutional problems beyond the farthest imagination of the framers at Philadelphia. In two administrations Felix Frankfurter was engaged in adapting eighteenth- and nineteenth-century constitutional conceptions to the world-encompassing needs of an imperial power.

"When this country entered the First World War, President Wilson called him back to Washington for a task as different as it was tough.

Industrial disorder in the West and Southwest was paralyzing war production. A syndicalist movement, the Industrial Workers of the World, had taken over labor at the copper mines, lumber camps, and some other vital industries. It was being met by organized vigilantes using arms and deportation. The President's Mediation Commission, a group of realists under the chairmanship of Secretary of Labor William B. Wilson and with Felix Frankfurter as Counsel, plunged into this cauldron of hatred. One situation after another yielded to calmness and persistence. Counsel's contribution, it is not surprising to learn, was his resourcefulness in diminishing "hated words" and "the irrationalities of strife." When Counsel for the Commission went back to the Law School to resume teaching, he had had rare schooling in the realities of American industrial life.

"It is accepted belief that the invitation which came in 1914 to join the faculty of the Harvard Law School posed a difficult decision for him between the active and the contemplative life. The Justice himself has given currency to the idea and, indeed, made public a long memorandum of his own to himself on the pros and cons. But the difficulty was largely theoretical, since, in fact, Frankfurter never chose; he embraced both alternatives; he lived two lives without skimping either one—the life of the teacher and scholar and life in the firing line of all the conflicts of his time. He rolled them into one. Scholarship for him was concerned not only with the history of the past but with the most current reports. Significantly one of his first efforts was with other lawyers to indict the witch-hunting excesses of Attorney General A. Mitchell Palmer.

"For twenty-five years Felix Frankfurter's prodigious energies were concentrated on the growing edge of the law. With Dean Roscoe Pound he directed the Cleveland Survey of the administration of criminal justice, a pioneering study. What brought home to Felix Frankfurter with searing intensity the responsibility of the state in criminal prosecution were the convictions of two peddlers, Sacco and Vanzetti, for murder. He believed that their trial had been unfair and their convictions due to their political and economic beliefs. He threw himself passionately into the attempt to set aside the convictions. The controversy rose to international proportions, but the men were executed.

"Gradually his interest centered on the law applicable to public agencies, resulting in a phenomenal outpouring of papers, some by his pupils, some in collaboration with several of them, and others his own work. These dealt with labor injunctions, judicial review of administrative decisions, evidence and procedure before administrative bodies, the history of diversity jurisdiction, and so on. His own work centered on the constitutional views of Justice Holmes and Brandeis

and Chief Justice Taney, and, in collaboration with James M. Landis, on a book and annual articles on *The Business of the Supreme Court*.

Professor Alexander Bickel has written:

‘There were great scholars of the Constitution before Mr. Frankfurter, but he was the first scholar of the Supreme Court. The study he pursued was not constitutional law, but institutional law. * * * He studied the sources, the volume, and the nature of the Court’s business, over time and contemporaneously, and perceived anew the Court’s role in American government. * * *’ Felix Frankfurter: A Tribute, p. 197 (Mendelson ed. 1964).

“The very nature of the Court’s position in the scheme of American government called upon it to be wisely selective in the choice and restrained in the number of cases it heard and decided. He had no patience with charges that in denying review the Court was, as the press put it, “ducking the issue.” The Court was not a knight-errant sworn to search out and right wrongs and slay dragons of precedent. It was far better to leave a decision unreviewed than for the Supreme Court to decide it wrongly or prematurely. He believed that the issues the Court chose to review should be ripe for decision and needed time for collective deliberation and decision, and for careful and persuasive exposition of the decision so necessary for its acceptance by the country. Congress had responded most generously to the Court’s request for power to control and limit its own docket; to use the power effectively required, so he thought, stern selectivity.

“In 1939 Felix Frankfurter’s life seemed firmly and happily settled in its course at Harvard. Without hesitation he had declined Governor Ely’s offer of an appointment to the Supreme Judicial Court of Massachusetts and without regret heard from President Roosevelt that he could not appoint him to the vacancy on the Supreme Court left by Justice Cardozo’s death. Then without warning or explanation Roosevelt reversed that decision and sent his nomination to the Senate. Curiously, for one so frequently in the storm center of controversy, only a few cranks opposed the nomination. The Senate unanimously confirmed it. The new Justice took his seat on January 30, 1939.

“The year was a turning point in history as well as in the history of the Supreme Court. Time had just ended the thirty-year war between judicial conceptions of the nineteenth century and social and economic conditions of the twentieth, a war into which Professor Frankfurter had thrown on the side of a modernity his professorial and polemical powers. When Justice Roberts freed himself from the bonds of *stare decisis* in *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937), the last of the minimum wage cases, “freedom of contract” became an obsolete phrase and social legislation in the United States could move forward again. Another powerful obstacle, the Commerce Clause,

was outflanked by doctrines, not new but long neglected, which Professor Frankfurter had advocated. See the chapter on Taney in *The Commerce Clause Under Marshall, Taney and Waite*.

“Just as an epoch had ended in the history of the Court, one was ending in the history of the world. The epoch of the nineteenth century, long undermined and tottering, the epoch of One World, of *Pax Europa*, which was about to come crashing down about our ears. Whatever, the new issues of the post-war world and the post-war Court would be, they would not be those in which the new Justice had served with such zest under his great heroes and captains, Stimson, Holmes, and Brandeis.

“The issues changed, but not the nature of the Court or the imperatives of its function and of its position in the American government, and not the ultimates of the democratic faith. More specifically, the separation of powers, federalism, the First Amendment, procedural due process, and the integrity and independence of the act of judging, and even a measure of substantive due process and equal protection—for Justice Frankfurter as for Professor Frankfurter, these were constants.

“There is a remarkable coherence and consistency in his outlook before and after his change of title—most remarkable for one who, before his accession, was so ardently engaged in the pursuit of immediate practical ends, who before and after spoke so often on almost all important aspects of the Court’s work, and whose professional lifetime spanned two sharply divided periods in the Court’s history. No doubt, in his journalism especially, sparks were sometimes struck off which were extinguished and vanished as they rose. But his basic convictions, and of course his temperamental inclinations, endured and had decisive effect on issues old and new, because they were not drawn from the issues of the day.

“By nature an impatient man, and equally naturally a reformer, he managed somehow not to be both together. The struggle to change social, economic, and political conditions was for him the struggle to conserve the institutions and the values of the society in changed conditions. What is to be conserved must first be understood, and understood afresh, time and again, for its essence and its necessities are not conveyed by verbal formulas; they reveal themselves only in the full factual context of the past and present. History and a willingness to know that the conditions of life change in response to forces that the law does not create but must recognize—these are the tools of the true conservative. They were Justice Frankfurter’s, as they had been Justice Brandeis’s. In using them, the conservative is a creative reformer.

“During the twenty-three years of Justice Frankfurter’s tenure, the Court not only abandoned old constitutional restraints on social and economic reform, but adopted fresh and hospitable habits of statutory construction. And it opened for itself new and important lines of influence under the First Amendment, in the administration of criminal justice, and in effectuating equal treatment of the races. In these enterprises Justice Frankfurter participated and often led. The reapportionment case of 1962, *Baker v. Carr*, 369 U.S. 186, was the only major new departure against which the Justice wholly and firmly set his face, and perhaps the final word has not yet been said.

“Justice Frankfurter participated and led, but after his fashion, subject to the cautions and restraints that were deeply imbedded in his view of the judicial function and in his philosophy of history and of government. Whether he led or participated or dissented, he left his mark on the evolution of the principles announced by the Court, and, therefore, on their content, on the timing and manner of their announcement, and on the methods chosen to enforce them.

“From the beginning to the end of his service, in an unrelenting line of decisions, he faithfully realized the promise of the Fifteenth Amendment. *Lane v. Wilson*, 307 U.S. 268 (1939); *Terry v. Adams*, 345 U.S. 461 (1953); *Gomillion v. Lightfoot*, 364 U.S. 339 (1960). His apt sentence, in the first of these cases, “The Amendment nullifies sophisticated as well as simple-minded modes of discrimination,” (307 U.S., at 275) can serve as a chapter heading for the Court’s achievements under both the Fourteenth and Fifteenth Amendments.

“In the field of criminal law, Justice Frankfurter insisted upon civilized standards of justice in the federal courts, objecting to procedures which he believed impaired basic liberties. See *Harris v. United States*, 331 U.S. 145, 155 (1947). He was not troubled that constitutional safeguards were so often invoked by dubious characters (*id.*, at 156), insisting upon “conviction of the guilty by methods that commend themselves to a progressive and self-confident society,” *McNabb v. United States*, 318 U.S. 332, 344 (1943). In the *McNabb* case and in *Mallory v. United States*, 354 U.S. 449 (1957), Justice Frankfurter, speaking for the Court, held inadmissible confessions obtained in protracted post-arrest interrogation before arraignment and without counsel for the defense.

“The role of the Supreme Court in reviewing state-court criminal proceedings he saw as limited to guaranteeing that “fundamental principles of liberty and justice” are upheld. *McNabb v. United States*, *supra*, p. 340. He acknowledged that there were many issues on which sincere exponents of constitutional rights could differ; resolution of these issues he believed to be the province of the state courts in the exercise of their judgment. See *id.*, at 340; *Wolf v. Colorado*, 338 U.S. 25 (1949). Where, however, state courts refused to protect

individuals from conduct offending the basic canons of decency and fairness, Justice Frankfurter did not hesitate to act. *Rochin v. California*, 342 U.S. 165 (1952).

“Courts in a democratic society, he thought, should defer to elected officials who had resolved conflicting legislative policies, retaining only the determination whether legislation is so unrelated to the experience and feelings of the community as to be destructive of popular rights. *American Federation of Labor v. American Sash & Door Co.*, 335 U.S. 538, 542 (1949) (concurring opinion). Popular rule he saw as a moral and practical imperative, a view which led him to support the constitutionality of the Smith Act, *Dennis v. United States*, 341 U.S. 494, 517 (1951) (concurring in affirmance), and of the compulsory flag salute in West Virginia’s public schools, required without regard to religious scruples, *Flag Salute Cases*, 310 U.S. 586 (1940), 319 U.S. 624, 646 (1943) (dissenting opinion).

“He often said that “the most fundamental principle of constitutional adjudication is not to face constitutional questions but to avoid them, if at all possible.” *United States v. Lovett*, 328 U.S. 303, 320 (1946) (concurring opinion). That this is not a negative principle in the hands of a resourceful judge, the Justice showed when he found a way to depart for the first time in over half a century from the judicial practice of “hands off” congressional investigations. *United States v. Rumely*, 345 U.S. 41 (1953).

“Yet when time and occasion were ripe, he did not shrink from the duty of judicial review. The historian of the Court will find Justice Frankfurter solidly aligned in the great collegial effort of school desegregation cases, *Brown v. Board of Education*, 347 U.S. 483 (1954), 349 U.S. 294 (1955); *Cooper v. Aaron*, 358 U.S. 1, 20 (1958) (concurring opinion). He insisted that a mature and self-reliant people were not meant to be insulated from the printed word as if they were children, *Butler v. Michigan*, 352 U.S. 380 (1957); and in the same spirit that the college classroom may not be the object of official intrusion, *Sweezy v. New Hampshire*, 354 U.S. 234, 255 (1957).

“Idealist, optimist, and teacher, he found in Justice Holmes, his hero, his inspiration, a joy and spur to his spirit. Justice Brandeis was his mentor and guide. Like the latter he saw himself performing an educational role. He was a teacher because of his faith in democracy. With rare exceptions, he accepted the consequences of popular rule, and did not lightly brandish the Constitution to ward them off. If the people erred, the remedy for the most part was education.

“But he was a professor as well as a teacher, and could not shed the habits of the classroom, which are not perhaps the most useful or becoming for the teacher-at-large. He delighted in recounting how more than once Chief Justice Hughes at Conference would begin to

address him as "Professor Frankfurter" before quickly correcting himself to "Justice Frankfurter." Characteristically this ended on one occasion with the Justice telling the Chief Justice that he need not apologize in correcting himself. "I know of no title that I deem more honorable than that of Professor of the Harvard Law School." (Of Law and Life and Other Things That Matter, p. 28.) It is a safe surmise that the teacher and practitioner of communicable reason, and the professor, manifested themselves not only in published opinions but in Conference and in the other intimate relations of the Justices. An independent and even a surprisingly private person, he had a religious respect for the independence of others. But the Court is in its way a continuous seminar, in and out of session, and we may be sure that Justice Frankfurter was a vigorous and continuous participant.

"As much as any of the men who have sat here, no less than Justices Brandeis or Van Devanter or Chief Justice Taft, he was painstakingly interested in the Court's methods and routines of conducting its business. In a small group of self-reliant men working with very little staff, he thought nothing too trivial for improvement, nor any effort too great to foster the most favorable atmosphere for maturing the Court's deliberative process. Only those who served with him can yet know the full value of his contribution to the inner organization and procedure of the Court. Outsiders may speak however of Justice Frankfurter's deep attachment to an institution, which was the focus of his professional life for over half a century.

"The attachment was passionate and idealistic. He loved the Court not so much for what it was as for what it could be. If he felt on occasion that it fell short of his ideal, he scolded, pointing to what he believed to be faults and defects. For in the Court, the object of his passion, he could find no shortcomings tolerable. He had a vision, at once splendid and precise, restricted and magisterial, of the greatness of the Court's calling. Greatness for this Court, he held, was not a mere aspiration, but a duty and a necessity: Wherefore, it is

"*Resolved*, That we, the Bar of the Supreme Court of the United States, deeply saddened by the death of Mr. Justice Frankfurter, record our loss of the guidance and inspiration of a mentor who led some of us into the study of the law and whose influence from the Bench has brought out the professional best in all of us, both by his clear delight in it and by his impatience with less; of a judge who joined learning in the law and its history with love and respect for it, and added to his profound knowledge of this Court, its history and its business, veneration for its unique and powerful place in our government; of a fellow citizen whose intense love of our country compelled complete devotion to its precious and unique values and to

the preservation of the institutions designed to safeguard them: It is further

“*Resolved*, That the Chairman of our Committee on Resolutions be directed to present these Resolutions to the Court with the prayer that they be embodied in its permanent records.’”

Mr. Attorney General Katzenbach addressed the Court as follows:

“Mr. Chief Justice, May It Please the Court:

“The Bar of this Court met this morning in memory of Felix Frankfurter, who was an Associate Justice of the Court from January 30, 1939, until August 28, 1962, and who died on February 22, 1965. Few men have devoted as much of themselves to this Court—it was, as the Justice said in expressing to the President his reluctance at leaving the Court, ‘the institution whose concerns have been the abiding interest of any life’—and few men have had so much of themselves to give: His was a towering intellect; he had the keenest of minds and the most facile of pens; he brought to the Court his boundless love of life and his work; and his understanding of the Nation and respect for its institutions could not have been more profound. Unquestionably, his service here was the triumphant culmination of the life of one of the great public men of the Century, as well as one of the brightest chapters in this Court’s distinguished history.

“I need not remind those who are gathered here of the emptiness which his passing has left. In this room especially we recall the vivid and crackling excitement which was inevitably generated when he questioned counsel—challenged would perhaps be more appropriate—or delivered an opinion. Those marks of the Justice are lost to us except in memory. Nor shall I attempt to speak of his rich and varied life and accomplishments outside the Court. Let me speak rather of what I believe to be his principal legacy to this and later generations—his forcefully articulated conception of the role of courts, and in particular of this Court, in the American political system.

“We should first understand something of the background and experience of the man. As a poor immigrant boy who by sheer force of intellect and character achieved great eminence in the public life of his adopted country, he knew at first hand, and passionately believed in, the promise of American life. The years before he came to the Court, moreover, coincided with the great reform era of the first decades of this century—a period when Congress and the President, and even more, perhaps, State legislatures, were embarking upon programs of bold experimentation in social justice and reform. In that day, judicial decisions which took a restrictive view of the regulatory powers of the State and the Nation were a major stumbling block. Himself an impassioned reformer, Justice Frankfurter saw that the American experiment with democracy is a workable one—that government by the people through their elected representatives *can* be vital and

progressive; and he saw that the courts of that day, in contrast, were remote from popular currents, and consequently ill adapted to function as an independent organ of social policy.

"His career in government and as a professor of law at Harvard confirmed the lessons of his youth. He came into contact with Holmes, Brandeis and Learned Hand, whom he revered and whose fundamental views he shared, although he imbued those views both with his own passionate nature and with his own unique sense of the values of American institutions. His own researches added to his knowledge. His brilliant pioneering study of the labor injunction, for example, showed that there might be areas of social conflict to the resolution of which the processes of the courts were inherently ill suited. More important, at Harvard he became the first systematic student of the Supreme Court as an institution. He acquired a scholar's understanding of its strengths and limitations, and came to believe in the Court's indispensable historic role as the arbiter of fundamental conflicts of power within the American political system, concluding that its success in this role depended in very significant measure upon scrupulous adherence to the procedures and limitations of a court of law.

"Perhaps the most important result of his years as a law professor specializing in the study of this Court was that he became imbued with a tenacious faith in reason, and in this Court as its embodiment in the political structure. Almost a quarter century of brilliant and lively teaching, scholarship, and polemics did not fail to instill in him a profound belief in the efficacy of the rational processes of the law and a reverence for this Court as the institution of government pre-eminently fitted to bring these processes to bear upon the nation's fundamental problems—which, as de Tocqueville observed, are inevitably presented sooner or later in judicial questions.

"These themes—faith in the American democratic experiment and reverence for this Court as the embodiment of reason applied to the problems of government—explain, I think, much of Justice Frankfurter's matured conception of the Court's role. Congress and the State legislatures, the basic organs of representative government, were, in his view, designed to make social policy; the Court was not. The Court must, therefore, in Justice Frankfurter's view, be most cautious in the exercise of its power to invalidate legislation on constitutional grounds.

"The same result followed by a slightly different route. If the Court were truly to exemplify the application of reason to government, it would have to respect the competencies of the other organs of government—Congress and the President; State courts and legislatures, federal trial judges and the federal regulatory agencies. If it went too far afield, in the long run it would only weaken itself. To the same end of preserving the Court's prestige and effectiveness, he felt

that it should adhere scrupulously to the procedures and traditions of a court of law, declining to pass upon any but cases in which the issues were focused and the facts digested in accordance with the strict requirements of the adjudicative process, and discharging its duties at all times with meticulous craftsmanship and impartiality.

"It is popular today to speak of Justice Frankfurter's philosophy of the role of courts as one of 'judicial self restraint.' Thus phrased, the Justice's ideology becomes a negative conception and, indeed, a most implausible one in light of the man. For Felix Frankfurter was not a man who was either restrained or detached; he was, quite to the contrary, both deeply passionate and consumingly involved. 'He was,' as Professor Mansfield (a former law clerk) said on the occasion of his death, 'the most unreserved of men.' His view of his proper role as a judge did, it is true, require him more than once to sustain policies and results irreconcilably at war with his personal predilections, and in this particular sense he may be said to have been restrained. A sharp example of such a dilemma early in his judicial career occurred in the second flag salute case, where the Justice found himself in dissent from a decision holding that a member of Jehovah's witnesses could not constitutionally be compelled by a State legislature to participate in a patriotic ceremony contrary to his religious beliefs. Recognizing, with unusual candor and eloquence, the line between his personal views and those he believed to be imposed upon the State legislature by the Constitution, the Justice said:

"One who belongs to the most vilified and persecuted minority in history is not likely to be insensible to the freedom guaranteed by our Constitution. Were my purely personal attitude relevant I should wholeheartedly associate myself with the general libertarian views in the Court's opinion, representing as they do the thought and action of a lifetime. But as judges we are neither Jew nor Gentile, neither Catholic nor agnostic. We owe equal attachment to the Constitution and are equally bound by our judicial obligations whether we derive our citizenship from the earliest or the latest immigrants to these shores.'

"That he nevertheless did not veer from his conception of the proper limitations of the Court bespeaks his fidelity to principle and his strong intellectual self-discipline. But it reflects much more as well—and I come now to a second important aspect of his contribution to our political and judicial philosophy. It was his belief that the Court's circumscribed role was a necessary corollary to the vigorous and progressive exercise of the policy-making function by the political organs of government, to which that function has been primarily entrusted by the Constitution, as it must be in a free society. To be sure, he did not hesitate to invalidate laws fundamentally incompatible with democracy; his consistent position in the civil rights area bears witness to

that. He taught not a universal solvent for constitutional problems, but, rather, a fundamental attitude: To equate strong distaste for a statute with its unconstitutionality would unduly stifle, and might ultimately destroy, the creative forces of democracy—upon which, responsibly exercised, we ultimately depend for progress and for liberty. Courts cannot undertake comprehensively to exercise a policy-making role, and they must take care not to destroy the responsibility of those who do.

“These principles received a severe test near the close of Justice Frankfurter’s judicial career, in the reapportionment case (*Baker v. Carr*). The ill which the Court was asked to confront was a malady of representative government itself, a malady, moreover, of the utmost gravity and nationwide in scope. Since a malapportioned legislature could hardly be expected voluntarily to reapportion itself equitably, Justice Frankfurter was faced with the hardest of choices: between judicial action that in his view would only harm the Court without promising a satisfactory solution to the problem of unequal representation (a problem that he considered political rather than judicial in character); and judicial inaction which would leave the problem without foreseeable solution. He chose the first horn of this dilemma. He spoke in these words:

“* * * (T)here is not under our Constitution a judicial remedy for every political mischief, for every undesirable exercise of legislative power. The framers carefully and with deliberate forethought refused so to enthrone the judiciary. In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be to an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the conscience of the people’s representatives.”

“I shall not presume to appraise the choice made. My point is that for him this was no empty rhetoric; the principles of separation of power and federalism were living guidelines, not mere cliches.

“In short, Justice Frankfurter’s conception of judicial self-restraint was not solely, or even primarily, focused upon inhibiting judicial power as such. To be sure, he was concerned that expanding the Court’s role beyond what he conceived to be its proper limits would deflect the Court from more basic duties and impair its ability to discharge them adequately, and also that, outside the limited sphere of its competency, the Court would not be able to provide viable solutions to social and political problems. But he viewed the problem, at the same time, in the positive light of promoting a democratic and just society. The choice to abstain in many vital areas was for him a practical and acceptable, and, if painful, still not intolerable, choice, because he believed that in the final reckoning the representative organs of government must be relied upon to do, not shirk, their job. And

he was convinced that the Court, if it took upon itself the task of righting all of the nation's social wrongs, would find itself ill-equipped, while at the same time encouraging the political organs to shed their rightful burdens. They could be expected to act most responsibly only if accorded the full and awesome responsibility for making policy and political judgments; the best thing the Court could do, therefore, was to place the responsibility squarely where it belonged.

"I have tried to suggest that Justice Frankfurter's view of the Court as an institution constrained to act within rigorous limits rested not so much on a negative view of the Court's power and competence, but more on an affirmative faith in reason, democracy, and the genius and fortune of the American political system to secure just solutions for essentially social or political problems outside the judicial arena. This faith did not exclude an important role for the Court. On the contrary, it suggested several important creative functions. Let me mention, in the first place the Court's unique function as a teacher (as the Justice himself had been) and exemplar. We see this in the form and texture of his opinions. Written to instruct, explicit about their assumptions and implications, freighted with history and learning, they set a new style in judicial opinion-writing. We saw it too in his probing questions from the bench and his lively exchanges with counsel. The Court, he said, is 'a tribunal not designed as a dozing audience for the rendering of soliloquies' but 'a questioning body, utilizing oral arguments as a means for exposing the difficulties of a case with a view towards meeting them.'

"As another example of the Court's creative role, consider his consistent attitude toward the other organs of government whose actions or enactments he was called upon to enforce and review. While vigorously upholding their autonomy (as in his famous *Pottsville* opinion), and reluctant to second-guess their substantive determinations, he was aggressive in interpreting statutes so as to effectuate Congress' basic purpose (however imperfectly expressed in the statutory language), and in enforcing procedural regularity to compel the policy-making organs to act responsibly.

"As a reader of statutes—really the bulk of the Court's business—Justice Frankfurter drew upon his great understanding of the Nation and its processes. He was impatient with mechanical literalism divorced from the underlying purpose. In speaking of the Fourth Amendment, he once wrote: "These words are not just a literary composition. They are not to be read as they might be read by a man who knows English but has no knowledge of the history that gave rise to the words.' He was realistic in his assessment of the practical limitations of the legislative process—the inability to provide for every contingency of statutory application; the difficulty of verbal precision in instruments whose phrasing is inevitably a product of compromise.

He also refused to abandon hope of finding behind a statute a coherent legislative design that would give meaning and direction to the search for the 'intent' of Congress. This quest for purpose involved much more, of course, than resort to the committee reports and the record of debate. To him the legislative history of an Act comprised the history of prior enactments in the field, the mood and temper of the legislators, the events that gave rise to the legislative proposals, the changes the bill underwent before it assumed its final enacted form. Above all, he tried to understand the nature of the problem that had called forth the legislative response. If the Court could divine the legislators' problem and trace in the rough the indicated lines of their solution, it was obligated to give the statute a construction that would help to achieve their end.

"This creative and masterful sensitivity in the interpretation of statutes was surely one of the most fruitful products of his conception of the Court's role. I emphasize that it was, indeed, rooted in that conception. His faith in representative government implied to him a commitment to use the special resources of the judiciary—power and skill in analysis and clarification—to help make the legislative process viable and productive, and his faith in Reason committed him to bring to the task of meaningful statutory construction all the tools of cogent analysis; history and scholarship, imagination and understanding, practical experience and common sense. The bold results of his approach are particularly evident in his famous opinions in the labor field, from *Phelps Dodge* to the second *Garmon* case.

"Justice Frankfurter's view of the Court's role also underlay his pioneering approach to cases involving a challenge to the validity of official action. He showed that the Court had a salutary role to play in encouraging responsible action. We see this most clearly in his opinions reviewing administrative decisions. In the early years of his career on the Court, such review had already gone through two phases. In the first, agency action that seemed to exceed lawful bounds had been unhesitatingly struck down, without more. In the second phase—a reaction to the first—the tendency had been to uphold agency action almost as a matter of course, and to exercise little judicial control over the administrative process. Justice Frankfurter found a middle ground between the extremes of judicial supervision and abdication—requiring that the agencies conform to procedures calculated to maximize the prospects for wise and rational decisions, while refusing in general to review the substantive wisdom of a decision responsibly made.

"His view of the Court's function in such cases is exemplified by his landmark opinion in the first *Chenery* case. The agency, in its opinion, had placed decision on one ground; in defending the decision in the Supreme Court, the agency's appellate staff relied heavily on a differ-

ent ground. Speaking for the Court, Mr. Justice Frankfurter held such a procedure impermissible. Congress had lodged the responsibility for decision in the members of the agency, and not in their appellate lawyers. If agency action was to be upheld, it should be on a ground considered and adopted by the agency itself. Only then would there be assurance that agency policy was being formulated deliberately and that responsibility was being assumed, not evaded, by those whom Congress made responsible.

“This notion is epitomized in a memorable sentence from Justice Frankfurter’s *McNabb* opinion: ‘The history of liberty has largely been the history of observance of procedural safeguards.’ What he meant, I believe, was that if the courts did no more than compel officials to follow fair and proper procedures in enforcing the law—procedures that would require them to reason before deciding and to explain the basis of their actions—substantive rights would inevitably flourish.

“Consider also Justice Frankfurter’s devout insistence that the Court must never permit itself to become a party to injustice; never allow its image as an institution of reason and conscience to become tarnished. This lies at the root of the Justice’s steadfast stand against the admission of confessions obtained by the third degree or other illegal means. A conviction based on such methods could not be upheld without condoning wilful disregard of our society’s basic norms of fair procedure, and hence should not, he reasoned, be tolerated by the Court. The same idea explains his frank refusal to uphold convictions based on methods shocking to the conscience. His standard in the famous stomach-pump case (*Rochin v. California*) rested on a bold and forthright, not a negative or passive, view of the Court’s role in the American governmental system—as the keeper of the public conscience.

“His emphasis on procedure and on the Court’s duty to avoid injustice led him to play an active and forward role in the area of federal criminal justice. For example, it was Justice Frankfurter who, in the *McNabb* case, significantly advanced the fertile concept that this Court has a broad ‘supervisory authority’ over the procedures of the lower federal courts in criminal cases. And in other areas where the elaboration of policy was peculiarly appropriate for courts—such as the enforcement of the Fourth Amendment—he was also in the forefront.

“In these remarks, I have made no effort to encompass or evaluate all of Justice Frankfurter’s rich contributions to the law, this Court, and the Nation. I have concentrated on his view of the Court’s role in society because it seems to me that there may be a particular value in reminding ourselves of the fullness, the maturity, and the affirmativeness of his view. To be sure, his philosophy is open to challenge both generally and in its application to specific cases. Men of original-

ity and greatness are inevitably men of controversy, and the Justice relished such battles. The heart of the matter lies beyond agreement or disagreement. Justice Frankfurter contributed to the jurisprudence of this Court a coherent, articulate, and rounded conception of its place and function in the firmament of the American system. And to the law as a whole he brought a devotion to the process of achieving justice through reason. Few have left so rich a legacy.

"May it please this Honorable Court: In the name of the lawyers of this Nation, and particularly of the Bar of this Court, I respectfully request that the resolution presented to you in memory of the late Justice Felix Frankfurter be accepted by you, and that it, together with the chronicle of these proceedings, be ordered kept for all time in the records of this Court."

The Chief Justice said:

"MR. ATTORNEY GENERAL:

"You and Mr. Acheson honor the Court in presenting to us these Resolutions of the Bar concerning the life and passing of our late lamented Brother, Felix Frankfurter, and your felicitous words honor the profession of which we are all a part and in which he so greatly distinguished himself for more than a half century as scholar, teacher, advocate, administrator and jurist.

"Felix Frankfurter was the 78th Justice appointed to this Court. Only 18 Justices served longer than did he, and none with greater devotion or distinction. In the 23 years he graced this Bench, he wrote 263 opinions for the Court, 171 concurring opinions, and 291 dissenting opinions, making a total of 725, thus bringing into sharp focus, as he was admirably equipped to do, the argumentative issues in the problems which confront us. These opinions cover a myriad of facets of American jurisprudence and are to be found in Volumes 306 to 369 of the United States Reports. Some of these have already been noted in the Resolutions which you present and still others in your personal remarks. You have pointed up sharply both his legal philosophy and his application of it to the problems of his day.

"It would serve no good purpose to elaborate on them further at these proceedings because they are already recorded with us in a manner that will make them available to the Bench, the Bar, and legal scholars so long as constitutional principles are a matter of concern in this and other lands. And so long as they are scrutinized, they will command respect and strike sparks of interest that otherwise might be overlooked. It should, therefore, be sufficient to say that in composite they portray his profound belief in and knowledge of constitutional principles, his deep sense of patriotism, and his lifelong devotion to the Court as an institution.

"His patriotism was of a passionate kind. Like many others who have come here from other lands to live their lives in freedom, he

had the deep-seated and abiding appreciation of the institutions of his adopted country. While so many others who are born here accept freedom as their birthright and fail to appreciate the necessity of guarding it zealously, he acted always as a sentinel on watch. Felix Frankfurter was ever grateful for his citizenship.

"He was accustomed to telling young people that they, too, should be grateful for it and that, like the Romans, they should consider citizenship as an office. He always asserted that the basis of good citizenship is discipline—self-discipline—and that Government, like individuals, should be self-disciplined. He believed fervently in the separation of powers and in the division of powers, and that every Branch of the Government as well as every level of Government should respect the others, and that by self-discipline each should confine its own activities strictly to its assigned functions. He believed that troublesome as some of the problems inherent in it are, Federalism is the genius of our institutions, and that it must be preserved in pristine form.

"Justice Frankfurter started early in life to discipline himself for citizenship. Two years after his arrival in this country at the age of twelve, he mastered the English language, and in due time graduated from College and Harvard School of Law. He was an assiduous student and an indefatigable reader. In neither capacity did he confine himself to the law; in neither did he have any bounds for his research. The economic, social and political problems of the day, the history behind them, as well as the current news were of equal interest to him. All of this later was reflected in his work on the Court.

"He believed citizens should serve their Government, and he did so avidly whenever called upon to do so, either full time or part time, both before and during the quarter of a century he was a Professor at Harvard. His governmental assignments were many and varied. The subjects he taught at the Law School and his writings were equally varied, but he always focused on the Supreme Court, its jurisprudence, its procedures, and its place in our Government. It is doubtful if anyone who has sat on this Court came to it better prepared for his task. In his twenty-three years here, his interest in our problems and all of life never flagged.

"How he loved knotty problems! He liked to research them; he delighted in enlightening the Court with his memoranda on difficult questions; he reveled in discussing them at Conference. His last active hour on the Court was spent lecturing on the history of the Interstate Commerce Commission on the occasion of the 75th anniversary of that agency. He never ceased to be a teacher. He believed implicitly in Mr. Justice Holmes' statement that a page in history is worth a volume of logic.

"Yes, we miss him greatly. We miss his spontaneity; we miss his wit, his charm, and his fellowship. We also miss his occasional impatience when he thought the Court was departing from the standards he conceived for it. It was always therapeutic. He was a genial colleague as well as a great Justice.

"I believe Justice Frankfurter would have approved of this kind of Memorial Session of the Court where his friends are gathered in such numbers and where they not only deplore his loss to the Nation as one of its great public servants, but also where they give vent to their joy and satisfaction of having the privilege of knowing him and basking in the warm glow of his friendship.

"Mr. Attorney General; Mr. Acheson: On behalf of the Court, I thank you for your fine presentations today, and I ask you to convey, if you will, please, to all the friends of Mr. Justice Frankfurter and his family our concurrence with them in their devotion to his memory.

"Let the Resolutions be spread upon the Minutes of this Court."

Adjourned until Monday, November 8, 1965, at 10 o'clock.

The day call for Monday, November 8, 1965, will be as follows: Nos. 20, 59 (and 60), and 65.

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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 Fortas.

ORDERS IN PENDING CASES

No. 22, Original. State of South Carolina, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. The motion for leave to file a bill of complaint is granted. The defendant shall file his answer on or before November 20, 1965. The plaintiff shall file its brief on the merits on or before December 20, 1965. The defendant shall file his brief on the merits on or before January 5, 1966. The case is set for oral argument on Monday, January 17, 1966. Any State may submit a brief, *amicus curiae*, on or before December 20, 1965, and any such State desiring to participate in the oral argument, as *amicus curiae*, shall file with the Clerk of the Court a request for permission to do so on or before December 20, 1965. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice Stewart would deny the motion for leave to file the bill of complaint.

No. 23, Original. United States, plaintiff, *v.* State of Alabama. The motion for leave to file a bill of complaint is denied.

No. 24, Original. United States, plaintiff, *v.* State of Mississippi. The motion for leave to file a bill of complaint is denied.

No. 25, Original. United States, plaintiff, *v.* State of Louisiana. The motion for leave to file a bill of complaint is denied.

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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 Fortas.

The Chief Justice said:

“On behalf of the Court, I announce with deep regret the death of our Librarian, Miss Helen Catherine Newman, on July 21, 1965.

“Miss Newman, a native Washingtonian, received her bachelor of laws and master of laws degrees from George Washington University Law School. After her graduation, she served for 15 years as Law Librarian at her Alma Mater. In 1942, she came to the Court as an Assistant Librarian. Five years later, on March 31, 1947, she was appointed Librarian, and in 1948 became an officer of the Court by law.

“During her long service with the Court and prior thereto, Miss Newman was active in library, legal, and academic affairs, and particularly in matters concerning the American Association of Law Libraries. She was in every sense of the word a professional librarian, and in her quiet, dignified manner rendered loyal and efficient service to the Court. She was devoted to the Court, and brought to it many fine qualities which won for her the respect of the Justices under whom she served as well as the admiration and friendship of those with whom she came in contact in the course of her varied duties.

“The Court records its appreciation of Miss Newman’s able and conscientious service and extends to her surviving relatives its sincere sympathy.

“On a happier note, I am pleased to announce for the Court the appointment of Henry Charles Hallam, Jr., to be Librarian of the Court succeeding Miss Newman.

“Mr. Hallam has long been a trusted and faithful employee of the Court. He first came here as a Page in 1928, and began his service with our Library as a Junior Library Assistant in 1935. In 1947, he was appointed Associate Librarian and has served in that capacity to the present time. We are confident that Mr. Hallam will continue to serve efficiently and effectively and that he will be a worthy successor to the four other individuals who have preceded him in this very important position with the Court.”

ADMISSIONS TO THE BAR

Lawrence Branch Burrow, of Little Rock, Ark., Sheldon W. Andelson, of Beverly Hills, Calif., Rodney H. Hamblin, of San Francisco, Calif., Charles W. Tuckman, of San Francisco, Calif., Lenore G. Ehrig, of Washington, D.C., Walter W. Guenther, of Washington, D.C., John H. Conlin, of Washington, D.C., Orie Seltzer, of Washington, D.C., Louis M. Kauder, of Alexandria, Va., Frank E. Schwelb, of New York, N.Y., Harold W. Solomon, of Los Angeles, Calif., Ronald Gene Wohl, of New York, N.Y., and Marvin Stanley Nepom, of Portland, Oreg., on motion of Mr. Solicitor General Thurgood Marshall; Gaylord Nelson, of Madison, Wis., and Sherman E. Stock, of Milwaukee, Wis., on motion of Mr. Wayne Lyman Morse; Henry Gonzalez, of Tampa, Fla., on motion of Mr. Sam M. Gibbons; Arnold E. Kaufman, of New York, N.Y., on motion of Judge William M. Fay; William Denmead Williams, of Colonial Beach, Va., Joseph A. Billingsley, Jr., of King George, Va., and George Mason, Jr., of Colonial Beach, Va., on motion of Mr. John T. Casey; Vera Lustig Einstein, of National City, Calif., and Alfred M. Einstein, of National City, Calif., on motion of Mr. Brice Wilson Rhyne; Harry W. Rummel, of Oconomowoc, Wis., and Patrick L. Snyder, of Oconomowoc, Wis., on motion of Mr. Hubert H. Finzel; Frank Cater Jones, of Macon, Ga., Willis B. Sparks III, of Macon, Ga., and Robert George Haik, of New Orleans, La., on motion of Mr. C. Baxter Jones; Herman Woodrow Alford, of Philadelphia, Miss., Clyde Dennis Goldman, of Meridian, Miss., and Laurel G. Wier, of Philadelphia, Miss., on motion of Mr. H. C. Mike Watkins; Virgil L. Milbrath, of Ocala, Fla., and Wallace Edwin Sturgis, Jr., of Ocala, Fla., on motion of Mr. J. William Norman, Jr.; William H. Collins, Jr., of Washington, D.C., on motion of Mr. William H. Collins; Philip C. Pinsky, of Syracuse, N.Y., on motion of Mr. William Lippman; Edward Albert Trabin, of Los Angeles, Calif., on motion of Mr. David Jay Hyman; Grace L. Brodsky, of New York, N.Y., on motion of Mr. Nathan Siegel; Troy Douthitt, Jr., of Wichita Falls, Tex., on motion of Mr. John F. Goldsum, Jr.; Earl Mayberry Johnson, of Jacksonville, Fla., on motion of Mr. Arthur M. Reynolds; Marion Winston Garnett, of Chicago, Ill., and Kenneth E. Wilson, of Chicago, Ill., on motion of Mr. Barrington D. Parker; Richard Garrett Vail, of Annapolis, Md., on motion of Mr. Hugh J. Beins; John Morrow Kinnaird, of Alexandria, Va., on motion of Mr. George F. Galland; Charles W. Decker, of San Francisco, Calif., on motion of Mr. Bernard Roazen; Philip W. Strobe, of Great Falls, Mont., and William H. Clarke, of Helena, Mont., on motion of Mr. LeRoy C. Corcoran; Joe Whitney Darden, of Memphis, Tenn., on motion of Mr. William Garrison Allen; Jean L. Auxier, of Pikesville, Ky., on motion of Mr. Seymour Sheriff; L. Clifford Davis, of Fort

Worth, Tex., on motion of Mr. Dorsey E. Lane; Warren O. Martin, of Denver, Colo., on motion of Mr. Fred M. Winner; and John H. Ruffin, Jr., of Augusta, Ga., on motion of Mr. Leroy Nesbitt, were admitted to practice.

OPINIONS

No. 4. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States ~~District Court for the Southern District of California~~ *of Appeals* for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Mr. Justice Harlan and Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 15. Federal Trade Commission, petitioner, *v.* Mary Carter Paint Co. et al. 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 with directions to remand to the Federal Trade Commission for clarification of its order. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan. 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. 420. Richmond Television Corporation, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for reconsideration in conformity with the opinion of this Court. Opinion *per curiam*.

No. 438. Andrews Van Lines, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Nebraska. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted.

No. 369, Misc. Antonio Hector Millan-Garcia, petitioner, *v.* Immigration and Naturalization Service. 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 so that the petitioner will be afforded an opportunity to apply for citizenship. Opinion *per curiam*.

No. 550, Misc. Frank McGee, appellant, *v.* Sherman H. Crouse, Warden. Appeal from the Supreme Court of Kansas. 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. 27. F. J. Gunther, petitioner, *v.* San Diego & Arizona Eastern Railway Company. The motion of the Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, is granted.

No. 411. Frank O. Marsh, as Secretary of State of the State of Nebraska, etc., et al., appellants, *v.* James Dworak et al. The motion of appellants to defer consideration of the motion to dismiss and to defer filing a brief in opposition is granted. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 657. James Brookhart, petitioner, *v.* Ohio. The motion for the appointment of counsel is granted, and it is ordered that Lawrence Herman, Esquire, and Gerald A. Messerman, Esquire, both of Columbus, Ohio, be, and they are hereby, appointed to serve as counsel for the petitioner in this case.

APPEALS—JURISDICTION NOTED

No. 404. United States, appellant, *v.* Pabst Brewing Company et al. Appeal from the United States District Court for the Eastern District of Wisconsin. In this case probable jurisdiction is noted.

No. 368. A Book Named "John Cleland's Memoirs of a Woman of Pleasure," G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. Appeal from the Supreme Judicial Court of Massachusetts. In this case probable jurisdiction is noted and case placed on the summary calendar. The motion of the appellant to advance oral argument is granted and the case is set to follow No. 49.

CERTIORARI GRANTED

No. 439. United States, petitioner, *v.* Anthony Grace & Sons, Inc. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

No. 487. William Malat et ux., petitioners, *v.* Robert A. Riddell, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and case placed on the summary calendar.

No. 440. United States, petitioner, *v.* Utah Construction and Mining Co. Petition for writ of certiorari to the United States Court of

Claims granted. Case placed on the summary calendar and set for oral argument immediately following No. 439.

CERTIORARI DENIED

No. 372. John E. McCullough et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 437. Thomas Gottone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 441. Gene Downing, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 444. The Seven-Up Company, petitioner, *v.* The Get Up Corporation. Petition for writ of certiorari to the United States Court of Appeal for the Sixth Circuit denied.

No. 446. SNC 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.

No. 448. Mark Sternfels, petitioner, *v.* Board of Regents of the University of the State of New York et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 450. Violet Trapping Company, Inc., petitioner, *v.* Tennessee Gas Transmission Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 451. Eugene A. Bond, petitioner, *v.* The Twin Lakes Reservoir and Canal Company et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 452. Gene Ridgeway, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 454. Borough of Ford City, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 455. In the Matter of Anonymous, an Attorney, petitioner, *v.* Co-Ordinating Committee on Discipline. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 456. Vernon Murphy, petitioner, *v.* Leo A. Larkin, Corporation Counsel of the City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 457. James E. Ivey et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 458. Ben Polikoff, petitioner, *v.* Maurice S. Levy et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 459. Tilden W. Johnson, petitioner, *v.* Goodyear Tire & Rubber Co., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 460. William L. Palmer, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 462. Leo Zamaroni, petitioner, *v.* Jay G. Philpott, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 463. J. E. Schecter Corporation, petitioner, *v.* Carrier Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 464. Lloyd A. Fry Roofing Company, petitioner, *v.* Volasco Products Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 465. Tillamook County Creamery Association, petitioner, *v.* Tillamook Cheese & Dairy Association. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 466. August J. Lippi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 467. Charles E. Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 468. The Colson Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 469. Frank Largo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 470. Susie V. Watwood, petitioner, *v.* William W. Morrison et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 472. Remo J. Addabbo, Individually, etc., et al., petitioners, *v.* James B. Donovan et al., Constituting the Board of Education of the City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 473. Estwing Manufacturing Co., Inc., etc., petitioner, *v.* Frederick F. Singer, etc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 474. Naumkeag Theatres Co., Inc., petitioner, *v.* New England Theatres, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 475. Great Lakes Carbon Corporation, petitioner, *v.* Continental Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 476. United Brotherhood of Carpenters & Joiners of America, Local 1780, et al., petitioners, *v.* Reynolds Electrical & Engineering Co., Inc. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 478. Village of Alsip, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 479. Dillard Morrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 481. Babcock Boulevard Land Company, Inc., et al., petitioners, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 485. Stella C. Davis, petitioner, *v.* John Edgar Hoover et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 486. Roy E. Gusow et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 488. Adelle Hullum, Administratrix, petitioner, *v.* St. Louis Southwestern Railway Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Twelfth Supreme Judicial District, denied.

No. 406. A. L. Crouch, etc., petitioner, *v.* William E. Shields, Jr. Motion to strike portions of respondent's brief and motion to defer consideration of petition denied. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 461. Gabriel Arber et al., petitioners, *v.* American Airlines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 482. Vincent W. Eckel, petitioner, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 480. Denia M. Fawcett, Administratrix, etc., petitioner, *v.* Missouri Pacific Railroad 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. 55, **Misc.** Everett C. Richard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 213, **Misc.** Jay V. Ball, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 225, **Misc.** Oscar Hobbs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 317, **Misc.** John Robert Conner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 332, **Misc.** Chester W. Powers, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, City and County of San Francisco, denied.

No. 366, **Misc.** William Rodger Starnes, petitioner, *v.* T. Wade Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 386, **Misc.** Joseph C. Frady and Richard A. Gordon, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 392, **Misc.** Henry Oliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 411, **Misc.** Horace Edward Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 421, **Misc.** John Carl Summers, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 469, **Misc.** Nicholas Crowder, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 470, **Misc.** Betty Jane Chapman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 486, **Misc.** Cazada G. D. Saylor, petitioner, *v.* United States Board of Parole et al. Petition for writ or certiorari to the United State Court of Appeals for the District of Columbia Circuit denied.

No. 515, **Misc.** Walter Turner, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 523, **Misc.** Dennis Richard Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 524, **Misc.** Adrian H. Hernandez, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 533, **Misc.** James Clark, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 539, **Misc.** Gonzalo Ramirez-Villa, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 541, **Misc.** Johnnie Brown, petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 546, **Misc.** Gordon G. Golden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 549, **Misc.** Edward Everett Mitchell, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 558, **Misc.** James S. Goodman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 568, **Misc.** Jackie Lee Buffington, petitioner, *v.* Thomas Martin, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 570, **Misc.** Benjamin W. Corey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 572, **Misc.** Shirley M. Mountjoy, petitioner, *v.* Thomas Henry Mountjoy. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 574, **Misc.** Leon Lang, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 576, **Misc.** Earl A. Leyde, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 583, Misc. John Edward Reece, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court for Washington denied.

No. 604, Misc. Craig A. Capson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 623, Misc. Lawrence Milton Johnson, petitioner, *v.* The Evening Star Newspaper Company et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 629, Misc. John Privitera, petitioner, *v.* Anna M. Kross, as Commissioner of Department of Correction, etc. 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. 567, Misc. James Houston Smith, petitioner, *v.* John R. Gagnon, Jr., Warden;

No. 652, Misc. Delbert W. Wells, petitioner, *v.* United States;

No. 653, Misc. Charles Joseph Davis III, petitioner, *v.* Joseph O. Kearney, Warden, et al.; and

No. 677, Misc. William C. Trew, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 453, Misc. Henry Bowens, petitioner, *v.* Myral E. Alexander, Director, Bureau of Federal Prisons, et al.; and

No. 542, Misc. Freddie R. Moore, petitioner, *v.* Michael Rodak, Jr. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 642, Misc., October Term, 1964. Claudia Walker, petitioner, *v.* Internal Revenue Service et al. Motion for leave to file second petition for rehearing denied. The Chief Justice and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 36, Misc. James Wilson, petitioner, *v.* Richard A. McGee, Administrator, etc., et al.;

No. 220, Misc. Thomas W. Whalem, petitioner, *v.* United States;

No. 296, Misc. Ora E. Gaines, petitioner, *v.* United States; and

No. 393, Misc. Edward E. Mitchell, petitioner, *v.* Florida. Petitions for rehearing denied.

ORDER

IT IS ORDERED that Henry Charles Hallam, Jr., be, and he is hereby, appointed Librarian of this Court in the place of Miss Helen Newman, deceased.

ORAL ARGUMENT

No. 20. Carnation Company, petitioner, *v.* Pacific Westbound Conference et al. One and one-half hours allowed for oral argument. Argued by Mr. Arthur B. Dunne for the petitioner, by Mr. Daniel M. Friedman for the United States and the Federal Maritime Commission, and by Mr. Edward D. Ransom and Mr. Elkan Turk, Jr., for the respondents.

No. 27. F. J. Gunther, petitioner, *v.* San Diego & Arizona Eastern Railway Company. Argued by Mr. Charles W. Decker for the petitioner and by Mr. Waldron A. Gregory for the respondent.

No. 28. Louis Katchen, petitioner, *v.* Hyman D. Landy, Trustee in Bankruptcy, etc. Argued by Mr. Fred M. Winner for the petitioner and by Mr. George Louis Creamer for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 9, 1965, will be as follows: Nos. 59 (and 60), 65, 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 Fortas.

ADMISSIONS TO THE BAR

Alan N. Cohen, of New York, N.Y., and Adrian W. DeWind, of New York, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; Edward L. Caron, Sr., of Biddleford, Maine, on motion of Mr. William D. Hathaway; William R. Malone, of Terre Haute, Ind., and Matthew Joel Zinn, of Washington, D.C., on motion of Mr. John Lord O'Brian; L. David Ritter, Jr., of Upper Marlboro, Md., on motion of Miss Helen Rose Lally; Melvin Leslie Klafater, of Chicago, Ill., William A. Masterson, of Los Angeles, Calif., and Gordon Miller, of Pelham, N.Y., on motion of Mr. William S. Fulton, Jr.; Berwyn B. Braden, of Lake Geneva, Wis., on motion of Mr. Charles J. Zinn; Joseph Shepard Bryan, Jr., of Jacksonville, Fla., on motion of Mr. J. William Norman, Jr.; Lowell E. Rothschild, of Tucson, Ariz., on motion of Mr. Frank J. Barry, Jr.; James Odus Mahoy, of Mechanicsburg, Ohio, on motion of Mr. John A. McIntire; Buren Jackson Bradshaw, of Houston, Tex., on motion of Mr. John C. White; Peter James Ressler, of Harrisburg, Pa., on motion of Mr. Thomas D. Nabors, Jr.; Ellsworth Hall III, of Macon, Ga., on motion of Mr. Charles J. Bloch; Arthur E. March, Jr., of Fort Collins, Colo., on motion of Mr. Fred M. Winner; and Joseph A. Bonis, of Silver Spring, Md., and Daniel W. Gray, of Washington, D.C., on motion of Mr. James Kieran Foley, were admitted to practice.

ORAL ARGUMENT

No. 59. United States, appellant, *v.* Cecil Ray Price et al.; and

No. 60. United States, appellant, *v.* Cecil Ray Price et al. Argued by Mr. Solicitor General Marshall for the appellant and by Mr. H. C. Mike Watkins for the appellees.

No. 65. United States, appellant, *v.* Herbert Guest et al. Argued by Mr. Solicitor General Marshall for the appellant, by Mr. Charles J. Bloch for appellee, James Spurgeon Lackey, and by Mr. James E. Hudson for other appellees.

No. 61. E. S. Evans et al., petitioners, *v.* Charles E. Newton et al. Two and one-half hours allowed for oral argument. Argument commenced by Mr. Jack Greenberg for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 10, 1965, will be as follows:
Nos. 61, 23, and 25.

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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 Fortas.

ADMISSIONS TO THE BAR

Joseph B. Mendelson, of San Francisco, Calif., and Charles Frank Marino, of Chicago, Ill., on motion of Mr. Louis H. Claiborne; Isley Murchison Biggs, of Lumberton, N.C., on motion of Mr. Frederick Bernays Wiener; Francis Mintz, of Beverly Hills, Calif., on motion of Mr. Israel J. Mendelson; Riggs Taylor Stewart, of Plainfield, N.J., on motion of Mr. Morris Fidelman; Leon G. R. Spoliansky of New York, N.Y., on motion of Mr. Harvey M. Spear; Ben Marshal Stevenson, of Colorado Springs, Colo., on motion of Mr. William R. Duff; John Randolph Davis, of Washington, D.C., on motion of Mr. William Wood Watson; Charles Gardner Black, of Memphis, Tenn., James Leonard Garthright, Jr., of Memphis, Tenn., J. Martin Regan, of Memphis, Tenn., and James William Watson, of Memphis, Tenn., on motion of Mr. Henry James Karison; and Theodore M. Pease, Jr., of Anchorage, Alaska, on motion of Mr. Robert L. McCarty, were admitted to practice.

ORAL ARGUMENT

No. 61. E. S. Evans et al., petitioners, *v.* Charles E. Newton et al. Argument continued by Mr. Louis H. Claiborne for the United States, as *amicus curiae*, by special leave of Court, by Mr. C. Baxter Jones and Mr. Frank C. Jones for the respondents, and concluded by Mr. Jack Greenberg for the petitioners.

No. 23. Fribourg Navigation Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Argued by Mr. James B. Lewis for the petitioner and by Mr. Jack S. Levin for the respondent.

No. 25. United States, petitioner, *v.* Thomas F. Johnson. Argument commenced by Miss Beatrice Rosenberg for the petitioner.

Adjourned until Monday, November 15, 1965, at 10 o'clock.

The day call for Monday, November 15, 1965, will be as follows: Nos. 25, 8, 16, and 40.

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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 Fortas.

ADMISSIONS TO THE BAR

Martha Malone Louis, of Beverly Hills, Calif., Max Lee Gillam, of Los Angeles, Calif., Marvin Leon, of Beverly Hills, Calif., Peter R. Goldschmidt, of San Francisco, Calif., Peter Lionel Lacombe, of Palos Verdes Peninsula, Calif., John P. Quinlan, of Boston, Mass., Michael R. Arner, of Toledo, Ohio, Franklin Gary Davis, of Morgantown, W. Va., Carl Walter Schwarz, of Milwaukee, Wis., and Kyle Richard Weems, of Knoxville, Tenn., on motion of Mr. Solicitor General Thurgood Marshall; Donald F. Welday, Jr., of Southfield, Mich., on motion of Mr. Philip A. Hart; Milton H. Goldberger, of Newark, N.J., on motion of Mr. Daniel M. Friedman; Harvey L. McCormick, of Milwaukee, Wis., on motion of Mr. William S. Thompson; George W. Rogers, Jr., of Vicksburg, Miss., on motion of Mr. Landman Teller; Samuel C. Craven, of Charleston, S.C., on motion of Mr. Frank M. Slatinshek; David Edward Rapoport, of Milford, Conn., on motion of Mr. Francis E. Lucey; A. J. Steele, of Nashville, Tenn., on motion of Mr. Thurman L. Dodson; Peter J. Samuelson, of Santa Barbara, Calif., on motion of Mr. Benito Gaguine; William B. Hilgers, of Austin, Tex., on motion of Mr. John F. Goldsum, Jr.; Myron Albert Methvin, of Minter City, Miss., on motion of Mr. John Kenton Chapman; Warren Sullivan, of San Francisco, Calif., on motion of Mr. Murdaugh Stuart Madden; Robert Bernard Yegge, of Denver, Colo., on motion of Mr. Warren G. Elliott; Robert W. Kroening, of St. Louis, Mo., and Alfred P. Sheriff, III, of Cadiz, Ohio, on motion of Mr. DeWitt Williams; Robert B. Coleman, Jr., of Ponca City, Okla., on motion of Mr. Paul L. Gomory; Robert Paul Honsaker, of Silver Spring, Md., on motion of Mr. W. Byron Sorrell; Ezekiel Jefferson Summerour, of Atlanta, Ga., on motion of Mr. H. J. Morton; and W. Walter Braham, Jr., of Pittsburgh, Pa., and Samuel K. McCune, of Pittsburgh, Pa., on motion of Mr. Thomas W. Pomeroy, Jr.; Thomas S. Currier, of Charlottesville, Va., on motion of David Bradford Isbell, were admitted to practice.

OPINIONS

No. 5. 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 by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren joins.

No. 3. William Albertson et al., petitioners, *v.* Subversive Activities Control Board. 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 Brennan. Mr. Justice Black concurs in the reversal. Concurring opinion by Mr. Justice Clark. Mr. Justice White took no part in the consideration or decision of this case.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 415. Carolyn Bradley et al., petitioners, *v.* The School Board of the City of Richmond, Virginia, et al.; and

No. 416. Renee Patrice Gilliam et al., petitioners, *v.* School Board of the City of Hopewell, Virginia, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Judgments vacated and cases remanded to the United States District Court for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 447. Alabama Highway Express, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Alabama. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 477. Robert Hainsworth, appellant, *v.* Crawford Martin, Secretary of State of the State of Texas, et al. Appeal from the Supreme Court of Texas. Judgment of the Court of Civil Appeals of Texas, Third Supreme Judicial District, vacated and case remanded to the Court of Civil Appeals of Texas, Third Supreme Judicial District, for such proceedings as that court may be deemed appropriate. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart would dismiss the appeal for want of a substantial federal question. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 494. Burnham Van Service et al., appellants, *v.* Cayce R. Pentecost 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 a substantial federal question. Opinion *per curiam*.

No. 497. Michigan Bell Telephone Company, appellant, *v.* City of Detroit; and

No. 498. The Detroit Edison Company, appellant, *v.* City of Detroit. Appeals from the Supreme Court of Michigan. The motions to dismiss are 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. 501. Maurice Rosenblatt, appellant, *v.* American Cyanamid Company. Appeal from the Court of Appeals of New York. 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. 512. Joseph A. Adelman and Joseph W. Kennealy, etc., appellants, *v.* The Lower Minnesota River Watershed District. Appeal from the Supreme Court of Minnesota. 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. 520. Charlie L. Wilson, appellant, *v.* Commissioner of Internal Revenue. Appeal from the United States Court of Appeals for the Fifth 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. 610, Misc. Tony Fernandez, appellant, *v.* G. Martin Babare et ux. Appeal from the Supreme Court of Oregon. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 45. William C. Linn, petitioner, *v.* United Plant Guard Workers of America, Local 114, et al. The motion of Schnell Tool & Die Corporation, et al., is granted insofar as permission to file a brief, as *amici curiae*, is requested and is denied insofar as permission to participate in oral argument is requested.

No. 492. McFaddin Express, Incorporated, et al., petitioners, *v.* The Adley Corporation et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 281, Misc. John P. O'Connor, appellant, *v.* Ohio. The appellee is requested to file a response to the petition for rehearing within thirty days.

APPEALS—JURISDICTION NOTED

No. 445. Illinois Central Railroad Company et al., appellants, v. Norfolk and Western Railway Company et al.;

No. 484. Calumet Harbor Terminals, Inc., et al., appellants, v. Norfolk and Western Railway Company et al.; and

No. 543. United States and Interstate Commerce Commission, appellants, v. Norfolk and Western Railway Company et al. Appeals from the United States District Court for the Northern District of Ohio. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allotted for oral argument.

CERTIORARI GRANTED

No. 383. Sandra Lee Neely, etc., petitioner, v. Martin K. Eby Construction Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar. In addition to all the questions presented by the petition, counsel are requested to brief and discuss at oral argument the following questions:

"1. Whether the Court of Appeals, after deciding that respondent should have been granted a judgment *n.o.v.*, had power under Rule 50 of the Federal Rules of Civil Procedure and our decisions in *Cone v. West Virginia Pulp & Paper Co.*, 330 U.S. 212; *Globe Liquor Co. v. San Roman*, 332 U.S. 571; and *Weade v. Dichmann, Wright & Pugh*, 337 U.S. 801, to order the case dismissed and thereby deprive petitioner of any opportunity to invoke the trial court's discretion on the issue of whether petitioner should have a new trial?

"2. Whether the Court of Appeals erred in ordering the District Court not merely to enter a judgment *n.o.v.* for respondent but to dismiss plaintiff's case in view of Rule 50(c)(2) of the Federal Rules of Civil Procedure which gives a party whose verdict has been set aside the right to make a motion for a new trial not later than 10 days after entry of the judgment notwithstanding the verdict?"

No. 489. Utah Pie Company, petitioner, v. Continental Baking Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. In addition to all the questions presented by the petition, counsel are requested to brief and discuss at oral argument the following questions:

"1. Whether, if this Court affirms the judgment and order of the Court of Appeals directing the District Court to enter judgment for respondents, petitioner can then make a motion for a new trial under Rule 50(c)(2) of the Federal Rules of Civil Procedure within 10 days of the District Court's entry of judgment for respondents?

"2. Whether, if under the order of the Court of Appeals, petitioner cannot make a motion for new trial under Rule 50(c) (2) within 10 days of the District Court's entry of judgment against him, the order of the Court of Appeals directing the District Court to enter judgment for respondents is compatible with Rule 50(b) as interpreted by this Court in *Cone v. West Virginia Pulp & Paper Co.*, 330 U.S. 312; *Globe Liquor Co. v. San Roman*, 332 U.S. 571; and *Weade v. Dichmann, Wright & Pugh*, 337 U.S. 801?

"3. Whether Rule 50(d) of the Federal Rules of Civil Procedure provides the Court of Appeals with any authority to direct the entry of judgment for respondents?"

No. 490. Samuel H. Sheppard, petitioner, *v. E. L. Maxwell*, Warden. Motion of the American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 502. Raymond Dennis et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted limited to Questions 1, 2, and 3 presented by the petition, which read as follows:

"1. Whether the indictment states the offense of conspiracy to defraud the United States;

"2. Whether, in the comparative light of *American Communications Ass'n. v. Douds*, 339 U.S. 382, and *United States v. Archie Brown*, 381 U.S. 437, Section 9(h) of the Taft-Hartley Act is constitutional;

"3. Whether the trial court erred in denying petitioners' motions for the production, to the defense or the Court, of grand jury testimony of prosecution witnesses."

No. 412. Salvatore Shillitani, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Was the appellant denied his constitutional right to indictment and trial by jury?

"2. Does the 'admixture of civil and criminal contempt' invalidate the judgment of conviction?"

Case placed on the summary calendar.

No. 442. Andimo Pappadio, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to Questions 1, 2, and 3 presented by the petition which read as follows:

"1. Whether petitioner should have been granted a trial by jury on a charge of criminal contempt of court where he has been sentenced to two years' imprisonment.

"2. Whether the District Court could legally sentence petitioner to two years' imprisonment for contempt of court following a non-jury hearing under Rule 42(b) of the Federal Rules of Criminal Procedure.

"3. Whether, assuming *arguendo* that a sentence of two years may be imposed for criminal contempt without a trial by jury, there was an abuse of discretion in sentencing petitioner to two years' imprisonment for refusing to answer five questions where he had answered more than one hundred questions."

Case placed on the summary calendar and set for argument immediately following No. 412.

No. 67. Paul Theodore Cheff, petitioner, *v.* Elmer J. Schnackenberg et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted limited to Question 3 presented by the petition which reads as follows:

"3. Whether, after denial of a demand for a jury trial, the sentence of imprisonment of six months imposed upon petitioner is constitutionally permissible under Article III and the Sixth Amendment."

Case placed on the summary calendar and set for argument immediately following No. 442.

CERTIORARI DENIED

No. 491. C. H. Cross d/b/a Cross Poultry 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. 493. Isaiah H. Hammons, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 495. Vitasafe Corporation et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 504. J. P. Shelton, petitioner, *v.* Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 507. A. Joseph Fata, petitioner, *v.* Co-Ordinating Committee on Discipline. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 509. A/S Skaugaas (I. M. Skaugen), as owners of the Norwegian Motor Vessel Skaustrand, petitioner, *v.* Dredge Cartegena et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 513. Herbert Harvey, petitioner, *v.* John Lawrence Lyons et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 514. Eugene Allen Deutsch, 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. 515. Caruthers Ewing, Executor, etc., petitioner, *v.* J. M. Rountree, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 516. Pacific Far East Line, Inc., petitioner, *v.* Jones Stevedoring Co. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 517. George G. Hunter, Jr., petitioner, *v.* Francis S. Talbot. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 519. Edward Rutledge Gish, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 522. Jackson L. Boughner, petitioner, *v.* Charles F. Schulze, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 524. Mary A. Schwartz, etc., petitioner, *v.* SS Nassau et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 483. Frederick Gray, petitioner, *v.* Lawrence E. Wilson, Warden. Motion for leave to file a supplement to petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 483, **Misc.** Paul A. Goodwin, petitioner, *v.* United States;

No. 484, **Misc.** Willie M. Vaughn, petitioner, *v.* United States; and

No. 603, **Misc.** Arthur L. Williams, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 529, **Misc.** John P. Mitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 566, **Misc.** Carl Ross Keaton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 580, **Misc.** Mervin Lee Scott, petitioner, *v.* Ellis C. MacDougall et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 587, **Misc.** Malcolm R. Schlette, petitioner, *v.* Sherrill Halbert, Judge, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 599, *Misc.* Eugene Virgil Hunt, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 606, *Misc.* Elmer Tahtinen, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 617, *Misc.* Harold A. Gadsden et al., petitioners, *v.* Harry M. Fripp et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 620, *Misc.* James L. Colter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 622, *Misc.* Manuel R. Gomez, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 634, *Misc.* Salvatore D'Ambrosio, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 635, *Misc.* Faust Blasetti, petitioner, *v.* Warden of Attica Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 641, *Misc.* Edward Muza, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 642, *Misc.* George Polk, petitioner, *v.* Minnesota State Commissioner of Corrections, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 651, *Misc.* Don Williams, petitioner, *v.* Leslie E. Jett, Sheriff, et al. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 670, *Misc.* Karl David J. Farrell, petitioner, *v.* John W. Gardner, Secretary of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 290, *Misc.* Bruce Barksdale, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 626, *Misc.* Frank John Pasquinzo, petitioner, *v.* United States;

No. 685, *Misc.* Stephen Conover, petitioner, *v.* R. E. Herold, Director, Dannemora State Hospital;

No. 709, **Misc.** David Tom, petitioner, *v.* United States; and
 No. 715, **Misc.** Woodie Adams, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied.

No. 689, **Misc.** Deming Williams, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 107. Waltham Watch Company et al., petitioners, *v.* Federal Trade Commission;

No. 174. Richard T. Gosser, petitioner, *v.* United States;

No. 296. The Bankers Bond Company, Inc., et al., petitioners, *v.* All States Investors, Inc., et al.;

No. 308. Lester G. Maddox, appellant, *v.* George F. Willis, Jr., et al.;

No. 41, **Misc.** John L. Reed, petitioner, *v.* United States;

No. 42, **Misc.** H. Jardine Samurine, petitioner, *v.* United States;

No. 101, **Misc.** Guy Auguste Duval, petitioner, *v.* United States;

No. 109, **Misc.** Leonard J. McMullen, petitioner, *v.* John W. Gardner, Secretary, Health, Education, and Welfare;

No. 133, **Misc.** Charles I. Spiesel, petitioner, *v.* New York;

No. 166, **Misc.** Leonard Albert Vesay, petitioner, *v.* United States;

No. 170, **Misc.** John Miguel, petitioner, *v.* United States;

No. 179, **Misc.** Le Roy Henderson, petitioner, *v.* E. L. Maxwell, Warden;

No. 227, **Misc.** S. Leon Levy, petitioner, *v.* United States;

No. 314, **Misc.** Ralph Oden Anderson and Raymond L. Reese, petitioners, *v.* United States;

No. 342, **Misc.** Frank A. Hourihan, appellant, *v.* George F. Mahoney, Insurance Commissioner;

No. 426, **Misc.** Frances O. Warriner, petitioner, *v.* Harry Fink et al.;

No. 431, **Misc.** James K. Kelly, petitioner, *v.* Kansas; and

No. 436, **Misc.** Robert James Long, petitioner, *v.* Frank J. Pate, Warden. Petitions for rehearing denied.

No. 22, **Misc.** MacHenry Davis, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from Monday, November 22, 1965, until Monday, December 6, 1965.

ORAL ARGUMENT

No. 25. United States, petitioner, *v.* Thomas F. Johnson. Argument continued by Mr. George Cochran Doub and Mr. David W. Louisell for the respondent and concluded by Miss Beatrice Rosenberg for the petitioner.

No. 8. United States, appellant, *v.* Huck Manufacturing Company et al. Argued by Mr. Donald F. Turner for the appellant and by Mr. Dennis G. Lyons and Mr. Thomas W. Pomeroy, Jr., for the appellees.

No. 16. Sgt. Jesse E. Snapp, petitioner, *v.* Honorable W. D. Neal, State Auditor, et al. Argument commenced by Mr. Leon D. Hubert, Jr., for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 16, 1965, will be as follows: Nos. 16, 40, 14 Orig., and 57.

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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 Fortas.

ADMISSIONS TO THE BAR

Louis R. Garcia, of New York, N.Y., on motion of Mr. I. Martin Leavitt; M. Ashley Dickerson, of Anchorage, Alaska, on motion of Mr. George H. Windsor; Jack William Richards, of Washington, D.C., on motion of Mr. Dean Laurence; John A. Bivins, of Lake Charles, La., on motion of Mr. Edward M. Carmouche; Bebette Gualano Coleman, of Monterey Park, Calif., and Abraham Leichtling, of Washington, D.C., on motion of Mr. Henry Grady Langley; James M. Hughes, of New York, N.Y., on motion of Mr. Roy Leiffen; Raymond I. Geraldson, of Chicago, Ill., on motion of Mr. John F. Lane; and Walter P. Zivley, of Houston, Tex., on motion of Mr. John Palmer Arness, were admitted to practice.

ORAL ARGUMENT

No. 16. Sgt. Jesse E. Snapp, petitioner, *v.* Honorable W. D. Neal, State Auditor, et al. Argument continued by Mr. Leon D. Hubert, Jr., for the petitioner, by Mr. Martin R. McLendon for the respondents, and concluded by Mr. Leon D. Hubert, Jr., for the petitioner.

No. 40. California, petitioner, *v.* Lyman E. Buzard. Argued by Mrs. Doris H. Maier for the petitioner and by Mr. Thomas Keister Greer for the respondent.

No. 14, **Original**. State of Louisiana, plaintiff, *v.* State of Mississippi et al. Two hours allowed for oral argument. Argued on the Report of the Special Master and exceptions thereto by Mr. John L. Madden and Mr. Edward M. Carmouche for the plaintiff and by Mr. Martin R. McLendon and Mr. Landman Teller for the defendants.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 17, 1965, will be as follows: Nos. 57, 58, 44, and 29.

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 Fortas.

ADMISSIONS TO THE BAR

John Ballard Lockton, of Indianapolis, Ind., and Lloyd Augustus Barbee, of Milwaukee, Wis., on motion of Mr. Ralph Simon Spritzer; William J. Rochelle, Jr., of Dallas, Tex., on motion of Judge Allin H. Pierce; Earl Warren, Jr., of Sacramento, Calif., on motion of Mr. Edward Bennett Williams; Morton Burden, Jr., of Pittsburgh, Pa., and Walter S. Zebrowski, of Big Flats, N.Y., on motion of Mr. Gideon Franklin Rothwell IV; Jay F. Gordon, of New York, N.Y., on motion of Mr. Chester H. Smith; Benjamin Lee Sturgeon, of Pampa, Tex., on motion of Mr. Ward Boston, Jr.; Mark C. Jacobs, of Bala-Cynwyd, Pa., on motion of Mr. Lawrence A. Hymo; Jeremy G. Thane, of Missoula, Mont., on motion of Mr. Francis A. Silver; Dale T. Crabtree, of Salem, Oreg., on motion of Mr. Richard W. Sabin; Norbert F. Chandler, of Marengo, Ill., Steven Chucala, of New York, N.Y., and Jerry Dee Moize, of Gibsonville, N.C., on motion of Mr. William M. Cease, Jr.; and Joseph Buchta, of Bowie, Md., John Simril Eskridge, of LaGrange, Ga., Robert E. Moore, of Akron, Ohio, Peter G. Ellis, of Springfield, Mass., Gary C. Huckaby, of Lanett, Ala., Bernard L. Johnson, of Rome, N.Y., and William Albert Rooney, of Seattle, Wash., on motion of Mr. David Leib, were admitted to practice.

ORAL ARGUMENT

No. 57. Hazeltine Research, Inc., et al., petitioners, *v.* Edward J. Brenner, Commissioner of Patents. Argued by Mr. Laurence B. Dodds for the petitioners and by Mr. J. William Doolittle for the respondent.

No. 58. Edward J. Brenner, Commissioner of Patents, petitioner, *v.* Andrew John Manson. Leave granted Paul Bender to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. J. William Doolittle. Argued by Mr. Paul Bender for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. Dean Laurence for the respondent.

No. 44. Gerald Segal, Individually and d/b/a Segal Cotton Products et al., petitioners, *v.* William J. Rochelle, Jr., Trustee. Argued by Mr. Henry Klepak for the petitioners and by Mr. William J. Rochelle, Jr., for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 18, 1965, will be as follows:
Nos. 29, 45, and 52.

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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 Fortas.

ADMISSIONS TO THE BAR

Carl Z. Christoff, of Massillon, Ohio, Paul J. Stergios, of Massillon, Ohio, Robert Abraham Eisenberg, of Los Angeles, Calif., Bernard David Fischer, of Los Angeles, Calif., Harold Murray Cohen, of Newark, N.J., and John B. Moynihan, of San Antonio, Tex., on motion of Mr. Ralph Simon Spritzer; Don R. Money, of Indianapolis, Ind., and Richard M. Orr, of Indianapolis, Ind., on motion of Mr. Van Hartke; John Brownston, of Sacramento, Calif., Simeon S. Reibin, of Sacramento, Calif., and Joseph M. Taillefer, Jr., of Sacramento, Calif., on motion of Mr. Brice Wilson Rhyne; Harold M. Hecht, of Brooklyn, N.Y., on motion of Mr. David Leib; Alice G. Greene, of Dearborn, Mich., Nancy Jean Van Lopik, of Detroit, Mich., Gordon A. Gregory, of Detroit, Mich., and Winston L. Livingston, of Detroit, Mich., on motion of Mr. Harold Alfred Cranefield; Donald Lewis Guarneri, of Warren, Ohio, and Anthony G. Rossi, of Warren, Ohio, on motion of Mr. Edward R. Kenney; Joseph G. Hitselberger, of Washington, D.C., on motion of Mr. Will J. Davis; Bertram H. Ross, of Los Angeles, Calif., on motion of Mr. Bert B. Rand; Edward W. Hewelt, of Detroit, Mich., on motion of Mr. Earle D. Goss; and William C. Bland, of Springfield, Mo., Lawrence J. Smith, of New Orleans, La., and Adolph J. Levy, of New Orleans, La., on motion of Mr. Melvin Belli, were admitted to practice.

ORAL ARGUMENT

No. 29. United States, appellant, *v.* Clarence Ewell and Ronald K. Dennis. Argued by Mr. Ralph S. Spritzer for the appellant and by Mr. David B. Lockton for appellee, Clarence Ewell.

No. 45. William C. Linn, petitioner, *v.* United Plant Guard Workers of America, Local 114, et al. Two hours allowed for oral argument. Argued by Mr. Donald F. Welday for the petitioner, by Mr. Solicitor General Marshall for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Winston L. Livingston for the respondents.

No. 52. Dan Tehan, Sheriff of Hamilton County, Ohio, petitioner, v. United States ex rel. Edgar I. Shott, Jr. Argued by Mr. Calvin W. Prem for the petitioner and by Mr. Thurman Arnold for the respondent.

The Chief Justice said :

“It is with great regret that I announce the Court has just heard the sad news of the passing of the Honorable Henry A. Wallace, former Vice President of the United States.

“Mr. Wallace was a great American who performed invaluable public service to the Nation as Secretary of Agriculture, Secretary of Commerce, and Vice President of the United States. He was a public spirited man and a useful citizen throughout his long and purposeful life.

“The Court will now adjourn out of respect to his memory.”

Adjourned until Monday, November 22, 1965, 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 Fortas.

ADMISSIONS TO THE BAR

David Ripley Shaub, of Los Angeles, Calif., Leland R. Selna, Jr., of San Francisco, Calif., James O'Resta Murphy, Jr., of Miami, Fla., Robert F. McRoberts, Jr., of Stuart, Fla., James Stevenson Devitt, of Fort Lauderdale, Fla., Stanley B. Billings, of Boston, Mass., Maurice Epstein, of Boston, Mass., Everett B. Horn, Jr., of Boston, Mass., Richard R. Helmick, of Denver, Colo., Walter A. Kelley, of Cincinnati, Ohio, and Elmer Ronald Grossheim, of Cincinnati, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; James Keith Marks, of Dallas, Tex., and Fred Time, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Francis X. Kennelly, of Red Bank, N.J., on motion of Mr. E. Fontaine Broun; James Joseph Orlow, of Philadelphia, Pa., on motion of Mrs. Lena L. Orlow; Harvey Baxter, of North Miami Beach, Fla., and Lawrence Burton Friedman, of North Miami Beach, Fla., on motion of Miss Sonia Pressman; Harry W. Feldman, of San Jose, Calif., William M. Hardy, of San Jose, Calif., and Alfred A. Perez, of San Jose, Calif., on motion of Mr. Hayden C. Covington; Otis L. Packwood, of Billings, Mont., on motion of Mr. Wilfred Byron Sorrell; Paul Jerome McGarvey, of Washington, D.C., on motion of Mr. Walter H. E. Jaeger, Stanley Robert Strauss, of Washington, D.C., on motion of Mr. Kenneth C. McGuinness; Lee N. Johnson, of Minneapolis, Minn., and Gary E. Persian, of Minneapolis, Minn., on motion of Mr. Lorne MacIver; Scott W. Reed, of Coeur d'Alene, Idaho, on motion of Mr. E. Tillman Stirling; Allen W. Teagle, of Hammond, Ind., on motion of Mr. Daniel Albert Reznick; Phillip H. Smith, of Minneapolis, Minn., on motion of Mr. Robert G. McMorrow; John Edward Clarkson, of Norfolk, Va., Philip G. Denman, of Virginia Beach, Va., and Edward R. Willcox, Jr., of Norfolk, Va., on motion of Mr. Thomas J. Middleton, Jr.; Bushrod Corbin Washington, of Alexandria, Va., on motion of Mr. Charles Austin Marlow, Jr.; and Edward S. Hirschler, of Richmond, Va., Robert Clinton Stackhouse, of Norfolk, Va., and Jay Marx Weinberg, of Richmond, Va., on motion of Mr. Jerrold G. Weinberg, were admitted to practice.

OPINIONS

No. 19. United Steelworkers of America, AFL-CIO, petitioner, *v.* R. H. Bouligny, Inc. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment affirmed. Opinion by Mr. Justice Fortas.

No. 2. United States, petitioner, *v.* Frank Romano et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice White. Mr. Justice Black concurs in the reversal of the conviction for the reasons stated in his dissent against affirmance of the conviction in *United States v. Gainey*, 380 U.S. 63, 64. Mr. Justice Douglas concurs in the result for the reasons stated in his opinion in *United States v. Gainey*, 380 U.S. 63, 71-74. Mr. Justice Fortas concurs in the result.

No. 9. Swift & Company, Inc., et al., appellants, *v.* Don J. Wickham, Commissioner of Agriculture and Markets of New York. Appeal from the United States District Court for the Southern District of New York. Appeal dismissed for lack of jurisdiction. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Clark 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. 543, **October Term, 1963.** United States, petitioner, *v.* Maryland, for the use of Mary Jane Meyer et al. On motion for leave to file a conditional petition for rehearing. Motion for leave to file a conditional petition for rehearing and petition for a rehearing granted; order denying petition for a writ of certiorari vacated; petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia granted; judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Clark and Mr. Justice Harlan, believing that a remand is legally unjustified, dissent from that part of the Court's order. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 345, **October Term, 1964.** Maryland, for the use of Nadine Y. Levin, Sydney L. Johns, et al, petitioners, *v.* United States. On petition for rehearing. Petition for rehearing and motion to re-

mand for trial on unresolved issues granted; judgment of this Court of May 3, 1965, vacated and amended to read as follows: "The judgment of the Court of Appeals for the Third Circuit is modified to direct that the case be remanded to the United States District Court for the Western District of Pennsylvania for further proceedings with respect to the unresolved issues tendered in petitioners' bill of complaint, and is in all other respects affirmed. Opinion *per curiam*. Mr. Justice Clark and Mrs. Justice Harlan, believing that a remand is legally unjustified, dissent from that part of the Court's order. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 425. Seaboard Air Line Railroad Company et al., appellants, v. United States et al.; and

No. 555. Interstate Commerce Commission, appellant, v. Florida East Coast Railway Company et al. Appeals 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 further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 537. Reynolds Metals Company, appellant, v. Washington et al. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Stewart and Mr. Justice White are of the opinion that probable jurisdiction should be noted. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 541. Florida East Coast Railway Company, appellant, v. United States et al. Appeal from the United States District Court for the Middle District of Florida. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 548. G. P. Hodges and R. H. Hodges, appellants, v. Buckeye Cellulose Corporation. Appeal from the District Court of Appeal of Florida, First District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 672, Misc. George Kasharian, appellant, v. William Wilentz. Appeal from the Supreme Court of New Jersey. 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. 359. Jimmie Johnson, petitioner, *v.* United States. The Solicitor General is requested to file a response to the petition for a rehearing within thirty days.

No. 56, Misc. In the Matter of the Disbarment of Eldon C. Harris. It having been reported to the Court that Eldon C. Harris of Cut Bank, State of Montana, has been disbarred from the practice of law by the Supreme Court of the State of Montana, duly entered on the 4th day of March 1965, and this Court by order of March 29, 1965, having suspended the said Eldon C. Harris from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

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

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

APPEAL—JURISDICTION NOTED

No. 545. Joseph E. Seagram & Sons, Inc., et al., appellants, *v.* Donald S. Hostetter, etc., et al. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted.

CERTIORARI GRANTED

No. 535. United States, petitioner, *v.* John Catto, Jr., 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. 419, Misc. Ernesto A. Miranda, petitioner, *v.* Arizona. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Arizona granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 397, Misc. Michael Vignera, petitioner, *v.* New York. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of New York granted. Case transferred to the appellate docket and placed on the summary calendar and set for oral argument immediately following No. 419, Misc.

No. 80, Misc. Carl Calvin Westover, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case transferred to the appellate docket and placed

on the summary calendar and set for oral argument immediately following No. 397, Misc.

No. 205, Misc. Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of New Jersey granted. Case transferred to the appellate docket and placed on the summary calendar and set for oral argument immediately following No. 80, Misc.

CERTIORARI DENIED

No. 518. John J. Oling et al., petitioners, *v.* Air Line Pilots Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 525. Camco, Incorporated, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 526. Kenneth B. Wheeler, petitioner, *v.* Paul Jones. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 527. John Batista Conte, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 529. Lawrence Raymond King, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 530. Gardens of Faith, Inc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 533. A and B, petitioners, *v.* C and D. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 536. Chicago, Rock Island and Pacific Railroad Company, petitioner, *v.* McConnell Heavy Hauling, Inc. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 538. My Store, 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. 539. Bank of America National Trust and Savings Association, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 149. James Bryson Martin, petitioner, *v.* Texas;

No. 345. Clem McClelland, petitioner, *v.* Texas; and

No. 508. Clem McClelland, petitioner, *v.* Texas. Petitions for writs of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Memorandum of Mr. Chief Justice Warren:

Each of these three cases stems from the following factual setting:

The Grand Jury of Harris County, Texas, was impaneled on May 7, 1962, to investigate irregularities in the administration of the Probate Court. While Grand Jury sessions were proceeding, the District Attorney of the County, in cooperation with the Justice of the Peace, took the virtually unprecedented step of obtaining an order to institute a "Court of Inquiry."

This body, formerly sanctioned by Vernon's Texas Code of Criminal Procedure, arts. 886, 887, permits a justice of the peace to summon and examine witnesses and take sworn testimony. Those who fail to comply with his summons or refuse to make statements under oath may be fined and imprisoned. From the year of its enactment—1876—to this date, it appears that the procedure had been seldom invoked.

The secret Grand Jury deliberations were postponed while the District Attorney pursued the Court of Inquiry publicly, in front of the press, radio recorders and television cameras. In this inflamed atmosphere, the petitioners were questioned for some four days, although they objected to testifying. They were not permitted to consult with their attorneys during the proceedings, to defend themselves, to cross-examine or confront the witnesses against them, to call witnesses on their behalf, to rebut or to contradict the evidence produced by the prosecution. Two days later, the Grand Jury was reconvened and brought in indictments against the petitioners.

Due to a change of venue and continuances secured by the petitioners, their trials did not take place until more than two years later in a neighboring county. Their pretrial motions to quash the indictments were denied, in two cases without hearings, and they were found guilty of the offenses charged.

The Texas Legislature has since repealed the "Court of Inquiry" proceeding through the adoption of a new Code of Criminal Procedure, Laws 1965, 59th Leg. Reg. Sess., c. 722, to become effective January 1, 1966. Under the new Code, no justice of the peace may convene a Court of Inquiry. Rather, they may be conducted only by district judges, and all witnesses are entitled to the same protections as in felony prosecutions. Arts. 56.01-06.

It is clear that grave constitutional questions are raised by conducting such a proceeding. See, *e.g.*, *Estes v. Texas*, 381 U.S. 532; *Moore v. Dempsey*, 261 U.S. 86, 90-91. Against the background of the factors mentioned above, the Court has declined review. Our denial of the petitions for certiorari in these cases should not be taken in any way as sanctioning the proceedings or of approving of the judgments below. It means only that "for one reason or another these cases did not commend themselves to at least four members of the Court as falling within those considerations which should lead this Court to exercise its discretion in reviewing a lower court's decision." Memorandum of Mr. Justice Frankfurter, *Sheppard v. Ohio*, 352 U.S. 910, 911; see also, *Maryland v. Baltimore Radio Show, Inc.*, 338 U.S. 912.

No. 227. James R. Bullock, petitioner, *v. Virginia*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 257, Misc. Fred R. Montoya, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 320, Misc. Grady Brye, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 337, Misc. Edward Leon Boles, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 451, Misc. Louis Ortega, petitioner, *v. Thomas P. Thornton*, U.S. District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 471, Misc. James E. Hawkes, petitioner, *v. Warden*, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 517, Misc. Joseph H. Green, 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. 591, Misc. Phillip G. Yates, petitioner, *v. Mississippi*. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 592, Misc. John Massari, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 602, Misc. William J. Edall, petitioner, *v. Michael Di Piazza et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 611, **Misc.** Roosevelt Stevenson, petitioner, *v.* John J. Altman, Clerk, Cook County Circuit Court. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 625, **Misc.** Rosita Chaparro, etc., et al., petitioners, *v.* Jackson & Perkins Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 636, **Misc.** Lilly Harris, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 640, **Misc.** Frazier M. Eaton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 644, **Misc.** Donald Paul Bookwalter, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 646, **Misc.** John Burton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 649, **Misc.** David Clifton Stephens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 659, **Misc.** Dean L. Bratt, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 664, **Misc.** John Romano, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 665, **Misc.** Gaylord Neal, 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. 680, **Misc.** Arthur G. Ritter, 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. 682, **Misc.** James Edward Kelly, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 707, **Misc.** Audrey Simon, petitioner, *v.* Aaron P. Castille et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 710, Misc. James K. Beazley, petitioner, *v.* Victor J. Orsinger. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 272, Misc. Winfred E. Lambert, petitioner, *v.* Kentucky. Motion to strike brief of respondent denied. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 718, Misc. Robert M. Williamson, Jr., et al., petitioners, *v.* Judge Dallas Blankenship, etc., et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 676, Misc. Claudia Walker, petitioner, *v.* Superior Court of California in and for the City and County of San Francisco. Motion for leave to file petition for writ of prohibition denied. The Chief Justice took no part in the consideration or decision of this motion.

REHEARINGS DENIED

No. 66. Albert A. List, petitioner, *v.* Louis C. Lerner, etc., et al.;

No. 80. John E. Ring, petitioner, *v.* New Jersey;

No. 83. Gertrude Crombie, petitioner, *v.* Helen F. Crombie;

No. 105. Charles E. Williams, petitioner, *v.* Howard Johnson's Inc. of Washington;

No. 119. United States, appellant, *v.* New Orleans Chapter, Associated General Contractors of America, Inc., et al.;

No. 142. The Flying Tiger Line, Inc., petitioner, *v.* Frederic T. Mertens, Sr., etc., et al.;

No. 152. Stanwood A. Demers, petitioner, *v.* Edwin C. Brown et al.;

No. 173. Donald J. Pinciotti, petitioner, *v.* United States;

No. 189. Charles I. Lichtenstein, a/k/a Charles Wells, petitioner, *v.* United States;

No. 199. Gabriel Diaz et al., petitioners, *v.* United States;

No. 210. James T. Stevens, petitioner, *v.* Charles Marks, Justice of the Supreme Court of New York, County of New York; and

No. 290. James T. Stevens, petitioner, *v.* John P. McCloskey, Sheriff of New York City;

No. 278. Chester William Stupak, petitioner, *v.* United States;

No. 330. J. C. Wade, petitioner, *v.* United States;

No. 334. National Maritime Union of America, AFL-CIO, petitioner, *v.* National Labor Relations Board; and

No. 403. National Maritime Union of America, AFL-CIO, petitioner, *v.* National Labor Relations Board; and

No. 405. Bernard J. Semel, petitioner, *v.* United States. Petitions for rehearing denied.

No. 98. Matilda Roumania Walker, petitioner, *v.* Edith Cecilia Foster et al. Motion to dispense with printing petition granted. Petition for rehearing denied.

No. 260. Doris Nyyssonen, Administratrix, etc., petitioner, *v.* Bendix Corporation; and

No. 319. Nelson A. Rockefeller, etc., et al., appellants, *v.* Jerome T. Orans et al. Petitions for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of these petitions.

No. 45, Misc. Leroy DeGregory, petitioner, *v.* United States;

No. 186, Misc. George Budner, petitioner, *v.* New York;

No. 192, Misc. John Edwin Byers, petitioner, *v.* Sherman H. Crouse, Warden;

No. 253, Misc. Louis Y. Wilson, petitioner, *v.* United States;

No. 298, Misc. Paul E. Thacker, petitioner, *v.* Ward Markham Company; and

No. 511, Misc. In the Matter of the Application of Gilbert Duarte, petitioner. Petitions for rehearing denied.

Adjourned until Monday, December 6, 1965, at 10 o'clock.

The day call for Monday, December 6, 1965, will be as follows:
Nos. 41, 47, 14, and 63.

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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 Fortas.

ADMISSION TO THE BAR

Luzerne E. Hufford, Jr., of Berkeley, Calif., A. Budd Cutler, of Miami, Fla., Aaron A. Foosaner, of Miami, Fla., Charles A. Simmons, of Washington, D.C., Nathan Spungin, of Boston, Mass., John W. Johnson, of Washington, D.C., Frederick Roe Freeman, of Kansas City, Mo., Joel P. Kay, of Houston, Tex., and Willis W. Hagen, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; Richard Holcome Kilbourne, of Clinton, La., on motion of Mr. Ralph Simon Spritzer; Ruben R. Lozano, of San Antonio, Tex., on motion of Judge Paul J. Kilday; Raymond M. Zimmet, of Arlington, Va., on motion of Mr. Robert W. Ginnane; J. Stacey Sullivan, Jr., of San Diego, Calif., on motion of Mr. Richard J. Flynn; William Strayer Bach, of Cleveland, Ohio, Glenn Murray Woodworth, of St. Petersburg, Fla., Eugene Dudley Smith, of Cincinnati, Ohio, and A. Jay Cristol, of Miami Beach, Fla., on motion of Mr. William S. Fulton, Jr.; Albert L. O'Bannon, of Sapulpa, Okla., and Donald Paul Dietrich, of Norwich, N.Y., on motion of Mr. J. Fielding Jones; Myron Stephen Waks, of Portland, Maine, on motion of Mr. Norton J. Come; Philip J. Montalbo, of Houston, Tex., on motion of Mr. Charles M. Johnston; William Brennan Lynch, Jr., of Los Angeles, Calif., and John Robert Suckling, of Los Angeles, Calif., on motion of Mr. Edwin Shafer Rockefeller III; David B. Connery, Jr., of Midland, Tex., David Craig Hilliard, of Chicago, Ill., Ronald C. Howard, of Minneapolis, Minn., and Robert John Yock, of St. James, Minn., on motion of Mr. Ward Boston, Jr.; Sterling Arthur Case, of Cheyenne, Wyo., on motion of Mr. James G. Watt; Burton C. Bernard, of Granite City, Ill., on motion of Mr. William C. Koplowitz; Paul Ross Kramer, of Baltimore, Md., on motion of Mr. Charles B. Murray; Eli A. Weston, of Boise, Idaho, on motion of Mr. John A. Carver, Jr.; Leo Gerber, of Randallstown, Md., on motion of Mr. Joseph A. Kaufmann; Harold B. Berman, of Dallas, Tex., Maxwell Handelsman, of New York, N.Y., and Morris H. Kross, of Kansas City, Mo., on motion on Mr. Harvey A. Jacobs; Thomas W. Kennedy, of New York, N.Y., on motion of Mr. George B. Oujevolk; Robert William Gilley, of Portland, Oreg., on motion of Mr. John S. Stillman; Edgar H. Dunn, Jr., of St. Petersburg, Fla., on motion of Mr.

Christopher T. Boland; A. Alfred Delduco, of Kennett Square, Pa., Arthur Thomas Parke III, of West Chester, Pa., and Norman James Pine, of Parkesburg, Pa., on motion of Mr. John S. Halsted; Morton A. Segall, of Champaign, Ill., on motion of Mr. Daryal A. Myse; Daniel A. Kirsch, of Los Angeles, Calif., on motion of Mr. Robert H. Winn; Robert N. Hardin, of Benton, Ark., on motion of Mr. Jack L. Lessenberry; Murphy W. Bell, of Baton Rouge, La., on motion of Mr. Carl Rachlin; David Paul Cullen, of Ponca City, Okla., and William A. Mikesell, Jr., of Ponca City, Okla., on motion of Mr. Solon B. Kemon; C. Ellis Henican, of New Orleans, La., and H. M. Holder, of Shreveport, La., on motion of Mr. Harry M. Edelstein; Wendell Ryder Crockett, of Honolulu, Hawaii, on motion of Mr. Richard T. Iwamoto; Edgar Lawrence Turlington, Jr., of Richmond, Va., on motion of Mr. Richard Arthur Bishop; John Joseph Cleary, of Chicago, Ill., on motion of Mr. Russell T. Boyle; and William F. Ahern, Jr., of Kings Park, N.Y., J. Robert Annino, of West Islip, N.Y., Walter Maclyn Conlon, of Sayville, N.Y., Helen Elizabeth Dempsey, of Amityville, N.Y., Harold B. Epp, of Bay Shore, N.Y., Jack Ferentz, of Copiague, N.Y., Richard D. Field, of Huntington, N.Y., Robert E. Friou, of North Tarrytown, N.Y., Charles A. Hickmann, of East Northport, N.Y., Gerald F. Hoffer, of Lindenhurst, N.Y., Reuben R. Kaufman, of Bay Shore, N.Y., Eugene R. Kelley, of Nesconset, N.Y., Jacob Levy, of Bay Shore, N.Y., Humbert O. Martin, Jr., of Amityville, N.Y., John Thomas Nolan, of East Quogue, N.Y., Bartholomew J. O'Rourke, of Central Islip, N.Y., Everett E. Schrader, of Sayville, N.Y., Harvey H. Shapiro, of Babylon, N.Y., Michael F. Sheehan, of Huntington, N.Y., David P. Sipperly, of Stony Brook, N.Y., Walter G. Steindler, of North Babylon, N.Y., Andrew E. Ullmann, of Huntington, N.Y., and Francis E. Zaklukiewicz, of Bohemia, N.Y., on motion of Mr. George Dyson Friou, were admitted to practice.

OPINIONS

No. 7. The Hanna Mining Company et al., petitioners, *v.* District 2, Marine Engineers Beneficial Association, AFL-CIO, et al. On writ of certiorari to the Supreme Court of Wisconsin. Judgment reversed and case remanded to the Supreme Court of Wisconsin for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Brennan.

No. 13. Walker Process Equipment, Inc., petitioner, *v.* Food Machinery and Chemical Corporation. 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 con-

formity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Harlan.

No. 6. Al Harris, 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 proceedings under Rule 42(b) of the Federal Rules of Criminal Procedure. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice White join.

No. 8. United States, appellant, *v.* Huck Manufacturing Company et al. Appeal from the United States District Court for the Eastern District of Michigan. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Fortas took no part in the consideration or decision of this case.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 532. Patricia Rogers et al., petitioners, *v.* Edgar F. Paul et al. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari and motion of Vera Moore et al., to be added as parties petitioner granted. Judgment vacated and case remanded to the United States District Court for the Western District of Arkansas for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice White, and Mr. Justice Fortas would set the case down for argument and plenary consideration.

No. 567. The George F. Hazelwood Company, appellant, *v.* J. Stanley Pitsenbarger, Assessor of Pendleton County, 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 substantial federal question. Opinion *per curiam*.

No. 571. Alfred Marchev and Ann Marchev, appellants, *v.* Township of Livingston. Appeal from the Supreme Court of New Jersey. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 583. California Democratic Council et al., appellants, *v.* Roger Arnebergh et al. Appeal from the District Court of Appeal of Cali-

fornia, 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. 588. Aaron Solomon, appellant, *v.* South Carolina. Appeal from the Supreme Court of South Carolina. 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*. Mr. Justice Douglas is of the opinion that the judgment should be reversed. Mr. Justice Brennan and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted.

No. 595. Fernanda Misani, appellant, *v.* Ortho Pharmaceutical Corporation et al. 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. 605. 508 Chestnut, Inc., appellant, *v.* City of St. Louis et al. Appeal from the Supreme Court of Missouri. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 614. Paul M. Nehring, appellant, *v.* Edward M. Gerrity. Appeal from the Supreme Court of Illinois. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 21, **Original**. State of Wisconsin, plaintiff, *v.* State of Minnesota and Northern States Power Co., a Minnesota Corporation. The motion for leave to file the bill of complaint is denied. The Chief Justice, Mr. Justice Stewart, and Mr. Justice Fortas are of the opinion that the motion for leave to file the bill of complaint should be set for oral argument. Mr. Justice Douglas took no part in the consideration or decision of this motion.

No. 46. United States, appellant, *v.* General Motors Corporation et al. The motion of the O. M. Scott & Sons Company, et al., for leave to file a brief, as *amici curiae*, is granted.

No. 368. A Book Named "John Cleland's Memoirs of a Woman of Pleasure", G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. The motion of the Citizens for Decent Literature, Inc., for leave to file a brief, as *amicus curiae*, is granted. The motion for leave to participate in the oral argument, as *amicus curiae*, is denied.

No. 695. Joe Robert Collier, petitioner, *v.* United States. The motion for the appointment of counsel is granted, and it is ordered that Dean E. Denlinger, Esquire, of Dayton, Ohio, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 784. Doris Watkins et al., petitioners, *v.* The Superior Court, Los Angeles County, California, et al. The motion for stay injunction or expedited disposition of the petition for a writ of certiorari presented to Mr. Justice Douglas, and by him referred to the Court, is denied.

APPEAL—JURISDICTION NOTED OR POSTPONED

No. 562. Time, Inc., appellant, *v.* James J. Hill. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted.

No. 597. James E. Mills, appellant, *v.* Alabama. Appeal from the Supreme Court of Alabama. Further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits.

No. 611. United States, appellant, *v.* Arnold, Schwinn & Co., et al. Appeal from the United States District Court for the Northern District of Illinois. In this case probable jurisdiction is noted and the case is set for oral argument immediately following No. 238.

CERTIORARI GRANTED

No. 505. National Association for the Advancement of Colored People et al., petitioners, *v.* Haldred Overstreet. Petition for writ of certiorari to the Supreme Court of Georgia granted limited to Question 2 presented by the petition which reads as follows:

“2. Has petitioner National Association for the Advancement of Colored People, a New York Corporation, been deprived of its property without due process of law under the Fourteenth Amendment by being held liable in damages for acts performed without its knowledge and by persons beyond its control?”

The case is placed on the summary calendar.

No. 584. California, petitioner, *v.* Roy Allen Stewart. Petition for writ of certiorari to the Supreme Court of California granted. Case placed on the summary calendar and set for oral argument immediately following No. 762.

No. 594. John T. Gojack, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 352. *J. Lauritzen, petitioner, v. Robert Spann.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 528. *A. J. Bumb, Trustee in Bankruptcy, petitioner, v. B. L. Suhl et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 542. *Benjamin Pisano, petitioner, v. S. S. Benny Skou, etc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 546. *James E. Chance, petitioner, v. Atchison, Topeka and Santa Fe Railway Company.* Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 547. *Willow Terrace Development Co., Inc., et al., petitioners, v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 549. *Edward Keeling, petitioner, v. Ohio.* Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. 550. *Mario Prezioso, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 552. *Chatsworth Cooperative Marketing Association et al., petitioners, v. Interstate Commerce Commission.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 553. *Frank Anthony Pugliano et al., petitioners, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 554. *Beatrice Martens, petitioner, v. Lyman G. Winder.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 558. *The Atlantic Refining Company, petitioner, v. Federal Trade Commission.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 559. *James Thomson, etc., et al., petitioners, v. Thomas Carman, etc., et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 560. *William J. Laverick, petitioner, v. United States; and*

No. 563. *Malcolm Schaeffer, petitioner, v. United States.* Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 561. James V. Brown, petitioner, *v.* William J. Thompson, Judge, etc., et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 568. Robert J. Kiesling et ux., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 570. Victoria Mutual Water Company, petitioner, *v.* Public Utilities Commission of the State of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 575. Charles Keeble, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 577. Metal Products Workers Union Local 1645, UAW-AFL-CIO, et al., petitioners, *v.* The Torrington Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 578. Mark Pittman, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 580. California, petitioner, *v.* Federal Power Commission; and

No. 591. Turlock Irrigation District et al, petitioners, *v.* Federal Power Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 581. Miriam J. Wolf, petitioner, *v.* Clay Blair, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 585. Ronald Hagel, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 586. Gerald Dale Hensel, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second appellate District, denied.

No. 587. Billy Mitchell Village, Inc., petitioner, *v.* New York Life Insurance Co. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, denied.

No. 589. Shapiro & Son Curtain Corp., petitioner, *v.* Basil Glass. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 592. Merner Lumber and Hardware Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 598. Gerhard Brasch, petitioner, *v.* State Compensation Insurance Fund et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 599. Frank Ciofalo, petitioner, *v.* The Board of Regents of the University of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 602. Paul Rhodes, petitioner, *v.* Charlotte Edwards et al. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 604. Bertrand A. O. Tyson, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 606. Fred Snyder, etc., et al., petitioners, *v.* Cottonwood Creek Conservancy District No. 11 in Logan, Oklahoma, Kingfisher and Canadian Counties, Oklahoma. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 608. Lucille E. Moran, petitioner, *v.* Harry D. Penan et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 609. Owen Siebring, petitioner, *v.* Charles W. Hansen et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 407. Ben Herbert Phelper, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 429. William L. Maxwell, petitioner, *v.* Dan D. Stephens, Superintendent of Arkansas State Penitentiary. 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. 600. Robert Swain, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 521. Salvador Pardo-Bolland, 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. 551. Jack Tracy, Warden, petitioner, *v.* Richard J. Manduchi. 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 Third Circuit denied.

No. 574. Panhandle Eastern Pipe Line Company, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 582. William Rance et al., petitioners, *v.* The Sperry and Hutchinson Company. Petition for writ of certiorari to the Supreme Court of Oklahoma denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 116, **Misc.** Frank Brooks, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 125, **Misc.** Joseph Calhoun, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 155, **Misc.** Clell Arnold Davis, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 252, **Misc.** Norman E. Brown, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 427, **Misc.** Kenneth Charles Sibley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 480, **Misc.** Marion R. Palomera, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 516, **Misc.** Charles J. Giuliano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 519, **Misc.** Andrew Kapsalis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 559, **Misc.** Stanley Friedman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 601, **Misc.** Rene Bruchon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 627, **Misc.** David Lamma, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 647, **Misc.** Moran Tyson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 667, **Misc.** Dennis Richard Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 669, **Misc.** Richard Lee Collins, petitioner, *v.* T. Wade Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 674, **Misc.** Nathaniel Becker, petitioner, *v.* Superintendent of Matteawan State Hospital et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 699, **Misc.** Ronnie McKinney, 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. 712, **Misc.** Tracy Sims, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of San Francisco, denied.

No. 721, **Misc.** Arthur S. Curtis, petitioner, *v.* Milton C. Cobey et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 725, **Misc.** Robert Lee Kemp, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 726, **Misc.** Claude M. Carpenter, Jr., petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 728, **Misc.** Mildred Bohanon, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 733, **Misc.** Dave Millwood, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 739, **Misc.** Clyde Robinson, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 768, **Misc.** William Wayne LeVar, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 812, **Misc.** Edward McNally and Richard McAlister, petitioners, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 310, **Misc.** George James Barnard, petitioner, *v.* United States;

No. 345, **Misc.** William Mack Lassiter, petitioner, *v.* United States; and

No. 346, **Misc.** Raymond Henry Knippel, petitioner *v.* United States. Petitions for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 412, Misc. Frank Warren Price and William Riley, petitioners. *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 390, Misc. Frank Monroe Whitlow, petitioner, *v.* Louie L. Wainwright, Division of Corrections. 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. 185, Misc. John Herring, petitioner, *v.* District Court of Appeal of California, Second Appellate District. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 384. Emmett J. Stebbins, appellant, *v.* John W. Macy, Jr., et al.;

No. 488. Adelle Hullum, Administratrix, petitioner, *v.* St. Louis Southwestern Railway Company;

No. 94, Misc. Nicholas Sten, petitioner, *v.* United States;

No. 366, Misc. William Rodger Starnes, petitioner, *v.* T. Wade Markley, Warden;

No. 439, Misc. Dale Carlyle Grimes, petitioner, *v.* Sherman H. Crouse, Warden;

No. 485, Misc. Arnold Finfer, petitioner, *v.* Sheldon S. Cohen, Commissioner of Internal Revenue;

No. 508, Misc. Andrew Groza, petitioner, *v.* John V. Lemmon et al.; and

No. 520, Misc. Edward Carter et al., petitioners, *v.* United States. Petitions for rehearing denied.

No. 163. Eugene Lynch, petitioner, *v.* Industrial Indemnity Company et al. Motion to dispense with printing the petition for rehearing granted. Petition for rehearing denied.

No. 413. Sheldon L. Pollack et al., petitioners, *v.* Commissioner of Patents. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

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 Appeals for the District of Columbia Circuit beginning December 1, 1965, and ending January 31, 1966, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

RECESS ORDER

The Court will take a recess from Monday, December 13, 1965, until Monday, January 17, 1966.

ORAL ARGUMENT

No. 41. Henry Brown et al., petitioners, *v. Louisiana*. Argued by Mr. Carl Rachlin for the petitioners and by Mr. Richard Kilbourne for the respondent.

No. 47. Jay Giaccio, appellant, *v. Pennsylvania*. Argued by Mr. Peter Hearn for the appellant and by Mr. John S. Halsted for the appellee.

No. 14. Interstate Commerce Commission, petitioner, *v. Atlantic Coast Line R. Co. et al.* Argued by Mr. Robert W. Ginnane for the petitioner and by Mr. J. Edgar McDonald for the respondents.

No. 63. Philip R. Consolo, petitioner, *v. Federal Maritime Commission et al.* One and one-half hours allowed for oral argument. Leave granted Richard A. Posner to appear and present oral argument for the United States and Federal Maritime Commission, *pro hac vice*, on motion of Mr. Robert W. Ginnane. Argument commenced by Mr. Robert N. Kharasch for the petitioner and continued by Mr. Richard A. Posner for the United States and Federal Maritime Commission, *pro hac vice*, by special leave of Court.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 7, 1965, will be as follows: Nos. 63, 42, 49, 368, and 30.

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 Fortas.

ADMISSIONS TO THE BAR

Darwin L. Wilder, of Fort Worth, Tex., on motion of Mr. William Ramsey Clark; Joseph C. Nelson, of Winnetka, Ill., on motion of Mr. Paul A. Porter; Douglas B. Henderson, of Annandale, Va., on motion of Mr. Donald E. Lane; Oliver Feifer, of Los Angeles, Calif., William I. Cowin, of Brookline, Mass., Frederick E. Greenman, of Watertown, Mass., John E. Sullivan, of Pembroke, Mass., and Ronald J. Picinich, of Teaneck, N.J., on motion of Mr. Nathan Lewin; C. Ellis Henican, Jr., of New Orleans, La., on motion of Mr. C. Ellis Henican; Frank Joseph Dunn, of Doylestown, Pa., on motion of Mr. Raymond Underwood; Mortimer H. Herzstein, of San Francisco, Calif., on motion of Mr. Robert E. Herzstein; Philip W. Smith, of Miami, Fla., on motion of Mr. A. Jay Christol; James J. Clancy, of Sun Valley, Calif., on motion of Mr. Charles H. Keating, Jr.; Harvey Loomis Hensel, of Chicago, Ill., on motion of Mr. William J. Condon; John Paul Sizemore, of Little Rock, Ark., on motion of Mr. James E. Youngdahl; W. J. Michael Cody, of Memphis, Tenn., and Tom Mitchell, Jr., of Memphis, Tenn., on motion of Mr. Lucius E. Burch, Jr.; Robert Marshall Hurst, of Fairfax, Va., and Frank Daniel Swart, of Fairfax, Va., on motion of Mr. John H. Rust; and John W. Noble, Jr., of Chicago, Ill., and Richard C. Scheidt, of Chicago, Ill., on motion of Mr. Erwin G. Krasnow, were admitted to practice.

OPINIONS

No. 12. The Western Pacific Railroad Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of California. Judgment vacated and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas.

No. 21. The United Gas Improvement Company et al., petitioners, *v.* Callery Properties, Inc., et al.;

No. 22. Public Service Commission of the State of New York, petitioner, *v.* Callery Properties, Inc., et al.;

No. 26. Ocean Drilling & Exploration Company, petitioner, *v.* Federal Power Commission et al.; and

No. 32. Federal Power Commission, petitioner, *v.* Callery Properties, Inc., et al. On writs of certiorari to the United States Court of Appeals for the Fifth 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 Douglas. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 18. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (Local 283), petitioner, *v.* Russell Scofield et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit; and

No. 53. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 133, UAW, AFL-CIO, petitioner, *v.* The Fafnir Bearing Company et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the Courts of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

ORAL ARGUMENT

No. 63. Philip R. Consolo, petitioner, *v.* Federal Maritime Commission et al. Argument continued by Mr. Richard A. Posner for the United States and Federal Maritime Commission, *pro hac vice*, by special leave of Court, and concluded by Mr. J. Alton Boyer for respondent Flota Mercante Grancolombiana, S.A.

No. 42. Ralph Ginzburg et al., petitioners, *v.* United States. Leave granted Paul Bender to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Ralph S. Spritzer. Argued by Mr. Sidney Dickstein for the petitioners and by Mr. Paul Bender for the respondent, *pro hac vice*, by special leave of Court.

No. 49. Edward Mishkin, appellant, *v.* New York. Argued by Mr. Emanuel Redfield for the appellant and by Mr. H. Richard Uviller for the appellee.

No. 368. A Book Named "John Cleland's Memoirs of a Woman of Pleasure", G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. Argument commenced by Mr. Charles Rembar for the appellant.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 8, 1965, will be as follows:
Nos. 368, 30, 31, and 69 (and 71).

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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 Fortas.

ADMISSIONS TO THE BAR

James Leslie Powers, of Mansfield, Ohio, on motion of Miss Bessie Margolin; Benjamin H. Oehlert, Jr., of Atlanta, Ga., on motion of Judge Thurman Arnold; Russell Burt Johnson, of Christiansted, St. Croix, V.I., on motion of Mr. Frederick Bernays Wiener; Myra Jane Alden Spink, of Painesville, Ohio, Ralph A. Tolve, of Port Arthur, Tex., and James Joseph Wimbiscus, of Spring Valley, Ill., on motion of Mr. William S. Fulton, Jr.; Horace Alexander Davenport, of Norristown, Pa., on motion of Miss M. Wilhelmina Jackson; James Llewellyn Kaler, of Washington, D.C., on motion of Mr. John Chisman Hanes; Anthony J. Lokot, of Rochester, N.Y., on motion of Mr. Chester C. Shore; J. Carrington Gramling, Jr., of Miami, Fla., on motion of Mr. William Furlong, Jr.; Richard E. Hamstead, of Morgantown, W. Va., on motion of Mr. Ezra E. Hamstead; John Raymond Manning, of Washington, D.C., on motion of Mr. John D. Stokes, Jr.; Richard Allan Shaw, of Beaverton, Oreg., on motion of Mr. Edwin R. Fischer; Philip L. Robins, of Alexandria, Va., on motion of Mr. Jacob Hagopian; Henry H. Huth, of Ponca City, Okla., on motion of Mr. Solon B. Keman; Eugene F. Mooney, of Little Rock, Ark., on motion of Mr. John Paul Sizemore; Thomas James Fotheringham, of Amarillo, Tex., on motion of Mr. Ralph D. Pittman; Thomas Reid Mitchell, of San Diego, Calif., and Donald Moore Wesling, of Los Angeles, Calif., on motion of Mr. Homer I. Mitchell; Thomas A. Shaw, Jr., of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; Robert M. Lane, of New York, N.Y., on motion of Mr. Karl J. Stipher; and Hodge L. Dolle, Jr., of Los Angeles, Calif., on motion of Mr. Victor R. Hansen, were admitted to practice.

OPINIONS

No. 57. Hazeltine Research, Inc., et al., petitioners, *v.* Edward J. Brenner, Commissioner of Patents. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Justice Black.

No. 27. F. J. Gunther, petitioner, *v.* San Diego & Arizona Eastern Railway Company. On writ of certiorari to the United States Court

of Appeals for the Ninth Circuit. Judgment of Court of Appeals and judgment of the District Court reversed and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

ORAL ARGUMENT

No. 368. A Book Names "John Cleland's Memoirs of a Woman of Pleasure", G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. Argument continued by Mr. William I. Cowin for the appellee and concluded by Mr. Charles Rembar for the appellant. Reply brief for appellant to come.

No. 30. Idaho Sheet Metal Works, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Argued by Mr. Eli A. Weston for the petitioner and by Mr. Charles Donahue for the respondent.

No. 31. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Steepleton General Tire Company, Inc., et al. Argued by Miss Bessie Margolin for the petitioner and by Mr. Lucius E. Burch, Jr., for the respondents.

No. 69. Brotherhood of Locomotive Engineers et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al.; and

No. 71. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, etc., et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al. Argument commenced by Mr. Jack L. Lessenberry for the appellants and continued by Mr. James E. Youngdahl for the appellants and by Mr. Robert V. Light for the appellees. Brief for appellants to come.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 9, 1965, will be as follows:
Nos. 69 (and 71), 46 and 219.

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 Fortas.

ADMISSION TO THE BAR

Ernest Fanwick, of New York, N.Y., on motion of Mr. Daniel M. Friedman; Kevin Sheard, of Shaker Heights, Ohio, on motion of Mr. Edward G. Hudon; Richard E. Kane, of Seattle, Wash., on motion of Mr. William S. Fulton, Jr.; Frederick T. Stant, Jr., of Norfolk, Va., on motion of Mr. George W. Shadoan; Dolores Korman, of Philadelphia, Pa., on motion of Mr. William T. Coleman, Jr.; Thomas Coleman Kelleghan, of West Chicago, Ill., on motion of Mr. Frederick M. Bradley; Richard Patrick McLaughlin, of Chevy Chase, Md., on motion of Mr. E. Riley Casey; George Alfred Tesoro, of Washington, D.C., on motion of Mr. Michael H. Cardozo IV; Henry C. Thumann, of Los Angeles, Calif., on motion of Mr. Homer I. Mitchell; Joseph Rutberg, of Philadelphia, Pa., on motion of Mr. Bernard Turiel; Gerald Lawrence Dorf, of Union, N.J., on motion of Mr. Calvin H. Cobb, Jr.; George Oscar Saile, Jr., of Cincinnati, Ohio, on motion of Mr. Maurice H. Klitzman; Richard L. Goerwitz, Jr., of Philadelphia, Pa., and Lewin W. Wickes, of Philadelphia, Pa., on motion of Mr. Paul Francis McArdle; Stephen Cooper Samels, of Chevy Chase, Md., on motion of Mr. Ronald A. Jacks; and Woodrow L. Taylor, of Seattle, Wash., on motion of Mr. Kenneth A. Cox, were admitted to practice.

ORAL ARGUMENT

No. 69. Brotherhood of Locomotive Engineers et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al.; and

No. 71. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, etc., et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al. Argument continued by Mr. Robert V. Light for the appellees, by Mr. Dennis Lyons for the appellees and concluded by Mr. James E. Youngdahl for the appellants.

No. 46. United States, appellant, *v.* General Motors Corporation et al. Argued by Mr. Daniel M. Friedman for the appellant and by Mr. Homer I. Mitchell and Mr. Victor R. Hansen for the appellees.

No. 219. Johnnie K. Baxstrom, petitioner, *v.* R. E. Herold, Director, Dannemora State Hospital. Argued by Mr. Leon B. Polsky for the petitioner and by Mr. Anthony J. Lokot for the respondent. Adjourned until Monday, December 13, 1965, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Thomas F. Field, of Washington, D.C., Bruce A. Koppe, of Washington, D.C., Edward A. Groobert, of Wheaton, Md., Charles Lindbergh Marinaccio, of Stratford, Conn., Richard J. Cory, of Fort Lauderdale, Fla., Thomas Harrell Fish, of Jacksonville, Fla., Rudolph A. Vignone, of Arlington, Va., Charles K. Marr, of White Plains, N.Y., John A. Monahan, of New York, N.Y., Thomas Bell Rutter, of Philadelphia, Pa., Welby Charles Poland, of Waynesboro, Va., Henry Harden Tiffany, of Greenwood, Va., and Michael D. Wherry, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; Jerome W. Johnson, of Amarillo, Tex., on motion of Mr. Walter Rogers; Charles J. Irwin, of Newark, N.J., on motion of Mr. Eugene Gressman; Jack Greenwald, of Denver, Colo., on motion of Mr. Harry S. Wender; Richard D. Clarey, of Boston, Mass., on motion of Mr. David Leib; Harvey John Wilcox, of Elyria, Ohio, on motion of Mr. William E. Neely; John P. Mudd, of Fort Lauderdale, Fla., on motion of Mr. Cary M. Euwer; Robert Henry Berdo, of Washington, D.C., on motion of Mr. George Raymond Jones; Max Schorr, of New York, N.Y., on motion of Mr. Charles Koozman; John M. Gradwohl, of Lincoln, Nebr., on motion of Mr. John J. Pyne; Willard M. Hanger, of Washington, D.C., on motion of Mr. Joseph A. DeGrandi; R. Michael Duncan, of Washington, D.C., Roland S. Homet, Jr., of Washington, D.C., and John K. Mallory, Jr., of Washington, D.C., on motion of Mr. Robert C. Barnard; Brian G. Bardorf, of Manchester, N.H., on motion of Mr. Richard J. Connor; William T. Jobe, Jr., of Washington, D.C., on motion of Mr. Henry Bahr; Thomas F. Lay, of Pasadena, Tex., on motion of Mr. Stanley D. Baskin; Gilbert Wentworth Boyne, of San Diego, Calif., and Grant Russell Sykes, of Washington, D.C., on motion of Mr. Roger Burum; William Dial Perry, of Washington, D.C., on motion of Mr. Frederick M. Rowe; Sanford B. Hertz, of Denver, Colo., on motion of Mr. Julius M. Greisman; Edward Francis Borgerding, of Baltimore, Md., John C. Cooper III, of Baltimore, Md., Erwin B. Frenkil, of Baltimore, Md., Jon Franklin Oster, of Baltimore, Md., Thomas P. Perkins III, of Baltimore, Md., Richard Malone Pollitt, of Salisbury, Md., Julius A. Romano, of Baltimore, Md., Louis Edward Schmidt, of Baltimore,

Md., Erwin Ira Ulman, of Baltimore, Md., and Alan M. Wilner, of Baltimore, Md., on motion of Mr. Thomas B. Finan; and Jacob B. Berkson, of Hagerstown, Md., Karl F. Biener, of Glen Burnie, Md., John E. Campbell, of College Park, Md., Robert Moss Carrico, Jr., of Clinton, Md., Lloyd Eugene Clinton, Jr., of Glen Burnie, Md., Jerome F. Connell, of Glen Burnie, Md., Alan Getz, of Bel Air, Md., Stanley Getz, of Bel Air, Md., Glenn O. Hall, Jr., of Kensington, Md., Ronald G. Maurice, of District Heights, Md., Francis J. Monahan, of Catonsville, Md., Curtis A. Myers, of Annapolis, Md., John P. Zebelean, Jr., of Catonsville, Md., Raymond F. Zinzeleta, of Catonsville, Md., Samuel T. Abrams, of Baltimore, Md., H. Lee Allers, Jr., of Baltimore, Md., Paul Edwin Alpert, of Baltimore, Md., James S. Ansell, of Baltimore, Md., Billy Baer, of Baltimore, Md., Gilbert S. Birnbach, of Baltimore, Md., Stanley H. Block, of Baltimore, Md., Stanley J. Bomstein, of Baltimore, Md., Thomas E. Bracken, of Baltimore, Md., Frank Cannizzaro, Jr., of Baltimore, Md., Hilary D. Caplan, of Baltimore, Md., John R. Cicero, of Baltimore, Md., Edward Lee Coleman, of Baltimore, Md., Gerald H. Cooper, of Baltimore, Md., Louis L. DePazzo, of Baltimore, Md., Paul Bernard Engel, of Baltimore, Md., William H. Engelman, of Baltimore, Md., Philip Fiorello, of Baltimore, Md., Stanford H. Franklin, of Baltimore, Md., Sol J. Friedman, of Baltimore, Md., Forrest R. Gabler, of Baltimore, Md., Benjamin Gary, of Baltimore, Md., Angelo Vincent Glorioso, of Baltimore, Md., Karl H. Goodman, of Baltimore, Md., Daniel Gordon, of Baltimore, Md., Martin B. Greenfeld, of Baltimore, Md., Robert Hess, of Baltimore, Md., Charles B. Heyman, of Baltimore, Md., Norman Hochberg, of Baltimore, Md., Felix S. Jacob, of Baltimore, Md., Leonard S. Jacobson, of Baltimore, Md., R. Samuel Jett, Jr., of Baltimore, Md., Milton R. Jones, of Baltimore, Md., Solomon Kaplan, of Baltimore, Md., Julius William Lichter, of Baltimore, Md., H. Kemp MacDaniel, of Baltimore, Md., Herbert Matz, of Baltimore, Md., Morris Mazelis, of Baltimore, Md., Howard B. Merker, of Baltimore, Md., Richard D. Payne, of Baltimore, Md., Robert W. Payne, of Baltimore, Md., Kenneth Donald Pezzulla, of Baltimore, Md., Thomas Paul Raimondi, of Baltimore, Md., Murray I. Resnick, of Baltimore, Md., Edward B. Rybezynski, of Baltimore, Md., Frank Sacks, of Baltimore, Md., Herbert H. Scherr, of Baltimore, Md., Irving Schwartzman, of Baltimore, Md., I. Marshall Seidler, of Baltimore, Md., Philip Sherman, of Baltimore, Md., Alvin Solomon, of Baltimore, Md., Robert C. Verderaine, of Baltimore, Md., Jerome Weiner, of Baltimore, Md., Alan Michael Wolf, of Baltimore, Md., and William Harris Zinman, of Baltimore, Md., on motion of Mr. Thomas B. Finan, were admitted to practice.

OPINION

No. 17. United States, petitioner, v. Ray F. Speers, Trustee in Bankruptcy of the Kurtz Roofing Company, etc. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Black.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 375. Pennsylvania Public Utility Commission, appellant, v. The Pennsylvania Railroad Company. Appeal from the United States District Court for the Middle District of Pennsylvania. Judgment vacated and case remanded to the United States District Court for the Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 523. Anthony Albanese, petitioner, v. N. V. Nederl. Amerik Stoomv. Maats., et al.;

No. 557. International Terminal Operating Co., Inc., petitioner, v. N. V. Nederl. Amerik Stoomv. Maats; and

No. 654. N. V. Nederl. Amerik Stoomv. Maats, petitioner, v. Anthony Albanese et al. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit. The motion of American Trial Lawyers Association for leave to file a brief, as *amicus curiae*, and petition for writ of certiorari in No. 523 granted. Judgment reversed and case remanded to the United States District Court for the Southern District of New York. Petitions for writs of certiorari in Nos. 557 and 654 denied. Opinion *per curiam*. Mr. Justice Harlan would have denied certiorari in No. 523, *supra*, but the writ having been granted, he would have set the issues for plenary consideration. He concurs in the denial of certiorari in Nos. 557 and 654, *supra*.

No. 610. Sime Soric, etc., 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 for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 633. Anthony J. Travia 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 affirmed. Opinion *per curiam*. Mr. Justice Harlan con-

curs in the result for the reasons stated in his acquiescence to the affirmance of the judgment in *Travia v. Lomenzo*, 382 U.S. 4. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 11, Misc. Richard J. Mayberry, 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 in conformity with the opinion of this Court. Opinion *per curiam*.

No. 281, Misc. John P. O'Connor, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. Petition for rehearing granted and the order of October 11, 1965, insofar as it denies certiorari, is vacated. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is granted and judgment vacated. Case remanded to the Supreme Court of Ohio for further proceedings in light of *Griffin v. California*, 380 U.S. 609. Opinion *per curiam*.

No. 852, Misc. Louis B. Moody, appellant, *v.* United Mine Workers Local for the United States et al. Appeal from the United States District Court for the Northern District of Alabama. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. The motion by the United States for the entry of a supplemental decree is granted, and a supplemental decree is entered. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion or in the formulation of this decree.

No. 26, Original. State of Louisiana, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. The motions for extension of time for argument in *South Carolina v. Katzenbach*, No. 22 **Orig.**, and for leave to file a bill of complaint are denied.

No. 42. Ralph Ginzburg et al., petitioners, *v.* United States;

No. 49. Edward Mishkin, appellant, *v.* New York; and

No. 368. A Book Named "John Cleland's Memoirs of a Woman of Pleasure", G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. The motions of The American Parents Committee, Inc., and the Committee of Religious Leaders of the City of New York for leave to appear as *amicus curiae* and to adopt as their brief the briefs *amicus curiae* filed by the Citizens for Decent Literature, Inc., are granted.

No. 48. Annie E. Harper et al., appellants, *v.* Virginia State Board of Elections et al. The motion of the Solicitor General for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the appellees are allotted an additional thirty minutes for oral argument.

No. 490. Samuel H. Sheppard, petitioner, *v.* E. L. Maxwell, Warden. The motion to dispense with the printing of the record is granted.

No. 584. California, petitioner, *v.* Roy Allen Stewart. The motion of the respondent for the appointment of counsel is granted, and it is ordered that William A. Norris, Esquire, of Los Angeles, California, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the respondent in this case.

APPEAL—JURISDICTION NOTED

No. 256. United States, appellant, *v.* John W. Cook. Appeal from the United States District Court for the Middle District of Tennessee. The motion to dispense with printing the motion to dismiss or affirm is granted. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 636. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit granted.

No. 37, Misc. Elmer Davis, Jr., petitioner, *v.* North Carolina. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 90. Gladys Jordan, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 92. Haik Gharibians, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 111. Sam Accardi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 121. Albert Bracer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 305. Dana Albert Derfus, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 312. Clyde R. Husk, petitioner, *v.* T. A. Buchanan, etc. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 343. Joseph H. Cudia et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 436. Edward Tiesi, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 496. James Russell Heaps, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 503. Hyman Winter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 534. John Battaglia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 540. Frank W. Wiesner, petitioner, *v.* Maryland. Petition for writ of certiorari to the Circuit Court for Baltimore County, Maryland, denied.

No. 564. The Duriron Company, Inc., petitioner, *v.* Charles Stephenson et al. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 607. Frank J. Andrews, petitioner, *v.* United States;

No. 703. Gus Postell et al., petitioners, *v.* United States;

No. 706. Peter A. Andrews, Jr., et al., petitioners, *v.* United States; and

No. 707. Walter Owens et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 613. The Danforth Foundation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 615. John J. Dietz, petitioner, *v.* City of Toledo, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 616. Andrew J. Easter, petitioner, *v.* N. Jerome Ziff et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 620. Milton Luros et al., petitioners, *v.* William C. Hanson, Judge of the United States District Court for the Northern District of Iowa, Western Division, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 621. T. Kimball Hill, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 624. Creamer Industries, Inc., petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 627. James O. Phipps, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 628. Thomas D. Moorman, Administrator, etc., et al., petitioners, *v.* The Austin Presbyterian Theological Seminary et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 629. Kimberly Stein, etc., et al., petitioners, *v.* Elihu Oshinsky, Principal, Public School 184, Whitestone, New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 630. Idaho Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 631. Bertha Merrick, petitioner, *v.* Allstate Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 727. Andrew C. Ivy, petitioner, *v.* Nicholas Katzenbach, Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 618. Winckler & Smith Citrus Products Co. et al., petitioners, *v.* Sunkist Growers, Inc., et al. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this motion and petition.

No. 622. Pacific Coast European Conference et al., petitioners, *v.* United States et al. Motion of the Dow Chemical Company and Dow Chemical International, S.A., to be added as parties respondent granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 625. Dory Auerbach et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 634. Foremost Dairies, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 726. Sam Giancana, petitioner, *v.* United States. Motion to stay execution of commitment for contempt and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 10, Misc. Willie Floyd Law, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 14 Misc. Russell L. Perry, 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. 25 Misc. Diamond Love, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 30 Misc. Howard Taft Miller, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 35, Misc. Fred Menacho, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 38, Misc. Wayne John Conway, petitioner, *v.* Virginia. Petition for writ of certiorari to the Circuit Court for Arlington County, Virginia, denied.

No. 40, Misc. Johnnie F. Burns, petitioner, *v.* Jesse D. Harris, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 52, Misc. Will Tillett, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 65, Misc. Robert Ray McDonald, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 69, Misc. Calvin Snipe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 72, Misc. George P. Segars, petitioner, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 75, Misc. Henry Smith, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 105, Misc. Estherwood Bertrand, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 107, *Misc.* Robert Draper et al., petitioners, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 124, *Misc.* Stanley Ray Davis, petitioner, *v.* L. E. Wilson, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 211, *Misc.* Glen A. Syverson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 233, *Misc.* Carl Allen Robins, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 234, *Misc.* Edwin H. Reynolds, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 255, *Misc.* Don M. Williams, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 269, *Misc.* David Columbus Brown, petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 299, *Misc.* Anthony 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. 315, *Misc.* Bennie Will Meyes, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 323, *Misc.* Luther Green, 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. 324, *Misc.* Lloyd Woodson, petitioner, *v.* Iowa. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 350, *Misc.* Andre Brigham Young, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 353, *Misc.* Frank G. Rhodes, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 359, *Misc.* Sterling Middlebrooks Irving, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 363, *Misc.* Elroy Tillman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 403, *Misc.* Joshua Postell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 435, *Misc.* David B. Bailey, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 456, *Misc.* William Clyde Wright, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 491, *Misc.* Steve P. Barnosky, 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. 496, *Misc.* Archie A. White, petitioner, *v.* Robert A. Grant, Judge, U.S. District Court, Northern District of Indiana. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 497, *Misc.* E. Jack Williams, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Second District, denied.

No. 506, *Misc.* William Brooks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 518, *Misc.* Dale Estin Birdsell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 534, *Misc.* Terry M. Stahlman, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 548, *Misc.* Bland Williams, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 571, *Misc.* Robert Miller Young, petitioner, *v.* West Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 600, *Misc.* Obie Paul Noonkester, petitioner, *v.* Washington, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 607, *Misc.* Lamar Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 614, **Misc.** Farrell H. Fenton, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 616, **Misc.** Louis Hayward White, petitioner, *v.* United States District Court for the Southern District of California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 637, **Misc.** Claude George Atkins, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 638, **Misc.** Chester Nelson, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 654, **Misc.** Willie Glover, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 656, **Misc.** Johnny D. Salazar, petitioner, *v.* Harold A. Cox, Warden; and

No. 657, **Misc.** Joe N. Lucero, petitioner, *v.* Harold A. Cox, Warden. Petitions for writs of certiorari to the Supreme Court of New Mexico denied.

No. 658, **Misc.** Fred Bates, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 691, **Misc.** Candido Armenta, petitioner, *v.* Walter Dunbar, Director, Department of Corrections. Petition for writ of certiorari to the Supreme Court of California denied.

No. 692, **Misc.** Joseph H. Magette, 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. 693, **Misc.** George J. Hurley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 695, **Misc.** G. Aristotle Lyons et al., etc., petitioners, *v.* Leslie Bailey, as Director of Juvenile Court Facilities. Petition for writ of certiorari to the Supreme Court of California denied.

No. 697, **Misc.** Richard Louis Bowden, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 698, **Misc.** Freddie Sanchez, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 702 Misc. William Cagle, Jr., petitioner, *v.* Jesse D. Harris, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 704 Misc. Robert Sanchez Litterio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 708, Misc. Welton Vanhook, petitioner, *v.* R. L. Eklund, Superintendent, California Prison at Chino, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 729, Misc. Bernhardt Peguese, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 734, Misc. Benny C. Ross, petitioner, *v.* Delta Drilling Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 737, Misc. Mario J. De Lucia, petitioner, *v.* Howard A. Yeager, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 763, Misc. Charles Cecil Shields, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 780, Misc. Gentry Boyd Puckett, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 786, Misc. Harold Tucker Matlock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 801, Misc. Patrick J. Corcoran, petitioner, *v.* Samuel W. Yorty et al. 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. 5, Misc. Edward Edmonson, petitioner, *v.* E. V. Nash, Warden;

No. 54, Misc. Alejandro Rubio, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 183, Misc. Jimmy M. Aranda, petitioner, *v.* California;

No. 384, Misc. Glenn Cooper, Jr., petitioner, *v.* Florida;

No. 618, Misc. Eddie Borges Santos, petitioner, *v.* Lawrence E. Wilson;

No. 661, Misc. Paul E. Cole, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution; and

No. 684, Misc. Harold E. Thompson, petitioner, *v.* Stanley A. Macieiski, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 93, Misc. George Thomas Stanley, petitioner, *v.* Florida;

No. 100, Misc. Earl David Boan, petitioner, *v.* Idaho;

No. 174, Misc. Armando Maisonave, petitioner, *v.* Florida;

No. 207, Misc. William Westmore, petitioner, *v.* Florida; and

No. 825, Misc. David Charles Smith, petitioner, *v.* Florida. 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. 613, Misc. Herbert Richardson, petitioner, *v.* Missouri;

No. 673, Misc. George J. Hurley, petitioner, *v.* United States; and

No. 703, Misc. Eugene Joseph Barnes, petitioner, *v.* Missouri.

Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 533, Misc. James Clark, petitioner, *v.* Illinois. Petition for rehearing denied.

No. 281. Marguerite Shakespeare et al., appellants, *v.* City of Pasadena. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

Adjourned until Monday, January 17, 1966, at 10 o'clock.

The day call for Monday, January 17, 1966, will be as follows: No. 22, Original.

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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 Fortas.

ADMISSIONS TO THE BAR

Thomas H. Baer, of New York, N.Y., Neil Peck, of New York, N.Y., Carl F. Goodman, of New York, N.Y., Robert J. McGuire, of New York, N.Y., John S. Martin, Jr., of South Nyack, N.Y., Curtis Leroy Smith, of Cleveland, Ohio, Lloyd Odom Brown, of Cleveland, Ohio, Charles W. Fleming, of Cleveland, Ohio, Russell T. Adrine, of Cleveland, Ohio, John E. Washington, of Cleveland, Ohio, Richard L. Gunn, of Cleveland, Ohio, Homer Klee Miller, of Lima, Ohio, Clarence E. Walker, of Chattanooga, Tenn., William M. Ables, Jr., of South Pittsburgh, Tenn., Gregory M. Pillon, of Detroit, Mich., William H. Roundtree, of Cocoa, Fla., and Sigmund Ronell Balka, of Philadelphia, Pa., on motion of Mr. Solicitor General Thurgood Marshall; Robert M. Heard, of Elberton, Ga., on motion of Mr. Phil M. Landrum; Levin H. Campbell, of Cambridge, Mass., on motion of Mr. Archibald Cox; William Harvey Elrod, Jr., of Birmingham, Ala., on motion of Mr. Richmond M. Flowers; Thomas W. McFerrin, Sr., of Baton Rouge, La., on motion of Mr. Jack P. F. Gremillion; William E. Burby, Jr., of Los Angeles, Calif., on motion of Mr. William A. Sutherland; Henry Rueter Heyburn, of Louisville, Ky., on motion of Mr. Mac Asbill, Jr.; Edward T. Roehner, of New York, N.Y., on motion of Mrs. Sheila M. Roehner; Jack L. Hudson, of Colorado Springs, Colo., Harold W. Gardner, of Springfield, Mo., and Hugh Russell Oliver, of Maryville, Tenn., on motion of Mr. David Leib; Frank D. Bianco, of Des Moines, Iowa, on motion of Mr. David Kammeron; Omar Z. Ghobashy, of New York, N.Y., on motion of Mr. Frank E. G. Weil; Seymour Sacks, of Phoenix, Ariz., on motion of Mr. Maurice S. Meyer; Francis B. Van Nuys, of Bethlehem, Pa., David McGill Soutar, of Toledo, Ohio, Gaylord Ashlyn Wood, Jr., of Fort Lauderdale, Fla., Karl Louis Gotting, of Monroe, Mich., John MacGregor Kirk, of Flint, Mich., and Keith G. O'Brien, of Los Angeles, Calif., on motion of Mr. Ward Boston, Jr.; Alan B. Handler, of Trenton, N.J., on motion of Mr. James F. Bell; Robert F. Munsell III, of Chicago, Ill., on motion of Mr. Thormund Aubrey Miller; Hugh L. Steger, of Dallas, Tex., on motion of Mr. Meritt H. Steger; Carl W. F. Spencer, Jr., of Rock Hill, S.C., and Thomas Lee Clark, of Wilmington, Del., on motion of

Mr. David W. Robinson II; Hubert Farnham Howson, of McLean, Va., on motion of Mr. Spencer B. Michael; Frank Berndt, of North Olmsted, Ohio, on motion of Mr. Lawrence Robert Schneider; Lawrence A. G. Johnson, of Tulsa, Okla., on motion of Mr. Arthur D. Condon; William McCann Raymond, of Carson City, Nev., on motion of Mr. Chester H. Smith; Ralph Everett Brown, of Chicago, Ill., on motion of Mr. Robert A. Maloney; and Gilbert Adler, of New York, N.Y., Stanley N. Albert, of New York, N.Y., John Carro, of New York, N.Y., Jules R. Danto, of New York, N.Y., Joseph R. Erazo, of New York, N.Y., Antonio S. Figueroa, of New York, N.Y., Harain D. Figueroa, of New York, N.Y., Malcolm Gross, of New York, N.Y., C. Joseph Hallinan, Jr., of New York, N.Y., Roberto Lebron, of New York, N.Y., Antonio Claudio Martinez, of New York, N.Y., Charles M. Monblatt, of New York, N.Y., Raymond Fernandez Narral, of New York, N.Y., Manuel Ramos, of New York, N.Y., Jack Joseph Sissman, of New York, N.Y., Barry Ivan Slotnick, of New York, N.Y., Raymond J. Suarez, Jr., of New York, N.Y., Austin Torres, of New York, N.Y., Felipe N. Torres, of New York, N.Y., and Frank Torres, of New York, on motion of Mr. Manuel Nelson Zapata, were admitted to practice.

OPINIONS

No. 10. United States, petitioner, *v.* Ethel Mae Yazell. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Fortas. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas and Mr. Justice White join.

No. 28. Louis Katchen, petitioner, *v.* Hyman D. Landy, Trustee in Bankruptcy, etc. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed. Opinion by Mr. Justice White. Mr. Justice Black and Mr. Justice Douglas dissent for the reasons stated in the dissenting opinion of Judge Phillips in the Court of Appeals.

No. 61. E. S. Evans et al., petitioners, *v.* Charles E. Newton et al. On writ of certiorari to the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 87. International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board and General Electric Company. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Petition for writ of certiorari granted, judgments vacated and case remanded to the Court of Appeals for further consideration in light of *Automobile Workers v. Scofield*, 382 U.S. 205. Opinion *per curiam*.

No. 100. Joe Altieri, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in light of *Sansome v. United States*, 380 U.S. 343. Opinion *per curiam*.

No. 510. American Trucking Associations, Inc., et al., appellants, *v.* United States et al.; and

No. 511. The Pennsylvania Railroad Company, appellant, *v.* United States et al. Appeals from the United States District Court for the Eastern District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted.

No. 556. The Pennsylvania Railroad Company et al., appellants, *v.* United States and Interstate Commerce Commission, et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 593. Koehring Company, petitioner, *v.* Hyde Construction Company, Inc., et al. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Northern District of Oklahoma for further proceedings consistent with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 635. National Bus Traffic Association, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Illinois. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 662. American Trucking Associations, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Columbia. The motion of The Atchison, Topeka and Santa Fe Railway Company et al. to be added as parties appellee

is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 663. Newspaper Drivers & Handlers, Local Union No. 372, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Inc., petitioner, *v.* Detroit Newspaper Publishers Association et al. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgments vacated and case remanded to the Court of Appeals with instructions that the case be remanded to the National Labor Relations Board for further consideration in light of *American Ship Building Co. v. Labor Board*, 380 U.S. 300. Opinion *per curiam*.

No. 676. Northwestern Pacific Railroad Company, appellant, *v.* Public Utilities Commission of California. Appeal from the Supreme Court of California. The motion of the City of San Rafael, California, et al., for leave to be named parties appellee is denied. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 677. Great Coastal Express, Incorporated, et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Virginia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 679. Clayton T. Lloyd, appellant, *v.* Albert Brick et al. Appeal from the Court of Appeals of Maryland. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 690. Herbert J. Smith et al., appellants, *v.* Willard Ayres, Mayor, etc., et al. Appeal from the Supreme Court of Florida. 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. 699. William Edgar John, Jr., appellant, *v.* Elizabeth Bowman John. Appeal from the Court of Appeals of New York. The motion to dispense with printing the motion to dismiss or affirm 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 writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 718. Atlantic Gulf & Pacific Co., appellant, *v.* Lawrence E. Gerosa, as Comptroller of the City of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 719. Convoy Company, appellant, *v.* United States and Interstate Commerce Commission. Appeal from the United States District Court for the District of Oregon. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 732. Arnold Schildhaus, appellant, *v.* The Association of the Bar of the City of New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed 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. 22, Original. State of South Carolina, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. The motion by the State of Alabama for leave to intervene is denied.

No. 210. James T. Stevens, petitioner, *v.* Charles Marks, Justice of the Supreme Court of New York, County of New York; and

No. 290. James T. Stevens, petitioner, *v.* John J. McCloskey, Sheriff of New York City. The motion of The Superior Officers Council of City of New York Police Department for leave to file a brief, as *amicus curiae*, is granted.

No. 219. Johnnie K. Baxstrom, petitioner, *v.* R. E. Herold, Director, Dannemora State Hospital. The motion of the respondent for leave to file a brief after argument is granted.

No. 368. A Book Named "John Cleland's Memoirs of a Woman of Pleasure", G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. The motion for leave to file a supplemental brief by Citizens for Decent Literature, Inc., as *amicus curiae*, is denied.

No. 535. United States, petitioner, *v.* John Catto, Jr., et al. The motions of the respondents to remove this case from the summary calendar is granted and a total of one and one-half hours is allotted for oral argument.

No. 584. California, petitioner, *v.* Roy Allen Stewart. The motion of the petitioner to dispense with printing the record is granted. The motion of the respondent for leave to proceed *in forma pauperis* is granted. The motion of the petitioner to remove this case from the summary calendar is granted and a total of one and one-half hours is allotted for oral argument.

No. 657. James Brookhart, petitioner, *v.* Ohio. The motion of the petitioner to substitute Martin A. Janis, Director of the Ohio Department of Mental Hygiene and Correction as the party respondent in the place of Ohio is granted.

No. 711. United States, petitioner, *v.* Jerome Kalishman, Trustee in Bankruptcy, etc. The respondent is invited to file a brief expressing his views, as *amicus curiae*, in No. 650.

No. 722. Manuel Gomez Barrios et al., appellants, *v.* Florida. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 761. Carl Calvin Westover, petitioner, *v.* United States. The motion for leave to amend the petition is denied.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 79. Cascade Natural Gas Corporation, appellant, *v.* El Paso Natural Gas Company et al.;

No. 82. People of the State of California, appellant, *v.* El Paso Natural Gas Company et al.; and

No. 596. Southern California Edison Company, appellant, *v.* El Paso Natural Gas Company et al. Appeals from the United States District Court for the District of Utah. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allotted for oral argument. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 531. United States, appellant, *v.* Ben Blue. Appeal from the United States District Court for the Southern District of California. Further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 471. The City of Greenwood, Mississippi, petitioner, *v.* Willie Peacock et al.; and

No. 649. Willie Peacock et al., petitioners, *v.* The City of Greenwood, Mississippi. 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, and set for oral argument immediately following No. 147.

No. 619. Steven Ashton, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky granted and case placed on the summary calendar.

No. 645. United States, petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the Supreme Court of New Jersey granted and case placed on the summary calendar.

No. 650. John Nicholas, Trustee of the Estate of Beachcomber Motel, Inc., Bankrupt, petitioner, *v.* United States. 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. 658. Armando Schmerber, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, granted and case placed on the summary calendar.

No. 692. The Pure Oil Company, petitioner, *v.* Pascual Suarez. 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. 70. Aircraft & Engine Maintenance & Overhaul, Building, Construction, Manufacturing, Processing & Distribution and Allied Industries Employees, Local 290, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, petitioner, *v.* I. E. Schilling Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 86. Aircraft & Engine Maintenance & Overhaul, Building, Construction, Manufacturing, Processing and Distribution and Allied Industries Employees, etc., petitioner, *v.* Oolite Concrete Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 245. Milton Bloombaum, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 601. The Goodyear Tire & Rubber Company et al., petitioners, *v.* Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 617. Lyle B. Borst, petitioner, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 623. Georgia Railroad and Banking Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 632. Joseph Scalza, petitioner, *v.* United States; and

No. 701. Burt Hyman, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 637. Jahncke Service, Inc., petitioner, *v.* Greater New Orleans Expressway Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 638. Standard-Triumph Motor Company, Inc., petitioner, *v.* City of Houston et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 639. William Broadnax, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 640. Midwest Laundry Equipment Corp., petitioner, *v.* Maurice Berg et ux. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 641. Automation Devices, Inc., petitioner, *v.* Edward A. Smalenger, Jr., etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 644. Otto W. Heider, Sr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 646. Warren J. Adams et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 648. Arnold M. Grant, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 651. Montana Eastern Pipe Line Company, petitioner, *v.* Shell Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 653. Ervin Rahmoeller, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 660. Kenneth L. Jones, Administrator, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 664. Stephen Lillo et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 665. Ethel C. Rudick, petitioner, *v.* Superior Court of the State of California for the County of Los Angeles et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 666. J. C. Martin Corporation, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 667. Kenneth H. Katschke et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 668. Willie Bristol Watson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 669. Lewis J. Ritacco et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 670. Tecon Engineers, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 671. North Texas Producers Association, petitioner, *v.* Metzger Dairies, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 672. Hugo Fieldsmith, petitioner, *v.* Texas State Board of Dental Examiners. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 674. Dieter Hulsbusch, petitioner, *v.* The Davidson Rubber Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 675. Lillian C. Stevens, etc., et al., petitioners, *v.* Humble Oil & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 680. Charlotte Andrews, petitioner, *v.* City of San Bernardino et al. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 683. Texas Liquor Control Board et al., petitioners, *v.* Ammex Warehouse Company, Inc., et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 685. Herman A. Pinedo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 686. Martin Melcher et al., petitioners, *v.* Robert Riddell, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 687. Fred Chandler, Sr., et al., petitioners, *v.* W. Lewis David et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 689. Manhattan-Bronx Postal Union et al., petitioners, *v.* Lawrence F. O'Brien, Individually and as Postmaster 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. 693. Bertha V. Moore, petitioner, *v.* The P. W. Publishing Company, Inc. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 696. Edward J. Dillon, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 697. Carpenter Body Works, Inc., petitioner, *v.* Tommy D. McCulley et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 708. Aetna Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 710. Continental Grain Company, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 713. Windham Creamery, Inc., et al., petitioners, *v.* Orville L. Freeman, Secretary of Agriculture. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 714. Delora Huff Page, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 715. St. Louis Mailers' Union Local No. 3, petitioner, *v.* Globe-Democrat Publishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 716. Schatten-Cypress Company, petitioner, *v.* Lee Shops, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 717. Kathleen Molnes Walston, petitioner, *v.* Thelma Lambertsen. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 720. Dallas Rollins, petitioner, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 721. Francis DeRosa, petitioner, *v.* Aetna Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 723. Gus N. Kountis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 725. Sidney Schwartz, 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. 728. Ernest Henninger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 729. Harry L. Coe, petitioner, *v.* Helmerich & Payne, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 730. Joseph L. Smayda et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 731. W. D. Harrigan et al., petitioners, *v.* Phillip I. Hamm, as Commissioner of Revenue of Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 736. Republic of Iraq, petitioner, *v.* The First National Bank of Chicago. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 737. William Thomas Carroll et al., petitioners, *v.* United States District Court for the Northern District of California, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 738. Cherrin Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 739. Gibraltar Amusements, Ltd., petitioner, *v.* The Wurlitzer Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 740. Achilles Abbamonte, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 742. City of Cleveland, Ohio, petitioner, *v.* Public Utilities Commission of Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 744. 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. 745. Abraham Moskow et al., petitioners, *v.* Boston Redevelopment Authority et al. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 746. Orville Rainey et al., petitioners, *v.* George A. Fuller Company et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 747. Harold L. Mack, petitioner, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 748. T. Roland Berner and Arthur S. Lesser, Executors, etc., petitioners, *v.* British Commonwealth Pacific Airlines, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 749. Sun Oil Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 753. 93 Court Corporation et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 756. Henry David et ux., petitioners, *v.* Robert L. Phinney, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 757. Henry W. Goranson, Administrator, etc., petitioner, *v.* Capital Airlines, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 769. The California Company, petitioner, *v.* Fred Kuchenig. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 771. David Arendt Bates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 774. World Airways, Inc., petitioner, *v.* Northeast Airlines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 780. James Lawrence Releford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 787. Bank of American National Trust and Savings Association, petitioner, *v.* Federal Reserve Bank of San Francisco. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 790. Signal Manufacturing Co., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 798. Bernard E. 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. 800. Mobil Oil Company, a Division of Socony Mobil Oil Company, Inc., petitioner, *v.* Local 7-644, Oil, Chemical and Atomic Workers, International Union, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 34. J. R. Frankel et al., petitioners, *v.* Federal Power Commission et al.;

No. 35. J. Ray McDermott & Co., Inc., petitioner, *v.* Federal Power Commission et al.; and

No. 36. The Superior Oil Company, petitioner, *v.* Federal Power Commission. Motion of the United Gas Pipe Line Company to be added as a party respondent in No. 36 is granted. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this motion and these petitions.

No. 355. Norman M. Littell, petitioner, *v.* Raymond Nakai. Motion to dispense with printing respondent's brief granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 566. Celia Hooper, petitioner, *v.* United States, etc. Motion for leave to file a supplement to the petition granted. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 603. Kenneth D. England and Connie J. England, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 643. Albert Thompson, petitioner, *v.* Kawasaki Kisen, K.K., et al. Motion of the American Trial Lawyers Association for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 647. South Florida Television 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. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 691. Liggett & Myers Tobacco Company, petitioner, *v.* Anita Pritchard, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 735. Gamble-Skogmo, Inc., petitioner, *v.* Western Auto Supply Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 682. The Overlakes Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 688. John Ike Griffith et al., petitioners, *v.* Board of Commissioners of the Alabama State Bar. Petition for writ of certiorari to the Supreme Court of Alabama denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 755. Samuel R. Frazier, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 709. Catherine Muth, Administratrix of the Estate of Clem Muth, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc.; and

No. 733. Mollie Darr, Administratrix of the Estate of Kurt Darr, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted, the Court of Appeals' judgment reversed, and the District Court's judgment affirmed.

No. 741. Fleming Daniel Gray, Jr., and Marie Goldman, petitioners, *v.* California. Motion to dispense with printing petition granted. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 803. Colorado Milling and Elevator Company, petitioner, *v.* Terminal Railroad Association of St. Louis. 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. 1, Misc. Karl H. Stello, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 140, Misc. Samuel E. Clark, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 148, Misc. Loy Rollin Kirk, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 212, Misc. Gerue Sullivan, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 221, *Misc.* Jacob Newman, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 249, *Misc.* Donald E. DeGroat, petitioner, *v.* New York State Supreme Court et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 278, *Misc.* Henry Bryant, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 279, *Misc.* Frank Anthony Amaral, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 287, *Misc.* Richard Davis Miller, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California Second Appellate District, denied.

No. 293, *Misc.* Walter Beasley, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 295, *Misc.* Henry G. Armstrong, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 297, *Misc.* Stephen Conover, petitioner, *v.* R. E. Herold, Director Dannemora State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 367, *Misc.* William Savino, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 373, *Misc.* John Anderson and William O. Whitmore, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 428, *Misc.* Frazier Knight, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 442, *Misc.* John W. Walker, Jr., petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 460, *Misc.* Philip M. Rice, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 478, *Misc.* Pearly Wilson, 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. 495, *Misc.* Kenneth Rogers, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 500, *Misc.* Salvador Gonzales, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 509, **Misc.** John L. Reed, petitioner, *v.* United States et al. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 521, **Misc.** Dolores C. vda de Monge 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. 552, **Misc.** Clifford Laverne Cunningham, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 573, **Misc.** Euripedes Quiles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 662, **Misc.** Harold Stanley Close, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 666, **Misc.** Robert Edward Lipscomb, petitioner, *v.* Lewis B. Stevens, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 668, **Misc.** Thomas Trantino, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 679, **Misc.** Ralph Di Piero, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 681, **Misc.** Rufus Earl Davis, petitioner, *v.* Walter Dunbar, Director, Department of Corrections of California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 683, **Misc.** Arthur Wright, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 686, **Misc.** Forest Alexander, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 687, **Misc.** Raymond P. Wilson, 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. 694, **Misc.** Clarence L. Butler, petitioner, *v.* Kermit A. Weakley et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 711, **Misc.** Miles Clifford Beasley, petitioner, *v.* Texas Casualty Insurance Company. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 713, Misc. Josephine Paz Macias, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 727, Misc. Robert Gallagher, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 740, Misc. Steven Michal Green et al., petitioners, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 746, Misc. John M. Eldridge, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 750, Misc. Kenneth Hunt et al., petitioners, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 751, Misc. Theodore N. White, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 754, Misc. Van Norman White, petitioner, *v.* Bryan Clemmons, Sheriff, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 755, Misc. Robert Ward, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 758, Misc. William Curley, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 759, Misc. William H. Timmons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 760, Misc. John K. Flowers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 761, Misc. Lowell Lyons, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 762, Misc. James Arlen Reid, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 764, Misc. Henry Orlando, 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. 769, **Misc.** Arlie C. Bush, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 770, **Misc.** Russell Traganza, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 771, **Misc.** Haskel E. "Billy" Bentley, etc., petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 772, **Misc.** Ernest Vida, petitioner, *v.* Stephen J. Roth, United States District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 773, **Misc.** Sherman H. Skolnick, petitioner, *v.* Albert E. Hallett et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 774, **Misc.** Conrad James Carreon, Jr., petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California Second Appellate District, denied.

No. 777, **Misc.** Walter Williams, petitioner, *v.* Me-ba Duncanson, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 783, **Misc.** George Johnson, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Superior Court of Pennsylvania, Philadelphia District, denied.

No. 784, **Misc.** Ethel L. Moots, etc., petitioner, *v.* Secretary, United States Department of Health, Education and Welfare, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 787, **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. 788, **Misc.** Richard E. Loux, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 794, **Misc.** Tom Eskridge, 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. 795, **Misc.** Jim Fair, petitioner, *v.* Haydon Burns, Governor of the State of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 796, **Misc.** John W. Campbell, petitioner, *v.* Otto Kerner, Governor of the State of Illinois, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 797, **Misc.** Claude Rector, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 798, **Misc.** Aaron Robinson, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 799, **Misc.** Miguel Rivera, petitioner, *v.* Elmer Reeves, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 800, **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. 802, **Misc.** Lewis N. Branch, etc., petitioner, *v.* Mills & Lupton Supply Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 803, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 807, **Misc.** Louis Ludwik Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 808, **Misc.** Randolph Russell, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 809, **Misc.** John Collins, petitioner, *v.* John Klinger, Superintendent, California Mens Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 810, **Misc.** Norman Brabson, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 816, **Misc.** Louis Ortega, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 822, **Misc.** Joseph Hobbs, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 826, **Misc.** August C. Hensley, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 827, **Misc.** Bennie Will Meyes, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 828, **Misc.** Tecumseh Robinson, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 830, **Misc.** Eddie L. Brown, petitioner, *v.* Eugene M. Zuckert, Secretary of the Air Force, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 832, **Misc.** Clifford Jefferson, petitioner, *v.* Richard A. McGee et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 835, **Misc.** Jimmie Lee Ross, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 839, **Misc.** Thomas Edward Grenfell, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 843, **Misc.** Thornton Smith, Jr., petitioner, *v.* Buford Ellington et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 845, **Misc.** George H. Chapman, petitioner, *v.* H. E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 847, **Misc.** Lucy Andrews, petitioner, *v.* Thomas J. Murphy. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 853, **Misc.** Aaron B. Lee, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 855, **Misc.** Maxwell James Johnson, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 857, **Misc.** Oscar W. Fierro, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 862, **Misc.** James O. Wynder, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 868, Misc. Annette Marie Becker et al., petitioners, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 926, Misc. Glen Earl Losinger, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 15, Misc. Walter E. Herr and William O. Gillentine, petitioners, *v.* United States. Motion for leave to amend petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 815, Misc. Thomas J. Crider, petitioner, *v.* Zurich Insurance Company. Motion for leave to use the record in No. 116, **October Term, 1964**, 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. 813, Misc. Joseph Edward Evans, petitioner, *v.* Robert F. Kennedy, etc., et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 805, Misc. Henry Cephas, petitioner, *v.* Otto C. Boles, Warden;

No. 831, Misc. Maurice N. Whittington, petitioner, *v.* Kermit A. Weakley, Superintendent, District of Columbia Reformatory;

No. 876, Misc. Ernest F. Williams, petitioner, *v.* Harold W. Follette, Warden;

No. 891, Misc. William L. Madden, petitioner, *v.* California;

No. 897, Misc. Joseph J. Tynan, petitioner, *v.* Frank A. Eyman, Warden, et al.;

No. 911, Misc. William H. Earnshaw, petitioner, *v.* Nicholas deB. Katzenbach, Attorney General of the United States, et al.; and

No. 925, Misc. Louis Ortega, petitioner, *v.* Warden, State Prison of Southern Michigan. Motions for leave to file petitions for writs of habeas corpus denied.

No. 593, Misc. Earl B. Murray, petitioner, *v.* Florida;

No. 778, Misc. Claude W. Truslow, petitioner, *v.* Otto C. Boles, Warden; and

No. 895, Misc. Stanley Sheftic, petitioner, *v.* Otto C. Boles, 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. 481, **October Term, 1963.** Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. Motion for leave to file second petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 543, **October Term, 1963.** United States, petitioner, *v.* Maryland, for the use of Mary Jane Meyer et al. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 57. Hazeltine Research, Inc., et al., petitioners, *v.* Edward J. Brenner, Commissioner of Patents;

No. 165. Rolland B. McMaster, petitioner, *v.* United States;

No. 166. William F. Wolff, Sr., petitioner, *v.* United States;

No. 227. James R. Bullock, petitioner, *v.* Virginia;

No. 352. J. Lauritzen, petitioner, *v.* Robert Spann;

No. 359. Jimmie Johnson, petitioner, *v.* United States;

No. 429. William L. Maxwell, petitioner, *v.* Dan D. Stephens, Superintendent of Arkansas State Penitentiary;

No. 519. Edward Rutledge Gish, petitioner, *v.* Missouri;

No. 523. Anthony Albanese, petitioner, *v.* N. V. Nederl. Amerik Stoomv. Maats. et al.;

No. 539. Bank of America National Trust and Savings Association, petitioner, *v.* United States;

No. 550. Mario Prezioso, petitioner, *v.* United States;

No. 552. Chatsworth Cooperative Marketing Association et al., petitioners, *v.* Interstate Commerce Commission;

No. 558. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission;

No. 598. Gerhard Brasch, petitioner, *v.* State Compensation Insurance Fund et al.; and

No. 608. Lucille E. Moran, petitioner, *v.* Harry D. Penan et al. Petitions for rehearing denied.

No. 4. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al. Petition for rehearing denied. Mr. Justice Harlan and Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 21. The United Gas Improvement Company et al., petitioners, *v.* Callery Properties, Inc., et al.;

No. 22. Public Service Commission of the State of New York, petitioner, *v.* Callery Properties, Inc., et al.; and

No. 32. Federal Power Commission, petitioner, *v.* Callery Properties, Inc., et al. Petition for rehearing of Superior Oil Company et al. denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 477. Robert Hainsworth, appellant, *v.* Crawford Martin, Secretary of State of the State of Texas, et al. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 501. Maurice Rosenblatt, appellant, *v.* American Cyanamid Company. Petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 513. Herbert Harvey, petitioner, *v.* John Lawrence Lyons et al. Petition for rehearing and for other relief denied.

No. 125, Misc. Joseph Calhoun, petitioner, *v.* Frank J. Pate, Warden;

No. 219, Misc. Louis E. Hughes and Van Wallace Williams, petitioners, *v.* George A. Kropp, Warden;

No. 310, Misc. George James Barnard, petitioner, *v.* United States;

No. 320, Misc. Grady Brye, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 345, Misc. William Mack Lassiter, petitioner, *v.* United States;

No. 346, Misc. Raymond Henry Knippel, petitioner, *v.* United States;

No. 592, Misc. John Massari, petitioner, *v.* United States;

No. 602, Misc. William J. Edell, petitioner, *v.* Michael Di Piazza et al.;

No. 617, Misc. Harold A. Gadsden et al., petitioners, *v.* Harry M. Fripp et al.;

No. 637, Misc. Claude George Atkins, petitioner, *v.* Kansas;

No. 674, Misc. Nathaniel Becker, petitioner, *v.* Superintendent of Matteawan State Hospital et al.;

No. 801, Misc. Patrick J. Corcoran, petitioner, *v.* Samuel W. Yorty et al.; and

No. 852, Misc. Louis B. Moody, appellant, *v.* United Mine Workers Local for the United States et al. Petitions for rehearing denied.

No. 477, Misc. Richard Morris Goldstein, petitioner, *v.* Washington;

No. 501, Misc. Ralph G. Acuff, petitioner, *v.* Cook Machinery Company, Inc.; and

No. 532, Misc. W. Dean Cline, petitioner, *v.* Walter Dunbar. Motions for leave to file petitions for rehearing denied.

No. 676, Misc. Claudia Walker, petitioner, *v.* Superior Court of California in and for the City and County of San Francisco. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

ORAL ARGUMENT

No. 22, Original. State of South Carolina, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. Eight hours allowed for oral argument. Argument commenced by Mr. David W. Robinson II for the plaintiff and continued by Mr. R. D. McIlwaine III for the Commonwealth of Virginia, as *amicus curiae*, by Mr. Jack P. F. Gremillion for the State of Louisiana, as *amicus curiae*, by Mr. Francis J. Mizell, Jr., and Mr. Richmond M. Flowers for the State of Alabama, as *amicus curiae*, and by Mr. Joe T. Patterson and Mr. Charles Clark for the State of Mississippi, as *amicus curiae*.

Adjourned until tomorrow at 10 o'clock.

Call for Tuesday, January 18, 1966, will be as follows: No. 22, Original.

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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 Fortas.

ADMISSIONS TO THE BAR

William Jayne, of Reedsport, Oreg., on motion of Mr. Wayne Lyman Morse; John J. Droney, of Cambridge, Mass., on motion of Mr. Edward M. Kennedy; L. Michael McGrane, of Des Moines, Iowa, and Raymond T. Walton, of Davenport, Iowa, on motion of Mr. Bert A. Bandstra; Robert Coleman Ely, of Anchorage, Alaska, on motion of Mr. Robert L. McCarty; Frank Joseph Gavin, Jr., of Cleveland, Ohio, on motion of Mr. Chester H. Smith; Victor M. Pons, Jr., of San Juan, P.R., on motion of Mr. Stuart Rothman; J. Treadwell Boynton, of San Francisco, Calif., on motion of Mr. John I. Pittman; Clarence M. Small, Jr., of Birmingham, Ala., on motion of Mr. Al. G. Rives; George Frank Boney, of Anchorage, Alaska, on motion of Mr. Herald E. Stringer; Peter Yurcisin, of Alexandria, Va., on motion of Mr. Valerian J. Lavernoich; Robert F. Carlson, of Sacramento, Calif., on motion of Mr. Herman J. Morton; Samuel Stearman, of Washington, D.C., on motion of Mr. Max M. Weisman; Nelson Deckelbaum, of Washington, D.C., on motion of Mr. William Grattan Mahoney; Rodney Davis Briggs, of Chevy Chase, Md., on motion of Mr. Ray M. Van Hook; Peter Henry Wolf, of Washington, D.C., on motion of Mr. Frederick A. Ballard; Edith F. Lichota, of Toledo, Ohio, on motion of Mr. A. Robert Theilbault; and Joseph Anthony Barreca, of New Orleans, La., on motion of Mr. John W. Sholenberger, were admitted to practice.

OPINIONS

No. 16. Sgt. Jesse E. Snapp, petitioner, *v.* Honorable W. D. Neal, State Auditor, et al. On writ of certiorari to the Supreme Court of Mississippi. Judgment reversed and case remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 40. California, petitioner, *v.* Lyman E. Buzard. On writ of certiorari to the Supreme Court of California. Judgment affirmed. Opinion by Mr. Justice Brennan.

No. 44. Gerald Segal, Individually and d/b/a Segal Cotton Products, et al., petitioners, *v.* William J. Rochelle, Jr., Trustee. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan.

ORAL ARGUMENT

No. 22, **Original.** State of South Carolina, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. Argument continued by Mr. E. Freeman Leverett for the State of Georgia, as *amicus curiae*, by Mr. Attorney General Katzenbach for the defendant, by Mr. Levin H. Campbell and Mr. Archibald Cox for the Commonwealth of Massachusetts, as *amicus curiae*, by Mr. Alan B. Handler for the State of New Jersey, as *amicus curiae*, and concluded by Mr. Daniel R. McLeod for the plaintiff.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 19, 1966, will be as follows:
Nos. 104, 106, and 243.

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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 Fortas.

ADMISSIONS TO THE BAR

Lawrence E. Stewart, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Donald Posner, of Baltimore, Md., on motion of Mr. Theodore George Gilinsky; Laurence R. Brown, of Springfield, Va., on motion of Mr. John Coventry Smith, Jr.; Alfred J. Hernandez, of Houston, Tex., on motion of Mr. Philip J. Montalbo; James Woolls, of Alexandria, Va., on motion of Mr. Thomas Moncure; Harris Weinstein, of Washington, D.C., on motion of Mr. Daniel McNamara Gribbon; D. Kendall Cooper, of Lexington, Ky., on motion of Mr. Maurice H. Klitzman; and James Ray Dowdall, of Chicago, Ill., on motion of Mr. Sidney Neuman, were admitted to practice.

OPINIONS

No. 52. Dan Tehan, Sheriff of Hamilton County, Ohio, petitioner, *v. United States ex rel. Edgar I. Shott, Jr.* On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment vacated and case remanded to the Court of Appeals for consideration of the claims contained in the respondent's petition for habeas corpus, claims which that court has never considered. Opinion by Mr. Justice Stewart. Mr. Justice Black, with whom Mr. Justice Douglas joins, dissents for substantially the same reasons stated in his dissenting opinion in *Linkletter v. Walker*, 381 U.S. 618, at p. 640. Mr. Chief Justice Warren took no part in the decision of this case. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 47. Jay Giaccio, appellant, *v. Pennsylvania*. Appeal from the Supreme Court of Pennsylvania, Eastern District. Judgment reversed and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Fortas.

ORAL ARGUMENT

No. 104. Morris A. Kent, Jr., petitioner, *v. United States*. Argued by Mr. Myron G. Ehrlich and Mr. Richard Arens for the petitioner and by Mr. Theodore G. Gilinsky for the respondent.

No. 106. Federal Trade Commission, petitioner, *v.* The Borden Company. Argued by Mr. Robert B. Hummel for the petitioner and by Mr. John E. F. Wood for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 20, 1966, will be as follows:
Nos. 243, 161, and 280.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Fortas.

ADMISSIONS TO THE BAR

Samuel W. Block, of Chicago, Ill., Keith F. Bode, of Chicago, Ill., William J. Friedman, of Chicago, Ill., and Stanley R. Zax, of Chicago, Ill., on motion of Mr. Thomas Gardiner Corcoran; Richard Logan Furry, of Springfield, Ohio, on motion of Mr. Edward G. Hudon; Cordell D. Meeks, of Kansas City, Kans., on motion of Mr. Harry M. Leet; Ellis C. Magee, of Baton Rouge, La., on motion of Mr. Gillis W. Long; Samuel Norwood Moore, of Alexandria, Va., on motion of Mr. Ira Jethro Crickenberger; Normal Paul Harvey, of Philadelphia, Pa., on motion of Mr. Denver H. Graham; Lionel G. Gross, of Chicago, Ill., on motion of Mr. Richard Frye Watt; Thomas Calhoun Britton, of Miami, Fla., on motion of Mr. John S. Walker; Thomas J. Sheehan, Jr., of Mineola, N.Y., on motion of Mr. Bernard H. Fitzpatrick; and John M. Bowlus, of Chicago, Ill., on motion of Mr. Walter J. Rockler, were admitted to practice.

ORAL ARGUMENT

No. 243. United Mine Workers of America, petitioner, *v.* Paul Gibbs. Argued by Mr. Willard P. Owens for the petitioner and by Mr. Clarence Walker for the respondent.

No. 161. Dora Surowitz, etc., petitioner, *v.* Hilton Hotels Corporation et al. Argued by Mr. Richard F. Watt for the petitioner and by Mr. Samuel W. Block for the respondents.

No. 280. Pasquale J. Accardi et al., petitioners, *v.* The Pennsylvania Railroad Company. Leave granted Richard A. Posner to appear and present oral argument for the petitioners, *pro hac vice*, on motion of Mr. Ralph S. Spritzer. Argued by Mr. Richard A. Posner for the petitioners, *pro hac vice*, by special leave of Court and by Mr. Edward F. Butler for the respondent.

Adjourned until Monday, January 24, 1966, at 10 o'clock.

The day call for Monday, January 24, 1966, will be as follows: Nos. 282, 210 (and 290), 127, and 291.

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 Fortas.

ORDER IN PENDING CASE

No. 1111, Misc. Stephen S. Chandler, United States District Judge for the Western District of Oklahoma, petitioner, *v.* Judicial Council of the Tenth Circuit of the United States. Petitioner applied to Mr. Justice White, Circuit Justice for the Tenth Circuit, for "Stay of Order of Judicial Council of the Tenth Circuit of the United States" in the above matter, and the application was by him referred to the Court for its consideration and action.

It appearing to the Court from the response of the Solicitor General to the application that the order from which relief is sought is entirely interlocutory in character pending prompt further proceedings inquiring into the administration of Judge Chandler of judicial business in the Western District of Oklahoma, and that at such proceedings Judge Chandler will be permitted to appear before the Council, with counsel, and that after such proceedings the Council will, as soon as possible, undertake to decide what use, if any, should be made of such powers as it may have in the premises, it is hereby ordered that the application for stay be denied pending this contemplated prompt action of the Judicial Council. The Court expresses no opinion concerning the propriety of the interlocutory action taken.

Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins:

United States District Judge Stephen S. Chandler here asks for a stay of an "Order" of the Judicial Council of the Tenth Circuit directing that until further order of the Council, Judge Chandler "take no action whatsoever in any case or proceeding now or hereafter pending" in his court, that cases now assigned to him be assigned to other judges, and that no new actions filed be assigned to him. If this order is not stayed and if the Judicial Council has some way to enforce it, the order means that Judge Chandler is completely barred from performing any of his official duties and in effect is removed or ousted from office pending further orders of the Council. The reason given by the Council for this drastic action is that it "finds that Judge Chandler is presently unable, or unwilling to discharge efficiently the duties of his

office . . .” By refusing to stay the Council’s order, the Court necessarily acts on the premise that the Council has a legal right to remove Judge Chandler from office at least temporarily. Though the Court tries to soft-pedal its refusal to stay the order by referring to it as “interlocutory in character,” the stark fact which cannot be disguised is that a United States District Judge, duly appointed by the President and approved by the Senate, is with this Court’s imprimatur locked out of his office pending “further proceedings” by the Judicial Council. I think the Council is completely without legal authority to issue any such order, either temporary or permanent, with or without a hearing, that no statute purports to authorize it, and that the Constitution forbids it. Nor can the effect of the order be softened by asserting that Judge Chandler will be permitted to have a lawyer represent him before his fellow judges. Assuming that we have jurisdiction to stay an order from a governmental agency that has no power at all to do what this Council has done, I would stay this “Order” *instantanter*.

The Council states that its order was made “pursuant to the power and authority vested in the Judicial Council by the Act of June 25, 1948, p. 646, § 332, 62 Stat. 902, 28 U. S. C. § 332.” That section so far as relevant reads:

“Each judicial council shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit. The district courts shall promptly carry into effect all orders of the judicial council.”

There is no language whatever in this or any other Act which can by any reasonable interpretation be read as giving the Council a power to pass upon the work of district judges, declare them inefficient and strip them of their power to act as judges. The language of Congress indicates a purpose to vest the Judicial Council with limited *administrative* powers; nothing in this language, or the history behind it, indicates that a Council of Circuit Court Judges was to be vested with power to discipline district judges, and in effect remove them from office. This is clearly and simply a proceeding by circuit judges to inquire into the fitness of a district judge to hold his office and to remove him if they so desire. I do not believe Congress could, even if it wished, vest any such power in the circuit judges.

One of the great advances made in the structure of government by our Constitution was its provision for an independent judiciary—for judges who could do their duty as they saw it without having to account to superior court judges or to any one else except the Senate sitting as a court of impeachment. Article II,

§ 4 of the Constitution provides that "Officers of the United States," which include judges, "shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors," and Art. I, §§ 2 and 3 state that impeachment can be instituted only on recommendation of the House of Representatives and that trial can be held only by the Senate. To hold that judges can do what this Judicial Council has tried to do to Judge Chandler here would in my judgment violate the plan of our Constitution to preserve, as far as possible, the liberty of the people by guaranteeing that they have judges wholly independent of the Government or any of its agents with the exception of the United States Congress acting under its limited power of impeachment. We should stop in its infancy, before it has any growth at all, this idea that the United States district judges can be made accountable for their efficiency or lack of it to the judges just over them in the federal judicial system. The only way to do that is to grant this stay and I am in favor of granting it.

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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 Fortas.

ADMISSIONS TO THE BAR

Howard Stanley Epstein, of Washington, D.C., Joseph John Koman, Jr., of Philadelphia, Pa., Edward Stuart Reich, of New York, N.Y., Herman Reich, of New York, N.Y., Jay L. Shavelson, of Los Angeles, Calif., Miles J. Rubin, of Los Angeles, Calif., and James Clifton Roberson, of Pound, Va., on motion of Mr. Solicitor General Thurgood Marshall; Charles E. Muskett, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Edwin Nelson Popkin, of Bristol, Pa., on motion of Mr. Willard S. Curtin; Lawrence Wayne Novack, of San Bernardino, Calif., on motion of Mr. Richard T. Hanna; Reginald Martin Watt, of Chico, Calif., on motion of Mr. Richard N. Little; Timothy Belcher Dyk, of Washington, D.C., on motion of Mr. Louis F. Oberdorfer; William Burke Brady, of Little Rock, Ark., on motion of Mr. Floyd Lee Williams; Richard L. Ambelang, of Chariton, Iowa, James J. Nero, of Tampa, Fla., and John B. McCue, of Kittanning, Pa., on motion of Mr. David Leib; Frank B. Keech, of Kansas City, Mo., on motion of Mr. Edward Gallagher; James K. Silberman, of Stamford, Conn., on motion of Mr. Robert Irving Denison; Malvina Halberstam Guggenheim, of New York, N.Y., Catherine F. McCarthy, of Pelham, N.Y., Peter D. Andreoli, of Pelham, N.Y., John Anthony Kershaw Bradley, of New York, N.Y., and Michael R. Stack, of New York, N.Y., on motion of Mr. H. Richard Uviller; August W. Steinhilber, of Suitland, Md., on motion of Mr. A. Kenneth Pye; Robert J. Eliasberg, of New York, N.Y., on motion of Mr. John P. Schofield; Albert A. Wedeen, of New York, N.Y., and Robert Emmet Lynch, Jr., of Washington, D.C., on motion of Mr. Charles H. Burton; Walter F. Cunningham, of Chicago, Ill., and Leon Fieldman, of Chicago, Ill., on motion of Mr. Edward McKie; John Grant Hackney, of Charleston, W. Va., on motion of Mr. Mose E. Boiarsky; Donald Hugh Boberick, of West Covina, Calif., on motion of Mr. John J. Keyser; Spencer Cone Relyea III, of Dallas, Tex., on motion of Mr. George H. Lawrence; Lawrence P. Sheinberg, of New York, N.Y., on motion of Mr. Leo Otis; Robert J. Leek, Jr., of Oakmont, Pa., on motion of Mr. R. Clyde Cruit; and Harold George Andrews, of Chicago, Ill., Francis Barth, of Chicago, Ill., Raymond

K. Berg, of Chicago, Ill., Robert D. Brodt, of Springfield Ill., Calvin C. Campbell, of Chicago, Ill., Daniel Patrick Coman, of Chicago, Ill., Robert J. Egan, of Chicago, Ill., Richard E. Friedman, of Chicago, Ill., Terence F. MacCarthy, of Chicago, Ill., Edward H. Marsalek, of Chicago, Ill., Richard A. Michael, of Chicago, Ill., and John Berry O'Keefe of Oak Park, Ill., on motion of Mr. William G. Clark, 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. 751. Chicago and North Western Railway Company et al., appellants, *v.* Chicago, Burlington & Quincy Railroad Company et al.; and

No. 752. Interstate Commerce Commission, appellant, *v.* Chicago, Burlington & Quincy Railroad et al. Appeals from the United States District Court for the Northern District of Illinois. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 87, Misc. Fred Banks, petitioner, *v.* California. On petition for writ of certiorari to the District Court of Appeal of California, First Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further proceedings in light of *Griffin v. California*, 380 U.S. 609. Opinion *per curiam*. The Chief Justice took no part in the consideration of this case.

No. 824, Misc. Thomas V. Pew, appellant, *v.* Commandant, U.S. Coast Guard. Appeal from the United States Court of Appeals for the District of Columbia 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. 849, Misc. Antonio Escalera, appellant, *v.* Supreme Court of Puerto Rico. Appeal from the Supreme Court of Puerto Rico. 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.

No. 896, Misc. Fred Odell, appellant, *v.* State Department of Public Welfare of Wisconsin et al. Appeal from the United States Dis-

trict Court for the Western District of Wisconsin. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

APPEALS—JURISDICTION NOTED

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan;

No. 877. New York City Board of Elections, etc., appellant *v.* John P. Morgan and Christine Morgan. Appeals from the United States District Court for the District of Columbia. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allotted for oral argument.

No. 673. Martha Cardona, appellant, *v.* James M. Power et al. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted. The Case placed on the summary calendar and set for oral argument immediately following Nos. 847 and 877.

No. 537, Misc. Joseph A. Rinaldi, appellant, *v.* Howard Yeager, Warden, et al. Appeal from the United States District Court for the District of New Jersey. The motion for leave to proceed *in forma pauperis* is granted. In this case probable jurisdiction is noted and case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI GRANTED

No. 750. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO, et al., petitioners, *v.* Florida East Coast Railway Company;

No. 782. United States, petitioner, *v.* Florida East Coast Railway Company et al.; and

No. 783. Florida East Coast Railway Company, petitioner, *v.* United States. 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. The United States is to open the argument and direct itself first to issues raised in No. 782. Mr. Justice Fortas took no part in the consideration or decision of these petitions.

CERTIORARI DENIED

No. 269. Anthony Portelli, petitioner, *v.* New York; and

No. 270. Jerome Rosenberg, petitioner, *v.* New York. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 565. Monroe Auto Equipment Company, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 661. Field Enterprises, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 766. Francisco Parada-Gonzalez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 775. James R. Green, doing business as Jim Green's Trucking Company, petitioner, *v.* Public Utilities Commission of California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 778. Natural Resources, Inc., et al., petitioners, *v.* William J. Wineberg. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 779. Elishas George et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 784. Doris Watkins et al., petitioners, *v.* The Superior Court, Los Angeles County, California, et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 785. John J. Halko, Jr., petitioner, *v.* Raymond W. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 799. Robert Joseph Marshall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 801. Atomic Oil Company of Oklahoma, Inc., petitioner, *v.* Bardahl Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 802. Bettilyon's, Inc., et al., petitioners, *v.* Utah, by and through its Road Commission. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 804. National Labor Relations Board, petitioner, *v.* Adams Dairy, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 805. Madeline Sylvester et al., petitioners, *v.* Lorraine I. Messler, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 806. Clark Marine Corporation, petitioner, *v.* Cargill, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 807. Interstate Commerce Commission, petitioner, *v.* Northwest Agricultural Cooperative Association, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 809. Winchester Drive-In Theatre, Inc., et al., petitioners, *v.* Twentieth Century-Fox Film Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 813. Estate of Wallace P. Geiger, etc., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 817. Cecil L. Tansel, etc., petitioner, *v.* Photon, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 819. Harry A. Reoux, petitioner, *v.* The First National Bank of Glens Falls, etc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 767. Clarence Smaldone, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 768. Joseph Salardino, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 788. Americus Quintana, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 70, **Misc.** George T. Coor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 85, **Misc.** Ralph Jerome Selz, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 102, **Misc.** Oscar Shipp, petitioner, *v.* L. E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 169, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 274, **Misc.** Ervin Lee Johnson, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 311, **Misc.** Ljubomir Tom Grossi, 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. 348, **Misc.** Clark L. Nuole, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 396, **Misc.** James Harold Melton, Jr., petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 429, **Misc.** Jack Taylor Ruud, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 448, **Misc.** Theodore Cuevas, petitioner, *v.* Tom Sdrales, d/b/a The Seventy-Three Inn, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 454, **Misc.** Bert Watts, 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. 476, **Misc.** Roland J. White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 494, **Misc.** William Edward Unsworth, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 512, **Misc.** Lorin Joseph Ponton, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 514, **Misc.** Gerald Wayne Gardner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 525, **Misc.** Billy Allen Wright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 536, **Misc.** George Aubel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 589, **Misc.** Darrell Paul Giraud, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 632, **Misc.** Wayne Brooks, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 650, **Misc.** Albert L. Lesco, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 663, **Misc.** Joseph A. Schantz, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 688, **Misc.** Ralph Nichols, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 696, **Misc.** George Martin Bradley, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 716, **Misc.** Leo Cimino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 749, **Misc.** Ernest Eugene Grant, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 775, **Misc.** Jack T. Copestick, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 776, **Misc.** Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 781, **Misc.** Vernon Lincoln Johnson, petitioner, *v.* Harry Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 806, **Misc.** Harvey Glenn Davis, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 811, **Misc.** Anthony Marcella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 814, **Misc.** Jean Edward Lehman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 819, **Misc.** Willie Robbins, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 820, **Misc.** William W. Stewart, petitioner, *v.* Hon. Talbot Smith, U.S. District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 823, **Misc.** Charles Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 840, **Misc.** James F. O'Callahan, petitioner, *v.* Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 866, **Misc.** Phillip Coggins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 871, **Misc.** Anthony Cardarella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 880, **Misc.** Charles S. Gilmore, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 881, **Misc.** Frank Finley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 885, **Misc.** William L. Trest, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 888, **Misc.** Jerome B. Freeman, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 893, **Misc.** Commodore William Moss, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 899, **Misc.** Nasir B. Hafiz, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 900, **Misc.** Edwin W. Deckert, 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. 905, **Misc.** August Kousick, petitioner, *v.* John H. Klinger et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 906, **Misc.** Fred Twyman, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 914, **Misc.** Rodney C. Austin, petitioner, *v.* Maine et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 920, **Misc.** Elisha Merritt Croom, petitioner, *v.* Harold Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 927, **Misc.** Edward Jodon, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Third Circuit denied.

No. 930, **Misc.** Pearly Wilson, 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. 934, **Misc.** Francisco Castillo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 941, **Misc.** James F. Corcoran, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 943, **Misc.** Frank Finley, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 944, **Misc.** Sidney W. Mundt et al., petitioners, *v.* Home Federal Savings and Loan Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 946, **Misc.** Melvin Joseph Conerly, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 948, **Misc.** Andrew Murray Chance, Jr., petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 949, **Misc.** Denver Powell, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 952, **Misc.** Joe Cervantes, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 953, **Misc.** Floyd Mickels, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 954, **Misc.** J. H. Hollis, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 955, **Misc.** Lenore Gorman, petitioner, *v.* Kings Mercantile Co., Inc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 959, **Misc.** Anthony Cardarella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 960, **Misc.** Elmer A. Merrill, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 965, **Misc.** Mancel Bell, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 972, **Misc.** Burton Richardson Milligan, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 978, **Misc.** Leonard Zanca, petitioner, *v.* Maimonides Hospital. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 981, **Misc.** Jack T. Copestick, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 988, **Misc.** James Arthur Taylor, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1110, **Misc.** Ivan E. Hutchins, petitioner, *v.* Walter Dunbar, Director of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 79, **Misc.** Hugh McHenry Warner, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 481, **Misc.** Robert Alford, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 945, **Misc.** James R. Green, doing business as Jim Green's Trucking Company, petitioner, *v.* Public Utilities Commission of California. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 77, **Misc.** John A. Garvey, petitioner, *v.* Frank A. Eyman, Warden;

No. 804, **Misc.** James Joseph O'Brien, petitioner, *v.* United States; and

No. 838, **Misc.** Clarence Duke McGann, petitioner, *v.* G. V. Richardson, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 870, Misc. Elbert Earl Williams, petitioner, *v.* California. 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. 990, Misc. In the Matter of the Application of Willie Joe Tucker, petitioner. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 305. Dana Albert Derfus, petitioner, *v.* California;
 No. 343. Joseph H. Cudia et al., petitioners, *v.* United States;
 No. 520. Charlie L. Wilson, appellant, *v.* Commissioner of Internal Revenue;
 No. 534. John Battaglia, petitioner, *v.* United States; and
 No. 607. Frank J. Andrews, petitioner, *v.* United States;
 No. 703. Gus Postell et al., petitioners, *v.* United States;
 No. 706. Peter A. Andrews, Jr., et al., petitioners, *v.* United States;
 and
 No. 707. Walter Owens et al., petitioners, *v.* United States;
 No. 621. T. Kimball Hill, petitioner, *v.* United States et al.; and
 No. 211, Misc. Glen A. Syverson, petitioner, *v.* United States.
 Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, January 31, 1966, until Monday, February 21, 1966.

ORAL ARGUMENT

No. 282. Harry J. Amell et al., petitioners, *v.* United States. Argued by Mr. David Scribner for the petitioners and by Mr. John C. Eldridge for the respondent.

No. 210. James T. Stevens, petitioner, *v.* Charles Marks, Justice of the Supreme Court of New York, County of New York; and

No. 290. James T. Stevens, petitioner, *v.* John J. McCloskey, Sheriff of New York City. Argued by Mr. John P. Schofield and Mr. Eugene Gressman for the petitioner and by Mr. H. Richard Uviller for the respondents.

No. 127. United States, petitioner, *v.* Charles E. O'Malley et al. Argument commenced by Mr. Solicitor General Marshall for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 25, 1966, will be as follows: Nos. 127, 291, and 48 (and 655).

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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 Fortas.

ADMISSIONS TO THE BAR

John C. Tucker, of Chicago, Ill., and Philip Schwartz, of Arlington, Va., on motion of Mr. Solicitor General Thurgood Marshall; Daniel Webster Coon, of Washington, D.C., on motion of Mr. Hugh H. Obear; W. Harney Wilson, of San Francisco, Calif., on motion of Mr. Thormund A. Miller; Duane R. Nedrud, of Chicago, Ill., on motion of Mr. Dexter L. Handley; Eugene J. McDonald, of McLean, Va., on motion of Mr. Joseph M. Snee; and Don DeRocco, of Cleveland, Ohio, on motion of Mr. Norman A. Flaningam, were admitted to practice.

ORAL ARGUMENT

No. 127. United States, petitioner, *v.* Charles E. O'Malley et al. Argument continued by Mr. Solicitor General Marshall for the petitioner, by Mr. Leon Fieldman for the respondents, and concluded by Mr. Solicitor General Marshall for the petitioner.

No. 291. United States, appellant, *v.* Standard Oil Company. Argued by Mr. Nathan Lewin for the appellant and by Mr. Earl B. Hadlow for the appellee.

No. 48. Annie E. Harper et al., appellants, *v.* Virginia State Board of Elections et al.; and

No. 655. Evelyn Butts, appellant, *v.* Albertis Harrison, Governor, et al. Three hours allowed for oral argument. Argument commenced by Mr. Allison W. Brown, Jr., for the appellants and continued by Mr. Solicitor General Marshall for the United States, as *amicus curiae*, by special leave of Court, by Mr. Robert L. Segar for the appellants and by Mr. George D. Gibson for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 26, 1966, will be as follows: Nos. 48 (and 655), 382, 694, and 387.

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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 Fortas.

ADMISSIONS TO THE BAR

Theodore C. Sorensen, of New York, N.Y., on motion of Mr. Robert F. Kennedy; Alfred B. Coate, of Helena, Mont., and William J. Speare, of Billings, Mont., on motion of Mr. Lee Metcalf; Vance K. Hill, of Bismarck, N. Dak., and Dale H. Jensen, of Bismarck, N. Dak., on motion of Mr. Quentin N. Burdick; Alan Griswood, of Dallas, Tex., on motion of Mr. Eligio de la Garza; Lawrence A. Aschenbrenner, of Salem, Oreg., on motion of Mr. Robert B. Duncan; Wilbur S. McDuff, of Miami, Fla., on motion of Mr. Earl Faircloth; William R. Schumacher, of Cincinnati, Ohio, on motion of Mr. Royal E. Jackson; Robert Hugh Law, of Upper Marlboro, Md., on motion of Mr. Larry Allyn Conrad; Eloise Johnstone, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Joseph L. Lyle, Jr., of Lynchburg, Va., on motion of Mr. G. Duane Vieth; Robert J. Harris, of Cincinnati, Ohio, on motion of Mr. Louis Sherman; R. Frederic Fisher, of San Francisco, Calif., on motion of Mr. John Thurmon; Alfred J. Schwarz, of New York, N.Y., on motion of Mr. Frederick T. Finigan; James Joseph Schiller, of Cleveland, Ohio, on motion of Mr. George Stephen Leonard; Juan R. Torruella del Valle, of San Juan, P.R., on motion of Mr. Robert Dhu Larsen; R. Howard Smith, of Newport, Ky., on motion of Mr. James Franklin Rill; Timothy McCarthy, of Cedar Rapids, Iowa, on motion of Mr. Neal Smith; Alan William Cheever, of St. Johnsbury, Vt., on motion of Mr. Irwin Seibel; C. Wayne Loudermilch, of Mobile, Ala., on motion of Mr. William W. Bailey; and William J. Hewitt, of Denver, Colo., on motion of Mr. Gardiner M. Haight, were admitted to practice.

ORAL ARGUMENT

No. 48. Annie E. Harper et al., appellants, *v.* Virginia State Board of Elections et al.; and

No. 655. Evelyn Butts, appellant, *v.* Albertis Harrison, Governor et al. Argument continued by Mr. George D. Gibson for the appellees, by Mr. Allison W. Brown, Jr., for the appellants, and concluded by Mr. J. A. Jordan, Jr., for the appellants.

No. 382. Frank J. Pate, Warden, petitioner, *v.* Theodore Robinson. Argued by Mr. Richard A. Michael for the petitioner and by Mr. John C. Tucker for the respondent.

No. 694. Warren W. Perry, petitioner, *v.* Commerce Loan Company. Argued by Mr. Robert J. Harris for the petitioner and by Mr. R. Howard Smith for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 27, 1966, will be as follows:
Nos. 387 and 351.

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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 Fortas.

ADMISSIONS TO THE BAR

Albert W. Johnson, of Smethport, Pa., David E. Johnson, of Pittsburgh, Pa., and Ronald N. Johnson, of Winter Park, Fla., on motion of Mr. Hugh D. Scott, Jr.; Stephen Field Franks, of San Bernardino, Calif., Arthur E. Gore, of Oceanside, Calif., and Jackson Brooks Osborne, of Beaumont, Tex., on motion of Mr. Jack Brooks; Clinton K. L. Ching, of Honolulu, Hawaii, on motion of Mr. Spark M. Matsunaga; Dudley D. Miles, of Rawlins, Wyo., on motion of Mr. Teno Roncalio; P. James Underwood, of Washington, D.C., on motion of Judge Orman W. Ketcham; Morris E. Cohn, of Los Angeles, Calif., on motion of Judge Morris Miller; Richard B. Dunn, of Boston, Mass., on motion of Mr. David Ferber; Irwin Huncce Naiman, of Chicago, Ill., on motion of Mr. Seymour Guthman; William M. Welch, of New York, N.Y., on motion of Mr. Edward Gallagher; Gerald Harrison, of Omaha, Nebr., on motion of Mr. Paul E. McNulty; Robert Fred Stauffer, of Arlington, Va., on motion of Mr. Eugene Adams Keeney; and Alvin L. Kassel, of New York, N.Y., on motion of Mr. Peyton Ford, were admitted to practice.

ORAL ARGUMENT

No. 387. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, petitioner, *v.* Hoosier Cardinal Corporation. Argued by Mr. Stephen I. Schlossberg for the petitioner and by Mr. Harry P. Dees for the respondent.

No. 351. Commissioner of Internal Revenue, petitioner, *v.* Walter F. Tellier et ux. Argued by Mr. Jack S. Levin for the petitioner and by Mr. Michael Kaminsky for the respondents.

Adjourned until Monday, January 31, 1966, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

James R. Phelps, of Washington, D.C., and Stanley K. Hathaway, of Torrington, Wyo., on motion of Mr. Solicitor General Thurgood Marshall; Vincent H. Yano, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Robert Calvin Thaxton, Jr., of San Diego, Calif., and Charles F. Gorder, of San Diego, Calif., on motion of Mr. James B. Utt; Vaughn J. Rudnick, of West Palm Beach, Fla., on motion of Mr. Peter N. Chumbris; Bernard M. Silbert, of Beverly Hills, Calif., on motion of Mr. Byron N. Scott; Peider Konz, of Washington, D.C., on motion of Mr. Edward R. Keeney; and Donald Ray Arnett, of Tulsa, Okla., and Douglas Lamar Smith, Jr., of Houston, Tex., on motion of Mr. William J. Grove, were admitted to practice.

OPINION

No. 69. Brotherhood of Locomotive Engineers et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al.; and

No. 71. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, etc., et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al. Appeals from the United States District Court for the Western District of Arkansas. Judgment reversed and cases remanded to the United States District Court for the Western District of Arkansas for consideration of the constitutional issues left undecided by its previous judgment. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas. Mr. Justice Fortas took no part in the consideration or decision of these cases.

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. 5, **Original.** The United States of America, plaintiff, *v.* The State of California. On Bill in Equity. Supplemental Decree entered.

Opinion *per curiam*. The Chief Justice, Mr. Justice Clark, and Mr. Justice Fortas took no part in the formulation of this decree.

No. 56. United States et al., petitioners, *v.* Wilson & Co., Inc., et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Joint motion of counsel to remand granted and case remanded to the Court of Appeals in order to permit the entry of a decree of restitution in accordance with the agreement of the parties. Opinion *per curiam*.

No. 274. Casper Platt, Chief Judge, United States District Court, Eastern District of Illinois, petitioner, *v.* Minnesota Mining and Manufacturing Company. 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 with instructions to dismiss the mandamus proceeding as moot. Opinion *per curiam*.

No. 770. William R. Beck, appellant, *v.* Daniel R. McLeod, Attorney General of South Carolina. Appeal from the United States District Court for the Eastern District of South Carolina. The judgment is affirmed. Opinion *per curiam*.

No. 368, Misc. Jack Rainsberger, appellant, *v.* Nevada. Appeal from the Supreme Court of Nevada. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 966, Misc. George Nawrocki, appellant, *v.* Michigan. Appeal from the Supreme Court of Michigan. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 18, Original. State of Illinois, plaintiff, *v.* State of Missouri. The amended complaint is filed and the State of Missouri is allotted 60 days to answer the complaint, as amended.

APPEAL—JURISDICTION POSTPONED

No. 273, Misc. Leon Spencer, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* granted and further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 128, Misc.

CERTIORARI GRANTED

No. 506. Harriett Louise Adderley et al., petitioners, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, granted and case placed on the summary calendar.

No. 811. Duke Lee Lewis, petitioner, *v.* United States. 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. 831. Switzerland Cheese Association, Inc., et al., petitioners, *v.* E. Horne's Market, Inc. 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. 724. Z. T. Osborn, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 794. James R. Hoffa, petitioner, *v.* United States;

No. 795. Thomas Ewing Parks, petitioner, *v.* United States;

No. 796. Larry Campbell, petitioner, *v.* United States; and

No. 797. Ewing King, petitioner, *v.* United States. The motion of the Criminal Courts Bar Association of Los Angeles for leave to file a brief, as *amicus curiae* in No. 794 is granted. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit granted limited to the following question:

"Whether evidence obtained by the Government by means of deceptively placing a secret informer in the quarters and councils of a defendant during one criminal trial so violates the defendant's Fourth, Fifth, and Sixth Amendment rights that suppression of such evidence is required in a subsequent trial of the same defendant on a different charge."

Cases consolidated and a total of three hours allotted for oral argument. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this motion and these petitions.

No. 128, Misc. Robert A. Bell, Jr., 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 and placed on the summary calendar.

No. 268, Misc. William Everett Reed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. 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, placed on the summary calendar, and set for oral argument immediately following No. 273, Misc.

CERTIORARI DENIED

No. 492. *McFaddin Express, Incorporated, et al., petitioners, v. The Adley Corporation et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 712. *Velsicol Chemical Corporation, petitioner, v. Golden Gate Hop Ranch, Inc.* Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 743. *Indiana Broadcasting Corporation, petitioner, v. Commissioner of Internal Revenue.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 773. *Sociedad Maritima San Nicholas, S.A., et al., petitioners, v. Themistocles Bouas.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 810. *Francis A. Simpson, Jr., 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. 816. *Government Employees Insurance Company, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 827. *United States Fidelity & Guaranty Company, petitioner, v. Nancy Winkler, etc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 828. *William R. Lichota et ux., petitioners, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 833. *Houston Chapter, Associated General Contractors of America, Inc., 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. 835. *Republic of Iraq, petitioner, v. First National City Bank, etc.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 844. *Howard S. Miller, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 865. *Robert R. Frank, petitioner, v. Laurie W. Tomlinson, District Director of Internal Revenue.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 659. *Frank Ross, petitioner, v. F. E. Stanley et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 820. United States, petitioner, *v.* International Business Machines Corporation. Motion of counsel in No. 922 to defer consideration of the petition in No. 820 denied. Petition for writ of certiorari to the United States Court of Claims denied.

No. 872. William G. Dexter and Leevy C. Mears, petitioners, *v.* United States. Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 732, **Misc.** Gilbert Vasquez-Ochoa, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the ~~Eighth~~ *ninth* Circuit denied.

No. 834, **Misc.** Elmo Williams, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 848, **Misc.** Darwin Andrew Beatty, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 873, **Misc.** Alan Lee Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 883, **Misc.** Samuel Streeter, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 886, **Misc.** Carl R. Chase, petitioner, *v.* Allan L. Robbins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 887, **Misc.** William Henry Hackett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 890, **Misc.** Rudolfo Castro, petitioner, *v.* United States. Petition for writ of certiorari to the Supreme Court of California denied.

No. 898, **Misc.** Charles Lee McIntosh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 907, **Misc.** David L. Kenney et al., petitioners, *v.* Trinidad Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 910, **Misc.** Thomas Jefferson Shores, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 940, **Misc.** Alfred Lewis, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 958, **Misc.** Vernon Cooper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 968, **Misc.** Charles E. Hatcher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 971, **Misc.** Robert J. Baker, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Marion County, Illinois, denied.

No. 976, **Misc.** Gus Feist, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 977, **Misc.** Harold Lee Andrews, petitioner, *v.* Raymond J. Smith et al. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 997, **Misc.** William S. Wellman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1000, **Misc.** Clarence W. McFarland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1026, **Misc.** Charles B. Johnson et al., petitioners, *v.* Mae Lloyd. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 931, **Misc.** Ray Elbert Parker, petitioner, *v.* Board of Education, Prince George's County, Maryland. 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.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1023, **Misc.** Arthur G. James, petitioner, *v.* California; and No. 1040, **Misc.** Oliver Dwight Lishey, petitioner, *v.* Lawrence E. Wilson, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1050, **Misc.** Eddie W. Gorham, petitioner, *v.* C. J. Fitzharris, Superintendent, Correctional Training Facility. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

No. 984, **Misc.** John Paul Herb, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1044, Misc. James Morrison, petitioner, *v.* John F. Davis, Clerk of the United States Supreme Court. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 557. International Terminal Operating Co., Inc., petitioner, *v.* N. V. Nederl. Amerik Stoomv. Maats. Petition for rehearing denied.

No. 718, Misc. Robert M. Williamson, Jr., et al., petitioners, *v.* Judge Dallas Blankenship, etc., et al. Motion for leave to file petition for rehearing denied.

Adjourned until Monday, February 21, 1966, at 10 o'clock.

The day call for Monday, February 21, 1966, will be as follows: Nos. (318, 323, and 409) and 545.

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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 Fortas.

CERTIORARI GRANTED

No. 970. Federal Trade Commission, petitioner, *v.* Dean Foods Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case placed on the summary calendar and set for oral argument on Monday, March 28, 1966.

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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 Fortas.

ADMISSIONS TO THE BAR

Paul Hurley Bogardus, Jr., of Darien, Conn., Estelle Gordon Cohen, of North Plainfield, N.J., Elmer T. Nitzschke, Jr., of Albuquerque, N. Mex., Mary E. Adams Apgar, of Plainfield, Ill., Leroy D. Clark, of New York, N.Y., Arthur David Ross, of New York, N.Y., Jack W. Broadfield, of Indianapolis, Ind., Robert A. Bernstein, of Washington, D.C., Charles Stephen Ralston, of San Francisco, Calif., Robert William Worley, Jr., of Greenwich, Conn., James S. Bailey, of Nashville, Ga., Victor J. Stone, of Urbana, Ill., Ferdinand Samper, of Indianapolis, Ind., David William Thurston, of St. Paul, Minn., and Theodore F. Schwartz, of St. Louis, Mo., on motion of Mr. Solicitor General Thurgood Marshall; George Kenneth Shields, of Indianapolis, Ind., Robert Henry Fields, of Indianapolis, Ind., and Robert J. Fink, of Indianapolis, Ind., on motion of Mr. Vance Hartke; Robert Gray Dodge, of Honolulu, Hawaii, on motion of Mr. Daniel K. Inouye; Mark Wesley Tumbleson, of Encino, Calif., on motion of Mr. James C. Corman; Ernest John Gazda, of Scranton, Pa., on motion of Mr. Albert W. Johnson; James P. Rielly, of Oskaloosa, Iowa, on motion of Mr. Bert A. Bandstra; Ira De Ment III, of Montgomery, Ala., on motion of Mr. John Doar; Richard S. Kelley, of Belmont, Mass., on motion of Mr. Richard J. Medalie; Laurence E. Dayton, of Ashland, Calif., and Myron English Smith, of Los Angeles, Calif., on motion of Mr. Noble J. Allen, Jr.; Nobuki Kamida, of Honolulu, Hawaii, on motion of Mr. Bert T. Kobayashi; Chester Richard Bartalini, Jr. of Alameda, Calif., on motion of Mr. Harry S. Wender; Fred M. Switzer, of St. Louis, Mo., on motion of Mr. Abraham Tunick; Lloyd W. Mason, of Chicago, Ill., and James C. Wood, of Chicago, Ill., on motion of Mr. Donald E. Deuster; Jean M. Coon, of Ballston Spa, N.Y., and Robert Lamont Harrison, of Albany, N.Y., on motion of Mrs. Ruth Kessler Toch; Garrett Wells Palmer, of Comanche, Tex., Richard Glen Trout, of Eagle Grove, Iowa, Robert Peter Shapiro, of Concord, N.H., and Emerson W. Hibbard, of Hadley, Mass., on motion of Mr. David Leib; Renee Baum, of San Jose, Calif., on motion of Mr. Paul R. Dean; Frank J. Tedesco, of Bridgeport, Conn., on motion of Mr. Charles Marinaccio; James V. Siena, of Washington, D.C.,

on motion of Mr. Donald Hiss; Walter Jackson Brinson, Jr., of Kenmore, N.Y., on motion of Mr. Russell A. Rourke; E. Allan Kovar, of Chicago, Ill., on motion of Mr. John F. Lane; Maurice Robert Dunie, of Silver Spring, Md., on motion of Mr. Joseph D. Bulman; Phillip A. Hubbart, of Miami, Fla., on motion of Mr. Charles B. Murray; Donald Needle, of Baltimore, Md., on motion of Mr. Julius Romano; John Joseph McCann, of New York, N.Y., on motion of Mr. Edward R. Kenney; Alexander M. Hearn, of Columbia, Mo., on motion of Mr. John Richard DeBarr; Lloyd J. Cobb, of New Orleans, La., on motion of Mr. Philip R. Collins; and James R. Allison, of East Palestine, Ohio, J. Warren Bettis, of Salineville, Ohio, Jack H. Cohen, of East Palestine, Ohio, and James D. Primm, Jr., of Lisbon, Ohio, on motion of Mr. Paul Taylor O'Neil, were admitted to practice.

OPINIONS

No. 38. Alfred D. Rosenblatt, petitioner, *v.* Frank P. Baer. On writ of certiorari to the Supreme Court of New Hampshire. Judgment reversed and case remanded to the Supreme Court of New Hampshire for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Stewart. Opinion by Mr. Justice Black with whom Mr. Justice Douglas joins, concurring in part and dissenting in part. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Fortas. Mr. Justice Clark concurs in the result.

No. 11. William T. Graham et al., petitioners, *v.* John Deere Company of Kansas City et al.;

No. 37. Calmar, Inc., petitioner, *v.* Cook Chemical Company; and

No. 43. Colgate-Palmolive Company, petitioner, *v.* Cook Chemical Company. On writs of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment in No. 11 affirmed. Judgments in Nos. 37 and 43 reversed and cases remanded to the United States District Court for the Western District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Stewart took no part in the consideration or decision in Nos. 37 and 43. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 55. United States, petitioner, *v.* Bert N. Adams et al. On writ of certiorari to the United States Court of Claims. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice White dissents. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 45. William C. Linn, petitioner, *v.* United Plant Guard Workers of America, Local 114, et al. 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 ~~Western~~ ^{East} District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Douglas 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. 792. Louisville and Nashville Railroad Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of Kentucky. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 812. Robert C. Hemphill et ux., d/b/a Capitol Skateland, appellants, *v.* Washington State Tax Commission. 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*.

No. 836. James D. Nolan, appellant, *v.* James A. Rhodes, Governor of Ohio, et al. Appeal from the United States District Court for the Southern District of Ohio. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 841. International Union of Operating Engineers, Local No. 12, et al., appellants, *v.* Thomas M. Deacon. Appeal from the District Court of Appeal of California, Second, ~~Appellant~~ District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 855. HC&D Moving & Storage Company, Inc., et al., appellants, *v.* Harold Yamane, State Tax Collector, First Taxation Division. Appeal from the Supreme Court of Hawaii. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 455, Misc. Kenneth J. L. Dyson, petitioner, *v.* Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Motion to remand granted, judgment vacated and case remanded to the Court of Appeals of Maryland for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 1003, Misc. William Vitoratos, appellant, *v.* E. L. Maxwell, Warden. 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. 1018, Misc. Walter A. Nielsen, appellant, *v.* Nebraska State Bar Association. Appeal from the Supreme Court of Nebraska. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1036, Misc. Virginia McMorris, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Sacramento. 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. 132. Margaret L. Holt et al., petitioners, *v.* Allan P. Kirby et al. The motion of Randolph Phillips for leave to file a brief, as *amicus curiae*, is granted. The motion of Randolph Phillips for leave to participate in the oral argument, as *amicus curiae*, is denied. Mr. Justice Fortas took no part in the consideration or decision of these motions.

No. 318. John A. Burns, Governor of the State of Hawaii, appellant, *v.* William S. Richardson et al.;

No. 323. Elmer F. Cravalho et al., appellants, *v.* William S. Richardson et al.; and

No. 409. Kazuhisa Abe et al., appellants, *v.* William S. Richardson et al. The motion of Harold S. Roberts for leave to file a brief, as *amicus curiae*, is granted. The motion of Harold S. Roberts for leave to participate in the oral argument, as *amicus curiae*, is denied. Mr. Justice Fortas took no part in the consideration or decision of these motions.

No. 490. Samuel H. Sheppard, petitioner, *v.* E. L. Maxwell, Warden. The motion of John T. Corrigan for leave to participate in the oral argument, as *amicus curiae*, is denied.

No. 545. Joseph E. Seagram & Sons, Inc., et al., appellants, *v.* Donald S. Hostetter, etc., et al. The motion of Wine and Spirits Wholesalers of America, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 584. California, petitioner, *v.* Roy Allen Stewart;

No. 759. Ernesto A. Miranda, petitioner, *v.* Arizona;

No. 760. Michael Vignera, petitioner, *v.* New York;

No. 761. Carl Calvin Westover, petitioner, *v.* United States; and

No. 762. Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey. The motion of the respondent to dismiss the petition for writ of certiorari in No. 584 is denied. The motion of The National District Attorneys Association for leave to participate in the oral argument, as *amicus curiae*, is granted and 15 minutes are allotted for that purpose. The motion of the Attorney General of New York for leave to participate in the oral argument, as *amicus curiae*, is granted and 15 minutes are allotted for that purpose. The joint motion of counsel in No. 762 to remove this case from the summary calendar is granted and 15 additional minutes are allotted to each side.

No. 597. James E. Mills, appellant, *v.* Alabama. The motion of the Alabama Press Association et al. for leave to participate in the oral argument, as *amici curiae*, is denied.

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan; and

No. 877. New York City Board of Elections, etc., appellant, *v.* John P. Morgan and Christine Morgan. The motion of the appellees for leave to proceed *in forma pauperis* granted.

APPEALS—JURISDICTION NOTED

No. 789. United States, appellant, *v.* National Steel Corporation et al. Appeal from the United States District Court for the Southern District of Texas. In this case probable jurisdiction is noted.

No. 860. United States, appellant, *v.* Anthony L. Fabrizio. Appeal from the United States District Court for the Western District of New York. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 346. Canada Packers, Limited, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 869. Herbert Heider, Administrator, etc., petitioner, *v.* Michigan Sugar Co. Petition for writ of certiorari to the Supreme Court of Michigan granted and case placed on the summary calendar.

No. 876. National Labor Relations Board, petitioner, *v.* Acme Industrial Co. 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. 950. Bank of Marin, petitioner, *v.* John M. England, Trustee in Bankruptcy. 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. 652. Transportation-Communication Employees Union, petitioner, *v.* Union Pacific Railroad Company. Motion for leave to file supplemental petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 397. United States et al., petitioners, *v.* American Broadcasting-Paramount Theatres, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 698. Ernest O. D. Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 781. Tennessee Burley Tobacco Growers' Association, petitioner, *v.* Commodity Credit Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 791. Joseph Arrington, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 793. John S. Fowler et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 821. Benjamin Indiviglio, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 830. Grand River Dam Authority, petitioner, *v.* National Gypsum Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 837. Parnell Bowling, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 839. Mutual Benefit Health and Accident Association, petitioner, *v.* Josephine Messina. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 840. Adam Walter Straub a/k/a Billie Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 842. Isidore S. Rosen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 843. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg and John Paul Ginsburg, etc. Petitioner for writ of certiorari to the United States Court of Appeals for the Ninth Circuit Court denied.

No. 845. Ernest Tippet et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 857. Otto Burgdorf, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 858. The Hanover Insurance Company, petitioner, *v.* Chrysler Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 862. Anna Knoll et al., petitioners, *v.* Alex Knoll et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 863. Darrel W. Jones, petitioner, *v.* Charles J. Faroni, Jr. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 866. Necchi Sewing Machine Sales Corp., petitioner, *v.* Necchi S.p.A. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 867. Claire B. Cohen et al., petitioners, *v.* Lazarus Joseph and David I. Shivitz, Trustees of Preston House Sire Plan, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 871. Landon V. Butler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 873. Wabash Fire and Casualty Insurance Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 878. R. D. Douglas, Jr., petitioner, *v.* W. Willard Wirtz, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 879. Meyer Glazer, petitioner, *v.* Louis Joseph Bove. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 881. Boys Town, U.S.A., Inc., petitioner, *v.* The World Church et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 882. John Edward Hawley, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 883. United States, petitioner, *v.* Black Diamond Steamship Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 885. Alvin T. Smith, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 886. William C. Barnes, petitioner, *v.* Rederi A/B Fredrika et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 895. John Robinson et al., petitioners, *v.* Humble Oil and Refining Company et al. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 897. Pizitz, Inc., etc., petitioner, *v.* George D. Patterson, District Director of Internal Revenue, Birmingham, Alabama. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 899. Southwest Potash Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 912. Alphonse F. Cozzi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 919. Irving W. Powless, petitioner, *v.* The State Tax Commission of the State of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 953. Aaron Franzblua et al., petitioners, *v.* Mamie Soles, Administratrix, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 962. Joseph Emory et ux., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 681. James A. Robinson, Deceased, by Bessie L. Tallaferro Robinson, et al., petitioners, *v.* United States. Motion for leave to file supplemental petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 777. The Coral Gables First National Bank et al., petitioners, *v.* American Surety Company of New York et al. Motion of respondent, American Surety Company of New York, for assessment of damages and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 838. Bert F. Duesing, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United

States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 852. Chicago, Burlington and Quincy Railroad Company, petitioner, *v. Illinois Commerce Commission et al.* Petition for writ of certiorari to the Supreme Court of Illinois denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 859. 2000 Plastic Tubular Cases, etc., and E. J. Knox, petitioners, *v. United States.* Motion for leave to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 933. Vincent R. Mancusi, Warden, petitioner, *v. George Hetenyi.* 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. 488, Misc. Donald A. Bennett, petitioner, *v. Walter H. Wilkins, Warden.* Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 609, Misc. Henry Johnson, petitioner, *v. Kentucky.* Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 612, Misc. Frank D. Jones, petitioner, *v. Robert E. Murphy, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 660, Misc. Glen E. Crow, petitioner, *v. Missouri.* Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 671, Misc. Franklin D. Fortner, petitioner, *v. R. P. Balcom, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 701, Misc. Paul V. Byrne, Jr., petitioner, *v. John Kysar et al.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 706, Misc. Louis Gutierrez Sierra, petitioner, *v. Robert A. Heinze, Warden, et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 735, Misc. Walter Raymond Demes, petitioner, *v. California.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 744, Misc. Robert L. Goodwin, petitioner, *v. Kansas.* Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 756, Misc. Robert H. Kroah, petitioner, *v. Harry E. Russell, Superintendent, State Correctional Institution.* Petition for writ of

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

No. 818, **Misc.** James J. Hazel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 833, **Misc.** Earl Joseph Oliver, petitioner, *v.* Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 856, **Misc.** Donald Thomas Burr, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 859, **Misc.** William F. Garvin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 865, **Misc.** Cornelius J. Cruz, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 882, **Misc.** Nicholas Ralph Boulad, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 889, **Misc.** James Glenn, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 894, **Misc.** Charles E. Smith, petitioner, *v.* Idaho et al. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 901, **Misc.** Curtis Harold Link, petitioner, *v.* United States. Petition for writ of certiorari to the United States of Appeals for the Eighth Circuit denied.

No. 902, **Misc.** Charles L. Mohler, petitioner, *v.* U.S. 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. 908, **Misc.** William J. Ford, petitioner, *v.* Chief Justice Traynor et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 909, **Misc.** Edward Earl Brooks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 915, **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. 921, **Misc.** Gabriel Demeter Toth, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 922, **Misc.** Walter Williams, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 924, **Misc.** Richard Machado, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 933, **Misc.** Charles Thomas, petitioner, *v.* Daniel P. Ward. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 950, **Misc.** Robert Coleman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 956, **Misc.** Author Saylor, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 962, **Misc.** Ralph Junior Gurganious, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 982, **Misc.** Leonard Ewing Scott, petitioner, *v.* La Vina, etc. Petition for writ of certiorari to the Supreme Court of California denied.

No. 983, **Misc.** Wilbert Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 986, **Misc.** Woodrow Gauthier, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 991, **Misc.** Alvin Freedman, petitioner, *v.* National Maritime Union of America, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 993, **Misc.** William F. Turpin, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 994, **Misc.** Percy Nelson, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 995, **Misc.** Aurweid George Reickauer, petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 996, **Misc.** William H. Leach, 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.** Emery F. Ciampini, 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. 1005, Misc. George William Taylor, petitioner, *v. Ohio*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1009, Misc. Walter E. Michaels, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1010, Misc. Roger L. Hayes, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1011, Misc. Charles A. Green, Jr., petitioner, *v. B. J. Rhay*, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1013, Misc. Eddie Lee Cason, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1014, Misc. Eddie Currie, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1015, Misc. Floyd Wayne Pearce, petitioner, *v. Harold A. Cox*, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico.

No. 1016, Misc. Vernon E. Brinkley, petitioner, *v. Harold A. Cox*, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1019, Misc. Paul Rhodes, petitioner, *v. Dwain L. Jones*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1020, Misc. James M. Garrison, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1021, Misc. Charles F. Ware, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1024, 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. 1031, Misc. Eugene Silva, petitioner, *v. Harold A. Cox*, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1032, Misc. Robert Mott, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1041, Misc. Robert Newell Spry, petitioner, *v. E. J. Oberhauser*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1042, Misc. Douglas Stiltner, petitioner, *v. Washington*. Petition for writ of certiorari to the Superior Court of Washington, Lewis County, denied.

No. 1046, **Misc.** Patrick Peter Devlin, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1048, **Misc.** Jose Anibal Fojon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1054, **Misc.** William Darrah, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

1055 No. 1955, **Misc.** Robert DeMary, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of Will County, Illinois, denied.

No. 1056, **Misc.** Henry Brewer, petitioner, *v.* Pennsylvania Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1057, **Misc.** Millard Vernon Dedmon, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1059, **Misc.** Thomas Anthony Kingston, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1065, **Misc.** George Castro Cordova, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1070, **Misc.** Mack Barnes, petitioner, *v.* George J. Beto, Director, Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1072, **Misc.** Jake W. Pratt, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1076, **Misc.** Leonard Ewing Scott, petitioner, *v.* California District Court of Appeal, Second Appellate District, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1087, **Misc.** James Henry Robinson, Jr., petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1088, **Misc.** Lawrence R. Braun, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1099, **Misc.** Hugh Joseph Hays, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1103, **Misc.** Alfred Cross, petitioner, *v.* Frank F. Kenton, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1125, **Misc.** Miguel Coronado, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1139, **Misc.** Francis Wager, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeal of New York denied.

No. 1178, **Misc.** Richard Machado, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1179, **Misc.** Robert L. Crawford, petitioner, *v.* Wilbur E. Davis, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 187, **Misc.** Daniel Edward McIlvaine and Jackie Krohn, petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 223, **Misc.** Clifton Young, 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. 336, **Misc.** John Harold Howell, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 505, **Misc.** John Oscar Engberg, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 407, **Misc.** Sammy Williams, petitioner, *v.* California Adult Authority et al.;

No. 1075, **Misc.** Arthur Edward Wood, petitioner, *v.* Otto C. Boles, Warden;

No. 1079, **Misc.** Anna Langsten Hochberg, petitioner, *v.* California;

No. 1097, **Misc.** In the matter of the application of William J. Daup, petitioner;

No. 1105, **Misc.** William E. White, petitioner, *v.* Director, Veterans' Administration Hospital, Downey, Illinois;

No. 1108, **Misc.** Richard T. Lynch, petitioner, *v.* United States;

No. 1130, **Misc.** David Ray Long, petitioner, *v.* Otto C. Boles, Warden;

No. 1170, Misc. Luis L. Cervantes, petitioner, *v.* United States; and

No. 1174, Misc. Wallace E. Greathouse, petitioner, *v.* Otto C. Boles, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1064, Misc. Charles Minchella, petitioner, *v.* Theodore Levin, Chief Judge, etc., et al.; and

No. 1106, Misc. Leon G. Schack, petitioner, *v.* Ralph Roberts, Clerk, etc. Motions for leave to file petitions for writs of mandamus denied.

No. 1052, Misc. Leon G. Schack, petitioner, *v.* Bryan Simpson, Chief Judge, United States District Court, Jacksonville, Florida, et al. Motion for leave to file petition for writ of mandamus and/or prohibition and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 1109, Misc. Wilbur O. Morton, petitioner, *v.* Kansas et al. Motion for leave to file petition for writ of prohibition denied.

REHEARINGS DENIED

No. 432. John V. Holmes et al., petitioners, *v.* Jay Eddy et al.;

No. 614. Paul M. Nehring, appellant, *v.* Edward M. Gerrity;

No. 616. Andrew J. Easter, petitioner, *v.* N. Jerome Ziff et al.;

No. 632. Joseph Scalza, petitioner, *v.* United States; and

No. 660. Kenneth L. Jones, Administrator, etc., petitioner, *v.* United States. Petitions for rehearing denied.

No. 709. Catherine Muth, Administratrix of the Estate of Clem Muth, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc.; and

No. 733. Mollie Darr, Administratrix of the Estate of Kurt Darr, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc. Motion of American Trial Lawyers Association for leave to file brief, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing denied.

No. 1, Misc. Karl H. Stello, petitioner, *v.* Pennsylvania;

No. 15, Misc. William O. Gillentine, petitioner, *v.* United States;

No. 668, Misc. Thomas Trantino, petitioner, *v.* New Jersey;

No. 697, Misc. Richard Louis Bowden, petitioner, *v.* California Adult Authority et al.;

No. 772, Misc. Ernest Vida, petitioner, *v.* Stephen J. Roth, United States District Judge;

No. 773, **Misc.** Sherman H. Skolnick, petitioner, *v.* Albert E. Hallett et al.;

No. 794, **Misc.** Tom Eskridge, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. 807, **Misc.** Louis Ludwik Furtak, petitioner, *v.* New York;

No. 838, **Misc.** Clarence Duke McGann, petitioner, *v.* G. V. Richardson, Warden, et al.;

No. 898, **Misc.** Charles Lee McIntosh, petitioner, *v.* United States; and

No. 978, **Misc.** Leonard Zanca, petitioner, *v.* Maimonides Hospital. Petitions for rehearing denied.

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

No. 494, **October Term, 1964.** Brotherhood of Railroad Trainmen et al., petitioners, *v.* Louisville and Nashville Railroad Company. Motions for leave to file second petitions for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of these motions.

No. 402, **Misc.** Per Fjellhammer, petitioner, *v.* United States et al.;

No. 518, **Misc.** Dale Estin Birdsell, petitioner, *v.* United States; and

No. 524, **Misc.** Adrian H. Hernandez, petitioner, *v.* California. Motions for leave to file petitions for rehearing denied.

ORAL ARGUMENT

No. 318. John A. Burns, Governor of the State of Hawaii, appellant, *v.* William S. Richardson et al.;

No. 323. Elmer F. Cravalho et al., appellants, *v.* William S. Richardson et al.;

No. 409. Kazuhisa Abe et al., appellants, *v.* William S. Richardson et al. Three hours allowed for oral argument. Argued by Mr. Bertram T. Kanbara and Mr. Dennis G. Lyons for the appellant in No. 318 and the appellees in Nos. 323 and 409, by Mr. Yukio Naito for the appellants in No. 409 and the appellees in Nos. 318 and 323, by Mr. James T. Funaki for the appellants in No. 323 and the appellees in Nos. 318 and 409, and by Mr. Robert G. Dodge and Mr. Masaji Marumoto for the appellees in all three cases.

Adjourned until Wednesday, February 23, 1966, at 10 o'clock.

The day call for Wednesday, February 23, 1966, will be as follows: Nos. 545, 341, 396, and 656.

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 Fortas.

ADMISSIONS TO THE BAR

Orin R. Cure, of Great Falls, Mont., on motion of Mr. Lee Metcalf; Francis Joseph Walker, of Olympia, Wash., on motion of Mr. Henry M. Jackson; David B. Whittington, of Hot Springs, Ark., on motion of Mr. John L. McClellan; Paul S. Brown, of St. Louis, Mo., Frank X. Cleary, of St. Louis, Mo., and Joseph G. Stewart, of St. Louis, Mo., on motion of Mr. William Leonard Hungate; Charles R. Hancock, of Texas City, Tex., on motion of Mr. Jack Brooks; James S. DeMartini, of Stockton, Calif., on motion of Mr. John J. McFall; James Benjamin Johnson, of Washington, D.C., on motion of Mr. Paul G. Rogers; Harry E. Turner, of Mount Vernon, Ohio, on motion of Mr. John Milan Ashbrook; Benjamin L. Clark, of Columbus, Ohio, on motion of Mr. Samuel L. Devine; Samuel Greason, of Garden City, N.Y., on motion of Mr. John W. Wydler; Eugene C. Struckhoff, of Concord, N.H., on motion of Mr. James C. Cleveland; David L. Kessler, of Columbus, Ohio, and Samuel Strode Perry, of Cleveland, Ohio, on motion of Mr. William Saxbe; Israel Stolper, of Boston, Mass., on motion of Mr. Louis Fenner Claiborne; Charles E. Hurt, of Charleston, W. Va., on motion of Mr. I. Martin Leavitt; Mettery I. Sherry, Jr., of New Orleans, La., on motion of Mr. Lloyd J. Cobb; Michael F. Fasanaro, Jr., of Brooklyn, N.Y., and Joseph Quirk Koletsky, of New Haven, Conn., on motion of Mr. William G. Neese; Marie C. Plechaty, of Cleveland, Ohio, on motion of Mrs. Gertrude B. Mahon; Floyd H. Henson, of Pitcairn, Pa., on motion of Mr. Gordon S. Parker; Raymond Pearlstine, of Collegeville, Pa., on motion of Mr. Aloysius B. McCabe; Louis W. Bookheim, Jr., of Larchmont, N.Y., on motion of Mr. Seymour Sheriff; and Don Porter Bush, of Ellicott City, Md., on motion of Mr. Chris H. Nanz, were admitted to practice.

OPINIONS

No. 41. Henry Brown et al., petitioners, *v.* Louisiana. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Fortas announced the judgment of the Court and an

opinion in which Mr. Chief Justice Warren and Mr. Justice Douglas join. Opinion by Mr. Justice Brennan concurring in the judgment. Opinion by Mr. Justice White concurring in the result. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 29. United States, appellant, *v.* Clarence Ewell and Ronald K. Dennis. Appeal from the United States District Court for the Southern District of Indiana. Judgments reversed and case remanded to the United States District Court for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Brennan concurring in the result. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas joins.

No. 219. Johnnie K. Baxstrom, petitioner, *v.* R. E. Herold, Director, Dannemora State Hospital. On writ of certiorari to the Court of Appeals of New York. Judgment of the Appellate Division of the Supreme Court of New York, Third Judicial Department, reversed and case remanded to the Appellate Division of the Supreme Court of New York, Third Judicial Department, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Black concurs in the result.

ORAL ARGUMENT

No. 545. Joseph E. Seagram & Sons, Inc., et al., appellants, *v.* Donald S. Hostetter, etc., et al. Argued by Mr. Thomas F. Daly and Mr. Jack Goodman for the appellants and by Mrs. Ruth Kessler Toch for the appellees.

No. 341. Floyd A. Wallis, petitioner, *v.* Pan American Petroleum Corporation et al. Argument commenced by Mr. C. Ellis Henican for the petitioner and continued by Mr. E. L. Brunini for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 24, 1966, will be as follows:
Nos. 341, 396, 656, 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 Fortas.

ADMISSIONS TO THE BAR

James F. Lawler, of Houston, Tex., Daniel J. Horgan, Jr., of Lynn, Mass., and Frederick Thomas Carney, of Memphis, Tenn., on motion of Mr. Ralph Simon Spritzer; Franklin Scott Spears, of San Antonio, Tex., and James Fagan Dickson, Jr., of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Pamy Hernandez de Francis, of San Juan, P.R., on motion of Judge Thurman Arnold; George M. Treister, of Los Angeles, Calif., on motion of Mr. Hugo Black, Jr.; Joanne Helperin Saunders, of Chicago, Ill., on motion of Mr. George Lawton Saunders, Jr.; Leon Henry Corbett, Jr., of Raleigh, N.C., on motion of Mr. Beverly B. Bates; John Everard Tobin, of New York, N.Y., on motion of Mr. John J. Wilson; Henry McDonald Moore, of Springfield, Va., on motion of Mr. J. Mitchell Brown; James H. Lundquist, of New York, N.Y., on motion of Mr. James D. Williams, Jr.; Mr. Carl B. Zimmerman, of Waterloo, Iowa, on motion of Mr. David Kammerman; John J. Ottusch, of Milwaukee, Wis., on motion of Mr. Stan L. Lenchek; Larry S. Gordon, of Cleveland, Ohio, on motion of Mr. Bernard Allen Berkman; Christopher S. Changaris, of Bethesda, Md., Morton J. Schmidt, of Milwaukee, Wis., Henry A. Cretella, of Washington, D.C., and Carmen Joseph Blondin, of Washington, D.C., on motion of Mr. William R. Furlong, Jr.; Harley Thomas Howell, of Lutherville, Md., John William Copeland, of Austin, Tex., Rosario John Girasa, of Woodbury, N.Y., William Charles Burtis, Jr., of Binghamton, N.Y., and James Wylie McBride, of Beaumont, Tex., on motion of Mr. John B. Bromell; and Arthur C. D'Alessandro, of Basking Ridge, N.J., George G. Weston, of Houston, Tex., Albert C. Naum, of Lima, Ohio, William Charles Knopke, of Tampa, Fla., Robert Lehman Vickers, of Shreveport, La., David M. Lewis, Jr., of Indianapolis, Ind., Michael Aloysius Deep, of Macon, Ga., Arthur William Warner, Jr., of North Charleston, S.C., Robert Gordon Smith, of Oxon Hill, Md., and Tommy W. Lueders, of La Grange, Tex., on motion of Mr. David Leib, were admitted to practice.

OPINIONS

No. 25. United States, petitioner, *v.* Thomas F. Johnson. On writ of certiorari to the United States Court of Appeals for the Fourth

Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas and Mr. Justice Brennan join, concurring in part and dissenting in part. Mr. Justice Black took no part in the decision of this case. Mr. Justice White took no part in the consideration or decision of this case.

No. 30. Idaho Sheet Metal Works, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 31. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Steepleton General Tire Company, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment in No. 30 affirmed. Judgment in No. 31 reversed and case remanded to the United States District Court for the Western District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

ORAL ARGUMENT

No. 341. Floyd A. Wallis, petitioner, *v.* Pan American Petroleum Corporation et al. Argument continued by Mr. E. L. Brunini and Mr. Lloyd J. Cobb for the respondents and concluded by Mr. C. Ellis Henican for the petitioner.

No. 396. Hugo DeGregory, appellant, *v.* Attorney General of the State of New Hampshire. Argued by Mr. Howard S. Whiteside for the appellant and by Mr. R. Peter Shapiro for the appellee.

No. 656. Barbara Elfbrandt, petitioner, *v.* Imogene R. Russell et al. Argued by Mr. W. Edward Morgan for the petitioner and by Mr. Philip M. Haggerty for the respondents.

Adjourned until Monday, February 28, 1966, at 10 o'clock.

The day call for Monday, February 28, 1966, will be as follows:
Nos. 490, 759, 760, and 761.

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 Fortas.

OPINION PER CURIAM

No. 973. Richard H. M. Swann et al., appellants, *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 United States District Court for the Southern District of Florida for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart would affirm the judgment. Mr. Justice Fortas took no part in the consideration or decision of this case.

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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 Fortas.

ADMISSIONS TO THE BAR

Matthew T. Molitch, of Philadelphia, Pa., Gary K. Nelson, of Phoenix, Ariz., Jerry M. Lindzon, of Miami, Fla., Calvin Eisenberg, of Chicago, Ill., Michael E. Phenner, of Chicago, Ill., Thomas N. Byrnes, Jr., of Quincy, Mass., George Frederick Himmel, of Braintree, Mass., Ronald J. Sederman, of Quincy, Mass., John W. Sharry, of Quincy, Mass., Nathaniel M. Sherman, of Quincy, Mass., James H. Smith, of Falmouth, Mass., George M. Tull, of Quincy, Mass., Robert B. Lee, of St. Paul, Minn., Bernard Rothman, of New York, N.Y., Walter J. Vogel, of Akron, Ohio, Alvin S. Moses, of Philadelphia, Pa., Donald R. Morris, of Waco, Tex., Walter L. Harvey, of Madison, Wis., and George A. Daugherty, of Elk View, W. Va., on motion of Mr. Solicitor General Thurgood Marshall; Jack Marvin Miller, of La Habra, Calif., on motion of Mr. Thomas H. Kuchel; Donald Phillip Dorfman, of Sacramento, Calif., and James York Wood, of Princeton, Ind., on motion of Mr. Vance Hartke; W. C. Davis, of Bryan, Tex., on motion of Mr. Ralph W. Yarborough; John J. Pickett, of Coquille, Oreg., on motion of Mr. Wayne Lyman Morse; Albert E. Arnold, Jr., of Davenport, Iowa, and Sumner Allen Marcus, of Brookline, Mass., on motion of Mr. S. Stuart Wilson; Gary Mark Gaertner, of St. Louis, Mo., and Thomas F. McGuire, of St. Louis, Mo., on motion of Mr. Brice Wilson Rhyne; Leonard Stanley Chauvin, Jr., of Louisville, Ky., on motion of Mr. Neville Miller; Barry Mahoney, of New York, N.Y., on motion of Mr. Telford Taylor; Raymond Stevens Smethurst, Jr., of Salisbury, Md., on motion of Mr. Raymond Stevens Smethurst; John Dickson Dewey, of Chicago, Ill., on motion of Mr. R. Clyde Cruitt; Marguerite Donna Oberto, of Chicago, Ill., on motion of Mr. Duane R. Nedrud; James Bruce Lynn, of Washington, D.C., on motion of Mr. Myron G. Erhlich; Charles L. Trowbridge, of New York, N.Y., on motion of Mr. James H. Bastian; Harold S. Sawyer, of Grand Rapids, Mich., and Lewis A. Engman, of Grand Rapids, Mich., on motion of Mr. Gerhard Gesell; Abraham J. Brem Levy, of Philadelphia, Pa., on motion of Mr. Stanford Shmukler; Howard N. Lehman, of Los Angeles, Calif., on motion of Mr. Plato Ernest Papps; Hyman Oscar Danoff, of Los Angeles, Calif., on

motion of Mr. Jerome Schwartz; Frank Conger Fawcett, of San Francisco, Calif., on motion of Mr. Gibbs Latimer Baker; John J. Flynn, of Phoenix, Ariz., on motion of Mr. John P. Frank; Edward Ellis Levinson, of Miami, Fla., on motion of Mr. Jerome H. Simonds; Steven John Fellman, of Washington, D.C., and Stephen Frederick Owen, Jr., of Washington, D.C., on motion of Mr. E. Riley Casey; Richard William Martin, of San Francisco, Calif., on motion of Mr. Victor M. Earl III; and Joshua J. Kancelbaum, of Cleveland, Ohio, on motion of Mr. Bernard Allen Berkman, were admitted to practice.

OPINIONS

No. 210. James T. Stevens, petitioner, *v.* Charles Marks, Justice of the Supreme Court of New York, County of New York. On writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department; and

No. 290. James T. Stevens, petitioner, *v.* John J. McCloskey, Sheriff of New York City. On writ of certiorari to the United States Court of Appeals for the Second Circuit. In No. 210, judgment reversed and case remanded to the Appellate Division of the Supreme Court of New York, First Judicial Department, for further proceedings not inconsistent with the opinion of this Court. In No. 290, 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 Douglas. Opinion by Mr. Justice Harlan, with whom Mr. Justice Stewart joins, concurring in part and dissenting in part.

No. 280. Pasquale J. Accardi et al., petitioners, *v.* The Pennsylvania Railroad Company. 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 of the interest contention. Judgment of the United States District Court for the Southern District of New York affirmed, holding that petitioners are entitled to recover from the railroad the stipulated damages due them because they are entitled to credit for the full amount of time served in the armed forces in calculating their severance pay. Opinion by Mr. Justice Black. Mr. Chief Justice Warren took no part in the decision of this case.

No. 20. Carnation Company, petitioner, *v.* Pacific Westbound Conference et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for a determination of the antitrust issues. Opinion by Mr. Chief Justice Warren.

No. 51. Eddie J. Hicks, petitioner, *v.* District of Columbia. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Writ dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas.

The Chief Justice said:

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

No. 8, **Original**. State of Arizona, complainant, *v.* State of California et al. Joint motion to amend Article VI of the Decree entered on March 9, 1964, granted and amended Decree entered. The Chief Justice and Mr. Justice Fortas took no part in the consideration or decision of this motion.

OPINIONS PER CURIAM

No. 58, **October Term, 1964**. Herbert E. Callender et al., petitioners, *v.* Florida. On petition for writ of certiorari to the Supreme Court of Florida. Mandate issued on May 21, 1965, recalled and Order granting petition for writ of certiorari and judgment entered on April 26, 1965, vacated. Treating papers submitted as a petition for writ of certiorari to the District Court of Appeal of Florida, First District, petition for writ of certiorari granted, judgments reversed, and case remanded to the District Court of Appeal of Florida, First District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 112. George Levine, petitioner, *v.* United States;

No. 125. Robert B. Roberts, petitioner, *v.* United States;

No. 230. Robert Grene, petitioner, *v.* United States; and

No. 234. Norman Gradsky, petitioner, *v.* United States. On petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion of B. J. Gradsky to be added as a party petitioner in No. 234, granted. Petitions for writs of certiorari granted, limited to the issue whether petitioners were improperly convicted of substantive offenses committed by members of the conspiracy before petitioners had joined the conspiracy or after they had withdrawn from it. In all other respects petitions for certiorari denied. Judgment vacated and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 818. George Hopson et al., petitioners, *v.* Texaco, Inc. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgments reversed, and case remanded to the United States District Court for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan dissents believing that *Sinkler v. Missouri Pac. R. Co.*, 356 U.S. 326, should not be extended.

No. 854. William H. Harrison et al., appellants, *v.* Harry H. Schaefer et al. Appeal from the United States District Court for the District of Wyoming. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 941. Crawford County Bar Association, etc, appellant, *v.* Orval E. Faubus, Governor, et al., etc.; and

No. 942. Cecil L. Alexander, appellant, *v.* Orval E. Faubus, Governor, et al., etc. Appeals from the United States District Court for the Eastern District of Arkansas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of these cases.

ORDER IN PENDING CASE

No. 968. Robert A. Bell, Jr., petitioner, *v.* Texas. The motion for the appointment of counsel is granted and it is ordered that Tom R. Scott, Esquire, of Midland, Texas, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

CERTIORARI GRANTED

No. 824. Abbott Laboratories et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education, and Welfare, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 870. United Gas Pipe Line Company, petitioner, *v.* Federal Power Commission 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. 921. Albert Howard, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky granted and case placed on the summary calendar.

No. 206, Misc. Lawrence Long, petitioner, *v.* The District Court of Iowa, in and for Lee County, Fort Madison, Iowa. Motion for leave to proceed in forma pauperis granted. Petition for writ of

certiorari to the Supreme Court of Iowa granted, limited to the following question:

Did the refusal of the state trial court to provide a transcript for the petitioner, solely because state law made no provision for furnishing of a transcript without the payment of a fee, deny the petitioner the opportunity to obtain full appellate review of the trial court's denial of the petitioner's petition for a writ of habeas corpus and thereby deprive the petitioner of the equal protection of the laws?

Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 684. Sid Richardson Carbon & Gasoline Co., petitioner, *v.* The Moore Company of Sikeston, Missouri, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 822. Thomas E. England, petitioner, *v.* Automatic Canteen Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 829. City of Columbus, Ohio, petitioner, *v.* Virginia Royal et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 832. World Airways, Inc., et al., petitioners, *v.* National Mediation Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 851. Joseph M. Brennan, petitioner, *v.* Charles E. Grover and John E. Gorsuch, etc. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 861. Valmore J. Forgett, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 888. United Biscuit Company of America, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 903. Broderick and Bascom Rope Company, petitioner, *v.* Eugene Mangan. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 904. Charles R. Nesbitt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 905. George C. Tibbetts, petitioner, *v.* Hugh S. Knowles. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 907. Walter H. Philipp, petitioner, *v.* Washington, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 910. A. J. Simler, petitioner, *v.* Leslie L. Conner et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 911. Charles P. LaPlaca, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 913. International Association of Machinists et al., petitioners, *v.* The Jeffrey Galion Manufacturing Co. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 914. Geraldine Spink, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 926. Peter L. Salemi, petitioner, *v.* Duffy Construction Corporation. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 704. Jan Hillegas, petitioner, *v.* Joe Sams, Jr., County Attorney for Lowndes County, Mississippi, et al. 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. 892. Angela Morris Amado Rocha, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 856. Blaine J. Lord et al., petitioners, *v.* Roy T. Helmandollar, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and the judgment of the United States Court of Appeals for the District of Columbia Circuit reversed.

No. 556, Misc. Joseph Pagano, petitioner, *v.* United States; and

No. 633, Misc. Peter Castellana and Gondolfo Sciandra, petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 563, Misc. George Varnadoe, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 903, Misc. William Howard Edwards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 979, **Misc.** David Reeves, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 989, **Misc.** William G. Holland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1008, **Misc.** Robett Clark Moon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1094, **Misc.** Frank Carley Cota, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1095, **Misc.** Richard John Simari, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1104, **Misc.** Chester Louis Edgerton, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1118, **Misc.** Robert E. McCaffrey, petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1121, **Misc.** Jerry Sheldon, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1124, **Misc.** William R. Kinmon, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1133, **Misc.** John Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1136, **Misc.** Joseph Di Palermo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1140, **Misc.** Ted Wilson, 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. 1145, **Misc.** James Norman Wells, petitioner, *v.* Texas et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1146, **Misc.** Louis Ortega, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1159, **Misc.** Charles Lee McIntosh, petitioner, *v.* Hon. Roy L. Stephenson et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1164, Misc. Jesse James Cantrell, 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. 1168, Misc. Thomas Flanagan, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1169, Misc. Joshua Postell, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1061, Misc. General Sani-Can Manufacturing Corporation, petitioner, *v.* United States District Court for the Northern District of Illinois, Eastern Division, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 715. St. Louis Mailers' Union Local No. 3, petitioner, *v.* Globe-Democrat Publishing Company;

No. 755. Samuel R. Frazier, petitioner, *v.* California;

No. 169 Misc. Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. 746, Misc. John M. Eldridge, petitioner, *v.* United States; and

No. 944, Misc. Sidney W. Mundt et al., petitioners, *v.* Home Federal Savings and Loan Association et al. Petitions for rehearing denied.

No. 52. Dan Tehan, Sheriff of Hamilton County, Ohio, petitioner, *v.* United States ex rel. Edgar I. Shot, Jr. Petition for rehearing denied. The Chief Justice and Mr. Justice Fortas took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from Monday, March 7, 1966, until Monday, March 21, 1966.

ORAL ARGUMENT

No. 490. Samuel H. Sheppard, petitioner, *v.* E. L. Maxwell, Warden. Argued by Mr. F. Lee Bailey for the petitioner, by Mr. Bernard A. Berkman for the American Civil Liberties Union, et al., as *amici curiae*, and by Mr. William B. Saxbe and Mr. John T. Corrigan for the respondent.

No. 759. Ernesto A. Miranda, petitioner, *v.* Arizona. Argument commenced by Mr. John J. Flynn for the petitioner and continued by Mr. Gary K. Nelson for the respondent and by Mr. Telford Taylor for the State of New York, as *amicus curiae*, by special leave of Court. (Also in Nos. 584, 760, 761, and 762.)

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 1, 1966, will be as follows: Nos. 759, 760, 761, 762, and 584.

ORDER

ORDERED:

1. That the Rules of Civil Procedure for the United States District Courts be, and they hereby are, amended by including therein Rules 23.1, 23.2, 44.1 and 65.1, Supplemental Rules A, B, C, D, E and F for Certain Admiralty and Maritime Claims, and amendments to Rules 1, 4, 8, 9, 12, 13, 14, 15, 17, 18, 19, 20, 23, 24, 26, 38, 41, 42, 43, 44, 47, 53, 59, 65, 68, 73, 74, 75, 81 and 82, and to Forms 2 and 15, as hereinafter set forth:

AMENDMENTS TO RULES OF CIVIL PROCEDURE

FOR THE UNITED STATES DISTRICT COURTS

RULE 1. SCOPE OF RULES

These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in Rule 81. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

RULE 4. PROCESS

(f) TERRITORIAL LIMITS OF EFFECTIVE SERVICE. All process other than a subpoena may be served anywhere within the territorial limits of the state in which the district court is held, and, when authorized by a statute of the United States or by these rules, beyond the territorial limits of that state. In addition, persons who are brought in as parties pursuant to Rule 14, or as additional parties to a pending action or a counterclaim or cross-claim therein pursuant to Rule 19, may be served in the manner stated in paragraphs (1)–(6) of subdivision (d) of this rule at all places outside the state but within the United States that are not more than 100 miles from the place in which the action is commenced, or to which it is assigned or transferred for trial; and persons required to respond to an order of commitment for civil contempt may be served at the same places. A subpoena may be served within the territorial limits provided in Rule 45.

RULE 8. GENERAL RULES OF PLEADING

(e) PLEADING TO BE CONCISE AND DIRECT; CONSISTENCY.

(2) A party may set forth two or more statements of a claim or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal, equitable, or maritime grounds. All statements shall be made subject to the obligations set forth in Rule 11.

RULE 9. PLEADING SPECIAL MATTERS

(h) ADMIRALTY AND MARITIME CLAIMS. A pleading or count setting forth a claim for relief within the admiralty and maritime jurisdiction that is also within the jurisdiction of the district court on some other ground may contain a statement identifying the claim as an admiralty or maritime claim for the purposes of Rules 14 (c), 26 (a), 38 (e), 73 (h), 82, and the Supplemental Rules for Certain Admiralty and Maritime Claims. If the claim is cognizable only in admiralty it is an admiralty or maritime claim for those purposes whether so identified or not. The amendment of a pleading to add or withdraw an identifying statement is governed by the principles of Rule 15.

RULE 12. DEFENSES AND OBJECTIONS—WHEN AND HOW
PRESENTED—BY PLEADING OR MOTION—MOTION
FOR JUDGMENT ON THE PLEADINGS

(b) HOW PRESENTED. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim,

counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a claim upon which relief can be granted, (7) failure to join a party under Rule 19. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, he may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

(g) CONSOLIDATION OF DEFENSES IN MOTION. A party who makes a motion under this rule may join with it any other motions herein provided for and then available to him. If a party makes a motion under this rule but omits therefrom any defense or objection then available to him which this rule permits to be raised by motion, he shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in subdivision (h)(2) hereof on any of the grounds there stated.

(h) WAIVER OR PRESERVATION OF CERTAIN DEFENSES.

(1) A defense of lack of jurisdiction over the person, improper venue, insufficiency of process, or

insufficiency of service of process is waived (A) if omitted from a motion in the circumstances described in subdivision (g), or (B) if it is neither made by motion under this rule nor included in a responsive pleading or an amendment thereof permitted by Rule 15 (a) to be made as a matter of course.

(2) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join a party indispensable under Rule 19, and an objection of failure to state a legal defense to a claim may be made in any pleading permitted or ordered under Rule 7 (a), or by motion for judgment on the pleadings, or at the trial on the merits.

(3) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

RULE 13. COUNTERCLAIM AND CROSS-CLAIM

(h) JOINDER OF ADDITIONAL PARTIES. Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with the provisions of Rules 19 and 20.

RULE 14. THIRD-PARTY PRACTICE

(a) WHEN DEFENDANT MAY BRING IN THIRD PARTY. At any time after commencement of the action a defending party, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. The third-party plaintiff need not obtain leave to make the service if he files the third-party complaint not later than 10 days after he serves his original answer. Otherwise he must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third-party complaint, hereinafter called the third-party

defendant, shall make his defenses to the third-party plaintiff's claim as provided in Rule 12 and his counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert his defenses as provided in Rule 12 and his counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the third-party claim, or for its severance or separate trial. A third-party defendant may proceed under this rule against any person not a party to the action who is or may be liable to him for all or part of the claim made in the action against the third-party defendant. The third-party complaint, if within the admiralty and maritime jurisdiction, may be in rem against a vessel, cargo, or other property subject to admiralty or maritime process in rem, in which case references in this rule to the summons include the warrant of arrest, and references to the third-party plaintiff or defendant include, where appropriate, the claimant of the property arrested.

(c) ADMIRALTY AND MARITIME CLAIMS. When a plaintiff asserts an admiralty or maritime claim within the meaning of Rule 9 (h), the defendant or claimant, as a third-party plaintiff, may bring in a third-party defendant who may be wholly or partly liable, either to the plaintiff or to the third-party plaintiff, by way of remedy over, contribution, or otherwise on account of the same transaction, occurrence, or series of transactions or occurrences. In such a case the third-party plaintiff

may also demand judgment against the third-party defendant in favor of the plaintiff, in which event the third-party defendant shall make his defenses to the claim of the plaintiff as well as to that of the third-party plaintiff in the manner provided in Rule 12 and the action shall proceed as if the plaintiff had commenced it against the third-party defendant as well as the third-party plaintiff.

RULE 15. AMENDED AND SUPPLEMENTAL PLEADINGS

(c) RELATION BACK OF AMENDMENTS. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.

The delivery or mailing of process to the United States attorney, or his designee, or the Attorney General of the United States, or an agency or officer who would have been a proper defendant if named, satisfies the requirement of clauses (1) and (2) hereof with respect to the United States or any agency or officer thereof to be brought into the action as a defendant.

RULE 17. PARTIES PLAINTIFF AND DEFENDANT; CAPACITY

(a) REAL PARTY IN INTEREST. Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a

contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action is brought; and when a statute of the United States so provides, an action for the use or benefit of another shall be brought in the name of the United States. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

RULE 18. JOINDER OF CLAIMS AND REMEDIES

(a) **JOINDER OF CLAIMS.** A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or third-party claim, may join, either as independent or as alternate claims, as many claims, legal, equitable, or maritime, as he has against an opposing party.

RULE 19. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION

(a) **PERSONS TO BE JOINED IF FEASIBLE.** A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter of the action shall be joined as a party in the action if (1) in his absence complete relief cannot be accorded among those already parties, or (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (i) as a practical matter impair or impede his ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his claimed interest. If he has not been so joined, the court shall order that he be made a party.

If he should join as a plaintiff but refuses to do so, he may be made a defendant, or, in a proper case, an involuntary plaintiff. If the joined party objects to venue and his joinder would render the venue of the action improper, he shall be dismissed from the action.

(b) DETERMINATION BY COURT WHENEVER JOINDER NOT FEASIBLE. If a person as described in subdivision (a) (1)–(2) hereof cannot be made a party, the court shall determine whether in equity and good conscience the action should proceed among the parties before it, or should be dismissed, the absent person being thus regarded as indispensable. The factors to be considered by the court include: first, to what extent a judgment rendered in the person's absence might be prejudicial to him or those already parties; second, the extent to which, by protective provisions in the judgment, by the shaping of relief, or other measures, the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence will be adequate; fourth, whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

(c) PLEADING REASONS FOR NONJOINDER. A pleading asserting a claim for relief shall state the names, if known to the pleader, of any persons as described in subdivision (a) (1)–(2) hereof who are not joined, and the reasons why they are not joined.

(d) EXCEPTION OF CLASS ACTIONS. This rule is subject to the provisions of Rule 23.

RULE 20. PERMISSIVE JOINDER OF PARTIES

(a) PERMISSIVE JOINDER. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action. All persons (and any vessel, cargo or other property subject to admiralty process in rem) may be joined

in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

RULE 23. CLASS ACTIONS

(a) **PREREQUISITES TO A CLASS ACTION.** One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

(b) **CLASS ACTIONS MAINTAINABLE.** An action may be maintained as a class action if the prerequisites of subdivision (a) are satisfied, and in addition:

(1) the prosecution of separate actions by or against individual members of the class would create a risk of

(A) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, or

(B) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or

(2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include: (A) the interest of members of the class in individually controlling the prosecution or defense of separate actions; (B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class; (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; (D) the difficulties likely to be encountered in the management of a class action.

(c) DETERMINATION BY ORDER WHETHER CLASS ACTION TO BE MAINTAINED; NOTICE; JUDGMENT; ACTIONS CONDUCTED PARTIALLY AS CLASS ACTIONS.

(1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order under this subdivision may be conditional, and may be altered or amended before the decision on the merits.

(2) In any class action maintained under subdivision (b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that (A) the court will exclude him from the class if he so requests by a specified date; (B) the judgment,

whether favorable or not, will include all members who do not request exclusion; and (C) any member who does not request exclusion may, if he desires, enter an appearance through his counsel.

(3) The judgment in an action maintained as a class action under subdivision (b)(1) or (b)(2), whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under subdivision (b)(3), whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (c)(2) was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate (A) an action may be brought or maintained as a class action with respect to particular issues, or (B) a class may be divided into subclasses and each subclass treated as a class, and the provisions of this rule shall then be construed and applied accordingly.

(d) **ORDERS IN CONDUCT OF ACTIONS.** In the conduct of actions to which this rule applies, the court may make appropriate orders: (1) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument; (2) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action; (3) imposing conditions on the representative parties or on intervenors; (4) requiring that the pleadings be amended to eliminate therefrom allega-

tions as to representation of absent persons, and that the action proceed accordingly; (5) dealing with similar procedural matters. The orders may be combined with an order under Rule 16, and may be altered or amended as may be desirable from time to time.

(e) **DISMISSAL OR COMPROMISE.** A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

RULE 23.1. DERIVATIVE ACTIONS BY SHAREHOLDERS

In a derivative action brought by one or more shareholders or members to enforce a right of a corporation or of an unincorporated association, the corporation or association having failed to enforce a right which may properly be asserted by it, the complaint shall be verified and shall allege (1) that the plaintiff was a shareholder or member at the time of the transaction of which he complains or that his share or membership thereafter devolved on him by operation of law, and (2) that the action is not a collusive one to confer jurisdiction on a court of the United States which it would not otherwise have. The complaint shall also allege with particularity the efforts, if any, made by the plaintiff to obtain the action he desires from the directors or comparable authority and, if necessary, from the shareholders or members, and the reasons for his failure to obtain the action or for not making the effort. The derivative action may not be maintained if it appears that the plaintiff does not fairly and adequately represent the interests of the shareholders or members similarly situated in enforcing the right of the corporation or association. The action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to shareholders or members in such manner as the court directs.

RULE 23.2. ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS

An action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties may be maintained only if it appears that the representative parties will fairly and adequately protect the interests of the association and its members. In the conduct of the action the court may make appropriate orders corresponding with those described in Rule 23 (d), and the procedure for dismissal or compromise of the action shall correspond with that provided in Rule 23 (e).

RULE 24. INTERVENTION

(a) INTERVENTION OF RIGHT. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of the United States confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

RULE 26. DEPOSITIONS PENDING ACTION

(a) WHEN DEPOSITIONS MAY BE TAKEN. Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. After commencement of the action the deposition may be taken without leave of court, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the plaintiff within 20 days after commencement of the action. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 45.

Depositions shall be taken only in accordance with these rules, except that in admiralty and maritime claims within the meaning of Rule 9 (h) depositions may also be taken under and used in accordance with sections 863, 864, and 865 of the Revised Statutes (see note preceding 28 U. S. C. § 1781). The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

RULE 38. JURY TRIAL OF RIGHT

(e) ADMIRALTY AND MARITIME CLAIMS. These rules shall not be construed to create a right to trial by jury of the issues in an admiralty or maritime claim within the meaning of Rule 9 (h).

RULE 41. DISMISSAL OF ACTIONS

(b) INVOLUNTARY DISMISSAL: EFFECT THEREOF. For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against him. After the plaintiff, in an action tried by the court without a jury, has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. The court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in Rule 52 (a). Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

RULE 42. CONSOLIDATION; SEPARATE TRIALS

(b) SEPARATE TRIALS. The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues, always preserving inviolate the right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States.

RULE 43. EVIDENCE

(f) INTERPRETERS. The court may appoint an interpreter of its own selection and may fix his reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court.

RULE 44. PROOF OF OFFICIAL RECORD

(a) AUTHENTICATION.

(1) DOMESTIC. An official record kept within the United States, or any state, district, commonwealth, territory, or insular possession thereof, or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the custody. The certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official

duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office.

(2) **FOREIGN.** A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof; or a copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position (i) of the attesting person, or (ii) of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, (i) admit an attested copy without final certification or (ii) permit the foreign official record to be evidenced by an attested summary with or without a final certification.

(b) **LACK OF RECORD.** A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subdivision (a)(1) of this rule in the case of a domestic record, or complying with the requirements of subdivision (a)(2) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry.

(c) **OTHER PROOF.** This rule does not prevent the proof of official records or of entry or lack of entry therein by any other method authorized by law.

RULE 44.1. DETERMINATION OF FOREIGN LAW

A party who intends to raise an issue concerning the law of a foreign country shall give notice in his pleadings or other reasonable written notice. The court, in determining foreign law, may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under Rule 43. The court's determination shall be treated as a ruling on a question of law.

RULE 47. JURORS

(b) ALTERNATE JURORS. The court may direct that not more than six jurors in addition to the regular jury be called and impanelled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to 1 peremptory challenge in addition to those otherwise allowed by law if 1 or 2 alternate jurors are to be impanelled, 2 peremptory challenges if 3 or 4 alternate jurors are to be impanelled, and 3 peremptory challenges if 5 or 6 alternate jurors are to be impanelled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

RULE 53. MASTERS

(a) APPOINTMENT AND COMPENSATION. Each district court with the concurrence of a majority of all the judges

thereof may appoint one or more standing masters for its district, and the court in which any action is pending may appoint a special master therein. As used in these rules the word "master" includes a referee, an auditor, an examiner, a commissioner, and an assessor. The compensation to be allowed to a master shall be fixed by the court, and shall be charged upon such of the parties or paid out of any fund or subject matter of the action, which is in the custody and control of the court as the court may direct. The master shall not retain his report as security for his compensation; but when the party ordered to pay the compensation allowed by the court does not pay it after notice and within the time prescribed by the court, the master is entitled to a writ of execution against the delinquent party.

(b) REFERENCE. A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account and of difficult computation of damages, a reference shall be made only upon a showing that some exceptional condition requires it.

RULE 59. NEW TRIALS; AMENDMENT OF JUDGMENTS

(d) ON INITIATIVE OF COURT. Not later than 10 days after entry of judgment the court of its own initiative may order a new trial for any reason for which it might have granted a new trial on motion of a party. After giving the parties notice and an opportunity to be heard on the matter, the court may grant a motion for a new trial, timely served, for a reason not stated in the motion. In either case, the court shall specify in the order the grounds therefor.

RULE 65. INJUNCTIONS

(a) PRELIMINARY INJUNCTION.

(1) NOTICE. No preliminary injunction shall be issued without notice to the adverse party.

(2) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS. Before or after the commencement of the hearing of an application for a preliminary injunction, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing of the application. Even when this consolidation is not ordered, any evidence received upon an application for a preliminary injunction which would be admissible upon the trial on the merits becomes part of the record on the trial and need not be repeated upon the trial. This subdivision (a)(2) shall be so construed and applied as to save to the parties any rights they may have to trial by jury.

(b) TEMPORARY RESTRAINING ORDER; NOTICE; HEARING; DURATION. A temporary restraining order may be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting his claim that notice should not be required. Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary

injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(c) SECURITY. No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of an officer or agency thereof.

The provisions of Rule 65.1 apply to a surety upon a bond or undertaking under this rule.

RULE 65.1. SECURITY: PROCEEDINGS AGAINST SURETIES

Whenever these rules, including the Supplemental Rules for Certain Admiralty and Maritime Claims, require or permit the giving of security by a party, and security is given in the form of a bond or stipulation or other undertaking with one or more sureties, each surety submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion

as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties if their addresses are known.

RULE 68. OFFER OF JUDGMENT

At any time more than 10 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against him for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by verdict or order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

RULE 73. APPEAL TO A COURT OF APPEALS

(a) **HOW AND WHEN TAKEN.** An appeal permitted by law from a district court to a court of appeals shall be taken by filing a notice of appeal with the district court within 30 days from the entry of the judgment appealed from, except that: (1) in any action in which the United States or an officer or agency thereof is a

party, the notice of appeal may be filed by any party within 60 days from such entry; (2) upon a showing of excusable neglect the district court in any action may extend the time for filing the notice of appeal not exceeding 30 days from the expiration of the original time herein prescribed; (3) if a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was filed, or within the time otherwise herein prescribed, whichever period last expires; (4) an appeal by permission of a court of appeals obtained under Title 28, U. S. C., § 1292 (b) shall be taken in accordance with the rules of the court of appeals. The running of the time for appeal is terminated as to all parties by a timely motion made by any party pursuant to any of the rules hereinafter enumerated, and the full time for appeal fixed in this subdivision commences to run and is to be computed from the entry of any of the following orders made upon a timely motion under such rules: granting or denying a motion for judgment under Rule 50 (b); or granting or denying a motion under Rule 52 (b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted; or granting or denying a motion under Rule 59 to alter or amend the judgment; or denying a motion for a new trial under Rule 59.

Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the court of appeals deems appropriate, which may include dismissal of the appeal. If an appeal has not been docketed, the parties, with the approval of the district court, may dismiss the appeal by stipulation, filed in that court, or that court may dismiss the appeal upon motion and notice by the appellant.

(b) NOTICE OF APPEAL. The notice of appeal shall specify the parties taking the appeal; shall designate the judgment or part thereof appealed from; and shall

name the court to which the appeal is taken. The clerk shall serve notice of the filing of the notice of appeal by mailing a copy thereof to the attorney of record of each party other than the appellant, or, if a party is not represented by an attorney, then to the party at his last known address, but his failure to do so does not affect the validity of the appeal, and such notification is sufficient notwithstanding the death of the party or of his attorney prior to the giving of the notification. The clerk shall note on each copy thus served the date on which the notice of appeal was filed, and shall note in the civil docket the names of the parties to whom he mails the copies, with date of mailing.

(c) **BOND ON APPEAL.** Unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking which includes security for the payment of costs on appeal, he shall file a bond for such costs or deposit equivalent security therefor with the notice of appeal, but security shall not be required of an appellant who is not subject to costs. The bond or equivalent security shall be in the sum of two hundred and fifty dollars, unless the court fixes a different amount. The bond on appeal shall have sufficient surety and shall be conditioned to secure the payment of costs if the appeal is dismissed or the judgment affirmed, or of such costs as the court of appeals may award if the judgment is modified. If a bond on appeal or equivalent security in the sum of two hundred and fifty dollars is given, no approval thereof is necessary. After a bond on appeal is filed an appellee may raise objections to the form of the bond or to the sufficiency of the surety for determination by the clerk.

(d) **SUPERSEDEAS BOND.** Whenever an appellant entitled thereto desires a stay on appeal, he may present to the court for its approval a supersedeas bond which shall have such surety or sureties as the court requires. The bond shall be conditioned for the satisfaction of the judgment in full together with costs, interest, and dam-

ages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs, interest, and damages as the appellate court may adjudge and award. When the judgment is for the recovery of money not otherwise secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied, costs on the appeal, interest, and damages for delay, unless the court after notice and hearing and for good cause shown fixes a different amount or orders security other than the bond. When the judgment determines the disposition of the property in controversy as in real actions, replevin, and actions to foreclose mortgages or when such property is in the custody of the marshal or when the proceeds of such property or a bond for its value is in the custody or control of the court, the amount of the supersedeas bond shall be fixed at such sum only as will secure the amount recovered for the use and detention of the property, the costs of the action, costs on appeal, interest, and damages for delay. A separate supersedeas bond need not be given, unless otherwise ordered, when the appellant has already filed in the district court security including the event of appeal, except for the difference in amount, if any.

(f) **JUDGMENTS AGAINST SURETY.** The provisions of Rule 65.1 apply to a surety upon an appeal or supersedeas bond given pursuant to subdivisions (c) and (d) of this rule.

(g) **DOCKETING THE APPEAL; FILING OF THE RECORD ON APPEAL.** The appellant shall cause the record on appeal as provided for in Rules 75 and 76 to be filed with the court of appeals and the appeal to be docketed there within 40 days from the date of filing the notice of appeal. The record will be filed and the appeal docketed upon receipt by the clerk of the court of appeals, within the 40 days herein provided or within such shorter or longer period as the court may prescribe, of the record

on appeal and, unless the appellant is authorized to proceed without prepayment of fees, of the docket fee fixed by the Judicial Conference of the United States. When more than one appeal is taken from the same judgment to the same court of appeals, the district court may prescribe the time for filing and docketing, which in no event shall be less than 40 days from the date of filing the first notice of appeal. In all cases the district court may extend the time for filing the record and docketing the appeal upon motion of an appellant made within the period for filing and docketing as originally prescribed or as extended by a previous order, or upon its own motion by order entered within such period; but the district court shall not extend the time to a day more than 90 days from the date of filing the first notice of appeal. The motion of an appellant for an extension shall show that his inability to effect timely filing and docketing is due to causes beyond his control or to circumstances which may be deemed excusable neglect. The district court or the court of appeals may require the record to be filed and the appeal to be docketed at any time within the time otherwise provided or fixed.

(h) INTERLOCUTORY APPEALS IN ADMIRALTY AND MARITIME CASES. These rules do not affect the appealability of interlocutory judgments in admiralty cases pursuant to Title 28, U. S. C., § 1292 (a)(3). The reference in that statute to admiralty cases shall be construed to mean admiralty and maritime claims within the meaning of Rule 9 (h).

RULE 74. JOINT APPEALS TO THE SUPREME COURT OR TO A COURT OF APPEALS

If two or more persons are entitled to appeal from a judgment or order and their interests are such as to make joinder practicable, they may file a joint notice of appeal, or may join in appeal after filing separate notices of appeal, and they may thereafter proceed on appeal as a single appellant.

RULE 75. RECORD ON APPEAL TO A COURT OF
APPEALS

(a) COMPOSITION OF THE RECORD ON APPEAL. The original papers and exhibits filed in the district court, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the district court shall constitute the record on appeal in all cases. The parties may agree by written stipulation filed in the district court that designated parts of the record need not be transmitted to the court of appeals, in which event the parts shall be retained in the district court unless thereafter the court of appeals shall order or any party shall request their transmission, but the parts thus designated shall nevertheless be a part of the record on appeal for all purposes.

(b) THE TRANSCRIPT OF PROCEEDINGS; DUTY OF APPELLANT TO ORDER; NOTICE TO APPELLEE IF PARTIAL TRANSCRIPT IS ORDERED. Within 10 days after filing the notice of appeal the appellant shall order from the reporter a transcript of such parts of the proceedings not already on file as he deems necessary for inclusion in the record. Unless the entire transcript is to be included, the appellant shall, within the time above provided, file and serve on the appellee a description of the parts of the transcript which he intends to include in the record and a statement of the issues he intends to present on the appeal. If an appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. If the appellee deems a transcript of other parts of the proceedings to be necessary he shall, within 10 days after the service of the statement of the issues by the appellant, order such parts from the reporter or procure an order from the district court requiring the appellant to do so. At the time of ordering, a party must make satisfactory arrangements with the reporter for payment of the cost of the transcript.

(c) STATEMENT OF THE EVIDENCE OR PROCEEDINGS WHEN NO REPORT WAS MADE OR WHEN THE TRANSCRIPT IS UNAVAILABLE. If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be served on the appellee, who may serve objections or propose amendments thereto within 10 days after service. Thereupon the statement and any objections or proposed amendments shall be submitted to the district court for settlement and approval and as settled and approved shall be included by the clerk of the district court in the record on appeal.

(d) CORRECTION OR MODIFICATION OF THE RECORD. If any difference arises as to whether the record truly discloses what occurred in the district court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the district court, either before or after the record is transmitted to the court of appeals, or the court of appeals, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the court of appeals.

(e) TRANSMISSION OF THE RECORD. Within the time provided or fixed under the provisions of Rule 73 (g) for filing the record and docketing the appeal, the clerk of the district court shall transmit the record to the clerk of the court of appeals. The appellant shall comply with the provisions of subdivision (b) of this rule and shall take any other action necessary to enable the clerk to assemble and transmit the record. If more than one appeal is taken, each appellant shall comply with the

provisions of subdivision (b) and of this subdivision, and a single record shall be transmitted. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he is directed to do so by a party or by the clerk of the court of appeals. A party must make advance arrangements with the clerks of both courts for the transportation and receipt of bulky or weighty exhibits.

Upon stipulation of the parties, or by order of the district court at the request of any party, the clerk shall retain the record for use by the parties in preparing appellate papers. In that event, the appellant shall cause the record to be filed and the appeal to be docketed in the court of appeals within the time provided or fixed under the provisions of Rule 73 (g) by presenting to the clerk of the court of appeals a partial record in the form of a copy of the docket entries, accompanied by a certificate of counsel for the appellant, or of the appellant if he is without counsel, reciting that the record, including the transcript or parts thereof designated for inclusion and all necessary exhibits, is complete for purposes of the appeal. Upon receipt of the brief of the appellee, or at such earlier time as the parties may agree, or as the court may order, the appellant shall request the clerk of the district court to transmit the record.

(f) **RETENTION OF THE RECORD IN THE DISTRICT COURT BY ORDER OF COURT.** The court of appeals may provide by rule or order that a certified copy of the docket entries shall be transmitted in lieu of the record, subject to the right of any party to request at any time during the pendency of the appeal that designated parts of the record be transmitted. If the record is required in the district court for use there pending the appeal, the district court may make an order to that effect, and the clerk shall retain the record and shall transmit a copy of the order and of the docket entries together with such parts of the record as the district court shall allow and copies of such parts as the parties may designate. If the

record is retained in the district court by order of either court, the clerk shall retain it subject to the order of the court of appeals, and transmission of the copy of the docket entries shall constitute transmission of the record.

(g) RECORD FOR PRELIMINARY HEARING IN THE COURT OF APPEALS. If prior to the time the record is transmitted a party desires to make in the court of appeals a motion for dismissal, for admission to bail, for a stay pending appeal, for additional security on the bond on appeal or on a supersedeas bond, or for any intermediate order, the clerk at the request of any party shall transmit to the court of appeals such parts of the original record as the parties shall designate.

(h) RETURN OF THE RECORD TO THE DISTRICT COURT. After an appeal has been disposed of, the original papers comprising the record on appeal shall be returned to the custody of the district court.

RULE 81. APPLICABILITY IN GENERAL

(a) TO WHAT PROCEEDINGS APPLICABLE.

(1) These rules do not apply to prize proceedings in admiralty governed by Title 10, U. S. C., §§ 7651-81. They do not apply to proceedings in bankruptcy or proceedings in copyright under Title 17, U. S. C., except in so far as they may be made applicable thereto by rules promulgated by the Supreme Court of the United States. They do not apply to mental health proceedings in the United States District Court for the District of Columbia except to appeals therein.

(2) In the following proceedings appeals are governed by these rules, but they are not applicable otherwise than on appeal except to the extent that the practice in such proceedings is not set forth in statutes of the United States and has heretofore conformed to the practice in actions at law or suits in equity: admission to citizenship, habeas corpus, and quo warranto. The requirements of Title 28,

U. S. C., § 2253, relating to certification of probable cause in certain appeals in habeas corpus cases remain in force.

(3) In proceedings under Title 9, U. S. C., relating to arbitration, or under the Act of May 20, 1926, ch. 347, § 9 (44 Stat. 585), U. S. C., Title 45, § 159, relating to boards of arbitration of railway labor disputes, these rules apply only to the extent that matters of procedure are not provided for in those statutes. These rules apply (1) to proceedings to compel the giving of testimony or production of documents in accordance with a subpoena issued by an officer or agency of the United States under any statute of the United States except as otherwise provided by statute or by rules of the district court or by order of the court in the proceedings, and (2) to appeals in such proceedings.

RULE 82. JURISDICTION AND VENUE UNAFFECTED

These rules shall not be construed to extend or limit the jurisdiction of the United States district courts or the venue of actions therein. An admiralty or maritime claim within the meaning of Rule 9 (h) shall not be treated as a civil action for the purposes of Title 28, U. S. C., §§ 1391-93.

FORM 2. ALLEGATION OF JURISDICTION

(a) Jurisdiction founded on diversity of citizenship and amount.

Plaintiff is a [citizen of the State of Connecticut]¹ [corporation incorporated under the laws of the State of Connecticut having its principal place of business in the State of Connecticut] and defendant is a corporation incorporated under the laws of the State of New York having its principal place of business in a State other than the State of Connecticut. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded on the existence of a Federal question and amount in controversy.

The action arises under [the Constitution of the United States, Article ..., Section ...]; [the Amendment to the Constitution of the United States, Section ...]; [the Act of, ... Stat. ...; U. S. C., Title ..., § ...]; [the Treaty of the United States (here describe the treaty)],² as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existence of a question arising under particular statutes.

The action arises under the Act of, ... Stat. ...; U. S. C., Title ..., § ..., as hereinafter more fully appears.

(d) Jurisdiction founded on the admiralty or maritime character of the claim.

This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears. [If the pleader wishes to invoke the distinctively maritime procedures referred to in Rule 9 (h), add the following or its substantial equivalent: This is an admiralty or maritime claim within the meaning of Rule 9 (h).]

¹ Form for natural person.

² Use the appropriate phrase or phrases. The general allegation of the existence of a Federal question is ineffective unless the matters constituting the claim for relief as set forth in the complaint raise a Federal question.

FORM 15. COMPLAINT FOR DAMAGES UNDER
MERCHANT MARINE ACT

1. Allegation of jurisdiction. [If the pleader wishes to invoke the distinctively maritime procedures referred to in Rule 9 (h), add the following or its substantial equivalent: This is an admiralty or maritime claim within the meaning of Rule 9 (h).]

2. During all the times herein mentioned defendant was the owner of the steamship and used it in the transportation of freight for hire by water in interstate and foreign commerce.

3. During the first part of (month and year) at plaintiff entered the employ of defendant as an able seaman on said steamship under seamen's articles of customary form for a voyage from ports to the Orient and return at a wage of dollars per month and found, which is equal to a wage of dollars per month as a shore worker.

4. On June 1, 1936, said steamship was about days out of the port of and was being navigated by the master and crew on the return voyage to ports. (Here describe weather conditions and the condition of the ship and state as in an ordinary complaint for personal injuries the negligent conduct of defendant.)

5. By reason of defendant's negligence in thus (brief statement of defendant's negligent conduct) and the unseaworthiness of said steamship, plaintiff was (here describe plaintiff's injuries).

6. Prior to these injuries, plaintiff was a strong, able-bodied man, capable of earning and actually earning dollars per day. By these injuries he has been made incapable of any gainful activity; has suffered great physical and mental pain, and has incurred expense in the amount of dollars for medicine, medical attendance, and hospitalization.

Wherefore plaintiff demands judgment against defendant in the sum of dollars and costs.

SUPPLEMENTAL RULES FOR CERTAIN ADMIRALTY AND MARITIME CLAIMS

RULE A. SCOPE OF RULES

These Supplemental Rules apply to the procedure in admiralty and maritime claims within the meaning of Rule 9 (h) with respect to the following remedies:

- (1) Maritime attachment and garnishment;
- (2) Actions in rem;
- (3) Possessory, petitory, and partition actions;
- (4) Actions for exoneration from or limitation of liability.

These rules also apply to the procedure in statutory condemnation proceedings analogous to maritime actions in rem, whether within the admiralty and maritime jurisdiction or not. Except as otherwise provided, references in these Supplemental Rules to actions in rem include such analogous statutory condemnation proceedings.

The general Rules of Civil Procedure for the United States District Courts are also applicable to the foregoing proceedings except to the extent that they are inconsistent with these Supplemental Rules.

RULE B. ATTACHMENT AND GARNISHMENT:

SPECIAL PROVISIONS

(1) **WHEN AVAILABLE; COMPLAINT, AFFIDAVIT, AND PROCESS.** With respect to any admiralty or maritime claim in personam a verified complaint may contain a prayer for process to attach the defendant's goods and chattels, or credits and effects in the hands of garnishees named in the complaint to the amount sued for, if the defendant shall not be found within the district. Such a complaint shall be accompanied by an affidavit signed by the plaintiff or his attorney that, to the affiant's

knowledge, or to the best of his information and belief, the defendant cannot be found within the district. When a verified complaint is supported by such an affidavit the clerk shall forthwith issue a summons and process of attachment and garnishment. In addition, or in the alternative, the plaintiff may, pursuant to Rule 4 (e), invoke the remedies provided by state law for attachment and garnishment or similar seizure of the defendant's property. Except for Rule E (8) these Supplemental Rules do not apply to state remedies so invoked.

(2) NOTICE TO DEFENDANT. No judgment by default shall be entered except upon proof, which may be by affidavit, (a) that the plaintiff or the garnishee has given notice of the action to the defendant by mailing to him a copy of the complaint, summons, and process of attachment or garnishment, using any form of mail requiring a return receipt, or (b) that the complaint, summons, and process of attachment or garnishment have been served on the defendant in a manner authorized by Rule 4 (d) or (i), or (c) that the plaintiff or the garnishee has made diligent efforts to give notice of the action to the defendant and has been unable to do so.

(3) ANSWER.

(a) BY GARNISHEE. The garnishee shall serve his answer, together with answers to any interrogatories served with the complaint, within 20 days after service of process upon him. Interrogatories to the garnishee may be served with the complaint without leave of court. If the garnishee refuses or neglects to answer on oath as to the debts, credits, or effects of the defendant in his hands, or any interrogatories concerning such debts, credits, and effects that may be propounded by the plaintiff, the court may award compulsory process against him. If he admits any debts, credits, or effects, they shall be held in his hands or paid into the registry of the court, and shall be held in either case subject to the further order of the court.

(b) BY DEFENDANT. The defendant shall serve his answer within 30 days after process has been executed, whether by attachment of property or service on the garnishee.

RULE C. ACTIONS IN REM: SPECIAL
PROVISIONS

(1) WHEN AVAILABLE. An action in rem may be brought:

(a) To enforce any maritime lien;

(b) Whenever a statute of the United States provides for a maritime action in rem or a proceeding analogous thereto.

Except as otherwise provided by law a party who may proceed in rem may also, or in the alternative, proceed in personam against any person who may be liable.

Statutory provisions exempting vessels or other property owned or possessed by or operated by or for the United States from arrest or seizure are not affected by this rule. When a statute so provides, an action against the United States or an instrumentality thereof may proceed on in rem principles.

(2) COMPLAINT. In actions in rem the complaint shall be verified on oath or solemn affirmation. It shall describe with reasonable particularity the property that is the subject of the action and state that it is within the district or will be during the pendency of the action. In actions for the enforcement of forfeitures for violation of any statute of the United States the complaint shall state the place of seizure and whether it was on land or on navigable waters, and shall contain such allegations as may be required by the statute pursuant to which the action is brought.

(3) PROCESS. Upon the filing of the complaint the clerk shall forthwith issue a warrant for the arrest of the vessel or other property that is the subject of the action and deliver it to the marshal for service. If the property that is the subject of the action consists in whole or in

part of freight, or the proceeds of property sold, or other intangible property, the clerk shall issue a summons directing any person having control of the funds to show cause why they should not be paid into court to abide the judgment.

(4) NOTICE. No notice other than the execution of the process is required when the property that is the subject of the action has been released in accordance with Rule E (5). If the property is not released within 10 days after execution of process, the plaintiff shall promptly or within such time as may be allowed by the court cause public notice of the action and arrest to be given in a newspaper of general circulation in the district, designated by order of the court. Such notice shall specify the time within which the answer is required to be filed as provided by subdivision (6) of this rule. This rule does not affect the requirements of notice in actions to foreclose a preferred ship mortgage pursuant to the Act of June 5, 1920, ch. 250, § 30, as amended.

(5) ANCILLARY PROCESS. In any action in rem in which process has been served as provided by this rule, if any part of the property that is the subject of the action has not been brought within the control of the court because it has been removed or sold, or because it is intangible property in the hands of a person who has not been served with process, the court may, on motion, order any person having possession or control of such property or its proceeds to show cause why it should not be delivered into the custody of the marshal or paid into court to abide the judgment; and, after hearing, the court may enter such judgment as law and justice may require.

(6) CLAIM AND ANSWER; INTERROGATORIES. The claimant of property that is the subject of an action in rem shall file his claim within 10 days after process has been executed, or within such additional time as may be allowed by the court, and shall serve his answer within 20 days after the filing of the claim. The claim shall be

verified on oath or solemn affirmation, and shall state the interest in the property by virtue of which the claimant demands its restitution and the right to defend the action. If the claim is made on behalf of the person entitled to possession by an agent, bailee, or attorney, it shall state that he is duly authorized to make the claim. At the time of answering the claimant shall also serve answers to any interrogatories served with the complaint. In actions in rem interrogatories may be so served without leave of court.

RULE D. POSSESSORY, PETITORY, AND PARTITION ACTIONS

In all actions for possession, partition, and to try title maintainable according to the course of the admiralty practice with respect to a vessel, in all actions so maintainable with respect to the possession of cargo or other maritime property, and in all actions by one or more part owners against the others to obtain security for the return of the vessel from any voyage undertaken without their consent, or by one or more part owners against the others to obtain possession of the vessel for any voyage on giving security for its safe return, the process shall be by a warrant of arrest of the vessel, cargo, or other property, and by notice in the manner provided by Rule B (2) to the adverse party or parties.

RULE E. ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS

(1) **APPLICABILITY.** Except as otherwise provided, this rule applies to actions in personam with process of maritime attachment and garnishment, actions in rem, and petitory, possessory, and partition actions, supplementing Rules B, C, and D.

(2) **COMPLAINT; SECURITY.**

(a) **COMPLAINT.** In actions to which this rule is applicable the complaint shall state the circumstances from which the claim arises with such par-

ticularity that the defendant or claimant will be able, without moving for a more definite statement, to commence an investigation of the facts and to frame a responsive pleading.

(b) SECURITY FOR COSTS. Subject to the provisions of Rule 54 (d) and of relevant statutes, the court may, on the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, require the plaintiff, defendant, claimant, or other party to give security, or additional security, in such sum as the court shall direct to pay all costs and expenses that shall be awarded against him by any interlocutory order or by the final judgment, or on appeal by any appellate court.

(3) PROCESS.

(a) TERRITORIAL LIMITS OF EFFECTIVE SERVICE. Process in rem and of maritime attachment and garnishment shall be served only within the district.

(b) ISSUANCE AND DELIVERY. Issuance and delivery of process in rem, or of maritime attachment and garnishment, shall be held in abeyance if the plaintiff so requests.

(4) EXECUTION OF PROCESS; MARSHAL'S RETURN; CUSTODY OF PROPERTY.

(a) IN GENERAL. Upon issuance and delivery of the process, or, in the case of summons with process of attachment and garnishment, when it appears that the defendant cannot be found within the district, the marshal shall forthwith execute the process in accordance with this subdivision (4), making due and prompt return.

(b) TANGIBLE PROPERTY. If tangible property is to be attached or arrested, the marshal shall take it into his possession for safe custody. If the character or situation of the property is such that the taking of actual possession is impracticable, the marshal

shall execute the process by affixing a copy thereof to the property in a conspicuous place and by leaving a copy of the complaint and process with the person having possession or his agent. In furtherance of his custody of any vessel the marshal is authorized to make a written request to the collector of customs not to grant clearance to such vessel until notified by the marshal or his deputy or by the clerk that the vessel has been released in accordance with these rules.

(c) **INTANGIBLE PROPERTY.** If intangible property is to be attached or arrested the marshal shall execute the process by leaving with the garnishee or other obligor a copy of the complaint and process requiring him to answer as provided in Rules B (3)(a) and C (6); or he may accept for payment into the registry of the court the amount owed to the extent of the amount claimed by the plaintiff with interest and costs, in which event the garnishee or other obligor shall not be required to answer unless alias process shall be served.

(d) **DIRECTIONS WITH RESPECT TO PROPERTY IN CUSTODY.** The marshal may at any time apply to the court for directions with respect to property that has been attached or arrested, and shall give notice of such application to any or all of the parties as the court may direct.

(e) **EXPENSES OF SEIZING AND KEEPING PROPERTY; DEPOSIT.** These rules do not alter the provisions of Title 28, U. S. C., § 1921, as amended, relative to the expenses of seizing and keeping property attached or arrested and to the requirement of deposits to cover such expenses.

(5) **RELEASE OF PROPERTY.**

(a) **SPECIAL BOND.** Except in cases of seizures for forfeiture under any law of the United States, whenever process of maritime attachment and gar-

nishment or process in rem is issued the execution of such process shall be stayed, or the property released, on the giving of security, to be approved by the court or clerk, or by stipulation of the parties, conditioned to answer the judgment of the court or of any appellate court. The parties may stipulate the amount and nature of such security. In the event of the inability or refusal of the parties so to stipulate the court shall fix the principal sum of the bond or stipulation at an amount sufficient to cover the amount of the plaintiff's claim fairly stated with accrued interest and costs; but the principal sum shall in no event exceed (i) twice the amount of the plaintiff's claim or (ii) the value of the property on due appraisal, whichever is smaller. The bond or stipulation shall be conditioned for the payment of the principal sum and interest thereon at 6 per cent per annum.

(b) **GENERAL BOND.** The owner of any vessel may file a general bond or stipulation, with sufficient surety, to be approved by the court, conditioned to answer the judgment of such court in all or any actions that may be brought thereafter in such court in which the vessel is attached or arrested. Thereupon the execution of all such process against such vessel shall be stayed so long as the amount secured by such bond or stipulation is at least double the aggregate amount claimed by plaintiffs in all actions begun and pending in which such vessel has been attached or arrested. Judgments and remedies may be had on such bond or stipulation as if a special bond or stipulation had been filed in each of such actions. The district court may make necessary orders to carry this rule into effect, particularly as to the giving of proper notice of any action against or attachment of a vessel for which a general bond has been filed. Such bond or stipulation shall be indorsed by the clerk with a minute of the actions

wherein process is so stayed. Further security may be required by the court at any time.

If a special bond or stipulation is given in a particular case, the liability on the general bond or stipulation shall cease as to that case.

(c) **RELEASE BY CONSENT OR STIPULATION; ORDER OF COURT OR CLERK; COSTS.** Any vessel, cargo, or other property in the custody of the marshal may be released forthwith upon his acceptance and approval of a stipulation, bond, or other security, signed by the party on whose behalf the property is detained or his attorney and expressly authorizing such release, if all costs and charges of the court and its officers shall have first been paid. Otherwise no property in the custody of the marshal or other officer of the court shall be released without an order of the court; but such order may be entered as of course by the clerk, upon the giving of approved security as provided by law and these rules, or upon the dismissal or discontinuance of the action; but the marshal shall not deliver any property so released until the costs and charges of the officers of the court shall first have been paid.

(d) **POSSESSORY, PETITORY, AND PARTITION ACTIONS.** The foregoing provisions of this subdivision (5) do not apply to petitory, possessory, and partition actions. In such cases the property arrested shall be released only by order of the court, on such terms and conditions and on the giving of such security as the court may require.

(6) **REDUCTION OR IMPAIRMENT OF SECURITY.** Whenever security is taken the court may, on motion and hearing, for good cause shown, reduce the amount of security given; and if the surety shall be or become insufficient, new or additional sureties may be required on motion and hearing.

(7) **SECURITY ON COUNTERCLAIM.** Whenever there is asserted a counterclaim arising out of the same trans-

action or occurrence with respect to which the action was originally filed, and the defendant or claimant in the original action has given security to respond in damages, any plaintiff for whose benefit such security has been given shall give security in the usual amount and form to respond in damages to the claims set forth in such counterclaim, unless the court, for cause shown, shall otherwise direct; and proceedings on the original claim shall be stayed until such security is given, unless the court otherwise directs. When the United States or a corporate instrumentality thereof as defendant is relieved by law of the requirement of giving security to respond in damages it shall nevertheless be treated for the purposes of this subdivision E (7) as if it had given such security if a private person so situated would have been required to give it.

(8) RESTRICTED APPEARANCE. An appearance to defend against an admiralty and maritime claim with respect to which there has issued process in rem, or process of attachment and garnishment whether pursuant to these Supplemental Rules or to Rule 4 (e), may be expressly restricted to the defense of such claim, and in that event shall not constitute an appearance for the purposes of any other claim with respect to which such process is not available or has not been served.

(9) DISPOSITION OF PROPERTY; SALES.

(a) ACTIONS FOR FORFEITURES. In any action in rem to enforce a forfeiture for violation of a statute of the United States the property shall be disposed of as provided by statute.

(b) INTERLOCUTORY SALES. If property that has been attached or arrested is perishable, or liable to deterioration, decay, or injury by being detained in custody pending the action, or if the expense of keeping the property is excessive or disproportionate, or if there is unreasonable delay in securing the release of property, the court, on application of any

party or of the marshal, may order the property or any portion thereof to be sold; and the proceeds, or so much thereof as shall be adequate to satisfy any judgment, may be ordered brought into court to abide the event of the action; or the court may, on motion of the defendant or claimant, order delivery of the property to him, upon the giving of security in accordance with these rules.

(c) SALES; PROCEEDS. All sales of property shall be made by the marshal or his deputy, or other proper officer assigned by the court where the marshal is a party in interest; and the proceeds of sale shall be forthwith paid into the registry of the court to be disposed of according to law.

RULE F. LIMITATION OF LIABILITY

(1) TIME FOR FILING COMPLAINT; SECURITY. Not later than six months after his receipt of a claim in writing, any vessel owner may file a complaint in the appropriate district court, as provided in subdivision (9) of this rule, for limitation of liability pursuant to statute. The owner (a) shall deposit with the court, for the benefit of claimants, a sum equal to the amount or value of his interest in the vessel and pending freight, or approved security therefor, and in addition such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of the statutes as amended; or (b) at his option shall transfer to a trustee to be appointed by the court, for the benefit of claimants, his interest in the vessel and pending freight, together with such sums, or approved security therefor, as the court may from time to time fix as necessary to carry out the provisions of the statutes as amended. The plaintiff shall also give security for costs and, if he elects to give security, for interest at the rate of 6 per cent per annum from the date of the security.

(2) COMPLAINT. The complaint shall set forth the facts on the basis of which the right to limit liability is

asserted, and all facts necessary to enable the court to determine the amount to which the owner's liability shall be limited. The complaint may demand exoneration from as well as limitation of liability. It shall state the voyage, if any, on which the demands sought to be limited arose, with the date and place of its termination; the amount of all demands including all unsatisfied liens or claims of lien, in contract or in tort or otherwise, arising on that voyage, so far as known to the plaintiff, and what actions and proceedings, if any, are pending thereon; whether the vessel was damaged, lost, or abandoned, and, if so, when and where; the value of the vessel at the close of the voyage or, in case of wreck, the value of her wreckage, strippings, or proceeds, if any, and where and in whose possession they are; and the amount of any pending freight recovered or recoverable. If the plaintiff elects to transfer his interest in the vessel to a trustee, the complaint must further show any prior paramount liens thereon, and what voyages or trips, if any, she has made since the voyage or trip on which the claims sought to be limited arose, and any existing liens arising upon any such subsequent voyage or trip, with the amounts and causes thereof, and the names and addresses of the lienors, so far as known; and whether the vessel sustained any injury upon or by reason of such subsequent voyage or trip.

(3) **CLAIMS AGAINST OWNER; INJUNCTION.** Upon compliance by the owner with the requirements of subdivision (1) of this rule all claims and proceedings against the owner or his property with respect to the matter in question shall cease. On application of the plaintiff the court shall enjoin the further prosecution of any action or proceeding against the plaintiff or his property with respect to any claim subject to limitation in the action.

(4) **NOTICE TO CLAIMANTS.** Upon the owner's compliance with subdivision (1) of this rule the court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation, admonishing

them to file their respective claims with the clerk of the court and to serve on the attorneys for the plaintiff a copy thereof on or before a date to be named in the notice. The date so fixed shall not be less than 30 days after issuance of the notice. For cause shown, the court may enlarge the time within which claims may be filed. The notice shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks prior to the date fixed for the filing of claims. The plaintiff not later than the day of second publication shall also mail a copy of the notice to every person known to have made any claim against the vessel or the plaintiff arising out of the voyage or trip on which the claims sought to be limited arose. In cases involving death a copy of such notice shall be mailed to the decedent at his last known address, and also to any person who shall be known to have made any claim on account of such death.

(5) CLAIMS AND ANSWER. Claims shall be filed and served on or before the date specified in the notice provided for in subdivision (4) of this rule. Each claim shall specify the facts upon which the claimant relies in support of his claim, the items thereof, and the dates on which the same accrued. If a claimant desires to contest either the right to exoneration from or the right to limitation of liability he shall file and serve an answer to the complaint unless his claim has included an answer.

(6) INFORMATION TO BE GIVEN CLAIMANTS. Within 30 days after the date specified in the notice for filing claims, or within such time as the court thereafter may allow, the plaintiff shall mail to the attorney for each claimant (or if the claimant has no attorney to the claimant himself) a list setting forth (a) the name of each claimant, (b) the name and address of his attorney (if he is known to have one), (c) the nature of his claim, i. e., whether property loss, property damage, death, personal injury, etc., and (d) the amount thereof.

(7) **INSUFFICIENCY OF FUND OR SECURITY.** Any claimant may by motion demand that the funds deposited in court or the security given by the plaintiff be increased on the ground that they are less than the value of the plaintiff's interest in the vessel and pending freight. Thereupon the court shall cause due appraisement to be made of the value of the plaintiff's interest in the vessel and pending freight; and if the court finds that the deposit or security is either insufficient or excessive it shall order its increase or reduction. In like manner any claimant may demand that the deposit or security be increased on the ground that it is insufficient to carry out the provisions of the statutes relating to claims in respect of loss of life or bodily injury; and, after notice and hearing, the court may similarly order that the deposit or security be increased or reduced.

(8) **OBJECTIONS TO CLAIMS: DISTRIBUTION OF FUND.** Any interested party may question or controvert any claim without filing an objection thereto. Upon determination of liability the fund deposited or secured, or the proceeds of the vessel and pending freight, shall be divided pro rata, subject to all relevant provisions of law, among the several claimants in proportion to the amounts of their respective claims, duly proved, saving, however, to all parties any priority to which they may be legally entitled.

(9) **VENUE; TRANSFER.** The complaint shall be filed in any district in which the vessel has been attached or arrested to answer for any claim with respect to which the plaintiff seeks to limit liability; or, if the vessel has not been attached or arrested, then in any district in which the owner has been sued with respect to any such claim. When the vessel has not been attached or arrested to answer the matters aforesaid, and suit has not been commenced against the owner, the proceedings may be had in the district in which the vessel may be, but if the vessel is not within any district and no suit has been commenced in any district, then the complaint may

be filed in any district. For the convenience of parties and witnesses, in the interest of justice, the court may transfer the action to any district; if venue is wrongly laid the court shall dismiss or, if it be in the interest of justice, transfer the action to any district in which it could have been brought. If the vessel shall have been sold, the proceeds shall represent the vessel for the purposes of these rules.

2. That the foregoing amendments and additions to the Rules of Civil Procedure shall take effect on July 1, 1966, and shall govern all proceedings in actions brought thereafter and also in all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action then pending would not be feasible or would work injustice, in which event the former procedure applies.

3. That the Chief Justice be, and he hereby is, authorized to transmit to the Congress the foregoing amendments and additions to the Rules of Civil Procedure in accordance with the provisions of Title 28, U.S.C., §§ 2072 and 2073.

4. That: (a) subdivision (c) of Rule 6 of the Rules of Civil Procedure for the United States District Courts promulgated by this court on December 20, 1937, effective September 16, 1938; (b) Rule 2 of the Rules for Practice and Procedure under section 25 of An Act To amend and consolidate the Acts respecting copyright, approved March 4, 1909, promulgated by this court on June 1, 1909, effective July 1, 1909; and (c) the Rules of Practice in Admiralty and Maritime Cases, promulgated by this court on December 6, 1920, effective March 7, 1921, as revised, amended and supplemented, be, and they hereby are, rescinded, effective July 1, 1966.

STATEMENT OF BLACK, J.

MR. JUSTICE BLACK, dissenting.

The Amendments to the Federal Rules of Civil and Criminal Procedure today transmitted to the Congress are the work of very capable advisory committees. Those committees, not the Court, wrote the rules. Whether by this transmittal the individual members of the Court who voted to transmit the rules intended to express approval of the varied policy decisions the rules embody I am not sure. I am reasonably certain, however, that the Court's transmittal does not carry with it a decision that the amended rules are all constitutional. For such a decision would be the equivalent of an advisory opinion which, I assume the Court would unanimously agree, we are without constitutional power to give. And I agree with my Brother DOUGLAS that some of the proposed criminal rules go to the very border line if they do not actually transgress the constitutional right of a defendant not to be compelled to be a witness against himself. This phase of the criminal rules in itself so infects the whole collection of proposals that, without mentioning other objections, I am opposed to transmittal of the proposed amendments to the criminal rules.

I am likewise opposed to transmittal of the proposed revision of the civil rules. In the first place I think the provisions of 28 U. S. C. § 2072 (1964 ed.), under which these rules are transmitted and the corresponding section, 18 U. S. C. § 3771 (1964 ed.), relating to the criminal rules, both of which provide for giving transmitted rules

the effect of law as though they had been properly enacted by Congress are unconstitutional for reasons I have previously stated.¹ And in prior dissents I have stated some of the basic reasons for my objections to repeated rules revisions² that tend to upset established meanings and need not repeat those grounds of objection here. The confusion created by the adoption of the present rules, over my objection, has been partially dispelled by judicial interpretations of them by this Court and others. New rules and extensive amendments to present rules will mean renewed confusion resulting in new challenges and new reversals and prejudicial "pre-trial" dismissals of cases before a trial on the merits for failure of lawyers to understand and comply with new rules of uncertain meaning. Despite my continuing objection to the old rules, it seems to me that since they have at least gained some degree of certainty it would be wiser to "bear those ills we have than fly to others we know not of," unless, of course, we are reasonably sure that the proposed reforms of the old rules are badly needed. But I am not. The new proposals, at least some of them, have, as I view them, objectionable pos-

¹ In a statement accompanying a previous transmittal of the civil rules, MR. JUSTICE DOUGLAS and I said:

"MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are opposed to the submission of these rules to the Congress under a statute which permits them to 'take effect' and to repeal 'all laws in conflict with such rules' without requiring any affirmative consideration, action, or approval of the rules by Congress or by the President. We believe that while some of the Rules of Civil Procedure are simply housekeeping details, many determine matters so substantially affecting the rights of litigants in lawsuits that in practical effect they are the equivalent of new legislation which, in our judgment, the Constitution requires to be initiated in and enacted by the Congress and approved by the President. The Constitution, as we read it, provides that all laws shall be enacted by the House, the Senate, and the President, not by the mere failure of Congress to reject proposals of an outside agency. . . ." (Footnotes omitted.) 374 U. S. 865-866.

² 346 U. S. 946, 374 U. S. 865. And see 368 U. S. 1011 and 1012.

sibilities that cause me to believe our judicial system could get along much better without them.

The momentum given the proposed revision of the old rules by this Court's transmittal makes it practically certain that Congress, just as has this Court, will permit the rules to take effect exactly as they were written by the Advisory Committee on Rules. Nevertheless, I am including here a memorandum I submitted to the Court expressing objections to the Committee's proposals and suggesting changes should they be transmitted. These suggestions chiefly center around rules that grant broad discretion to trial judges with reference to class suits, pretrial procedures, and dismissal of cases with prejudice. Cases coming before the federal courts over the years now filling nearly 40 volumes of Federal Rules Decisions show an accumulation of grievances by lawyers and litigants about the way many trial judges exercise their almost unlimited discretionary powers to use pretrial procedures to dismiss cases without trials. In fact, many of these cases indicate a belief of many judges and legal commentators that the cause of justice is best served in the long run not by trials on the merits but by summary dismissals based on out of court affidavits, pretrial depositions, and other pretrial techniques. My belief is that open court trials on the merits where litigants have the right to prove their case or defense best comports with due process of law.

The proposed rules revisions, instead of introducing changes designed to prevent the continued abuse of pretrial power to dismiss cases summarily without trials, move in the opposite direction. Of course, each such dismissal results in removal of one more case from our congested court dockets, but that factor should not weigh more heavily in our system of justice than assuring a full-fledged due process trial of every bona fide lawsuit brought to vindicate an honest, substantial claim. It is to protect this ancient right of a person to have his case tried rather than summarily thrown out of court that I

suggested to the Court that it recommend changes in the Committee's proposals of the nature set out in the following memorandum.

"Dear Brethren:

"I have gone over all the proposed amendments carefully and while there are probably some good suggestions, it is my belief that the bad results that can come from the adoption of these amendments predominate over any good they can bring about. I particularly think that every member of the Court should examine with great care the amendments relating to class suits. It seems to me that they place too much power in the hands of the trial judges and that the rules might almost as well simply provide that 'class suits can be maintained either for or against particular groups whenever in the discretion of a judge he thinks it is wise.' The power given to the judge to dismiss such suits or to divide them up into groups at will subjects members of classes to dangers that could not follow from carefully prescribed legal standards enacted to control class suits.

"In addition, the rules as amended, in my judgment, greatly aggravate the evil of vesting judges with practically uncontrolled power to dismiss with prejudice cases brought by plaintiffs or defenses interposed by defendants. The power to dismiss a plaintiff's case or to render judgments by default against defendants can work great harm to both parties. There are many inherent urges in existence which may subconsciously incline a judge towards disposing of the cases before him without having to go through the burden of a trial. Mr. Chief Justice White, before he became Chief Justice, wrote an opinion in the case of *Hovey v. Elliott*, 167 U. S. 409, which pointed out grave constitutional questions raised by attempting to punish the parties by depriving them of the right to try their law suits or to defend against law suits brought against them by others.

“Rule 41 entitled ‘Dismissal of Actions’ points up the great power of judges to dismiss actions and provides an automatic method under which a dismissal must be construed as a dismissal ‘with prejudice’ unless the judge specifically states otherwise. For that reason I suggest to the Conference that if the Rules are accepted, including that one, the last sentence of Rule 41 (b) be amended so as to provide that a simple order of dismissal by a judge instead of operating ‘as an adjudication upon the merits,’ as the amended rule reads, shall provide that such a dismissal ‘does not operate as an adjudication upon the merits.’

“As a further guarantee against oppressive dismissals I suggest the addition of the following as subdivision (c) of Rule 41.

“ ‘No plaintiff’s case shall be dismissed or defendant’s right to defend be cut off because of the neglect, misfeasance, malfeasance, or failure of their counsel to obey any order of the court, until and unless such plaintiff or defendant shall have been personally served with notice of their counsel’s delinquency, and not then unless the parties themselves do or fail to do something on their own part that can legally justify dismissal of the plaintiff’s case or of the defendant’s defense.’

“This proposed amendment is suggested in order to protect litigants, both plaintiffs and defendants, against being thrown out of court as a penalty for their lawyer’s neglect or misconduct. The necessity for such a rule is shown, I think, by the dismissal in the plaintiff’s case in *Link v. Wabash R. Co.*, 370 U. S. 626. The usual argument against this suggestion is that a party to a law suit hires his lawyer and should therefore be responsible for everything his lawyer does in the conduct of his case. This may be a good argument with reference to affluent litigants who not only know the best lawyers but are able

to hire them. It is a wholly unrealistic argument, however, to make with reference to individual persons who do not know the ability of various lawyers or who are not financially able to hire those at the top of the bar and who are compelled to rely on the assumption that a lawyer licensed by the State is competent. It seems to me to be an uncivilized practice to punish clients by throwing their cases out of court because of their lawyers' conduct. It may be supportable by good, sound, formal logic but I think has no support whatever in a procedural system supposed to work as far as humanly possible to the end of obtaining equal and exact justice.

“H. L. B.”

For all the reasons stated above and in my previous objections to the transmittals of rules I dissent from the transmittals here.

ORDER

ORDERED:

1. That the Rules of Criminal Procedure for the United States District Courts be, and they hereby are, amended by including therein Rules 17.1 and 26.1 and amendments to Rules 4, 5, 6, 7, 11, 14, 16, 17, 18, 20, 21, 23, 24, 25, 28, 29, 30, 32, 33, 34, 35, 37, 38, 40, 44, 45, 46, 49, 54, 55, and 56, and to Form 26, as hereinafter set forth:

AMENDMENTS TO RULES OF CRIMINAL
PROCEDURE
FOR THE
UNITED STATES DISTRICT COURTS

RULE 4. WARRANT OR SUMMONS UPON COMPLAINT

(a) ISSUANCE. If it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to execute it. Upon the request of the attorney for the government a summons instead of a warrant shall issue. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

RULE 5. PROCEEDINGS BEFORE THE COMMISSIONER

(b) STATEMENT BY THE COMMISSIONER. The commissioner shall inform the defendant of the complaint against him and of any affidavit filed therewith, of his right to retain counsel, of his right to request the assignment of counsel if he is unable to obtain counsel, and of his right to have a preliminary examination. He shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him. The commissioner shall allow the defendant reasonable time and opportunity to consult counsel and shall admit the defendant to bail as provided in these rules.

RULE 6. THE GRAND JURY

(d) WHO MAY BE PRESENT. Attorneys for the government, the witness under examination, interpreters

when needed and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present while the grand jury is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

(e) **SECRECY OF PROCEEDINGS AND DISCLOSURE.** Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the government for use in the performance of their duties. Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court preliminarily to or in connection with a judicial proceeding or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury. No obligation of secrecy may be imposed upon any person except in accordance with this rule. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

(f) **FINDING AND RETURN OF INDICTMENT.** An indictment may be found only upon the concurrence of 12 or more jurors. The indictment shall be returned by the grand jury to a judge in open court. If the defendant is in custody or has given bail and 12 jurors do not concur in finding an indictment, the foreman shall so report to the court in writing forthwith.

RULE 7. THE INDICTMENT AND THE INFORMATION

(f) **BILL OF PARTICULARS.** The court may direct the filing of a bill of particulars. A motion for a bill of particulars may be made before arraignment or within 10

days after arraignment or at such later time as the court may permit. A bill of particulars may be amended at any time subject to such conditions as justice requires.

RULE 11. PLEAS

A defendant may plead not guilty, guilty or, with the consent of the court, *nolo contendere*. The court may refuse to accept a plea of guilty, and shall not accept such plea or a plea of *nolo contendere* without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and the consequences of the plea. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or if a defendant corporation fails to appear, the court shall enter a plea of not guilty. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

RULE 14. RELIEF FROM PREJUDICIAL JOINDER

If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance the court may order the attorney for the government to deliver to the court for inspection *in camera* any statements or confessions made by the defendants which the government intends to introduce in evidence at the trial.

RULE 16. DISCOVERY AND INSPECTION

(a) DEFENDANT'S STATEMENTS; REPORTS OF EXAMINATIONS AND TESTS; DEFENDANT'S GRAND JURY TESTIMONY. Upon motion of a defendant the court may order the attorney for the government to permit the defendant to inspect and copy or photograph any relevant (1) written or recorded statements or confessions made by the

defendant, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, (2) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, and (3) recorded testimony of the defendant before a grand jury.

(b) **OTHER BOOKS, PAPERS, DOCUMENTS, TANGIBLE OBJECTS OR PLACES.** Upon motion of a defendant the court may order the attorney for the government to permit the defendant to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, upon a showing of materiality to the preparation of his defense and that the request is reasonable. Except as provided in subdivision (a)(2), this rule does not authorize the discovery or inspection of reports, memoranda, or other internal government documents made by government agents in connection with the investigation or prosecution of the case, or of statements made by government witnesses or prospective government witnesses (other than the defendant) to agents of the government except as provided in 18 U. S. C. § 3500.

(c) **DISCOVERY BY THE GOVERNMENT.** If the court grants relief sought by the defendant under subdivision (a)(2) or subdivision (b) of this rule, it may, upon motion of the government, condition its order by requiring that the defendant permit the government to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within his possession, custody

or control, upon a showing of materiality to the preparation of the government's case and that the request is reasonable. Except as to scientific or medical reports, this subdivision does not authorize the discovery or inspection of reports, memoranda, or other internal defense documents made by the defendant, or his attorneys or agents in connection with the investigation or defense of the case, or of statements made by the defendant, or by government or defense witnesses, or by prospective government or defense witnesses, to the defendant, his agents or attorneys.

(d) **TIME, PLACE AND MANNER OF DISCOVERY AND INSPECTION.** An order of the court granting relief under this rule shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.

(e) **PROTECTIVE ORDERS.** Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. Upon motion by the government the court may permit the government to make such showing, in whole or in part, in the form of a written statement to be inspected by the court *in camera*. If the court enters an order granting relief following a showing *in camera*, the entire text of the government's statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal by the defendant.

(f) **TIME OF MOTIONS.** A motion under this rule may be made only within 10 days after arraignment or at such reasonable later time as the court may permit. The motion shall include all relief sought under this rule. A subsequent motion may be made only upon a showing of cause why such motion would be in the interest of justice.

(g) **CONTINUING DUTY TO DISCLOSE; FAILURE TO COMPLY.** If, subsequent to compliance with an order issued pursuant to this rule, and prior to or during trial,

a party discovers additional material previously requested or ordered which is subject to discovery or inspection under the rule, he shall promptly notify the other party or his attorney or the court of the existence of the additional material. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or with an order issued pursuant to this rule, the court may order such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances.

RULE 17. SUBPOENA

(b) **DEFENDANTS UNABLE TO PAY.** The court shall order at any time that a subpoena be issued for service on a named witness upon an *ex parte* application of a defendant upon a satisfactory showing that the defendant is financially unable to pay the fees of the witness and that the presence of the witness is necessary to an adequate defense. If the court orders the subpoena to be issued the costs incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the government.

(d) **SERVICE.** A subpoena may be served by the marshal, by his deputy or by any other person who is not a party and who is not less than 18 years of age. Service of a subpoena shall be made by delivering a copy thereof to the person named and by tendering to him the fee for 1 day's attendance and the mileage allowed by law. Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof.

RULE 17.1. PRETRIAL CONFERENCE

At any time after the filing of the indictment or information the court upon motion of any party or upon its

own motion may order one or more conferences to consider such matters as will promote a fair and expeditious trial. At the conclusion of a conference the court shall prepare and file a memorandum of the matters agreed upon. No admissions made by the defendant or his attorney at the conference shall be used against the defendant unless the admissions are reduced to writing and signed by the defendant and his attorney. This rule shall not be invoked in the case of a defendant who is not represented by counsel.

RULE 18. PLACE OF PROSECUTION AND TRIAL

Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed. The court shall fix the place of trial within the district with due regard to the convenience of the defendant and the witnesses.

RULE 20. TRANSFER FROM THE DISTRICT FOR PLEA AND SENTENCE

(a) INDICTMENT OR INFORMATION PENDING. A defendant arrested or held in a district other than that in which the indictment or information is pending against him may state in writing that he wishes to plead guilty or *nolo contendere*, to waive trial in the district in which the indictment or information is pending and to consent to disposition of the case in the district in which he was arrested or is held, subject to the approval of the United States attorney for each district. Upon receipt of the defendant's statement and of the written approval of the United States attorneys, the clerk of the court in which the indictment or information is pending shall transmit the papers in the proceeding or certified copies thereof to the clerk of the court for the district in which the defendant is held and the prosecution shall continue in that district.

(b) INDICTMENT OR INFORMATION NOT PENDING. A defendant arrested on a warrant issued upon a complaint

in a district other than the district of arrest may state in writing that he wishes to plead guilty or *nolo contendere*, to waive trial in the district in which the warrant was issued and to consent to disposition of the case in the district in which he was arrested, subject to the approval of the United States attorney for each district. Upon receipt of the defendant's statement and of the written approval of the United States attorneys and upon the filing of an information or the return of an indictment, the clerk of the court for the district in which the warrant was issued shall transmit the papers in the proceeding or certified copies thereof to the clerk of the court for the district in which the defendant was arrested and the prosecution shall continue in that district. When the defendant is brought before the court to plead to an information filed in the district where the warrant was issued, he may at that time waive indictment as provided in Rule 7, and the prosecution may continue based upon the information originally filed.

(c) EFFECT OF NOT GUILTY PLEA. If after the proceeding has been transferred pursuant to subdivision (a) or (b) of this rule the defendant pleads not guilty, the clerk shall return the papers to the court in which the prosecution was commenced and the proceeding shall be restored to the docket of that court. The defendant's statement that he wishes to plead guilty or *nolo contendere* shall not be used against him.

(d) JUVENILES. A juvenile (as defined in 18 U. S. C. § 5031) who is arrested or held in a district other than that in which he is alleged to have committed an act in violation of a law of the United States not punishable by death or life imprisonment may, after he has been advised by counsel and with the approval of the court and the United States attorney, consent to be proceeded against as a juvenile delinquent in the district in which he is arrested or held. The consent shall be given in writing before the court but only after the court has apprised the juvenile of his rights, including the right to

be returned to the district in which he is alleged to have committed the act, and of the consequences of such consent.

(e) **SUMMONS.** For the purpose of initiating a transfer under this rule a person who appears in response to a summons issued under Rule 4 shall be treated as if he had been arrested on a warrant in the district of such appearance.

RULE 21. TRANSFER FROM THE DISTRICT FOR TRIAL

(a) **FOR PREJUDICE IN THE DISTRICT.** The court upon motion of the defendant shall transfer the proceeding as to him to another district whether or not such district is specified in the defendant's motion if the court is satisfied that there exists in the district where the prosecution is pending so great a prejudice against the defendant that he cannot obtain a fair and impartial trial at any place fixed by law for holding court in that district.

(b) **TRANSFER IN OTHER CASES.** For the convenience of parties and witnesses, and in the interest of justice, the court upon motion of the defendant may transfer the proceeding as to him or any one or more of the counts thereof to another district.

(c) **PROCEEDINGS ON TRANSFER.** When a transfer is ordered the clerk shall transmit to the clerk of the court to which the proceeding is transferred all papers in the proceeding or duplicates thereof and any bail taken, and the prosecution shall continue in that district.

RULE 23. TRIAL BY JURY OR BY THE COURT

(c) **TRIAL WITHOUT A JURY.** In a case tried without a jury the court shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein.

RULE 24. TRIAL JURORS

(c) **ALTERNATE JURORS.** The court may direct that not more than 6 jurors in addition to the regular jury be called and impanelled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to 1 peremptory challenge in addition to those otherwise allowed by law if 1 or 2 alternate jurors are to be impanelled, 2 peremptory challenges if 3 or 4 alternate jurors are to be impanelled, and 3 peremptory challenges if 5 or 6 alternate jurors are to be impanelled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by these rules may not be used against an alternate juror.

RULE 25. JUDGE; DISABILITY

(a) **DURING TRIAL.** If by reason of death, sickness or other disability the judge before whom a jury trial has commenced is unable to proceed with the trial, any other judge regularly sitting in or assigned to the court, upon certifying that he has familiarized himself with the record of the trial, may proceed with and finish the trial.

(b) **AFTER VERDICT OR FINDING OF GUILT.** If by reason of absence, death, sickness or other disability the judge before whom the defendant has been tried is unable to perform the duties to be performed by the court

after a verdict or finding of guilt, any other judge regularly sitting in or assigned to the court may perform those duties; but if such other judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

RULE 26.1. DETERMINATION OF FOREIGN LAW

A party who intends to raise an issue concerning the law of a foreign country shall give reasonable written notice. The court, in determining foreign law, may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under Rule 26. The court's determination shall be treated as a ruling on a question of law.

RULE 28. EXPERT WITNESSES AND INTERPRETERS

(a) EXPERT WITNESSES. The court may order the defendant or the government or both to show cause why expert witnesses should not be appointed, and may request the parties to submit nominations. The court may appoint any expert witnesses agreed upon by the parties, and may appoint witnesses of its own selection. An expert witness shall not be appointed by the court unless he consents to act. A witness so appointed shall be informed of his duties by the court in writing, a copy of which shall be filed with the clerk, or at a conference in which the parties shall have opportunity to participate. A witness so appointed shall advise the parties of his findings, if any, and may thereafter be called to testify by the court or by any party. He shall be subject to cross-examination by each party. The court may determine the reasonable compensation of such a witness and direct its payment out of such funds as may be provided by law. The parties also may call expert witnesses of their own selection.

(b) INTERPRETERS. The court may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter. Such compensation shall be paid out of funds provided by law or by the government, as the court may direct.

RULE 29. MOTION FOR JUDGMENT OF ACQUITTAL

(a) MOTION BEFORE SUBMISSION TO JURY. Motions for directed verdict are abolished and motions for judgment of acquittal shall be used in their place. The court on motion of a defendant or of its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment or information after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a defendant's motion for judgment of acquittal at the close of the evidence offered by the government is not granted, the defendant may offer evidence without having reserved the right.

(b) RESERVATION OF DECISION ON MOTION. If a motion for judgment of acquittal is made at the close of all the evidence, the court may reserve decision on the motion, submit the case to the jury and decide the motion either before the jury returns a verdict or after it returns a verdict of guilty or is discharged without having returned a verdict.

(c) MOTION AFTER DISCHARGE OF JURY. If the jury returns a verdict of guilty or is discharged without having returned a verdict, a motion for judgment of acquittal may be made or renewed within 7 days after the jury is discharged or within such further time as the court may fix during the 7-day period. If a verdict of guilty is returned the court may on such motion set aside the verdict and enter judgment of acquittal. If no verdict is returned the court may enter judgment of acquittal. It shall not be necessary to the making of such a motion that a similar motion has been made prior to the submission of the case to the jury.

RULE 30. INSTRUCTIONS

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. At the same time copies of such requests shall be furnished to adverse parties. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. No party may assign as error any portion of the charge or omission therefrom unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds of his objection. Opportunity shall be given to make the objection out of the hearing of the jury and, on request of any party, out of the presence of the jury.

RULE 32. SENTENCE AND JUDGMENT

(a) SENTENCE.

(1) IMPOSITION OF SENTENCE. Sentence shall be imposed without unreasonable delay. Pending sentence the court may commit the defendant or continue or alter the bail. Before imposing sentence the court shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment.

(2) NOTIFICATION OF RIGHT TO APPEAL. After imposing sentence in a case which has gone to trial on a plea of not guilty, the court shall advise the defendant of his right to appeal and of the right of a person who is unable to pay the cost of an appeal to apply for leave to appeal in forma pauperis. If the defendant so requests, the clerk of the court shall prepare and file forthwith a notice of appeal on behalf of the defendant.

(c) PRESENTENCE INVESTIGATION.

(2) REPORT. The report of the presentence investigation shall contain any prior criminal record of the defendant and such information about his characteristics, his financial condition and the circumstances affecting his behavior as may be helpful in imposing sentence or in granting probation or in the correctional treatment of the defendant, and such other information as may be required by the court. The court before imposing sentence may disclose to the defendant or his counsel all or part of the material contained in the report of the presentence investigation and afford an opportunity to the defendant or his counsel to comment thereon. Any material disclosed to the defendant or his counsel shall also be disclosed to the attorney for the government.

(f) REVOCATION OF PROBATION. The court shall not revoke probation except after a hearing at which the defendant shall be present and apprised of the grounds on which such action is proposed. The defendant may be admitted to bail pending such hearing.

RULE 33. NEW TRIAL

The court on motion of a defendant may grant a new trial to him if required in the interest of justice. If trial was by the court without a jury the court on motion of a defendant for a new trial may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment. A motion for a new trial based on the ground of newly discovered evidence may be made only before or within two years after final judgment, but if an appeal is pending the court may grant the motion only on remand of the case. A motion for a new trial based on any other grounds shall be made within 7 days after verdict or finding of guilty or within such further time as the court may fix during the 7-day period.

RULE 34. ARREST OF JUDGMENT

The court on motion of a defendant shall arrest judgment if the indictment or information does not charge an offense or if the court was without jurisdiction of the offense charged. The motion in arrest of judgment shall be made within 7 days after verdict or finding of guilty, or after plea of guilty or *nolo contendere*, or within such further time as the court may fix during the 7-day period.

RULE 35. CORRECTION OR REDUCTION OF SENTENCE

The court may correct an illegal sentence at any time and may correct a sentence imposed in an illegal manner within the time provided herein for the reduction of sentence. The court may reduce a sentence within 120 days after the sentence is imposed, or within 120 days after receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within 120 days after entry of any order or judgment of the Supreme Court denying review of, or having the effect of upholding, a judgment of conviction. The court may also reduce a sentence upon revocation of probation as provided by law.

RULE 37. TAKING APPEAL; AND PETITION FOR WRIT OF CERTIORARI

(a) TAKING APPEAL TO A COURT OF APPEALS.

(1) HOW AN APPEAL IS TAKEN; NOTICE OF APPEAL. An appeal permitted by law from a district court to a court of appeals is taken by filing a notice of appeal in the district court within the time provided by paragraph (2) of this subdivision. The notice of appeal shall specify the party or parties taking the appeal; shall designate the judgment, order or part thereof appealed from; and shall name the court to which the appeal is taken. A copy of the notice of appeal and a statement of the docket

entries shall be forwarded immediately by the clerk of the district court to the clerk of the court of appeals. The clerk shall serve notice of the filing of a notice of appeal by mailing a copy thereof to all parties other than the appellant. When an appeal is taken by a defendant, the clerk shall also serve a copy of the notice of appeal upon him, either by personal service or by mail addressed to him. The clerk shall note on each copy to be served the date on which the notice of appeal was filed, and shall note in the docket the names of the parties on whom he serves copies, with the date of mailing or other service. Failure of the clerk to serve notice shall not affect the validity of the appeal.

(2) TIME FOR TAKING APPEAL. The notice of appeal by a defendant shall be filed within 10 days after the entry of the judgment or order appealed from. A notice of appeal filed after the announcement of a decision, sentence or order but before entry of the judgment or order shall be treated as filed after such entry and on the day thereof. If a timely motion in arrest of judgment or for a new trial on any ground other than newly discovered evidence has been made, an appeal from a judgment of conviction may be taken within 10 days after the entry of the order denying the motion. A motion for a new trial based on the ground of newly discovered evidence will similarly extend the time for appeal from a judgment of conviction if the motion is made before or within 10 days after entry of judgment. When an appeal by the government is authorized by statute, the notice of appeal shall be filed within 30 days after entry of the judgment or order appealed from. A judgment or order is entered within the meaning of this paragraph when it is entered in the criminal docket. Upon a showing of excusable neglect, the district court may, before or after the time has expired, with or without motion and notice,

extend the time for filing the notice of appeal otherwise allowed to any party for a period not to exceed 30 days from the expiration of the original time prescribed by this paragraph.

**RULE 38. STAY OF EXECUTION, AND RELIEF
PENDING REVIEW**

(a) **STAY OF EXECUTION.**

(2) **IMPRISONMENT.** A sentence of imprisonment shall be stayed if an appeal is taken and the defendant is admitted to bail. If the defendant is not admitted to bail, the court may recommend to the Attorney General that the defendant be retained at, or transferred to, a place of confinement near the place of trial or the place where his appeal is to be heard, for a period reasonably necessary to permit the defendant to assist in the preparation of his appeal to the court of appeals.

**RULE 40. COMMITMENT TO ANOTHER
DISTRICT; REMOVAL**

(b) **ARREST IN DISTANT DISTRICT.**

(2) **STATEMENT BY COMMISSIONER OR JUDGE.** The commissioner or judge shall inform the defendant of the charge against him, of his right to retain counsel, of his right to request the assignment of counsel if he is unable to obtain counsel, and of his right to have a hearing or to waive a hearing by signing a waiver before the commissioner or judge. The commissioner or judge shall also inform the defendant that he is not required to make a statement and that any statement made by him may be used against him, shall allow him reasonable opportunity to consult counsel and shall admit him to bail as provided in these rules.

RULE 44. RIGHT TO AND ASSIGNMENT OF COUNSEL

(a) **RIGHT TO ASSIGNED COUNSEL.** Every defendant who is unable to obtain counsel shall be entitled to have

counsel assigned to represent him at every stage of the proceedings from his initial appearance before the commissioner or the court through appeal, unless he waives such appointment.

(b) ASSIGNMENT PROCEDURE. The procedures for implementing the right set out in subdivision (a) shall be those provided by law and by local rules of court established pursuant thereto.

RULE 45. TIME

(a) COMPUTATION. In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When a period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in these rules, "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the state in which the district court is held.

(b) ENLARGEMENT. When an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done if the failure to act was the result of excusable neglect; but the court may not extend the time for taking any action under Rules 29, 33, 34, 35, 37 (a)(2) and 39 (c), except to the extent and under the conditions stated in them.

RULE 46. RELEASE ON BAIL

(c) TERMS. If the defendant is admitted to bail, the terms thereof shall be such as in the judgment of the commissioner or court or judge or justice will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail, the character of the defendant, and the policy against unnecessary detention of defendants pending trial.

(d) FORM, CONDITIONS AND PLACE OF DEPOSIT. A person required or permitted to give bail shall execute a bond for his appearance. The commissioner or court or judge or justice, having regard to the considerations set forth in subdivision (c), may require one or more sureties, may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond, or may authorize the release of the defendant without security upon his written agreement to appear at a specified time and place and upon such conditions as may be prescribed to insure his appearance. Bail given originally on appeal shall be deposited in the registry of the district court from which the appeal is taken.

(h) SUPERVISION OF DETENTION PENDING TRIAL. The court shall exercise supervision over the detention of defendants and witnesses within the district pending trial for the purpose of eliminating all unnecessary detention. The attorney for the government shall make a biweekly report to the court listing each defendant and witness who has been held in custody pending indictment, arraignment or trial for a period in excess of 10 days. As to each witness so listed the attorney for the government shall make a statement of the reasons why such witness should not be released with or without the taking of his deposition pursuant to Rule 15 (a). As to each defendant so listed the attorney for the government shall make

a statement of the reasons why the defendant is still held in custody.

RULE 49. SERVICE AND FILING OF PAPERS

(a) SERVICE: WHEN REQUIRED. Written motions other than those which are heard *ex parte*, written notices, designations of record on appeal and similar papers shall be served upon each of the parties.

(c) NOTICE OF ORDERS. Immediately upon the entry of an order made on a written motion subsequent to arraignment the clerk shall mail to each party a notice thereof and shall make a note in the docket of the mailing. Lack of notice of the entry by the clerk does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed, except as permitted by Rule 37 (a)(2).

RULE 54. APPLICATION AND EXCEPTION

(a) COURTS AND COMMISSIONERS.

(1) COURTS. These rules apply to all criminal proceedings in the United States District Courts; in the District Court of Guam and the District Court of the Virgin Islands; in the United States Courts of Appeals; and in the Supreme Court of the United States; except that all offenses shall continue to be prosecuted in the District Court of Guam and in the District Court of the Virgin Islands by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury. Except as otherwise provided in the Canal Zone Code, these rules apply to all criminal proceedings in the United States District Court for the District of the Canal Zone.

(b) PROCEEDINGS.

(5) OTHER PROCEEDINGS. These rules are not applicable to extradition and rendition of fugitives; forfeiture of property for violation of a

statute of the United States; or the collection of fines and penalties. Except as provided in Rule 20 (d) they do not apply to proceedings under Title 18, U. S. C., Chapter 403—Juvenile Delinquency—so far as they are inconsistent with that chapter. They do not apply to summary trials for offenses against the navigation laws under Revised Statutes §§ 4300–4305, 33 U. S. C. §§ 391–396, or to proceedings involving disputes between seamen under Revised Statutes §§ 4079–4081, as amended, 22 U. S. C. §§ 256–258, or to proceedings for fishery offenses under the Act of June 28, 1937, c. 392, 50 Stat. 325–327, 16 U. S. C. §§ 772–772i, or to proceedings against a witness in a foreign country under Title 28, U. S. C., § 1784.

RULE 55. RECORDS

The clerk of the district court and each United States commissioner shall keep such records in criminal proceedings as the Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States, may prescribe. Among the records required to be kept by the clerk shall be a book known as the "criminal docket" in which, among other things, shall be entered each order or judgment of the court. The entry of an order or judgment shall show the date the entry is made.

RULE 56. COURTS AND CLERKS

The court of appeals and the district court shall be deemed always open for the purpose of filing any proper paper, of issuing and returning process and of making motions and orders. The clerk's office with the clerk or a deputy in attendance shall be open during business hours on all days except Saturdays, Sundays, and legal holidays, but a court may provide by local rule or order that its clerk's office shall be open for specified hours on Saturdays or particular legal holidays other than New

Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

FORM 26. NOTICE OF APPEAL

In the United States District Court for the
 District of
 Division

United States of America	}	No.
<i>v.</i>		
John Doe		

Notice is hereby given that John Doe, defendant above named, hereby appeals to the United States Court of Appeals for the Circuit (from the final judgment) (from the order (describing it)) entered in this proceeding on the day of, 19...

Dated

.....
 (s)
 (address)

*Attorney for John Doe**

2. That the foregoing amendments and additions to the Rules of Criminal Procedure shall take effect on July 1, 1966, and shall govern all criminal proceedings thereafter commenced and so far as just and practicable all proceedings then pending.

*Or "Appellant" or "Clerk" as the case may be.

3. That the Chief Justice be, and he hereby is, authorized to transmit to the Congress the foregoing amendments and additions to the Rules of Criminal Procedure in accordance with the provisions of title 18, U.S.C., section 3771.

4. That Rule 19 and subdivision (c) of Rule 45 of the Rules of Criminal Procedure for the United States District Courts, promulgated by this court on December 26, 1944, effective March 21, 1946, are hereby rescinded, effective July 1, 1966.

STATEMENT OF DOUGLAS, J.

MR. JUSTICE DOUGLAS, dissenting in part.

I reiterate today what I stated on an earlier occasion (374 U.S. 865, 869-870) (statement of BLACK and DOUGLAS, JJ.), that the responsibility for promulgating Rules of the kind we send to Congress today should rest with the Judicial Conference and not the Court. It is the Judicial Conference, not the Court, which appoints the Advisory Committee on Criminal Rules which makes the actual recommendations.¹ Members of the Judicial

¹28 U. S. C. § 331 (1964 ed.), which establishes the Judicial Conference of the United States, provides that the Conference shall "carry on a continuous study of the operation and effect of the general rules of practice and procedure . . . prescribed by the Supreme Court . . ." The Conference has resolved that a standing Committee on Rules of Practice and Procedure be appointed by the Chief

Conference, being in large part judges of the lower courts and attorneys who are using the Rules day in and day out, are in a far better position to make a practical judgment upon their utility or inutility than we.

But since under the statute² the Rules go to Congress only on the initiative of the Court, I cannot be only a conduit. I think that placing our imprimatur on the amendments to the Rules entails a large degree of responsibility of judgment concerning them. Some of the criminal Rules which we forward to Congress today are very bothersome—not in the sense that they may be unwieldy or unworkable—but in the sense that they may trench on important constitutional rights of defendants.

In my judgment, the amendments to Rule 16 dealing with discovery require further reflection. To the extent that they expand the defendant's opportunities for discovery, they accord with the views of a great many commentators who have concluded that a civilized society ought not to tolerate the conduct of a criminal prosecution as a "game."³ But the proposed changes in the Rule go further. Rule 16 (c) would permit a trial judge to condition granting the defendant discovery on the defendant's willingness to permit the prosecution to discover "scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof" which (1) are in the defendant's possession; (2) he in-

Justice and that, in addition, five advisory committees be established to recommend to the Judicial Conference changes in the rules of practice and procedure for the federal courts. See Annual Report of the Proceedings of the Judicial Conference of the United States 6-7 (1958).

² 18 U. S. C. § 3771 (1964 ed.).

³ See, *e. g.*, Brennan, *The Criminal Prosecution: Sporting Event or Quest for Truth?*, 1963 Wash. U. L. Q. 279; Louisell, *Criminal Discovery: Dilemma Real or Apparent?*, 49 Calif. L. Rev. 56 (1961); Traynor, *Ground Lost and Found in Criminal Discovery*, 39 N. Y. U. L. Rev. 228 (1964).

tends to produce at trial; and (3) are shown to be material to the preparation of the prosecution's case.⁴

The extent to which a court may compel the defendant to disclose information or evidence pertaining to his case without infringing the privilege against self-incrimination is a source of current controversy among judges, prosecutors, defense lawyers, and other legal commentators. A distinguished state court has concluded—although not without a strong dissent—that the privilege is not violated by discovery of the names of expert medical witnesses whose appearance at trial is contemplated by the defense.⁵ I mean to imply no views on the point, except to note that a serious constitutional question lurks here.

The prosecution's opportunity to discover evidence in the possession of the defense is somewhat limited in the proposal with which we deal in that it is tied to the exercise by the defense of the right to discover from the prosecution. But *if* discovery, by itself, of information in the possession of the defendant would violate the privilege against self-incrimination, is it any less a violation if conditioned on the defendant's exercise of the opportunity to discover evidence? May benefits be conditioned on the abandonment of constitutional rights? See, *e. g.*, *Sherbert v. Verner*, 374 U. S. 398, 403–406. To deny a defendant the opportunity to discovery—an opportunity not withheld from defendants who agree to prosecutorial discovery or from whom discovery is not

⁴ The proposed rule explicitly provides that the prosecution may not discover nonmedical documents or reports "made by the defendant, or his attorneys or agents in connection with the investigation or defense of the case, or of statements made by the defendant, or by government or defense witnesses, or by prospective government or defense witnesses, to the defendant, his agents or attorneys."

⁵ *Jones v. Superior Court*, 58 Cal. 2d 56, 372 P. 2d 919, 22 Cal. Rptr. 879. See Comment, 51 Calif. L. Rev. 135; Note, 76 Harv. L. Rev. 838 (1963). The case is more extensively treated in Louisell, *Criminal Discovery and Self-Incrimination*, 53 Calif. L. Rev. 89 (1965).

sought—merely because the defendant chooses to exercise the constitutional right to refrain from self-incrimination arguably imposes a penalty upon the exercise of that fundamental privilege. It is said, however, that fairness may require disclosure by a defendant who obtains information from the prosecution. Perhaps—but the proposed rule establishes no such standards. Its application is mechanical: if the defendant is allowed discovery, so, too, is the prosecution. No requirement is imposed, for example, that the subject matter of the material sought to be discovered by the prosecution be limited to that relating to the subject of the defendant's discovery.

The proposed addition of Rule 17.1 also suggests difficulties, perhaps of constitutional dimension. This rule would establish a pretrial conference procedure. The language of the rule and the Advisory Committee's comments suggest that under some circumstances, the conference might even take place in the absence of the defendant! Cf. *Lewis v. United States*, 146 U. S. 370; Fed. Rules Crim. Proc. Rule 43.

The proposed amendment to Rule 32 (c)(2) states that the trial judge "may" disclose to the defendant or his counsel the contents of a presentence report on which he is relying in fixing sentence. The imposition of sentence is of critical importance to a man convicted of crime. Trial judges need presentence reports so that they may have at their disposal the fullest possible information. See *Williams v. New York*, 337 U. S. 241. But while the formal rules of evidence do not apply to restrict the factors which the sentencing judge may consider, fairness would, in my opinion, require that the defendant be advised of the facts—perhaps very damaging to him—on which the judge intends to rely. The presentence report may be inaccurate, a flaw which may be of constitutional dimension. Cf. *Townsend v. Burke*, 334 U. S. 736. It may exaggerate the gravity of the defendant's prior offenses. The investigator may have made an

incomplete investigation. See Tappan, *Crime, Justice and Correction* 556 (1960). There may be countervailing factors not disclosed by the probation report. In many areas we can rely on the sound exercise of discretion by the trial judge; but how can a judge know whether or not the presentence report calls for a reply by the defendant? Its faults may not appear on the face of the document.

Some States require full disclosure of the report to the defense.⁶ The proposed Model Penal Code takes the middle-ground and requires the sentencing judge to disclose to the defense the factual contents of the report so that there is an opportunity to reply.⁷ Whatever should be the rule for the federal courts, it ought not to be one which permits a judge to impose sentence on the basis of information of which the defendant may be unaware and to which he has not been afforded an opportunity to reply.

I do not think we should approve Rules 16, 17.1, and 32 (c)(2). Instead, we should refer them back to the Judicial Conference and the Advisory Committee for further consideration and reflection, where I believe they were approved only by the narrowest majority.

William O. Douglas.

[For dissent of MR. JUSTICE BLACK from this Order, see p. 309.]

⁶ *E. g.*, Calif. Penal Code § 1203.

⁷ Model Penal Code § 7.07 (5) (Proposed Official Draft, 1962). The Code provides that the sources of confidential information need not be disclosed. "Less disclosure than this hardly comports with elementary fairness." Comment to § 7.07 (Tent. Draft No. 2, 1954), at 55. A discarded draft of the amendment to Fed. Rules Crim. Proc. Rule 32 would have allowed disclosure to defense counsel of the report, from which the confidential sources would be removed. A defendant not represented by counsel would be told of the "essential facts" in the report. See 8 Moore's Federal Practice ¶¶ 32.03 [4], 32.09 (1965).

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 Fortas.

ADMISSIONS TO THE BAR

Carson T. Seavey, of Washington, D.C., and LeRoy S. Zimmerman, of Harrisburg, Pa., on motion of Mr. Solicitor General Thurgood Marshall; David T. Dana III, of Lenox, Mass., and Norman David Block, of Paris, Maine, on motion of Mr. Leverett Saltonstall; Bjarne Becker Andersen, Jr., of Jacksonville, Fla., Richard P. Floyd, of Hyattsville, Md., and Louis O'Melville Frost, Jr., of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Louis Robert Leisner, of Buffalo, N.Y., on motion of Mr. John Lord O'Brian; Sanford M. Jaffe, of Newark, N.J., on motion of Mr. Fred Vinson, Jr.; Speight Jenkins, Jr., of Dallas, Tex., on motion of Mr. William S. Fulton, Jr.; John M. Scheb, of Sarasota, Fla., on motion of Mr. Brice Wilson Rhyne; Martin Balsam, of Hyattsville, Md., Robert Winfred Cox, of Alexandria, Va., and Paul Brazil Lindsey, of Oklahoma City, Okla., on motion of Mr. David Ferber; John Adams Wing, of Washington, D.C., on motion of Mr. Irving M. Pollack; Sanford Jay Rosen, of Baltimore, Md., and Arnold M. Weiner, of Baltimore, Md., on motion of Mr. J. Hardin Marion; and Forrest L. Bethay, of New Orleans, La., on motion of Mr. Edward J. Phelan, were admitted to practice.

ORAL ARGUMENT

No. 759. Ernesto A. Miranda, petitioner, *v.* Arizona. Argument concluded by Mr. Duane R. Nedrud for the National District Attorneys Association, as *amicus curiae*, by special leave of Court. (Also in Nos. 760, 762, and 584.)

No. 760. Michael Vignera, petitioner, *v.* New York. Argued by Mr. Victor M. Earle III for the petitioner and by Mr. William I. Siegel for the respondent.

No. 761. Carl Calvin Westover, petitioner, *v.* United States. Argued by Mr. F. Conger Fawcett for the petitioner and by Mr. Solicitor General Marshall for the respondent.

No. 762. Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey. One and one-half hours allowed for oral argument. Argument commenced by Mr. Stanford Shmukler for the petitioners and continued by Mr. Norman Heine for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 2, 1966, will be as follows: Nos. 762, 584, 412, 442, and 67.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

David M. Nelson, of Chicago, Ill., Thomas William McKay, of Des Moines, Iowa, and Harold Brandt, of Ann Arbor, Mich., on motion of Mr. Ralph Simon Spritzer; Laurence W. Carr, of Redding, Calif., on motion of Mr. Thomas H. Kuchel; Ralph Freedson, of Houston, Tex., on motion of Mr. Ralph W. Yarborough; George A. Scott, of Topeka, Kans., on motion of Mr. Robert F. Ellsworth; Burton Erhard Ericson, of Chicago, Ill., on motion of Mr. John N. Erlenborn; Norbert F. Reinert, of Wilmington, Del., on motion of Mr. Frederick Schafer; John O. Hally, of Washington, D.C., on motion of Mr. Clifford J. Hynning; Melvin H. Malat, of Los Angeles, Calif., on motion of Mr. George T. Altman; Thomas E. O'Neill, of Washington, D.C., on motion of Mr. Ernest Constant Raskauskas; Alan Franklin Doniger, of New York, N.Y., John H. Engel, of New York, N.Y., and Nico de Graaff, of New York, N.Y., on motion of Mr. William J. Taylor; and Benjamin Vinar, of New York, N.Y., on motion of Mr. Walter R. Mansfield, were admitted to practice.

ORAL ARGUMENT

No. 762. Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey. Argument continued by Mr. Norman Heine for the respondent and concluded by Mr. M. Gene Haeberle for the petitioners.

No. 584. California, petitioner, *v.* Roy Allen Stewart. One and one-half hours allowed for oral argument. Argued by Mr. Gordon Ringer for the petitioner and by Mr. William A. Norris for the respondent.

No. 412. Salvatore Shillitani, petitioner, *v.* United States; and

No. 442. Andimo Pappadio, petitioner, *v.* United States. Argued by Mr. Albert J. Krieger and Mr. Jacob Kossman for the petitioners and by Mr. Ralph S. Spritzer for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 3, 1966, will be as follows: Nos. 67, 131 (and 132), and 487.

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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, and Mr. Justice Fortas.

ADMISSIONS TO THE BAR

Thomas Louis James, of Dallas, Tex., on motion of Mr. Joe Richard Pool; James T. Horton, of Chicago, Ill., on motion of Mr. Richard R. Atkinson; Dennis L. Rousseau, of New Orleans, La., and Frederick J. Gisevius, Jr., of New Orleans, La., on motion of Mr. Julian P. Freret; Allen Sinsheimer, Jr., of San Francisco, Calif., on motion of Mr. Ivar H. Peterson; Thomas Earl Robinson, of Omaha, Nebr., on motion of Mr. William Stanley, Jr.; Arthur Frederick Miller, of Cheyenne, Wyo., on motion of Mr. James G. Watt; and Richard James Barnes, of New York, N.Y., Ronald Stanley Daniels, of New York, N.Y., and Lee Walter Meyer, of New York, N.Y., on motion of Mr. Stuart N. Updike, were admitted to practice.

ORAL ARGUMENT

No. 67. Paul Theodore Cheff, petitioner, *v.* Elmo J. Schnackenberg et al. Argued by Mr. Joseph E. Casey for the petitioner and by Mr. Nathan Lewin for the respondents.

No. 487. William Malat et ux., petitioners, *v.* Robert A. Riddell, District Director of Internal Revenue. Argued by Mr. George T. Altman for the petitioners and by Mr. Jack S. Levin for the respondent.

Adjourned until Monday, March 7, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

George Richard Schmitt, of Santa Fe, N. Mex., Russell Franklin Moore, of New York, N.Y., Norman Edward Rosen, of Washington, D.C., and Jack Morris McCarty, of Charleston, W. Va., on motion of Mr. Solicitor General Thurgood Marshall; Robert P. Jones, of Portland, Oreg., and Donald E. Hershiser, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Tom J. Riley, of Cedar Rapids, Iowa, and Forrest William Rosser, of Cedar Rapids, Iowa, on motion of Mr. Jack R. Miller; Henry P. Smith III, of North Tonawanda, N.Y., on motion of Mr. Robert McClory; Herman Fitts, of Mineral Wells, Tex., on motion of Mr. Omar Burleson; George R. Mosler, of Seattle, Wash., on motion of Mr. Stanley Pavian Sender; Mitchell S. Cutler, of Bethesda, Md., on motion of Mr. M. Michael Cramer; Bertram Cyril Singer, of Milwaukee, Wis., on motion of Mr. Leonard H. Rossen; Joseph C. Lynch, of Reed City, Mich., on motion of Mrs. Marguerite R. Cederberg; John C. Breed, of Houston, Tex., on motion of Mr. Robert Emery Shaw; Raymond T. Denten, of Chicago, Ill., on motion of Mr. William O. Bittman; Bartholomew J. Kish, of Martinsville, N.J., on motion of Mr. Albert W. Rinehart; Jack Rephan, of Washington, D.C., on motion of Mr. Raymond R. Dickey; Charles F. Forbes, Jr., of Los Angeles, Calif., on motion of Mr. James Francis Gordy; Robert Lester Kaufman, of Alexandria, Va., on motion of Mr. Albert James Esgain; Alan F. Leibowitz, of New York, N.Y., on motion of Mr. Louis M. Kauder; P. G. McGill, of Superior, Wis., on motion of Mr. George S. Parish; and Douglas S. Moodie, of Superior, Wis., on motion of Mr. Francis W. Stover, were admitted to practice.

OPINIONS

No. 382. Frank J. Pate, Warden, petitioner, *v.* Theodore Robinson. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed and case remanded to the United States District Court for the Northern District of Illinois for further action consistent with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black joins.

No. 694. Warren W. Perry, petitioner, *v.* Commerce Loan Company. 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 Clark. Dissenting opinion by Mr. Justice Harlan.

No. 161. Dora Surowitz, etc., petitioner, *v.* Hilton Hotels Corporation et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for a trial on the merits. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Harlan. Mr. Chief Justice Warren took no part in the consideration or decision of this case. Mr. Justice Fortas took no part in the decision of this case.

No. 23. Fribourg Navigation Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. 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. Chief Justice Warren. Dissenting opinion by Mr. Justice White with whom Mr. Justice Black and Mr. Justice Clark join.

No. 22, **Original.** State of South Carolina, plaintiff, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. On Bill of Complaint. Bill of complaint dismissed. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Black concurring in part and dissenting in part.

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. 786. Sociedad de Mario Mercado e Hijos, appellants, *v.* Commonwealth of Puerto Rico, etc. 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*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 868. United Transports, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Oklahoma. The motions to affirm are granted and the judgments are affirmed. Opinion *per curiam*.

No. 920. John Ciesielski, 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.

ORDERS IN PENDING CASES

No. 20. Carnation Company, petitioner, *v.* Pacific Westbound Conference et al. It is ordered that the opinion of the Court in this case handed down on February 28, 1966, is amended as follows:

(1) By striking that portion of the last paragraph on page eight of the slip opinion commencing with the words "Even if" and concluding with the words "Court of Appeals' decision" in the first line of page nine;

(2) By striking the first, third, and fourth sentences of the paragraph commencing on page nine and concluding on page ten, and adding the following "An appeal from the Commission's decision is now pending." after the sentence commencing "The Commission completed" in said paragraph;

(3) By striking the words "for a determination of the antitrust issues." from the last paragraph of the opinion and substituting therefor the words "with instructions to stay the action pending the final outcome of the Shipping Act proceedings and then to proceed in a manner consistent with this opinion."

No. 73. United States, appellant, *v.* Grinnell Corporation et al.;

No. 74. Grinnell Corporation, appellant, *v.* United States;

No. 75. American District Telegraph Company, appellant, *v.* United States;

No. 76. Holmes Electric Protective Company, appellant, *v.* United States; and

No. 77. Automatic Fire Alarm Company of Delaware, appellant, *v.* United States. The motion for additional time for oral argument and for leave to have more than two attorneys participate in the oral argument is granted. One and one-half hours are allotted to each side and four attorneys are permitted to participate in the oral argument for the appellants.

No. 695. Joe Robert Collier, petitioner, *v.* United States. The motion of the United States to vacate and remand for further consideration is denied.

CERTIORARI DENIED

No. 154. Servo Corporation of America, petitioner, *v.* General Electric Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 366. McCullough Tool Company et al., petitioners, *v.* Well Surveys, Incorporated, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 499. Outboard Marine Corporation, petitioner, *v.* Donald A. Holley. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 572. The Albright-Nell Company et al., petitioners, *v.* Carl Schnell et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 612. M. B. Skinner Company, petitioner, *v.* Continental Industries, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 764. American Air Filter Company, Inc., petitioner, *v.* Continental Air Filters, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 765. Leslie E. Jett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 772. John Phil Felburn, petitioner, *v.* The New York Central Railroad Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 846. Commissioner of Internal Revenue, petitioner, *v.* Estate of Herman Borax, Deceased, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 891. Roy G. Anderson et al., petitioners, *v.* A. Alex Shuford, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 900. Nello L. Teer Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 915. W. E. Grace Manufacturing Company et al., petitioners, *v.* Bros Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 917. Estate of William T. Mayer, Philip A. Pagano, 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. 925. Stephen S. Chandler, United States District Judge for the Western District of Oklahoma, petitioner *v.* Texaco, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 927. Paul W. Panczko, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 929. Commonwealth Oil Refining Company, Inc., petitioner, *v. Miguel A. Martinez et al.* Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 930. Albert P. Dicker 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. 943. Rangen, Inc., et al., petitioners, *v. Sterling Nelson & Sons, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 966. The Hearst Corporation, Baltimore News American Division, petitioner, *v. Local Union No. 24, International Brotherhood of Electrical Workers, AFL-CIO.* Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 976. Kam Hon Ho et al., petitioners, *v. Kam Moon Kam et al.* Petition for writ of certiorari to the United States Court of Appeals for Ninth Circuit denied.

No. 983. Northwest Airlines, Inc., petitioner, *v. Alaska Airlines, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 997. Worthington Corporation, petitioner, *v. Lease Management, Inc.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 936. R. A. Beaver et al., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 362, Misc. Charles James, petitioner, *v. Louie L. Wainwright, Director, Division of Corrections.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 424, Misc. Ramon Perez, petitioner, *v. Louie L. Wainwright, Director, Division of Corrections.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 555, Misc. Walter Berry Thomas, petitioner, *v. Florida.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 608, Misc. Angelo Fazio, petitioner, *v. Edward M. Fay, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 639, Misc. Alfred Eugene Grizzell, petitioner, *v. Florida.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 765, **Misc.** John E. Brown, petitioner, *v.* A. C. Cavell, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 846, **Misc.** Franklin Dwight Benton, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1068, **Misc.** Johnnie Owens, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1069, **Misc.** Georgie Lynn and Johnnie Lynn, petitioners, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1077, **Misc.** James Overby, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1081, **Misc.** Robert E. Pinch, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1082, **Misc.** Thomas Caruso, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1083, **Misc.** Harold Lloyd Stevens, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1084, **Misc.** Monroe Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1113, **Misc.** Robert Lee Tarin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1132, **Misc.** In the Matter of the Disbarment of Julio Mejias Santana, petitioner. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1193, **Misc.** Carlos Rodriguez, 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. 1148, **Misc.** Paul Rhodes, petitioner, *v.* Clarence A. H. Meyer et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1192, **Misc.** Robert Ray McDonald, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary;

No. 1214, **Misc.** Thomas Theodore Smith, petitioner, *v.* E. L. Maxwell, Warden;

No. 1245, *Misc.* James Smith, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution;

No. 1264, *Misc.* William Robinson, petitioner, *v.* Director, Danner-mora State Hospital; and

No. 1268, *Misc.* Jessie Cummings, petitioner, *v.* Florida. Motions for leave to file petitions for writs of habeas corpus denied.

No. 752, *Misc.* Carlos Moralez Reyes, petitioner, *v.* John H. Klinger et al. Motion for leave to file petition for writ of habeas corpus denied. Mr. Justice Douglas is of the opinion that the motion for leave to file should be granted.

No. 1226, *Misc.* David Farnsworth, petitioner, *v.* John W. Turner, Warden; and

No. 1255, *Misc.* Louis Ludwik Furtak, petitioner, *v.* Walter H. Wilkins, Warden. 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 PETITION FOR WRIT OF PROHIBITION DENIED

No. 1210, *Misc.* Guy A. Duval, petitioner, *v.* United States. Motion for leave to file petition for writ of prohibition denied.

REHEARINGS DENIED

No. 816. Government Employees Insurance Company, petitioner, *v.* United States;

No. 732, *Misc.* Gilbert Vasquez-Ochoa, petitioner, *v.* United States et al.;

No. 896, *Misc.* Fred Odell, appellant, *v.* State Department of Public Welfare of Wisconsin et al.; and

No. 931, *Misc.* Ray Elbert Parker, petitioner, *v.* Board of Education, Prince George's County, Maryland. Petitions for rehearing denied.

No. 255, **October Term, 1963.** Bros Incorporated, petitioner, *v.* Browning Manufacturing Company et al. Motion for leave to file petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 593. Koehring Company, petitioner, *v.* Hyde Construction Company, Inc., et al. Petition for rehearing and motion to amend order of remand denied.

Adjourned until Monday, March 21, 1966, at 10 o'clock.

The day call for Monday, March 21, 1966, will be as follows: Nos. 131 (and 132), 657, and 303.

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 Fortas.

ADMISSIONS TO THE BAR

Irving D. Labovitz, of Springfield, Mass., Richard A. Posner, of Scarsdale, N.Y., Robert Ira Waxman, of Chicago, Ill., Leo John Conway, Sr., of Columbus, Ohio, J. Patrick Whaley, of Los Angeles, Calif., and Robert O. Ellis, of Huntington, W. Va., on motion of Mr. Solicitor General Thurgood Marshall; Frank R. Lea, of Hapeville, Ga., Wavelyn E. Smith, of East Point, Ga., and Scott Walters, Jr., of East Point, Ga., on motion of Mr. Charles Longstreet Weltner; Julian Frank Bernat, of El Paso, Tex., on motion of Mr. Richard C. White; Edward Maitland Raymond, of Wanatchee, Wash., on motion of Mr. Thomas Stephen Foley; William Robert Young, of Denver, Colo., on motion of Mr. Byron G. Rogers; Clague A. Van Slyke, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Thomas Finis Seed, of Wichita, Kans., on motion of Mr. Garner E. Shriver; Elizabeth Athanasakos, of Fort Lauderdale, Fla., on motion of Mr. William C. Cramer; Brick P. Storts III, of St. Louis, Mo., on motion of Mr. William Leonard Hungate; Gordon G. Hawn, of San Antonio, Tex., on motion of Judge Henry A. Schweinhaut; James Pope Simpson, of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Gerald Lee Burrows, of Jacksonville, Fla., Charles Burtis Evans, of Jacksonville, Fla., and Richard Dyer Sanborn, Jr., of Jacksonville, Fla., on motion of Mr. Prime F. Osborn III; Perry Reese Taylor, Jr., of Akron, Ohio, on motion of Mr. Lawrence Robert Schneider; John J. Glessner III, of Ipswich, Mass., and Richard W. Southgate, of Manchester, Mass., on motion of Mr. John R. Quarles; William W. Vaughn, of Los Angeles, Calif., on motion of Mr. William W. Alsup; Aidan Richard Gough, of Los Altos, Calif., on motion of Mr. Michael F. X. Dolan; Robert R. Merhige, Jr., of Richmond, Va., on motion of Mr. Allan L. Kamerow; Lewis H. Silverberg, of San Diego, Calif., on motion of Mr. Brachley Shaw; Robert D. Carroll, of Somerville, N.J., on motion of Miss Doris Carroll; Don Emerick Wheeler, of Bridgeport, Ill., on motion of Mr. Gardiner M. Haight; Vincent R. FitzPatrick, of New York, N.Y., on motion of Mr. Mark F. Hughes; Lawrence Herman, of Columbus, Ohio, and Gerald A. Messerman, of Columbus, Ohio, on motion of Mr. John Alfred Terry; Robert M. Loeffler, of New York, N.Y., on motion of Mr. Sidney P. Howell, Jr.;

and Eugene V. Rostow, of New Haven, Conn., on motion of Mr. Walter R. Mansfield, were admitted to practice.

OPINIONS

No. 58. Edward J. Brenner, Commissioner of Patents, petitioner, *v.* Andrew John Manson. On writ of certiorari to the United States Court of Customs and Patent Appeals. Judgment reversed and case remanded to the United States Court of Customs and Patent Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Douglas, while acquiescing in Part I of the Court's opinion, dissents on the merits of the controversy for substantially the reasons stated by Mr. Justice Harlan. Opinion by Mr. Justice Harlan concurring in part and dissenting in part.

No. 104. Morris A. Kent, Jr., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White join.

No. 368. A Book Named "John Cleland's Memoir of a Woman of Pleasure," G. P. Putnam's Sons (Intervenor), appellant, *v.* Attorney General of the Commonwealth of Massachusetts. Appeal from the Supreme Judicial Court of Massachusetts. Judgment reversed and case remanded to the Supreme Judicial Court of Massachusetts for further proceedings not inconsistent with the judgment of this Court. Mr. Justice Brennan announced the judgment of the Court and delivered an opinion in which the Chief Justice and Mr. Justice Fortas join. Mr. Justice Black and Mr. Justice Stewart concur in the reversal for the reasons stated in their respective dissenting opinions in *Ginzburg v. United States, post*, and *Mishkin v. New York, post*. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. 42. Ralph Ginzburg et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas dissenting in this case and in No. 49, *post*. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart.

No. 49. Edward Mishkin, appellant, *v.* New York. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas in this case and in No. 42, *ante.* Dissenting opinion by Mr. Justice Stewart.

No. 487. William Malat et ux., petitioners, *v.* Robert A. Riddell, District Director of Internal Revenue. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black would affirm the judgments of the District Court and the Court of Appeals. Mr. Justice White took no part in the decision of this case.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 24. The Motorlease Corporation, 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 reversed, and case remanded to the ~~Court of Appeals~~ for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Clark, and Mr. Justice White dissent for the reasons stated in the dissenting opinion of Mr. Justice White in *Fribourg Navigation Co., Inc., v. Commissioner of Internal Revenue*, No. 23, October Term, 1965, decided March 7, 1966.

No. 923. Dorothy E. Bridges, appellant, *v.* City of Biloxi, Mississippi. Appeal from the Supreme Court of Mississippi. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 931. George Kukich et al., appellants, *v.* Serbian Eastern Orthodox Church of Pittsburgh et al. Appeal from the Supreme Court of Pennsylvania, Western 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*. Mr. Justice Douglas is of the opinion that in treating the papers as a petition for writ of certiorari, certiorari should be granted.

H. J. Dist. for Dist. of Co.

No. 1040. County Board of Election of Monroe County, New York, et al., appellants, *v.* United States. Appeal from the United States District Court for the Western District of New York. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 131, Misc. Burton N. Pugach, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1161, Misc. Nancy Jewell Cross, appellant, *v.* California. Appeal from the District Court of Appeal of California, First Appellate District. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDER IN PENDING CASE

No. —. Lewis S. Rosenstiel, petitioner, *v.* Susan L. Rosenstiel. The motion to defer consideration of No. 934 is denied.

APPEALS—JURISDICTION NOTED OR POSTPONED

No. 386. Edward J. Garrity et al., appellants, *v.* New Jersey. Appeal from the Supreme Court of New Jersey. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. Case placed on the summary calendar.

No. 954. Robert D. Watkins, appellant, *v.* J. F. Conway. Appeal from the Supreme Court of Georgia. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 642. James V. Giles et al., petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland granted.

No. 826. Frank Costello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted, limited to Question 1 presented by the petition which reads as follows:

"1. Do not the federal wagering tax statutes here involved violate the petitioner's privilege against self-incrimination guaranteed by the Fifth Amendment? Should not this court, especially in view of its recent decision in *Albertson v. Subversive Activities Control Board*—U.S.—(1965), overrule *United States v. Kahrigier*, 345 U.S. 22 (1953) and *Lewis v. United States*, 348 U.S. 419 (1955)?"

No. 898. Immigration and Naturalization Service, petitioner, *v.* Giuseppe Errico. 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. 944. Samuel Spevack, petitioner, *v.* Solomon A. Klein. Petition for writ of certiorari to the Court of Appeals of New York granted and case placed on the summary calendar.

No. 1007, Misc. Muriel May Scott, nee Plummer, petitioner, *v.* Immigration and Naturalization Service. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 898.

CERTIORARI DENIED

No. 50. United States, petitioner, *v.* S. & A. Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 763. Perfect Fit Products Manufacturing Co., Inc., petitioner, *v.* Monsanto Chemical Company, etc.; and

No. 937. Monsanto Chemical Company, etc., petitioner, *v.* Perfect Fit Products Manufacturing Co., Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 864. Beatrice Antonette Tramontana, petitioner, *v.* Varig Airlines. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 894. James Hubert Salter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 918. International Brotherhood of Electrical Workers, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 934. Walter A. Wood, petitioner, *v.* Helena A. Wood. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 935. Forrest Village Apartments, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 938. Tennessee Gas Transmission Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 945. James Vincent Tremont a/k/a George Larro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 946. Frank Velotta, petitioner, *v.* James J. McGettrick. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 948. James W. Kindelan et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 949. Woodrow Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 955. Howard T. Foulkes, Administrator, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 972. Julius Bruner et ux., petitioners, *v.* Texas. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 974. A. L. Crouch, Probate Judge, petitioner, *v.* Ollie Stanley, Administrator. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, denied.

No. 975. The Aetna Casualty and Surety Company, petitioner, *v.* Third National Bank and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 978. Mary K. Ryan, Assignee, petitioner, *v.* Jack Vickers. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 979. Ertel Manufacturing Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 981. Leon Kirschner and Henry Naftulin, etc., petitioners, *v.* West Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 982. Perryton Wholesale, Inc., petitioner, *v.* Pioneer Distributing Company of Kansas, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 986. Louis Fried, petitioner, *v.* Brooklyn Bar Association. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 992. The Chesapeake and Ohio Railway Company, petitioner, *v.* Eugene Ludwig, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 998. Crissie Kiser et al., petitioners, *v.* Breaks Interstate Park Commission. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1003. Richard E. Locke, petitioner, *v.* River Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1007. Charleston Community Memorial Hospital, petitioner, *v.* Dorrence Kenneth Darling II, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1019. Alma M. Green et al., petitioners, *v.* Osgood-Lewis-Perkins, Inc. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1038. Robert C. Grasberger, Trustee in Bankruptcy, et al., petitioners, *v.* Louise C. Calissi, Executrix, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 889. Stephan Riess et ux., petitioners, *v.* C. W. Murchison et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and judgment of United States Court of Appeals for the Ninth Circuit reversed.

No. 932. Leonard S. Goodman et ux., petitioners, *v.* Charles J. Futrovsky et al. Petition for writ of certiorari to the Supreme Court of Delaware denied. The Chief Justice and Mr. Justice Black are of the opinion that certiorari should be granted.

No. 947. Ten Individual Defendants et al., petitioners, *v.* Indian Lake Estates, Inc. Motion for Arthur J. Hillman for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 952. Aro Manufacturing Co., Inc., et al., petitioners, *v.* Automobile Body Research Corp. Motion to use record in No. 21, **October Term, 1960**, and No. 75, **October Term, 1963**, granted. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 961. Henry F. Bell, petitioner, *v.* United States. Motion to adopt portions of petition in No. 794 granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice White took no part in the consideration or decision of this motion and petition.

No. 977. E. I. DuPont de Nemours & Co., Inc., petitioner, *v.* Norvin G. Maloney, Jr.; and

No. 1093, Misc. Norvin G. Maloney, Jr., petitioner, *v.* E. I. DuPont de Nemours & Co., Inc. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of these petitions.

No. 988. Alabama et al., petitioners, *v.* Ernest G. Bland. Motion to dispense with printing respondent's brief granted. Petition for

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

No. **203, Misc.** Carmine Di Paolo, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **462, Misc.** Willie Arthur Woodley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **717, Misc.** George S. Bailey, petitioner, *v.* K. E. Van Buskirk. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **724, Misc.** Melvin Edward Chambers, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. **741, Misc.** Oliver S. Carter, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. **742, Misc.** Ross Smith, petitioner, *v.* City of Toledo, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. **748, Misc.** William Elfe, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **782, Misc.** Joseph Wilfred Biloche, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **791, Misc.** Willie B. Murray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **860, Misc.** Raymond Caraballo, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **863, Misc.** John Henry Castellano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **877, Misc.** Wardell Giudry, petitioner, *v.* George J. Beto, Director, Texas Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **916, Misc.** Oscar Ansourian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **917, Misc.** Floyd Clayton Forsberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 938, *Misc.* Marion W. Bowman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 947, *Misc.* Frederick M. Dagampat, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 951, *Misc.* Francis F. Harper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 963, *Misc.* Richard Theodore Coleman, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 974, *Misc.* James G. Carey, petitioner, *v.* James V. Bennett. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1025, *Misc.* Harold Kaufman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1092, *Misc.* Clarence N. Perry, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1102, *Misc.* Marion Stevenson, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1112, *Misc.* Carlos Rodriguez, petitioner, *v.* Edwin J. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1115, *Misc.* Louis Ludwik Furtak, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1126, *Misc.* Van Robert Taylor, petitioner, *v.* Ohio; and

No. 1142, *Misc.* Lawrence James Jones, petitioner, *v.* Ohio. Petitions for writs of certiorari to the Supreme Court of Ohio denied.

No. 1134, *Misc.* Isabelle Walsh Evans, petitioner, *v.* Diner's Club, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1141, *Misc.* Fred R. Harris, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1143, *Misc.* Albert Walls, petitioner, *v.* D. N. Myers, Superintendent, State Correctional Institution. Petition for writ of certi-

orari to the United States Court of Appeals for the Third Circuit denied.

No. 1144, **Misc.** Charles Thomas, petitioner, *v.* William G. Clark, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1147, **Misc.** Kenneth Lester, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 1150, **Misc.** John McGrath, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1156, **Misc.** Ernest M. Vess, petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1162, **Misc.** Frank N. Aurillo, petitioner, *v.* Jack Fogliani, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1172, **Misc.** Carlo Tornetto, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1176, **Misc.** Julius James Brown, petitioner, *v.* Giffin Industries, Inc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1183, **Misc.** Bernard M. Shotkin, etc., petitioner, *v.* Herman Cohen. Petition for writ of certiorari to the District Court of Appeals of Florida, Third District, denied.

No. 1185, **Misc.** Homer Neal, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1189, **Misc.** Robert W. Bagley, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1196, **Misc.** Joseph S. Welsher, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1198, **Misc.** Kenneth O. Van Slyke, 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. 1199, **Misc.** Willie H. Collins, petitioner, *v.* Howard A. Yeager, Principal Keeper, New Jersey State Prison. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1211, **Misc.** Paul Rodger Weller, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1212, **Misc.** Larry Washington, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1216, **Misc.** Harold D. Smith, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 1217, **Misc.** Anthony Theodore Bell, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 1219, **Misc.** Harry Mercer, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1222, **Misc.** Donald J. Salazar, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1249, **Misc.** Louis H. Samuels, 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.

LEAVE TO FILE PETITIONS FOR WRIT OF HABEAS CORPUS DENIED

No. 913, **Misc.** Stephanie Kandl, petitioner, *v.* Vladimir G. Urse, Superintendent, Cook County Mental Health Clinic, et al. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

REHEARINGS DENIED

No. 828. William R. Lichota et ux., petitioners, *v.* United States;
No. 187, **Misc.** Daniel Edward McIlvaine and Jackie Krohn petitioners, *v.* Louisiana;

No. 368, **Misc.** Jack Rainsberger, appellant, *v.* Nevada;

No. 843, **Misc.** Thornton Smith, Jr., petitioner, *v.* Buford Ellington et al.;

No. 977, **Misc.** Harold Lee Andrews, petitioner, *v.* Raymond J. Smith et al.;

No. 1018, **Misc.** Walter A. Nielsen, appellant, *v.* Nebraska State Bar Association; and

No. 1139, **Misc.** Francis Wager, petitioner, *v.* New York. Petitions for rehearing denied.

ORAL ARGUMENT

No. 131. Margaret L. Holt et al., petitioners, *v.* Alleghany Corporation et al.; and

No. 132. Margaret L. Holt et al., petitioners, *v.* Allan P. Kirby et al. Argued by Mr. Stuart N. Updike for the petitioners and by Mr. Mark F. Hughes and Mr. Walter R. Mansfield for the respondents.

No. 657. James Brookhart, petitioner, *v.* Martin A. Janis, Director of the Ohio Department of Mental Hygiene and Correction. Argument commenced by Mr. Gerald A. Messerman for the petitioner and continued by Mr. Leon J. Conway for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 22, 1966, will be as follows: Nos. 657, 303, 335, and 636.

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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 Fortas.

ADMISSIONS TO THE BAR

Roy Byrn Bass, of Lubbock, Tex., on motion of Mr. George H. Mahon; Mark Hulse, Jr., of Jacksonville, Fla., on motion of Mr. Paul G. Rogers; J. Herman Yount, Jr., of Cleveland, Ohio, on motion of Mr. William T. Estabrook; James R. Ziemann, of Oceanside, Calif., on motion of Mr. Robert E. Eastman; Elwood Cluck, of San Antonio, Tex., on motion of Mr. Claiborne B. Gregory; J. Carter Perkins, of McLean, Va., on motion of Mr. William Simon; and Ronald Larson, of San Francisco, Calif., and John Gilbert Selway, of San Francisco, Calif., on motion of Mr. Gardiner Johnson, were admitted to practice.

OPINIONS

No. 14. Interstate Commerce Commission, petitioner, *v.* Atlantic Coast Line R. Co. et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Middle District of Florida 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 Black took no part in the consideration or decision of this case.

No. 63. Philip R. Consolo, petitioner, *v.* Federal Maritime Commission et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and 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 Black took no part in the consideration or decision of this case.

ORAL ARGUMENT

No. 657. James Brookhart, petitioner, *v.* Martin A. Janis, Director of the Ohio Department of Mental Hygiene and Correction. Argument continued by Mr. Leo J. Conway for the respondent and concluded by Mr. Gerald A. Messerman for the petitioner.

No. 303. United States, appellant, *v.* Von's Grocery Company et al. Argued by Mr. Richard A. Posner for the appellant, by Mr. William

W. Alsup for the appellees, and by Mr. Henry J. Bison, Jr., for the National Association of Retail Grocers of the United States, as *amicus curiae*.

No. 535. United States, petitioner, *v.* John Catto, Jr., et al. One and one-half hours allowed for oral argument. Argument commenced by Mr. Jack S. Levin for the petitioner and continued by Mr. Claiborne B. Gregory for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 23, 1966, will be as follows:
Nos. 535, 636, 439, and 440.

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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 Fortas.

ADMISSIONS TO THE BAR

William Jackson Edwards III, of Mobile, Ala., on motion of Mr. Albert W. Johnson; Byron Edward Kopp, of Miami, Fla., William Henry Shields, of Fort Myers, Fla., and James R. McCann, of Livonia, Mich., on motion of Mr. Dante B. Fascell; Ronnie Orzoff Robbins, of Chicago, Ill., and Laurence Sherwin Robbins, of Chicago, Ill., on motion of Mr. Robert McClory; Gerald C. Nason, of Biddeford, Maine, and Robert J. Melnick, of Old Orchard Beach, Maine, on motion of Mr. Stanley R. Tupper; Gordon A. Martin, Jr., of Boston, Mass., on motion of Mr. John Doar; Robert Harkins Volk, of Los Angeles, Calif., on motion of Mr. J. Edward Day; Dean E. Denlinger, of Dayton, Ohio, on motion of Mr. Dominick Manoli; Robert Foster Matthews, Jr., of Shelbyville, Ky., on motion of Mr. Donald S. Dawson; Donald H. Rivkin, of New York, N.Y., on motion of Mr. John Woolman Douglas; Lewis F. Camp, Jr., of Charlotte, N.C., on motion of Mr. Henry A. Mitchler; Richard J. Birch, of Boston, Mass., on motion of Mr. Charles E. Pfund; William Darrell Grubbs, of Louisville, Ky., on motion of Mr. William L. Grubbs; Curtis Handley Barnette, of New Haven, Conn., and David Booth Salzman, of New Haven, Conn., on motion of Mr. Jack Waltuch; Harold George Jarcho, of Washington, D.C., on motion of Mr. George Spencer; Roy G. Sollenberger, of Conoga Park, Calif., on motion of Mr. Stuart Land; John P. Everett, of New Orleans, La., on motion of Mr. Charles Cecil Keeble; and Thomas R. Dyson, Jr., of Washington, D.C., on motion of Mr. Charles J. Steele, were admitted to practice.

OPINIONS

No. 127. United States, petitioner, *v.* Charles E. O'Malley, et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

No. 106. Federal Trade Commission, petitioner, *v.* The Borden 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 White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

ORAL ARGUMENT

No. 535. United States, petitioner, *v.* John Catto, Jr., et al. Argument continued by Mr. Claiborne B. Gregory for the respondents and concluded by Mr. Gordon G. Hawn for the respondents. Memorandum for respondents to come.

No. 636. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. Argued by Mr. Philip A. Loomis, Jr., for the petitioner and by Mr. John R. Quarles for the respondents.

No. 439. United States, petitioner, *v.* Anthony Grace & Sons, Inc. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. David Fromson for the respondent.

No. 440. United States, petitioner, *v.* Utah Construction and Mining Co. Argument commenced by Mr. Irving Jaffe for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 24, 1966, will be as follows:
Nos. 440 and 695.

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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 Fortas.

ADMISSIONS TO THE BAR

Curtis Heaston, of Chicago, Ill., Anthony J. Fornelli, of Chicago, Ill., Franklyn M. Gimbel, of Milwaukee, Wis., and Stanley P. Gimbel, of Milwaukee, Wis., on motion of Mr. Ralph Simon Spritzer; John Ankeny Gose, of Bainbridge Island, Wash., on motion of Mr. Thomas Stephen Foley; Roger H. Edwards, of South Miami, Fla., on motion of Mr. Dante B. Fascell; Joseph David Michael, of Stockton, Calif., on motion of Mr. John J. McFall; Harold B. Hove, of Alameda, Calif., on motion of Mr. Daniel L. O'Connor; Sidney Gundersen, of Ellicott City, Md., on motion of Mr. Chris H. Nanz; and Michael Klynn, of San Francisco, Calif., on motion of Mr. Robert F. Allnutt, were admitted to practice.

OPINIONS

No. 351. Commissioner of Internal Revenue, petitioner, *v.* Walter F. Tellier, et ux. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart.

No. 387. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO, petitioner, *v.* Hoosier Cardinal Corporation. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Justice Douglas and Mr. Justice Brennan join.

No. 48. Annie E. Harper et al., appellants, *v.* Virginia State Board of Elections et al.; and

No. 655. Evelyn Butts, appellant, *v.* Albertis Harrison, Governor, et al. Appeals from the United States District Court for the Eastern District of Virginia. Judgments reversed and cases remanded to the United States District Court for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

ORAL ARGUMENT

No. 440. United States, petitioner, *v.* Utah Construction and Mining Co. Argument continued by Mr. Gardiner Johnson for the respondent and concluded by Mr. Irving Jaffee for the petitioner.

No. 695. Joe Robert Collier, petitioner, *v.* United States. Leave granted Mr. Paul Bender to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Ralph S. Spritzer. Argued by Mr. Dean E. Denlinger for the petitioner and by Mr. Paul Bender for the respondent, *pro hac vice*, by special leave of Court.

Adjourned until Monday, March 28, 1966, at 10 o'clock.

The day call for Monday, March 28, 1966, will be as follows: Nos. 970, 73 (74, 75, 76, and 77), and 505.

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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 Fortas.

ADMISSIONS TO THE BAR

Raymond Arthur Yost, of Washington, D.C., Lawrence Edward Dorse, of Washington, D.C., Burton Gregory Ross, of Adelphi, Md., and Mark H. Meyer, of Melrose, Minn., on motion of Mr. Solicitor General Thurgood Marshall; William Hollis Bradford, Jr., of Bethesda, Md., on motion of Mr. Wilbur Daigh Mills; Clarence W. Nier, of Green Bay, Wis., on motion of Mr. Brice Wilson Rhyne; Warren Hardin Edwards, of Orlando, Fla., and J. Robert Eagan III, of Orlando, Fla., on motion of Mr. J. William Norman; James Joseph Eagan, of Florissant, Mo., on motion of Mr. Bernard Fensterwald; Roger Lee Holte, of Voltaire, N. Dak., Gordon A. Ginsburg, of Steubenville, Ohio, and Charles Henry Shure, Jr., of Perham, Minn., on motion of Mr. David Leib; Sidney Quinn Curtiss, of Sheffield, Mass., on motion of Mr. Daniel T. Coughlin; Roger T. Clapp, of Providence, R.I., and Robert L. Conkling, of New York, N.Y., on motion of Mr. Denis G. McInerney; Robert Marcus Barsky, of Los Angeles, Calif., on motion of Mr. Richard Richards; Averill M. Williams, of New York, N.Y., on motion of Mr. Alan S. Ward; George R. Friese, of Schaumburg, Ill., on motion of Mr. John Philip Carlson; Anne Gross Feldman, of New York, N.Y., and Eugene Feldman, of New York, N.Y., on motion of Mr. Robert L. Carter; Bruce A. Ring, of Jefferson City, Mo., on motion of Mr. Francis J. Locke; Thomas Barrett Leary, of New York, N.Y., on motion of Mr. Macdonald Flinn; Robert Nathan Skinner, Jr., of Nashville, Tenn., on motion of Mr. William G. Allen; Howard H. Carwile, of Richmond, Va., on motion of Mr. Bernard S. Cohen; McGrew Willis, of Beverly Hills, Calif., Ernest Henry Land, of Washington, D.C., and Joseph Francis Mullins, Jr., of Arlington, Va., on motion of Mr. William I. Denning; David Sive, of New York, N.Y., and Ralph B. Neuburger, of New York, N.Y., on motion of Mr. David Edward Winer; M. Robert Koren, of Buffalo, N.Y., on motion of Mr. Russell A. Rourke; and Jerry W. Brimberry, of Albany, Ga., Bruce L. Bromberg, of Chicago, Ill., Terry Wallace Brown, of New Orleans, La., Thomas H. Davis, IV., of Dallas, Tex., Charles Phillips Dribben, of Kansas City, Mo., Theodore F. Fay, Jr., of Iowa City, Iowa, Benjamin B. Ferrell, of Tyler, Tex., Richard Jack Grunawalt, of Battle Creek, Mich., James Truett

Gullage, of Camp Hill, Ala., Donald W. Hansen, of Denver, Colo., Hugh Ely Henson, Jr., of Waco, Tex., Thomas A. Knapp, of Springfield, Mo., Victor Glenn McBride, of Selmer, Tenn., Jack Gaines McKay, of Columbus, Ga., Alfred Armstrong McNamee, of Boynton Beach, Fla., Richard E. Mowry, of Minneapolis, Kans., William R. Mullins, of Jonesboro, Tenn., Thomas Edward Murdock, of N. Miami Beach, Fla., James Eugene Noble, of Oklahoma City, Okla., George A. Pelletier, Jr., of Midland, Tex., Norman Leslie Roberts, of Auburn, Wash., Simon Yldefonso Rodriguez, of Del Rio, Tex., John R. Thornock, of Idaho Falla, Idaho, Jack Haven Williams, of Altoona, Pa., and Harvey Wingo, of Nashville, Tenn., on motion of Mr. Lawrence Joseph Fuller, were admitted to practice.

OPINIONS

No. 59. United States, appellant, *v.* Cecil Ray Price et al.; and

No. 60. United States, appellant, *v.* Cecil Ray Price et al. Appeals from the United States District Court for the Southern District of Mississippi. Judgments reversed and cases remanded to the United States District Court for the Southern District of Mississippi for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Black concurs in the judgment and opinion except insofar as the opinion relies upon *United States v. Williams*, 341 U.S. 58; *United States v. Williams*, 341 U.S. 70; and *Williams v. United States*, 341 U.S. 97.

No. 65. United States, appellant, *v.* Herbert Guest et al. Appeal from the United States District Court for the Middle District of Georgia. Judgment reversed and case 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 Stewart. Concurring opinion by Mr. Justice Clark with whom Mr. Justice Black and Mr. Justice Fortas join. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren and Mr. Justice Douglas join concurring in part and dissenting in part.

No. 243. United Mine Workers of America, petitioner, *v.* Paul Gibbs. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Chief Justice Warren 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. 890. Clayton Chemical & Packaging Co., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Customs and Patent Appeals. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States Court of Customs and Patent Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 957. Hollywood Baseball Association, petitioner, *v.* Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals for further consideration in light of *Malat v. Riddell*, No. 487, **October Term, 1965**, decided March 21, 1966. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 79. Cascade Natural Gas Corporation, appellant, *v.* El Paso Natural Gas Company et al.;

No. 82. People of the State of California, appellant, *v.* El Paso Natural Gas Company et al.; and

No. 596. Southern California Edison Company, appellant, *v.* El Paso Natural Gas Company et al. The motion of appellee, El Paso Natural Gas Co., to strike portions of the designation of record and the motion of the appellants to strike the cross-designation of record are denied without prejudice to the further order of this Court as to costs.

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan; and

No. 877. New York City Board of Elections, etc., appellant, *v.* John P. Morgan and Christine Morgan. The motion of the Attorney General of Puerto Rico for leave to participate in the oral argument, as *amicus curiae*, is granted and 20 minutes are allotted for that purpose. Twenty additional minutes are allotted to counsel for the appellees.

No. 1011. Fred Wallace et al., petitioners, *v.* Virginia; and

No. 1125. Julian Bond et al., etc., appellants, *v.* James “Sloppy” Ford et al. The motions to advance are denied.

No. 1068. Lawrence Long, petitioner, *v.* The District Court of Iowa, in and for Lee County, Fort Madison, Iowa. The motion for the appointment of counsel is granted and it is ordered that Ronald L. Carlson, Esquire, of Iowa City, Iowa, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

CERTIORARI GRANTED

No. 875, Misc. Ruth Elizabeth Chapman and Thomas LeRoy Teale, petitioners, *v.* California. Motion for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of California granted, limited to the following questions:

“Where there is a violation of the rule of *Griffin v. California*, 380 U.S. 609, (1) can the error be held to be harmless, and (2) if so, was the error harmless in this case?”

Case transferred to the appellate docket. The Chief Justice took no part in the consideration or decision of this motion and petition.

CERTIORARI DENIED

No. 901. Rough Diamond Company, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 922. Karl F. Knetsch et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 939. S. D. Warren Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 989. Paul F. Perati et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 990. Thomas L. Thaggard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 993. Flick-Reedy Corporation, petitioner, *v.* Hydro-Line Manufacturing Company; and

No. 994. Hydro-Line Manufacturing Company, petitioner, *v.* Flick-Reedy Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1001. Eugene Kenner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1002. Knight & Wall Company et al., petitioners, *v.* Farris Byrant, Governor of Florida et al., as and constituting the State Revenue Commission, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1005. Stephen H. Payson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1006. Aaron Bailey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1010. William Benjamin Craig, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1012. Joseph J. Drobnick et al., petitioners, *v.* The Department of Public Works and Buildings of the State of Illinois, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1013. Joseph J. Drobnick et al., petitioners, *v.* The Department of Public Works and Buildings of the State of Illinois, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1016. Signatrol, Inc., et al., petitioners, *v.* Edward J. Schulenburg et al., etc., et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1021. J. Vernon Yost et al., petitioners, *v.* Eugene Gunby, Ordinary of Fulton County et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1047. Edward Goldstein, petitioner, *v.* Max Doft. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1066. Robert W. Albers, petitioner, *v.* State Board of Equalization, State of California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1104. Rex Carden, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1024. Lee Robinson, petitioner, *v.* Connecticut. Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 858, Misc. Cecil Chavers, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 872, Misc. Eugene Dowd, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 884, **Misc.** Madell Collins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 932, **Misc.** Robert L. Cade, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1033, **Misc.** Charles Tandler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1127, **Misc.** James Henry Booker et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1182, **Misc.** Donald Sanders, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1191, **Misc.** Warren Hill, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1195, **Misc.** W. M. Churchill, etc., et al., petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1201, **Misc.** Robert Thomas Darst, petitioner, *v.* Washington State Board of Prison Terms and Paroles et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1202, **Misc.** John Adolf Conti, petitioner, *v.* Wayne K. Patterson. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1207, **Misc.** Otie Gray, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1215, **Misc.** Edward J. Siwecki, petitioner, *v.* Kaiser Jeep Corporation, etc. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1236, **Misc.** George H. Dixon, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1243, **Misc.** Charles P. Gohlke, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1247, **Misc.** Henry Stewart, etc., petitioner, *v.* F. W. Janes. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 1248, **Misc.** Harry Washington, Jr., petitioner, *v.* Recorder's Court Judge. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1259, **Misc.** Robert E. Nafe, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1262, **Misc.** Louis C. White, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1265, **Misc.** Jerry Warren Owensby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1303, **Misc.** Wilbert L. Ellis, Sr., Administrator, etc., petitioner, *v.* Stonewall Properties, Incorporated. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1343, **Misc.** Anthony De Lago, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1221, **Misc.** Edward F. Thomas, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied as untimely.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1317, **Misc.** Joshua Postell, petitioner, *v.* Lawrence E. Wilson, Warden; and

No. 1320, **Misc.** James Allen McLamb, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1308, **Misc.** Ernest Johnson, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 30. Idaho Sheet Metal Works, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor; and

No. 31. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Steepleton General Tire Company, Inc., et al.;

No. 255, **Misc.** Don M. Williams, petitioner, *v.* Tennessee;

No. 924, **Misc.** Richard Machado, petitioner, *v.* Walter H. Wilkins, Warden;

No. 1019, **Misc.** Paul Rhodes, petitioner, *v.* Dwain L. Jones;

No. 1042, **Misc.** Douglas Stiltner, petitioner, *v.* Washington;

No. 1054, **Misc.** William Darrah, petitioner, *v.* Illinois; and

No. 1083, **Misc.** Harold Lloyd Stevens, petitioner, *v.* Ohio. Petitions for rehearing denied.

No. 843. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg and John Paul Ginsburg, etc. Petition for rehearing and motion to remand denied.

No. 1132, Misc. In the Matter of the Disbarment of Julio Mejias Santana, petitioner. Petition for rehearing and for other relief denied.

RECESS ORDER

The Court will take a recess from Monday, April 4, 1966, until Monday, April 18, 1966.

ORAL ARGUMENT

No. 970. Federal Trade Commission, petitioner, *v.* Dean Foods Company et al. Argued by Mr. Solicitor General Marshall for the petitioner and by Mr. Hammond E. Chaffetz for the respondents.

No. 73. United States, appellant, *v.* Grinnell Corporation et al.;

No. 74. Grinnell Corporation, appellant, *v.* United States;

No. 75. American District Telegraph Company, appellant, *v.* United States;

No. 76. Holmes Electric Protective Company, appellant, *v.* United States; and

No. 77. Automatic Fire Alarm Company of Delaware, appellant, *v.* United States. Three hours allowed for oral argument. Argument commenced by Mr. John F. Sonnett for the appellant in No. 74 and the appellees in No. 73 and continued by Mr. Macdonald Flinn for the appellant in No. 75 and the appellees in No. 73, by Mr. John W. Drye, Jr., for the appellant in No. 76 and the appellees in No. 73, by Mr. J. Francis Hayden for the appellant in No. 77 and by Mr. Daniel M. Friedman for the appellant in No. 73 and the appellee in Nos. 74, 75, 76, and 77.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 29, 1966, will be as follows: 73 (74, 75, 76, and 77), and 505.

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 Fortas.

ADMISSIONS TO THE BAR

Gordon Charles Thompson, of Fargo, N. Dak., on motion of Mr. Quentin N. Burdick; Patricia Louise McDermott, of Pocatello, Idaho, on motion of Mr. John A. Carver, Jr.; Robert Frederick Martin, of New York, N.Y., on motion of Mr. Denis G. McInerney; and Vaino John Riismandel, of Takoma Park, Md., on motion of Mr. Samuel Brian Groner, were admitted to practice.

ORAL ARGUMENT

No. **73**. United States, appellant, *v.* Grinnell Corporation et al.;

No. **74**. Grinnell Corporation, appellant, *v.* United States;

No. **75**. American District Telegraph Company, appellant, *v.* United States;

No. **76**. Holmes Electric Protective Company, appellant, *v.* United States; and

No. **77**. Automatic Fire Alarm Company of Delaware, appellant, *v.* United States. Argument continued by Mr. Daniel M. Friedman for the appellant in No. **73** and the appellee in Nos. **74**, **75**, **76**, and **77**, and concluded by Mr. John F. Sonnett for the appellant in No. **74** and the appellees in No. **73**.

No. **505**. National Association for the Advancement of Colored People et al., petitioners, *v.* Haldred Overstreet. Argued by Mr. Robert L. Carter for the petitioners and submitted on brief by Mr. Hugh P. Futrell, Jr., for the respondent.

Adjourned until Monday, April 4, 1966, 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 Fortas.

ORDER IN PENDING CASE

No. —. John T. Thomson et al., appellants, *v.* California. The application for a stay presented to Mr. Justice Douglas, and by him referred to the Court, is denied.

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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 Fortas.

ADMISSIONS TO THE BAR

Woodrow K. McWhorter, of New York, N.Y., Patrick R. Mulene, of Garden City, N.Y., Jerome A. Klein, of South Euclid, Ohio, Arthur Burton Custy, of Oxford, Miss., Lawrence J. Burns, of Columbus, Ohio, Joseph Patchan, of Cleveland, Ohio, John Thomas Patton, of Cleveland, Ohio, Lee Carter Swartz, of Harrisburg, Pa., Willie V. Miller, of Chattanooga, Tenn., and Albert John Haller, of St. Louis, Mo., on motion of Mr. Solicitor General Thurgood Marshall; Christian Erhardt, of Batavia, Ohio, John L. Watson, of Batavia, Ohio, and Robert Kurt McCurdy, of Portsmouth, Ohio, on motion of Mr. William H. Harsha; Charles Robert Beltz, of Flint, Mich., on motion of Judge Homer Ferguson; Bruce K. Carroll, of Grand Rapids, Mich., and Leslie A. Nicholson, of Memphis, Tenn., on motion of Mr. Ernest Thomas Kaufmann; Robert R. Northcutt, of Jefferson City, Mo., on motion of Mr. Brice Wilson Rhyne; J. L. Prichard, of Meridian, Miss., on motion of Mr. William Ephraim Cresswell; Robert P. Fullerton, of Denver, Colo., Claud Dennis Hughes, Sr., of Atlanta, Ga., and Lawrence J. Miller, of Chicago, Ill., on motion of Mr. Joseph F. Spaniol, Jr.; George Patrick Coleman, of Los Angeles, Calif., on motion of Mr. Stewart French; D. Wrayburn Neisch, of Fort Thomas, Ky., on motion of Mr. Fred W. Morrison; J. Thomas Brown, of Miami, Fla., on motion of Mr. John R. Swindler; Michael Klein, of New York, N.Y., on motion of Mr. Walter H. Williams; Philip J. Shacknove, of Los Angeles, Calif., on motion of Mr. James R. Sharp; Harry J. Jordan, of Washington, D.C., and William R. Rubbert, of Washington, D.C., on motion of Mr. Peter T. Beardsley; Joseph M. Harrington, of Washington, D.C., and William Francis Kenzie, of Homewood, Ill., on motion of Mr. Dayton M. Harrington; Frank Simpson III, of Los Angeles, Calif., on motion of Mr. Paul Leonard O'Brien; Richard Joseph Phelan, of Chicago, Ill., on motion of Mr. William Omar Bittman; Ralph David Butler, of Monmouth, Ill., on motion of Mr. Robert J. Clendenin; Gerald E. Fogerty, of New York, N.Y., on motion of Mr. David Leib; Henry Wallace Witcover, of Palo Alto, Calif., on motion of Mr. Robert N. DuRant; John Robert Rebman, of Bartlesville, Okla., and Clifford Oscar Stone, Jr., of Tulsa, Okla., on motion

of Mr. Kenneth Heady; J. Norris Harding, of New Brunswick, N.J., and Donald Horowitz, of Fair Lawn, N.J., on motion of Mr. Sanford M. Jaffe; Stanley H. Cohen, of Philadelphia, Pa., and Bernard M. Gross, of Philadelphia, Pa., on motion of Mr. Alan H. Bernstein; Isaac Jordan Kunik, of New York, N.Y., on motion of Mr. Eric P. Schellin; Harvey P. Dale, of New York, N.Y., on motion of Mr. Charles M. Noone; Theodore L. Priebe, of Ripon, Wis., on motion of Mr. David Kammerman; A. Lee Estep, of San Diego, Calif., on motion of Mr. Paul Dobin; and Joel Yohalem, of Washington, D.C., on motion of Mr. Morton E. Yohalem, were admitted to practice.

OPINION

No. 396. Hugo DeGregory, appellant, *v.* Attorney General of the State of New Hampshire. Appeal from the Supreme Court of New Hampshire. Judgment reversed and case remanded to the Supreme Court of New Hampshire for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas announced by Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice White 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. 143. The Baltimore and Ohio Railroad Company et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Appeal from the United States District Court for the Southern District of California. Judgment vacated as respects the parties to this appeal and to that extent cause remanded to the United States District Court for the Southern District of California with instructions to dismiss the case as moot. Opinion *per curiam*.

No. 385. Estate of Harry Stoll Leyman, Deceased, etc., petitioner, *v.* Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand it to the United States Tax Court for computation and imposition of civil fraud penalty in accordance with the provisions of Public Law 89-359. Opinion *per curiam*.

No. 1128. Renn Drum, Jr., etc., et al., appellants, *v.* Malcolm B. Seawell, Chairman of the North Carolina State Board of Elections,

et al. Appeal from the United States District Court for the Middle District of North Carolina. Motion to advance and expedite consideration granted. Judgment affirmed. Opinion *per curiam*.

No. 196, Misc. Douglas F. Miller, appellant, *v.* Virginia. Appeal from the Supreme Court of Appeals of Virginia. 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 in treating the papers as a petition for writ of certiorari, certiorari should be granted.

No. 605, Misc. David Jenkins, petitioner, *v.* Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland. Petition for writ of certiorari granted. Motion to remand granted, judgment vacated, and case remanded to the Court of Appeals of Maryland for further consideration in light of its decisions in *Schowgurov v. Maryland*, ²⁴⁰250 Md. 121, and *Smith v. Maryland*, 214 A. 2d 563. This disposition of the case is without prejudice to any other questions presented by the petition for writ of certiorari. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 594. John T. Gojack, petitioner, *v.* United States. The motion of the petitioner to remove this case from the summary calender is denied.

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan; and

No. 877. New York City Board of Elections, etc., appellant, *v.* John P. Morgan and Christine Morgan. The motion of the Attorney General of New York for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Thirty additional minutes are allotted to counsel for the appellants.

APPEALS—JURISDICTION NOTED

No. 159. Chicago and North Western Railway Company et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al.; and

No. 576. United States et al., appellants, *v.* The Atchinson, Topeka & Santa Fe Railway Co. et al. Appeals from the United States District Court for the Southern District of California. In these cases probable jurisdiction noted. Cases consolidated and a total of three hours allotted for oral argument.

CERTIORARI GRANTED

No. 850. Ronald R. Cichos, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana granted and case placed on the summary calendar.

No. 1039. United States, petitioner, *v.* Stephen Robert Demko. 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. 406, Misc. Robert A. Miller, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Washington granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 493, Misc. Charles Robert Anders, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 347. In the Matter of the Application of Frederick C. Foster, petitioner. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 971. Max A. Burde, et ux., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1014. Georgia L. Lusk et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1015. R. C. Owen Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1017. Louis Irwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1018. Arnold G. Hobbs, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1020. W. W. I. Z., Inc., et al., petitioners, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1022. Daniel M. Tabas, petitioner, *v.* Alice Iola Hudson. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1023. Blanchard Importing & Distributing Co., Inc., petitioner, *v.* Charles Gilman & Son, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1025. Royal Court Apartments, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1027. Alabama Electric Cooperative, 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. 1031. Ned C. Bakes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1033. Robert A. Heinze, Warden, petitioner, *v.* William Cunningham. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1036. Clarence Brooks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1037. Thomas Fleming, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1041. Sara E. Penn et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1042. Julian G. Carr, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1043. Harold L. Goldman, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1044. Jiggs, Inc., et al., petitioners, *v.* Slumbertogs, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1048. George J. Cottage, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1051. Dorchester Gas Producing Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1052. Walter Logan, petitioner, *v.* Empresa Lineas Maritimas Argentinas et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1070. Jervis Corporation, petitioner, *v.* Nelmor Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1084. James P. Mozingo III, petitioner, *v.* York County Natural Gas Authority. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 479, Misc. Maceo Davenport, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 543, Misc. Karl David J. Farrell, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 793, Misc. Wellington Logan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 836, Misc. Dave Gallegos, et al., petitioners, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 975, Misc. John W. Wallis, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Court of Quarter Sessions of Northampton County, Pennsylvania, denied.

No. 999, Misc. Hubert Vernon Hardin, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1045, Misc. James Conway, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1190, Misc. Russell L. Simpson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1232, Misc. Charles W. Harris, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1240, Misc. Amos Black, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1252, Misc. Paul E. Rhodes, petitioner, *v.* Norval Houston et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1256, Misc. Cyrus Khabiri, petitioner, *v.* Virginia Electric & Power Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1274, Misc. Paul A. Gatling, 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. 1275, Misc. George Henry Humphrey, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1280, *Misc.* Earl A. Leyde, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 142, *Misc.* James C. McGruder, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 370, *Misc.* John Paul Spica, Jr., petitioner, *v.* Missouri. 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. 504, *Misc.* Ivy Joseph Jupiter, petitioner, *v.* The California Legislature et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 490, *Misc.* Willis X. Bryant, Jr., petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied on the representation of the Attorney General of New York that there is an adequate state remedy available to the petitioner.

No. 594, *Misc.* Clifford Pert, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied on the representation of the Attorney General of Florida that there is an adequate state remedy available to the petitioner.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1309, *Misc.* Leon G. Schack, petitioner, *v.* Florida et al.;

No. 1314, *Misc.* Thomas Lee Allen, petitioner, *v.* Lawrence E. Wilson, Warden, et al.; and

No. 1337, *Misc.* Simmie Lee Johnson, petitioner, *v.* California Adult Authority. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 709, *October Term, 1963.* John S. Gorsuch and Albert J. Doig, petitioners, *v.* Hjalmer B. Landoe; and

No. 887, *Misc.* William Henry Hackett, petitioner, *v.* United States. Motions for leave to file petitions for rehearing denied.

No. 837. Parnell Bowling, petitioner, *v.* United States;

No. 862. Anna Knoll et al., petitioners, *v.* Alex Knoll et al.;

No. 926. Peter L. Salemi, petitioner, *v.* Duffy Construction Corporation;

No. **525, Misc.** Billy Allen Wright, petitioner, *v.* United States; and

No. **1133, Misc.** John Oppenheimer, petitioner, *v.* California. Petitions for rehearing denied.

Adjourned until Monday, April 18, 1966, at 10 o'clock.

The day call for Monday, April 18, 1966, will be as follows: Nos. **847** (and **877**), and **673**.

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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 Fortas.

ADMISSIONS TO THE BAR

Victor B. Levit, of San Francisco, Calif., Carl W. Gabel, of Silver Spring, Md., John Angus McIntyre, of Chicago, Ill., Joel Rome, of Natick, Mass., Paul Eli Jacobs, of Cleveland, Ohio, Carl Emmett Baylis, of New York, N.Y., Philip J. Rosenblum, of Beacon, N.Y., Melvin Willard Dobbs, of Columbus, Ohio, James R. Gaut, of Scottsdale, Pa., C. Moxley Featherston, of McLean, Va., Donald W. Zautcke, of Cedarburg, Wis., and H. Paul Jacobs, of Franklin, Mich., on motion of Mr. Solicitor General Thurgood Marshall; Michael Gordon Kushnick, of Washington, D.C., and Roger W. Langedorf, of Kensington, Md., on motion of Miss Mary Gardiner Jones; George Halkias, of Gary, Ind., on motion of Mr. Larry A. Conrad; Elva Soper Aguilar, of San Jose, Calif., Robert Peter Aguilar, of San Jose, Calif., and George E. McGill, of Long Beach, Calif., on motion of Mr. Don Edwards; Wade J. Dahood, of Anaconda, Mont., on motion of Mr. Thomas R. Kennedy; William Bryant McCollough, Jr., of Birmingham, Ala., on motion of Mr. William Jackson Edwards III; John P. Patterson, of Buffalo, N.Y., on motion of Mr. John Lord O'Brien; David Hinkley Bennett, of Portage, Wis., Thomas John Curran, of Mauston, Wis., Hans Olaf Helland, of Wisconsin Dells, Wis., Stanley F. Schellinger, of Milwaukee, Wis., and Patrick Thomas Sheedy, of Milwaukee, Wis., on motion of Mr. Gaylord Nelson; Frank C. McAleer, of Chicago, Ill., on motion of Mr. E. Barrett Prettyman, Jr.; Richard John Elliott, of Rochester, N.Y., Harry Patrick Messina, Jr., of Rochester, N.Y., and Richard Anthony Calabrese, of Rochester, N.Y., on motion of Mr. William S. Fulton, Jr.; George S. Leisure, Jr., of New York, N.Y., Michael W. Leisure, of New York, N.Y., and Peter K. Leisure, of New York, N.Y., on motion of Mr. George S. Leisure; Anthony P. Nugent, Jr., of Kansas City, Mo., on motion of Mr. Anthony Parnell Nugent, Sr.; William Charles Flanagan, of Springfield, Mass., on motion of Mr. Hugh B. Bins; John Moody Womack, of Louisville, Ky., on motion of Mr. Roland Rice; Colvin A. Peterson, Jr., of Kansas City, Mo., and Landon Hill Rowland, of Kansas City, Mo., on motion of Mr. John Bodner, Jr.; Robert Eugene Barnett, of New York, N.Y., on motion of Mr. H. Douglas Weaver;

Edward Joseph Grenier, Jr., of Washington, D.C., on motion of Mr. Howard C. Westwood; Wells T. Lovett, of Owensboro, Ky., on motion of Mr. Winthrop A. Johns; Frances Grant Loring, of Memphis, Tenn., on motion of Mr. Royal J. Voegeli; Paul R. Leitner, of Chattanooga, Tenn., on motion of Mr. William Garrison Allen; Marvin L. Olshan, of New York, N.Y., on motion of Mr. Neil Grundman; William W. Crissman, of Cedar Rapids, Iowa, on motion of Mr. David Kammerman; Marcus M. Curry, of New York, N.Y., on motion of Mr. William J. Taylor; Hollis M. Walker, Jr., of New York, N.Y., and Stephen K. Carr, of New York, N.Y., on motion of Mr. George Henry Hearn; William N. Tobin, of New York, N.Y., and Martin Schlessinger, of New York, N.Y., on motion of Mr. Donald J. Mulvihill; Matthis William Piel, of Montgomery, Ala., on motion of Mr. Donald J. Cronin; Edward B. Mackie, of Olympia, Wash., on motion of Mr. Bernard G. Lonctot; Hugh A. Burns, of Denver, Colo., on motion of Mr. Benjamin Louis Zelenko; Paul H. Weinstein, of Washington, D.C., and Laurence Levitan, of Washington, D.C., on motion of Mr. Sidney S. Sachs; Delbert J. Barnard, of Seattle, Wash., and Mark Moses Newman, of Washington, D.C., on motion of Mr. Simon M. Newman; Helen A. Gordon, of New York, N.Y., Doris B. Keeley, of New York, N.Y., Constance A. Lammers, of New York, N.Y., Christina H. Mullaney, of New York, N.Y., Irene S. Ross, of New York, N.Y., Jennie A. Wells, of New York, N.Y., and Henry L. Ross, of New York, N.Y., on motion of Mr. Ralph Simon Spritzer, were admitted to practice.

OPINIONS

No. 656. Barbara Elfbrandt, petitioner, *v.* Imogene R. Russell et al. On writ of certiorari to the Supreme Court of Arizona. Judgment reversed and case remanded to the Supreme Court of Arizona for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice White with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 657. James Brookhart, petitioner, *v.* Martin A. Janis, Director of the Ohio Department of Mental Hygiene and Correction. On writ of certiorari to the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Separate opinion by Mr. Justice Harlan.

No. 14, **Original**. State of Louisiana, plaintiff, *v.* State of Mississippi et al. On Bill of Complaint. Exceptions to Report of the Special Master overruled. Report confirmed and decree entered. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 131. Margaret L. Holt et al., petitioners, *v.* Alleghany Corporation et al.; and

No. 132. Margaret L. Holt et al., petitioners, *v.* Allan P. Kirby et al. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Writs of certiorari dismissed as improvidently granted. Opinion *per curiam*. Mr. Justice Black dissents from dismissal of the writs and would reverse the judgment of the Court of Appeals and district courts substantially for the reasons stated in Judge Friendly's dissent in the Court of Appeals. Mr. Justice Harlan and Mr. Justice White dissent from the dismissal of the writs, believing that these cases having been taken for review should be adjudicated on the merits. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decision of these cases.

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. 808. American Guild of Variety Artists, petitioner, *v.* William Smith, etc. 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 further proceedings in light of *United Mine Workers of America v. Gibbs*, No. 243, October Term, 1965, decided March 28, 1966. Opinion *per curiam*. Mr. Justice Douglas dissents.

No. 1067. Robert H. Engle, appellant, *v.* Otto Kerner et al. Appeal from the Supreme Court of Illinois. The appeal is dismissed. Opinion *per curiam*.

No. 457, Misc. Cleveland Hollingshead, 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 reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 821, Misc. James X. C. Long, petitioner, *v.* Jacob J. Parker, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further

proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 837, Misc. Lawrence C. Pope, petitioner, *v.* Loren E. Daggett et al. 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 District of Kansas with instructions to dismiss as moot. Opinion *per curiam*.

No. 874, Misc. John L. Richardson, petitioner, *v.* Secretary of Health, Education, and Welfare. 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 for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 256. United States, appellant, *v.* John W. Cook. The motion of the appellee for leave to proceed further herein *in forma pauperis* is granted.

No. 404. United States, appellant, *v.* Pabst Brewing Company et al. The motion of the Brewers' Association of America for leave to file a brief, as *amicus curiae*, is granted.

No. 611. United States, appellant, *v.* Arnold, Schwinn & Co., et al. The motion to supplement the appellant's designation of record and to withdraw certain portions is granted.

No. 673. Martha Cardona, appellant, *v.* James M. Power et al. The motion of Nathan Straus for leave to file a brief, as *amicus curiae*, is granted.

No. 1180. Robert A. Miller, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Charles Horowitz, Esquire, of Seattle, Washington, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEALS—JURISDICTION NOTED

No. 908. American Trucking Associations, Inc., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company, et al.;

No. 916. National Automobile Transporters Association of Detroit, Michigan, appellant, *v.* The Atchison, Topeka and Santa Fe Railway Company, et al.; and

No. 924. United States et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company, et al. Appeals from the United States District Court for the Northern District of Illinois. In these cases probable jurisdiction is noted. Cases consolidated and a total of three hours allotted for oral argument.

CERTIORARI GRANTED

No. 963. Helen Maxine Levi Travis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 825. Elizabeth Rosalia Woodby, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 1090.

Mr. Justice Stewart took no part in the consideration or decision of this petition.

No. 884. National Labor Relations Board, petitioner, *v.* C & C Plywood Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 876.

No. 960. Kalman J. Berenyi, petitioner, *v.* District Director, Immigration and Naturalization Service. 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. 1090. Joseph Sherman, petitioner, *v.* 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. 1093. Lee E. A. Parker, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon granted and case placed on the summary calendar.

No. 700, Misc. Joe Nathan Cooper, petitioner, *v.* California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of California granted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 1156.

CERTIORARI DENIED

No. 702. C. D. Draucker, Inc., petitioner, *v.* International Union of Operating Engineers, AFL-CIO, Local Union No. 12. Petition for

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

No. 956. Illinois Protestant Children's Home, Inc., petitioner, *v.* Illinois ex rel. The Director of the Department of Children and Family Services, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 958. H. C. Baxter & Bro. et al., petitioners, *v.* The Great Atlantic & Pacific Tea Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 964. Ned Edward Hett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1049. Bertram Kronen, petitioner, *v.* Pacific Coast Society of Orthodontists et al. Petition for writ of certiorari to District Court of Appeal of California, First Appellate District, denied.

No. 1050. Degelos Bros. Grain Corporation, petitioner, *v.* City of New Orleans et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1053. Anthony Provenzano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1055. R. P. R. Construction Company, petitioner, *v.* Bushman Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1061. Lucille E. Moran, petitioner, *v.* William F. Bench et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1062. K. Roland Clark, petitioner, *v.* William M. Bird, Jr. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

1063 No. 1065. Diana Kearny Powell, petitioner, *v.* Nicholas Katzenbach, Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1064. Woodrow W. Runyon, Sr., petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1065. Edward H. Smalley, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 1073. Drivers, Warehouse and Dairy Employees Union, Local No. 75, etc., petitioner, *v.* Wisconsin Employment Relations Board.

Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1075. William C. Holman, Warden, petitioner, *v.* James R. Davis. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1076. John R. Beall, petitioner, *v.* Bob Jefferson. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Sixth Supreme Judicial District, denied.

No. 1078. Konstantinos Roumeliotis et ux., petitioners, *v.* J. M. Lehmann, District Director of Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1079. Norman Broniman, petitioner, *v.* The Great Atlantic & Pacific Tea Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1082. James Russell Hawthorne, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1083. Clifford Delain Davis, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1085. Ike Dovberg and Maurice Dovberg, etc., petitioners, *v.* Dow Chemical Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1087. Robert Nathaniel Brown, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1095. Edgar W. Dickenson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1099. Lennert A. Benson, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1153. Harold E. Feger et al., petitioners, *v.* Local 483 of the International Association of Bridge, Structural and Ornamental Iron Workers, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1030. Time, Incorporated, petitioner, *v.* Frank Pape. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and the judgment reversed.

No. 1069. The League of Women Voters of the Grand Traverse Area of Michigan et al., petitioners, *v.* Dan Smoot. 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. 1072. Joseph H. Thayer et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 66, Misc. James C. Allen, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 343, Misc. Leroy J. Peterson, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 766, Misc. Gregory Gene Kinderman, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 929, Misc. Robert Young, petitioner, *v.* Sargent Shriver, Director of the Office of Economic Opportunity. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1004, Misc. John Koltosky, 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. 1080, Misc. Donald Eugene Mach et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1090, Misc. Wayman R. Cunningham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1187, Misc. James Ervin Boyd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1225, Misc. Larry Almand, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1242, Misc. Robert Carlton, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1254, Misc. Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1257, Misc. Hollis Richardson, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1258, Misc. William Lacey Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1263, Misc. Mr. and Mrs. Rufus Marshall, Jr., petitioners, *v.* Southern Farm Bureau Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1266, Misc. Mayo D. Jennings, petitioner, *v.* California. Petition for writ of certiorari to the Supreme of California denied.

No. 1267, 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. 1271, Misc. Hassie Cane Martin, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1277, Misc. John Williams, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for Second Circuit denied.

No. 1278, Misc. Troy Kduke Salmon, petitioner, *v.* R. L. Eklund, Superintendent, Southern Conservation Center, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1284, Misc. Charles R. Beasley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1289, Misc. Ralph Masucci, petitioner, *v.* Immigration and Naturalization Service et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1292, Misc. Lionel L. Cains, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1294, Misc. Robert Letterio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1295, Misc. Ellen Vincent, petitioner, *v.* Howard H. Meyers et ux. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 1296, Misc. Oran Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1297, Misc. Melvin Ayers and Dennis Eugene Palmer, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1305, **Misc.** Herman Salazar, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1306, **Misc.** Donald W. Baumann, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1324, **Misc.** James White, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1330, **Misc.** Daniel Jose Tenorio, petitioner, *v.* Wayne K. Patterson. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1335, **Misc.** Cleveland Roy Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1338, **Misc.** Leopold J. Gunston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1339, **Misc.** Charles T. Beavers, petitioner, *v.* Georgia Board of Pardons and Paroles. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1355, **Misc.** Lawrence Reginald Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1358, **Misc.** Henry Herbst, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 597, **Misc.** Joseph Dailey, 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. 736, **Misc.** Roger F. Duronio, petitioner, *v.* Arthur T. Prasse, Commissioner, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 817, **Misc.** Suran Kloian, petitioner, *v.* United States. Motion to strike portions of respondent's brief denied. 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. 1379, **Misc.** Roland White, petitioner, *v.* New Jersey State Parole Board. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRIT OF HABEAS CORPUS DENIED

No. **1397, Misc.** Burton R. Milligan, petitioner, *v.* Lawrence E. Wilson, Warden; and

No. **1432, Misc.** Robert Franklin Endicott, petitioner, *v.* Ohio. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. **1371, Misc.** Charles Causey, petitioner, *v.* United States;

No. **1376, Misc.** Carroll M. House, petitioner, *v.* John F. Davis, et al.; and

No. **1389, Misc.** Sherman H. Skolnick, petitioner, *v.* Judicial Council of the Seventh Circuit of the United States. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. **154.** Servo Corporation of America, petitioner, *v.* General Electric Company;

No. **499.** Outboard Marine Corporation, petitioner, *v.* Donald A. Holley;

No. **510.** American Trucking Associations, Inc., et al., appellants, *v.* United States et al.; and

No. **511.** The Pennsylvania Railroad Company, appellant, *v.* United States et al.;

No. **572.** The Allbright-Nell Company et al., petitioners, *v.* Carl Schnell et al.;

No. **612.** M. B. Skinner Company, petitioner, *v.* Continental Industries, Inc.;

No. **684.** Sid Richardson Carbon & Gasoline Co., petitioner, *v.* The Moore Company of Sikeston, Missouri, et al.;

No. **832.** World Airways, Inc., et al., petitioners, *v.* National Mediation Board et al.;

No. **910.** A. J. Simler, petitioner, *v.* Leslie L. Conner et al.;

No. **918.** International Brotherhood of Electrical Workers, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board;

No. **203, Misc.** Carmine Di Paolo, Jr., petitioner, *v.* New Jersey;

No. **701, Misc.** Paul V. Byrne, Jr., petitioner, *v.* John Kysar et al.;

No. **846, Misc.** Franklin Dwight Benton, petitioner, *v.* California; and

No. **979, Misc.** David Reeves, petitioner, *v.* United States. Petitions for rehearing denied.

No. **161.** Dora Surowitz, etc., petitioner, *v.* Hilton Hotels Corporation et al. Petition for rehearing denied. The Chief Justice and

Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 469, **Misc.** Nicholas Crowder, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

No. 709. Catherine Muth, Administratrix of the Estate of Clem Muth, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc.; and

No. 733. Mollie Darr, Administratrix of the Estate of Kurt Darr, Deceased, petitioner, *v.* Harriet M. Atlass et al., etc.;

No. 518, **Misc.** Dale Estin Birdsell, petitioner, *v.* United States; and

No. 718, **Misc.** Robert M. Williamson, Jr., et al., petitioners, *v.* Judge Dallas Blankenship, etc., et al. Motions for leave to file second petitions for rehearing denied.

ORAL ARGUMENT

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan; and

No. 877. New York City Board of Elections, etc., appellant, *v.* John P. Morgan and Christine Morgan. Three hours and forty minutes allowed for oral argument. Argued by Mr. Solicitor General Marshall and Mr. J. Lee Rankin for the appellants, by Mr. Rafael Hernandez Colon for the Commonwealth of Puerto Rico, as *amicus curiae*, by Mr. Alfred Avins for the appellees and by Mrs. Jean M. Coon for the State of New York, as *amicus curiae*.

No. 673. Martha Cardona, appellant, *v.* James M. Power et al. Argued by Mr. Paul O'Dwyer for the appellant and by Mr. Samuel A. Hirshowitz for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 19, 1966, will be as follows: Nos. 256, 597, 650, and 692.

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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 Fortas.

ADMISSIONS TO THE BAR

Bronson C. La Follette, of Madison, Wis., on motion of Mr. Gaylord Nelson; Henry Scharoff, of Westfield, Mass., on motion of Mr. Silvio O. Conte; Joseph Conrad Rutschman, Jr., of Memphis, Tenn., on motion of Mr. George W. Grider; William Burgin Hawkins, of Birmingham, Ala., and Alan S. Flink, of Providence, R.I., on motion of Mr. Leslie Hall; Clair Voss, of Waukesha, Wis., on motion of Mr. John D. Goodin; Robert E. Venney, of Miami, Fla., and Burton Robert Levey, of Miami, Fla., on motion of Mr. John Houston Gunn; Herbert H. Sawyer, of Portland, Maine, on motion of Mr. William C. Lewis; and James W. Geriak, of Los Angeles, Calif., on motion of Mr. Francis D. Thomas, Jr., were admitted to practice.

OPINIONS

No. 545. Joseph E. Seagram & Sons, Inc., et al., appellants, *v.* Donald S. Hostetter, etc., et al. Appeal from the Court of Appeals of New York. Judgment affirmed. Opinion by Mr. Justice Stewart.

No. 695. Joe Robert Collier, 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 Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black concurs in the Court's judgment for the reasons stated in the opinion of the Court of Appeals for the Fifth Circuit in *O'Neal v. United States*, 272 F. 2d 412.

ORAL ARGUMENT

No. 256. United States, appellant, *v.* John W. Cook. Leave granted Thomas H. Peebles III to appear and present oral argument for the appellee, *pro hac vice*, on motion of Mr. Jerome Feit. Argued by Mr. Jerome Feit for the appellant and by Mr. Thomas H. Peebles III for the appellee, *pro hac vice*, by special leave of Court.

No. 597. James E. Mills, appellant, *v.* Alabama. Argued by Mr. Kenneth Perrine and Mr. Alfred Swedlaw for the appellant and by Mr. Burgin Hawkins and Mr. Leslie Hall for the appellee.

No. 650. John Nicholas, Trustee of the Estate of Beachcomber Motel, Inc., Bankrupt, petitioner, *v.* United States. Argued by Mr. John H. Gunn for the petitioner and by Mr. C. Moxley Featherston for the respondent.

No. 692. The Pure Oil Company, petitioner, *v.* Pascual Suarez. Argued by Mr. Eberhard P. Deutsch for the petitioner and by Mr. Arthur Roth for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 20, 1966, will be as follows:
Nos. 750 (782 and 783), 502, and 594.

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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 Fortas.

ADMISSIONS TO THE BAR

James M. Treece, of Cherry Hill, N.Y., James H. Quirk, of Yarmouth, Mass., and William Joseph Melvin, of Columbus, Ohio, on motion of Mr. Ralph Simon Spritzer; Thomas Wilson Brown, of Bartlesville, Okla., on motion of Mr. Page Belcher; Joseph John Tryner, of Wilmington, Ill., on motion of Mr. John N. Erlenborn; Michael A. Kampmeyer, of St. Paul, Minn., on motion of Mr. Harold Irving Baynton; Joseph M. Cohen, of Boston, Mass., on motion of Mr. Nathan J. Paulson; Mary W. Taylor, of New York, N.Y., on motion of Mr. Telford Taylor; John J. Cavan, Jr., of Billings, Mont., on motion of Mr. Barron K. Grier; John F. Gaston, of Cedar Rapids, Iowa, on motion of Mr. Mark William Putney; George R. Ruditz, of New York, N.Y., on motion of Mr. Kenneth William Moroney; Clyde Daniel Jones, Jr., of Austin, Tex., and Frederick Harris Young, of Austin, Tex., on motion of Mr. Linward Paul Shivers; Andy Borg, of Superior, Wis., on motion of Mr. Francis W. Stover; and Michael R. Caporale, Jr., of New Haven, Conn., Joseph W. Kastl, of Evanston, Ill., Roger A. Jones, of Salem, Ill., Jerrold T. Lynch, of Grand Junction, Colo., Frederick Allen Bush, of Jordon, N.Y., D. A. Burr, of Anchorage, Alaska, and Jay Dale Gray, of Fairfield, Calif., on motion of Mr. David Leib, were admitted to practice.

ORAL ARGUMENT

No. 750. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO, et al., petitioners, *v.* Florida East Coast Railway Company;

No. 782. United States, petitioner, *v.* Florida East Coast Railway Company et al.; and

No. 783. Florida East Coast Railway Company, petitioner, *v.* United States. Leave granted Paul Bender to appear and present oral argument for the United States, *pro hac vice*, on motion of Mr. Ralph S. Spritzer. Argued by Mr. Paul Bender for the United States, *pro hac vice*, by special leave of Court, by Mr. William B. Devaney for the Florida East Coast Railway Company, and by Mr. Neal Rutledge

for the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO, et al.

No. 502. Raymond Dennis et al., petitioners, *v.* United States. Argued by Mr. Telford Taylor for the petitioners and by Mr. Nathan Lewin for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 21, 1966, will be as follows: Nos. 594, 645, 940, and 531.

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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 Fortas.

ADMISSIONS TO THE BAR

John J. Dunn, of Denver, Colo., on motion of Mr. Gordon Allott; Mabel Grey Howell, of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Raymond Walker Dew, Jr., of Raleigh, N.C., and Don Edward Germano, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; James A. Holcomb, of Gary, Ind., on motion of Mr. Ray J. Madden; Murray H. Bring, of Washington, D.C., on motion of Mr. Paul A. Porter; Edwin M. Zimmerman, of Stanford, Calif., and Roger Scott, of Camillus, N.Y., on motion of Mr. Donald F. Turner; Thomas Bog Slade III, of Jacksonville, Fla., on motion of Mr. C. Farris Bryant; William Myrick King, of Austin, Tex., and Richard E. Pringle, of Topeka, Kans., on motion of Mr. Bernard G. Lonctot; L. V. Harris, of Helena, Mont., on motion of Mr. Thomas R. Kennedy; William J. Straub, of Newark, N.J., on motion of Mr. Alan B. Handler; Benjamin Hume Morris, of Louisville, Ky., on motion of Mr. George P. Lamb; Thomas F. Champion, of Newark, N.J., and Frederick Bernard Lacey, of Newark, N.J., on motion of Mr. Harry T. Carter; Joseph Alexander Szikszoy, of Washington, D.C., on motion of Mr. Harry Arthur Calevas; Harold Gordon, of Washington, D.C., on motion of Mr. Bernard Gordon; Aubrey V. Kendall, of Miami, Fla., on motion of Mr. Raymond R. Dickey; G. Gervaise Davis III, of Monterey, Calif., on motion of Mr. Sherman Louis Cohn; and Arthur B. Magidson, of Milwaukee, Wis., on motion of Mr. Joseph A. Fanelli, were admitted to practice.

ORAL ARGUMENT

No. 594. John T. Gojack, petitioner, *v.* United States. Argued by Mr. Frank J. Donner for the petitioner and by Mr. J. Walter Yeagley for the respondent.

No. 645. United States, petitioner, *v.* The Equitable Life Assurance Society of the United States. Argued by Mr. Robert S. Rifkind for the petitioner and by Mr. Frank W. Hoak for the respondent.

No. 940. Joseph A. Rinaldi, appellant, *v.* Howard Yeager, Warden, et al. Argued by Mr. Frederick B. Lacey for the appellant and by Mr. Alan B. Handler for the appellees.

No. 531. United States, appellant, *v.* Ben Blue. Argued by Mr. Solicitor General Marshall for the appellant and by Mr. Ernest R. Mortenson for the appellee. _____

Adjourned until Monday, April 25, 1966, at 10 o'clock.

The day call for Monday, April 25, 1966, will be as follows: Nos. 658, 118, and 147.

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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 Fortas.

ADMISSIONS TO THE BAR

Richard P. Radd, of Los Altos, Calif., Edward A. Kaufman, of Miami, Fla., Ronald Allen Kronowitz, of Savannah, Ga., Samuel C. Maragos, of Chicago, Ill., Howard Jay Silverstone, of Washington, D.C., Kennard I. Mandell, of New York, N.Y., John Martin Bray, of St. Louis, Mo., Thomas A. Bamberger, of Oklahoma City, Okla., Frank G. Newman, of Dallas, Tex., and Wallace E. Maloney, of Wellsburg, W. Va., on motion of Mr. Solicitor General Thurgood Marshall; Robert J. Nareau, of Woodland, Calif., on motion of Mr. William R. Foley; Norman E. Skeens, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Edward Lewis Davenport, of Los Angeles, Calif., on motion of Mr. Brice Wilson Rhyne; Judith Rogers, of North Little Rock, Ark., on motion of Mr. John Patrick Baker: Richard Holcomb Cooper, of Orlando, Fla., on motion of Mr. J. William Norman, Jr.; Carleton N. Baker, of Melrose, Mass., Thomas Francis Sullivan, of Melrose, Mass., and John Michael Donlan, of Framington, Mass., on motion of Mr. Daniel T. Coughlin; Francis J. Pavetti, of New London, Conn., on motion of Mr. William Pitt Shattuck; Norman M. Heisman, of Philadelphia, Pa., on motion of Mr. Gerhard A. Gesell; Joyce Ferris Nedde, of Lexington, Ky., on motion of Mr. Jerry N. Griffin; B. A. Karlowitz, of Pittsburgh, Pa., and Richard R. Winters, of Pittsburgh, Pa., on motion of Mr. Robert Molloy; Cooper Bennett Land, of Hot Springs Ark., on motion of Mr. Floyd Lee Williams; Jack Minoff, of New York, N.Y., Thomas C. Tilley, of San Juan, P.R., and Isidore Silver, of New York, N.Y., on motion of Mr. Edward Aeneas McCabe; Chester D. Walz, Jr., of Arcadia, Calif., on motion of Mr. Daniel H. Hanscom; Jack Peebles, of New Orleans, La., on motion of Mr. Benjamin E. Smith; Richard J. Kemper, of Dayton, Ohio, on motion of Mr. Earl H. Moore, Jr.; Gaylord Church Burke, of St. Louis, Mo., and Edwin Stevens Taylor, of St. Louis, Mo., on motion of Mr. Robert H. McRoberts; George K. McPherson, Jr., of Atlanta, Ga., on motion of Mr. J. Robert Sparks; Hardy Lott, of Greenwood, Miss., on motion of Mr. Samuel D. McIlwain; Ruth S. Sullivan, of Dadeville, Ala., on motion of Mr. John Philip Carlson; Jack N. Price, of Longview, Tex., and Ivan R. Williams, Jr., of Austin, Tex., on motion of Mr. Kenneth H. Burns; James

E. McDaniel, of St. Louis, Mo., on motion of Mr. David W. Robinson II; Brian Christian Elmer, of Washington, D.C., on motion of Mr. L. Welch Pogue; Walter Brewer Nivens, of Charlotte, N.C., Calvin L. Brown, of Charlotte, N.C., and Charles V. Bell, of Charlotte, N.C., on motion of Mr. Martin Green; Hugh G. Allerton, Jr., of Birmingham, Mich., Vernon M. Pitch, of Birmingham, Mich., Lawrence D. Altman, of Huntington Woods, Mich., Gerald A. Freedman, of Farmington, Mich., Earl R. Jacobs, of Southfield, Mich., Marvin Kramer, of Southfield, Mich., Donald D. Cook, of Detroit, Mich., Robert H. Golden, of Detroit, Mich., Paul M. Mandel, of Pontiac, Mich., Bernard N. Portnoy, of Pontiac, Mich., Joseph F. Kosik, of Pontiac, Mich., Barry A. Kushner, of Pontiac, Mich., Tom T. Reese, of Pontiac, Mich., Ivan M. Forbes, of Pontiac, Mich., C. Robert Wartell, of Royal Oak, Mich., Barry K. Branch, of Royal Oak, Mich., Roger P. Mourad, of Detroit, Mich., and Robert W. Carr, of Waterford, Mich., on motion of Mr. Philip A. Hart; George C. Blissman, Jr., of East McKeesport, Pa., Leonard J. Paletta, of New Kensington, Pa., William James Aiken, Jr., of Pittsburgh, Pa., Carl Forrest Barger, of Pittsburgh, Pa., Donald J. Barley, of Pittsburgh, Pa., Michael J. Boyle, of Pittsburgh, Pa., Russell J. Butler, Jr., of Pittsburgh, Pa., Louis William Catalano, of Pittsburgh, Pa., Thomas L. Cooper, of Pittsburgh, Pa., Robert W. Duggan, of Pittsburgh, Pa., Salvatore Louis Farino, of Pittsburgh, Pa., John M. Feeney, Jr., of Pittsburgh, Pa., Henry W. Fulton, Jr., of Pittsburgh, Pa., Carl E. Glock, Jr., of Pittsburgh, Pa., Emanuel Goldberg, of Pittsburgh, Pa., Howard Kauffman Hilner, of Pittsburgh, Pa., Earl D. Hollinshead, Jr., of Pittsburgh, Pa., Lee Hummel, of Pittsburgh, Pa., Homer W. King, of Pittsburgh, Pa., Richard Douglass Klaber, of Pittsburgh, Pa., John Edward Kunz, of Pittsburgh, Pa., Paul F. Laughlin, of Pittsburgh, Pa., Avrum Sanford Levy, of Pittsburgh, Pa., Robert C. Little, of Pittsburgh, Pa., Robert C. McCartney, of Pittsburgh, Pa., Frank A. McFerran, Jr., of Pittsburgh, Pa., Robert X. Medonis, of Pittsburgh, Pa., John H. Morgan, of Pittsburgh, Pa., Vincent C. Murovich, Jr., of Pittsburgh, Pa., Roderick Graeme Norris, of Pittsburgh, Pa., James M. Patton, of Pittsburgh, Pa., George Raynovich, Jr., of Pittsburgh, Pa., Henry E. Rea, Jr., of Pittsburgh, Pa., Joseph A. Richardson, Jr., of Pittsburgh, Pa., Donald E. Rogers, of Pittsburgh, Pa., Tice F. Ryan, Jr., of Pittsburgh, Pa., Raymond L. Scheib, of Pittsburgh, Pa., Philip H. Scheiding, of Pittsburgh, Pa., Edward S. Sheinberg, of Pittsburgh, Pa., Asa W. Smith, of Pittsburgh, Pa., Nicholas R. Stone, of Pittsburgh, Pa., Robert Rade Stone, of Pittsburgh, Pa., Theodore Orest Struk, of Pittsburgh, Pa., Robert B. Truel, of Pittsburgh, Pa., Arthur E. Uber, Jr., of Pittsburgh, Pa., Donald Carroll Winson, of Pittsburgh, Pa., Stephen A. Zappala, of Pittsburgh, Pa., and Donald Emil Ziegler, of

Pittsburgh, Pa., on motion of Mr. Alexander Unkovic; and John Patten Abshire, of Washington, D.C., David Henry Allard, of Washington, D.C., David Lee Caldwell, of Washington, D.C., Joseph Allan Cooke, of Washington, D.C., Lucille Virginia Covey, of Washington, D.C., H. Diaz Ponce-de-Leon, of Washington, D.C., Goldie B. Feder, of Washington, D.C., Kathryn M. Galiher, of Washington, D.C., Marshall C. Gardner, of Washington, D.C., William R. Granik, of Washington, D.C., Doris Carlton Knapp, of Washington, D.C., Americo M. Minotti, of Washington, D.C., Francis T. O'Donnell, of Washington, D.C., Stanley Z. Siegel, of Washington, D.C., Lee D. Sinclair, of Washington, D.C., Hana Taffet, of Washington, D.C., R. Lee Newton, of Hot Springs, Ark., William Hicks, of Los Angeles, Calif., Donald Gordon Ingraham, of Oakland, Calif., Joseph Fontana, of Boulder, Colo., John Charles Chernauskas, of Ansonia, Conn., Charles Gallagher Flinn, of Fort Lauderdale, Fla., Julian Ranney Howay, of St. Petersburg, Fla., Raymond Irving Tompkins, of Jacksonville, Fla., James F. Durham II, of Miami, Fla., Dominic Koo, of Miami, Fla., Christopher C. Larimore, of Miami, Fla., Everett L. Mast, of Miami, Fla., James H. White, of Miami, Fla., Ernest G. Cammack, Sr., of Savannah, Ga., James Donald Annett, of Chicago, Ill., David M. Goldman, of Chicago, Ill., Ronald E. Stackler, of Chicago, Ill., Edward H. Lang, of Hinsdale, Ill., Jeremiah W. Torrance, Jr., of Marion, Ind., Richard G. Hunsucker, of Winchester, Kans., Eugene N. Scallan, of Marksville, La., Richard Kenelm Gould, of Portland, Me., Walter W. Comer, of Bethesda, Md., Douglas Gordon Dahlin, of Alexandria, Va., Herbert D. David, of Silver Spring, Md., Paul Gerald Dembling, of Bethesda, Md., Howard E. Deutch, of Baltimore, Md., Jesse I. Etelson, of Rockville, Md., Robert L. Higgins, of Rockville, Md., Joseph E. Maher, Jr., of Derwood, Md., Daniel M. Mackey, of Baltimore, Md., William Carlos Parler, of Rockville, Md., Albert McLees Perry, of McLean, Va., Daniel J. Shiller, of Bethesda, Md., George Squire, of Kensington, Md., Benjamin G. Usher, of Baltimore, Md., Benjamin G. Weil, of Annapolis, Md., Alice Fairman Whittaker, of Worthington, Mass., Elizabeth L. Yadlosky, of Lanham, Md., Aaron J. Bor, of New Bedford, Mass., James Garfield Johnston, of Boston, Mass., Samuel Saltman, of Holyoke, Mass., Raywood H. Blanchard, of Kalamazoo, Mich., Jay Thomas Rouland, of Detroit, Mich., Murray Appleman, of Blauvelt, N.Y., Robert W. De Melia, of Brooklyn, N.Y., Solomon Farber, of Upper Nyack, N.Y., Roger Franklin Karon, of Mount Kisco, N.Y., Jack Karukin, of Spring Valley, N.Y., Francis Vesey Maguire, of Flushing, N.Y., Henry L. Martin, of Tonawanda, N.Y., Aaron H. Mednick, of White Plains, N.Y., Alexander S. Parks, of Brooklyn, N.Y., Fred Singer, of Forest Hills, N.Y., John Francis Woog, of Garden City, N.Y., Powell

W. Holly, Jr., of New York, N.Y., William M. Hulkower, of New York, N.Y., Robert Levine, of New York, N.Y., Sidney Lipston, of New York, N.Y., John T. West, of New York, N.Y., Donald M. Karp, of Newark, N.J., Norman P. Klein, of Cherry Hill, N.J., Frederick A. Zoda, of Trenton, N.J., Charles Branson Vickory, Jr., of Asheville, N.C., Harland Marshall Britz, of Toledo, Ohio, Gerald E. Jessup, of Bartlesville, Okla., Marshall Howard Harris, of Chambersburg, Pa., Arthur Samuel Herskovitz, of Aliquippa, Pa., Raymond M. Klein, of Elkins Park, Pa., Thomas L. Toole, of Abington, Pa., Arden Louis Wentz, of Cincinnati, Ohio, Edward Karet, of Philadelphia, Pa., Herbert Barkan Newberg, of Philadelphia, Pa., Abram W. Hatcher, of Kingsport, Tenn., Dorothy Ann Rossett, of Memphis, Tenn., Julius Louis Turek, of Dallas, Tex., James D. Carroll, of McLean, Va., Clarence Alexander Smith, of Vienna, Va., David Irvin Harfeld, of Richmond, Va., Waldon Lee Baker, of Alexandria, Va., Robert C. Downes, of Alexandria, Va., John Edward Kidd, of Arlington, Va., Arthur O. Allen, of Arlington, Va., Dan Raney Anders, of Arlington, Va., Thomas J. Byrnes, of Arlington, Va., David C. Eberhart, of Arlington, Va., Richard Ellsworth Glasgow, of Arlington, Va., Robert L. Tienken, of Arlington, Va., and William L. Weber, Jr., of Arlington, Va., on motion of Mr. William Ramsey Clark, were admitted to practice.

OPINIONS

No. 318. John A. Burns, Governor of the State of Hawaii, appellant, *v.* William S. Richardson, et al.;

No. 323. Elmer F. Cravalho et al., appellants, *v.* William S. Richardson et al.; and

No. 409. Kazuhisa Abe et al., appellants, *v.* William S. Richardson et al. Appeals from the United States District Court for the District of Hawaii. Judgment vacated and cases remanded to the United States District Court for the District of Hawaii for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice Harlan concurring in the result. Opinion by Mr. Justice Stewart concurring in the judgment. The judgment shall issue forthwith. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 341. Floyd A. Wallis, petitioner, *v.* Pan American Petroleum Corporation et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment vacated and case remanded to the Court of Appeals so that it may consider any other contentions respondents may have argued, including their claim that they should prevail under Louisiana law. Opinion by Mr. Justice Harlan. Mr. Justice Black, substantially agreeing with the majority opinions of the Court of Appeals, would affirm its judgment.

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. 1089. Loretta L. Ford, aka Loretta L. Phelan, appellant, *v.* California. Appeal from the District Court of Appeal of California, Fourth Appellate District. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1114. Roy E. Kramer et al., petitioners, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, order suspending the imposition of sentence for the conviction on count two of the indictment as to Roy E. Kramer vacated, and case remanded to the United States District Court for the Northern District of Illinois for entry of an appropriate sentence. In all other respects petition for certiorari denied. Opinion *per curiam*.

No. 1261, Misc. James K. Shannon, a/k/a James K. Kelly, appellant, *v.* Arch Sequechi, Sheriff, et al. Appeal from the United States District Court for the Northern District of Oklahoma. The appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 1273, Misc. Catherine Prenskey, appellant, *v.* Abraham N. Geller, etc., et al. Appeal from the Appellate Division of the Supreme Court of New York, First Judicial Department. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

CERTIORARI GRANTED

No. 72. Robert Redrup, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, granted limited to Question 4 presented by the petition which reads as follows: Ten

"4. Whether, consistent with the due process requirements of the Fourteenth Amendment and the constitutional standards for judging obscenity enunciated by the Supreme Court, a judgment of conviction can be rendered against an accused without proof in the record that the accused knew the contents of the material or believed that the material involved violated the law, and where books of a similar character have been held to be constitutionally protected by the courts of the State."

Case placed on the summary calendar. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Stewart are of the opinion that

certiorari should be granted on all the questions presented by the petition.

No. 453. William L. Austin, petitioner, *v. Kentucky*. Petition for writ of certiorari to the Circuit Court of McCracken County, Kentucky, granted, limited to Question 2 presented by the petition which reads as follows:

"2. Whether Section 436.100 of Kentucky Revised Statutes, on its face and as construed and applied, abridges freedoms of speech and press and arbitrarily deprives persons, including petitioner, of liberty without due process of law contrary to the provisions of the First, Fifth, and Sixth Amendments as subsumed into the due process provisions of the Fourteenth Amendment to the Constitution, because:

(a) the statute arbitrarily and capriciously provides that the sale of any publication found to be obscene 'shall be *prima facie* evidence' that the seller had 'knowledge of the obscene character' of the publication;

(b) the court below arbitrarily refused to instruct the jury that if the jury found that the petitioner had a good faith belief that the publications involved were not obscene, then petitioner was entitled to an acquittal; and

(c) the court below arbitrarily excluded from consideration by the jury substantial evidence, both oral and documentary, showing that petitioner had no knowledge of the contents or of the alleged obscenity of the publications involved in the prosecution herein upon which the judgment of conviction against petitioner was rendered."

Case placed on the summary calendar. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Stewart are of the opinion that certiorari should be granted on all the questions presented by the petition.

No. 1116. United States, petitioner, *v. Acme Process Equipment Company*. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 987. John F. Nutt 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. 1000. Elise McK. Morgan et al., petitioners, *v. Commissioner of Internal Revenue*. Petition of writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1045. Jack Herman, petitioner, *v. Indiana*. Petition for writ of certiorari to the to the Supreme Court of Indiana denied.

No. 1097. Mechanical Contractors Bid Depository, petitioner, *v. Harold Christiansen dba Palmer-Christiansen Company*. Petition

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

No. 1101. John W. Slater, Jr., petitioner, *v.* William Orie Tarver et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1103. Richard Anthony Bem, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Yolo, denied.

No. 1121. Mortimer L. Schultz, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1123. Harold Weinhart, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1127. Cooley C. Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 896. Joseph Abrams, 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. 1098. John Fioravanti, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1091. Ralph R. Benson, petitioner, *v.* California et al. Motion to use record in No. 874, **October Term, 1964**, granted. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1102. The Montreal Trust Company, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 467, **Misc.** Iordanis Anastasiadis, petitioner, *v.* SS Little John. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 714, **Misc.** Jimmy Jack Holmes, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 829, **Misc.** William C. Blankenship, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 923, **Misc.** Emmett Sneed, 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. 992, **Misc.** Verle G. Conard, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1006, **Misc.** J. Adams Bruce, as President of Bruce's Juices, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1043, **Misc.** Johnny Dixon, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1085, **Misc.** William Reese Johnston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1119, **Misc.** James W. Lovell, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1152, **Misc.** Herbert Leo Bushaw, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1163, **Misc.** Emerson Johnson, petitioner, *v.* Louisville and Nashville Railroad Company. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1181, **Misc.** Peter John Barrientos, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for Ninth Circuit denied.

No. 1197, **Misc.** Samuel Taylor, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 1301, **Misc.** Emmett O. Hashfield, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1312, **Misc.** Edward M. Hector, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1313, **Misc.** Thomas D. Busby, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1318, **Misc.** Willie Lee Braxton, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1327, **Misc.** David Melvin Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1329, **Misc.** Leroy Sims, Jr., petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1331, **Misc.** Benjamin Eskra, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1334, **Misc.** Hughes Alonzo Robinson, petitioner, *v.* Tommy C. Mann, Trustee in Bankruptcy, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1345, **Misc.** Raymond E. Parker, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1350, **Misc.** Melvin Carter, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1359, **Misc.** Carl D. Shaver, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1365, **Misc.** Lee Wayne Haynes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1366, **Misc.** Guy Auguste Duval, petitioner, *v.* United States. Petitioner for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1386, **Misc.** Jimmie Hearon, petitioner, *v.* United States. 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. 1419, **Misc.** John V. Franklin, petitioner, *v.* Pennsylvania. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1038, **Misc.** Daniel Boone Hymes, petitioner, *v.* Walter E. Dunbar, Director of Corrections; and

No. 1427, **Misc.** Edward Charles Curtis, petitioner, *v.* District Court of Iowa, in and for Lee County, Iowa. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1414, **Misc.** Geneva H. Sayles, petitioner, *v.* United States Court of Appeals for the District of Columbia Circuit. Motion for leave to file petition for writ of mandamus denied.

No. 844, **Misc.** Jimmy L. Davis, petitioner, *v.* Lester L. Cecil, Chief Judge, etc. In light of the representations of the Attorney Gen-

eral of Michigan that a copy of the transcript of the United States District Court has been furnished the petitioner, and it appearing from the papers on file that the petitioner has received the relief he sought, the motion for leave to file a petition for writ of mandamus is denied.

No. 1510, **Misc.** Hugh Wilson, petitioner, *v.* John Connally, Governor, State of Texas, et al. Motion to dispense with printing granted. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 595. Fernanda Misani, appellant, *v.* Ortho Pharmaceutical Corporation et al.;

No. 1150, **Misc.** John McGrath, petitioner, *v.* Daniel McMann, Warden; and

No. 1247, **Misc.** Henry Stewart, etc., petitioner, *v.* F. W. James. Petitions for rehearing denied.

No. 407, **Misc.** Sammy Williams, petitioner, *v.* California Adult Authority et al. Motion for leave to file petition for rehearing denied.

No. 633, **Misc.** Peter Castellana and Gondolfo Sciandra, petitioners, *v.* United States. Motion for leave to file supplemental record denied. Petition for rehearing denied.

No. 801, **Misc.** Patrick J. Corcoran, petitioner, *v.* Samuel W. Yorty et al. Motion for leave to file second 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 2, 1966, until Monday, May 16, 1966.

ORAL ARGUMENT

No. 658. Armando Schmerber, petitioner, *v.* California. Argued by Mr. Thomas M. McGurrin for the petitioner and by Mr. Edward L. Davenport for the respondent.

No. 118. Federal Trade Commission, petitioner, *v.* Brown Shoe Company, Inc. Argued by Mr. Ralph S. Spritzer for the petitioner and by Mr. Robert H. McRoberts for the respondent.

No. 147. Georgia, petitioner, *v.* Thomas Rachel et al. Argument commenced by Mr. George K. McPherson, Jr., for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 26, 1966, will be as follows: Nos. 147, 471 (and 649), and 404.

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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 Fortas.

ADMISSIONS TO THE BAR

E. Lewis Reid, of San Francisco, Calif., and Sid B. Levine, of Beverly Hills, Calif., on motion of Mr. Thomas H. Kuchel; H. Karsten Schmidt, of Chicago, Ill., on motion of Mr. Larry A. Conrad; Charles Louis Edson, of Washington, D.C., on motion of Mr. Daniel Albert Rezneck; John E. Hill, of Philadelphia, Pa., on motion of Mr. David S. Allhouse; Stewart Downing Allen, of Coral Gables, Fla., and John M. Dyer, of South Miami, Fla., on motion of Mr. David Popper; William Jerry Parker, of Bowling Green, Ky., on motion of Mr. Milton A. Jones; Harold L. Jackson, of Pasadena, Calif., on motion of Mr. G. Franklin Rothwell; Richard Allen Bartl, of Alexandria, Va., and Robert McShane Carney, of San Juan, P.R., on motion of Mr. Richard Homer Nicolaides; and Philip S. Anderson, Jr., of Little Rock, Ark., Robert J. Heilgeist, of Lake Villa, Ill., Kenneth G. Kirkpatrick, of Chicago, Ill., Norman Shine Rothbart, of Chicago, Ill., Peter E. Pallis, of Chicago, Ill., Patrick D. Breeden, of New Orleans, La., Carl Anthony Guidry, of Baton Rouge, La., Wilder Kilgus Kuhn, of New Orleans, La., Merrill T. Landwehr, of New Orleans, La., Gordon A. Pugh, of Baton Rouge, La., Leonard Alvin Washofsky, of New Orleans, La., David Emanuel Grossman, of Brookline, Mass., Carlos Francis Hill, of Hanover, Mass., Nelson M. Johnston, of Buffalo, N.Y., Thomas W. Reilly, of New York, N.Y., Frank Fetchet, of Columbia Station, Ohio, Louis J. Dell'Aquila, of Pittsburgh, Pa., Frank D. Di Cenzo, of Pittsburgh, Pa., Kalman Edward Fine, of Philadelphia, Pa., David Marlin Laufe, of Pittsburgh, Pa., Francis J. Pfizenmayer, of Philadelphia, Pa., Joseph Vincent Anderson, of Norfolk, Va., John Moorhead Cloud, of Norfolk, Va., Kenneth Lee Dietrick, of Portsmouth, Va., Carter Branham Snow Furr, of Norfolk, Va., Erwin B. Nashman, of Norfolk, Va., Robert Lee Masden, of Richmond, Va., Lucius H. Stephenson, of Virginia Beach, Va., David C. Cummins, of Seattle, Wash., and Steven A. Memovich, of Vancouver, Wash., on motion of Mr. William S. Fulton, Jr., were admitted to practice.

OPINION

No. 535. United States, petitioner, *v.* John Catto, Jr., 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 proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

ORAL ARGUMENT

No. 147. Georgia, petitioner, *v.* Thomas Rachel et al. Argument continued by Mr. J. Robert Sparks for the petitioner and concluded by Mr. Anthony G. Amsterdam for the respondents.

No. 471. The City of Greenwood, Mississippi, petitioner, *v.* Willie Peacock et al.; and

No. 649. Willie Peacock et al., petitioners, *v.* The City of Greenwood, Mississippi. Three hours allowed for oral argument. Argued by Mr. Hardy Lott for the petitioner in No. 471 and the respondent in No. 649, by Mr. Benjamin E. Smith for the respondents in No. 471 and the petitioners in No. 649, and by Mr. Louis F. Caliborne for the United States, as *amicus curiae*, by special leave of Court.

Caliborne

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 27, 1966, will be as follows: Nos. 404, 562, and 619.

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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 Fortas.

ADMISSIONS TO THE BAR

Charles H. Crawford III, of Tilton, N.H., on motion of Mr. Thomas J. McIntyre; Edwin Brown Firmage, of Provo, Utah, on motion of Mr. David S. King; Michael J. McNicholas, of Dallas, Tex., on motion of Mr. Joe Richard Pool; Peter Alexander Thorndyke, of North Tarrytown, N.Y., and John Atkinson Hughes, of Montrose, Colo., on motion of Mr. Richard Lawrence Ottinger; Barry Tevian Whitman, of Baltimore, Md., on motion of Miss Betty Jean Hancock; John Thomas Cusack, of Chicago, Ill., on motion of Mr. Edwin M. Zimmerman; Joseph E. Rapkin, of Milwaukee, Wis., on motion of Mr. Max O. Truitt, Jr.; David Arthur Nelson, of Chicago, Ill., on motion of Mr. John T. Chadwell; Harold Frederick McGuire, Jr., of New York, N.Y., and Tennyson Schad, of New York, N.Y., on motion of Mr. Victor M. Earle III; Eugene Michael Bond, of Washington, D.C., on motion of Mr. Roberts Browning Larson; Harry R. Calbon, Jr., of Longview, Wash., on motion of Mr. Calvin Davison; Arthur Dallas Albritton, Jr., of Tampa, Fla., on motion of Mr. Richard Schwartz; Leonard Garment, of New York, N.Y., Douglas M. Parker, of New York, N.Y., John Wallis, of Larchmont, N.Y., and Donald J. Zoeller, of New York, N.Y., on motion of Mr. Gerald B. Greenwald; and John Buckingham Browning, of Frankfort, Ky., on motion of Mr. Martin Green, were admitted to practice.

OPINION

No. 505. National Association for the Advancement of Colored People, et al., petitioners, *v.* Haldred Overstreet. On writ of certiorari to the Supreme Court of Georgia. Writ of certiorari 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, Mr. Justice Brennan, and Mr. Justice Fortas join.

ORAL ARGUMENT

No. 404. United States, appellant, *v.* Pabst Brewing Company et al. Argued by Mr. Edwin M. Zimmerman for the appellant and by Mr. John T. Chadwell for the appellees.

No. 562. Time, Inc., appellant, *v.* James J. Hill. Argued by Mr. Harold R. Medina, Jr., for the appellant and by Mr. Richard M. Nixon for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 28, 1966, will be as follows:
Nos. 619 and 815.

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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 Fortas.

ADMISSIONS TO THE BAR

Lawrence F. Scalise, of Carlisle, Iowa, on motion of Mr. Neal E. Smith; Gerald Anthony Sherwin, of Stockton, Calif., on motion of Mr. John J. McFall; Thomas Jefferson Davis, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Charles Snow, of Forest Hills, N.Y., on motion of Mr. David Ferber; Jack Joseph Mayl, of Dayton, Ohio, on motion of Mr. John Harrison Boyles; Clyde Y. Cridlin, of Jonesville, Va., Tommie G. Dudley, of Annandale, Va., and Sidney Joseph Smolinsky, of Philadelphia, Pa., on motion of Mr. Harold H. Bacon; and Mercer D. Tate, of Philadelphia, Pa., on motion of Mr. Robert E. Herzstein, were admitted to practice.

OPINION

No. 46. United States, appellant, *v.* General Motors Corporation et al. Appeal from the United States District Court for the Southern District of California. Judgment reversed and case remanded to the United States District Court for the Southern District of California in order that it may fashion appropriate equitable relief. Opinion by Mr. Justice Fortas. Opinion by Mr. Justice Harlan concurring in the result.

ORAL ARGUMENT

No. 619. Steve Ashton, petitioner, *v.* Kentucky. Argued by Mr. Ephraim London for the petitioner and by Mr. John Browning for the respondent.

No. 815. Elmer Davis, Jr., petitioner, *v.* North Carolina. Argued by Mr. Charles V. Bell for the petitioner and by Mr. James F. Bullock for the respondent.

Adjourned until Monday, May 2, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

Jon N. Vogel, of Fargo, N. Dak., and Elver T. Pearson, of Baltimore, Md., on motion of Mr. William Ramsey Clark; D. W. Slone, of Lakeland, Ga., Sidney Milun, of Indianapolis, Ind., Norman Malzberg, of Jersey City, N.J., John F. Haggerty, of Woodside, N.Y., Lawrence A. Kobrin, of New York, N.Y., Frank Rinaldi, of Brooklyn, N.Y., Martin Malinou, of Providence, R.I., J. Phillip Crawford, of Austin, Tex., and Alan I. Baskin, of Reading, Pa., on motion of Mr. Ralph Simon Spritzer; Edwin A. Langley, of Lincoln, Nebr., and Vincent D. Brown, of Lincoln, Nebr., on motion of Mr. Carl T. Curtis; Jimmie D. Cypert, of Springdale, Ark., on motion of Mr. James W. Trimble; Paul E. Gelbard, of Yonkers, N.Y., on motion of Mr. Richard Lawrence Ottinger; Ralston Lercara Courtney, of Coalinga, Calif., on motion of Mr. Robert L. Leggett; James N. Grathwol, of Excelsior, Minn., on motion of Mr. Henry P. Smith 3d; Richard Barrett Burns, of Denver, Colo., on motion of Mr. Byron G. Rogers; Robert I. Sampliner, of Cleveland, Ohio, on motion of Mr. William C. Minshall; R. Neal Stanton, of Grand Haven, Mich., and Harry Loeffers, Jr., of Grand Haven, Mich., on motion of Mr. Robert P. Griffin; Raymond O. Ward, of Los Angeles, Calif., and Thomas Jed Scully, of Los Angeles, Calif., on motion of Mr. James C. Corman; Richard W. Buchanan, of Seattle, Wash., on motion of Mr. Brockman Adams; James D. Camp, Jr., of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; John L. Coté, of East Lansing, Mich., on motion of Mr. Charles E. Chamberlain; William G. Catts, of Tulsa, Okla., on motion of Mr. David Leib; Samuel C. Butler, of New York, N.Y., and Roger F. Turner, of Walpole, Mass., on motion of Mr. John H. Pickering; Carl G. Helm, of LaGrande, Oreg., on motion of Mr. William Berg, Jr.; Richard Alexander Burt, of San Diego, Calif., and C. M. Linton, of Pasadena, Calif., on motion of Mr. Stewart French; Billy S. Clark, of Little Rock, Ark., on motion of Mr. John Patrick Baker; Frederick L. Bernstein, of River Vale, N.J., on motion of Mr. Brice Wilson Rhyne; Leonard D. Walberg, of Harvey, Ill., on motion of Mr. Peter N. Chumbris; James A. Ross, of Monticello, Ark., James A.

Ross, Jr., of Monticello, Ark., and William H. Arnold III, of Texarkana, Ark., on motion of Mr. Floyd Lee Williams; Owen J. Meegan, of Marblehead, Mass., on motion of Mr. Daniel T. Coughlin; Edward O. Reyes, of Oakland, Calif., on motion of Mr. Kenneth R. Harkins; Lawrence Chambers, of Chicago, Ill., on motion of Mr. William S. Thompson; Stanton Paul Belland, of Los Angeles, Calif., on motion of Mr. Julian Mitchell Brown; William Stanton Stewart, of Chapel Hill, N.C., on motion of Mr. Fred Gordon Battle, Jr.; Byron Clifford Ostby, of Madison, Wis., and Cornelius T. Young, of Milwaukee, Wis., on motion of Mr. John L. Ostby; Leo F. McDaniel, of Lake Charles, La., on motion of Mr. John W. Johnson; Zad Leavy, of Los Angeles, Calif., on motion of Mr. Benjamin J. Boley; Hubert E. Evans, of Monroeville, Pa., and Stanley J. Price, Jr., of Pittsburgh, Pa., on motion of Mr. Lloyd L. Evans; Thomas Peter Sarro, of Alexandria, Va., on motion of Mr. John Tyssowski Roberts; Herman Odell, of New York, N.Y., on motion of Mr. Lawrence S. Lesser; Robert Lee Hines, of San Francisco, Calif., on motion of Mr. Wayne K. Hill; John F. Reynolds, of Boston, Mass., on motion of Mr. Leon N. Sheinberg; Frank A. Lopez, of Brooklyn, N.Y., on motion of Mr. Joseph L. Gil; John Charles Ranney, of Washington, D.C., on motion of Mr. Roy Goddard; Carol Garfiel, of New York, N.Y., and William Vollie Alexander, Jr., of Osceola, Ark., on motion of Mr. John Terry; Charles B. Ehnborn, of Chicago, Ill., on motion of Mr. Robert H. Hastings; James W. Dowling, Jr., of Garden City, N.Y., on motion of Mr. Eugene Lamb; Gordon Forbes, of St. Paul, Minn., on motion of Mr. Joseph P. O'Hara; Glen M. Williams, of Jonesville, Va., and Birg E. Sergent, of Pennington Gap, Va., on motion of Mr. John L. Kilcullen; Joseph S. Accardi, of Newark, N.J., Frederick M. Adams, of Woodbridge, N.J., Peter A. Adams, of Newark, N.J., Samuel Adler, of Bridgeton, N.J., Peter M. Adubato, of Newark, N.J., William O. G. Aeschbach, of Maplewood, N.J., Bertram R. B. Aitken, of Bridgeton, N.J., Charles J. Alfano, of Paterson, N.J., Rudolph V. Alosio, of East Orange, N.J., Michael Andrus, of Passaic, N.J., Martin B. Anton, of Brick Town, N.J., Americo B. Antonelli, of Vineland, N.J., Mark A. Aurigemma, of Caldwell, N.J., James I. Avignone, of Englewood, N.J., John N. Bain, of Newark, N.J., David Baker, of Wildwood Crest, N.J., Jacob L. Balk, of Newark, N.J., Albert C. Barclay, of Cranbury, N.J., Albert C. Barclay, Jr., of Princeton, N.J., Bennett I. Bardfeld, of Vineland, N.J., Robert A. Baron, of Englewood, N.J., Chauncey L. Barrett, of Willingboro, N.J., James M. Barry, of Sparta, N.J., George J. Baumann, of Jersey City, N.J., Robert C. Beck, of Camden, N.J., Stanley G. Bedford, of Newark, N.J., Thomas J. Beutel, of Lambertville, N.J., Myron Behr, of Englewood, N.J., Harry P. Beldon, of Millington, N.J., Richard M.

Belson, of Bernardsville, N.J., John S. Bender, of Livingston, N.J., Maxine S. Berman, of Perth Amboy, N.J., Ronald Berman, of Trenton, N.J., Wallace S. Bernstein, of Paterson, N.J., Robert B. Blackman, of Manville, N.J., Stanley J. Blair, of Point Pleasant, N.J., Malcolm L. Block, of Camden, N.J., Bernard F. Boglioli, of Long Branch, N.J., S. David Brandt, of Camden, N.J., Herman L. Braun, of South Orange, N.J., Fred S. Brause, Jr., of Newark, N.J., John J. Breen, of River Edge, N.J., Gerald Breitenstein, of Westwood, N.J., Francis E. Bright, of Newton, N.J., George A. Browne, Jr., of Bayonne, N.J., Bernard L. Bukarest, of Hanover, N.J., Salvatore Burgio, of Ramsey, N.J., John V. Burns, of Perth Amboy, N.J., Grant M. Buttermore, of Westfield, N.J., Michael F. Buynak, of Kenilworth, N.J., and Eugene W. Landy, of Eatontown, N.J., on motion of Mr. Attorney General Nicholas deB. Katzenbach; Harman R. Clark, Jr., of Dunellen, N.J., Joseph W. Clark, Jr., of Haddon Township, N.J., Marie A. Clemente-Clegg, of North Bergen, N.J., Thomas Weir Clohosey, of South Orange, N.J., Edward A. Cohen, of Maplewood, N.J., Samuel L. Cohen, of Westfield, N.J., Meyer J. Cohn, of New Brunswick, N.J., Sidney Cohn, of Palisades Park, N.J., Charles C. Collins, Jr., of Westfield, N.J., Charles C. Collins, of Ridgewood, N.J., Robert F. Colquhoun, of Bloomfield, N.J., Michael T. Colonna, of Montclair, N. J., David E. Collins, of Westfield, N.J., Donald J. Concilio, of Newton, N.J., Frank P. Combs, of Newark, N.J., Frank J. Cuccio, of Hackensack, N.J., Martin J. Cummins, of Fort Lee, N.J., Roy D. Cummins, of Haddonfield, N.J., Frank J. Coyle, Jr., of Whippany, N.J., Michael E. Cozine, of Belleville, N.J., Philip F. Casella, of Vineland, N.J., John Corino, of Wildwood, N.J., Donald R. Conway, of Hackensack, N.J., Keron D. Chance, of Bridgeton, N.J., Warren H. Carr, of Pitman, N.J., William P. Conte, of Edison, N.J., Charles C. Carella, of West Orange, N.J., Vincent W. Chiola, of Jersey City, N.J., Leo S. Carney, Jr., of Kearny, N.J., Morris Chesler, of Jersey City, N.J., John E. Campo, of Rutherford, N.J., Peter Daly Campbell, of New Brunswick, N.J., Thomas T. Chappell, of Jersey City, N.J., Arnold M. Cherin, of Woodbridge, N.J., Arthur J. Callaghan, of Newark, N.J., and James S. Cafiero, of Wildwood, N.J., on motion of Mr. George M. Hillman; Myles Daitzman, of New Milford, N.J., Jos. P. Dallanegra, Jr., of Nutley, N.J., Jos. P. Dallanegra, of Nutley, N.J., Margaret A. Dallanegra, of Nutley, N.J., Joseph A. Dambach, of Fords, N.J., Alfred J. Daniels, of Englewood Cliffs, N.J., Samuel J. Davis, Jr., of Saddle River, N.J., Donald W. de Cordova, of Bogota, N.J., William DeLorenzo, Jr., of Oakland, N.J., Samuel DeSimone, of Woodbury, N.J., Raymond B. Demski, of Trenton, N.J., Wood M. DeYoe, of Ridgewood, N.J., Milton Diamond, of Livingston, N.J., Charles R. Di Gisi, of New Milford, N.J., Sidney G. Dillon, of Oldwick, N.J., Jack DiNota, of Trenton, N.J., Lewis P. Dolan, Jr., of

Newton, N.J., Lewis P. Dolan, Sr., of Newton, N.J., William A. Dolan, Jr., of Newton, N.J., Warren C. Douglas, of Cherry Hill, N.J., Raymond B. Drake, of Clinton, N.J., Edward A. Dreskin, of Newark, N.J., George Duggan, of Newark, N.J., Joseph P. Dunn, of Newark, N.J., Richard T. Dunphy, of Rutherford, N.J., Daniel M. Dwyer, of Ridgewood, N.J., James Eastmead, of Union City, N.J., Charles M. Egan, Jr., of Morristown, N.J., Alex B. Eger, Jr., of Perth Amboy, N.J., Theodore Ehren, of Newark, N.J., Leonard Etz, of Trenton, N.J., Harry F. Fass, of Plainfield, N.J., Francis J. Feeley, of Allendale, N.J., Ladislav F. Feher, of Passaic, N.J., Marvin Feingold, of Old Bridge, N.J., Seymour Feingold, of Carteret, N.J., Herbert Fenster, of Hackensack, N.J., R. Joseph Ferenczi, of Edison, N.J., Michael J. Ferro, Jr., of Harrington Park, N.J., John Fiorello, of Wayne, N.J., Francis G. Fitzpatrick, of Bayonne, N.J., Thomas F. J. Fitzpatrick, of Jersey City, N.J., Jerrold M. Fleisher, of Hackensack, N.J., Paul G. Fleishcher, of Somerville, N.J., Peter Fless, Jr., of Trenton, N.J., Robert G. Fogelson, of Boonton, N.J., Robert H. Folk, of Somerville, N.J., Kenneth J. Fornabai, of Closter, N.J., Thomas S. Forkin, of Oaklyn, N.J., William G. Foster, of Pitman, N.J., Walter Fox, of Asbury Park, N.J., Edwin Fradkin, of Newark, N.J., Henry J. Franzoni, Jr., of Glen Ridge, N.J., Lawrence Freidman, of Newark, N.J., Robert M. Frisch, of New Brunswick, N.J., John B. M. Frohling, of Newark, N.J., and Burton L. Funder, of Asbury Park, N.J., on motion of Mr. Franklin Haywood Berry; Aro G. Gabriel, of Union City, N.J., Patrick J. Gahan, of Glen Ridge, N.J., James J. Gallagher, of Caldwell, N.J., W. Clark Gaw, of Newark, N.J., Norman Albin Gehrie, of Elizabeth, N.J., Ernest James Gikas, of Paramus, N.J., Marvin H. Gladstone, of Englewood, N.J., Sidney Glaser, of Trenton, N.J., Richard M. Glazer, of Trenton, N.J., Ernest S. Glickman, of Trenton, N.J., Ashley Goodman, of Newark, N.J., Alfred Louis Genton, of Wood-Ridge, N.J., George B. Gelman, of Hackensack, N.J., John Francis Gerry, of Camden, N.J., Harold W. Gorrin, of Jersey City, N.J., Samuel Green, of Newark, N.J., Paul H. Greenberg, of Newark, N.J., William A. Greenberg, of Palisades Park, N.J., William Greenberg, of Newark, N.J., Richard B. Greenhalgh, of Hackensack, N.J., Jay H. Greenblatt, of Vineland, N.J., Alvin M. Gross, of Cherry Hill, N.J., Richard E. Gruen, of Passaic, N.J., Harold Gurevitz, of Morristown, N.J., Abraham Gurney, of Perth Amboy, N.J., Allan S. Gutfleish, of Englewood, N.J., Joseph D. Haggerty, of Maplewood, N.J., Stephen G. Halasz, of Trenton, N.J., Michael S. Halpern, of Somerville, N.J., Charles R. Hardin, Jr., of Newark, N.J., Frank F. Harding, of Morristown, N.J., Victor W. Hart, of River Vale, N.J., Francis J. Hartman, of Mount Holly, N.J., Porter E. Hartman, of

Ridgewood, N.J., Bernard M. Hartnett, Jr., of Newark, N.J., Guy H. Haskins, Jr., of Bloomfield, N.J., John W. Hayden, Jr., of Newark, N.J., Francis X. Hayes, of Jersey City, N.J., Maurice M. Hayman, of Wildwood, N.J., Richard H. Herold, of Somerville, N.J., Richard Heller, of Passaic, N.J., Cowles W. Herr, of Flemington, N.J., Roy J. Herrick, of Wood-Ridge, N.J., Edwina S. Hibel, of South River, N.J., Walter I. Hill, of Newton, N.J., Herman Erb Hillenbach, of East Orange, N.J., Louis H. Hollander, of Irvington, N.J., Lee A. Holley, of Orange, N.J., Emanuel A. Honig, of Franklin, N.J., Abram Edward Hook, of Franklin Lakes, N.J., Eugene J. Horn, of Bayonne, N.J., William R. Hozapfel, of Elizabeth, N.J., Eugene P. Hutchins, of Trenton, N.J., and Allan Horowitz, of Emerson, N.J., on motion of Mr. John J. Gibbons; Louis A. Imfeld, of Somerville, N.J., Nicholas D. Introcaso, Jr., of Jersey City, N.J., Herbert W. Irwin, of Pompton Plains, N.J., Gertrude Isaacson, of Bayonne, N.J., Hyman M. Jacobs, of East Orange, N.J., P. Phineas Jacobs, of Newark, N.J., Louis C. Jacobson, of Newark, N.J., Charles Henry James, of Wildwood, N.J., William J. Jantausch, of Newark, N.J., Charles W. Jennings, of Newark, N.J., Austin B. Johnson, Jr., of North Caldwell, N.J., Edward J. Johnson, Jr., of Middlesex, N.J., M. Bernadine Johnson, of Newark, N.J., Everett L. Jones, of Camden, N.J., Charles M. Judge, of East Orange, N.J., Jules M. Kahaner, of Camden, N.J., Leo Kahn, of Linden, N.J., Daniel W. Kamp, of Midland Park, N.J., Bernard A. Kannen, of Brick Township, N.J., Morris B. Kantoff, of Bergenfield, N.J., Bernard F. Kaplan, of Wayne, N.J., Mark D. Kaplan, of Trenton, N.J., Samuel Kaplan, of Carteret, N.J., Arthur M. Karl, of East Orange, N.J., William A. Kaufmann, of Hoboken, N.J., Robert E. Kay, of Wildwood, N.J., George J. Kenny, of Newark, N.J., Walter M. D. Kern, Jr., of Ridgewood, N.J., Howard H. Kestin, of Passaic, N.J., Isabelle L. Kirchner, of Newark, N.J., William L. Kirchner, Jr., of Newark, N.J., William P. Kirkpatrick, of Rumson, N.J., Frederick K. Klaessig, of Jersey City, N.J., S. Philip Klein, of Somerville, N.J., Robert S. Kleinberg, of Park Ridge, N.J., Sydney H. Kleinberg, of South Orange, N.J., Calvin S. Koch, of Kearny, N.J., Calvin S. Koch, Jr., of Kearny, N.J., Conrad N. Koch, of West Orange, N.J., Edward A. Kopper, of Woodbridge, N.J., Herbert Koransky, of New Milford, N.J., Donald L. Kovach, of Franklin, N.J., Robert B. Kroner, of West Orange, N.J., Edward E. Kuebler, of Newark, N.J., and Kenneth F. Kunzman, of West Orange, N.J., on motion of Mr. T. Girard Wharton; Anthony R. LaDuca, of Paterson, N.J., John J. LaFianza, Jr., of Jersey City, N.J., Joseph J. Lafrano, of North Arlington, N.J., Bruce LaSala, of Englewood, N.J., Lee B. Laskin, of Camden, N.J., Andrew Lawrie, of East Orange, N.J., Alex Lazorisak, of Suc-

casunna, N.J., Richard G. Leahey, of Shrewsbury, N.J., John W. Lebeda, of Caldwell, N.J., Veronica C. Gadomski-Leonard, of Linden, N.J., Lawrence Irwin Lerner, of Newark, N.J., Arthur J. Lesermann, of Hackensack, N.J., Joseph R. Letcher, of Ho-Ho-Kus, N.J., David Lev, of Fort Lee, N.J., Philip I. Levitan, of Newark, N.J., Jerome L. Liebowitz, of Englewood, N.J., Ruth Lipset, of Paterson, N.J., Robert P. London, of Clinton, N.J., Kent A. Losche, of Oakland, N.J., Constantine S. Loukedis, of Paterson, N.J., Benedict E. Lucchi, of Hackensack, N.J., LeRoy P. Lusardi, of Somerville, N.J., James A. Lynch III, of Newark, N.J., Brennan G. Lytle, of Lake Hopatcong, N.J., Joseph J. MacDonald, of Ridgewood, N.J., Kenneth C. MacKenzie, of Morristown, N.J., Alphonse R. Makowski, of North Plainfield, N.J., George D. Malliot, of Wood-Ridge, N.J., John M. Malkin, of Hackensack, N.J., Frank P. Mancino, of Trenton, N.J., Jack Mandell, of Newark, N.J., John N. Mandis, of Hackensack, N.J., James C. Mango, of Newark, N.J., Stanley Jay Mann, of Woodbridge, N.J., Joseph A. Manzione, of Colonia, N.J., Joseph Maran, Jr., of Newark, N.J., John B. Mariano, of Camden, N.J., Harold L. Marks, of Englewood, N.J., Anthony J. Marra, of Edison, N.J., Mark Marritz, of Haddonfield, N.J., John B. Marshall, of Mountainside, N.J., Angelo A. Mastrangelo, of Newark, N.J., J. Albert Mastro, of Bernardsville, N.J., Robert L. Mauro, of Long Branch, N.J., Leo B. Mazer, of Hackensack, N.J., Stephen P. McCarthy, of Bayonne, N.J., Peter J. McDonald, of Newark, N.J., George J. McGinnis III, of Trenton, N.J., E. Gerard McGovern, of Hackensack, N.J., Robert L. McManus, of Caldwell, N.J., and Eugene C. F. McVeigh, of Long Branch, N.J., on motion of Mr. Daniel L. Golden; John H. Mead, of Cape May, N.J., George Ed. Meehan, Jr., of Spring Lake, N.J., Jacob Mellinger, of Orange, N.J., Edward F. Menneti, of Camden, N.J., Anthony L. Mezzacca, of New Providence, N.J., Murray Milkman, of Metuchen, N.J., Robert S. Miller, of East Brunswick, N.J., Gordon A. Millspaugh, Jr., of Newark, N.J., Michael C. Mirk, of Bernardsville, N.J., R. Sar Mischiara, of Morristown, N.J., Howard S. Mitnick, of Madison, N.J., Walter E. Monaghan, of East Orange, N.J., Edward A. Mooney, of Short Hills, N.J., Francis X. Moore, of Red Bank, N.J., Donald E. Morrice, of Newark, N.J., John D. Morrison, of Wyckoff, N.J., Arthur S. Mott, Jr., of Somerville, N.J., John R. Mullen, of Bedminster, N.J., William F. Mullen, of New Brunswick, N.J., Edwin A. A. Muller, of Ridgefield, N.J., Edward F. Neagle, Jr., of Livingston, N.J., Leo Neiwirth, of Newark, N.J., Luke T. Nitti, of Newark, N.J., Richard A. Norris, of Somerville, N.J., William C. Nowels, of Asbury Park, N.J., Alfred S. Nugent, Jr., of Ridgewood, N.J., Kevin M. O'Halloran, of Washington Township, N.J., Harold S. Okin, of

Ridgefield, N.J., John M. O'Neill, of Harrison, N.J., Albert P. Opdyke, of Perth Amboy, N.J., Octavius A. Orbe, of Ridgewood, N.J., Michael A. Orlando III, of Camden, N.J., Laurence B. Orloff, of Newark, N.J., Alfred J. Orth, of Newark, N.J., Irving Ostrow, of Newark, N.J., Arthur A. Palmer, Jr., of Bernardsville, N.J., Edward J. Patten, of Perth Amboy, N.J., George L. Paulk, of New Brunswick, N.J., David Pavlovsky, of Fords, N.J., Owen C. Pearce, of Manasquan, N.J., Owen B. Pearce, of Manasquan, N.J., Gustave A. Pedute, of Jersey City, N.J., Brian J. Pendleton, of Mountain Lakes, N.J., James C. Pitney, of Newark, N.J., Serge P. Pizzi, of Morris Plains, N.J., Albert Platt, of Paterson, N.J., David A. Pressler, of Ridgefield, N.J., Sylvia B. Pressler, of Englewood, N.J., M. Jordan Price, of Union, N.J., and Dominick P. Preziosi, of New Milford, N.J., on motion of Mr. Charles L. Bertini; Martin J. Queenan, of Burlington, N.J., William F. Rabbat, of Paterson, N.J., Ira Rabkin, of Camden, N.J., Harry Randall, Jr., of Westwood, N.J., Anthony G. Rathe, of Hackensack, N.J., John G. Rathman, of Newark, N.J., William E. Reifsteck, of Haddonfield, N.J., Edward A. Reilly, Jr., of Asbury Park, N.J., Ralph Ricciardi, of Bloomfield, N.J., Frederick W. Richards, of Perth Amboy, N.J., Mabel L. Richardson, of Newark, N.J., Rushton H. Ridgway, of Vineland, N.J., Francis X. Rieger, of Wood-Ridge, N.J., Vincent Paul Rigolosi, of Garfield, N.J., Joseph A. Rizzi, of Fort Lee, N.J., James A. Robottom, of Bloomfield, N.J., Alan A. Rockoff, of Woodbridge, N.J., Charles Rodgers, of Hackensack, N.J., V. Seeley Romaine, of Montclair, N.J., Charles A. Rooney, Jr., of Montclair, N.J., Stephen Roseman, of Newton, N.J., A. Irving Rosenberg, of Union, N.J., William B. Rosenberg, of Manville, N.J., William M. Rosenblatt, of Camden, N.J., Donald Rosenfelt, of Paterson, N.J., Louis Phillip Rosenthal, of South Orange, N.J., Alfred Rossy, Jr., of Hopatong, N.J., Louis Rotberg, of Newark, N.J., Herbert R. Rothenberg, of Keyport, N.J., Alan B. Rothstein, of Rutherford, N.J., J. Mortimer Rubenstein, of Paterson, N.J., Stephen S. Rubins, of Wildwood, N.J., Robert A. Ruggiero, of Mountainside, N.J., John M. Running, of Ringwood, N.J., John H. Salaky, of Perth Amboy, N.J., James H. Sanderson, of Short Hills, N.J., David Sarbone, of Newark, N.J., Mordecai Sarbone, of Newark, N.J., S. Charles Savona, of Hackensack, N.J., Sidney I. Sawyer, of Keyport, N.J., William J. Scanlon, of Palisades Park, N.J., Robert B. Schachman, of Bloomfield, N.J., Ronald H. Schachman, of Newark, N.J., David B. Schackner, of Newark, N.J., Marvin E. Schaefer, of Wanamassa, N.J., Harry Schaffer, of Newark, N.J., Marilyn Loftus Schauer, of Newark, N.J., Michael Lawrence Scherby, of Ridgefield, N.J., Charles M. Schimenti, of Jersey City, N.J., Jan M. Schlesinger, of Mount Holly, N.J., Arthur T. Schmidt, of Montclair, N.J.,

Marvin Schondorf, of Newark, N.J., Edward M. Schotz, of Paterson, N.J., Richard R. Schwartz, of Belford, N.J., and John P. Scozari, of Trenton, N.J., on motion of Mr. Philip Dean Cohen; Mary Seidman-Brownlee, of Newark, N.J., John D. Seip, of Milford, N.J., Peter J. Selesky, of New Brunswick, N.J., Marshall Selikoff, of Freehold, N.J., Alastair J. Sellar, of Caldwell, N.J., Samuel J. Serata, of Bridgeton, N.J., Jack E. Shames, of Hazlet, N.J., Barry W. Sirota, of Lyndhurst, N.J., Samuel J. Sirota, of Newark, N.J., Harold J. Sklarew, of New Brunswick, N.J., George W. Slingland, of Ridgewood, N.J., Wendell A. Smith, of Stony Brook, N.J., Harold G. Smith, of Madison Township, N.J., Caryl J. Sonnabend, of Sparta, N.J., Samuel J. Spagnola, of Newark, N.J., I. Oscar Spevack, of Perth Amboy, N.J., Henry M. Spritzer, of New Brunswick, N.J., Mark L. Stanton, of Piscataway, N.J., Reginald Stanton, of Morristown, N.J., Joel J. Steiger, of Paterson, N.J., Joseph LeVow Steinberg, of East Orange, N.J., Donald A. Sterling, of Leonia, N.J., Marvin A. Stern, of Passaic, N.J., Edward E. Stover, of Plainfield, N.J., June Strelecki, of Irvington, N.J., Maurice R. Strickland, of Orange, N.J., John V. R. Strong, of New Brunswick, N.J., Edward M. Sullivan, of Plainfield, N.J., John J. Sullivan, Jr., of Bogota, N.J., Frederick G. Sundheim, of Hackettstown, N.J., Samuel L. Supnick, of Camden, N.J., Richard C. Swarbrick, of Piscataway, N.J., Irving Tabman, of Old Bridge, N.J., Uri H. Taenzer, of Cinnaminson, N.J., Ronald L. Taht, of Ocean City, N.J., Francis J. Tansey, of Newark, N.J., Joseph Tenebaum, of Cape May, N.J., Richard H. Thiele, Jr., of Somerville, N.J., Richard B. Thomas, Jr., of Morristown, N.J., John J. Timmons, of Collingswood, N.J., Daniel B. Toll, of Haddon Township, N.J., William L. Tredway, of Chester, N.J., John W. Trimble, of Woodbury, N.J., Carl T. Valenti, of New Brunswick, N.J., George van Hartogh, of Pompton Lakes, N.J., Fred G. Van Riper, of Ridgewood, N.J., John Varjabedian, of Haddonfield, N.J., Alfonso C. Viscione, of Orange, N.J., and Thomas V. Vogel, of Newark, N.J., on motion of Mr. George M. Hillman; Roy Baylinson, of Atlantic City, N.J., Clarence Blitz, of Atlantic City, N.J., David R. Brone, of Margate City, N.J., Maurice Y. Cole, Jr., of Brigantine, N.J., Samuel Epstein, of Atlantic City, N.J., David Reed Fitzsimons, Jr., of Atlantic City, N.J., Leonard C. Horn, of Atlantic City, N.J., Alfred H. Katzman, of Atlantic City, N.J., Howard Kupperman, of Atlantic City, N.J., Michael M. Land, of Atlantic City, N.J., Wm. Goddard Lashman, of Atlantic City, N.J., Robert N. McAllister, Jr., of Atlantic City, N.J., Henry P. Megargee, Jr., of Brigantine, N.J., John A. Miller, of Atlantic City, N.J., Robert Neustadter, of Atlantic City, N.J., M. Milton Singer, of Atlantic City, N.J., David A. Spitalnick, of Atlantic City, N.J., Robert H.

Steedle, of Atlantic City, N.J., Eugene Tighe, Jr., of Atlantic City, N.J., Milton D. Valentine, of Pleasantville, N.J., Carl Valore, Jr., of Atlantic City, N.J., Irving Youngelson, of Dover, N.J., Leonard J. Zaremba, of Perth Amboy, N.J., Gerald M. Zashin, of Newark, N.J., Richard B. Wachenfeld, of Fair Haven, N.J., Walter F. Waldau, of Newark, N.J., Julius Waldman, of Atlantic City, N.J., Eugene E. Wales, of Camden, N.J., Donald H. Ward, of Point Pleasant Beach, N.J., John Warren, Jr., of Red Bank, N.J., David B. Wasserman, of Bloomfield, N.J., Palmer M. Way, Jr., of Wildwood, N.J., Edward L. Webster, Jr., of Kendall Park, N.J., Murray D. Weingartner, of Perth Amboy, N.J., Jack Marvin Weiner, of Camden, N.J., Gerald Weinstein, of Atlantic City, N.J., Lawrence Weintraub, of Englewood, N.J., Stephen Gerald Weiss, of Paterson, N.J., Arthur N. Weitz, of Englewood, N.J., Charles M. Welch, of Fair Lawn, N.J., Robert J. Westbye, of Ridgewood, N.J., Harry E. Westlake, Jr., of New Shrewsbury, N.J., James E. Wilson, of Caldwell, N.J., Hervey F. Winant, of Belleville, N.J., Mayer L. Winograd, of Jersey City, N.J., Francis P. Witham, of Hackensack, N.J., Anthony Witowsky, Jr., of Livingston, N.J., Charles C. Wohlreich, of Maplewood, N.J., Walter T. Wolf, of Moorestown, N.J., John D. Wooley, of Manasquan, N.J., and Jacob Wysoker, of Highland Park, N.J., on motion of Mr. Franklin Haywood Berry; and Luke Joseph Antonacci, of Hoboken, N.J., Andrea Cafiero Balliette, of Cape May Court House, N.J., William Markes Balliette, Jr., of Cape May Court House, N.J., Philip Gilbert Becker, of Matawan, N.J., Harry R. Bloom, of Bayonne, N.J., Nicholas A. Ciufi, of Newark, N.J., Albert J. Cummings, of Glen Rock, N.J., Genevieve Flicker, of Newark, N.J., William Fogel, of Newark, N.J., Allen S. Goldberger, of Newark, N.J., Charles A. Lamby, Jr., of Roseland, N.J., Arthur A. Otchy, of Tenafly, N.J., Edward Piechota, of Wallington, N.J., Norman Robbins, of Woodbridge, N.J., Seymour Rudenstein, of Orange, N.J., Frederick H. Samuels, of South Orange, N.J., Alfred D. Schiaffo, of Hackensack, N.J., Jack M. Schnoll, of Parlin, N.J., Ishmael Sklarew, of New Brunswick, N.J., E. Marco Stirone, of Morristown, N.J., Jack Trugman, of Newark, N.J., Richard D. Van Horn, of Hope, N.J., and Walter M. Weber, Jr., of Ramsey, N.J., on motion of Mr. Philip Dean Cohen, 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. 887. Walter Francis Riggan, petitioner, *v. Virginia*. On petition for writ of certiorari to the Supreme Court of Appeals of Virginia. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Clark, with whom Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 893. I. L. Clayton, Commissioner of Revenue of North Carolina, appellant, *v. United States*. Appeal from the United States District Court for the Eastern District of North Carolina. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 1054. The Children of Israel et al., appellants, *v. Saul Tamarin et al.* Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1077. Kenneth Baer, appellant, *v. New York*. Appeal from the County Court of Onondaga County, New York. 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. 1115. United States, appellant, *v. I. L. Clayton, Commissioner of Revenue of North Carolina*. Appeal from the United States District Court for the Eastern District of North Carolina. The appeal is dismissed. Opinion *per curiam*.

No. 1218. Texas, appellant, *v. United States*. Appeal from the United States District Court for the Western District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black dissents for the reasons given in his dissenting opinion in *Harper et al. v. Virginia State Board of Elections et al.*, No. 48, October Term, 1965, decided March 24, 1966. Mr. Justice Harlan dissents for the reasons given in his dissenting opinion in *Harper et al. v. Virginia State Board of Elections, et al.*, No. 48, October Term, 1965, decided March 24, 1966, with whom Mr. Justice Stewart joins.

No. 1250, Misc. Thomas A. Westbrook, petitioner, *v. Arizona*. On petition for writ of certiorari to the Supreme Court of Arizona. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the

Supreme Court of Arizona for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 18, Original. State of Illinois, plaintiff, *v.* State of Missouri.

IT IS ORDERED that the Honorable Sam E. Whitaker, Senior Judge of the United States Court of Claims, be, and he is hereby appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

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

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

No. 876. National Labor Relations Board, petitioner, *v.* Acme Industrial Co. The motion of The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, AFL-CIO, for leave to intervene is granted.

No. 959. Bruce Baines et al., petitioners, *v.* City of Danville, Virginia. The motion to advance is denied.

No. 1181. Charles Robert Anders, petitioner, *v.* California. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Ira Michael Heyman, Esquire, of Berkeley, California, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 1221, Misc. Edward F. Thomas, petitioner, *v.* Frank J. Pate, Warden. The respondent is requested to file a response to the petition for rehearing in this case within thirty days.

CERTIORARI GRANTED

No. 875. The First National Bank of Logan, Utah, petitioner, *v.* Walker Bank & Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit;

No. 1009. First Security Bank of Utah, N. A., petitioner, *v.* Commercial Security Bank. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit; and

No. 1126. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Commercial Security Bank. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petitions for writs of certiorari granted. Cases consolidated and two hours allotted for oral argument.

No. 1109. Obed M. Lassen, Commissioner, State Land Department, petitioner, *v.* Arizona ex rel. Arizona Highway Department. Petition for writ of certiorari to the Supreme Court of Arizona granted and case placed on the summary calendar.

No. 1129. Roy Walker, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 1028. Louis Lesser et ux., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1029. Fred B. Black, 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. 1059. W. H. Pat O'Bryan, petitioner, *v.* Stephen S. Chandler. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1092. Universal Marion Corporation, petitioner, *v.* The Warner & Swasey Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1108. Bridget Barron, etc., et al., petitioners, *v.* Karina T. Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1110. Richard Ash, petitioner, *v.* International Business Machines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1117. Isabel Carmen Sauri Tyrell et al., petitioners, *v.* Francisco and Benedicta Rosario Sauri, represented by their father, Francisco Rosario. Petition for writ of certiorari to the Superior Court of Puerto Rico, Ponce Part, denied.

No. 1119. Virginia Richmond, petitioner, *v.* Albert Weiner, as Executor of the Estate of Harry Soforenko. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1122. Mae Mallory et al., petitioners, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1124. Biggs Rental Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1131. The Franklin Life Insurance Company, petitioner, *v.* William J. Champion and Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1132. Betty Solomon, petitioner, *v.* Liquor Control Commission. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1134. Francis J. Dugan, petitioner, *v.* Paul H. Nitze, Secretary of the Navy, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1144. World Wide Television Corporation et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1145. Mattel, Inc., petitioner, *v.* Theodore R. Duncan et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1150. Allen Wilson Gills, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1185. Meyer Zausner Sales, Inc., petitioner, *v.* Orville L. Freeman, Secretary of Agriculture of the United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1096. Charles Lance, Jr., petitioner, *v.* Lucille Plummer et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Dissenting opinion by Mr. Justice Black:

Now and then the Court refuses to review a case which raises issues of such great importance that I feel constrained to record my own belief that the case should be heard. This is one of those cases. These important issues in the case arose this way:

Upon petition of respondents a United States District Court in Florida granted an injunction which, among other things, ordered a number of certain named defendants not to "interfere with, molest, threaten, intimidate or coerce" Negroes who sought to and used public accommodations in St. Johns County. The order for injunction also provided that its prohibitions would be applicable to and enforceable

against "any other person to whom notice or knowledge of this Order may come." Petitioner Lance, a Florida deputy sheriff, duly appointed by the sheriff of St. Johns County, as authorized by state law, was not named in the complaint as one of the defendants against whom the injunction was directed. Shortly after the injunction was entered, however, an affidavit was filed in the District Court charging that Lance violated the court's order by following and threatening a Negro who had tried to register at a local motel. On the afternoon of Saturday, August 15, Lance was served with an order to show cause on the following Monday why he should not be punished for contempt. He did appear, the judge found that he had knowledge of the injunction, held him guilty of contempt, ordered him to pay \$200 fee to the plaintiff's lawyers, surrender his badge, resign his position as a Florida deputy sheriff and "no longer act under any color, guise, or pretense as a law enforcement or peace officer." The Court of Appeals affirmed the judgment of contempt but modified the order so that Lance was prohibited from serving as a sheriff only until some later date when he could satisfy the District Judge that he would in good faith comply with the terms of the order. 353 F.2d 585.

Lance first contends that the District Judge exceeded his authority in attempting to make his injunction binding not only on the named defendants who were parties to the lawsuit but also on all persons who had notice of the order. This Court, speaking through Mr. Justice Brandeis, held in *Chase National Bank v. Norwalk*, 291 U. S. 431, that it was a violation of "established principles of equity jurisdiction and procedure" for a court to make its order apply to persons who were not parties but who merely had notice of the order. See also *Kean v. Hurley*, 179 F. 2d 888 (C. A. 8th Cir.). Likewise, Rule 65(d) Fed. Rules Civ. Proc. would seem to bar such an order.¹ The summary contempt power of courts is a very limited one and the apparent conflict between what the court did here and what this Court in *Chase* said a district court could not do, is too important to liberty to leave this judgment standing without review.

The significance of this case, however, does not lie merely in the District Court's questionable assumption of jurisdiction to bind Lance by its injunction, but it is the manner in which the courts below exercised the power to punish for contempt that makes this case peculiarly appropriate for review here. The question of the punishment here is even more important because it is imposed not after a full trial with all the constitutional Bill of Rights' guarantees but after a summary

¹The rule provides in part that all orders granting injunctions are "binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise." There was no finding below that Lance was in any way an agent or was acting in concert with any of the defendants who were ordered not to intimidate or coerce Negroes.

contempt proceeding in which a single judge lays down the law, prosecutes those whom he believes disobey it, passes judgment on the alleged violations, and finally imposes punishment as he sees fit. See *Green v. United States*, 356 U. S. 165, 198 (dissenting opinion).

By ordering this state officer to surrender his badge and resign from his state office, the District Judge below assumed for the federal judiciary a new, unprecedented, and, I believe, highly dangerous power. To give federal judges such authority seems not only completely out of place in our federal form of government but it at least comes perilously close to violating the constitutional obligation of the Federal Government to guarantee to every State a republican form of government. Subjecting a state official's tenure of office to the discretion of the federal judiciary makes state officers responsible not to the people of the State but instead to federal judges who, according to the holding here, may oust them from their state office without even so much as a simple notice to the State whose officers they are. I cannot help but believe that the legislators who passed the 1964 Civil Rights Act will be greatly surprised if not shocked to learn that by passage of that law they empowered federal judges to remove state officers without even giving these impeached officers a trial by jury. Federal courts have heretofore been reluctant to exercise equity powers to interfere with a State's governmental operations. See, e.g., *Douglas v. Jeannette*, 319 U.S. 157 (refusal to enjoin criminal prosecutions); *Walton v. House of Representatives*, 265 U.S. 487 (refusal to enjoin the removal of state official from office). No reason is given by the courts below for not respecting the authority of a State to conduct its governmental operations by agents responsible to the people of the State. There is no suggestion that the traditional remedies for contempt are inadequate in this case. And no one claims that this new federal-judge power to remove state officers is necessary to enforce the salutary provisions of the 1964 Civil Rights Act. It is clear that the judge's order here provides complete protection to the plaintiff's rights without that part compelling the State's deputy sheriff to hold his job at the pleasure of the United States judges.

I regret that the Court refuses to review this case in order to make it clear to all the people just how far this new contempt power of federal judges goes. Here it is only an appointed deputy sheriff that is removed from office, but if this new contempt enforcement power is legal I can think of no reason why it cannot be used against more important state officials whether elected or appointed. If federal judges can remove sheriffs why not members of the state legislatures, state judges, and why not even state governors? In considering the importance of this power to remove state officers, it is highly relevant that this new power jeopardizes not merely officers in a few States,

but threatens every state officer in every State from Florida to Alaska, from Maine to California and Hawaii. In order to protect the rights of citizens to vote in state elections this Court recently announced the constitutional principle of "one person, one vote." It seems a little early to graft onto that principle a new one giving United States judges the power to remove state officials chosen by the people in strict accordance with the "one person, one vote" principle.

MR. JUSTICE HARLAN: This is one of those rare instances in which I feel justified in noting my dissent to the action of the Court on a petition for certiorari, not involving an adjudication on the merits. I fully share by Brother BLACK's view that the issues in this case are important and that certiorari should be granted.

No. 851, Misc. Louis Jackson, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1253, 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. 1260, Misc. Leonard Price, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1332, Misc. Albert Mintzer, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1362, Misc. Gerald Procella, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1363, Misc. David G. Guymon, petitioner, *v. Lawrence E. Wilson, Warden*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1374, Misc. Johnson Moore, petitioner, *v. California et al.* 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. 987, Misc. David George Fadely, petitioner, *v. California et al.*; and

No. 1157, Misc. William M. Bradford, petitioner, *v. Edward J. Hendrick, Superintendent*. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 49. Edward Mishkin, appellant, *v.* New York;

No. 347. In the Matter of the Application of Frederick C. Foster, petitioner;

No. 694. Warren W. Perry, petitioner, *v.* Commerce Loan Company;

No. 932. Leonard S. Goodman et ux., petitioners, *v.* Charles J. Futrovsky et al.;

No. 986. Louis Fried, petitioner, *v.* Brooklyn Bar Association;

No. 1038. Robert C. Grasberger, Trustee in Bankruptcy, et al., petitioners, *v.* Louise C. Calissi, Executrix, etc., et al.;

No. 1009, Misc. Walter E. Michaels, petitioner, *v.* United States; and

No. 1262, Misc. Louis C. White, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petitions for rehearing denied.

No. 42. Ralph Ginzburg et al., petitioners, *v.* United States. Motion of Ernest Angell et al., for leave to file a brief, as *amici curiae*, in support of petition for rehearing granted. Petition for rehearing denied.

No. 843. Paul Ginsburg, petitioner, *v.* Bonn Kraus Ginsburg and John Paul Ginsburg, etc. Petition for rehearing sur motion to remand denied.

Mr. Solicitor General Marshall addressed the Court as follows:

“Mr. Chief Justice, may it please the Court:

“A meeting of the Bar of the Supreme Court was held at 11:00 this morning in honor of the memory of Mr. Justice Sherman Minton. Dean Leon H. Wallace of the School of Law of Indiana University was selected as chairman of the Resolutions Committee, and Honorable John F. Davis was selected as secretary of that meeting.

“The resolutions unanimously adopted are as follows:

“RESOLUTIONS

“On behalf of the Bar of the Supreme Court, we have met to record our respect and our regard for Sherman Minton, Justice of the Supreme Court of the United States for seven years from 1949 to 1956. His death on April 9, 1965, has saddened the members of the profession, his friends, and those others everywhere who admired him.

“Sherman Minton was born October 20, 1890, in the hill hamlet of Georgetown, Indiana, near the winding Ohio River across from

Louisville, Kentucky. It was a region of great natural beauty but little prosperity. John Minton, the father of Sherman, had known a boyhood made destitute by the death of his own father as a Union soldier, who left a widow and five small children, of whom the baby John was the youngest. When John married Emma Lyvers, the young couple had no worldly goods, and the total of their formal schooling was but five years.

“John and Emma Lyvers Minton became the parents of four children, a daughter Ivy, and three sons, Herbert, Sherman and Roscoe. John Minton earned a living as a marginal farmer and as a laborer on the Air Line Railroad. In this latter employment, he suffered a sunstroke from which he never entirely recovered. Within the next year, when Sherman Minton was a boy of nine, his mother died of cancer.

“A few years later, the older brother, Herbert, went to Fort Worth, Texas. Sherman had continued in school through the eighth grade. With boundless energy, more mischief than most, but with some inner compulsion to learn, he went through the eighth grade again, not because he had to, but because there was no place else to go.

“Shortly after this, Sherman, eventually his father and the other children also migrated to Texas to join Herbert. There Sherman, who had been earning money in any available job since he was eight years old, worked for Swift and Company, trimming neckbones and carrying boxes. He saved his meager wages in order to return to New Albany, in the county of his birthplace, and finish high school.

“After further work and saving, he entered Indiana University, where among his student friends were Paul Vories McNutt and Lewis Wendell Willkie. While he studied, he also worked, and played varsity football and baseball, sports in which he retained a great interest throughout his life. In 1915, he received his Bachelor of Laws degree, first in his class, and with highest distinction.

“Awarded a major scholarship by the Association of American Law Schools, he went on to Yale Law School, studying constitutional law under a former President and future Chief Justice, William Howard Taft. He received his Master of Laws degree with distinction in 1916. While at Yale he helped found the Yale Legal Aid Society. During the year, he had questioned the soundness of a decision upholding the confiscation of nets owned by fishermen convicted of seining in navigable waters. Professor Taft concluded the discussion by remarking, “I’m afraid, Mr. Minton, that if you don’t like the way this law has been interpreted, you will have to get on the Supreme Court and change it.”

“At the end of summer, 1916, Minton started to practice law in New Albany, but in May, 1917, went to Officers Training Camp at Fort Benjamin Harrison, near Indianapolis, and received his captain’s

commission in due course. On August 11, 1917, after almost ten years of courtship, he married his high school sweetheart, Gertrude Gurtz.

“‘ In July 1918, he went to France with the 84th Division. Detached from his Division, he was assigned to do general staff work in and near the Argonne Forest. After the Armistice he was transferred to the 33rd Division.

“‘While he was in France, his wife had returned to live with relatives in New Albany, where in the spring of 1919, their first son, Sherman, was born.

“‘For several months after the Armistice, Captain Minton had the opportunity to take special law courses in the Faculté de Droit at the Sorbonne in Paris, studying International Law, Roman Law, Civil Law and Jurisprudence under internationally known French teachers. He was at Versailles on June 28, 1919, when the Versailles Treaty was signed. He returned to the United States and was discharged in the fall of 1919.

“‘Before re-entering the practice of law, he ran for the Democratic nomination for Congress in his district, in early 1920, but was defeated.

“‘Minton’s sense of humor included an ability to laugh at himself. One of his favorite anecdotes concerned an early client, a pauper, charged with a serious crime, whom the local judge had appointed young Minton to defend. He had a long interview with his client at the jail on the afternoon before the day the case was set for trial. After the interview, the client brooded over the problem of whether to put his life in the hands of this energetic young lawyer, or to place his trust and confidence elsewhere. That night, he broke jail and escaped.

“‘Some two years later, the firm of Stotsenberg, Weathers and Minton was created in New Albany. Stotsenberg was a former state attorney general, and Weathers had earned the reputation of being an excellent jury lawyer. During the next three years, Sherman Minton became known as an outstanding trial lawyer. During these years Mrs. Minton gave birth to a daughter, Mary Anne, and another son, John.

“‘Restless, however, as a small town lawyer, Minton in 1925 accepted an offer to become associated with the firm of Shutts and Bowen, in Miami, Florida, and became a partner the following January. He handled the bulk of the firm’s trial work. In those years, Miami was a bustling boom town, but both Minton and his family were dissatisfied with it, and with living conditions in general. With the deflation of the land speculation already apparent, the Mintons returned to New Albany in 1928, and he rejoined his former partners.

“‘In 1930, Minton was again defeated for the Democratic nomination for Congress. Shortly after this, he joined a group of fellow

Legionnaires to promote the candidacy for the governorship of Indiana of his old college friend, Paul V. McNutt, then dean of Indiana University School of Law, who had served as both State Commander and National Commander of the American Legion.

“After McNutt’s election to the governorship in 1932, he asked Minton to serve in the newly created post of Public Counselor of the Public Service Commission of Indiana, which involved representing the consuming public in matters concerning public utilities. Minton accepted. Being monopolies, the utilities had not moved to reduce their rates to correspond with the general price decline of the depression years.

“Instead of attempting to prove that utility rates were too high, Minton asked the Commission to require the utilities to show cause why their rates should not be reduced. The Commission complied. Thereafter, the utilities negotiated rate reductions with the state administration, which culminated in savings to the consuming public of more than \$3,000,000 annually. For this, McNutt was careful to give Minton public credit.

“In 1934, with considerable administration support, Minton received the Democratic nomination for the United States Senate on the fourth ballot of the state convention. His opponent in the election was the incumbent, Arthur Robinson. After a spirited campaign, Minton was elected to the United States Senate by a majority of 60,000.

“Early in 1935, Sherman and Gertrude Minton and their three children, now aged 15, 11, and 9, went to Washington. Among his new companions and friends were Senate Majority Leader Joe Robinson of Arkansas, Senator Byrnes, Senator Borah, Senator Norris, and another newcomer, who occupied the seat next to him for six years, Harry S. Truman.

“In the Senate, Sherman Minton was a partisan, an advocate, and fought hard and effectively for the often mist-shrouded, but nevertheless discernible goals of the New Deal. Reared on Populism and poverty, to him these goals were the legitimate ends of government, operating under a Constitution, to serve the people, not to enslave them.

“However, Minton had some misgivings. As a member of the Senate committee considering what became the Bituminous Coal Conservation Act, he expressed doubt, in one of the public hearings, of its constitutionality, in the light of recent Supreme Court decisions. His appraisal brought forth nothing by heavy silence from John L. Lewis, who was present. Nevertheless, when the bill reached the floor of the Senate, Minton advocated its passage with his customary energy.

In the following year, this act was declared unconstitutional, as Minton's earlier analysis had foretold.

"With equal vigor, he defended farm and labor programs, and other social reforms which thrust government into economic affairs. His political philosophy on these matters was expressed years later, after his retirement, in defending federal aid to education, when he asked: "After all, what is government but we, the people?"

"His position on the National Labor Relations Act and other labor legislation could never have been in doubt. He accepted "big management" as a fact, and did not try to break it up. He advocated rather a countervailing power to be exercised fairly on labor's side.

"He supported strongly President Roosevelt's proposal to reform the Supreme Court in 1937, which came to an inconclusive end—possibly a victory for both sides. Shortly afterward, Senator Minton referred good-humoredly to "the Constitution of 1937 and not the Constitution of 1936."

"He served first as a member, later as chairman, of a five man Lobby Investigating Committee to consider, among other things, matters which led to legislation requiring the dissolution of public utility holding companies whose existence could not economically be justified. Here he encountered his old law school friend, Wendell Willkie, whose name, in the intervening years, had been slightly changed; whose political philosophy had been more than slightly changed; and whose subsequent candidacy for the Presidency in 1940 would contribute greatly to Minton's defeat for reelection to the Senate.

"This investigation of lobbying practices, and the tendency of some newspapers to publish propaganda of doubtful accuracy as a fact, particularly in the fight against the utility holding company bill, brought about a bitter clash between the Committee, enthusiastically led by Minton, and the nation's press. Minton came out second best, but undismayed. For this, some of the press never forgave him.

"The likelihood of defeat, however, never inhibited Senator Minton from supporting what he thought was right. In advocating a federal anti-lynching bill, he said, "I am interested in State rights; but I am much more interested in human rights."

"He served effectively for a time as assistant Democratic Whip in the Senate; and upon the death of Senator Lewis of Illinois, Minton was chosen to succeed him as the Whip.

"In his last year in the Senate, he was engrossed more and more with the impending danger of the involvement of this country in war. He was increasingly concerned about the danger of "fifth-columnists", and supported the Smith Act. He also advocated preparedness, and the Selective Service Act, positions which did not endear him to many of his Indiana constituents.

“Whereas in 1934, Minton’s opponent had in effect been compelled to run against Franklin Roosevelt, in 1940, the tables were turned, and Minton was forced to run against Wendell Willkie. As a result, both Willkie and Minton’s opponent, Raymond Willis, publisher of a small town newspaper in the northeast corner of the state, carried Indiana on November 5 by about 25,000 votes.

“Out of a job, Minton accepted Roosevelt’s offer in January, 1941, to be one of five special administrative assistants to the President. His principal duty was to serve as a liaison between the President and the Democratic leaders of the Senate. However, he never became a close confidant of the President. Perhaps his most significant contribution in that post grew out of a conference with Senator Byrnes concerning the choice among three proposed resolutions calling for an investigation of defense plants. The importance of the selection lay in the fact that the sponsor of the resolution recommended would be chairman of the new committee created. Senator Truman’s resolution was agreed on, and Minton wrote a memorandum to the President recommending administration support for it, to which the President agreed. After the election of 1944, Minton sent Truman a copy of his 1941 memorandum with his own personal note: “Here’s how Vice Presidents are made.”

“In May 1941, after serving only slightly more than four months, Minton took a memorandum to the President’s desk one afternoon, delivered it, and after a brief conversation, turned away to leave, when the President stopped him, and asked, casually, “By the way, Shay, would you be interested in that vacancy in the Seventh Circuit?”

“In a few days, his appointment to the federal court was approved by the Senate without controversy.

“The Mintons returned to New Albany, where they bought a beautiful home in Silver Hills. This house, high above the Ohio River, was to remain the family home throughout the years. Judge Minton rented an apartment in Chicago, making the long trip home as a commuter on many week ends.

“During the next eight years, Judge Minton wrote more than two hundred opinions for the Court.

“One group of cases in which he participated involved the application of the Sherman Act. The difficulty in deciding these was largely in applying the proscriptions of the Act against alleged combinations for price-fixing. Sometimes, the greatest problem was the formulation of an appropriate remedy to break up the tainted combination, to strip the offenders of their wrongful profits, and to restore free competition. Judge Minton carefully spelled out what the courts were trying to do, when he observed: “The decree may very properly be used to destroy the conspiracy, root, branch, and all its evil fruits, but it may not be used to redress the economic balance between the

plaintiffs and the said defendant without a finding that the difference was related directly to the conspiracy. * * * The plaintiffs have a right to compete for any playing position, but they have no right to be awarded and protected by decree in any certain position."

"More interesting and revealing was a series of opinions he wrote involving the problems of price discrimination, specifically outlawed by the Clayton Act and the amendments embodied in the Robinson-Patman Act. Here again the difficulty was the proper application of the law to the particular facts. As Judge Minton learned in connection with his last opinion on this subject in the Court of Appeals, that proper application was what five Justices of the Supreme Court found it to be.

"In Labor Board cases, Minton was willing to give the Board considerable latitude, but on occasion, he reminded the Board, as he did other administrative agencies, that: "We recognize the exclusive right of the Board to draw inferences, but there must be some evidence from which the inference can be drawn."

"His record in various aspects of civil rights was clear and consistent. Freedom of speech must be balanced against other competing rights. Searches and seizures must be truly unreasonable to invoke the protection of the Fourth Amendment. Guilt must be based on more than a "robust suspicion."

"His opinions in the Court of Appeals were clear sometimes dry analyses of the facts and the applicable law—not necessarily the law as he thought it ought to be, but as he thought it was.

"One bright, warm day in mid-September, 1949, Judge Minton, relaxed in his favorite chair on the front porch of his home in Silver Hills, was peacefully reading, resting after a trying year on the Court, and enjoying the interlude at home before the time came to return to Chicago. He was called to the telephone. A crisp voice greeted him, and, without further preliminaries, asked him if he would consent to having his name sent to the Senate for "that vacancy on the Court." The voice was that of the President of the United States.

"By virtue of the "special trust and confidence" placed in him by President Truman, Sherman Minton took his place on the Supreme Court of the United States on October 12, 1949.

"Mr. Justice Minton brought to the Court those qualities of integrity and industry which had characterized his life. The dour judicial face, assumed on the bench and for official portraits, gave little hint of the delightful story-teller, the man of great warmth and deep compassion. He had fought for everything he advocated. From boyhood he had striven to gain the knowledge and competence which had brought him to this place. He had an abiding faith in the people and a belief that government is "We, the people," but he had also a

firm conviction that it must be a government of law, which the people through their representatives had created, and which it was his task to help to interpret and apply.

“In considering the problems of federal regulation of business, Mr. Justice Minton stressed the literal language of the particular statute, and gave little weight to outside considerations bearing on the intent of Congress. He was reluctant to nullify state regulation of local incidents of interstate commerce, unless the state regulation clearly conflicted with the federal one, or unless Congress had made it unmistakably plain that it intended to occupy the field.

“For him, picketing was one form of communication protected by the Constitution as freedom of speech, but he was inclined to allow the states considerable power to restrain picketing in order to preserve other public policies which they recognized as important.

“He adhered to traditional views in respect to the general lack of power of the states to tax interstate commerce and federal instrumentalities.

“In criminal cases, also, he stressed a literal interpretation of unambiguous language, while insisting that criminal statutes should be construed strictly in favor of the defendant. As to procedural defects, Justice Minton’s position was: “A defendant is entitled to a fair trial but not a perfect one.”

“However, where aliens were concerned, he wrote: “* * * whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned.” Where the question involved deportation of an alien criminal, he observed, in dissent: “I know of no good reason why we should by strained construction of an Act compel the United States to cling on to alien criminals.”

“In labor cases, his concern was more for a strict interpretation of expressed Congressional intent than for an effort to formulate desirable policy by way of judicial construction. But he urged that: “An employer may not stake out an area which is a proper subject of bargaining and say, ‘As to this, we will not bargain.’ * * * If employees’ bargaining rights can be cut away so easily, they are indeed illusory.”

“In general, he deferred to administrative interpretations based upon experience and expert knowledge, but objected to changes in those interpretations when the earlier ones had been relied on. However, he was not impressed by an administrative construction of particular statutory provisions where there could be reasonable differences of opinion concerning Congressional intent.

“He joined in the plurality opinion which upheld the conviction of the “first string” of the American Communist Party on evidence which supported the finding that the defendants were involved in a closely knit conspiracy to overthrow the Government by force whenever there appeared to be a reasonable chance to do so, in violation of

the Smith Act, for which he had voted as a Senator. But when Pennsylvania's statute prohibiting conspiracies to overthrow the state or federal government was found to be invalid insofar as it concerned conspiracies against the federal government, he joined the dissent to the Court's opinion which held that Congressional action in that situation had pre-empted the field.

"In the first of these cases, Justice Minton supported the power of the Federal government to restrict individual freedom; in the second, he demonstrated his preference for recognizing state power unless it had clearly been barred by Congressional action. His positions in these cases reflected his attitudes on a number of others, in some of which he wrote the Court's opinion.

"He was one of the unanimous Court holding racial segregation in primary and secondary schools unconstitutional. He wrote for the Court in holding unconstitutional a state court's award of contract damages for violation of a racially restrictive covenant.

"To Justice Minton, most of these great constitutional issues which came before the Court involved the delicate balancing of power exercised by the government—the determination of which of conflicting concepts should prevail. As one commentator, who had for him a deep respect and affection, has put it:

"Justice Minton made perfectly plain his position with respect to these problems of power. That many disagree is not surprising in view of the importance of the conflicting considerations competing for supremacy. * * * In his admirable desire to maintain consistency in the law, and his resulting heavy reliance on prior authority, he may have occasionally thwarted natural judicial developments justified by changing conditions in a dynamic world. Nevertheless, in his resolution of the problems of power, and in his recognition of limitations on the power of the Court itself, his overall performance was commendable. * * *"

"By 1956, the pernicious anemia which had plagued him since it first struck him down in 1943 had progressed to the point where it affected his physical balance, and he feared it would diminish his productive capacity on the Court. Late in the summer of 1956, he announced his retirement.

"He and Mrs. Minton returned once more to Silver Hills. Retirement gave him more time for friends and family, and for enjoying the grandchildren whose presence brought always happiness and delight.

"On occasion he visited Indiana University, where he had been named Professorial Lecturer in Law.

"In 1959, the Mintons traveled around the world, a trip highlighted by a visit to their son and his family in Pakistan where Sherman, Jr., a doctor and professor of medicine, was taking part in a medical

research project. Though his health was deteriorating, he nevertheless kept in correspondence with his many friends until a few days before his death.

“To the end, he remained true to his fiercely held democratic ideal. It would be untruthful to say that he had ever belonged to one bloc or another—he was always Sherman Minton.

“It is accordingly fitting and proper that we members of the bar of the Court should submit the following resolutions.

“We do

“*Resolve* that we, the bar of the Supreme Court of the United States, express our deep sorrow at the death of Justice Sherman Minton, and our grateful appreciation for his long years of public service, as an officer in the armed forces, and in high positions in the Executive, Legislative and Judicial branches of his State and National governments, culminating with his work as a Justice of the Supreme Court, always forthright and incapable of guile or deceit.

“*It is further Resolved*

“That the Solicitor General be asked to present these Resolutions to the Court, and to ask that they be inscribed upon its permanent records, and that copies of these Resolutions be forwarded to his widow, Mrs. Sherman Minton, and his children, Dr. Sherman Minton, Jr. of Indianapolis, Indiana, Mrs. John H. Callanan, of Silver Spring, Maryland, and John E. Minton, of Washington, D.C.’”

Mr. Attorney General Katzenbach addressed the Court as follows:

“Mr. Chief Justice, May It Please the Court:

“The Bar of this Court assembled this morning to honor the memory of Sherman Minton, whose seven distinguished terms as an Associate Justice of this Court culminated a lifetime of devoted service to his State and Nation. On this Court, as in the other positions of trust he occupied during his notable career, his work evinced the skillful lawyer’s pride in mastering the tools of his profession and the conscientious public servant’s zeal to fulfill to the utmost his particular role in society. Combined with these admirable professional virtues were the engaging charm, the ready cordiality and the rich personal warmth so familiar to all who knew him.

“Justice Minton’s legal talent and public consciousness became evident at an early date. He graduated first in his class, with an LL.B. degree, from Indiana University and was awarded a scholarship to Yale Law School, where he received the degree of Master of Laws. While a student at Yale, he not only distinguished himself academically, but also demonstrated his deep sense of civic duty by helping to establish the Yale University Legal Aid Society for the

Poor. After serving with honor as a captain in the Infantry during World War I, he returned to Indiana, where he engaged in a highly successful private practice until he was called up to serve as the first Public Counselor of his State's Public Service Commission. Although the temptations to remain in private practice were great, Sherman Minton did not hesitate to answer the call and, undertaking his challenging assignment with characteristic vigor, he achieved remarkable success.

"Serving in a variety of governmental positions during his career, he was constantly aware of the distinct functions he was called upon to perform in each, and he sedulously tailored his performance to its demands. As a United States Senator, he did not shrink from controversy; he took full advantage of the educational potentialities of legislative investigations and public pronouncements. Yet, as an administrative assistant to President Roosevelt, it was what the President called his 'passion for anonymity' that made him effective. And, finally, as a judge on the United States Court of Appeals for the Seventh Circuit and an Associate Justice of this Court, he confined his official conduct to the sphere which he considered appropriate to the judicial role and accorded great deference to the decisions of the legislative and executive branches when made within the bounds of their legitimate powers. As the draftsman and supporter of legislation and the formulator of governmental policy, Sherman Minton was forceful and inventive; as the interpreter of statutes and the overseer of executive action, Mr. Justice Minton was circumspect, impartial, in a word, judicious.

"Throughout his career, Justice Minton displayed ardor for social reform through legislative action. While serving as Indiana's Public Counselor, he was responsible for writing much of the progressive legislation that characterized that State's so-called 'Little New Deal.' And as assistant majority whip during most of his tenure in the Senate, he fought vigorously for the enactment of President Roosevelt's programs. His efforts in the Senate to curtail filibusters and to shed light on the operations of congressional lobbyists reflected his profound belief in the importance of an untrammelled legislative process. Again, his many opinions for this Court involving issues of statutory interpretation reflect his high regard for the role of the legislature in a representative democracy.

"Thus, as a judge, he scrupulously refrained from injecting his own predilections into his interpretation of congressional enactments. 'It is not necessary for us to justify the policy of Congress,' he wrote in an early opinion: 'It is enough that we find it in the statute.'² Never ignoring legislative history, he placed primary reliance on the natural

² *Colgate-Palmolive-Peet Co. v. National Labor Relations Board*, 338 U.S. 355, 363.

connotation of the statutory words and was loath to discard any statutory language as meaningless. His last opinion for the Court³ is illustrative. Taking cognizance of the remedial purposes of the amendment extending the coverage of the Federal Employers' Liability Act to 'any employees * * * any part of whose duties * * * shall be the furtherance of interstate * * * commerce,' Justice Minton refused to restrict the natural meaning of these words so as to exclude a clerical employee whose job was of substantial importance in the functioning of the respondent's railroad.

"As attentive as he was to the role of the judiciary vis-à-vis the legislature, he was likewise deeply conscious of the courts' relation to administrative and law enforcement agencies. He readily deferred to administrative agencies in matters relegated to their expert consideration. But, as his opinion for the Court in the *Phillips Petroleum* case⁴ demonstrates, he did not give nearly so much weight to the agencies' construction of congressional enactments, a task which he considered more properly one for the courts. In resolving the inevitable conflicts between the needs of law enforcement agencies and the interests of the individual, Justice Minton's approach was essentially a pragmatic one—to strike a fair and workable balance. In a case involving the delicate question of the permissible scope of a search incident to a lawful arrest, he concluded that '[s]ome flexibility [must] be accorded law officers engaged in daily battle with criminals for whose restraint criminal laws are essential.'⁵ Unless the government's legitimate needs were of sufficient strength, however, he steadfastly refused—as in *Bowman Dairy*,⁶ for example—to limit the protections available to the accused.

"In these decisions and the many others he wrote, both for the Court and in dissent, Justice Minton clearly revealed his craftsmanship in the art of adjudication. He was at pains to separate predispositions from the decision-making process; indeed on occasion he noted his personal distaste for the actions of parties in whose favor he felt constrained to decide. He had a strong sense of the law's continuity and always made prominent reference in his opinions to the prior decisions by which he was guided. When he believed that the Court had departed from controlling precedents, he did not hesitate to voice his disagreement in lucid and forceful dissent. His writing style was clear and direct, and his opinions were organized to march.

"Displaying these marks of high professional skill, Justice Minton's opinions contributed to the development of the law in many and diverse fields. A prominent example of his skill and of his abiding

³ *Reed v. Pennsylvania Railroad Co.*, 351 U.S. 502.

⁴ *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 673.

⁵ *United States v. Rabinowitz*, 339 U.S. 56, 65.

⁶ *Bowman Dairy Co. v. United States*, 341 U.S. 214.

devotion to justice is his carefully reasoned opinion in *Barrows v. Jackson*.⁷ There he resolved a difficult question of standing on a practical, as well as logical, basis and forthrightly rejected a last-ditch attempt to enforce racially restrictive covenants in the courts.

"Last year, after a debilitating illness which forced him to retire from the Bench at the beginning of the 1956 Term, Justice Minton died at age of seventy-four. We mourn his passing. But all of us, and particularly those to whom he was closest, find comfort in these lines composed by James Whitcomb Riley, poet of Justice Minton's native Indiana:

Who lives for you and me—
Lives for the world he tries
To help—he lives eternally.
A good man never dies.

"May it please this Honorable Court: In the name of the lawyers of this Nation, and particularly of the Bar of this Court, I respectfully request that the resolution presented to you in memory of the late Justice Sherman Minton be accepted by you, and that it, together with the chronicle of these proceedings, be ordered kept for all time in the records of this court."

The Chief Justice said:

"MR. ATTORNEY GENERAL:

"The Court appreciates and thanks you for the recognition you have given to the character and accomplishments of our late Brother, Sherman Minton. While we are sitting today in the presence of the Bar of this Court in solemn ceremonies to his memory, your felicitous remarks concerning his devotion to duty stir deep and happy memories of our fraternal relationship with him.

"He was the eighty-seventh Justice of this Court, and five of us here today had the pleasure of sitting with him during his tenure. I venture to say that of the ninety-five Justices who have sat on this Court, none could be found to have more genuine qualities than those which inspired him during his long and purposeful lifetime or more life experiences flowing from faithful public service than those which went to make up the dedicated Shay Minton, as he was affectionately addressed by us and by all who knew him from his childhood days. The nickname, Shay, came from the inability of his baby brother to pronounce the name, Sherman. This brotherly, shorthand version of Sherman remained with him throughout his life in all circles close to him and on all occasions where formalities could properly be relaxed in favor of affectionate regard.

"This can be said of him without contradiction. He came to his eminent position and made his contribution to the nation through

⁷ 346 U.S. 249.

strength of character, laudable ambition, and a resoluteness that could not be weakened by either hardship or temporary failure.

"He was born in a humble two-room cottage in the countryside of Indiana on the banks of the Ohio River. He was orphaned by the death of his young mother at the age of nine years, and because of adversity he was taken to Texas by his widower father in order to reunite the family with his older brother who was living in that State. Even at that early age, while in elementary school, he worked at odd jobs to supplement the meagre family income, but always with the longing to return to Indiana to attend high school at New Albany.

"By persistence, he gratified that desire and became the outstanding student of his class, the leading athlete of the school and its champion debater. At the University of Indiana, he pursued his aim to become a lawyer, and in addition to earning extra money by waiting on table in his fraternity house, he was an outstanding fullback on the Varsity Football Team, a stellar Varsity baseball player, and again the champion debater. He graduated magna cum laude and first in his class, thereby earning a scholarship at Yale University. There he received his Master of Laws Degree cum laude with distinguished awards in oratory.

"In that same Summer, he married his high school sweetheart, Gertrude Gurtz, his lifelong partner and inspiration.

"From that time on, with few interruptions, he served his State and Nation throughout his lifetime. As a Captain of Infantry in the Argonne and at Verdun in World War I; as Public Utilities Counselor of Indiana; as United States Senator from Indiana; as Presidential Assistant to President Franklin D. Roosevelt; as a Judge of the Court of Appeals for the Seventh Circuit for eight years, and then as a Justice of this Court for seven years, he made a contribution to American life throughout two World Wars, the Great Depression, and the post-war Readjustment Period comparable to that of any man of his day.

"All of his life he was a competitor—almost a fierce competitor. It was his principal weapon for success. He had a stern exterior but he was a gentle soul. Having experienced adversity and hardship during his youth, he had compassion for all who were similarly situated. To his dying day, he believed that Government is designed to relieve such undeserved distress as far as possible. Justice Minton played the game of life as he played the game of football. He hit the line hard. He played according to the rules. He was a sportsman at heart.

"He frankly admitted to partisanship when partisanship was the order of the day, but he disavowed that attribute when he was called upon to judge. In a letter to the Committee on the Judiciary of the

United States Senate, when it was considering his appointment to the Supreme Court, he wrote in part as follows :

“When I was a young man playing baseball and football I strongly supported my team. I was then a partisan. But later when I refereed games I had no team, I had no side. The same is true when I left the political arena and assumed the bench. Cases must be decided under applicable law and upon the record as to where the right lies. I have never approached a case except to try to find the answer in the law to the question presented on the record before me.’

“As an evidence of the difficulty which any man has when leaving one era of his life and entering another with all the nostalgic memories which he has of former days, this story, perhaps apocryphal, but at least indicative of the frankness of Justice Minton, was told in our intimate circle. It was said that on his return to Washington to take his seat on the Court, in order to see the faces of old friends and again shake their hands, he attended a Jackson Day Dinner. When asked by someone on the Court if he didn’t think it might be embarrassing to attend a political gathering of that kind, he said with a twinkle in his eye, ‘What is political about the Democratic Party?’

“Shay Minton with friends always had a quick retort which probably stemmed from his high school and college debating days. He always had a cheerful note to enliven serious moments and more often than otherwise a lively story to illustrate his point. Even while suffering from the illness which eventually caused his retirement, he always had a cheerful note in Conference and at our luncheon table.

“Totally without guile and with absolute honesty of expression, he wrote for the Court or in dissent so that no one could be misled by what he said. This is not the time to elaborate on his judicial opinions. They were many and are recorded in Volumes 338 through 352 of the United States Reports and in Volumes 119 through 175 of the Federal Reporter, 2d Series. In the years he sat on this Court and on the Court of Appeals, his opinions, in the aggregate, constitute a significant segment of American jurisprudence. They are there to be read and conjured with as long as the Supreme Court is a vital force in American life.

“We enjoyed Justice Minton as a colleague; we cherished him as a friend; and we admired him as a dedicated public servant. We honor his memory and, in this formal manner, Mr. Attorney General, we thank you and the members of the Bar of this Court for doing likewise.

“Your remarks and the Resolutions of the Bar will be spread upon the Minutes of the Court.”

Adjourned until Monday, May 16, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

Charles K. Brown, Jr., of Washington, D.C., Barry F. Evans, of Los Angeles, Calif., Everett Emmett Ricks, Jr., of Long Beach, Calif., David Philip Schippers, Jr., of Chicago, Ill., Donald Corbett, Jr., of Rochester, N.Y., John Manning Regan, of Rochester, N.Y., Dixon Wade Holman, of Dallas, Tex., David Martin Greene, of New Brunswick, N.J., and John J. Callahan, of Toledo, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; Roy Schaeffer, of Wichita Falls, Tex., and Sam Houston Clinton, Jr., of Austin, Tex., on motion of Mr. Ralph W. Yarborough; Richard E. Mastrangelo, of Watertown, Mass., on motion of Mr. Leverett Saltonstall; John Clib Barton, of Fort Smith, Ark., and Bradley D. Jesson, of Fort Smith, Ark., on motion of Mr. John L. McClellan; Bertha L. MacGregor, of Englewood, Colo., on motion of Mr. Peter H. Dominick; Louis A. de la Parte, Jr., of Tampa, Fla., and Edward I. Cutler, of Tampa, Fla., on motion of Mr. Sam M. Gibbons; Charles D. Hering, Jr., of Tiffin, Ohio, on motion of Mr. Jackson E. Betts; Edward A. Sirkin, of Miami, Fla., on motion of Mr. Henry S. Reuss; John E. Carroll, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Armin David Rosencranz, of Stanford, Calif., on motion of Mr. James G. O'Hara; Maurice B. Pasch, of Madison, Wis., on motion of Mr. Robert K. Kastenmeier; Charles M. Gianola, of Vallejo, Calif., on motion of Mr. Richard Hanna; Blaine P. Friedlander, of Fairfax, Va., and Harry P. Friedlander, of McLean, Va., on motion of Judge Nathan M. Cohen; Donald M. Cahen, of San Francisco, Calif., on motion of Mr. Charles Miller; Frank F. Maniewicz, of Los Angeles, Calif., on motion of Mr. Adam Yarmolinsky; Stuart Marshall Cowan, of Honolulu, Hawaii, on motion of Mr. David Naum; Morris J. Galen, of Portland, Oreg., on motion of Mr. William Berg, Jr.; John A. Zaleski, of Barrington Hills, Ill., on motion of Mr. Donald E. Deuster; Frederick J. Weitkamp, of Granada Hills, Calif., on motion of Mr. Robert E. Redding; Henry J. Steinman, Jr., of Los Angeles, Calif., James N. Adler, of Los Angeles, Calif., and Gordon Gooch, of Houston, Tex., on motion of Mr. Roland S. Homet, Jr.; Essye Buch Ross, of East Meadow, N.Y.,

Leonard Ross, of East Meadow, N.Y., Norma E. Shorin, of Great Neck, N.Y., Isidore R. Tucker, of New Hyde Park, N.Y., and Ray M. S. Tucker, of New Hyde Park, N.Y., on motion of Miss Shirley F. Mehl; Hugh George Edward MacMahon, of Cambridge, Mass., on motion of Mr. Ward Boston, Jr.; Allen Harris, of New York, N.Y., on motion of Mr. Bernard Kulick; Edward D. Parks, of Boothbay Harbor, Maine, on motion of Mr. Moses G. Hubbard; Carl O. Bue, Jr., of Houston, Tex., on motion of Mr. C. A. Brown; James Terry McCollum, of Rochester, N.Y., on motion of Mr. John Bowman Gunion; Hugh Gavin Duffy, of Boston, Mass., on motion of Mr. Henry H. Jones; Russell J. Mittelstadt, of Madison, Wis., on motion of Mr. Milton Joseph Stoutenburgh; Donald A. Schabel, of Indianapolis, Ind., on motion of Mr. Hyman Smollar; Terence J. Gallagher, of New York, N.Y., Louis Schwartz, of Washington, D.C., and Robert Anthony Woods, of Springfield, Va., on motion of Mr. Norman Edward Jorgensen; Howard S. Chasanow, of Greenbelt, Md., on motion of Mr. Abraham Chasanow; Mallory L. Miller, Jr., of El Paso, Tex., on motion of Mr. Jalmer O. Rolfson; Elton D. Carter, of Glen Burnie, Md., on motion of Mr. William McInarnay; Jim DeWitt Bowmer, of Temple, Tex., on motion of Mr. James H. Mann; Donald Burr, of Los Angeles, Calif., on motion of Mr. Jack Davis; Forrest Boecker, of St. Louis, Mo., on motion of Mr. Sidney M. Glazer; Peter P. Barry, of Hayward, Calif., on motion of Mr. F. W. Winkelmann; Leonard M. Taylor of San Francisco, Calif., on motion of Mr. Robert L. Farrington; Orest M. Prockiwi, of Fairfax, Va., and Charles A. Rendleman, of Springfield, Va., on motion of Mr. Richard H. Heidermann; Milton Paul Shore, of Pittsburgh, Pa., on motion of Mr. Roger Lee Campbell; Jon Charles Minikes, of New York, N.Y., on motion of Mr. Arthur B. Minikes; Herman Gilbert Polinsky, of Brooklyn, N.Y., on motion of Mr. Hadley W. Gold; John Hayes Reese, of Lubbock, Tex., on motion of Mr. Ross D. Nether-ton, Jr.; Robert A. Hamilton, of San Francisco, Calif., on motion of Mr. Thomas H. Wall; Paul Augustine Beck, of Pittsburgh, Pa., on motion of Mr. Eugene F. Buell; James Severt Stockdale, of Pierre, S. Dak., on motion of Mr. Kyle Richard Weems; Dale Elwyn Zimmerman, of Tucson, Ariz., on motion of Mr. James Benjamin Johnson; Edward P. Camus, of Riverdale, Md., Vincent J. Femia, of Oxon Hill, Md., James Edward Kenkel, of College Park, Md., James Harold Taylor, of Fairmount, Md., Donald Andrew Willoner, of University Park, Md., and Benj. Rosner Wolman, of Adelphi, Md., on motion of Mr. Arthur Albert Marshall, Jr.; Joseph Howard Chopp, Jr., of Arlington, Va., on motion of Mr. Frederick W. Glasberg; Elmer Price, of Clayton, Mo., on motion of Mr. William C. Koplovitz; Alvin D. Edelson, of Arlington, Va., on motion of Mr.

William Garber; Robert Douglas Edwards, of Metairie, La., on motion of Mr. Clarence Martin; Robert E. Goostree, of Rockville, Md., on motion of Mr. Harold C. Petrowitz; Bernard M. Baum, of Chicago, Ill., and Daniel S. Shulman, of Chicago, Ill., on motion of Mr. Melvin Garbow; John A. Papola, of Philadelphia, Pa., on motion of Mr. S. Billingsley Hill; Hall Morrison Johnston, Jr., of Charlotte, N.C., on motion of Mr. Daniel E. Leach; Gerald Miller, of New York, N.Y., Harold Cyrus Burger, of New York, N.Y., Nathan M. Briskin, of New York, N.Y., George N. Kanoff, of New York, N.Y., Abraham Steisel, of Yonkers, N.Y., William Linden, of New York, N.Y., Leo Lichtblau, of New York, N.Y., David Sterling Maltin, of New York, N.Y., Seymour M. Mont, of New York, N.Y., Myron M. Myers, of New York, N.Y., Isidore Shapiro, of New York, N.Y., Murray B. Trayman, of New York, N.Y., Roger Brandwein, of New York, N.Y., Paul B. Hirsh, of New York, N.Y., Moe Morris, of New York, N.Y., David Schack, of New York, N.Y., Julius L. Weisbaum, of New York, N.Y., Michael Wolpert, of New York, N.Y., Irving Segal, of New York, N.Y., Louis Scher, of New York, N.Y., Milton Charles Rabinowitz, of New York, N.Y., Morris Lacher, of New York, N.Y., Herbert Kanon, of New York, N.Y., Samuel Rosenberg, of New York, N.Y., William Cohen, of New York, N.Y., Henry J. Pearlstein, of Brooklyn, N.Y., Martin L. Horn, of Brooklyn, N.Y., Harry W. Goldberg, of Brooklyn, N.Y., Isidore R. Gross, of Brooklyn, N.Y., Bernard Fintz, of Brooklyn, N.Y., Yale Wilner, of Port Chester, N.Y., Harry Tannenbaum, of Bronx, N.Y., Francis Malcolm Simon, of Freeport, N.Y., Arthur M. Seidt, of Far Rockaway, N.Y., Joseph S. Rosenthal, of Bellmore, N.Y., and Stanford Allan Chalson, of Lake Peekskill, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; John J. Adams, of Kettering, Ohio, William R. Hendrickson, of Monroe, Ohio, Rodney M. Love, of Dayton, Ohio, L. E. Ritz, of Franklin, Ohio, Walter R. Bender, of Middletown, Ohio, Clinton D. Boyd, Jr., of Middletown, Ohio, Isidore A. Casper, of Middletown, Ohio, Jack A. Casper, of Middletown, Ohio, John A. Crist, of Middletown, Ohio, Harold G. Dance, of Middletown, Ohio, Robert B. Dell, of Middletown, Ohio, H. O. Finkelman, of Middletown, Ohio, Maxwell Finkleman, of Middletown, Ohio, Donald M. Gose, of Middletown, Ohio, Charles Richard Greathouse, Jr., of Middletown, Ohio, Joseph H. Herr, of Middletown, Ohio, John T. Lamb, of Middletown, Ohio, Mary C. Lord, of Middletown, Ohio, Frederic Lewes Ross, of Middletown, Ohio, Vincent A. Sisson, of Middletown, Ohio, Thomas H. Stubbs, of Middletown, Ohio, Anthony Valen, of Middletown, Ohio, and Richard A. Wilmer, of Middletown, Ohio, on motion of Mr. William Ernest Rathman; and Richard J. Walsh, of Boston, Mass., Pasqualino F. Caruso, of Boston, Mass., Nicholas C. Crossen, Jr., of

Boston, Mass., Frank Ramacorti, of Boston, Mass., Thomas L. Sullivan, of Boston, Mass., Francis J. Tominey, of Boston, Mass., Harry P. Haveles, of Boston, Mass., George S. Drew, of Boston, Mass., Stephen C. Davenport, of Boston, Mass., Ashelen P. Senopoulos, of Boston, Mass., Irving Goodman, of Boston, Mass., Frederick John Harris, of Boston, Mass., Rose Z. Smith, of Boston, Mass., Jacob Warren Smith, of Boston, Mass., Baron H. Martin, of Boston, Mass., Herbert S. Mades, of Boston, Mass., Edward T. Monahan, of Boston, Mass., Herbert Lemelman, of Boston, Mass., Michael J. Harney, of Boston, Mass., Bernard S. Kaplan, of Boston, Mass., Paul E. Ryan, of Boston, Mass., George V. Kenneally, Jr., of Boston, Mass., Patrick J. Shaughnessy, Jr., of Boston, Mass., Arnold S. Brown, of Boston, Mass., Francis Glynn, of Boston, Mass., John E. Fenton, Jr., of Lawrence, Mass., John E. Fenton, of Lawrence, Mass., Clifford E. Elias, of Lawrence, Mass., John G. Miller, of Lawrence, Mass., Shirley May Bagdorian Kerman, of Methuen, Mass., Norman Kerman, of Methuen, Mass., Rocco Liberatore, Jr., of Framingham, Mass., Irving J. Rich, of Framingham, Mass., John Petze, of Norwell, Mass., Richard Augustine Leahy, of Norwell, Mass., Patrick Sheeran, of Richland, Wash., Helen A. Smith, of Brighton, Mass., Murray Duncan Harris, of Brookline, Mass., John E. Lonergan, Jr., of Somerville, Mass., Eleanor L'Ecuyer, of Lexington, Mass., Nicholas G. Krochmal, of Manchester, N.H., Gerald G. Portney, of Randolph, Mass., Laurence J. Walsh, of Watertown, Mass., Francis A. Pozzi, Jr., of Lynn, Mass., John E. Kalsh, of Scituate, Mass., William J. C. Pucciarelli, of Newton, Mass., Mario J. Lucchesi, of Andover, Mass., George Indelicato, of Malden, Mass., Antonio R. Luongo, Jr., of Fall River, Mass., Benjamin T. Connolly, of Arlington, Mass., Simeon L. Horvitz, of Braintree, Mass., David W. DiNardi, of Hyde Park, Mass., Robert E. Lucas, of Minneapolis, Minn., Leonard N. Augello, of Winchester, Mass., Roger James Wilson, of Machias, Maine, George K. McKenzie, of Phillips, Maine, John Harold Varney, of Toledo, Ohio, Philip C. Keefe, of Dover, N.H., and George Raymond Drew, of Cincinnati, Ohio, on motion of Mr. Donald R. Simpson, were admitted to practice.

OPINION

No. 692. The Pure Oil Company, petitioner, *v.* Pascual Suarez. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan.

No. 636. Securities and Exchange Commission, petitioner, *v.* New England Electric System et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings.

in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 619. Steve Ashton, petitioner, *v.* Kentucky. On writ of certiorari to the Court of Appeals of Kentucky. Judgment reversed and case remanded to the Court of Appeals of Kentucky for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Harlan concurs in the result.

No. 282. Harry J. Amell et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Claims. Judgments 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. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 700. United States, appellant, *v.* Ray S. Fisher. Appeal from the United States District Court for the District of New Jersey. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan would set the case for argument, postponing consideration of jurisdiction to the merits.

No. 722. Manuel Gomez Barrios et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. The appeal is dismissed. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted.

No. 1046. People of the State of Illinois ex rel. George Musso, Madison County Treasurer, etc., appellant, *v.* Chicago, Burlington and Quincy Railroad Company, et al. Appeal from the Supreme Court of Illinois. The motion of the Illinois Association of School Boards et al., for leave to file a brief, as *amici curiae*, is granted. The motion of Sangamon County, Illinois, for leave to file a brief, as *amicus curiae*, 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 writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1112. Joseph Simmons, Jr., et al., appellants, *v.* Chief Eagle Seelatsee, etc., et al. Appeal from the United States District Court

for the Eastern District of Washington. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1143. Jerry Lynn Winters, appellant, *v.* Washington. Appeal from the Supreme Court of Washington. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1170. Fletcher H. Hanson et al., petitioners, *v.* The Chesapeake and Ohio Railway Company. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to Court of Appeals for further consideration in light of *Gunther v. San Diego & Arizona Eastern Railway Co.*, 382 U.S. 257. Opinion *per curiam*.

No. 1205. Henry J. Toombs et al., appellants, *v.* Ben W. Fortson, Jr., as Secretary of State of Georgia, et al. Appeal from the United States District Court for the Northern District of Georgia. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 854, Misc. Aaron Guy Selman, petitioner, *v.* Donald R. Phillips et al. On petition for writ of certiorari to the Supreme Court of Alaska. 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 Alaska for further consideration in light of *Armstrong v. Manzo et ux.*, 380 U.S. 545. Opinion *per curiam*.

No. 869, Misc. Anthony Izzo, petitioner, *v.* Frank A. Eyman, Warden. 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 reversed and case remanded to the Supreme Court of Arizona for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 1352, Misc. Leo S. Haspel, appellant, *v.* State Board of Education et al. Appeal from the Supreme Court of New Jersey. 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. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. The motion of the United States for leave to file an amended account pursuant to the supplemental decree is granted. The motion for leave to file corrections to the accounting filed by the State of Louisiana on February 25, 1966, is granted. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of these motions.

No. 1093. Lee E. A. Parker, petitioner, *v.* Clarence T. Gladden, Warden. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is granted.

No. 1113. Placid Oil Company et al., petitioners, *v.* Union Producing Company et al.; and

No. 1141. Senfour Investment Co., Inc., appellant, *v.* King County. The Solicitor General of the United States is invited to file briefs in these cases expressing the views of the United States. Mr. Justice Fortas took no part in the consideration or decision of No. 1113.

APPEALS—JURISDICTION NOTED

No. 1107. United States, appellant, *v.* Eugene Frank Robel. Appeal from the United States District Court for the Western District of Washington. In this case probable jurisdiction is noted.

No. 874. Gent et al., appellants, *v.* Arkansas. Appeal from the Supreme Court of Arkansas. In this case probable jurisdiction is noted limited to Questions 1 and 2 presented by the jurisdictional statement which read as follows:

"1. Is Act of 261 of The Arkansas Acts of 1961 invalid in that on its face and as applied it impairs the freedom of expression protected by the First and Fourteenth Amendments to the Constitution of the United States, in that it operates as a forbidden prior restraint on expression?

"2. Is Act 261 of The Arkansas Acts of 1961 invalid in that on its face and as applied it impairs the freedom of expression protected by the First and Fourteenth Amendments to the Constitution of the United States, in that it is vague and uncertain?"

The case is placed on the summary calendar. As to the other questions presented, which are nonappealable, treating the papers as a petition for writ of certiorari, certiorari is denied. *Mishkin v. New York*, 383 U.S. 502, at 512-514. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Stewart would note probable jurisdiction without limitation.

CERTIORARI GRANTED

No. 1074. Robert L. Pierson et al., petitioners, *v.* J. L. Ray et al.; and

No. 1155. J. L. Ray et al., petitioners, *v.* Robert L. Pierson et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and placed on the summary calendar.

No. 1130. Federal Crop Insurance Corporation, petitioner, *v.* Ruby R. Baker et al. Petition for writ of certiorari to the Supreme Court of Oregon granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 984. Harry S. Stark and National Bank of Detroit, Co-executors, etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1032. Hamilton National Bank of Knoxville, Executor, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1057. El Mundo, Inc., petitioner, *v.* Puerto Rico Labor Relations Board. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1060. Euclid-Tennessee, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1080. Benrus Watch Company, Inc., et al., petitioners, *v.* Federal Trade Commission; and

No. 1081. Clifford Seigmeister, petitioner, *v.* Federal Trade Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1088. Charles H. Henrikson et al., petitioners, *v.* Stewart L. Udall, United States Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1100. Akshun Manufacturing Company et al., petitioners, *v.* North Star Ice Equipment Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1106. Dempster Brothers, Inc., et al., petitioners, *v.* Buffalo Metal Container Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1136. 222 East Chestnut Street Corporation, petitioner, *v.* La Salle National Bank, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1140. Estelle Latta, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1148. Omar Schmeusser, petitioner, *v.* Nicholas deB. Katzenbach, Attorney General of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1149. National Union Fire Insurance Company of Pittsburgh, Pennsylvania, petitioner, *v.* D. & L. Construction Co. and Associates, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1151. Fabert Motors, Inc., petitioner, *v.* Ford Motor Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1154. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1157. Mary Kovacs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1159. Consolidated Edison Company of New York, Inc., petitioner, *v.* Scenic Hudson Preservation Conference et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1161. The Goodyear Tire & Rubber Company, petitioner, *v.* Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1163. Harold Franklin Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1164. In the Matter of Albert Severino, petitioner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1166. Thomas P. Shearer, petitioner, *v.* Mary E. Shearer. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1168. William Kenneth Parish, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1171. Vincent J. Ricciardi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1176. Ernest W. Mullins, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1178. Fred Saigh and Elizabeth Saigh, etc., petitioners, *v.* August A. Busch, Jr. Petition for writ of certiorari to the St. Louis Court of Appeals of Missouri denied.

No. 1193. Brown & Root, Inc., petitioner, *v.* American Home Assurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1199. Earl S. Jennings, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1262. Albert G. Avery, petitioner, *v.* Robert W. Owens, Jr. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 1158. Reuben G. Lenske, petitioner, *v.* Oregon ex rel. Oregon State Bar. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 1197. Gamble-Skogmo, Inc., petitioner, *v.* Albert W. Gass et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 1294. Arnold Holtzman, petitioner, *v.* Dean Rusk, Secretary of State. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 705, Misc. Terry M. Stahlman, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1029, Misc. James Francis Hill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1035, Misc. Charles Gregory Cannon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1058, Misc. James Wren, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1062, Misc. Alphonse Vincent Castaldi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1066, Misc. Leroy Crooks, petitioner, *v.* American Mutual Liability Insurance Company et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1089, Misc. James A. Marshall, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1123, *Misc.* Mona Sue Dagley, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1175, *Misc.* Giuseppe Gagliano, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1231, *Misc.* Irvin B. Bartlett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1344, *Misc.* George Bartlam, petitioner, *v.* J. Edwin LaVallee, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1348, *Misc.* Francisco Larranaga, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1357, *Misc.* Richard Booker, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 1361, *Misc.* John Carl Summers, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1364, *Misc.* H. J. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1377, *Misc.* Harry F. Armstrong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1382, *Misc.* William Marshall, Jr., petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1398, *Misc.* Robert A. Jones, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1417, *Misc.* Robert Gonzales Basurto, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1420, *Misc.* John Paul Masters, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1431, *Misc.* James Proctor, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1434, **Misc.** Barney P. Bennett, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1449, **Misc.** Aaron W. Frazier, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1451, **Misc.** Harold E. Fields, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Orange, denied.

No. 1462, **Misc.** Billy Green, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 730, **Misc.** Roy B. Kelly, 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

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1223, **Misc.** Martin Lucero, petitioner, *v.* Arizona et al.; and

No. 1477, **Misc.** George Johnson, petitioner, *v.* H. E. Russell, Superintendent, State Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 366. McCullough Tool Company et al., petitioners, *v.* Well Surveys, Incorporated, et al.;

No. 672. Hugo Fieldsmith, petitioner, *v.* Texas State Board of Dental Examiners;

No. 856. Blaine J. Lord et al., petitioners, *v.* Roy T. Helmandollar, etc., et al.;

No. 989. Paul F. Perati et al., petitioners, *v.* United States;

No. 1020. W.W.I.Z., Inc., et al., petitioners, *v.* Federal Communications Commission et al.;

No. 1042. Julian G. Carr, petitioner, *v.* United States;

No. 142, **Misc.** James C. McGruder, petitioner, *v.* Massachusetts;

No. 597, **Misc.** Joseph Dailey, petitioner, *v.* Maryland;

No. 736, **Misc.** Roger F. Duronio, petitioner, *v.* Arthur T. Prasse, Commissioner, etc.;

No. 884, **Misc.** Madell Collins, petitioner, *v.* United States; and

No. 1256, **Misc.** Cyrus Khabiri, petitioner, *v.* Virginia Electric and Power Company et al. Petitions for rehearing denied.

No. 1045, **Misc.** James Conway, petitioner, *v.* California Adult Authority. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, May 23, 1966.

Adjourned until Monday, May 23, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

Hadden Wing Roth, of Mill Valley, Calif., Barry M. Grant, of Southfield, Mich., James L. Lalime, of Boston, Mass., John R. Horan, of New York, N.Y., Edward Louis Smith, of New York, N.Y., Peter Jeffrey, of Arlington, Va., William T. Mason, Jr., of Norfolk, Va., Jack J. Gimbel, of Milwaukee, Wis., Seymour Gimbel of Milwaukee, Wis., and Harry Primakow, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; Ernest C. Friesen, Jr., of Washington, D.C., on motion of Mr. William Ramsey Clark; Robert E. Sweeney, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Robert Donald Chapman, of San Jose, Calif., and Paul Robert Teilh, of San Jose, Calif., on motion of Mr. Don Edwards; Wilfred J. Harpham, of Lakeport, Calif., on motion of Mr. Robert L. Leggett; Joseph G. Spicola, Jr., of Tampa, Fla., on motion of Mr. Sam M. Gibbons; Jerome A. Tintle, of Hyattsville, Md., on motion of Mr. Carlton R. Sickles; Donald S. Eisenberg, of Madison, Wis., on motion of Mr. Robert W. Kastenmeier; Julian B. Willingham, of Augusta, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Anthony Denison Terry, of Tucson, Ariz., on motion of Mr. Morris King Udall; John William Estes, Jr., of North Miami Beach, Fla., Curtiss B. Hamilton, of North Miami, Fla., and Carl Edwin Lipton, of North Miami Beach, Fla., on motion of Mr. Claude Pepper; Thomas M. Coker, Jr., of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; Kenneth W. Hoagland, of Bakersfield, Calif., on motion of Mr. Harlan Hagan; T. Edward Austin, Jr., of Jacksonville, Fla., and Willard Drawn Frederick, Jr., of Orlando, Fla., on motion of Mr. Charles E. Bennett; Walter Bard Carroll, of Downers Grove, Ill., Ralph L. Dichtl, of Wheaton, Ill., Paul H. Dunakin, of Wheaton, Ill., Richard G. French, of Chicago, Ill., Carl F. J. Henninger, of Glen Ellyn, Ill., William C. Ives, of Aledo, Ill., Kenneth S. Jacobs, of Villa Park, Ill., Hubert J. Loftus, of Addison, Ill., Roy I. Peregrine, of Wheaton, Ill., Arthur J. Rudolph, of Chicago, Ill., and Hartman E. Stime, of Wheaton, Ill., on motion of Mr. John N. Erlenborn; Erling J. Hovden, of North Hollywood, Calif., on motion of Mr. Joseph A. Ball; Anthony F. Marra, of New York, N.Y., on motion of Mr. Charles

L. Decker; George Franklyn Duke, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; James P. O'Connell, of New York, N.Y., on motion of Mr. Alan Y. Cole; Victor Orsi, of Rosenville, Calif., Maurice Y. Gibson, Jr., of Memphis, Tenn., Anthony Frank Farina, of New Haven, Conn., John T. Dorman, of Jacksonville, Tex., Donald I. Goldman, of New York, N.Y., Edward L. True, of Denver, Colo., Billie Erick Morrison, of Oklahoma City, Okla., Donald S. Huff, of Marshall, Mo., Edward Stanley Hintzke, of Chicago, Ill., and Willis Lyle Mog, of Mankato, Kans., on motion of Mr. Harold W. Gardner; Robert W. Maris, of Philadelphia, Pa., on motion of Judge Albert B. Maris; William Lewis Dennis, of New York, N.Y., Melvyn Kessler, of Miami Beach, Fla., John Richard Rogers, of Ashburn, Ga., and Floyd H. Wardlow, Jr., of Ashburn, Ga., on motion of Mr. John Wilson Ellis; Donald Thomas Brudie, of New York, N.Y., Brendan J. O'Connell, of New York, N.Y., and John J. Martin, of New York, N.Y., on motion of Mr. Roy Leiffen; Edward Joseph Ryan, of Washington, D.C., and Charles Patrick Ryan, of Washington, D.C., on motion of Mr. Philip F. Dodson; William E. Jaudes, of St. Louis, Mo., on motion of Mr. Richard M. Merriman, Richard Manchester Howell, of Cleveland, Ohio, on motion of Mr. William C. McCoy; Jay Jacob Lander, of Framingham, Mass., on motion of Mr. William R. Foley; John J. Krafzig, Jr., of Harrisburg, Pa., on motion of Mr. Donald J. Murphy; Ira Drogin, of New York, N.Y., on motion of Mr. Robert G. Kurzman; Earl Oakley, of Los Angeles, Calif., on motion of Mr. Clarence W. Ruh, Jr.; John Albert Fogleman, of West Memphis, Ark., on motion of Mr. Floyd Lee Williams, Jr.; Joseph Patrick Teasdale, of Kansas City, Mo., on motion of Mr. Franklin Russell Millin; Bernard Jay Coven, of New York, N.Y., on motion of Mr. Jacob Friedman; John Lawrence Kane, Jr., of Brighton, Colo., on motion of Mr. Joseph Francis Dolan; Merle Russell Miller, of Decatur, Ga., on motion of Mr. Virgil Homer Redwine, Jr.; Alexander Hopp, of Sheboygan, Wis., on motion of Mr. Vernon W. Thompson; Bruce St. John Rogerson, of Arlington, Va., on motion of Mr. Ward Boston, Jr.; Jack E. Walter, of Dallas, Tex., on motion of Mr. Vester T. Hughes, Jr.; Robert H. Alcorn, of New Haven, Conn., on motion of Mr. Milton D. Korman; Alfred W. Breiner, of McLean, Va., on motion of Mr. Lawrence R. Brown; Edward B. Evans, of Cincinnati, Ohio, on motion of Mr. John W. Malley; Oscar L. Marlow, of Bloomington, Ill., and Glenn C. Sullivan, of Springfield, Pa., on motion of Mr. Charles C. Collins; Emil O. Muhs, Jr., of Salem, Oreg., on motion of Mr. Peter V. Filp; George Anthony Bourgeois, of Baton Rouge, La., on motion of Mr. Richard A. Fulton; Paul Shiffman, of Washington, D.C., on motion of Mr. Allan Kame-row; John A. Berry, of Chicago, Ill., on motion of Mr. Carl E. Bagge; Paul Wentworth Cook, of New York, N.Y., Peter Paul Weidenbruch,

Jr., of Washington, D.C., and William Joseph Gannon, of Jersey City, N.J., on motion of Mr. John R. Schmertz, Jr.; William A. Dobrovir, of Washington, D.C. on, motion of Mr. Joseph N. Dobrovir; Michael L. Robins, of Minneapolis, Minn., and Roland I. Meshbesh, of Minneapolis, Minn., on motion of Mr. Warren E. Miller; George K. Smith, of Stockton, Calif., on motion of Mr. Jacob Hagopian; Anthony John Puma, of New York, N.Y., on motion of Mr. Rosario Girasa; James P. Miley, of St. Paul, Minn., on motion of Mr. John Nolan; J. Whitfield Moody, of Kansas City, Mo., on motion of Mr. Franklin Russell Millin; W. DeVier Pierson, of Oklahoma City, Okla., on motion of Mr. Thomas D. Finney, Jr.; Robert E. Jagger, of Clearwater, Fla., Joseph F. McDermott, of Clearwater, Fla., Carleton L. Weidemeyer, of Clearwater, Fla., John Joseph McDonnell, of Chicago, Ill., L. Michael Getty, of Chicago, Ill., Jack F. White, Jr., of Clearwater Fla., and Jack B. McPherson, of Clearwater, Fla., on motion of Mr. Gerald W. Getty; Edwin Lawrence Bennett, of Chicago, Ill., Donald J. Biniak, of Chicago, Ill., Philip Gaul Brennan, of Park Ridge, Ill., Dean Dimitri, of Berwyn, Ill., Gene Kenneth Edlin of Chicago, Ill., Donald B. Hatmaker, of Chicago, Ill., Robert V. Hogan, of Chicago, Ill., Thomas C. Hollywood, of Chicago, Ill., Joseph W. Malleck, of Chicago, Ill., Bernard McDevitt, of Chicago, Ill., Joseph J. McGrane, of Chicago Heights, Ill., Roy L. Mondike, of Riverside, Ill., Harry Q. Rohde, of Chicago, Ill., John J. Wallace, of Skokie, Ill., and James P. Whitney, of Riverdale, Ill. on motion of Mr. Anthony A. DiGrazia; and Stanley P. Amelkin, of Hicksville, N.Y., Bruno Baratta, of Rockville Centre, N.Y., Anthony Barbiero, of Valley Stream, N.Y., Charles J. Barnett, of Mineola N.Y., Lewis M. Batkin, of Hempstead, N.Y., Carl Binder, of West Hempstead, N.Y., Edward P. Bracken, Jr., of Mineola, N.Y., Eugene J. Brannigan, of Freeport, N.Y., John A. Carroll, of Garden City N.Y., John P. Cleary, of Freeport, N.Y., William S. Cohn, of Baldwin, N.Y., Robert J. Connolly, of Hicksville, N.Y., Walter M. Cooperstein, of Lake Success, N.Y., Ronald J. DeVito, of South Hempstead, N.Y., William F. Dillon, Jr., of Wantagh, N.Y., Thomas Patrick Dougherty, of Baldwin, N.Y., James L. Dowsey, III, of Syosset, N.Y., Robert W. Doyle, of Hauppauge, N.Y., Jerome H. Ehrlich, of Woodmere, N.Y., Eric E. Eisenstadt, of Hicksville, N.Y., Lynn J. Ellins, of Hempstead, N.Y., David M. Fine, of Freeport, N.Y., Yale Garber, of Cedarhurst, N.Y., Melvin H. Gellman, of Lawrence, N.Y., Salvatore R. Gerbasi, of Munsey Park, N.Y., Juan C. Gutierrez, of Wantagh, N.Y., John J. Hallissey, Jr., of Stewart Manor, N.Y., Warren L. Hamburger, of Baldwin, N.Y., Harold E. Heller, of Bellmore, N.Y., Elihu Hendon, of Freeport, N.Y., Lawrence I. Hirsch, of Mineola, N.Y., Jack E. Hollenberg, of Rockville Centre, N.Y., Stanley A. Immerman, of Baldwin, N.Y., William S. Infeld,

of Great Neck, N.Y., David Jacobson of Lynbrook, N.Y., Jacob Jacobson, of Oceanside, N.Y., Irving Jaffe, of Mineola, N.Y., Donald V. P. Kane, of Syosset, N.Y., George Karr, of Valley Stream, N.Y., Mitchell N. Kay, of Hempstead, N.Y., Leonard H. King, of Valley Stream, N.Y., Thomas M. Kirby, of Wantagh, N.Y., Samuel J. Kirshner, of East Meadows, N.Y., Marvin L. Korobow, of Mineola, N.Y., Jay F. Korth, of Lynbrook, N.Y., Lawrence M. Lally, of Garden City, N.Y., Louis J. Lawrence, of Cold Spring Harbor, N.Y., Paul S. Lawrence, of Mineola, N.Y., Harvey A. Levine, of New York, N.Y., Bernard P. Levy, of Freeport, N.Y., Ferdinand De Luca, of Massapequa Park, N.Y., John J. Lynch, of Long Beach, N.Y., John D. MacPherson, of Oyster Bay, N.Y., Max Margules, of Mineola, N.Y., Francis G. Marlow, of Wantagh, N.Y., George W. Marthen, of Hicksville, N.Y., George B. McPhillips, of Mineola, N.Y., Thomas Owen Morgan, of Oceanside, N.Y., Harry L. Muse, of Massapequa, N.Y., Alexander Newcorn, of Hicksville, N.Y., William E. O'Connor, of Valley Stream, N.Y., William F. O'Connor, of Port Washington, N.Y., George V. O'Haire, of Westbury, N.Y., Arthur Lazarus Oppenheim, of Old Bethpage, N.Y., Vincent J. O'Reilly, of Manhasset, N.Y., Julius Pinzler, of Wantagh, N.Y., Erwin Popkin, of Plainview, N.Y., Thomas J. Portela, of Merrick, N.Y., Charles Psoinas, of Mineola, N.Y., Thomas F. Quinn, of Wantagh, N.Y., John D. Reddan, of West Hempstead, N.Y., Emil J. Reich, of Plainview, N.Y., Robert Rivers, of Westbury, N.Y., Elliot D. Samuelson, of Freeport, N.Y., Ira Sands, of New York, N.Y., Norman Sarnoff, of Oceanside, N.Y., Henry A. Shapiro, of Franklin Square, N.Y., Jacob M. Shapiro, of Freeport, N.Y., Joseph Sint, of New York, N.Y., Norman Smook, of East Meadow, N.Y., Joseph F. Soviero, Jr., of Garden City, N.Y., Salvatore Spano, of Wantagh, N.Y., Harold J. Stangler, of West Hempstead, N.Y., Vincent De Paul Starace, of East Williston, N.Y., Leon Stern, of Island Park, N.Y., Raoul E. Szabo, of Mineola, N.Y., Donald J. Tate, of Massapequa, N.Y., James W. Taylor, of New York, N.Y., Thomas P. Tobin, of Malverne, N.Y., Aaron Trager, of Rockville Centre, N.Y., James Francis Van Norman, of Old Brookville, N.Y., John Walcer, of Massapequa, N.Y., Edward H. Weeks, of Sea Cliff, N.Y., I. Edward Weich, of Uniondale, N.Y., David Weicholz, of East Rockaway, N.Y., John Schenck Williamson, of Hicksville, N.Y., Abraham Yesnowitz, of Brooklyn, N.Y., Gilbert Yesnowitz, of Brooklyn, N.Y., and Murray Zeigler, of Lake Success, New York, N.Y., on motion of Mr. Eugene H. Nickerson were admitted to practice.

OPINIONS

No. 256. United States, appellant, *v.* John W. Cook. Appeal from the United States District Court for the Middle District of Tennessee. Judgment reversed and case remanded to the United States District

Court for the Middle District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White.

No. 531. United States, appellant, *v.* Ben Blue. Appeal from the United States District Court for the Southern District of California. Judgment reversed and case remaded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan.

No. 291. United States, appellant, *v.* Standard Oil Company. Appeal from the United States District Court for the Middle District of Florida. Judgment reversed and case remanded to the United States District Court for the Middle District of Florida for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black and Mr. Justice Stewart join.

No. 750. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO, et al., petitioners, *v.* Florida East Coast Railway Company;

No. 782. United States, petitioner, *v.* Florida East Coast Railway Company et al.; and

No. 783. Florida East Coast Railway Company, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice White. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 597. James E. Mills, appellant, *v.* Alabama. 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 by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Brennan joins. Separate opinion by Mr. Justice Harlan.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 985. Colonial Pipeline Company, appellant, *v.* Virginia. Appeal from the Supreme Court of Appeals of Virginia. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 991. Peter Wylan, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. 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. Justin Harlan are of the opinion that probable jurisdiction should be noted.

No. 1056. William Hoyet Redmond et ux., petitioners, *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 vacated, and case remanded to the United States District Court for the Middle District of Tennessee to dismiss the information. Opinion *per curiam*. Mr. Justice Stewart with whom Mr. Justice Black and Mr. Justice Douglas concur, would reverse this conviction, not because it violates the policy of the Justice Department, but because it violates the Constitution.

No. 1086. Kenneth W. Day et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of California. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1152. Life Assurance Company of Pennsylvania, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Middle District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 1167. Wallace R. Rutherford, appellant, *v.* Washington. Appeal from the Supreme Court of Washington. 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. 1196. Billy Ray Venable, 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. 720, Misc. Tommy N. Greer, petitioner, *v.* George Beto, Director, Texas Department of Corrections. 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 reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan would set this case for argument, believing that the retroactivity of

Gideon v. Wainwright, 372 U.S. 335, as applied in a recidivist case, presents problems of its own that are deserving of plenary consideration.

ORDERS ON PENDING CASES

No. 81. John P. Lomenzo, Secretary of State of the State of New York, et al., appellants, *v. WMCA, Inc., et al.* The parties are requested before June 8, 1966, to file memoranda, which need not be printed, addressed to the question whether this case should be dismissed in light of the events supervening the decisions of October 11, 1965, in No. 85, *WMCA, Inc. v. Lomenzo*, 382 U.S. 4, No. 191, *Travia v. Lomenzo*, 382 U.S. 9, No. 319, *Rockefeller v. Orans*, 382 U.S. 10, and No. 449, *Screvane v. Lomenzo*, 382 U.S. 11. Mr. Justice Fortas took no part in the promulgation of this order.

No. 1224. Joe Nathan Cooper, petitioner, *v. California.* The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Michael Traynor, Esquire, of San Francisco, California, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEAL—JURISDICTION POSTPONED

No. 1071. Department of Employment et al., appellants, *v. United States et al.* Appeal from the United States District Court for the District of Colorado. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. 1037, Misc. George McCray, 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 and placed on the summary calendar.

CERTIORARI DENIED

No. 1133. Terrebonne Parish School Board, etc., et al., petitioners, *v. Texaco, Inc., et al.* Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 1172. Stanley Huberman, petitioner, *v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1173. Harry R. Hughes et al., petitioners, *v.* Maryland Committee for Fair Representation et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1184. 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. 1186. Andrew J. Easter, petitioner, *v.* The Clydesdale, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1187. Croname, Incorporated, petitioner, *v.* Technograph Printed Circuits, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1188. Frank Theodore, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1189. Mary L. Abboreno et al., petitioners, *v.* Richard B. Austin, United States District Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1190. J. Strickland & Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1191. Woodrow Wilson Compton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1192. R. E. Kellerman et al., petitioners, *v.* Preston J. Miller. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1195. Hexagon Laboratories, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1200. First Congregational Church of Los Angeles, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1203. Claude Cauley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1204. Sam G. Myers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1213. Cook Electric Company, petitioner, *v.* Frank Horton & Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1220. Joe A. Cunningham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1266. Richard Dale Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1270. Nantucket Express Lines, Inc., et al., petitioners, *v.* Woods Hole, Martha's Vineyard & Nantucket Steamship Authority. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1299. Flaxman, Coleman, Gorman & Rosoff, petitioners, *v.* Crules R. Cheek, Trustee, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 980. Joe Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Dissenting opinion by Mr. Justice Stewart:

"The petitioner stands convicted for sending two allegedly obscene phonograph records through the mail.¹ One of the records consists almost entirely of the sounds of percussion instruments. Its title "Erotica," is a gross misnomer. The second record is a transcription of passages from "Songs of Bilitis," a book of poems published by Pierre Louys in 1894. Pierre Louys was a French poet and novelist who lived from 1870 to 1925. The Columbia Dictionary of Modern European Literature² says that his poems "by their grace, by that clear imagery characteristic of the Parnassian school, and by their pure and flexible harmony of style may well become immortal; indeed few poets have ever had a more fervent worship of beauty and a more profound respect for form. The works of Louys have inspired several musicians, among whom the most notable is Claude Debussy. . . ."

"Under the First Amendment this conviction cannot stand. I would grant certiorari and reverse the judgment."

MR. JUSTICE DOUGLAS joins this dissent, adding that he would also reverse on the basis of his separate opinions in *Ginzburg v. United States*, 383 U.S. 463, and *Memoirs v. Massachusetts*, 383 U.S. 413. MR. JUSTICE BLACK would also grant certiorari and reverse the judgment.

No. 1165. Fishel Rudawski et al., petitioners, *v.* Florida. Motion of Thomas H. Wakefield as Guardian ad litem for unknown heirs of Jacob Tim, Deceased, to be named as a party respondent granted. Petition for writ of certiorari to the Supreme Court of Florida denied.

¹ He was also convicted for mailing nonobscene circulars advertising these records for sale. If the records are not obscene, the convictions on these advertising counts obviously cannot stand. Five additional counts involve the label of a third record, pasted on the outside of its mailing wrapper. This record was not even alleged to be obscene.

² Columbia Univ. Press, N.Y., 1947.

No. 731, *Misc.* Charles Gonzelo Silva, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 919, *Misc.* Lawrence E. Wallace, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 928, *Misc.* Edward Fallis, petitioner, *v.* United States Penitentiary at Lewisburg, Pennsylvania, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1030, *Misc.* Wilmer McIntosh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1128, *Misc.* John Ennix Anderson et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1135, *Misc.* George Wm. Daegele, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1154, *Misc.* Kenneth L. Power, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1155, *Misc.* Joseph A. Stacy, Jr., petitioner, *v.* Walter M. Wallack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1158, *Misc.* James McCants, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1165, *Misc.* Nathan Weeks, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1171, *Misc.* Roy "Tinker" McCasland, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1233, *Misc.* Pius Stancavage, petitioner, *v.* J. Edgar Hoover et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1276, *Misc.* James E. Stone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1321, *Misc.* Herbert Ely, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1349, **Misc.** Eddie Borges Santos, petitioner, *v.* Lawrence E. Wilson. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1351, **Misc.** Cecil Clayton Lillibridge, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1354, **Misc.** Hyman Goldberg, petitioner, *v.* Martin P. Catherwood, as Industrial Commissioner. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1367, **Misc.** John Joseph Waltenberg, petitioner, *v.* Brendan T. Byrne, County Prosecutor of Essex County. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1372, **Misc.** Frederick A. McGrotty, 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. 1383, **Misc.** Paul Grear, petitioner, *v.* E. L. Maxwell et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1387, **Misc.** Lifus Cooley, petitioner, *v.* Michigan Department of Prison Administration et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1388, **Misc.** William Hill, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1390, **Misc.** Bill Call, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1391, **Misc.** William Tinsley, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1392, **Misc.** Louis Herbert Martin, petitioner, *v.* H. W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1395, **Misc.** James A. Catlino, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1399, **Misc.** John C. Robinson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1400, **Misc.** Lois Chaffee, petitioner, *v.* Paul B. Johnson, Jr., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1459, Misc. Harold Tucker Matlock, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 912, Misc. Harry Copeland Cotton, petitioner, *v.* Harry A. Yawn, Warden, Wayne County Prison. Motion for leave to file petition for writ of habeas corpus denied.

No. 1466, Misc. Albert Mintzer, petitioner, *v.* Warden, Sing Sing Prison. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

REHEARINGS DENIED

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al.;

No. 1065. Edward H. Smalley, petitioner, *v.* Southern Railway Company;

No. 1069. The League of Women Voters of the Grand Traverse Area of Michigan et al., petitioners, *v.* Dan Smoot;

No. 1006, Misc. J. Adams Bruce, as President of Bruce's Juices, Inc., petitioner, *v.* United States;

No. 1271, Misc. Hassie Cane Martin, petitioner, *v.* Kentucky; and

No. 1305, Misc. Herman Salazar, petitioner, *v.* Harold A. Cox, Warden. Petitions for rehearing denied.

No. 756. Henry David et ux., petitioners, *v.* Robert L. Phinney, District Director of Internal Revenue. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Tuesday, May 31, 1966.

Adjourned until Tuesday, May 31, 1966, at 10 o'clock.

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 Fortas.

ADMISSIONS TO THE BAR

John F. Sullivan, of Phoenix, Ariz., William J. Bluestein, of Los Angeles, Calif., Edward S. Freeman, of Los Angeles, Calif., Paul R. Webber III, of Washington, D.C., Arthur David Friedman, of Bridgeport, Conn., Richard Wyndon Perkins, of Washington, D.C., Levon Kasarjian, Jr., of Newton, Mass., Martin H. Bernsley, of Brooklyn, N.Y., Gilbert Thomas Dunn, of Great Neck, N.Y., William Houslanger, of Franklin Square, N.Y., Joseph E. O'Connor, of Hempstead, N.Y., Irving Howard Spiegel, of Brooklyn, N.Y., Sherman Oxenhandler, of Long Beach, N.Y., Robert D. Fox, of Medford, Oreg., and V. Rock Grundman, Jr., of Falls Church, Va., on motion of Mr. Solicitor General Thurgood Marshall; Robert J. Murphy, Jr., of McLean, Va., on motion of Mr. Henry M. Jackson; Irwin Cantor, of Phoenix, Ariz., and Alena Cantor, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; Jack B. Adams, of Arcadia, Calif., on motion of Mr. James C. Corman; William P. Simmons, Jr., of Miami, Fla., on motion of Mr. Charles E. Bennett; Les Cochran, of Abilene, Tex., on motion of Mr. Omar Burleson; Fletcher Long, of Forrest City, Ark., on motion of Mr. E. C. Gathings; Vincent Gerard Gioia, of Pittsburgh, Pa., on motion of Mr. Thomas C. McGrath; Ernest J. Schag, Jr., of Newport Beach, Calif., on motion of Mr. James B. Utt; Lewis Evan Grotke, of Tampa, Fla., and Philip H. Schwiesow, of Germantown, Wis., on motion of Miss Nancy A. Murry; George Aaron Kramer, of Washington, D.C., on motion of Judge Milton S. Kronheim; William Sheperd West, of Arnold, Md., on motion of Miss Betty Jean Hancock; Floy T. Berkowitz, of Clinton, Ark., and Victor Lee Nutt, of Hampton, Ark., on motion of Mr. John Patrick Baker; Leon B. Savetsky, of New York, N.Y., on motion of Mr. Harry M. Plotkin; Chas. E. Cessna, of Chicago, Ill., on motion of Mr. Frank Joseph Delany; Harry William Kurtzman, of Philadelphia, Pa., on motion of Mr. Solomon Freedman; Peter J. Butler, of New Orleans, La., on motion of Mr. Edward L. Koepenick; Barton L. Ingraham, of Lovington, N. Mex., on motion of Mr. Frank J. Martell; John Joseph McDermott, of New York, N.Y., on motion of Mr. Donald O. Lincoln; Francis Paul Saponaro, Jr., of Washington, D.C., on motion of Mr.

Martin L. Friedman; Murray Herbert Falk, of Boston, Mass., on motion of Mr. Joseph M. Howard; Paul H. Koenig, of St. Louis, Mo., on motion of Mr. Bernard Fensterwald; Walter Herzfeld, of New York, N.Y., on motion of Mr. Richard A. Whiting; Milton Mitchell, of Washington, D.C., on motion of Miss Hana Taffet; Herman Foster, of East Greenwich, R.I., on motion of Mr. Thomas J. Greer, Jr.; William H. McSoley, Jr., of Providence, R.I., on motion of Mr. Frank G. Shea; Philip Steiner, of San Francisco, Calif., on motion of Mr. Homer Kent Presson; Salvatore Raymond Conte, of Scotch Plains, N.J., on motion of Mr. Leonard P. Prusak; Robert J. Hallisey, of Boston, Mass., on motion of Mr. William E. Gwatkin III; Clement V. Mannella, of Pearl River, N.Y., on motion of Mr. Edmund L. Jones; George Gaylord Gute, of Los Angeles, Calif., on motion of Mr. Stanley L. Temko; Irving A. Levine of Bethesda, Md., on motion of Mr. Isaac Groner; Fred P. Holub, of Bay City, Tex., on motion of Mr. Charles M. Johnston; William M. Keegan, of New York, N.Y., on motion of Mr. Roy Leiffen; Howard Michael McCormack, of Garden City, N.Y., on motion of Mr. John R. Sheneman; James E. Cornbrooks, of Washington, D.C., and Benson A. Snaider, of New Haven, Conn., on motion of Mr. William S. Fulton, Jr.; Alvin E. Honoroff, of Los Angeles, Calif., on motion of Mr. Samuel Herman; John Lowenthal, of New York, N.Y., on motion of Mr. Benjamin V. Cohen; Warren F. Schwartz, of New York, N.Y., on motion of Mr. Howard E. Shapiro; Stanley P. Wagman, of New York, N.Y., on motion of Mr. William Ward Rayner; Ralph J. Savarese, of Kensington, Md., and Terrence C. Sheehy, of Arlington, Va., on motion of Mr. John Bodner, Jr.; Donald L. Hastings, of Chicago, Ill., on motion of Mr. Edward Aeneas McCabe; Richard Adolf Waterval, of Falls Church, Va., on motion of Mr. John Joseph Leahy; John D. Knodell, Jr., of Washington, D.C., on motion of Mr. John J. Wilson; Ralph B. Raukx, of New York, N.Y., on motion of Mr. James B. Cobb; and Morley M. Azorsky, of California, Pa., Paul N. Barna, of Donora, Pa., Paul N. Barna, Jr., of Donora, Pa., Melvin B. Basi, of Charleroi, Pa., John Frederick Bell, of Washington, Pa., Israel Castle Bloom, of Washington, Pa., John L. Brunner, of Burgettstown, Pa., A. V. Capano, of Donora, Pa., Robert Lester Ceisler, of Washington, Pa., Frank A. Conte, of Washington, Pa., Jesse D. Costa, of Bentleyville, Pa., Patrick C. Derrico, of Canonsburg, Pa., Sanford S. FINDER, of Washington, Pa., John H. France, of Charleroi, Pa., Howard Edwin Goldfarb, of Washington, Pa., Samuel Goldfarb, of Washington, Pa., Gaylord W. Greenlee, of Washington, Pa., William C. Hart, of Washington, Pa., Oliver N. Hormell, of California, Pa., Michael E. Kusturiss, of Canonsburg, Pa., Patsy Vincent Marino, of Washington, Pa., Stephen D. Marriner, of Washington, Pa., James C. McCreight, of Washing-

ton, Pa., John B. McCreight, of Washington, Pa., Francis H. Patrono, of Washington, Pa., Paul M. Petro, of Donora, Pa., William H. Robinson, of Monongahela, Pa., Milton D. Rosenberg, of Washington, Pa., Edward V. Sciamanna, of Washington, Pa., Sherman H. Siegel, of Washington, Pa., August L. W. Sismondo, of Charleroi, Pa., George B. Stegenga, of Houston, Pa., Clyde G. Tempest, of Monongahela, Pa., Thomas J. Terputac, of Washington, Pa., Chris Vlachos, of Canonsburg, Pa., David H. Weiner, of Washington, Pa., and Lawrence R. Zewe, of Washington, Pa., on motion of Mr. Ralph Simon Spritzer, were admitted to practice.

OPINIONS

No. 940. Joseph A. Rinaldi, appellant, *v.* Howard Yeager, Warden, et al. Appeal from the United States District Court for the District of New Jersey. Judgment reversed and case remanded to the United States District Court for the District of New Jersey for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan.

No. 303. United States, appellant, *v.* Von's Grocery Company et al. Appeal from the United States District Court for the Southern District of California. Judgment reversed and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Mr. Justice Fortas took no part in the consideration or decision of this case. ✓

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 1214. Harrell G. Tillman et al., appellants, *v.* City of Port Arthur. Appeal from the Supreme Court of Texas. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1344. Joseph W. Alton, Jr., appellant, *v.* J. Millard Tawes, etc., et al. Appeal from the United States District Court for the District of Maryland. The motion to advance is granted. The judgment is affirmed. Opinion *per curiam*.

No. 321, Misc. Melvin Davis Rees, Jr., petitioner, *v.* C. C. Petyon, Superintendent of the Virginia State Penitentiary. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Retaining jurisdiction over the cause, the District Court is directed to determine petitioner's mental competency in the present posture of things. Opinion *per curiam*.

CERTIORARI GRANTED

No. 1026. Alfred Fortugno et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 1034. Estate of Daniel P. Fortugno, Deceased, Connie M. Fortugno, Executrix, etc., petitioner, *v.* Commissioner of Internal Revenue. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit granted. Cases consolidated and a total of one hour allotted for oral argument.

No. 1216. Peter H. Klopfer, petitioner, *v.* North Carolina. Motion of The American Civil Liberties Union et al., for leave to file a brief, *amici curiae*, granted. Petition for writ of certiorari to the Supreme Court of North Carolina granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 1111. In the Matter of Dan Piver, petitioner. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1118. Exquisite Form Brassiere, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1120. Frances Metzger Wirth Stephan, Guardian of the Estate of Charles Wirth, petitioner, *v.* The Marlin Firearms Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1135. Harry H. Levy, petitioner, *v.* Glickman Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1169. Suburban Tile Center, Inc., et al., petitioners, *v.* Rockford Building and Construction Trades Council, AFL-CIO, Rockford, Illinois, Winnebago County, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1179. Charles A. Wright, Inc., petitioner, *v.* F. D. Rich Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1194. Myles F. Heffernan, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1202. Jackson Municipal Separate School District et al., petitioners, *v.* Darrell Kenyatta Evers et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1206. Walter Johnson, Individually and as Secretary-Treasurer of Department Store Employees Union, Local 1100, etc., et al., petitioners, *v.* Raphael Weill & Co., Inc., d/b/a The White House et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1207. Elmer J. Benes and Frances M. Benes et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1208. The Fidelity and Casualty Company of New York, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1209. Frances Marino, Administratrix, petitioner, *v.* Trawler Emil C. Inc., et al. Petition for writ of certiorari to the Superior Court of Massachusetts, Suffolk County, denied.

No. 1211. Pennsylvania Refuse Removal Association et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1212. Independent Stave Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1217. Ray S. Bailey, petitioner, *v.* Ellis MacDougall, Director of the Department of Corrections for South Carolina. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 1256. James Athorn, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1257. John Albert Cook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1260. Christian Christiansen, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1319. Security Life Insurance Company of America, petitioner, *v.* W. C. Jennings. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1182. Noelle M. Henry, petitioner, *v.* Coahoma County Board of Education et al. 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. 1269. Washington State Bowling Proprietors Association, Inc., et al., petitioners, *v.* Pacific Lanes, Inc. Motion for leave to supplement the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 596, **Misc.** Thomas J. Taylor, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 969, **Misc.** Joseph N. D'Argento, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1180, **Misc.** William Edward Clark, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1213, **Misc.** Herbert Sperling, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1220, **Misc.** Gordon R. Thompson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1244, **Misc.** Fred L. Bliss, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1283, **Misc.** Ross A. Gridley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1298, **Misc.** Spencer Womack, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1340, **Misc.** Phillip Eidenmuller, petitioner, *v.* Warden, Green Haven State prison, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1384, **Misc.** Ralph Carl Powers, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1402, **Misc.** Robert Dane Finton, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1404, **Misc.** Conser Lee Shaw, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1421, Misc. Donald Allen Randolph, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1423, Misc. Richard R. Mitchell, petitioner, *v.* Ralph H. Tashash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1426, Misc. Charles Hatton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1428, Misc. Kenneth O. Van Slyke, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1429, Misc. Edward J. Farrant, petitioner, *v.* John E. Bennet, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1450, Misc. John G. Oppenheimer, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 1452, Misc. Robert Joseph Buck, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1453, Misc. Richard R. Romero, petitioner, *v.* Wayne K. Patterson. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1454, Misc. Ernest Watkins, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1456, Misc. Louis Sandel Williams, petitioner, *v.* New Mexico et al. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1457, Misc. David D. Taylor, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1460, 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. 1461, Misc. Guy N. Stafford, petitioner, *v.* California et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1464, Misc. William Christiansen, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1468, **Misc.** Claude A. Griffin, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1470, **Misc.** Henry Joseph Ynostroza, petitioner, *v.* John H. Klinger et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1474, **Misc.** James Conway, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1482, **Misc.** Glenn Gilchrist, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, denied.

No. 1483, **Misc.** Perry E. Walker, petitioner, *v.* Frank J. Pate. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1490, **Misc.** Oscar F. Cook, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1509, **Misc.** Darryl A. Bell, petitioner, *v.* Alfred T. Rundle, Warden. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1512, **Misc.** Morris Morgan Falagan, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1513, **Misc.** Sands Bury Lee, petitioner, *v.* Louie L. Wainright, Director, Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1511, **Misc.** James Lawrence Caruth, petitioner, *v.* Arthur L. Oliver, Warden;

No. 1521, **Misc.** David W. Wion, petitioner, *v.* J. T. Willingham, Warden;

No. 1528, **Misc.** William L. Madden, petitioner, *v.* California; and

No. 1529, **Misc.** Adolphus R. Thomas, 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. 1346, **Misc.** Red Lion Broadcasting Co., Inc., etc., et al., petitioners, *v.* David L. Bazelon, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 545. Joseph E. Seagram & Sons, Inc., et al., appellants, *v.* Donald S. Hostetter, etc., et al.;

No. 1063. Diana Kearny Powell, petitioner, *v.* Nicholas Katzenbach, Attorney General of the United States, et al.;

No. 1123. Harold Weinhart, petitioner, *v.* United States;

No. 1151. Fabert Motors, Inc., petitioner, *v.* Ford Motor Company; and

No. 1389, Misc. Sherman H. Skolnick, petitioner, *v.* Judicial Council of the Seventh Circuit of the United States. Petitions for rehearing denied.

No. 131. Margaret L. Holt et al., petitioners, *v.* Alleghany Corporation et al.; and

No. 132. Margaret L. Holt et al., petitioners, *v.* Allan P. Kirby et al. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from today until Monday, June 6, 1966.

Adjourned until Monday, June 6, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

Erik M. Arnhem, of Beverly Hills, Calif., Louis Stein, of Bridgeport, Conn., Robert Scott Kaufman, of Miami, Fla., John R. Cerame, of Baltimore, Md., Lewis W. Clymer, of Kansas City, Mo., Michael N. Newmark, of St. Louis, Mo., George F. Bousseilaire, of Denver, Colo., John Thomas Kelly, of Houston, Tex., Jack I. Bornstein, of Mineola, N.Y., Anthony R. Marasco, of White Plains, N.Y., Carmine C. Marasco, of Ardsley, N.Y., Elodia J. Marasco, of Ardsley, N.Y., Jerome F. Matedero, of Westbury, N.Y., Seymour S. Ross, of Mineola, N.Y., Martin H. Scher, of Port Washington, N.Y., Stephen W. Schlissel, of Oceanside, N.Y., Bernard Summer, of Mineola, N.Y., Stanley Wasserman, of Amityville, N.Y., William F. Frye, of Eugene, Oreg., Bruce M. Hall, of Portland, Oreg., George Harding Churchill, of Memphis, Tenn., Miles Laubenheimer, of Menomonee Falls, Wis., Alfred J. Jackson, Jr., of Fort Worth, Tex., Jules M. Fields, of New York, N.Y., Morton L. Greenburg, of Beverly Hills, Calif., Addison Dudley Connor, of Detroit, Mich., and Albert C. Blanchard, of Bangor, Maine, on motion of Mr. Solicitor General Thurgood Marshall; Leonard L. Silverstein, of Bethesda, Md., on motion of Miss Carolyn E. Agger; Richard H. Garvey, of Greensburg, Ind., and Morrison F. Lewis, Jr., of Jeannette, Pa., on motion of Mr. Vance Hartke; Alexander Gray Jones, of Princess Anne, Md., and Joseph Henry Herbst Kaplan, of Baltimore, Md., on motion of Mr. Joseph Davies Tydings; Robert J. Quigley, of Eldon, Mo., on motion of Mr. Richard H. Ichord; William James McKnight III, of Brookville, Pa., on motion of Mr. Albert W. Johnson; Floyd V. Hicks, of Tacoma, Wash., on motion of Mr. Brockman Adams; Max M. Hagen, of Miami, Fla., and Akiba Lawrence Plager, of Miami, Fla., on motion of Mr. Dante Fascell; William L. Clark, of Lake Bluff, Ill., on motion of Mr. Robert McClory; Russell A. Malrick, of Waverly, Ohio, on motion of Mr. William H. Harsha, Jr.; Edwin W. Edwards, of Crowley, La., and Charles Martin Bass, Jr., of Lake Charles, La., on motion of Mr. Clarence J. Martin; William Patrick Mahoney, Jr., of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Adelfa Botello Callejo, of Dallas, Tex., on motion of Mr. Joe Richard Pool; Peter P. Darrow, of Ann Arbor, Mich., Vanzelli M. Hamilton, of Ypsilanti, Mich., and George

Wahr Sallade, of Ann Arbor, Mich., on motion of Mr. William David Ford; Douglas Francis Comstock, of Glen Ellyn, Ill., Louis K. Fontenot, of Joliet, Ill., Ortheldo Arthur Peithman, of Farmer City, Ill., Alex Michael Wojtak, of Joliet, Ill., and Thomas Roy Krone, of Western Springs, Ill., on motion of Mr. John N. Erlenborn; Rex V. Larson, of Mansfield, Ohio, and William Frederick McKee, of Mansfield, Ohio, on motion of Mr. Jackson E. Betts; Lionel L. Roerkohl, of Caledonia, Minn., on motion of Judge Gerald P. Culkin; Francis J. Fazzano, of West Warwick, R.I., William J. Counihan, Jr., of Pawtucket, R.I., and Corinne P. Grande, of Providence, R.I., on motion of Mr. John Joseph Nugent; James W. Riddell, of McLean, Va., on motion of Mr. Donald S. Dawson; John Wm. Murphy, of Fayetteville, Ark., and Robert Edwin Chowning, of Little Rock, Ark., on motion of Mr. Floyd Lee Williams; Ben Block Jones, of Jackson, Miss., on motion of Judge Clifford Davis; Clarence W. Moore, of Miami Beach, Fla., on motion of Mr. Rufus King; Vivienne Conrad, of Venice, Calif., and John R. Liebman, of Beverly Hills, Calif., on motion of Mr. E. Louis Reid; David N. Berk, of Beaumont, Calif., on motion of Mr. Brice Wilson Rhyne; Laurence I. Hewes III, of Washington, D.C., and James S. Hostetler, of Washington, D.C., on motion of Mr. Gene Perry Bond; Billy Gene Fallin, of Moultrie, Ga., on motion of Mr. John Wilson Ellis; Walter Rayford Lamar Jones, of Philadelphia, Miss., on motion of Mr. J. Kenton Chapman; Eldon E. Wolfe, Jr., of Columbia, S.C., on motion of Mr. Paul Francis McArdle; John Ohanian, of San Francisco, Calif., on motion of Mr. Jerome A. Tintle; Norman Annenberg, of New York, N.Y., and Sidney L. Garwin, of New York, N.Y., on motion of Mr. Charles Samenow; Norman W. Shibley, of Cleveland, Ohio, and Donald P. Traci, of Cleveland, Ohio, on motion of Mr. Oliver Wendell Hasenflue; Charles A. Weigel, Jr., of Kenneth Square, Pa., on motion of Mr. Converse Murdoch; Carl B. Metoyer, of Oakland, Calif., on motion of Mr. Belford V. Lawson, Jr.; Joseph F. Diver, of Findlay, Ohio, and Jack Fariss, of Findlay, Ohio, on motion of Mr. Harold L. Kennedy; Richard E. Vimont, of Lexington, Ky., on motion of Mr. George W. Shadoan; Roderick D. Blanchard, of Minneapolis, Minn.; on motion of Mr. Lincoln Arnold; John J. McOwen, of Huntington, W. Va., on motion of Mr. William Gerard Ryan; Joseph A. Davis, of Jersey City, N.J., John F. Lynch, of Morristown, N.J., and John M. Walsh, of Jersey City, N.J., on motion of Mr. Francis X. Kennelly; Norman Getlan, of New York, N.Y., on motion of Mr. Robert Irving Dennison; George Glenn Buchanan, of Whittier, Calif., on motion of Mr. George Martin Coburn; Herbert Frederick Ahlswede, of Reno, Nev., on motion of Mr. William J. Raggio; Jonathan Plaut, of Summit, N.J., on motion of Mr. Chester Antieau; Charles L. Good, of Rochester, N.Y., on motion of Mr. Robert H. Berdo; Leslie C. Tupper, of Los Angeles, Calif.,

on motion of Mr. H. H. Walker Lewis; Maureen Pulte Reilly, of Detroit, Mich., and James J. Reilly, of Detroit, Mich., on motion of Miss Charlotte P. Murphy; Robert Meister, of New York, N.Y., on motion of Mr. Franklin Schultz; David Freeman, of Los Angeles, Calif., on motion of Mr. Robert E. Herzstein; Robert H. Roth, of Orlando, Fla., on motion of Mr. J. William Norman; Howard N. Nemerovski, of San Francisco, Calif., on motion of Mr. Kimon S. Zachos; Joseph Edward Mueth, of Los Angeles, Calif., on motion of Mr. Francis D. Thomas, Jr.; William H. Colona, Jr., of Virginia Beach, Va., on motion of Mr. Thomas J. Middleton, Jr.; William Earl Bracken, Jr., of Waco, Tex., David Roy Ellison, of Denver, Colo., and Conward E. Williams, of St. Albans, W. Va., on motion of Mr. Harold W. Gardner; Charles Matthew McKeon Shepherd, of Clayton, Mo., on motion of Mr. Francis W. McInerny; Alan Jay Moscov, of Los Angeles, Calif., on motion of Mr. Jerry D. Worthy; Robert Bond Bottomley, of San Diego, Calif., on motion of Mr. Donald Knox Duvall; Coleman Everett Myers, of Sanford, Fla., on motion of Mr. Mallory L. Miller, Jr.; Robert B. Berenson, of Westfield, N.J., Milton M. Breitman, of Newark, N.J., Nathan W. Gordon, of Roselle, N.J., John J. Cariddi, of Hackensack, N.J., Joseph L. Magrino, of Orange, N.J., Nathan N. Naiman, of East Orange, N.J., Frank A. Paglianite, of East Orange, N.J., Boris Seeber, of Dover, N.J., Howard I. Schlesinger, of Newark, N.J., and Marvin K. Schlesinger, of Newark, N.J., on motion of Mr. Aristo Dallavalle; and John T. Black, of Fort Payne, Ala., Lars Pedersen, of Tucson, Ariz., Robert Arthur Barclay, of Alturas, Calif., Thomas W. Bell, Jr., of Sacramento, Calif., Virginia S. Mueller, of Sacramento, Calif., Rex H. Scott, of Boulder, Calif., Charles Corces, Jr., of Tampa, Fla., Thomas J. Hanlon III, of Tampa, Fla., Dell W. Smith, of Preston, Idaho, Ralph H. Haley, of Orofino, Idaho, Keith Jergensen, of St. Anthony, Idaho, C. Robert Yost, of Caldwell, Idaho, Richard A. Hollis, of Springfield, Ill., Jack Hoogasian, of Waukegan, Ill., K. T. Hubler, of Marion, Ill., Paul Haney Knott, of Chicago, Ill., John P. O'Rourke, of Danville, Ill., Phil Gross, of Sumner, Iowa, Jack M. Fulton, of Cedar Rapids, Iowa, Max R. Werling, of Tipton, Iowa, Keith Mossman, of Vinton, Iowa, Douglas J. Burris, of Maquoketa, Iowa, Edward R. Fitzgerald, of Des Moines, Iowa, Van Wifvat, of Perry, Iowa, Robert William Burns, of Dubuque, Iowa, Julius O. Ballinger, of Wichita, Kans., Roy S. Fischbeck, of El Dorado, Kans., Ralph M. King, Jr., of Lawrence Kans., Charles E. Watson, of Wellington, Kans., Dick Roland Jones, of McPherson, Kans., Wilber C. Fisher, Jr., of Louisville, Ky., Robert E. Fleming, of Louisville, Ky., William M. Gant, of Owensboro, Ky., Bruce R. Hamilton, of LaGrange, Ky., Peter Perlman, of Lexington, Ky., Joseph C. Howard, of Baltimore, Md., Bernard L. Silbert, of Baltimore, Md., Jerome W. Taylor, of Baltimore, Md., George J.

Helinski, of Baltimore, Md., Charles E. Moylan, Jr., of Baltimore, Md., Lucy Ann Garvey, of Baltimore, Md., Donald Willard Mason, of Cumberland, Md., Richard O. Motsay, of Baltimore, Md., John E. deKowzan, of Baltimore, Md., Lester V. Jones of Towson, Md., Richard Duncan J. Byrd, of Towson, Md., Frank Harvey Newell III, of Towson, Md., Bernard J. Dischinger, Jr., of Baltimore, Md., Leo E. Maki, of St. Johns, Mich., William B. Randall, of St. Paul, Minn., John A. McHardy, Jr., of Plainview, Minn., Edward E. Cleary, of St. Paul, Minn., John H. Fox III, of Clinton, Miss., William L. Waller, of Jackson, Miss., Donald W. Cumbest, of Pascagoula, Miss., William H. Johnson, Jr., of Decatur, Miss., Jesse L. Yancy, Jr., of Bruce, Miss., Daniel V. O'Brien, of Clayton, Mo., Charles E. McDermott, of Wayne, Nebr., Joseph A. Hoffman, of Clinton Township, N.J., Edmund R. Bernhard, of Flemington, N.J., Alfonso G. Sanchez, of Santa Fe, N. Mex., Morris D. Stagner, of Clovis, N. Mex., Leo Slutzky, of Brooklyn, N.Y., Richard B. Thomas, of Minot, N. Dak., Robert L. Balyeat, of Lima, Ohio, James A. Berry, of Springfield, Ohio, Rodney R. Blake, of Sidney, Ohio, Richard E. Bridwell, of Zanesville, Ohio, Lee C. Falke, of Dayton, Ohio, Edwin T. Hofstetter, of Chardon, Ohio, John Frederick Holcomb, of Hamilton, Ohio, Joseph E. Mahoney, of Ashtabula, Ohio, John F. Marchal, of Greenville, Ohio, Henry P. Mittelkamp, of Ottawa, Ohio, Richard J. Rinebolt, of Findlay, Ohio, Harry Arthur Sargeant, Jr., of Fremont, Ohio, George Lewis Schilling, Jr., of Wilmington, Ohio, Donald Douglas Simmons, of Bowling Green, Ohio, Elbert G. Smith, of Springfield, Ohio, William Minor Toy III, of Springfield, Ohio, Thomas Leyshon Tribbie, of Cambridge, Ohio, Alexander Ogle, of Somerset, Pa., Gregory J. Chachas, of Ely, Nev., L. Roland Anderson, of Ogden, Utah; E. Carter Nettles, Jr., of Wakefield, Va., George S. Cummins, of Blackstone, Va., W. Byron Keeling, of Keysville, Va., Gerald E. Clickner, of Racine, Wis., Leslie A. Lee, of Bellingham, Wash., and John W. Pattno, Jr., of Cheyenne, Wyo., on motion of Mr. Frank E. Moss, were admitted to practice.

OPINIONS

No. 439. United States, petitioner, *v.* Anthony Grace & Sons, Inc. 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 White.

No. 440. United States, petitioner, *v.* Utah Construction and Mining Co. On writ of certiorari to the United States Court of Claims. Judgment affirmed in its interpretation of the scope of the disputes clause and reversed as to its failure to give finality, in the suit for delay damages and breach of contract, to factual findings properly made by the Board of Contracts Appeals 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 White.

No. 645. United States, petitioner, *v.* The Equitable Life Assurance Society of the United States. On writ of certiorari to the Supreme Court of New Jersey. Judgment reversed 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 Clark. Mr. Justice Douglas dissents.

No. 490. Samuel H. Sheppard, petitioner, *v.* E. L. Maxwell, Warden. 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 Southern District of Ohio with instructions to issue the writ of habeas corpus and order that petitioner be released from custody unless the State puts him to its charges again within a reasonable time. Opinion by Mr. Justice Clark. Mr. Justice Black dissents.

No. 412. Salvatore Shillitani, petitioner, *v.* United States; and

No. 442. Andimo Pappadio, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgments vacated and cases remanded to the United States District Court for the Southern District of New York with directions that they be dismissed. Opinion by Mr. Justice Clark. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Harlan in these cases and concurring in the result in No. 67, post. Mr. Justice White took no part in the decision of these cases.

No. 67. Paul Theodore Cheff, petitioner, *v.* Elmer J. Schnackenberg et al. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed. Mr. Justice Clark announced the judgment of this Court and delivered an opinion in which the Chief Justice, Mr. Justice Brennan, and Mr. Justice Fortas join. Opinion by Mr. Justice Harlan concurring in the result in this case and dissenting in Nos. 412 and 442, ante. Mr. Justice Stewart, joining in Part I of Mr. Justice Harlan's separate opinion, concurs in the result. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Mr. Justice White took no part in the decision of this case.

No. 118. Federal Trade Commission, petitioner, *v.* Brown Shoe Company, Inc. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black.

The Chief Justice said :

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

OPINIONS PER CURIAM

No. 1177. Double Eagle Lubricants, Inc., appellant, *v.* Texas. Appeal from the United States District Court for the Northern District of Texas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Opinion *per curiam*.

No. 1408, Misc. Lee Clyde Lambright, appellant, *v.* California. Appeal from the District Court of Appeal of California, Fourth 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. 1435, Misc. Abraham Daugherty, Jr., appellant, *v.* Tennessee. Appeal from the Supreme Court of Tennessee, Eastern Division. 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. 1495, Misc. Calvin Thomas Jenkins, appellant, *v.* Alfred A. Birzgalis, Medical Superintendent, Ionia State Hospital, et al. Appeal from the Court of Appeals of Michigan. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. —. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Brotherhood of Railroad Trainmen et al. The application for reinstatement of the limited preliminary injunction of the United States District Court for the Middle District of Florida of May 10, 1966, and the opposition thereto, presented to Mr. Justice Black, and by him referred to the Court, is granted upon condition that a petition for a writ of certiorari be filed in this Court on or before June 11, 1966. Any brief opposing such petition must be filed on or before June 16, 1966. These papers may be typewritten. The reinstatement of this injunction shall be effective if the petition for a writ of certiorari is timely filed and thereafter until this Court acts upon such petition. Should the petition be denied, this reinstatement shall terminate automatically. In the event the petition for a writ of certiorari is granted, this reinstatement shall remain in effect pending the issuance of the judgment of this Court. The Chief Justice, Mr. Justice Black and Mr. Justice White are of the opinion that the relief sought should be denied. Mr. Justice Fortas took no part in the consideration or decision of this application.

CERTIORARI GRANTED

No. 1105. Charles Hodes et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 1238. National Woodwork Manufacturers Association et al., petitioners *v.* National Labor Relations Board; and

No. 1247. National Labor Relations Board, petitioner, *v.* National Woodwork Manufacturers Association et al. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

No. 1267. Manuel Vaca et al., petitioners, *v.* Niles Sipes, Administrator of the Estate of Benjamin Owens, Jr., Deceased. Motions of Swift & Company, and American Federation of Labor and Congress of Industrial Organizations for leave to file briefs, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of Missouri granted and case placed on the summary calendar. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI DENIED

No. 995. Maria Rivera Delgado, petitioner, *v.* Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 996. Tom Harling, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Yolo, denied.

No. 1175. Local No. 7, International Union of Journeymen Horsehoers of the United States and Canada (AFL-CIO), et al., petitioners, *v.* A. Irwin Taylor et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1198. West Virginia ex rel. G. Thomas Battle, State Tax Commissioner, petitioner, *v.* The Baltimore and Ohio Railroad Company. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 1210. Massey-Ferguson, Inc., petitioner, *v.* H. W. Glessner, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1229. James R. McCarthy, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1230. District of Columbia, petitioner, *v.* Equitable Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1233. Duvall Manor, Incorporated, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1236. Hyman D. Siegel, petitioner, *v.* New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1237. William Hickock, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1239. United Biscuit Company of America, petitioner, *v.* W. Willard Wirtz, Secretary of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1242. Lewis S. Rosentiel, petitioner, *v.* Susan L. Rosentiel. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1243. Broadway Enterprise, Inc., petitioner, *v.* Board of Liquor Control. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1244. Harold Franklin Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1245. Mastro Plastics Corporation et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1248. Gerald A. Schroeder et ux., petitioners, *v.* Illinois et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1249. Graham Bobbitt Ball, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1255. Waterman Steamship Corporation, petitioner, *v.* Atlantic & Gulf Stevedores, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1306. Roy Mannis, a minor, by his parents, Floyd R. Mannis, et ux., petitioner, *v.* Arkansas ex rel. DeWitt School District No. 1. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1219. William R. Hill, Jr., petitioner, *v.* Sperry Rand Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. The Chief Justice and Mr. Justice Fortas are of the opinion that certiorari should be granted. Mr. Justice Douglas would grant certiorari on the question of the allocation of costs.

No. 1228. Lawrence W. Medlin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1278. Carol Music, Inc., petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and the judgment reversed.

No. 1296. Sherman H. Crouse, Warden, petitioner, *v.* Arley C. Browning. Motion of the respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 753, Misc. Lawrence William Wright, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 864, Misc. Gregory Comulada, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 967, Misc. Kenneth Ray Heafner, petitioner, *v.* Greg V. Richardson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1078, Misc. Terry M. Stahlman, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1173, Misc. Joseph Pelio, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1208, Misc. Robert A. Meunier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1287, Misc. Andrew Nicholson and Richard Reed Criswell, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1290, Misc. Edward L. 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. 1291, Misc. Amos Black, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1315, Misc. Adam Ramsey Langford, petitioner, *v.* Commissioners of Civil Service Commission et al. Petition for writ of cer-

tiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1325, **Misc.** Robert M. Owings, petitioner, *v.* United States Court of Military Appeals et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1341, **Misc.** John Joseph Manna, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1347, **Misc.** Beatrice M. Motte and Theodore V. Shyvers, petitioners, *v.* Sylvester J. Ryan, Chief Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1353, **Misc.** Billie Gene Bennett and Paul Edward Webb, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1380, **Misc.** Oliver H. Rigney, petitioner, *v.* Edward J. Hendrick, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1394, **Misc.** Byron F. Garrett et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1405, **Misc.** Harry Lee Charlton, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1411, **Misc.** Clayborne Bynum, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1413, **Misc.** Dorris Wahl, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1416, **Misc.** Gene U. Gresham, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1424, **Misc.** Roland Franz Ludwig Weigand, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1425, **Misc.** John Henry Humphries, Jr., petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1430, **Misc.** Robert Orr, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1439, **Misc.** Billy K. McCombs, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1440, **Misc.** Edward M. Frazee, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1441, **Misc.** Frank Whiting, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1442, **Misc.** Raymond Ortega, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1443, **Misc.** Richard Paul Baker, 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. 1446, **Misc.** Joel D. Hankins et ux., petitioners, *v.* Annie Morton et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1463, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1465, **Misc.** Willmore X. Knight, petitioner, *v.* Frank J. Pate, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1467, **Misc.** Paul Rodger Weller, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1472, **Misc.** Rodger Lee McQueen, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1473, **Misc.** Aaron Cooper, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1476, **Misc.** Ernest Clifford Lucas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1479, **Misc.** Robert Ernest Paul, petitioner, *v.* Maryland. Petition for writ of certiorari to the Supreme Bench of Baltimore City of Maryland denied.

No. 1480, **Misc.** Henry Ames, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1481, **Misc.** Pedro Manuel Court Sifre, petitioner, *v.* Gerardo Delgado, Warden. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1484, **Misc.** Jack T. Copestick, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1486, **Misc.** Benjamin Franklin, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1488, **Misc.** Everett Walton, petitioner, *v.* W. C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1491, **Misc.** Edward William Stapf, petitioner, *v.* Paul H. Preston et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1492, **Misc.** Alfred Garrett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1496, **Misc.** Tommy Lawrence Dickerson, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1497, **Misc.** Henry Monroe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1498, **Misc.** John Steiger and James Wood, petitioners, *v.* New York. Petition for writ of certiorari to the County Court of Suffolk County of New York denied.

No. 1501, **Misc.** David Thomas Healy, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1504, **Misc.** Donovan Edward Ruby, petitioner, *v.* Secretary of the United States Navy. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1505, **Misc.** George McCreary, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1508, **Misc.** Edward E. Hopkins, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1515, **Misc.** James T. Harris, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1517, **Misc.** Eddie Willie Taylor, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1518, **Misc.** Genaro Fernandez, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 1520, Misc. Willie Curtis Miller, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1522, Misc. S. Leon Levy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1527, Misc. Clarence Leon Taylor, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1530, Misc. Maria Teresa Weglarz Krzyzewska, petitioner, *v.* Illinois et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1532, Misc. Dutton Ray Miller, petitioner, *v.* Maurice Sigler, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1534, Misc. Howard Frye, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1536, Misc. Herman Pillows, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1537, Misc. Thomas D. Gaertner, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1538, Misc. Chester Campbell, 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. 1540, Misc. Robert Lee Sims, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1543, Misc. Philip C. MacFadden, petitioner, *v.* Arthur L. Oliver, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1547, Misc. Leroy Barnett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1550, Misc. Jesse L. Hughes, 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. 1551, Misc. Florida ex rel. Richard Charles Worthington, petitioner, *v.* Pat Cannon, as one of the Judges of the Eleventh Judicial Circuit. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1554, Misc. Jewell R. Mazique, petitioner, *v.* Edward C. Mazique. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1557, **Misc.** George Eugene Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1558, **Misc.** Clifford Gardner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1578, **Misc.** Leo C. Burke, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1588, **Misc.** Roy C. Brown, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1567, **Misc.** Clarence Eugene Wilson, petitioner, *v.* Arthur L. Oliver, Warden; and

No. 1577, **Misc.** Albert Zales, petitioner, *v.* J. D. Middlebrooks, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 505. National Association for the Advancement of Colored People et al., petitioners *v.* Haldred Overstreet;

No. 535. United States, petitioner, *v.* John Catto, Jr., et al.;

No. 1067. Robert H. Engle, appellant, *v.* Otto Kerner et al.;

No. 1076. John R. Beall, petitioner, *v.* Bob Jefferson; and

No. 1221, **Misc.** Edward F. Thomas, petitioner, *v.* Frank J. Pate, Warden. Petitions for rehearing denied.

No. 834, **October Term, 1964.** Frank Nick Zizzo et al., petitioners, *v.* United States. Motion for leave to file a petition for rehearing denied. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 286. Peter DiFronzo, petitioner, *v.* United States. Motion for leave to file a petition for rehearing denied.

No. 1102. The Montreal Trust Company, etc., petitioner, *v.* United States. Petition for a rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 801, **Misc.** Patrick J. Corcoran, petitioner, *v.* Samuel W. Yorty et al. Motion for leave to file a third petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 13, 1966.

Adjourned until Monday, June 13, 1966, 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 Fortas.

ADMISSIONS TO THE BAR

Arthur John Kane, Jr., of Brewster, Minn., Robert J. Friedman, of Miami, Fla., Norman H. Goldstein, of North Miami Beach, Fla., Sidney Kates, of Pompano Beach, Fla., Walter Howard Mayo III, of Orleans, Mass., John Jackson Collins, of St. Louis, Mo., John C. Moe, of Missoula, Mont., Charles L. Johnston, of New York, N.Y., A. Logan Langwith, of New York, N.Y., Robert Lawrence Davis, of Cincinnati, Ohio, and John Oviatt Martin, of Fairborn, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; H. Alfred Casassa, of Hampton, N.H., on motion of Mr. Norris Cotton; Dan Joseph Skubitz, of Wichita, Kans., on motion of Mr. Joseph Skubitz; Richard G. Vogt, of Rochester, N.Y., on motion of Mr. Barber B. Conable, Jr.; Charles Allen Haskins, of Hancock, Maine, on motion of Mr. Stanley R. Tupper; Ellis V. Rippner, of Cleveland, Ohio, and Richard Warren Schwartz, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Robert P. McNamee, of San Jose, Calif., on motion of Mr. Don Edwards; Ozell M. Trask, of Phoenix, Ariz., and William T. Healy, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Bert Sheffield Nettles, of Mobile, Ala., on motion of Mr. William Jackson Edwards III; Henry F. Martin, Jr., of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Richard Henry Spooner, of Portland, Oreg., on motion of Mr. William Berg., Jr.; Walter Carl Dudensing, Jr., of Houston, Tex., and Herbert L. Morgan, of Houston, Tex., on motion of Mr. Charles M. Johnston; Isaac R. Goodman, of San Carlos, Calif., on motion of Mr. Stewart French; Oretta D. Small, of Los Angeles, Calif., on motion of Mr. Marshall Gardner; Thomas J. Russo, of Staten Island, N.Y., on motion of Mr. Edward D. Re; Robert M. Moore, of New Orleans, La., on motion of Mr. Eberhard P. Deutsch; George Yep, of Annandale, Va., on motion of Mr. Harold W. Gardner; Richard S. Ehrlich, of Bethesda, Md., on motion of Mr. Melville Ehrlich; Gary M. Jay, of Tulsa, Okla., on motion of Mr. Henry Russell Thomas; Gerald L. Shaffer, of Fort Dodge, Iowa, on motion of Mr. Edward J. Peters, Jr.; W. Austin Cooper, of Sacramento, Calif., on motion of Mr. Thomas A. Brazier, Jr.; John J. Hughes, Jr., of Brookline, Mass., on motion

of Mr. Thomas J. Cavanaugh; George S. Howard, of Boston, Mass., on motion of Mr. James H. McGlothlin; Donald Hadley Clark, of Oklahoma City, Okla., on motion of Mr. Robert M. Scott; Donald J. Melvin, of Washington, D.C., on motion of Mr. Charles Emmet Lucey; William R. Cotter, of New York, N.Y., on motion of Mr. Lawrence McQuade; Vincente Perez-Diaz, of San Juan, P.R., on motion of Mr. Edward Charles Bou; Charles O. Verrill, Jr., of Washington, D.C., on motion of Mr. George Blow; Lawrence J. Hogan, of Washington, D.C., on motion of Mr. William Ward Rayner; Nathan Beitsch, of Baltimore, Md., and J. Martin Whitman, of Baltimore, Md., on motion of Mr. Barry T. Whitman; Walter Ernest Riemenschneider, Jr., of Berea, Ohio, on motion of Mr. Charles J. Monahan; Irwin W. Coleman, Jr., of Mobile, Ala., on motion of Mr. Irwin Weldon Coleman, Sr.; Joseph D. Whiteman, of Washington, D.C., on motion of Mr. Ezekiel G. Stoddard; Thomas McKay, Jr., of West Orange, N.J., on motion of Mr. Jerome J. Doherty; James K. Schooler, of Houston, Tex., on motion of Mr. Bernard A. Foster, Jr.; Henry J. Scroope, Jr., of New York, N.Y., on motion of Mr. Loran Paul Winings; William Charles Hogg, Jr., of Philadelphia, Pa., on motion of Mr. Henry B. Weaver, Jr.; James B. Wilkinson, of Richmond, Va., on motion of Mr. Malcolm M. Christian; and Elizabeth H. Allen, of Silver Spring, Md., on motion of Mr. George L. Quinn, Jr., were admitted to practice.

OPINIONS

No. 594. John T. Gojack, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. While concurring in the Court's judgment and opinion, Mr. Justice Black would prefer to reverse the judgment by holding that the House Un-American Activities Committee's inquiries here amounted to an unconstitutional encroachment on the judicial power for reasons stated in his dissent in *Barenblatt v. United States*, 360 U.S. 109, 135.

No. 650. John Nicholas, Trustee of the Estate of Beachcomber Motel, Inc., Bankrupt, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed in part and reversed in part and case remanded to the United States Court of Appeals for the Fifth Circuit for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice Harlan con-

curring in part and dissenting in part. Opinion by Mr. Justice White with whom Mr. Justice Douglas and Mr. Justice Fortas join concurring in part and dissenting in part.

No. 847. Nicholas deB. Katzenbach, Attorney General of the United States, et al., appellants, *v.* John P. Morgan and Christine Morgan; and

No. 877. New York City Board of Elections, etc., appellant, *v.* John P. Morgan and Christine Morgan. Appeals from the United States District Court for the District of Columbia. Judgment reversed and cases remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Douglas joins the Court's opinion except for the discussion, at pp. 14-16, of the question whether the congressional remedies adopted in § 4(e) constitute means which are not prohibited by, but are consistent with, "the letter and spirit of the Constitution." On that question, he reserves judgment until such time as it is presented by a member of the class against which that particular discrimination is directed. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins in these cases and in No. 673, *post*.

No. 673. Martha Cardona, appellant, *v.* James M. Power et al. Appeal from the Court of Appeals of New York. Judgment vacated and case remanded to the Court of Appeals of New York for such further proceedings as it may deem appropriate. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Fortas joins. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins in this case and in Nos. 847 and 877, *ante*.

No. 970. Federal Trade Commission, petitioner, *v.* Dean Foods Company et al. On writ of certiorari to the United States Court of appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 73. United States, appellant, *v.* Grinnell Corporation et al.;

No. 74. Grinnell Corporation, appellant, *v.* United States;

No. 75. American District Telegraph Company, appellant, *v.* United States;

No. 76. Holmes Electric Protective Company, appellant, *v.* United States; and

No. 77. Automatic Fire Alarm Company of Delaware, appellant, *v.* United States. Appeals from the United States District Court for the District of Rhode Island. Judgment affirmed, except as to the

decree, with respect to which it is reversed, and case remanded to the United States District Court for the District of Rhode Island for further hearing on the nature of the relief consistent with the view expressed in the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Stewart joins in Nos. 73 and 77.

No. 404. United States, appellant, *v.* Pabst Brewing Company et al. Appeal from the United States District Court for the Eastern District of Wisconsin. Judgment reversed and case remanded to the United States District Court for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice White. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in the result. Opinion by Mr. Justice Fortas concurring in the result.

No. 759. Ernesto A. Miranda, petitioner, *v.* Arizona. On writ of certiorari to the Supreme Court of Arizona;

No. 760. Michael Vignera, petitioner, *v.* New York. On writ of certiorari to the Court of Appeals of New York;

No. 761. Carl Calvin Westover, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 584. California, petitioner, *v.* Roy Allen Stewart. On writ of certiorari to the Supreme Court of California. Judgments in Nos. 759 and 760 reversed and cases remanded to the respective courts for further proceedings not inconsistent with the opinion of this Court. Judgment in No. 761 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. Judgment in No. 584 affirmed. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Clark dissenting in Nos. 759, 760, and 761, and concurring in the result in No. 584. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart and Mr. Justice White join. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 1240. Great Lakes Pipe Line Company, appellant, *v.* The Commissioner of Taxation. Appeal from the Supreme Court of Minne-

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

No. 1494, Misc. William Louis Gray, appellant, *v.* Illinois. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 27, Original. State of Ohio, plaintiff, *v.* State of Kentucky. The motion for leave to file the bill of complaint is granted and the Commonwealth of Kentucky is allowed sixty days to answer.

No. 1028. Louis Lesser et ux., et al., petitioners, *v.* Commissioner of Internal Revenue. The motion to remand is denied.

No. 1029. Fred B. Black, Jr., petitioner, *v.* United States. The Court desires a response from the Government in this case, not limited to, but directed in particular toward the kind of apparatus used by the Government; the person or persons who authorized its installation; the statute or Executive Order relied upon; the date or dates of installation; whether there is in existence a recording of conversations heard; when the information concerning petitioner came into the hands of any attorney for the Government and to which ones, as well as what use was made of the information in the case against petitioner. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this order.

No. 1261. Donald E. Sullins, petitioner, *v.* California. The motion of The National Health Federation for leave to file a brief, as *amicus curiae*, is granted. The motion of The American Natural Hygiene Society, Inc., for leave to file a brief, as *amicus curiae*, is granted.

APPEAL—JURISDICTION NOTED

No. 1358. United States, appellant, *v.* Lee Levi Laub et al. Appeal from the United States District Court for the Eastern District of New York. In this case probable jurisdiction is noted. The case is placed on the summary calendar and is set for oral argument immediately following No. 963.

CERTIORARI GRANTED

No. 1301. Federal Power Commission, petitioner, *v.* United Gas Pipe Line Company et al.; and

No. 1302. Memphis Light, Gas and Water Division, petitioner, *v.* United Gas Pipe Line Company et al. Petitions for writs of certi-

orari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and a total of two hours allotted for oral argument. Mr. Justice Fortas took no part in the consideration or decision of these petitions.

No. 1100, Misc. Edward John Nowakowski, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Motion for leave to proceed in forma pauperis and petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 1600, Misc. Jesse James Gilbert, petitioner, *v.* California. Motion for leave to proceed in forma pauperis granted. Petition for writ of certiorari to the Supreme Court of California granted limited to Questions 2, 3, 4, and 5 of the petition which read as follows:

"2. Whether a criminal defendant's constitutional right to due process of law and his guarantee against self-incrimination were violated where the conviction of petitioner Gilbert was based substantially upon the out-of-court declaration of his co-defendant King which recited Gilbert's participation in robbery, kidnapping and murder and King's in court confession which the California Court has ruled as a matter of state law was impelled by the wrongful admission of King's hearsay statements?

"3. Whether a criminal defendant's constitutional protection against unreasonable search and seizure was violated where a conviction was had upon a capital offense and sentence of death was rendered upon eyewitness identification that was based, in whole or in part, upon a viewing by such witnesses of four photographs that were seized by the F.B.I. from petitioner's locked private apartment without either an arrest or search warrant at a time when an arrest had not been made and could not be made, all contrary to the fair administration of criminal justice and due process provisions of the United States Constitution?

"4. Whether a criminal defendant's constitutional right to counsel was violated where he was convicted of a capital offense and sentenced to death upon eyewitness testimony that was based, in whole or in part, upon a viewing by such witnesses of unlawfully sized photographs prior to their attendance at a police line-up where petitioner was compelled to appear, without notice, and his attorney was not given opportunity to be present, all contrary to the fair administration of criminal justice and due process provisions of the United States Constitution? *being*

"5. Whether a criminal defendant's constitutional right to the assistance of counsel was violated where following his arrest by the Federal Bureau of Investigation he demanded the protections afforded by

presence of counsel and, that same evening, an F.B.I. agent took hand-writing exemplars from him that were subsequently used against him at trial of a capital offense, all contrary to the fair administration of criminal justice and due process provisions of the United States Constitution?"

Case transferred to the appellate docket.

CERTIORARI DENIED

No. 1138. Richard H. Dunning et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1160. Allen N. Brunwasser, petitioner, *v.* Pittsburgh National Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1241. Margaret C. Morrison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1250. Irma Grossman et vir, petitioners, *v.* Bernard Pearlman et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1251. Anthony B. Cataldo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1252. George W. Pollen, petitioner, *v.* Paul H. Preston, Superintendent, Washington Asylum and Jail. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1253. William S. Serri 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. 1254. Abdullah Ahmad Bey et al., petitioners, *v.* Francis Muldoon et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1263. Eastern Auto Distributors, Inc., petitioner, *v.* J. Wesley Snyder, d/b/a Snyder's Auto Sales. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1265. James McGuire, as President, and Joseph Diovisalvo, as Secretary-Treasurer of Coal, Gasoline, Fuel Oil Teamsters, etc., petitioners, *v.* Humble Oil & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1285. Glassman Construction Co., Inc., petitioner, *v.* The Fidelity and Casualty Co. of New York. Petition for writ of certiorari

to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1310. Milton Miller, etc., petitioner, *v.* City of Bakersfield. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1317. John S. Bender, petitioner, *v.* Orange Land Company. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 1221. Frank Markarian, petitioner, *v.* Commissioner of Internal Revenue. Motion for leave to file a supplement to the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1246. T. Ralph Grimes, Sheriff of Fulton County, petitioner, *v.* Tom Taylor Tolg. 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. 1268. Robert Joyce, petitioner, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1281. Michael F. Costello, Executor, petitioner, *v.* Elizabeth M. O'Brien. Motion to dispense with printing respondent's brief granted. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 789, Misc. Anthony Valenti, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 867, Misc. Virgil Kellison, petitioner, *v.* George Beto, Director, Texas Department of Corrections, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 879, Misc. James Mitchell, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 985, Misc. Michael C. Booth, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1120, Misc. Donald L. Velasquez, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1131, Misc. Miles Leslie, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1209, Misc. William Praylow, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1227, **Misc.** Edward J. Fitzgerald, petitioner, *v.* Jacob J. Parker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1234, **Misc.** Clayburn Green, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1235, **Misc.** Hollis Queen, petitioner, *v.* Jack Fogliani, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1238, **Misc.** Albert Charles Williams, petitioner, *v.* Board of Prison Terms and Paroles et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1272, **Misc.** Ernest Vida, petitioner, *v.* Hon. Hazen R. Armstrong et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1300, **Misc.** H. Grant Heaton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1304, **Misc.** Lenox J. Edwards, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1319, **Misc.** Commodore Reed, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1385, **Misc.** Jan Anson Vicory, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1401, **Misc.** Edward R. Maggiore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York and/or Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 1407, **Misc.** John Vuckson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1444, **Misc.** Larry Charles Clonce, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1489, **Misc.** Wallace Benjamin Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1523, Misc. Isaac Weber, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1544, Misc. Roy Williams, petitioner, *v.* Hugh A. Logan, Superintendent, Odom Prison Camp. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1545, Misc. Theodore R. Tyler, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 1552, Misc. Thurman Wyatt, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1553, Misc. Henry Saravia, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1560, Misc. Orlando Estrada, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1561, Misc. Anthony D'Agostino, petitioner, *v.* Jeremiah J. Dacey, Superintendent, Massachusetts Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1562, Misc. Jimmie Baines, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1564, Misc. Robert L. Cade, petitioner, *v.* R. H. Bunson, Director, Georgia Department of Corrections. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1570, Misc. Harold W. Greenwell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1579, Misc. Robert Iles, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1585, Misc. Charles Harris, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1596, Misc. Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1602, Misc. Dewright Baxter, petitioner, *v.* Sidney R. Olsen et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1620, Misc. Lee Colligan, petitioner, *v.* Thomas E. Rosetti, Property Clerk, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1625, Misc. Darwin Deen, 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. 1628, Misc. Curtis Hightower, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1631, Misc. Herman Turk Collins, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1637, Misc. Leopold J. Gunston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1675, Misc. Thomas W. Whalem, petitioner, *v.* Paul H. Preston. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1422, Misc. Frank C. Smith, petitioner, *v.* Frederick G. Reincke, Warden. Motion of Paul W. Orth 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. 1597, Misc. Carl H. Clark, petitioner, *v.* United States. Motion for leave to file a supplement to the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1611, Misc. Robert James Riley, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the Supreme Court of Illinois and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 1542, Misc. Charles Joseph Juliano, petitioner, *v.* Ohio et al. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1646, Misc. Jesse C. Pait, petitioner, *v.* Florida. Motion for leave to file petition for writ of habeas corpus denied.

No. 1664, Misc. Bill Ray Boyd, petitioner, *v.* California et al.; and

No. 1684, Misc. Leo Mleczeko, petitioner, *v.* Vincent R. Mancusi, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petition for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 904, Misc. Leon G. Schack, petitioner, *v.* Joseph I. Bogart, Clerk, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 1046. People of the State of Illinois ex rel. George Musso, Madison County Treasurer, etc., appellant, *v.* Chicago, Burlington and Quincy Railroad Company, et al.;

No. 1096. Charles Lance, Jr., petitioner, *v.* Lucille Plummer et al.;

No. 1119. Virginia Richmond, petitioner, *v.* Albert Weiner, as Executor of the Estate of Harry Soforenko;

No. 1134. Francis J. Dugan, petitioner, *v.* Paul H. Nitze, Secretary of the Navy, et al.; and

No. 1321, Misc. Herbert Ely, petitioner, *v.* New York. Petitions for rehearing denied.

No. 557. International Terminal Operating Co., Inc., petitioner, *v.* N. V. Nederl. Amerik Stoomv. Maats; and

No. 701, Misc. Paul V. Byrne, Jr., petitioner, *v.* John Kysar et al. Motions for leave to file second petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 20, 1966, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 20, 1966, at 10 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

No. —. Fannie Lou Hamer et al., appellants, *v.* Cecil C. Campbell, Circuit Clerk and Registrar of Sunflower County, Mississippi, et al. The application for a stay of the mandate of the United States Court of Appeals for the Fifth Circuit presented to Mr. Justice Black, and by him referred to the Court, is granted. Mr. Justice Douglas took no part in the consideration or decision of this application.

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SUPREME COURT OF THE UNITED STATES

Present: Mr. Justice Black, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Fortas.

Mr. Justice Black said:

“The Court announces with great regret that the Chief Justice is absent because of the death of his only sister.”

ADMISSIONS TO THE BAR

Norman L. Epstein, of Los Angeles, Calif., Stanley P. Piser, of Los Angeles, Calif., Howard Benson Siskel, of Los Angeles, Calif., Alfred H. Krieger, of Beverly Hills, Calif., Dante J. DeMichaelis, of Boston, Mass., Sherwin Tukel, of Detroit, Mich., John J. Casey, of St. Louis, Mo., Henry Wm. Freitas, of St. Louis, Mo., Charles W. Kunderer, of St. Louis, Mo., Howard Allan Levy, of Chevy Chase, Md., Mortimer H. Tischler, of New York, N.Y., Robert Gerard Tischler, of New York, N.Y., Robert L. Abrahamson, of Dayton, Ohio, Lewis Einbund, of Cleveland, Ohio, and Robert W. Jones, of Warren, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; Donald C. Gladden, of Fort Worth, Tex., on motion of Mr. Ralph W. Yarborough; Francis R. Salazar, of Denver, Colo., Charles Franklin Cook, Jr., of Denver, Colo., Robert Lee Frye, of Denver, Colo., and Benjamin L. Craig, of Denver, Colo., on motion of Mr. Gordon Allott; Richard Allan Johnson, of Scottsdale, Ariz., on motion of Mr. John J. Rhodes; LeRoy Collins, of Tallahassee, Fla., on motion of Mr. Paul B. Comstock; Norman E. MacKay, of Boston, Mass., and Owen J. McCaffrey, of Boston, Mass., on motion of Mr. William R. Foley; Leroy Reynolds Hamlett, Jr., of Martinsville, Va., on motion of Mr. Henry R. Thomas; Jacob Alprin, of Providence, R.I., and Ralph C. DeLuca, of Providence, R.I., on motion of Mr. Edward D. Re; Charles T. Martin, of Chicago, Ill., on motion of Mr. Walter J. Rockler; Peter Leffert Wolff, of New York, N.Y., on motion of Mr. Sidney A. Wolff; Norman J. Laboe, of Washington, D.C., on motion of Mr. John T. Sapienza; Joseph L. Serra, of St. Louis, Mo., on motion of Mr. Walter Franklin Norris; Howard A. Abrahams, of New Rochelle, N.Y., on motion of Mr. Chester H. Smith; James F. Hespen, of St. Louis, Mo., on motion of Mr. Willy Nordwind, Jr.; William R. Stroemer, of McLean, Va., on motion of Mr. Richard H. Heidermann; Richard Ratcliffe Wolfe, of Springfield, Ill., on motion of Mr. Harold

Cohen; Verne L. Freeland, of Miami, Fla., on motion of Mr. Richard H. Love; Charles R. Maloney, of New Orleans, La., on motion of Mr. Charles Martin Bass, Jr.; David J. McKean, of Washington, D.C., and Kevin P. Charles, of Washington, D.C., on motion of Mr. James F. Reily; Raymond Paul Hernacki, of Chicago, Ill., on motion of Miss Margaret H. Brass; Edward J. Opperman, of Chicago Heights, Ill., on motion of Mr. Raymond S. Smethurst; Robert J. Wampler, of Indianapolis, Ind., on motion of Mr. Frank J. Martell; Willett J. Hegarty, of Washington, D.C., on motion of Mr. George A. Wilkinson; Robert Emory Hurley, of Phoenix, Ariz., on motion of Mr. John Alfred Riggins, Jr.; John Page Wham, of Centralia, Ill., on motion of Mr. Bernard Joseph Waters; James Lawrence Kenworthy, of Kansas City, Mo., on motion of Mr. Frederick William Glassberg; Milton R. Friedman, of New York, N.Y., on motion of Mr. Franklin M. Schultz; and Fred P. Rubin, of New York, N.Y., on motion of Mr. K. Norman Diamond, were admitted to practice.

OPINIONS

No. 502. Raymond Dennis et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Colorado for a new trial. Opinion by Mr. Justice Fortas. Mr. Justice Douglas, while joining the opinion of Mr. Justice Black, also joins Part III of the majority opinion. Opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring in part and dissenting in part.

No. 147. Georgia, petitioner, *v.* Thomas Rachel et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Douglas with whom the Chief Justice, Mr. Justice Brennan and Mr. Justice Fortas join, announced by Mr. Justice Brennan.

No. 471. The City of Greenwood, Mississippi, petitioner, *v.* Willie Peacock et al.; and

No. 649. Willie Peacock et al., petitioners, *v.* The City of Greenwood, Mississippi. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the United States District Court for the Northern District of Mississippi for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom the Chief Justice, Mr. Justice Brennan and Mr. Justice Fortas join, announced by Mr. Justice Brennan.

No. 658. Armando Schmerber, petitioner, *v.* California. On writ

of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles. Judgment affirmed. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan with Mr. Justice Stewart joins. Dissenting opinion by Mr. Chief Justice Warren announced by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Justice Douglas, announced by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Fortas.

No. 762. Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey. On writ of certiorari to the Supreme Court of New Jersey. Judgment affirmed. Opinion by Mr. Chief Justice Warren, announced by Mr. Justice Brennan. Mr. Justice Clark concurs in the opinion and judgment of this Court. He adheres, however, to the views stated in his separate opinion in *Miranda v. Arizona*, 384 U.S. —. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White concur in the opinion and judgment of this Court. They continue to believe, however, for the reasons stated in the dissenting opinions of Mr. Justice Harlan and Mr. Justice White in *Miranda v. Arizona* and its companion cases, 384 U.S. —, that the new constitutional rules promulgated in those cases are both unjustified and unwise. Mr. Justice Black, with whom Mr. Justice Douglas joins, dissents from the Court's holding that the petitioners here are not entitled to the full protections of the Fifth and Sixth Amendments as this Court has construed them in *Escobedo v. Illinois*, 378 U.S. 478, and *Miranda v. Arizona*, 384 U.S. —, for substantially the same reasons stated in their dissenting opinion in *Linkletter v. Walker*, 381 U.S. 618, at 640.

No. 815. Elmer Davis, Jr., petitioner, *v.* North Carolina. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of North Carolina which should enter such orders as are appropriate and consistent with the opinion of this Court, allowing the State a reasonable time to retry petitioner. Opinion by Mr. Chief Justice Warren, announced by Mr. Justice Brennan. Mr. Justice Black concurs result. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins.

Mr. Justice Black said:

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

OPINIONS PER CURIAM

No. 33. Anthony Castaldi, petitioner, *v.* United States; and

No. 218. Carmine P. Tramunti, 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,

judgments vacated, and cases remanded to the United States District Court for the Southern District of New York for further proceedings in light of *Shillitani v. United States*, 384 U.S. —. Opinion *per curiam*. Mr. Justice Black concurs in the result. Mr. Justice Harlan dissents for the reasons stated in his opinion in *Cheff v. Schnackenberg*, 384 U.S. —.

No. 81. John P. Lomenzo, Secretary of State of the State of New York, et al., appellants, *v.* WMCA, Inc., et al. Appeal from the United States District Court for the Southern District of New York. Judgment vacated as moot, insofar as it concerns the issues here appealed 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 Fortas took no part in the consideration or decision of this case.

No. 573. John W. Leon, petitioner, *v.* United States. 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 vacated and case remanded to the United States District Court for the District of Columbia for further consideration in light of *Dennis v. United States*, 384 U.S. —. Opinion *per curiam*.

No. 576. United States et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Co., et al. Appeal from the United States District Court for the Southern District of California. Judgment vacated in part, and to that extent, case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 758. National Dairy Products Corporation, petitioner, *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 United States District Court for the Western District of Missouri for further consideration in light of *Dennis v. United States*, 384 U.S. —. Opinion *per curiam*.

No. 834. New Jersey et al., petitioners, *v.* Anthony Russo et al. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. The motion of respondent, Frank Bisignano, for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari granted, judgment vacated and case remanded to the United States District Court for the District of New Jersey for further proceedings in light of *Johnson v. New Jersey*, 384 U.S. —. Opinion *per curiam*. Mr. Justice Douglas dissents for the reasons stated in the dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 959. Bruce Baines et al., petitioners, *v.* City of Danville, Virginia. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. The motions to dispense with printing the petition for writ of certiorari and the respondent's brief are granted. Petition for writ of certiorari granted and judgments affirmed. Opinion *per curiam*. The Chief Justice, Mr. Justice Douglas, Mr. Justice Brennan, and Mr. Justice Fortas would reverse the judgments for the reasons stated in the dissenting opinion of Mr. Justice Douglas in *City of Greenwood v. Peacock*, 384 U.S. —.

No. 1011. Fred Wallace et al., petitioners, *v.* Virginia. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted and judgments affirmed. Opinion *per curiam*. The Chief Justice, Mr. Justice Douglas, Mr. Justice Brennan, and Mr. Justice Fortas would reverse the judgment for the reasons stated in the dissenting opinion of Mr. Justice Douglas in *City of Greenwood v. Peacock*, 384 U.S. —.

No. 1058. Joseph Lucignano et al., petitioners, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted, judgments vacated and case remanded to the United States District Court for the Eastern District of Pennsylvania for further consideration in light of *Dennis v. United States*, 284 U.S. —. Opinion *per curiam*.

No. 1180. Robert A. Miller, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. On writ of certiorari to the Supreme Court of Washington. Judgment vacated and case remanded to the Supreme Court of Washington for further consideration in light of its opinion in *Dillenburg v. Maxwell*, 68 Wash. Dec. 2d 481. Opinion *per curiam*.

No. 1215. American Canyon County Water District, appellant, *v.* Public Utilities Commission 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*.

No. 1288. 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. The judgment is affirmed. Opinion *per curiam*.

No. 289, Misc. Robert P. Griffin, petitioner, *v.* Maryland. On petition for writ of certiorari to the Court of Appeals of Maryland. 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 its decisions in *Schowgurow v. Maryland*, ~~250~~ Md. 121, and *Smith v. Maryland*

214 A. 2d 563. This disposition of the case is without prejudice to any other questions presented by the petition for a writ of certiorari. Opinion *per curiam*.

No. 747, Misc. Earle Stanley Cavanaugh, appellant, *v.* California. Appeal from the District Court of Appeal of California, First Appellate District. The motion to dismiss is granted and the appeal is dismissed as moot. Opinion *per curiam*.

No. 1107, Misc. Jerome Worthy, 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 consideration in light of *Dennis v. United States*, 384 U.S.—. Opinion *per curiam*.

No. 1326, Misc. Joel Franklin Levine, 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 for a full hearing. Opinion *per curiam*.

No. 1381, Misc. Woodrow Whisman, appellant, *v.* Georgia. 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*. Mr. Justice Douglas is of the opinion that certiorari should be granted and judgment reversed. He would remand the case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, the case having come here on direct review and being of the same vintage as *Miranda v. Arizona*, 384 U.S.—. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 1502, Misc. Matthew J. Hale, Jr., appellant, *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*.

ORDERS IN PENDING CASES

No. 562. Time, Inc., appellant, *v.* James J. Hill.

This case is ordered restored to the docket for reargument at the next term of Court. Upon reargument, counsel are requested to dis-

cuss in their further briefs and oral arguments, in addition to the other issues, the following questions:

(1) Is the truthful presentation of a newsworthy item ever actionable under the New York statute as construed or on its face? If so, does appellant have standing to challenge that aspect of the statute?

(2) Should the *per curiam* opinion of the New York Court of Appeals be read as adopting the following portion of the concurring opinion in the Appellate Division?

"However, if it can be clearly demonstrated that the newsworthy item is presented, not for the purpose of disseminating news, but rather for the sole purpose of increasing circulation, then the rationale for exemption from section 51 no longer exists and the exemption should not apply. In such circumstances the privilege to use one's name should not be granted even though a true account of the event be given—let alone when the account is sensationalized and fictionalized."

(3) Does the concept of "fictionalization," as used in the charge, the intermediate appellate decisions in this case, and in other New York cases, require intentional fabrication, or reckless disregard of the truth or falsity of statements of fact, as a condition of liability? Would either negligent or non-negligent misstatements suffice? With respect to these issues, how should the instructions to the jury be construed?

(4) What are the First Amendment ramifications of the respective answers to the above questions?

No. 991. Peter Wylan, appellant, *v.* California. The appellee is requested to file within thirty days a response to the petition for a rehearing.

APPEALS—JURISDICTION NOTED

No. 1226. Harry Keyishian et al., appellants, *v.* The Board of Regents of the University of the State of New York et al. Appeal from the United States District Court for the Western District of New York. In this case probable jurisdiction is noted.

No. 1273. In the matter of the application of Paul L. Gault and Marjorie Gault, father and mother of Gerald Francis Gault, a minor, appellants. Appeal from the Supreme Court of Arizona. In this case probable jurisdiction is noted.

No. 1125. Julian Bond et al., etc., appellants, *v.* James "Sloppy" Floyd et al. Appeal from the United States District Court for the Northern District of Georgia. Motion to advance denied. In this case probable jurisdiction is noted. Mr. Justice Douglas took no part in the consideration or decision of this motion and the question of jurisdiction.

CERTIORARI GRANTED

No. 1402. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Brotherhood of Railway Trainmen et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case set for oral argument during the week of October 10, 1966. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 387, Misc. Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted. Case transferred to the appellate docket.

No. 918, Misc. Isaac Sims, Jr., petitioner, *v.* Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Georgia granted limited to Questions 1, 2, 3, 4, and 5 presented by the petition which read as follows:

"1. Whether petitioner's Fourteenth Amendment rights were violated by a conviction and sentence to death obtained on the basis of a confession made under inherently coercive circumstances within the doctrine of *Fikes v. Alabama*, 352 U.S. 191.

"2. Whether petitioner's Fourteenth Amendment rights were violated by the failure of the Georgia courts to afford a fair and reliable procedure for determining the voluntariness of his alleged coerced confession in disregard of the principle of *Jackson v. Denno*, 378 U.S. 368.

"3. Whether petitioner's Fourteenth Amendment right to counsel as declared in *Escobedo v. Illinois*, 378 U.S. 478, was violated by the use of his confession obtained during police interrogation in the absence of counsel, or whether petitioner's right to counsel was effectively waived.

"4. Is a conviction constitutional where:

"(a) local practice pursuant to state statute requires racially segregated tax books and county jurors are selected from such books;

"(b) the number of Negroes chosen is only 5% of the jurors but they comprise about 20% of the taxpayers; and

"(c) a Negro criminal defendant's offer to prove a practice of arbitrary and systematic Negro inclusion or exclusion based on jury lists of the prior ten years is disallowed?

"5. Where a Negro defendant sentenced to death in Georgia for the rape of a white woman offers to prove that nineteen times as many Negroes as whites have been executed for rape in Georgia in an effort to show that racial discrimination violating the equal protection clause

of the Fourteenth Amendment produced such a result, may this offer of proof be disallowed?"

The case is transferred to the appellate docket.

No. 1012, Misc. Harvey Lyle Entsminger, petitioner, *v.* Iowa. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Iowa granted. Case transferred to the appellate docket, placed on the summary calendar and set for oral argument immediately following **No. 1181**.

No. 1270, Misc. Phil Whitus and Leon Davis, petitioners, *v.* Georgia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of Georgia granted. Case transferred to the appellate docket, placed on the summary calendar and set for oral argument immediately following **No. 918, Misc.**

No. 1565, Misc. Theodore Stovall, petitioner, *v.* Wilfred Denno, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 1271. Harold Franklin Smith et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1275. Norma M. Melfa, petitioner, *v.* Russell S. Davis, Commissioner of Personnel of Maryland, et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1277. Joseph Abrams et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1279. Joseph Colombo et al., petitioners, *v.* Aaron E. Koota, District Attorney, Kings County, New York, etc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1280. James F. Reynolds, petitioner, *v.* Commissioner of Commerce and Development. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1282. Noren Harvey and Bivenne Harvey by their Guardian ad litem, Tuck Harvey et al., petitioners, *v.* Chemie Grunenthal, G.m.b.H. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1284. Angelo Procario, petitioner, *v.* United States. Peti-

tion for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1286. James H. Matthews & Co., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1290. Great Western Broadcasting Corporation, d/b/a KXTV, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1304. Borris M. Komar, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1307. Everett L. Turpin, petitioner, *v.* Chicago, Burlington & Quincy Railroad Company. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1338. Automatic Electric Company, petitioner, *v.* Technograph Printed Circuits, Ltd., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 88. In the matter of disciplinary proceedings against Neil S. Mackay, petitioner. Motion for leave to file supplement to the petition granted. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 417. California, petitioner, *v.* James Edward Curry 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 denied because the California Supreme Court, under compulsion of the federal constitution, correctly applied the rule announced by this Court in *Miranda v. Arizona*, 384 U.S.—. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart rest their denial of the petition for certiorari on the ground that the judgment below is not final. 28 U.S.C. 1257(3) 1964 ed. Mr. Justice White is of the opinion that certiorari should be granted and the judgment below reversed for the reasons stated in his dissenting opinion in *Miranda v. Arizona*, 384 U.S.—.

No. 705. California, petitioner, *v.* Elbert Earl Williams. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be denied because the California Supreme Court, under compulsion of the federal constitution, correctly applied the rule announced by this Court in *Miranda v. Arizona*, 384 U.S.—. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart rest their denial of the petition for certiorari on the ground that the judgment below is not final. 28 U.S.C. 1257(3) 1964 ed. Mr. Justice White is of the opinion that certiorari should be granted and

the judgment below reversed for the reasons stated in his dissenting opinion in *Miranda v. Arizona*, 384 U.S.—.

No. 880. California, petitioner, *v. Ronald Howard Polk et al.* Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be denied because the California Supreme Court, under compulsion of the federal constitution, correctly applied the rule announced by this Court in *Miranda v. Arizona*, 384 U.S.—. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart rest their denial of the petition for certiorari on the ground that the judgment below is not final. 28 U.S.C. 1257(3) 1964 ed. Mr. Justice White is of the opinion that certiorari should be granted and the judgment below reversed for the reasons stated in his dissenting opinion in *Miranda v. Arizona*, 384 U.S.—.

No. 1035. California, petitioner, *v. Fausto Edward Flores.* Motion to dispense with printing the respondent's brief granted. 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 denied because the California Supreme Court, under compulsion of the federal constitution, correctly applied the rule announced by this Court in *Miranda v. Arizona*, 384 U.S.—. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart rest their denial of the petition for certiorari on the ground that the judgment below is not final. 28 U.S.C. 1257(3) 1964 ed. Mr. Justice White is of the opinion that certiorari should be granted and the judgment below reversed for the reasons stated in his dissenting opinion in *Miranda v. Arizona*, 384 U.S.—.

No. 1142. California, petitioner, *v. Charles Wesley Furnish.* Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be denied because the California Supreme Court, under compulsion of the federal constitution, correctly applied the rule announced by this Court in *Miranda v. Arizona*, 384 U.S.—. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice Stewart rest their denial of the petition for certiorari on the ground that the judgment below is not final. 28 U.S.C. 1257(3) 1964 ed. Mr. Justice White is of the opinion that certiorari should be granted and the judgment below reversed for the reasons stated in his dissenting opinion in *Miranda v. Arizona*, 384 U.S.—.

No. 443. William Anderson et al., petitioners, *v. City of Chester et al.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas and Mr. Justice Fortas are of the opinion that certiorari should be granted

No. 711. United States, petitioner, *v.* Jerome Kalishman, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Harlan would grant certiorari and reverse the judgment for the reasons stated in his opinion in *Nicholas v. United States*, 384 U.S. —.

No. 776. Jacques M. Schiffer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 965. George Kohatsu, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas, finding no violation of the principles in *Miranda v. Arizona*, 384 U.S. —, is of the opinion that certiorari should be granted and the judgment below affirmed.

No. 1261. Donald E. Sullins, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Mr. Justice Douglas, finding no violation of the principles in *Miranda v. Arizona*, 384 U.S. —, is of the opinion that certiorari should be granted and the judgment below affirmed.

No. 1004. Anthony Russo, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1146. Abraham W. Bolden, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1232. A. C. Cavell, Superintendent, State Correctional Institution, petitioner, *v.* Charles E. Whiting. 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 Third Circuit denied.

No. 1259. William R. McKee, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

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No. ~~274~~ Beaufort Concrete Company, petitioner, v. Atlantic States Construction Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Dissenting opinion by Mr. Justice Black:

I would grant certiorari in this case. This is another in a growing number of cases in which the Federal Rules of Civil Procedure have been used to prevent the fair and just determination of a lawsuit on the merits. See, e.g., *Ford v. Helmandollar*, 348 F. 2d 780, cert. denied, 383 U.S. 928, BLACK, J., dissenting; *Riess v. Murchison*, cert. denied, 383 U.S. 946, BLACK, J., dissenting; *Link v. Wabash R. Co.*, 370 U.S. 626, BLACK, J., joined by THE CHIEF JUSTICE, dissenting. In this case I think the summary judgment entered against petitioner by the District Court and affirmed by the Court of Appeals should be reversed and the case remanded to the District Court so that petitioner can have his day in court. The facts in summary are these. Petitioner supplied respondent with concrete to build some docks and warehouses near Savannah, Georgia. When respondent did not pay for all the concrete supplied, petitioner brought this suit to recover the balance, about \$90,000. Respondent moved for summary judgment supporting its motion with several affidavits stating that a large portion of petitioner's concrete was defective. On the day set for hearing petitioner filed three affidavits with the court which asserted that the concrete furnished was not defective and that if it was it became so because respondent's agents had ordered it to be watered down. The District Court, however, refused to consider petitioner's affidavits on the ground that they had not been served "prior to the day of hearing" as provided by Rule 56(c) of the Federal Rules, and on the basis of the pleadings and respondent's affidavits alone, the court entered summary judgment for respondent. The Court of Appeals affirmed stating that under the Federal Rules the trial court had broad discretionary power either to accept or reject petitioner's untimely affidavits but that the court did not abuse its discretion in rejecting the affidavits. The Court of Appeals went on to state that "Without the excluded affidavits, little is left to the plaintiff's case—nothing in fact, but the bare allegation in the complaint that [plaintiff] furnished adequate concrete for which it was not fully paid." Thus for the delay of a few hours—less than one day—in serving affidavits on respondent's counsel, petitioner was deprived of all opportunity to have the court consider its affidavit evidence, which if true, would have entitled it to collect the \$90,000 balance for the concrete supplied.

I find it entirely at odds with a fair system of trying lawsuits to throw out a litigant's case because his lawyer for negligence or some other reason fails by less than 24 hours to satisfy one of many procedural time limits. From the beginning to the end of a lawsuit a

lawyer must meet a host of time limits for filing papers. Surely a judge should not have discretion to enter final judgment at will every time a slight lapse occurs which may delay for half a day or so the service of one of a multitude of papers that must be served during the trial and appeal of a lawsuit.

The summary judgment entered below indicates, in my opinion, a failure to appreciate that "The basic purpose of the Federal Rules is to administer justice through fair trials, not through summary dismissals as necessary as they may be on occasion." *Surowitz v. Hilton Hotels Corp.*, 383 U.S. 363, 373. If the Federal Rules, as the Court of Appeals holds, repose in the district courts discretion to deprive parties of a full trial on their claims in circumstances like these, then it indicates to me that these rules exalt strict obedience to formality and "paper work" high above the fair and just trial of lawsuits. Nevertheless, the Federal Rules have been administered this way time and again. As I pointed out in my dissent to the new Federal Rules recently adopted:

Cases coming before the federal courts over the years now filling nearly 40 volumes of Federal Rules Decisions show an accumulation of grievances by lawyers and litigants about the way many trial judges exercise their almost unlimited discretionary powers to use pretrial procedures to dismiss cases without trials. In fact, many of these cases indicate a belief among many judges and legal commentators that the cause of justice is best served in the long run not by trials on the merits but by summary dismissals based on out of court affidavits, pretrial depositions, and other pretrial techniques. — U.S. —.

"The filing of court papers on time is, of course, important in our court system. But lawsuits are not conducted to reward the litigant whose lawyer is most diligent or to punish the litigant whose lawyer is careless. Procedural paper requirements should never stand as a series of dangerous hazards to the achievement of justice through a fair trial on the merits."

No. 1291. William L. Taub, petitioner, *v.* Randolph Hale et al. Motion to defer consideration of petition for certiorari denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 569, Misc. Francis Henry Bloeth, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 779, Misc. Nicholas DiBlasi, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 998, **Misc.** Vincent Roy Corrie, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1047, **Misc.** Robert Davis, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1060, **Misc.** Robert E. W. Cowling, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1063, **Misc.** Robert T. Darst, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1096, **Misc.** Joseph Lyle Stoner, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1098, **Misc.** Philip Orlando, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit Denied.

No. 1269, **Misc.** Orville T. Waldron, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1293, **Misc.** Manuel L. Hernandez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1573, **Misc.** Dafney Frank, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1609, **Misc.** Karl Hines Narten, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1622, **Misc.** Aaron Mitchell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1672, **Misc.** Charles Whiting, petitioner, *v.* A. C. Cavell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1074, **Misc.** Robert T. Mathis, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment reversed.

No. 1194, **Misc.** Wesley Robert Wells, petitioner, *v.* California. 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. 1556, Misc. James Forman et al., petitioners, *v.* City of Montgomery. 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. 68, Misc. Brooks Turner, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 158, Misc. Arnold L. Summerville, 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 and the judgment below reversed. He would remand this case for a new trial. It being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 197, Misc. Major Kenneth Jones, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 222, Misc. Thomas J. Hodgson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come

here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 288, Misc. Robert Lewis, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 319, Misc. Joe Clinton Moran, petitioner, *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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case have come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 378, Misc. Herber J. Daley, petitioner, *v. New Jersey*. Petition for writ of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 400, Misc. Larry Richardson, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 458, Misc. Charles E. Tracy, petitioner, *v. Massachusetts*. Petition for writ of certiorari to the Supreme Judicial Court of Mas-

sachusetts denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 507, Misc. Charles McGregor, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 547, Misc. Warren Carl Sherrick, petitioner, *v. Arizona*. Petition for writ of certiorari to the Supreme Court of Arizona denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 557, Misc. Frank Piscitello, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 564, Misc. Marshall Brent Williams, Jr., petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being

clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 584, Misc. Cecil E. Brown, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 590, Misc. Anthony Frank Ordog, Jr., petitioner, *v. New Jersey*; and

No. 631, Misc. Gary G. Rush, petitioner, *v. New Jersey*. Petitions for writs of certiorari to the Supreme Court of New Jersey denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 619, Misc. Walter Darrell Morris, petitioner, *v. West Virginia*. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 648, Misc. Charles DeWitt Whiteside, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*,

384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 675, Misc. Joseph McDonald Ward, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come down here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 792, Misc. Allen Golson and William Perkins, petitioners, *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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 937, Misc. Dennis Schmelzer White, petitioner, *v. Montana*. Petition for writ of certiorari to the Supreme Court of Montana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 961, Misc. Joseph Montgomery, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1027, Misc. Richard Cone, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1067, Misc. Charles Connolly, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1101, Misc. Jimmy Lee Smith, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1114, Misc. Robert William Gorman, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1138, Misc. Paul M. Gillespie, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand

this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1151, Misc. Michael John Bell, petitioner, *v. Colorado*. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

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No. ~~1161~~, Misc. Harlan G. Smith, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1167, Misc. George Robinson, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1204, Misc. Clarence Lee, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v.*

Arizona. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.

—.

No. 1281, Misc. Leo Gersh, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reasons for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1310, Misc. James Junior Mitchell and James Thomas Hinton, petitioners, *v. North Carolina*. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —. *Sevenfeldt*

No. 1322, Misc. Rudolph Martin ~~Nuenfeldt~~, petitioner, *v. Wisconsin*. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1333, Misc. Alfred Alphonse Opela, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1370, Misc. Leon Willis Johnston, 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 and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1373, **Misc.** Richard Charles Morgan, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384, U.S. —, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S. —.

No. 1378, **Misc.** James F. Bird, petitioner, *v. Arizona*. Petition for writ of certiorari to the Supreme Court of Arizona denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 1500, **Misc.** John Thomas Freeman, petitioner, *v. Kansas*. Petition for writ of certiorari to the Supreme Court of Kansas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384 U.S.—.

No. 1548, **Misc.** James D. Atherton, petitioner, *v. Oregon*. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below reversed. He would remand this case for a new trial, it being clear from the record that the principles announced in *Miranda v. Arizona*, 384 U.S.—, were not applied. He sees no reason for discriminating against this petitioner, this case having come

here on direct review and being of the same vintage as *Miranda v. Arizona*. See dissenting opinion in *Johnson v. New Jersey*, 384, U.S.—.

No. 303, Misc. Thomas Lee Bean, petitioner, *v. Nevada*. Petition for writ of certiorari to the Supreme Court of Nevada denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 459, Misc. Freddie Lee Childress, 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 and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 970, Misc. Earl R. Cephus, 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 and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1117, Misc. Jameel Rasheed and Percy Thomas, petitioner, *v. Louisiana*. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1122, Misc. Billy Ray Bennett, 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 and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1188, Misc. William Howard McClung, petitioner, *v. Washington*. Petition for writ of certiorari to the Supreme Court of Washington denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S.—.

—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1203, Misc. Nelson Cornelious Drummond, 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 and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1436, Misc. Felix Lopez, 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 and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1549, Misc. Louis A. Logner, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand for reconsideration in the light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1230, Misc. Norman C. Kitchell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied. Mr. Justice Douglas, finding no violation of the principles in *Miranda v. Arizona*, 384 U.S. —, is of the opinion that certiorari should be granted and the judgment below affirmed.

No. 538, Misc. Joseph Rodriguez Saldana, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 595, Misc. John L. Nelson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question

of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 678, Misc. Raymond Ross, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 850, Misc. David Bazaure, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 861, Misc. Gilbert R. Molina, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 1002, Misc. Thomas Wesley King and Richard Elzie Davis, petitioners *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 1053, Misc. Frank Alex DuBont, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 1091, Misc. Robert Lee Nye, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an indi-

vidual is violated, there is room for the application of a state harmless error rule.

No. 1160, Misc. Antonio Herrera Rodriguez, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 1206, Misc. Roland Wayne Wright, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state of harmless error rule.

No. 1285, Misc. Gerald Edward Garrow, petitioner, *v. California*. Petition for writ of certiorari to Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 1415, Misc. Richard Lara Pena, petitioner, *v. California*. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas would hold this case for consideration with *Chapman v. California*, No. 1156, and *Cooper v. California*, No. 1224, which raise the question of whether, when a constitutional right of an individual is violated, there is room for the application of a state harmless error rule.

No. 4, Misc. Charles William Hayden, petitioner, *v. Indiana*. Petition for writ of certiorari to the Supreme Court of Indiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 97, Misc. Edward Fanelli, Jr., petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —,

it being impossible to say on the record whether the principles announced in that case have been violated.

No. 162, Misc. Willard Bennings, Jr., petitioner, *v.* United States. Motion to strike brief for the United States denied. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 175, Misc. Martha Miller, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 339, Misc. Nelson Chevallier, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 341, Misc. Daniel Grant, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 499, Misc. Joel Beverly, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 621, Misc. Ernest Britten, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for

reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 628, Misc. Gary P. Simpson, petitioner, *v. Louisiana*. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 719, Misc. Floyd Baker, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 785, Misc. Thomas Allen, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 842, Misc. James Nole Sipult, Sr., 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 878, Misc. Raymond L. Mendez, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 936, Misc. Ernest Leroy Jacobson, 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 and the judgment below vacated. He would remand the

case for consideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 980, Misc. William E. Baker, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1153, Misc. Roy Dale Chatterton, petitioner, *v. Georgia*. Petition for writ of certiorari to the Supreme Court of Georgia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1186, Misc. Carmine Lombardi, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1328, Misc. Richard R. French, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1336, Misc. Johnny Lee Clemons, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1369, Misc. Joffre Earle Gregory, petitioner, *v. New York*. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the

case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1438, Misc. Frank Novak, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1616, Misc. Walter L. Brown, petitioner, *v. Arkansas*. Petition for writ of certiorari to the Supreme Court of Arkansas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 53, Misc. Henry Hanshaw, petitioner, *v. Arizona et al.* Petition for writ of certiorari to the Supreme Court of Arizona denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 172, Misc. Billy Clyde Still, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 194, Misc. Malcolm R. Schlette, petitioner, *v. California et al.* Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 201, Misc. Ernest Barragan Lopez, petitioner, *v. California*; and

No. 226, Misc. In re Willard Arthur Winhoven, petitioner. Petitions for writs of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted

and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 258, Misc. Joe David Childress, petitioner, *v.* George Beto, Director, Texas Department of Corrections. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 263, Misc. Herman Abdelkader, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 266, Misc. David Charles Bickley and John Larue Young, petitioners, *v.* Arthur L. Oliver, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U. S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 338, Misc. Harold L. Peek, Jr., petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 354, Misc. Charles Edwards, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 425, Misc. Raymond James, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 579, Misc. Fred A. Seno, petitioner, *v.* Stanley Macieiski, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 581, Misc. Earl Louis Goodchild, Jr., petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 598, Misc. Herman Paulsen, 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. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 615, Misc. Odis E. Williams, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S.—, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 624, Misc. Charles Lee Anthony, petitioner, *v.* Howard Yeager, Principal Keeper, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384

U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 630, **Misc.** Olenthis Williams, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 643, **Misc.** Howard Taft Miller, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 645, **Misc.** Carl De Flummer, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 690, **Misc.** Oscar Walden, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 722, **Misc.** Frank Hudson, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 723, **Misc.** Ignacio Medrano, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v.*

Arizona, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 745, Misc. Osborn Olden, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 757, Misc. John Wesley Riley, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 935, Misc. Gale C. Dickey, petitioner, *v.* Texas et al. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 942, Misc. Theodore C. Ruark, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1177, Misc. Lonnie Mitchell, petitioner, *v.* Dan D. Stephens, Superintendent, Arkansas State Penitentiary. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1184, Misc. George W. Craig, 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. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand

the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1229, Misc. Richard John O'Connor, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1409, Misc. Ralph Martinez, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1447, Misc. Charles Glover Warnock, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1485, Misc. Emmett Rosebrough, petitioner, *v.* California 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1507, Misc. Thomas E. Elliott, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1241, Misc. Willie Richardson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the

case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1288, Misc. James Kelly McCoy, petitioner, *v. Florida*. Petition for writ of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1410, Misc. Marion S. Strother, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1342, Misc. Clinton W. Delespine, petitioner, *v. Texas*. Petition for certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1595, Misc. Cecil Alvin Pece, petitioner, *v. Harold A. Cox, Warden*. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1601, Misc. Jimmie James Deal, petitioner, *v. California 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1623 Misc. John D. Wade, petitioner, *v. Howard Yeager, Warden*. 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1636, Misc. Robert Newton Gardner, Jr., petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 466, Misc. Lexy Lee Hamilton et al., petitioners, *v. North Carolina*. Petition for writ of certiorari to the Supreme Court of North Carolina denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 544, Misc. Preston Smith, petitioner, *v. New York*. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 577, Misc. Patrick T. Laine, 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 and the judgment below vacated. He would remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 892, Misc. James Milton Mann, petitioner, *v. Louie L. Wainwright*, Director, Division of Corrections; and

No. 1218, Misc. John Thomas McLain, petitioner, *v. Florida*. The motions for leave to file petitions for writs of habeas corpus are denied. Treating the papers submitted as petitions for writs of certiorari,

certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted and the judgment vacated. He would remand for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the records whether the principles announced in that case have been violated.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1017, **Misc.** Louis Babler Gabor, petitioner, *v.* Maricopa County Attorney et al.; and

No. 1129, **Misc.** Clarence R. Bosler, petitioner, *v.* Charles J. Vogel, Chief Judge, United States Court of Appeals for the Eighth Circuit. The motions for leave to file petitions for writs of mandamus are denied.

REHEARINGS DENIED

No. 1106. Dempster Brothers, Inc., et al., petitioners, *v.* Buffalo Metal Container Corporation et al.;

No. 1154. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company;

No. 1161. The Goodyear Tire & Rubber Company, petitioner, *v.* Commissioner of Patents;

No. 837, **Misc.** Lawrence C. Pope, petitioner, *v.* Loren E. Daggett et al.;

No. 1135, **Misc.** George Wm. Daegele, petitioner, *v.* Sherman H. Crouse, Warden;

No. 1276, **Misc.** James E. Stone, petitioner, *v.* United States;

No. 1352, **Misc.** Leo S. Haspel, appellant, *v.* State Board of Education et al.;

No. 1384, **Misc.** Ralph Carl Powers, petitioner, *v.* Texas;

No. 1451, **Misc.** Harold E. Fields, petitioner, *v.* California;

No. 1521, **Misc.** David W. Wion, petitioner, *v.* J. T. Willingham, Warden; and

No. 1522, **Misc.** S. Leon Levy, petitioner, *v.* United States. The petitions for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of these petitions.

No. 467, **October Term, 1962.** James Alvado et al., petitioners, *v.* General Motors Corporation. Motion for leave to file a fourth petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 1055, **Misc.** October Term, 1964. Robert Dewey Hilbrich, petitioner, *v.* United States; and

No. 1159, Misc. October Term, 1964. Nicholas Jacop Uselding, petitioner *v.* United States. Motions for leave to file second petitions for rehearing denied. Mr. Justice Douglas and Mr. Justice Fortas took no part in the consideration or decisions of these motions.

No. 1158. Reuben G. Lenske, petitioner, *v.* Oregon ex rel. Oregon State Bar. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this motion and petition.

No. 481, Misc. Robert Alford, petitioner, *v.* Arizona. Petition for rehearing denied. Mr. Justice Douglas would grant the rehearing, vacate the order denying certiorari and grant the petition for a writ of certiorari. He would vacate the judgment below and remand the case for reconsideration in light of *Miranda v. Arizona*, 384 U.S. —, it being impossible to say on the record whether the principles announced in that case have been violated.

No. 1374, Misc. Johnson Moore, petitioner, *v.* California et al. Motion for leave to file petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this motion.

Mr. Justice Black announced the following order of the Court:

“All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

“It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term.”

Adjourned to the time and place appointed by law.

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