

OCTOBER TERM, 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.

The Chief Justice said:

"The 1966 Term of the Supreme Court of the United States is now convened."

ADMISSIONS TO THE BAR

John L. Giordano, of Sacramento, Calif., Edward A. Hinz, Jr., of Sacramento, Calif., Talbot Shaw Lindstrom, of San Francisco, Calif., Allen Stephen Pesmen, of Chicago, Ill., Michael Taylor Epstein, of Silver Spring, Md., Peter Adams Anderson, of Bangor, Maine, Peter Sheridan Smith, of Durham, N.H., Carlton Robert Reiter, of Portland, Oreg., John Harold Socolofsky, of Salem, Oreg., Samuel Brock Russell, of Reading, Pa., and Norman C. Skogstad, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; Jerome Russell Waldie, of Antioch, Calif., on motion of Mr. Alan Monroe Nedry; Milton Fredman, of San Diego, Calif., on motion of Mr. Stanley R. Tupper; Elwyn L. Johnson, of Modesto, Calif., on motion of Mr. John J. McFall; Patricia Hinds Marschall, of San Angelo, Tex., and William I. Marschall, Jr., of San Angelo, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Robert Dwain Ross, of Little Rock, Ark., on motion of Mr. John Patrick Baker; Peter H. F. Graber, of Los Angeles, Calif., and Richard Henry Hoffelt, of Sacramento, Calif., on motion of Mr. E. Lewis Reid; James A. H. Ferguson, of Danville, Va., Lawrence G. Wilson, Jr., of Danville, Va., and Tully H. Seymour, of Newport Beach, Calif., on motion of Mr. Brice Wilson Rhyne; Erwin Grombacher, of Chicago, Ill., on motion of Mr. Seymour S. Guthman; Joseph Weldon Beasley, of Junction, Tex., and M. C. Blackburn, of Junction, Tex., on motion of Mr. Charles M. Johnston; F. L. Thompson, of Kansas City, Mo., and Elmer E. Thompson, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald, Jr.; Merrill Dean Nelson, of Daytona Beach, Fla., on motion of Mr. J. William Norman, Jr.; Barbara Nicholson Harbinson, of San Francisco, Calif., Thomas J. Harbinson, of San Francisco, Calif., and John Dale Hatzenbuhler, of Concord, Calif., on motion of Mr. Noble McCartney; Paul Davis Newey, of Chicago, Ill., on motion of Mr. Joseph F. Spaniol, Jr.; H. Emslie Parks, of Woodstock, Md., on motion of Mr. Samuel Shepard Dennis Marsh; Salvador A. Liccardo, of San Jose, Calif., on motion of

Mrs. LuVerne Conway; Norman Joseph Kapner, of West Palm Beach, Fla., Thomas E. Sholts, of West Palm Beach, Fla., Thomas H. Johnson, of West Palm Beach, Fla., Garlon A. Davis, of West Palm Beach, Fla., and William Carter White, of West Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Louis A. Sisler, of Fort Wayne, Ind., on motion of Mr. Robert F. Haynes, Jr.; John Benjamin Howerton, of Washington, D.C., on motion of Mr. Robert E. Lee Hall; Roy H. Horn, of Dayton, Ohio, on motion of Mr. Richard A. Posner; John William McMurray, of Chicago, Ill., on motion of Mr. Richard J. Flynn; Ed White, of Chicago, Ill., on motion of Mr. Harry James Breithaupt, Jr.; Melvin A. Philo, of Keyport, N.J., on motion of Mr. Herbert R. Rothenberg; John M. McInerney, of Bethesda, Md., on motion of Mr. Edward B. Layne, Jr.; Mary Carlyn Froerer, of San Francisco, Calif., on motion of Mr. Henry F. Gill; Charles H. Clay, of Minneapolis, Minn., on motion of Mr. William H. Parsons; Van Albert Stilley III, of Washington, D.C., on motion of Mr. Byron N. Scott; Morris Wagman, of New York, N.Y., on motion of Mr. Melvin Pollack; John Horton Morrison, of Evanston, Ill., on motion of Mr. Jack S. Levin; and John E. Willard, of Conway, S.C., on motion of Mr. Rowland F. Kirks, were admitted to practice.

ASSIGNMENT ORDER

An order of the Chief Justice designating and assigning Mr. Justice Reed (retired) to perform judicial duties in the United States Court of Claims beginning October 1, 1966, and ending June 30, 1967, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

Adjourned until Monday, October 10, 1966, at 10 o'clock.

The day call for Monday, October 10, 1966, will be as follows:
Nos. 220, 3, 16, and 50.

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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

Patricia C. Reems, of San Francisco, Calif., Aram K. Conragan, Jr., of Cambridge, Mass., Roberto J. Matos, of San Juan, P.R., and James Edward Darst, of St. Louis, Mo., on motion of Mr. Ralph Simon Spritzer; Kenneth Miller Petri, of Galion, Ohio, on motion of Mr. Jackson E. Betts; Arthur K. Bolton, of Griffin, Ga., Richard L. Chambers, III, of Atlanta, Ga., William L. Harper, of Atlanta, Ga., George J. Hearn, III, of Atlanta, Ga., Harold N. Hill, Jr., of Atlanta, Ga., and G. Ernest Tidwell, of Atlanta, Ga., on motion of Mr. Phil M. Landrum; Arnold D. Gowans, of Santa Barbara, Calif., on motion of Mr. James B. Utt; Edward L. D'Amico, of Rochester, N.Y., Franklin D'Aurizio, of Rochester, N.Y., Carl R. Scacchetti, Jr., of Rochester, N.Y., and George F. Francis, of Cuba, N.Y., on motion of Mr. Barber B. Conable, Jr.; Adam G. Adams, II, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Daniel J. Curtin, Jr., of Walnut Creek, Calif., and Dallas Sargent Edgar, of Hayward, Calif., on motion of Mr. E. Lewis Reid; Barry K. Berkson, of Gallup, N. Mex., on motion of Mr. Joseph F. Spaniol, Jr.; B. J. Cooper, of Oklahoma City, Okla., on motion of Mr. Peyton Ford; Edward Albert Charron, of Jacksonville, Fla., on motion of Mr. Prime F. Osborn, III; Robert Henry Ivey, of Clarksville, Tenn., and James F. Neal, of Nashville, Tenn., on motion of Mr. Nathan Lewin; Clayton S. Flood, of Hays, Kans., on motion of Mr. Carl L. Shipley; Jay Greenfield, of New York, N.Y., on motion of Mr. Timothy Belcher Dyk; Daniel B. Maher, of Washington, D.C., on motion of Mr. Joseph A. Fanelli; Wilmon Stevens Tucker, of San Francisco, Calif., Melville Benton Bowen, Jr., of Elmhurst, Ill., Nicholas A. Pecora, of Chicago, Ill., Tarleton L. Williams, of Chicago, Ill., and Arthur Francis Mathews, of Adelphi, Md., on motion of Mr. Walter P. North; Bernard Rudd, of Newark, N.J., on motion of Mr. David J. Breitkopf; John Franklin Lee, of Salt Lake City, Utah, on motion of Mr. Leslie H. Fisher; Richard Allen Medley, of Junction City, Kans., on motion of Mr. Joseph E. Cole; William W. Nelson, of Oklahoma City, Okla., on motion of

Mr. Joseph A. Guimond; Lowry W. Davis, of Atlanta, Ga., on motion of Mr. Earl L. Stanley; William E. Elston, Jr., of New York, N.Y., on motion of Mr. Charles Tignor Duncan; Frank C. O'Brien, of Newark, N.J., on motion of Mr. Henry P. Sailer; Phillips Melville Dowding, of Newport News, Va., on motion of Mr. James E. Artis; James Mansfield Cooke, of San Jose, Calif., on motion of Mr. Hugh Barnett Helm; Joseph E. Pennefeather, of College Park, Md., on motion of Mr. Caesar L. Aiello; Fletcher Jackson, of Little Rock, Ark., on motion of Mr. Jack L. Lessenberry; Anthony L. Fletcher, of New York, N.Y., on motion of Mr. Thomas G. Carney; and Lewis A. Plourd, of El Centro, Calif., on motion of Mr. Donald M. Murtha, 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."

OPINION PER CURIAM

No. 93. Senfour Investment Co., Inc., appellant, *v.* King County. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers wherein the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam.*

No. 102. Richard Howard Jones, 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.*

No. 104. The Baltimore and Ohio Railroad Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. *Opinion per curiam.*

No. 113. Morris Park, Inc., appellant, *v.* Elizabeth Buck. Appeal from the Supreme Court of Errors of Connecticut. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Opinion per curiam.* Mr. Justice Black is of the opinion that probable jurisdiction should be noted.

No. 115. Nathaniel Buchanan, etc., et al., appellants, *v.* James A. Rhodes, etc., et al. Appeal from the United States District Court for the Northern District of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. *Opinion per curiam.*

No. 122. Martin A. Jordan et al., appellants, *v.* Village of Menomonee Falls. Appeal from the Supreme Court of Wisconsin. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 143. Sylvia Bennett, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Claims. Petition for writ of certiorari granted, judgment vacated and case remanded for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 152. Annbar Associates et al., appellants, *v.* West Side Redevelopment Corporation 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. 168. Wallace Glick, by his guardian and curator, Bessie McGinty, and Bessie McGinty, Individually, appellants, *v.* Ballentine Produce Incorporated 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. 183. Harold William Kronsbein, appellant, *v.* The Trustees of Schools of Township Three, etc., et al. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 192. Board of Satanta Joint Rural High School District No. 2 et al., appellants, *v.* Grant County Planning Board et al. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 204. Richard Allen Dowdle et al., appellants, *v.* New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 217. Johnniemae Patterson Tietz et al., appellants, *v.* Michael J. Marienthal et al. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 229. Lawrence J. Reynolds, d/b/a Larry & Katz, et al., appellants, *v.* Louisiana Board of Alcoholic Beverage Control. Appeal

from the Supreme Court of Louisiana. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 267. John Calcaterra, 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*.

No. 271. United States, petitioner, *v.* Ohio. On petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 277. Frank M. Ferrante, appellant, *v.* City of New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 282. Thomas W. Reed, appellant, *v.* Illinois. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 291. Robert C. Treffry et al., appellants, *v.* Louise Taylor, as Director of Licenses for the State of Washington, et al. Appeal from the Supreme Court of Washington. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 316. Reuben Capelouto, appellant, *v.* Orkin Exterminating Company of Florida, Inc. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 332. The Bookcase, Inc., et al., appellants, *v.* Howard R. Leary, Commissioner of Police, et al. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed for want of a properly presented federal question. Opinion *per curiam*. Mr. Justice Black and Mr. Justice White are of the opinion that probable jurisdiction should be noted. Mr. Justice Harlan and Mr. Justice Brennan are of the opinion that the appeal should be dismissed for want of a substantial federal question.

No. 574. David Maslowsky et al., appellants, *v.* John E. Cassidy, Jr., Chairman, et al., etc. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for

want of a properly presented federal question. Opinion *per curiam*. Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Brennan are of the opinion that probable jurisdiction should be noted.

No. 40, Misc. Karl G. Neumann, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 96, Misc. Donald McClellan, appellant, *v.* Dolores Huston. 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. 134, Misc. Nancy Jewell Cross, etc., appellant, *v.* John A. Bruning, etc., et al. Appeal from the United States Court of Appeals for the Ninth 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. 169, Misc. Earl Guy, appellant, *v.* Ralph H. Tahash et al. Appeal from the United States District Court for the District of Minnesota. The appeal is dismissed. Opinion *per curiam*.

No. 293, Misc. Edward Wakin, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Western District. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 351, Misc. Gerald Glen Boyden, appellant, *v.* Ray A. May, Warden. Appeal from the United States District Court for the Western District of Washington. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 389, Misc. Robert L. Bradford, appellant, *v.* Nathaniel T. Helman, etc., et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 390, Misc. Charles I. Spiesel, appellant, *v.* Allan Roos. Appeal from the United States District Court for the Southern District of New York. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 402, Misc. Robert L. Bradford, appellant, *v.* George Postel, etc., et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. ——. Switchmen's Union of North America, etc., et al., petitioners, *v.* Southern Pacific Co. et al. The motion to treat the application for extension of time as a petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is denied.

No. ——. Eugene Rodriguez, petitioner, *v.* New York. The application for a stay is denied.

No. 27, Original. State of Ohio, plaintiff, *v.* State of Kentucky.

IT IS ORDERED that the Honorable Phillip Forman, Senior Judge of the United States Court of Appeals for the Third Circuit be, and he is hereby, appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, 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. 3. Robert Redrup, petitioner, *v.* New York; and

No. 16. William L. Austin, petitioner, *v.* Kentucky. The motion of The Council for Periodical Distributors Associations, Inc., for leave to participate in the oral argument, as *amicus curiae*, is denied.

No. 29. Z. T. Osborn, Jr., petitioner, *v.* United States. The motion of The American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 222. Edward John Nowakowski, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Daniel J. O'Hern, Esquire, of Red Bank, New Jersey, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 252. Harvey Lyle Entsminger, petitioner, *v.* Iowa. The motion of the petitioner for the appointment of counsel is granted, and

it is ordered that David W. Belin, Esquire, of Des Moines, Iowa, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 339. Stella Hughes, petitioner, *v.* Washington. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 323, Misc. Roe R. Black et al., petitioners, *v.* Paul Strand et al. The motion for leave to file a petition for designation of a Circuit Judge to act jointly with the Judges of the United States Court of Appeals for the Eighth Circuit in passing upon petitions for rehearing is denied. Mr. Justice White took no part in the consideration or decision of this motion.

No. 391, Misc. Henry James Taylor, etc., petitioner, *v.* United States. The joint motion to refer this case to the United States District Court for the Eastern District of Virginia is granted, and the case is referred to that court for consideration of the settlement agreement.

APPEALS—JURISDICTION NOTED

No. 92. Roland Camara, appellant, *v.* Municipal Court of the City and County of San Francisco. Appeal from the District Court of Appeal of California, First Appellate District. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 241. National Bellas Hess, Incorporated, appellant, *v.* Department of Revenue of the State of Illinois, etc. Appeal from the Supreme Court of Illinois. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 136. 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. Motion of John A. Davis et al., for leave to file a brief, as *amici curiae*, granted. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 180. Norman See, appellant, *v.* City of Seattle. Appeal from the Supreme Court of Washington. In this case probable jurisdiction is noted. Case placed on the summary calendar and set for oral argument immediately following No. 92.

CERTIORARI GRANTED

No. 101. Federal Trade Commission, petitioner, *v.* Universal-Rundle Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 173. Commissioner of Internal Revenue, petitioner, *v.* Howe A. Stidger et ux. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 209. Railroad Transfer Service, Inc., petitioner, *v.* The City of Chicago 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. 214. The Fleischmann Distilling Corporation et al., petitioners, *v.* Maier Brewing Company et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. 233. James J. Waldron, petitioner, *v.* Moore-McCormack Lines, Inc. 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. 249. Wyatt Tee Walker et al., petitioners, *v.* City of Birmingham, etc. Petition for writ of certiorari to the Supreme Court of Alabama granted and case placed on the summary calendar.

No. 310. Federal Trade Commission, petitioner, *v.* Jantzen, Inc. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 371. Crown Coat Front Co., Inc., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 391. State Farm Fire and Casualty Company et al., petitioners, *v.* Kathryn Tashire et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 37. Curtis Publishing Company, petitioner, *v.* Wallace Butts. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and one and one half hours allotted for oral argument. Case set for oral argument immediately following No. 150.

No. 118. James A. Dombrowski et al., petitioners, *v.* James Eastland, etc., et al. Petition for a write of certiorari to the United States

Court of Appeals for the District of Columbia Circuit granted. Mr. Justice Black took no part in the consideration or decision of this petition.

No. 150. The Associated Press, petitioner, *v.* Edwin A. Walker. Petition for a writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District and/or the Supreme Court of Texas granted and one and one half hours allotted for oral argument.

No. 181. Anthony M. Grosso, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 41.

No. 206. Houston Insulation Contractors Association, petitioner, *v.* National Labor Relations Board; and

No. 413. National Labor Relations Board, petitioner, *v.* Houston Insulation Contractors Association. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit granted and set for oral argument immediately following Nos. 110 and 111. Cases consolidated and a total of one hour allotted for oral argument.

No. 334. United States, petitioner, *v.* Billy Joe Wade. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 223.

No. 336. The Toilet Goods Association, Inc., et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education and Welfare, et al.; and

No. 438. John W. Gardner, Secretary of Health, Education and Welfare, et al., petitioners, *v.* The Toilet Goods Association, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted and set for oral argument immediately following No. 39. Cases consolidated and a total of one hour allotted for oral argument. Mr. Justice Brennan took no part in the consideration or decision of these petitions.

No. 352. Betty Levin, etc., petitioner, *v.* Mississippi River Fuel Corporation et al.; and

No. 359. Alleghany Corporation et al., petitioners, *v.* Mississippi River Fuel Corporation et al. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth 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. 62, Misc. Louis Bostick, petitioner, *v.* South Carolina et al. Motion for leave to proceed *in forma pauperis* and petition for a writ

of certiorari to the Supreme Court of South Carolina granted limited to the jury question. Case transferred to the appellate docket.

No. 73, Misc. Marvin Clewis, petitioner, *v.* Texas. Motion for leave to proceed *in forma pauperis* and petition for a 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. 168, Misc. Jackie Washington, petitioner, *v.* Texas. Motion for leave to proceed *in forma pauperis* and petition for a writ of certiorari to the Court of Criminal Appeals of Texas granted limited to Question 1 presented by the petition which reads as follows:

"1. Is Petitioner's conviction and sentence void because he was denied his rights under the Sixth and Fourteenth Amendments to the Constitution of the United States to have compulsory process in obtaining an available witness in his favor, namely a Co-Defendant, charged and previously convicted under a separate indictment for the same transaction and which Co-Defendant, according to his Affidavit, could have exonerated Petitioner if such testimony were believed by the jury?"

Case transferred to the appellate docket and placed on the summary calendar.

No. 519, Misc. Phil Whitus and Leon Davis, petitioners, *v.* Georgia. Motion for leave to proceed *in forma pauperis* and petition for a writ of certiorari to the Supreme Court of Georgia granted. Case transferred to the appellate docket and set for oral argument with case **No. 253**. A total of one hour allotted for oral argument of both cases.

CERTIORARI DENIED

No. 108. Samuel Monastersky, petitioner, *v.* United States; and

No. 129. William Bentvena and Williams Struzzieri, petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 117. Central Louisiana Electric Company, Inc., et al., petitioners, *v.* Rural Electrification Administration et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 119. John Marshall, petitioner, *v.* United States; and

No. 120. Charles Del Monico, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 121. Public Utilities Commission of California, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 126. Stanley M. Unger, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 130. American Truck Rental Corp., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 131. Harry Sagansky and Morris Weinstein, petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 132. Lemoin Cree et al., petitioners, *v.* Louis L. Goldstein, Comptroller of the Treasury of Maryland, et al.; and

No. 133. Madalyn E. Murray, Trustee, et al., petitioners, *v.* Louis L. Goldstein, Comptroller of the Treasury of Maryland, et al. Petitions for writs of certiorari to the Court of Appeals of Maryland denied.

No. 134. Samuel S. Frank, petitioner, *v.* The Board of Regents of the University of the State of New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 135. Harvey C. Register, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 138. Jack Carroll Smith et al., petitioners, *v.* Texas. Petition for a writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 139. Delaware Sports Service, etc., petitioner, *v.* The Diamond State Telephone Company et al. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 140. Tastee Freez Industries, Inc., petitioner, *v.* King-Seeley Thermos Co. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 141. Forrester A. Clark et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 142. Colonial Realty Corporation, petitioner, *v.* Bache & Co. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 144. T. Eugene Thompson, petitioner, *v.* Minnesota. Petition for a writ of certiorari to the Supreme Court of Minnesota denied.

No. 145. Edward T. Roehner, petitioner, *v.* The Association of the Bar of the City of New York et al. Petition for a writ of certiorari

to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 147. Baldwin-Hall, Inc., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Claims of New York denied.

No. 148. Jones Coal Company, petitioner, *v.* United States for the use and benefit of Richard P. Jahn, Trustee, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 151. Austin Harris et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 153. Ann Corrine Sharp, petitioner, *v.* Louisiana. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 154. Ira P. Doctor, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Claims denied.

No. 155. Donald S. Creamer, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Claims denied.

No. 156. Claire Irene Fisher, Administratrix, etc., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 157. Morris Kolitch et al., petitioners, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 158. Anthony Venterella, Joseph Bellavia, Willie Guidry, etc., et al., petitioners, *v.* Reuben C. Pace d/b/a Pace Marine Service et al. Petition for a writ of certiorari to the Supreme Court of Louisiana and/or Court of Appeal of Louisiana, Fourth Circuit, denied.

No. 165. R. E. Ray et ux., petitioners, *v.* State Highway Commission of Kansas. Petition for a writ of certiorari to the Supreme Court of Kansas denied.

No. 166. Richard M. Glassner et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 167. Harry R. Smith, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 169. Columbus McKinnon Corporation, petitioner, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 170. Virtue Bros., et al., petitioners, *v.* The County of Los

Angeles et al. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 172. Paul B. Johnson, Governor, et al., petitioners, *v.* National Association for the Advancement of Colored People. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 174. John Sule, petitioner, *v.* Missouri Pacific Railroad Company et al. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 175. Mark J. Gerry, Inc., d/b/a Dove Manufacturing Company, petitioner, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 177. Frank J. Fabian et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 178. Mitchell Foods, Inc., et al., petitioners, *v.* Rich Products Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 182. Giulio Bruni, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 184. John R. Hurley et al., petitioners, *v.* Beech Aircraft Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 185. Bedford-Nugent Corporation, petitioner, *v.* Chauffeurs, Teamsters and Helpers, Local Union No. 215, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 186. Sam DeStefano, petitioner, *v.* Illinois. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 189. George R. Williams et al., petitioners, *v.* Pacific Maritime Association et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 190. Evert L. Hagan, petitioner, *v.* Appellate Department of the Superior Court of California et al. Petition for a writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 191. Emerson Institute, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 193. Sam Hoover, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 194. Equitable Publishing Company et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 195. Chemical Natural Resources, Inc., et al., petitioners, *v.* Republic of Venezuela. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 196. Fruehauf Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 197. Mississippi Power Company et al., petitioners, *v.* South Mississippi Electric Power Association. Petition for a writ of certiorari to the Supreme Court of Mississippi denied.

No. 198. Daniel R. Gevinson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 199. James Harries Davis et al., petitioners, *v.* Arthur W. Negin, Trustee. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 200. Paul John Carbo et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 201. Peck Iron & Metal Company, Incorporated, et al., petitioners, *v.* Colonial Pipeline Company. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 202. Herman Williams et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 203. William Joseph Breault et al., petitioners, *v.* Harold L. Feigenholtz and Richard Dahm, etc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 205. Marathon Oil Company, petitioner, *v.* Gail Heath et al. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 207. Larry E. Webb, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 210. Alice S. Campbell, etc., et al., petitioners, *v.* Trans World

Airlines, Inc. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 212. Walker Process Equipment, Inc., petitioner, *v.* FMC Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 213. Wyman C. Lowe, petitioner, *v.* James T. Bailey et ux. Petition for a writ of certiorari to the Court of Appeals of Georgia denied.

No. 215. Norman H. Weaver, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 218. Harford Accident and Indemnity Company et al., petitioners, *v.* Continental Casualty Company. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 219. Willie Jackson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 221. Ernest Fogarascher et al., petitioners, *v.* Robert Fricke. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 224. John Webb, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 225. Erwin "Rip" Slomanson, petitioner, *v.* Pennsylvania. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 226. Eustace Roper et al., petitioners, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 228. Charles Virgil Wheeler, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 230. Ramona Cipres, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 231. William H. Weldon et al., petitioners, *v.* Samuel E. Semple, Judge pro hac vice of the Circuit Court of Audrain County, Missouri, et al. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 232. Harry B. Nordstrom, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 234. Giulio Bruni, petitioner, *v.* United States. Petition for

a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 236. Pepsi Cola Bottling Company of Puerto Rico, Inc., petitioner, *v.* Alejandro Otero et al. Petition for a writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 237. Robert Higgins, petitioner, *v.* Washington. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 238. Robert V. Rafter, petitioner, *v.* Newark Insurance Company. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 239. Penn Township, petitioner, *v.* Yecko Bros., et al. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 242. Charles S. Porter, petitioner, *v.* Pepsi-Cola Bottling Company of Columbia, S.C., et al. Petition for a writ of certiorari to the Supreme Court of South Carolina denied.

No. 243. Joseph M. Brennan, petitioner, *v.* Bertha E. Sellers. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 246. Brunetto Cheese Manufacturing Corp. et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education and Welfare of the United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 247. Columbus and Greenville Railway Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 255. The Cities of Canton, Cleveland, and Massillon, Ohio, petitioners, *v.* Public Utilities Commission of Ohio et al. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 256. Adelheit von Hardenberg et al., petitioners, *v.* Nicholas deB. Katzenbach et al. Petition for a writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 257. Matthew J. Redden, petitioner, *v.* Michael J. Murphy, as Police Commissioner of the City of New York, et al. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 258. Robert D. Spiegle et ux, petitioners, *v.* Borough of Beach Haven, etc. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 259. George D. Poulos, petitioner, *v.* Kansas. Petition for a writ of certiorari to the Supreme Court of Kansas denied.

No. 260. Mildred Gibbons et al., petitioners, *v.* City of Chicago.

Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 261. Steven L. Ruskin, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 263. Natolio A. La Peluso, petitioner, *v. California*. Petition for a writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 264. Contract Carriers, Inc., et al., petitioners, *v. John Anthony Markiewicz, a minor by his father and next friend, Edward Markiewicz, et al.* Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 265. Cominco Products, Inc., petitioner, *v. Oregon State Tax Commission*. Petition for a writ of certiorari to the Supreme Court of Oregon denied.

No. 266. Angelo Colella, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 268. Edward G. Partin, Business Agent, General Truck Drivers, Chauffers, Warehousemen & Helpers of America, Local No. 5, etc., et al., petitioners, *v. National Labor Relations Board*. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 269. Superior Court of California, County of Santa Clara, et al., petitioners, *v. First National Bank of Oakland*. Petition for a writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 270. Greenwood and Majestic Construction Co., petitioner, *v. District of Columbia*. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 273. Louisville and Nashville Railroad Company et al., petitioners, *v. Interstate Commerce Commission et al.* Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 276. Reed R. Maxfield et al., petitioners, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 278. Jerald S. Schutzbank, as Corporations Commissioner of California, petitioner, *v. Peter M. Elliott, as Trustee in Bankruptcy of the Estate of Van's Market, etc.* Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 279. Raymond T. Davis, petitioner, *v. Kentucky*. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 280. News Syndicate Co., Inc., petitioner, *v. Robert R. Urbano*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 281. Murdo F. Margeson, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 283. Union Tank Car Company, petitioner, *v. Dragor Shipping Corporation, etc.* Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 284. Daniel A. Benson, petitioner, *v. United States*;

No. 285. George F. Glacy, petitioner, *v. United States*;

No. 287. Patrick B. McGinnis, petitioner, *v. United States*; and

No. 288. Henry Mersey et al., petitioners, *v. United States*. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 289. Joseph Morris et al., petitioners, *v. Richard Attreau*. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 290. Prairie Band of the Pottawatomie Tribe of Indians et al., petitioners, *v. Stewart L. Udall, Secretary of Interior, et al.* Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 292. Elizabeth Joan Allen and Alice Edna Stuhmer, etc., petitioners, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 293. Cataphote Corporation, petitioner, *v. DeSoto Chemical Coatings, Inc.* Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 294. Harry Levy, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 295. Milk Drivers and Dairy Employees Local Union No. 584, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, petitioner, *v. Old Dutch Farms, Inc.* Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 296. C. Parke Masterson et al., petitioners, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 298. John J. Halko, Jr., petitioner, *v.* Raymond W. Anderson. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 301. Hattie Lipshutz, etc., et al., petitioners, *v.* Milton Mazer, Administrator of the Estate of Israel Abrams, Dec'd. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 303. Andre van Wagenberg, petitioner, *v.* Aino van Wagenberg. Petition for a writ of certiorari to the Court of Appeals of Maryland denied.

No. 307. Louisiana Public Service Commission, petitioner, *v.* Federal Power Commission et al.; and

No. 308. Louisiana Gas Service Company et al., petitioners, *v.* Federal Power Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 309. Joseph L. Travers, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 312. Mount Vernon Fire Insurance Company, petitioner, *v.* Highway Trailer Company. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 313. Warren Burnett et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 314. Nick J. Christiana, petitioner, *v.* Louisiana. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 315. Anthony DeAngelis, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 317. Johannah H. Wienrank et al., petitioners, *v.* Northern Illinois Gas Company. Petition for a writ of certiorari to the Appellate Court of Illinois, Third District, denied.

No. 318. John Joseph Ziak, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 322. Joseph Eugene Baxter, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 324. Anthony Altieri, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 325. Robert L. Butler, petitioner, *v.* John C. Burke, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 327. Kenneth R. Rickey, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 329. Philip Oscar Schwaner, petitioner, *v.* John C. O'Donnell, Jr., etc. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 331. Isaac A. Taft, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 333. Mamiye Bros., et al. petitioner, *v.* Barber Steamship Lines, Ind., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 335. James S. Pratt et al., petitioners, *v.* Massachusetts; and

No. 383. John M. Farrell et al., petitioners, *v.* Massachusetts. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 337. The Greenhills Home Owners Corporation, petitioner, *v.* The Village of Greenhills, Ohio, et al. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 338. Leon Fischbein, petitioner, *v.* Brooklyn Bar Association. Petition for a writ of certiorari to the Court of Appeals of New York and/or the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 340. Anthony R. Fernicola, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 344. Barbara F. Evans, etc., petitioner, *v.* General Motors Corporation. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 346. Von Der Ahe Van Lines, Inc., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Claims denied.

No. 347. Frank L. Swacker, Jr., et al., petitioners, *v.* Southern Railway Company. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 348. Haywood Williams, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 349. James L. Forester, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 350. Republic of Cuba, Banco Para el Comercio Exterior de Cuba, et al., petitioners, *v.* Flota Maritima Browning de Cuba et al. Petitions for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 351. Elmer Kaelin, petitioner, *v.* University of Pittsburgh et al. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 353. Alphonse Lewis, Jr., petitioner, *v.* City of Grand Rapids, Michigan, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 355. Harold A. Meyer, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 357. Louis S. Smith et al., petitioners, *v.* New Jersey. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 358. Christos Vassos, petitioner, *v.* Claire Ornstein, etc., et al. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 361. Virgil Ninneman, petitioner, *v.* Nebraska. Petition for a writ of certiorari to the Supreme Court of Nebraska denied.

No. 362. J. Minos Simon, petitioner, *v.* Warren Landry et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 364. Eldon E. Wolfe et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 365. Ambrose Distributing Company, petitioner, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 368. Sheet Metal Workers' International Union, AFL-CIO, Local Union 17, petitioner, *v.* Aetna Steel Products Corporation et al. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 369. William Hermann Godel, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 376. United States for the use and benefit of Keller Pier Drilling Company, petitioner, *v.* John H. Eisele Company, Inc., et al.

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

No. 377. George J. Beto, Director of Texas Department of Corrections, petitioner, *v.* Eugene Welch. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 380. Rafael H. Lopez, petitioner, *v.* United States Department of Justice, Immigration and Naturalization Service. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 385. Merrill L. Norton, petitioner, *v.* Jack Campbell, Governor of New Mexico, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 387. Brian T. Magee, by his father and next friend, John F. Magee, Jr., et al., petitioners, *v.* Kathleen F. Lane. Petition for a writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 388. Jeanne King, petitioner, *v.* Vico Insurance Company of St. Louis. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 389. Insurance Company of North America, petitioner, *v.* W. V. Keeling. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 403. William Anderson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 404. Frederick J. Villafranca et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 406. Sophie Wojton, etc., petitioner, *v.* Domenick Santella et al. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 407. Ralph Neely, petitioner, *v.* Houston Oilers, Inc. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 408. Orzell Billingsley, Sr., et al., petitioners, *v.* George W. Clayton, as President of the Jury Board of Jefferson County, Alabama, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 409. Wyn Rummler, petitioner, *v.* Peter N. Spelio. Petition for a writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 414. Alphonso W. Kyles, petitioner, *v.* Paul H. Preston, Super-

intendent, District of Columbia Jail, et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 415. Arundel Supply Corporation, petitioner, *v.* Annie W. Dovell et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 416. Zero Manufacturing Company, Inc., petitioner, *v.* Mississippi Milk Producers Association. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 419. Patricia DeAlessandro, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 422. Virgil O. Plata, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 425. Bernard Bane, petitioner, *v.* Superintendent of Boston State Hospital. Petition for a writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 427. Brewton Fashions, Inc., petitioner, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 432. George O. Graves, d/b/a Michiana Mills, petitioner, *v.* Kell-Dot Industries, Inc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 434. Amado Duran Campos, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 452. Cargo Ships & Tankers, Inc., petitioner, *v.* John A. Rush. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 85. Placid Oil Company et al., petitioners, *v.* Union Producing Company et al. Petition for a writ of certiorari to the Supreme Court of Louisiana and/or the Court of Appeal of Louisiana, First Circuit, denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 188. Frank M. Jordan, Secretary of State of the State of California, petitioner, *v.* S. L. Weaver et al. Petition for a writ of certiorari to the Supreme Court of California denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 304. American Airlines, Inc., et al., petitioners, *v.* Civil Aeronautics Board et al. Petition for a 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. 390. The New York Central Railroad Company et al., petitioners, *v.* Public Service Commission of Indiana et al. Petition for a writ of certiorari to the Supreme Court of Indiana denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 106. Henry Turney, petitioner, *v.* Arkansas. Petition for a writ of certiorari to the Supreme Court of Arkansas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 107. James Chamberlain, petitioner, *v.* Ohio. Petition for a writ of certiorari to the Supreme Court of Ohio denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 160. Florida ex rel. Donald L. Farber, petitioner, *v.* Gene Williams, etc.; and

No. 161. Florida ex rel. David Moliver, petitioner, *v.* Gene Williams, etc. Petitions for writs of certiorari to the Supreme Court of Florida denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 179. Atlas Scraper and Engineering Co., petitioner, *v.* Harry A. Pursche. Petition for a 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. 297. Herbert C. Deesen, petitioner, *v.* The Professional Golfers' Association of America et al. Petition for a 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. 302. Barbara C. Fine et al., petitioners, *v.* Woods Hole, Martha's Vineyard & Nantucket Steamship Authority, et al. Petition for a writ of certiorari to the Supreme Judicial Court of Massachusetts denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 112. Willard L. Richardson, petitioner, *v.* United States. Motion to dispense with printing petition for writ of certiorari granted. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 137. Francis Lejeune, petitioner, *v.* Louisiana. Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 379. The Muckleshoot Tribe of Indians, petitioner, *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 Claims denied.

No. 381. James Hoyt Powell, petitioner, *v. Mississippi*. Motion to dispense with printing petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 384. Joseph Frank Mazewski, petitioner, *v. Alfred T. Rundle, Superintendent, State Correctional Institution*. 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 Third Circuit denied.

No. 146. Joan Flores Delaney, petitioner, *v. United Services Life Insurance Company*. Motion to strike portions of respondent's brief and the appendix denied. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 162. Doris Nyssonson, Administratrix of the Estate of Einard Nyssonson, petitioner, *v. Bendix Corporation*. Motion to use record in No. 260, October Term, 1965, granted. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 163. J. Kenneth Edlin, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this petition.

No. 208. Chicago Cutter-Karcher, Inc., petitioner, *v. Charles D. Maley, Trustee of Lords, Inc., Bankrupt*. Motion of Consolidated Millinery Company for leave to file a brief, as *amicus curiae*, granted. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 272. Edward M. Gilbert, petitioner, *v. Supreme Court of New York, Criminal Term, County of New York, et al.* Petition for a writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 286. Alabama-Tennessee Natural Gas Company, petitioner, *v. Federal Power Commission*. Motion of Tennessee Valley Municipal Gas Association to be added as a party respondent granted. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 306. Ralph Santana et al., petitioners, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Dissenting opinion by Mr. Justice Black:

I would grant these petitioners application for certiorari. The petitioners have been sentenced from 4 to 15 years imprisonment in the penitentiary under these alleged circumstances. After months of negotiations between petitioners and the United States Attorney, he agreed to recommend certain minimum sentences if petitioners would plead guilty. Petitioners agreed, pleaded guilty, and the United States Attorney recommended the minimum sentences as promised. But when the first petitioner appeared for sentencing before a different judge, that judge imposed a sentence in excess of that recommended by the United States Attorney. That petitioner then immediately sought to withdraw his guilty plea, and the others apparently seeing the writing on the wall, immediately moved to withdraw their pleas or adjourn their sentencing. Not only did the judge deny these motions and proceed to sentence the remaining petitioners, but, according to petitioners, he refused even to entertain these motions and to hear argument thereon. Petitioners then filed timely notices of appeal. But their counsel failed to file their trial court records in the Court of Appeals within 40 days of giving such notices of appeal as required by Fed. Rules Civ. Proc. 39(c). Some three weeks after this time had expired, the Government moved to dismiss the appeals, and though petitioners' counsel then promised to docket the appeals within 10 days and to file briefs within 30, the Court of Appeals dismissed for want of prosecution. This was done in spite of counsel's explanation that the delay was due to counsel's inability more quickly to determine what type of postconviction remedy to pursue and counsel's assurance, by allegation of the above facts, that there were substantial legal questions involved.

Regardless of the truthfulness of their allegations, petitioners were denied any opportunity to substantiate them because their appeals were dismissed before their lawyers could file their appeal papers. Thus this case is added to a growing list of cases in which the Federal Rules have been utilized to deprive a litigant of his day in court simply because his lawyer has failed to file some paper within the time specified by the Rules. See, e. g., *Beaufort Concrete Co. v. Atlantic States Constr. Co.*, 352 F. 2d 460, cert. denied, 384 U.S. 1004 (dissenting opinion of BLACK, J.); *Lord v. Helmandollar*, 121 U. S. App. D. C. 168, 348 F. 2d 780, BLACK, J., dissenting; *Riess v. Murchison*, cert. denied, 383 U. S. 946, BLACK, J., dissenting; *Link v. Wabash R. Co.*, 370 U. S. 626, 636, BLACK, J., joined by THE CHIEF JUSTICE, dissenting.

I have always thought that where a litigant's money or property is at stake in a civil case, "The basic purpose of the Federal Rules is to administer justice through fair trials, not through summary dis-

missals as necessary as they may be on occasion." *Surowitz v. Hilton Hotels Corp.*, 383 U. S. 363, 373. I have no doubt that this is true in a criminal case where a litigant's liberty is in issue. The Criminal Rules "are not, and were not intended to be, a rigid code to have an inflexible meaning irrespective of the circumstances. Rule 2 begins with the admonition that '[t]hese rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.'" *Fallen v. United States*, 378 U. S. 139, 142. There is no provision in the Rules making dismissal of an appeal mandatory for failure to file the record within the time prescribed by Rule 39 (c). The Court of Appeals acquired jurisdiction upon petitioners' filing their notices of appeal, and Rule 45 (b) expressly empowered that court "at any time in its discretion" to permit the late filing of a record if the failure to file it on time "was the result of excusable neglect."

Here I think there has been an obvious, unexcusable failure to exercise that discretion reposed in judges to administer the Rules in the interest of "the just determination of every criminal proceedings." Petitioners may languish in prison for many years, not because their appeals were without merit, but because, through no apparent fault on their part, their lawyers were three weeks late in seeking to file their appeal papers. Since petitioners were never released on bail pending appeal, I fail to see how the Government could be prejudiced by this short delay or how—consistent with the public's interest in the fair administration of criminal justice—it could have any interest in assuring that petitioners' appeals be disposed of other than on the merits. I would reverse and remand these cases to the Court of Appeals for a decision on the merits of petitioners' allegations.

No. 311. Cecil C. Campbell, Circuit Clerk, etc., et al., petitioners, *v.* Mrs. Fannie Lou Hamer et al. Motion to dispense with printing respondent's brief in opposition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 320. Illinois Power Company, petitioner, *v.* Local Union No. 51, International Brotherhood of Electrical Workers, AFL-CIO. Motion to vacate judgment and dismiss complaint as moot denied. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 321. W. E. McCulloch, etc., et al., petitioners, *v.* Elizabeth Kruidenier et al. Petition for a writ of certiorari to the Supreme

Court of Iowa denied, it appearing that the judgment of the Supreme Court of Iowa rests upon an adequate state ground.

No. 373. Sylvania Electric Products, Inc., petitioner, *v.* National Labor Relations Board et al. Motion of the Chamber of Commerce of the United States for leave to file a brief, as *amicus curiae*, granted. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 392. H. K. Porter, Inc., Disston Division-Danville Works, petitioner, *v.* National Labor Relations Board et al. Petition for a 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. 400. E. G. Saverio, petitioner, *v.* O. A. Carter. Motion to dispense with printing the respondent's brief in opposition granted. Petition for a writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 420. Charles S. Sullivan et al., petitioners, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black, believing petitioner was wrongfully denied his constitutional right to a trial by jury, would grant certiorari and reverse the judgment below.

No. 431. Boss Hotels Company, petitioner, *v.* City of Des Moines, Iowa, et al. Motion of respondent, City of Des Moines, for damages for delay denied. Petition for a writ of certiorari to the Supreme Court of Iowa denied.

No. 20, Misc. Edward Muza, petitioner, *v.* California et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 25, Misc. Leo Paul Mayer, petitioner, *v.* Massachusetts. Petition for a writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 26, Misc. Wilbert Kastle, petitioner, *v.* James F. Maroney, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 28, Misc. Walter Lee Nixon, petitioner, *v.* Florida. Petition for a writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 35, Misc. Tony B. Martinez, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 41, Misc. Harlan Lynn Noble, petitioner, *v.* Maurice Sigler, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 42, **Misc.** William Pickett, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 43, **Misc.** Raul Alicea, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 45, **Misc.** Herman Simon, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 47, **Misc.** Richard Pittman and Mackinley Jones, petitioners, *v.* Illinois. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 49, **Misc.** John Wirtshafter, petitioner, *v.* Pennsylvania. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 51, **Misc.** Stanley A. Foss, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 53, **Misc.** Gale Hussey, petitioner, *v.* Utah. Petition for a writ of certiorari to the Supreme Court of Utah denied.

No. 54, **Misc.** James Alan Cole, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 55, **Misc.** Robert H. Palmer, petitioner, *v.* L. C. "Cal" Boies, Sheriff, et al. Petition for a writ of certiorari to the Supreme Court of Arizona denied.

No. 58, **Misc.** Henry Foggy, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for a writ of certiorari to the Supreme Court of Arizona denied.

No. 60, **Misc.** E. R. Jackson, petitioner, *v.* Ray H. Page, Warden, et al. Petition for a writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 61, **Misc.** Melvin Colbert, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 63, **Misc.** Ruchell Magee, petitioner, *v.* California et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 64, **Misc.** John N. Hyde, petitioner, *v.* Maryland. Petition for a writ of certiorari to the Court of Appeals of Maryland denied.

No. 66, **Misc.** Grant Cooper, petitioner, *v.* William C. Holman, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 67, **Misc.** Paul Zucker, petitioner, *v.* California et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 70, **Misc.** Edward Lee Taylor, petitioner, *v.* New Jersey. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 71, **Misc.** Pearl Davis Bellard, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 72, **Misc.** Leon Bearden, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 76, **Misc.** Alejandrino Diaz-Rosendo and Felix Anenson Fernandez, petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 78, **Misc.** Lester Alvin Buatte, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 80, **Misc.** Louis Gee, petitioner, *v.* John W. Gardner, Secretary of Health, Education, and Welfare of the United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 82, **Misc.** Daniel A. Sisneros, petitioner, *v.* Harold A. Cox, Warden. Petition for a writ of certiorari to the Supreme Court of New Mexico denied.

No. 83, **Misc.** Dovie Carl Mathis, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 86, **Misc.** Fred Howard Cole, petitioner, *v.* Washington. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 87, **Misc.** Haskell Edward Johnson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 89, **Misc.** Charles H. Poindexter, petitioner, *v.* National Labor Relations Board. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 90, **Misc.** Leota Cambridge and Jerry Zane Nelson, petitioners, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for a writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 92, **Misc.** Ralph Nathaniel Mills, petitioner, *v.* Florida. Petition for a writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 93, Misc. Dudley Bryant, petitioner, *v. Texas*. Petition for a writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 94, Misc. Edward Earl Hopkins, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 95, Misc. Robert L. Cowan, petitioner, *v. New York*. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 97, Misc. Henry Sliva, petitioner, *v. Pennsylvania*. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 98, Misc. Harold Nelson Diehl, petitioner, *v. California*. Petition for a writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 99, Misc. Odus Douglas, petitioner, *v. E. L. Maxwell, Warden*. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 100, Misc. John Henry Warner, petitioner, *v. Kentucky*. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 101, Misc. Carlos Houston Daugherty, petitioner, *v. Maryland et al.* Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 102, Misc. George P. Dunleavy, petitioner, *v. New York*. Petition for a writ of certiorari to the Appellate Term of Supreme Court of New York, Second Judicial Department, denied.

No. 103, Misc. Perry E. Walker, petitioner, *v. Illinois*. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 104, Misc. Frank Lawrence Reiss, petitioner, *v. Harold R. Swenson, Warden*. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 105, Misc. James E. Lathan, petitioner, *v. James R. Breakey, Jr., etc., et al.* Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 106, Misc. Daniel Howard, petitioner, *v. Howard Yeager, Warden*. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 107, Misc. Joseph Edward Domingo, petitioner, *v. California*. Petition for a writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 108, Misc. Roosevelt Stevenson, petitioner, *v. Warden, Erie*

County Jail. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 110, *Misc.* James Billy Stinson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 111, *Misc.* Jerald B. Hegg, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 112, *Misc.* Frederico C. Hernandez, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 113, *Misc.* Thomas E. Berry, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 114, *Misc.* Nicholas Alberti, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 115, *Misc.* Milton Max Marquardt, petitioner, *v.* Texas. Petition for a writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 117, *Misc.* Pearly Wilson, petitioner, *v.* James F. Maroney, Superintendent, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 118, *Misc.* Robert Guesnon Spears, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 119, *Misc.* George A. Berry, petitioner, *v.* Paul J. McGinnis, Commissioner of Corrections, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 120, *Misc.* Benjamin Chavez, petitioner, *v.* Arthur L. Oliver, Warden, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 121, *Misc.* Charles Minchella, petitioner, *v.* Estate of Honorable W. McKay Skillman, Judge, etc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 122, *Misc.* Archie Hampton, petitioner, *v.* Michigan. Petition for a writ of certiorari to the Supreme Court of Michigan denied.

No. 124, *Misc.* Arlis Burl Blair, petitioner, *v.* Sherman H. Crouse, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 125, *Misc.* Frances Tarvin, petitioner, *v.* Pacific Greyhound Lines. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 127, *Misc.* Henry Ortiz, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 128, *Misc.* Allen Eli Wright, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 129, *Misc.* Oliver Lee Ratten, petitioner, *v.* Arthur L. Oliver, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 130, *Misc.* Cecil Clinton Watts, petitioner, *v.* Department of Air Force et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 131, *Misc.* David Bynum, petitioner, *v.* New Jersey. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 132, *Misc.* John Robert Ballay, petitioner, *v.* Wayne K. Patterson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 133, *Misc.* Ciro Michael Caruso, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 135, *Misc.* Frank Finley, petitioner, *v.* Arthur L. Oliver, Warden, et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 137, *Misc.* Samuel Witt, Jr., petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 138, *Misc.* James Hatch, petitioner, *v.* Illinois. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 139, *Misc.* Robert F. Urbano, petitioner, *v.* Federal Bureau of Investigation et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 141, *Misc.* Johnny Scott and Eugene Scott, petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 142, *Misc.* Hugh Joseph Hays, petitioner, *v.* California Adult Authority. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 143, *Misc.* Jack Lewis Ard, petitioner, *v.* United States. Pe-

tition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 144, Misc. William A. Brandt, petitioner, *v.* California et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 145, Misc. William H. Brown, Jr., petitioner, *v.* Louisiana. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 147, Misc. Samuel J. McCullough, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 148, Misc. John Everett Horne, petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 149, Misc. Rudy Cruz Cumpian, petitioner, *v.* Arthur L. Oliver, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 150, Misc. Joe Edward Ingram, petitioner, *v.* Minnesota. Petition for a writ of certiorari to the Supreme Court of Minnesota denied.

No. 151, Misc. Stephen Luther Evans, petitioner, *v.* United States et al. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 152, Misc. James Chester Pearson, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 154, Misc. Frank DiPalma, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 155, Misc. Joshua Postell, petitioner, *v.* Walter Dunbar, Director of Corrections, et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 156, Misc. J. Howard Arnold, petitioner, *v.* Frances Kelly Arnold. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 159, Misc. Matthew Walker, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 162, Misc. Robert Lee Sharp, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 163, *Misc.* John Paul Masters, Jr., petitioner, *v.* Warden Stevens, F.C.I., Sandstone, Minnesota. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 164, *Misc.* Theophilus Ward, petitioner, *v.* Daniel McMann, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 165, *Misc.* Billy Mack Walker, petitioner, *v.* Texas. Petition for a writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 166, *Misc.* James Mueller, petitioner, *v.* Arthur L. Oliver, Warden. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 171, *Misc.* Emery L. Bales, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 175, *Misc.* Marion Stevenson, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 177, *Misc.* Perry E. Walker, petitioner, *v.* Frank J. Pate, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 178, *Misc.* George J. Hurley, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 179, *Misc.* Marceullus Leach, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 181, *Misc.* Leon Harris, Jr., petitioner, *v.* William G. Storie, etc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 182, *Misc.* Chester J. Oakes, petitioner, *v.* Alfred J. Rundle, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 183, *Misc.* Raymond Simcox, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 184, *Misc.* Antonio Gascar, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 185, *Misc.* Kenneth Whitfield and Wallace Birdwell, peti-

tioners, *v. California*. Petition for a writ of certiorari to the Appellate Department of the Superior Court of California, County of Sacramento, denied.

No. 187, **Misc.** Clifford Ramsey, petitioner, *v. Kentucky*. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 189, **Misc.** George A. Haier, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 190, **Misc.** In re F. Leland Jones, petitioner. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 191, **Misc.** James Henry Williams, petitioner, *v. Daniel McMann, Warden*. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 193, **Misc.** Allen Joseph Bourg, petitioner, *v. Louisiana*. Petition for a writ of certiorari to the Supreme Court of Louisiana denied.

No. 194, **Misc.** Cicero N. Moorman, petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 195, **Misc.** Margaret Kanzelberger, petitioner, *v. Wisconsin*. Petition for a writ of certiorari to the Supreme Court of Wisconsin denied.

No. 196, **Misc.** Yxtli Leonard Rocha, petitioner, *v. Superintendent of California Mens Colony*. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 197, **Misc.** Joseph Senatore, petitioner, *v. Vincent R. Mancusi, Warden*. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 198, **Misc.** Willie Davis, petitioner, *v. Harold R. Swenson*. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 200, **Misc.** Walter Ethelbert Abston, petitioner, *v. New York*. Petition for a writ of certiorari to the Court of Appeals for New York denied.

No. 201, **Misc.** William King Howard, petitioner, *v. California*. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 202, **Misc.** Robert B. King, Jr., petitioner, *v. United States*. Petition for a writ of certiorari to the United States Court for Appeals for the District of Columbia Circuit denied.

No. 205, **Misc.** Willard Wilson Wood, petitioner, *v. United States*.

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

No. 211, Misc. James Henry Allison, petitioner, *v.* Florida. Petition for a writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 213, Misc. Clayborne Bynum, petitioner, *v.* United States et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 214, Misc. Junior Wesley Bernard, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 215, Misc. Herman C. West, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 216, Misc. Richard Velasquez, petitioner, *v.* New Mexico. Petition for a writ of certiorari to the Supreme Court of New Mexico denied.

No. 218, Misc. Miles Buck Thornsberry, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 220, Misc. Lucille Bailey, petitioner, *v.* Young Men's Christian Association of Metropolitan Atlanta, Inc. Petition for a writ of certiorari to the Court of Appeals of Georgia denied.

No. 221, Misc. Joseph Davis, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 222, Misc. Elmo Williams, petitioner, *v.* H. V. Field. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 227, Misc. Charley Bates, petitioner, *v.* Veterans Administration et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 228, Misc. Israel Schawartzberg, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 229, Misc. Homer Ray Brown, petitioner, *v.* Edmund G. Brown, Governor of California, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 232, Misc. Willie Jones, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 233, **Misc.** Chester R. Morris, petitioner, *v.* Anthony P. Rousos. Petition for a writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 234, **Misc.** Charles Joseph Lee Jones, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 237, **Misc.** Clifford Faulkner, petitioner, *v.* Director, Patuxent Institution. Petition for a writ of certiorari to the Court of Appeals of Maryland denied.

No. 239, **Misc.** Walter Williams, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 240, **Misc.** Louis Edward Baker, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 241, **Misc.** Dewey D. Hamlin, petitioner, *v.* California Adult Authority et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 243, **Misc.** Frank Sepulveda Casados, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 246, **Misc.** Raymond Cummins, petitioner, *v.* Grant Price, Warden. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 247, **Misc.** Samuel Collier, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 248, **Misc.** Elester S. Roberts, petitioner, *v.* Florida. Petition for a writ of certiorari to the Supreme Court of Florida denied.

No. 249, **Misc.** Richard St. Clair Wellington, petitioner, *v.* L. L. Wainwright, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 250, **Misc.** Frederick A. Carter, petitioner, *v.* City of Norfolk. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 251, **Misc.** Charles Russell Giles, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 252, **Misc.** Kenneth Lee Benoit, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 253, **Misc.** Francisco Gallegos, petitioner, *v.* Harold A. Cox,

Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 254, Misc. Benjamin Franklin O'Connor, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 257, Misc. Alfredo Delgado Arellanes, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 259, Misc. George Patterson, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 260, Misc. Millard L. Chilcutt, petitioner, *v.* Wilburn C. Johnson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 261, Misc. Emmett J. Stebbins, petitioner, *v.* John W. Macy, Jr., etc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 262, Misc. Robert Clyde Norris, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 263, Misc. Theodore Paul Switzer, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 265, Misc. Louis C. White, petitioner, *v.* Inspector Forte et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 269, Misc. Maurice Mitchell and Gary V. Lillie, petitioners, *v.* Illinois. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 272, Misc. James Durham Tyree, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 273, Misc. Sidney W. Mundt et ux., petitioners, *v.* Charles J. Zalusky et ux. Petition for a writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. 274, Misc. James F. May, petitioner, *v.* Virginia. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 276, Misc. Charles L. Mohler, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 277, *Misc.* Richard Lee Snead, petitioner, *v.* Warden, Maryland Penitentiary. Petition for a writ of certiorari to the Court of Appeals of Maryland denied.

No. 278, *Misc.* Jasper Lee Davis, Jr., petitioner, *v.* Missouri. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 281, *Misc.* Albert Joseph Creighton, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 283, *Misc.* John Asters Summons, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 285, *Misc.* Bob Wickham, petitioner, *v.* California. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 286, *Misc.* James Marion Ayers, petitioner, *v.* R. P. Balkcom, Jr., Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 287, *Misc.* Willie Combs, petitioner, *v.* Wilfred L. Denno, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 290, *Misc.* James E. France, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 291, *Misc.* John Wellington Johnson, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 292, *Misc.* James G. Caveny, petitioner, *v.* Alabama et al. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 294, *Misc.* Darwin Evert Coon, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 297, *Misc.* Ronald G. Carter, petitioner, *v.* New Mexico. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 299, *Misc.* Delmar J. Grubbs, petitioner, *v.* Oklahoma et al. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 302, *Misc.* Francis A. Rybar, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 303, *Misc.* Peter Columbus Curry, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 304, *Misc.* Andrew J. DeVoney, petitioner, *v.* Frank J. Pate, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 305, *Misc.* Harold Bryan Johnson, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 308, *Misc.* Arthur Lee Hurst, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 309, *Misc.* Julio Mejias Santana, petitioner, *v.* Supreme Court of Puerto Rico. Petition for a writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 310, *Misc.* Lester Eugene Swiger, petitioner, *v.* Ohio. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 311, *Misc.* Curtis A. Bellamy, petitioner, *v.* Ohio. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 312, *Misc.* Elmer Glen Miller, petitioner, *v.* Ohio. Petition for a writ of certiorari to the Supreme Court of Ohio denied.

No. 313, *Misc.* Ollie Dee Beachem, petitioner, *v.* California. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 314, *Misc.* Sandy Wallace, Jr., petitioner, *v.* Washington et al. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 316, *Misc.* Nunzio Orsini, petitioner, *v.* Italian Line, Italia Societa per Azione di Navigazione Sede in Genova. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 317, *Misc.* Willard C. Bond, petitioner, *v.* Stanley R. Resor, Secretary of the Army, et al. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 318, *Misc.* Albert Altruda, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 321, *Misc.* Andor Daskal, petitioner, *v.* Albert Nena, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 324, Misc. Robert Nolan, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 326, Misc. Edwin F. Lark, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 327, Misc. E. C. F. Meier, petitioner, *v.* State Farm Mutual Automobile Insurance Co., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 328, Misc. Lorenzo Catanzaro, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 329, Misc. Joseph William Lucas, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 333, Misc. Lafayette Harris, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 334, Misc. Guy Auguste Duval, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 336, Misc. James G. Marks and Charles Miles, petitioners, *v.* Illinois. Petition for a writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 337, Misc. Robert L. Smith, petitioner, *v.* Sylvester J. Ryan, Chief Judge, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 339, Misc. Dallas Duane Welch and Luther Joseph Manning, petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 341, Misc. Arthur J. Watson, petitioner, *v.* Wayne K. Patterson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 343, Misc. Frank Magdaleno, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 344, Misc. Bruce Pierce, petitioner, *v.* Illinois. Petition for a writ of certiorari to the Supreme Court of Illinois denied.

No. 346, Misc. Edward J. Smith, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 348, *Misc.* Andrew Groza, petitioner, *v.* John V. Lemmon. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 350, *Misc.* Theodore Christiansen, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York Second Judicial Department, denied.

No. 352, *Misc.* Wayland White, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 353, *Misc.* Julio E. Pena DeLeon, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 355, *Misc.* Ernest Eugene Grant, petitioner, *v.* Florida. Petition for a writ of certiorari to the Supreme Court of Florida denied.

No. 357, *Misc.* Lester King, petitioner, *v.* H. R. Swenson, Warden. Petition for a writ of certiorari to the Supreme Court of Missouri denied.

No. 358, *Misc.* Jessie Tillis, petitioner, *v.* Arizona. Petition for a writ of certiorari to the Supreme Court of Arizona denied.

No. 359, *Misc.* Robert Roberts, petitioner, *v.* Warden, Maryland Penitentiary. Petition for a writ of certiorari to the Court of Appeals of Maryland denied.

No. 360, *Misc.* James E. Little, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 361, *Misc.* Frederick Jackson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 362, *Misc.* George Martin Bradley, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 363, *Misc.* George Combs, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 366, *Misc.* Frank C. Cota, petitioner, *v.* Arizona. Petition for a writ of certiorari to the Supreme Court of Arizona denied.

No. 369, *Misc.* Frances B. Chafin, petitioner, *v.* Dr. Harry D. Pratt, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 370, *Misc.* John Radford, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 371, *Misc.* Norman Arthur Whitehorn, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 372, *Misc.* Arthur C. Hinton, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 373, *Misc.* Samuel A. Miller, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 374, *Misc.* Russell Lee Massey, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 375, *Misc.* Walter E. Michaels, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 377, *Misc.* Ernest Hobbs, petitioner, *v.* Walter H. Wilkins, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 379, *Misc.* Carl Leon Wadley, petitioner, *v.* California. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 380, *Misc.* Charles Hall, petitioner, *v.* New York et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 383, *Misc.* Benjamin Wilson McCanna, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 384, *Misc.* Horace V. Young, petitioner, *v.* Alabama. Petition for a writ of certiorari to the Supreme Court of Alabama denied.

No. 386, *Misc.* Dominick Bonomo, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 388, *Misc.* Jack Evans, petitioner, *v.* Montana. Petition for a writ of certiorari to the Supreme Court of Montana denied.

No. 392, *Misc.* Charles Anderson, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 396, *Misc.* Paul Banton, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 398, *Misc.* Jose Soto Padilla, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 399, *Misc.* Claude George Atkins, petitioner, *v.* Judge L. L. Morgan, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 404, *Misc.* Leonard Brenner Glaser, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 405, *Misc.* George Dub Stalcup, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 406, *Misc.* Carl Herbert Copeland, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 407, *Misc.* Alvin McKenzie, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 408, *Misc.* Willie Fernanders, petitioner, *v.* Walter M. Wal-lack, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 410, *Misc.* Oral C. Anderson, petitioner, *v.* Ralph H. Tahash, Warden. Petition for a writ of certiorari to the Supreme Court of Minnesota denied.

No. 411, *Misc.* J. D. Hoard, petitioner, *v.* A. L. Dutton, Acting Warden, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 412, *Misc.* Peyton Maurice Daughtry, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 415, *Misc.* Robert G. Gallagher, petitioner, *v.* Robert E. Quinn et al., etc. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 416, *Misc.* John Edwin Rodgers, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for a writ of certiorari to the Supreme Court of Arizona denied.

No. 419, *Misc.* Cornelius J. Greenway, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Claims denied.

No. 420, *Misc.* Robert Williams, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 421, *Misc.* Robert Jewell Landman, Sr., petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for a

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

No. 422, **Misc.** David Pearlman, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 423, **Misc.** Raymond Key, petitioner, *v.* Paul H. Preston, Superintendent, District of Columbia Jail. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 425, **Misc.** Robert Sinclair Freeman, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 427, **Misc.** Leon Sebring, petitioner, *v.* Texas. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 430, **Misc.** R. Milo Gilbert, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 431, **Misc.** Elmo Williams, petitioner, *v.* California et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 433, **Misc.** Severo Arellano Esparza, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeals of California, Fourth Appellate District, denied.

No. 434, **Misc.** Bernard R. Barkan, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 436, **Misc.** Charles Phillip Gohlke, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 437, **Misc.** Reison Gray, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 442, **Misc.** Leonard Ewing Scott, petitioner, *v.* Crocker-Citizens National Bank. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 444, **Misc.** Tony Gomez Pena, petitioner, *v.* California. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 452, **Misc.** Bernard Gershon, petitioner, *v.* Oklahoma. Petition for a writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 453, Misc. Andrew Groza, petitioner, *v.* Preferred Risk Mutual Insurance Co., et al. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 455, Misc. Edmund Cote, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 458, Misc. Fred Pellicone, Sr., petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 460, Misc. Robert Henry Hartford, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 461, Misc. Carlos S. Perrea, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 462, Misc. Alfred Kelso Manderson, petitioner, *v.* New York. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 463, Misc. Frank Sasser, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 464, Misc. Frank H. Graves, Jr., petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 467, Misc. Ervin Ray, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 468, Misc. Robert S. Perez, petitioner, *v.* Arthur L. Oliver, Warden. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 469, Misc. David Van Zandt, petitioner, *v.* Tennessee. Petition for a writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 471, Misc. Jim Fair, petitioner, *v.* Nick C. Nuccio, etc., et al. Petition for a writ of certiorari to the Supreme Court of Florida denied.

No. 473, Misc. John T. Glazewski, petitioner, *v.* New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 476, Misc. Andrew King, petitioner, *v.* Florida. Petition for a writ of certiorari to the Supreme Court of Florida denied.

No. 477, Misc. Edna R. Denberg Frischman, petitioner, *v.* Jerome

A. Denberg. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 478, **Misc.** Ray Gentry, petitioner, *v.* Wilburn C. Johnson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 479, **Misc.** Francis Nicholas Ardner, Jr., petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 480, **Misc.** Robert Homer Mabe, petitioner, *v.* Howard C. Pilsen. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 485, **Misc.** John Henry Warner, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 487, **Misc.** Robert N. Rodriguez, petitioner, *v.* H. L. Hanchey, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 490, **Misc.** Ruthe Graddy, petitioner, *v.* Stanley Tessel et al. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 491, **Misc.** Edward Montellano, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 492, **Misc.** Joseph Muncie Victor, petitioner, *v.* Indiana. Petition for a writ of certiorari to the Supreme Court of Indiana denied.

No. 493, **Misc.** John Dunn, petitioner, *v.* Virginia. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 494, **Misc.** Roy Joseph Travis, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 495, **Misc.** Ray H. Jones, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 496, **Misc.** Joseph A. Weiss, petitioner, *v.* Robert M. Morgenthau, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 498, **Misc.** Chyrel Jolls, petitioner, *v.* New York and B. John Tutuska, Sheriff of Erie County. Petition for a writ of certiorari to the Court of Appeals of New York denied.

No. 500, **Misc.** Richard E. Brown, petitioner, *v.* Otto C. Boles,

Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 502, *Misc.* Elizabeth P. Comley, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 504, *Misc.* Ralph Masucci, petitioner, *v.* Immigration and Naturalization Service. Petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 505, *Misc.* Henry Kraus, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 506, *Misc.* Camille Del Peschio, petitioner, *v.* John Del Peschio. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 508, *Misc.* Curtis Byrd, petitioner, *v.* Pennsylvania. Petition for a writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 509, *Misc.* Raymond Belcher, petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 510, *Misc.* Charles Glover Warnock, petitioner, *v.* Arthur L. Oliver, Warden. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 513, *Misc.* Douglas Stiltner, petitioner, *v.* Washington. Petition for a writ of certiorari to the Supreme Court of Washington denied.

No. 516, *Misc.* Jesus Montalvo, petitioner, *v.* New Jersey. Petition for a writ of certiorari to the Supreme Court of New Jersey denied.

No. 517, *Misc.* Lonnie Huey Hamilton, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 518, *Misc.* Carlos Bristol, petitioner, *v.* New York. Petition for a writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 520, *Misc.* Billy Joe Wright, petitioner, *v.* Arthur L. Oliver, Warden, Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 521, *Misc.* Lawrence R. Braun, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 522, Misc. John Clarence Latimer, Jr., petitioner, *v.* California. Petition for a writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 523, Misc. Venson Eugene Williams, petitioner, *v.* Georgia. Petition for a writ of certiorari to the Supreme Court of Georgia denied.

No. 524, Misc. Calvin C. Shobe, petitioner, *v.* California et al. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 525, Misc. Eugene F. Shockey, petitioner, *v.* Illinois. Petition for a writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 527, Misc. David Betillo, petitioner, *v.* Warden of Green Haven State Prison, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 534, Misc. Leon G. Schack, petitioner, *v.* Florida. Petition for a writ of certiorari to the Supreme Court of Florida denied.

No. 535, Misc. Sherwood Edwards, petitioner, *v.* Arthur T. Prasse, Commissioner, Bureau of Correction, et al. Petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 536, Misc. Eugene F. Shockey, petitioner, *v.* Illinois. Petition for a writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 537, Misc. George Levy Anthony, petitioner, *v.* Daniel McMann, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 541, Misc. Virgel Turner, petitioner, *v.* Kentucky. Petition for a writ of certiorari to the Court of Appeals of Kentucky denied.

No. 545, Misc. Robert Eugene Mitchell, petitioner, *v.* Jack Fogliani, Warden. Petition for a writ of certiorari to the Supreme Court of Nevada denied.

No. 547, Misc. Edmond Ellison, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 548, Misc. John Lopez, petitioner, *v.* Daniel McMann, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 549, Misc. Harold F. Gregg, petitioner, *v.* Montana. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 550, *Misc.* Bobby Lokey, petitioner, *v.* California. Petition for a writ of certiorari to the Supreme Court of California denied.

No. 589, *Misc.* Charles Joseph Reimer, petitioner, *v.* George J. Beto, Director, Department of Corrections. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 597, *Misc.* Franklin E. Adams, petitioner, *v.* William C. Holman, Warden. Petition for a writ of certiorari to Supreme Court of Alabama denied.

No. 126, *Misc.* Jessie Mae Smith, petitioner, *v.* Mary J. Bunting. Motion to substitute Helen Bunting Brown as the party respondent in place of Mary J. Bunting granted. Petition for a writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 224, *Misc.* William H. Engling, petitioner, *v.* Sherman H. Crouse, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 226, *Misc.* Peter D. Bogart and June Bogart, petitioners, *v.* California et al. Motion to strike appendix to the respondent's brief denied. Petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit and for other relief denied.

No. 231, *Misc.* William L. Robinson, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this petition.

No. 428, *Misc.* Carl R. Chase, petitioner, *v.* Allan L. Robbins, Warden. Petition for a writ of certiorari to the United States Court of Appeals for the First Circuit and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF CERTIORARI DENIED

No. 298, *Misc.* Hiram Whittle, Administrator of the Estate of Edgar Whittle, petitioner, *v.* J. Millard Tawes, Governor of Maryland; and

No. 587, *Misc.* Baldwin-Lima-Hamilton Corporation, petitioner, *v.* Eula Jackson, Administratrix of the Estate of John Wallace Jackson, Deceased, et al. Motions for leave to file petitions for writs of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 235, *Misc.* William C. Greene, petitioner, *v.* R. W. May, Warden;

No. 255, Misc. Odis Charles Varden, petitioner, *v.* William C. Holman;

No. 256, Misc. James G. Caveny, petitioner, *v.* Bernard Dolnick, Commissioner of Correction;

No. 258, Misc. Frank Otto John, petitioner, *v.* H. V. Field, Superintendent, California Mens Colony;

No. 301, Misc. L. V. Bowens, petitioner, *v.* California Adult Authority et al;

No. 322, Misc. Walter Raymond Demes, petitioner, *v.* California;

No. 368, Misc. Patrick R. Cedillo, petitioner, *v.* United States;

No. 378, Misc. Arthur Singleton, petitioner, *v.* William C. Holman, Warden;

No. 395, Misc. Louis Berman, petitioner, *v.* Warden, Maryland Penitentiary;

No. 400, Misc. Gene Gresham, petitioner *v.* Lawrence E. Wilson, Warden, et al;

No. 451, Misc. Alfred Sesler, petitioner, *v.* Florida;

No. 481, Misc. Demitrios B. Tsermengas, petitioner, *v.* George A. Kropp, Warden;

No. 512, Misc. David Luther Gilmer, petitioner, *v.* C. C. Peyton, Superintendent of Virginia State Penitentiary;

No. 529, Misc. J. C. Combs, petitioner, *v.* United States District Court et al.; and

No. 531, Misc. Ernest Lee Worrell, petitioner, *v.* James A. Thomas, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 146, Misc. James Haley, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 203, Misc. Willie Simmons, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 230, Misc. William R. Mills, petitioner, *v.* William C. Holman, Warden;

No. 289, Misc. Melcher Ochoa Sanchez, petitioner, *v.* Peter J. Pitchess; and

No. 450, Misc. Curtis E. McCoy, petitioner, *v.* Paul H. Preston. 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. 65, **Misc.** Gean E. Vanvoltenburg, petitioner, *v.* Supreme Court of Iowa et al.;

No. 153, **Misc.** Nathaniel Buchanan, etc., et al., petitioners, *v.* James C. Connell, Judge of the United States District Court for the Northern District of Ohio, Eastern Division;

No. 210, **Misc.** James William Collins, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 244, **Misc.** Charles Gregory Cannon, petitioner, *v.* J. T. Willingham, Warden;

No. 401, **Misc.** Raymond Luther Bryans, Jr., petitioner, *v.* United States;

No. 418, **Misc.** Howard W. Joplin, petitioner, *v.* Luther Bohanon et al.;

No. 447, **Misc.** Paul Allen, petitioner, *v.* United States District Court for the Eastern District of Tennessee; and

No. 449, **Misc.** Bradley B. Davis et al., petitioners, *v.* Union Free School District No. 7 et al. Motions for leave to file petitions for writs of mandamus denied.

No. 459, **Misc.** Tommy N. Greer, petitioner, *v.* W. A. Morrison et al., Judges of the Court of Criminal Appeals of Texas. Motion for leave to file a petition for writ of mandamus and/or prohibition and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 553, **Misc.** Richard S. Simpson, petitioner, *v.* United States District Court for the Northern District of California, Southern Division. Motion for leave to file a petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 88, **October Term, 1965.** In the Matter of Disciplinary Proceedings against Neil S. Mackay, petitioner;

No. 584, **October Term, 1965.** California, petitioner, *v.* Roy Allen Stewart;

No. 762, **October Term, 1965.** Sylvester Johnson and Stanley Cassidy, petitioners, *v.* New Jersey;

No. 776, October Term, 1965. Jacques M. Schiffer, petitioner, *v.* United States;

No. 959, October Term, 1965. Bruce Baines et al., petitioners, *v.* City of Danville, Virginia;

No. 1011, October Term, 1965. Fred Wallace et al., petitioners, *v.* Virginia;

No. 1118, October Term, 1965. Exquisite Form Brassiere, Inc., petitioner, *v.* Federal Trade Commission;

No. 1169, October Term, 1965. Suburban Tile Center, Inc., et al., petitioners, *v.* Rockford Building and Construction Trades Council, AFL-CIO, Rockford, Illinois, Winnebago County, et al.;

No. 1177, October Term, 1965. Double Eagle Lubricants, Inc., appellant, *v.* Texas;

No. 1179, October Term, 1965. Charles A. Wright, Inc., petitioner, *v.* F. D. Rich Co., Inc.;

No. 1184, October Term, 1965. Norman Bennett, petitioner, *v.* Ford Motor Company; and

No. 1250, October Term, 1965. Irma Grossman et vir, petitioners, *v.* Bernard Pearlman et al. Petitions for rehearing denied.

No. 113, October Term, 1955. Jeoffroy Mfg., Inc., petitioner, *v.* William T. Graham. Motion for leave to file a second petition for rehearing denied.

No. 965, October Term, 1965. George Kohatsu, petitioner, *v.* United States. Motion of James O. Hewitt for leave to file a brief, as *amicus curiae*, in support of petition for rehearing granted. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 1059, October Term, 1965. W. H. Pat O'Bryan, petitioner, *v.* Stephen S. Chandler. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 1186, October Term, 1965. Andrew J. Easter, petitioner, *v.* The Clydesdale, Incorporated. Petition for rehearing and for other relief denied.

No. 1228, October Term, 1965. Lawrence W. Medlin, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1288, October Term, 1965. Jerry R. England et al., appellants, *v.* Louisiana State Board of Medical Examiners et al. Motion of Nebraska Chiropractic Physicians Association, Inc., for leave to file a brief, as *amicus curiae*, in support of appellant's petition granted. Petition for rehearing denied.

No. 97, Misc., October Term, 1965. Edward Fanelli, Jr., petitioner, *v.* New York;

No. 194, Misc., October Term, 1965. Malcolm R. Schlette, petitioner, *v.* California et al;

No. 201, Misc., October Term, 1965. Ernest Barragan Lopez, petitioner, *v.* California;

No. 226, Misc., October Term, 1965. In re Willard Arthur Winhoven, petitioner;

No. 263, Misc., October Term, 1965. Herman Abdelkader, petitioner, *v.* California et al.;

No. 266, Misc., October Term, 1965. David Charles Bickley and John Larue Young, petitioners, *v.* Arthur L. Oliver, Warden, et al.;

No. 339, Misc., October Term, 1965. Nelson Chevallier, petitioner, *v.* Texas;

No. 354, Misc., October Term, 1965. Charles Edwards, petitioner, *v.* William C. Holman, Warden;

No. 400, Misc., October Term, 1965. Larry Richardson, petitioner, *v.* Illinois;

No. 499, Misc., October Term, 1965. Joel Beverly, petitioner, *v.* California;

No. 507, Misc., October Term, 1965. Charles McGregor, petitioner, *v.* New York;

No. 619, Misc., October Term, 1965. Walter Darrell Morris, petitioner, *v.* West Virginia;

No. 628, Misc., October Term, 1965. Gary P. Simpson, petitioner, *v.* Louisiana;

No. 645, Misc., October Term, 1965. Carl De Flumer, Jr., petitioner, *v.* New York;

No. 678, Misc., October Term, 1965. Raymond Ross, petitioner, *v.* California;

No. 690, Misc., October Term, 1965. Oscar Walden, Jr., petitioner, *v.* Frank J. Pate, Warden;

No. 757, Misc., October Term, 1965. John Wesley Riley, petitioner, *v.* California et al.;

No. 785, Misc., October Term, 1965. Thomas Allen, petitioner, *v.* Florida;

No. 792, Misc., October Term, 1965. Allen Golson and William Perkins, petitioners, *v.* Illinois;

No. 850, Misc., October Term, 1965. David Bazaure, petitioner, *v.* California;

No. 936, Misc., October Term, 1965. Ernest Leroy Jacobson, petitioner, *v.* California;

No. 961, Misc., October Term, 1965. Joseph Montgomery, petitioner, *v.* Florida;

No. 1101, Misc., October Term, 1965. Jimmy Lee Smith, petitioner, *v.* Ohio;

No. 1122, Misc., October Term, 1965. Billy Ray Bennett, petitioner, *v.* Texas;

No. 1138, Misc., October Term, 1965. Paul M. Gillespie, petitioner, *v.* Virginia;

No. 1151, Misc., October Term, 1965. Michael John Bell, petitioner, *v.* Colorado;

No. 1153, Misc., October Term, 1965. Roy Dale Chatterton, petitioner, *v.* Georgia;

No. 1203, Misc., October Term, 1965. Nelson Cornelious Drummond, petitioner, *v.* United States;

No. 1206, Misc., October Term, 1965. Roland Wayne Wright, petitioner, *v.* California;

No. 1325, Misc., October Term, 1965. Robert M. Owings, petitioner, *v.* United States Court of Military Appeals et al.;

No. 1333, Misc., October Term, 1965. Alfred Alphonse Opela, petitioner, *v.* United States;

No. 1338, Misc., October Term, 1965. Leopold J. Gunston, petitioner, *v.* United States;

No. 1341, Misc., October Term, 1965. John Joseph Manna, petitioner, *v.* United States;

No. 1342, Misc., October Term, 1965. Clinton W. Delespine, petitioner, *v.* Texas;

No. 1347, Misc., October Term, 1965. Beatrice M. Motte and Theodore V. Shyvers, petitioners, *v.* Sylvester J. Ryan, Chief Judge, etc.;

No. 1369, Misc., October Term, 1965. Joffre Earle Gregory, petitioner, *v.* New York;

No. 1373, Misc., October Term, 1965. Richard Charles Morgan, petitioner, *v.* United States;

No. 1381, Misc., October Term, 1965. Woodrow Whisman, appellant, *v.* Georgia;

No. 1383, Misc., October Term, 1965. Paul Gear, petitioner, *v.* E. L. Maxwell et al.;

No. 1407, Misc., October Term, 1965. John Vuckson, petitioner, *v.* United States;

No. 1422, Misc., October Term, 1965. Frank C. Smith, petitioner, *v.* Frederick G. Reincke, Warden;

No. 1459, Misc., October Term, 1965. Harold Tucker Matlock, petitioner, *v.* United States;

No. 1530, Misc., October Term, 1965. Maria Teresa Weglarz Krzyzewska, petitioner, *v.* Illinois et al.;

No. 1542, Misc., October Term, 1965. Charles Joseph Juliano, petitioner, *v.* Ohio et al.;

No. 1556, Misc., October Term, 1965. James Forman et al., petitioners, *v.* City of Montgomery; and

No. 1601, Misc., October Term, 1965. Jimmie James Deal, petitioner, *v.* California et al. Petitions for rehearing denied.

No. 338, Misc., October Term, 1965. Harold L. Peek, Jr., petitioner, *v.* United States et al.;

No. 557, Misc., October Term, 1965. Frank Piscitello, petitioner, *v.* New York;

No. 577, Misc., October Term, ¹⁹⁶⁵ [REDACTED]. Patrick T. Laine, petitioner, *v.* California;

No. 723, Misc., October Term, 1965. Ignacio Medrano, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 912, Misc., October Term, 1965. Harry Copeland Cotton, petitioner, *v.* Harry A. Yawn, Warden, Wayne County Prison;

No. 1188, Misc., October Term, 1965. William Howard McClung, petitioner, *v.* Washington; and

No. 1336, Misc., October Term, 1965. Johnny Lee Clemons, petitioner, *v.* Texas. Motions for leave to file petitions for rehearing denied.

No. 426, Misc., October Term, 1965. Frances O. Warriner, petitioner, *v.* Harry Fink et al.; and

No. 485, Misc., October Term, 1965. Arnold Finfer, petitioner, *v.* Sheldon S. Cohen, Commissioner of Internal Revenue. Motions for leave to file second petitions for rehearing denied.

ORAL ARGUMENT

No. 220. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Brotherhood of Railway Trainmen et al. Argued by Mr. Paul A. Porter and Mr. Dennis G. Lyons for the petitioners and by Mr. Neal Rutledge and Mr. Allan Milledge for the respondents.

No. 3. Robert Redrup, petitioner, *v.* New York. Argued by Mr. Sam Rosenwein for the petitioner and by Mr. H. Richard Uviller for the respondent.

No. 16. William L. Austin, petitioner, *v.* Kentucky. Argument commenced by Mr. Stanley Fleishman for the petitioner and continued by Mr. John B. Browning for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 11, 1966, will be as follows: Nos. 16, 50, 15 (17 and 20), and 27.

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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 F. Dee, Jr., of Denver, Colo., on motion of Mr. Byron G. Rogers; Arnold M. Schwartz, of Los Angeles, Calif., on motion of Mr. Craig Hosmer; Michael Henry Clepper of Riverside, Calif., Travis A. Gresham, Jr., of Fort Myers, Fla., and James Graham Cullen, of Groton, Mass., on motion of Mr. Richard A. Posner; Mose J. Davie, of Nashville, Tenn., on motion of Mr. William Garrison Allen; William Earnest Graham, of Houston, Tex., and Arthur D. Lynn, Jr., of Columbus, Ohio, on motion of Mr. William J. Grove; Harry G. Silleck, Jr., of New York, N.Y., on motion of Mr. Walter W. Ahrens; Matthew D. F. Wade, of Elizabeth, N.J., on motion of Mr. Henry J. Cappello; John Cleveland Hall, of Great Falls, Mont., on motion of Mr. Thomas J. Cavanaugh; James W. Nisbet, of Chicago, Ill., on motion of Mr. Jeremiah C. Waterman; John William Sause, Jr., of Centreville, Md., on motion of Mr. Robert C. Murphy; and Robert A. Deane, of Chicago, Ill., and Reuben L. Hedlund, of Chicago, Ill., on motion of Mr. John L. Bordes, were admitted to practice.

ORAL ARGUMENT

No. 16. William L. Austin, petitioner, *v. Kentucky*. Argument continued by Mr. John B. Browning for the respondent and concluded by Mr. Stanley Fleishman for the petitioner.

No. 50. Gent et al., appellants, *v. Arkansas*. Argued by Mr. Emanuel Redfield for the appellants and by Mr. Fletcher Jackson for the appellees.

No. 15. Illinois Central Railroad Company et al., appellants, *v. Norfolk and Western Railway Company et al.*;

No. 17. Calumet Harbor Terminals, Inc., et al., appellants, *v. Norfolk and Western Railway Company, et al.*; and

No. 20. United States and Interstate Commerce Commission, appellants, *v. Norfolk and Western Railway Company et al.* Argued by Mr. William J. O'Brien, Jr., and Mr. Richard A. Posner for the appellants and by Mr. Theodore E. Desch for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 12, 1966, will be as follows:
Nos. 27, 29, and 32 (33, 34 and 35).

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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

Marshall F. Kizer, of Plymouth, Ind., and Robert W. Maher, of Indianapolis, Ind., on motion of Mr. Birch E. Bayh, Jr.; Lyle Donald Holcomb, Jr., of Miami, Fla., on motion of Mr. Dante Fascell; A. Bryce Schriber, of Portland, Oreg., on motion of Mr. William Berg, Jr.; Hiller B. Zobel, of Boston, Mass., on motion of Mr. Frederick Bernays Wiener; Robert E. Anderson, of Spokane, Wash., on motion of Mr. Stuart French; William Jay Johnson, of Savannah, Ga., and John Langley, of Memphis, Tenn., on motion of Mr. Harold W. Gardner; Paul Martinson, of New York, N.Y., on motion of Mr. Lawrence S. Lesser; Martin William Fingerhut, of New York, N.Y., on motion of Mr. Milton Kramer; Maynard G. Evans, of Boston, Mass., and Harold I. Klarfeld, of Boston, Mass., on motion of Mr. S. Myron Klarfeld; Ben Fohl Loeb, Jr., of Chapel Hill, S.C., on motion of Mr. Fred Patterson Graham; John Walter Morrison, of Highland Park, Ill., on motion of Mr. A. Harry Becker; Robert H. Turtle, of Washington, D.C., on motion of Mr. Alanson W. Willcox; Jon S. Saxe, of Montclair, N.J., on motion of Mr. Malcolm Livingston Sutherland; David Teren, of New York, N.Y., on motion of Mr. John J. McGlew; and Parsons Newman, of Frederick, Md., and Lewis A. Noonberg, of Baltimore, Md., on motion of Mr. William L. Marbury, Jr., were admitted to practice.

ORAL ARGUMENT

No. 27. James V. Giles et al., petitioners, *v.* Maryland. Argued by Mr. Joseph Forer for the petitioners and by Mr. Donald Needle and Mr. Robert C. Murphy for the respondent.

No. 29. Z. T. Osborn, Jr., petitioner, *v.* United States. Argument commenced by Mr. Jacob Kossman for the petitioner and continued by Mr. Nathan Lewin for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 13, 1966, will be as follows: Nos. 29, 32 (33, 34 and 35), and 36.

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

Herrod Carr, of Greensburg, Ind., on motion of Mr. Vance Hartke; James W. Ashley, of Chicago, Ill., on motion of Mr. John N. Erlenborn; Edgar Leon McGowan, of Columbia, S.C., and Calhoun Thomas, Jr., of Beaufort, S.C., on motion of Mr. Hubert Henry Finzel; John L. Butler, of Eldora, Iowa, Jack A. Hall, of Eldora, Iowa, Harold Peter Barkas, of Miami, Fla., and Donald R. Payer, of Ames, Iowa, on motion of Mr. David Kammerman; Joseph A. Brown, of Lancaster, Pa., and Sydney Tarantul Schulman, of Hartford, Conn., on motion of Mr. Bernard Edward Shlesinger, Jr.; Philip A. Gillis, of Detroit, Mich., on motion of Mr. David Previant; John Woodworth Alden, of San Francisco, Calif., on motion of Mr. Noble McCartney; Charles Ronald Rubley, of Bethel, Conn., Paul Chernis, of New York, N.Y., and Thomas N. Holloway, of Miami, Fla., on motion of Mr. Walter P. North; Felix E. Cincotta, of Waltham, Mass., on motion of Mr. Daniel T. Coughlin; John Lenoir Westmoreland, Jr., of Atlanta, Ga., on motion of Mr. Stephen Asbury Trimble; Richard J. Hardy, of Chicago, Ill., and Daniel J. Sweeney, of Chicago, Ill., on motion of Mr. Fritz R. Kahn; Stephen Steinbrecher, of New York, N.Y., on motion of Mr. Herbert Fenster; Norris L. Ganson, of Cincinnati, Ohio, on motion of Mr. Paul Ganson; Sheldon Friedland, of New Bedford, Mass., and Robert D. Papkin, of Washington, D.C., on motion of Mr. Barney Paptkin; Harry Fairchild, of Wilmington, Del., and John D. Fairchild, of Wilmington, Del., on motion of Mr. William E. Kirk, Jr.; and Byron Lee Sparber, of Miami, Fla., on motion of Mr. A. Duncan Whitaker; were admitted to practice.

ORAL ARGUMENT

No. 29. Z. T. Osborn, Jr., petitioner, *v.* United States. Argument continued by Mr. Nathan Lewin for the respondent and concluded by Mr. Jacob Kossman for the petitioner.

No. 32. James R. Hoffa, petitioner, *v.* United States;

No. 33. Thomas Ewing Parks, petitioner, *v.* United States;

No. 34. Larry Campbell, petitioner, *v.* United States; and

No. 35. Ewing King, petitioner, *v.* United States. Three hours allowed for oral argument. Argued by Mr. Joseph A. Fanelli for the petitioners and by Mr. Fred M. Vinson, Jr., and Mr. Nathan ~~_____~~ for the respondent.

LEWIN

Adjourned until Monday, October 17, 1966, at 10 o'clock.

The day call for Monday, October 17, 1966, will be as follows: Nos. 36, 42, 69, 68, and 70.

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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

Bradner C. Riggs, of Rockford, Ill., Gerald E. Smallwood, of Phoenix, Ariz., Sherin V. Reynolds, of New Haven, Conn., Helen Winn Huff, of Marietta, Ga., Earle S. Rappaport, Jr., of Chicago, Ill., Earl G. Poleski, Jr., of Wyandotte, Mich., Thomas J. Deakin, of St. Louis, Mo., Herbert Buckman, of Cleveland, Ohio, Penn Benjamin Chabrow, of Fairfax, Va., James Harvey Coleman, of Charleston, W. Va., Irma Robbins Feder, of Miami Beach, Fla., and Myles E. Flint, of Santa Fe, N. Mex., on motion of Mr. Solicitor General Thurgood Marshall; Joseph A. Califano, Jr., of New York, N.Y., on motion of Mr. Nicholas deB. Katzenbach; George Atherton Malloy, of Stockton, Calif., on motion of Mr. John J. McFall; Cecil Tracy Farrington, of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; K. Roger Bean, of Layton, Utah, on motion of Mr. Arthur V. Watkins; Leon Douglas, of Austin, Tex., Stanley Cain Kirk, of Wichita Falls, Tex., and Thomas A. Loose, of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders; Lee B. Wenzel, of Los Angeles, Calif., and Charles A. Lynberg, of Los Angeles, Calif., on motion of Mr. Robert Hall McCaw; William G. Abell, of Louisville, Ky., on motion of Mr. Paul E. Treusch; John Alexander Bell, of Moline, Ill., on motion of Mr. Peter N. Chumbris; Roger Thomas Tammen, of Savannah, Ga., on motion of Mr. Harold W. Gardner; Peter Nelson Davis, of Appleton, Wis., on motion of Mr. Northcutt Ely; Jesse D. Miller, of Los Angeles, Calif., and Donald J. St. John, of Bridgeport, Conn., on motion of Mr. S. Myron Klarfeld; James Richard Beck, of Helena, Mont., on motion of Mr. Thomas R. Kennedy; Harry Lustgarten, Jr., of Omaha, Nebr., on motion of Mr. James A. Wilcox; Tom R. Scott, of Midland, Tex., on motion of Mr. George Clifton Davis; Julian Russell Allsbrook, of Roanoke Rapids, N.C., Richard Brown Allsbrook, of Roanoke Rapids, N.C., and Dwight Little Cranford, of Roanoke Rapids, N.C., on motion of Mr. Joseph Mordecai Kittner; John Edward Gillmor, of New York, N.Y., T. J. Hodan, Jr., of Milwaukee, Wis., and William T. Warren III, of Paris, Tenn., on motion of Mr. Paul A. St. Amour; Lewis I. Cohen, of New York, N. Y., on motion of Mr. Laurence Levitan; Michael D. Matheny, of Beaumont, Tex., on motion of Mr.

Joe B. Goodwin; James Olis Price, of Fort Worth, Tex., on motion of Mr. John J. Keyser; and Robert Warren Ahrens, of Leesburg, Va., on motion of Mr. Elijah Brockenborough White, 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. 125. Reuben Kemp, Jr., appellant, *v.* William S. Hulst, as Commissioner of the Bureau of Motor Vehicles. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 374. Ben Herbert Phelper, petitioner, *v.* Bill Decker, Sheriff of Dallas County, Texas. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted and order of May 5, 1966, denying motion for a certificate of probable cause reversed and case remanded to the Court of Appeals for proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Stewart concurs for the reasons stated in his separate memorandum in *Mapp v. Ohio*, 367 U.S. 643, 672. Mr. Justice Clark, Mr. Justice Harlan and Mr. Justice White dissent and would deny the petition for writ of certiorari.

No. 381, Misc. Lillian S. McGill et al., appellants, *v.* C. F. Ryals, Individually and as Sheriff of Lowndes County, Alabama, et al. Appeal from the United States District Court for the Middle District of Alabama. The appeal is dismissed for want of jurisdiction because the case was not appropriate for a three-judge court. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that a three-judge court was properly convened and would affirm the judgment of the lower court.

ORDERS IN PENDING CASES

No. 28, Original. State of Delaware, plaintiff, *v.* State of New York et al. The separate motions of the Commonwealths of Kentucky and Pennsylvania, and the States of South Dakota, North Dakota, Oklahoma, Utah, Wyoming, Florida, Iowa, Arkansas, Kansas, and West Virginia, for permission to be realigned as plaintiffs, are granted. The motion for leave to file a bill of complaint is denied.

No. 47. United States, appellant, *v.* Anthony L. Fabrizio. The motion of the State of New Hampshire for leave to participate in

oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. The Solicitor General shall be allotted an additional thirty minutes to argue on behalf of the United States.

No. 68. Leon Spencer, appellant, *v.* Texas. The motion of the petitioner for the appointment of counsel is granted, and it is ordered that Michael D. Matheny, Esquire, of Beaumont, Texas, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

No. 114. Manuel Vaca et al., petitioners, *v.* Niles Sipes, Administrator of the Estate of Benjamin Owens, Jr., Deceased. The motion of the petitioners to remove this case from the summary calendar is denied.

APPEAL—JURISDICTION NOTED

No. 305. The Denver and Rio Grande Western Railroad Co. et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Colorado. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 342. Federal Trade Commission, petitioner, *v.* The Procter & Gamble Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted.

No. 343. Prima Paint Corporation, petitioner, *v.* Flood & Conklin Mfg. Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 123. Virginia Willys Lucom et vir, petitioners, *v.* Atlantic National Bank of West Palm Beach, Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 299. Thomas Downie, petitioner, *v.* United States Lines Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 326. Daniel E. Willmore, petitioner, *v.* Pamela H. Willmore. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 341. International Union of Electrical, Radio and Machine Workers, AFL-CIO, petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 354. Jack D. Gay, Trustee, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 356. Juan Rigores Sardino, petitioner, *v.* The Federal Reserve Bank of New York et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 363. In the Matter of the Application of Arthur L. Reese, petitioner. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 367. G. C. Cooper et al., petitioners, *v.* Oklahoma City. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 372. Allan Drug Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 386. Jules Jean Rougeron, petitioner, *v.* Jeanne A. Rougeron. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 393. The General Tire and Rubber Company, petitioner, *v.* R. Dorsey Watkins, United States District Judge for the District of Maryland, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 394. Anthony D'Antonio et al., petitioners, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 396. Pauline W. Ach et al., petitioners, *v.* Commissioner of Internal Revenue; and

No. 449. Commissioner of Internal Revenue, petitioner, *v.* The Ach Corporation. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 397. Sea-Land Service, Inc., 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. 398. Navios Corporation et al., petitioners, *v.* National Maritime Union of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 405. Milton Levy et al., petitioners, *v.* Sal Limandri et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 410. Antilles Surveys, Inc., petitioner, *v.* Percy De Jongh, as Commissioner, Department of Finance, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 411. Lina Derritt, petitioner, *v.* State Board of Real Estate Examiners. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 412. 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. 124. Matias Sandoval et ux., petitioners, *v.* Jack Rattikin, Trustee. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Thirteenth Supreme Judicial District, denied. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Douglas joins:

In my judgment, this petition presents important issues as to the scope of the requirement, derived from the Due Process Clause of the Fourteenth Amendment, that state courts in civil actions must afford to each litigant a "proper opportunity to present his evidence." *Saunders v. Shaw*, 244 U.S. 317, 319 (1917). Cf. *Western & Atl. R. Co. v. Henderson*, 279 U.S. 639 (1929); *Armstrong v. Manzo*, 380 U.S. 545 (1965); *Mullane v. Central Hanover Tr. Co.*, 339 U.S. 306 (1950).

Petitioners are illiterate indigents. They speak only Spanish. They and their five children have lived for many years on the meager homestead involved in this case. Petitioners executed a deed to the homestead. Respondent is assignee of this deed. Respondent brought this action and obtained a judgment confirming his title and possessory rights to the property under the deed. Petitioners seek review of the judgment of the Texas Court of Civil Appeals which affirmed this judgment.

At the trial, petitioners were represented by a Legal Aid attorney. The trial was perfunctory. After judgment was entered for respondent, petitioners obtained new counsel who filed a timely motion for new trial. This motion alleged that petitioners had a good and sufficient defense to the action: namely, that the "deed" was in truth a mortgage given to secure a debt and that respondent took with notice of this fact. The motion alleged that this defense was not adduced at trial because of the default of petitioners' Legal Aid counsel.

The trial court held an elaborate hearing on the motion for new trial. The Legal Aid lawyer who had represented petitioners at the trial testified candidly that he had not had adequate time to prepare the case, and that he was further handicapped by his inability to speak or understand Spanish.

Petitioners' counsel in this Court urge that, in the circumstances of this case, the refusal of the trial court to grant the timely motion for a new trial deprived petitioners of their rights under the Fourteenth Amendment. I believe that we should grant the writ and rule upon the question so presented.

To some extent, a lawyer's client like a doctor's patient must suffer the consequences of his champion's mistakes. But there are limits; and the courts are and should be quick to relieve the client of his lawyer's default whenever that is feasible and does not result in unfairness to others. See Mr. Justice Black's dissent from the denial of certiorari in *Santana v. United States*, 385 U.S. — (1966). Obviously, this principle applies to the defaults of lawyers made available to aid indigents. The measure of constitutional protection afforded citizens who are recipients of free legal services, whether provided by the State or by private charity, is not less than that available to those who pay their own way.

While the present case received the careful attention of both the trial court and the Court of Civil Appeals of Texas, for reasons stated at length in the dissenting opinion of Judge Sharpe in the Texas Court of Civil Appeals, I am of the opinion that this case deserves and requires the consideration of this Court. I would grant the petition.

No. 418. Marine National Exchange Bank, Executor of the Estate of Van B. Hooper, petitioner, *v.* Government of the Virgin Islands. Motion of John D. Merwin for leave to file brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 85, Misc. Dwain Lee Little, aka Harden, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 266, Misc. Clifford Darrell Carroll, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 295, Misc. Roland Franz Ludwig Weigand, petitioner, *v.* United States etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 331, Misc. Rufus R. McCurdy, Jr., petitioner, *v.* Harold Brown, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 409, Misc. Thomas W. Shipp, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 413, Misc. Winford Massey, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 424, Misc. Joseph Purcell Hunt, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 432, **Misc.** James L. Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 445, **Misc.** Edgar L. Daniels, petitioner, *v.* Cook Broadcasting Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 472, **Misc.** Billy Webb, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 486, **Misc.** Charles Fauls and Lola Dean Tuck, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 501, **Misc.** Anthony Piracci, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 555, **Misc.** James Lana, 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. 557, **Misc.** James Francis Woods, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 564, **Misc.** Willie Oliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 571, **Misc.** J. Ferber Coleman, 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. 577, **Misc.** Orlan Bingham, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 578, **Misc.** Arthur G. James, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 591, **Misc.** Osborn Olden, petitioner, *v.* Carouth J. Elgin, Overseer, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 592, **Misc.** Earle Gustav Milbradt, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 593, **Misc.** Thomas H. Davis, 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. 595, **Misc.** Paul Maddaus, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 598, **Misc.** Marie L. Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 599, **Misc.** Judson B. Bey 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. 601, **Misc.** Darrell Devere Poulson, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 605, **Misc.** Leo Mack, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 610, **Misc.** Ponell Johnson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 616, **Misc.** Herbert Trout, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 617, **Misc.** Marion Johnson, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 618, **Misc.** Terry Miller, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 634, **Misc.** Valerie M. Swindle, petitioner, *v.* Chancery Court of Greene County, Arkansas, et al. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 636, **Misc.** Charles Tomaiolo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 638, **Misc.** Donald V. Gaxiola, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 659, **Misc.** Arnold Schildhaus, petitioner, *v.* City of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 667, **Misc.** Richard E. Chase, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 75, Misc. Robert Winters, petitioner, *v.* Henry Beck, Superintendent of the Pulaski County Penal Farm. Petition for writ of certiorari to the Supreme Court of Arkansas denied. Dissenting opinion by Mr. Justice Stewart:

The petitioner, an indigent Negro, was arrested on a charge of "immorality," a misdemeanor under an ordinance of Little Rock, Arkansas. Later the same day he was brought before the municipal court, where, after pleading not guilty, he was tried, convicted, and sentenced to 30 days in jail and a \$254 fine, including costs. He was unable to pay the fine, so his punishment was converted under the Arkansas "dollar-a-day" statute (Ark. Stat. Ann. § 19-2416 (Repl. 1956)) to imprisonment for 9½ months.

At his trial the petitioner was not represented by counsel. He did not ask for the assistance of counsel and was not informed by the trial judge, or by anybody else, of any right to counsel, appointed or retained. The judge did not advise him of the nature of the charges against him, of the possible penalty, or of his right to make objections, cross-examine witnesses, present witnesses in his own behalf, or to have a trial *de novo* in the county circuit court under Ark. Stat. Ann. §§ 44-115, 509 (Repl. 1964). Not surprisingly, the petitioner did not object to the evidence offered by the prosecution, did not cross-examine the prosecution witnesses, did not present witnesses in his own behalf, and did not exercise his right to a trial *de novo* in the county circuit court. Also not surprisingly, the petitioner did not question the vagueness of the charge against him nor the validity of converting a sentence of 30 days into one of 9½ months solely because of his poverty.

From the prison farm where he was incarcerated, the petitioner applied to the Supreme Court of Arkansas for a writ of habeas corpus, upon the ground that he had been unconstitutionally tried and convicted "without the benefit of counsel and without being advised of his rights to counsel." The Arkansas Supreme Court denied relief, holding that the constitutional rule of *Gideon v. Wainwright*, 372 U.S. 335, does not apply "in misdemeanor cases."

This decision of the Supreme Court of Arkansas is in conflict with decisions of the United States Court of Appeals for the Fifth Circuit, which has held that indigent defendants have a constitutional right to counsel in misdemeanor cases. *McDonald v. Moore*, 353 F. 2d 106; *Harvey v. Mississippi*, 340 F. 2d 263. This conflict must be resolved, unless the Constitution of the United States is going to mean one thing in Arkansas and something else in Mississippi.

In *Gideon v. Wainwright*, *supra*, we said that "any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth." No State should be permitted to repudiate those

words by arbitrarily attaching the label "misdemeanor" to a criminal offense.¹ I think this Court has a duty to resolve the conflict and clarify the scope of *Gideon v. Wainwright*. I do not suggest what the ultimate resolution of this problem should be, but I do suggest that the answer cannot be made to depend upon artificial or arbitrary labels of "felony" or "misdemeanor" attached to criminal offenses by 50 different States. Whatever one's view may be as to the appropriate exercise of this Court's certiorari jurisdiction, surely it is at least our duty to see to it that a vital guarantee of the United States Constitution is accorded with an even hand in all the States.

For these reasons I would grant certiorari, hear argument, and decide the important issue which this case clearly presents.

Mr. Justice Black would also grant the petition for certiorari.

No. 91, Misc. Thomas F. Budd, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Dissenting opinion by Mr. Justice Fortas:

This case presents the important question whether punishment may constitutionally be inflicted, pursuant to § 647(f) of the California Penal Code, upon a person suffering from the disease of alcoholism—as distinguished from drunkenness or periodic, voluntary overindulgence in intoxicants. The California statute provides, in part, that any person "found in any public place under the influence of intoxicating liquor * * * in such a condition that he is unable to exercise care for his own safety or that of others" is guilty of a misdemeanor. Petitioner challenges the statute on the ground, among others, that its application to him, allegedly an alcoholic, constitutes "cruel and unusual punishment" in contravention of the Eighth Amendment of the Federal Constitution.

I believe that we should grant the writ. The trial court made no finding as to whether petitioner suffered from alcoholism, presumably because of its legal conclusion that alcoholism affords no defense to the statutory charge. The trial record squarely presents the issue whether alcoholism is, as a matter of law, a defense to the charge. There is abundant evidence in this record to impel a finding that petitioner is an alcoholic, that he suffers from an illness which results in inability to control either his drinking or certain aspects of behavior after he has been drinking. And the constitutional questions sought to be raised here were presented to each of the state courts through which this case has passed.²

¹ In Arkansas, some misdemeanors are punishable by up to three years imprisonment. (Ark. Stat. Ann. § 41-805 (Repl. 1964).)

² Petitioner is seeking review of the denial by the California Supreme Court of a writ of habeas corpus. Respondent challenges our jurisdiction on the ground that petitioner failed to seek review here of the summary affirmance by the Appellate Department of the California Superior Court, or of that court's refusal to certify the case to the District Court of Appeals. Although determination of the jurisdictional issue can be postponed until the

It is time for this Court to decide whether persons suffering from the illness of alcoholism and exhibiting its symptoms or effects may be punished criminally therefor. The Court has already held that a State may not punish for narcotics addiction, that to do so would violate the constitutional prohibition of cruel and unusual punishment. *Robinson v. California*, 370 U.S. 660 (1962). Mr. Justice Stewart's opinion for the Court in *Robinson* makes it clear that a State may not constitutionally inflict punishment for an illness, whether the illness be narcotics addiction or "the common cold." *Id.*, at 667.³ We should hear argument in the present case to consider whether it presents a situation which commands similar constitutional proscription.

The question has great practical and social significance. We are told that some 6,000,000 Americans are afflicted with alcoholism and that each year more than 1,500,000 arrests—three of every eight—are for drunkenness. Although we do not know how many of those arrested for drunkenness are properly classifiable as alcoholic—that is, whose conduct may be traced to illness rather than to choice—there is ample evidence that the number is very large.⁴

Petitioner's case presents the familiar and dismal round of repeated sojourns in the "drunk-tank"; the spectacle of repeated cycles of arrests for "drunkenness," incarceration, release, and arrest "for drunkenness" all over again. At age 56, petitioner has a record of more than 40 arrests for drunkenness or conduct while drunk. There was testimony that petitioner has been an alcoholic for over 30 years, that his act of buying liquor, as well as as drinking to intoxication, is involuntary. In the past 10 years, he has been through the arrest-release cycle more than 20 times.

This record and the medical literature admonish us that punishment of alcoholics does society no good. It can be applauded only by the

case is heard on the merits, no reason appears why we cannot properly review the denial of habeas corpus. It appears that the California Supreme Court, in which petitioner sought a writ of habeas corpus in lieu of proceeding here by way of certiorari, had jurisdiction over the questions raised. *In re Klor*, 64 Adv. Cal. 883, — P. 2d — (1966); *In re Zerbe*, 60 Cal. 2d 666, 388 P. 2d 182 (1964); see *In re Jackson*, 61 Cal. 2d 500, 393 P. 2d 420 (1964). Accordingly, we have jurisdiction to entertain this as a timely petition for review of the final decision of the highest court of the State.

³ This principle, that the sick should be treated in hospitals rather than prisons, is beginning to affect our society's views as to the disposition of even those who are "ill" but, unlike *Robinson*, are convicted for crimes other than the illness itself. See S. 2191 and H.R. 9167, bills pending in the Eighty-ninth Congress to provide civil commitment rather than imprisonment for certain narcotics addicts convicted of federal criminal offenses. See 112 Cong. Rec. 24401-24421 (1966), and especially, the statement of Senator McClellan whose committee reported the Senate bill out. According to Senator Ervin, who joined in urging passage, the rationale for the proposed legislation is "the proposition * * * that drug addiction is primarily a medical problem, not a criminal problem. * * * We must heed the advice our medical authorities have offered for many years and establish procedures for the medical treatment of individual addicts designed to cure and rehabilitate them so that they can be returned to society as useful, productive citizens." *Id.*, at 24419.

⁴ See 162 Journal of the American Medical Assn. 749 (October 1956); "Alcoholism," Public Health Serv. Pub. No. 730 (1963); Message of the President to Congress, March 1, 1966, proposing a program to attack the disease of alcoholism, 112 Cong. Rec. 4145, 4147.

uninformed or the sadistic. It is neither a deterrent nor a cure for those afflicted. On the contrary, as testified here, it is not only ineffective, but "particularly antitherapeutic because it increases the feelings of worthlessness that all alcoholics have * * *." This does not, of course, mean that alcoholics need be, or should be, permitted to endanger themselves and others, or to be public nuisances. Each of the 50 States has some sort of noncriminal procedure for dealing with alcoholics, and in each State some procedure exists or can be provided for intelligent, purposeful handling of the various aspects of the problem.

Our morality does not permit us to punish for illness. We do not impose punishment for involuntary conduct, whether the lack of volition results from "insanity," addiction to narcotics, or from other illnesses. The use of the crude and formidable weapon of criminal punishment of the alcoholic is neither seemly nor sensible, neither purposeful nor civilized. This Court should determine whether it is constitutionally permissible, or whether, as the Court of Appeals for the Fourth Circuit⁵ and four of the eight judges of the Court of Appeals for the District of Columbia Circuit⁶ have held, it is cruel and unusual punishment—punishment in the absence of volitional fault, punishment which our Constitution forbids.

Mr. Justice Douglas joins this opinion, believing that being an alcohol addict, like being a drug addict, is beyond the reach of the criminal law for the reasons stated in his separate opinion in *Robinson v. California*, 370 U.S. 660, 668.

No. 558, Misc. Kenneth MacKenzie, petitioner, *v.* Allan L. Robins, Warden. 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.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 621, Misc. Billy H. Walker, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 653, Misc. Leo Frank Land, petitioner, *v.* Louie L. Wainwright, Director, Florida, Division of Corrections;

No. 657, Misc. Jerome B. Freeman, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 683, Misc. Earl Kim Darby, petitioner, *v.* Florida; and

⁵ *Driver v. Hinnant*, 356 F. 2d 761 (C.A. 4th Cir. 1966).

⁶ *Easter v. District of Columbia*, — U.S. App. D.C. —, 361 F. 2d 50 (1966), in which the entire court agreed that Congress intended that alcoholics not be punished for the offense of public drunkenness, four of the judges preferring to rest their decision on constitutional grounds.

No. 740, *Misc.* Stephen Luther Evans, petitioner, *v.* Pasquale J. Ciccone, Director, Medical Center for Federal Prisoners, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 570, *Misc.* Everette Frank Keezer, petitioner, *v.* Ralph H. Tahash, Warden;

No. 596, *Misc.* Roger S. Bandy, petitioner, *v.* United States Attorney General;

No. 625, *Misc.* Fred D. Murray, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 743, *Misc.* Joel Beverly, petitioner, *v.* California; and

No. 744, *Misc.* Troy Henry, petitioner, *v.* California et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 429, *Misc.* Robert Gray, petitioner, *v.* United States Court of Appeals for the District of Columbia Circuit; and

No. 604, *Misc.* Leon G. Schack, petitioner, *v.* William A. Meadows, Jr., United States Attorney. Motions for leave to file petitions for writs of mandamus denied.

REHEARING DENIED

No. 660, *October Term, 1965.* Kenneth L. Jones, Administrator, etc., petitioner, *v.* United States. Motion for leave to file second petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, October 24, 1966, until Monday, November 7, 1966.

ORAL ARGUMENT

No. 36. Duke Lee Lewis, petitioner, *v.* United States. Argued by Mr. S. Myron Klarfeld for the petitioner and by Mr. Ralph S. Spritzer for the respondent.

No. 42. Switzerland Cheese Association, Inc., et al., petitioners, *v.* E. Horne's Market, Inc. Argued by Mr. David Toren for the petitioners and by Mr. Harold E. Cole for the respondent.

No. 69. Robert A. Bell, Jr., petitioner, *v.* Texas. Argued by Mr. Tom R. Scott for the petitioner and by Mr. Hawthorne Phillips for the respondent.

No. 68. Leon Spencer, appellant, *v.* Texas. Argument commenced by Mr. Michael D. Matheny for the appellant and continued by Mr. Leon Douglas for the appellee.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 18, 1966, will be as follows: Nos. 68, 70, 19, 22, and 28.

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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

Harry Thayer Mahoney, of Falls Church, Va., on motion of Mr. John N. Erlenborn; William James Crowley, of Aurora, Ill., on motion of Mr. Carl E. Bagge; Marie M. Lambert, of Brooklyn, N. Y., and Charles Franklin Miller, Jr., of Augusta, Ga., on motion of Mr. Henry Russell Thomas; Howard B. McClellan, of Clayton, N. Mex., on motion of Mr. John Richard DeBarr; Keith Edmund Moore, of Overland Park, Kans., on motion of Mr. Earl W. Kintner; Frank M. Ierulli, of Portland, Oreg., on motion of Mr. James L. Dooley; B. J. Tennery, of Rockville, Md., on motion of Mr. Robert E. Goostree; John B. McFaddin, of Rockville, Ind., on motion of Mr. Cleon H. Foust, Jr.; Joseph Cleveland Johnson, of Houston, Tex., on motion of Mr. Bruce R. Merrill; and Roger Stroock Kuhn, of Bethesda, Md., on motion of Mr. James Vorenberg, were admitted to practice.

ORAL ARGUMENT

No. 68. Leon Spencer, appellant, *v.* Texas. Argument continued by Mr. Leon Douglas for the appellee and concluded by Mr. Michael D. Mathney for the appellant.

No. 70. William Everett Reed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Argued by Mr. Emmett Colvin, Jr., for the petitioner and by Mr. Howard Fender for the respondent.

No. 19. Harriett Louise Adderley et al., petitioners, *v.* Florida. Leave granted William D. Roth to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Richard Yale Feder. Argued by Mr. Richard Yale Feder for the petitioners and by Mr. William D. Roth for the respondent, *pro hac vice*, by special leave of Court.

No. 22. Time, Inc., appellant, *v.* James J. Hill. Reargument commenced by Mr. Harold R. Medina, Jr., for the appellant and continued by Mr. Richard M. Nixon for the appellee.

No. —. Erie-Lackawanna Railroad Company et al., appellants, *v.* United States et al.

Applications for a stay of enforcement of an order of the Interstate Commerce Commission¹ authorizing a merger of the Pennsylvania R. Co. and the New York Central R. Co., pending this Court's determination of appeals from a decision of a three-judge district court in the Southern District of New York, — F. Supp. —, sustaining the Commission's order, have been submitted to Mr. JUSTICE HARLAN, as the Associate Justice assigned to the Second Circuit, by eight railroad companies,² a number of New Jersey and Pennsylvania communities,³ and a Pennsylvania R. Co. stockholder.⁴

Mr. JUSTICE HARLAN, pursuant to our Rule 50(6) has referred the applications to the Court for disposition. Papers in opposition have been submitted by the Interstate Commerce Commission and various other parties.⁵

In addition, the Baltimore & Ohio R. Co. for itself and certain other railroad carriers⁶ has filed an appeal, a jurisdictional statement, and a motion to accelerate consideration thereof. Similar papers have been filed by Delaware & Hudson R. Corp. and Erie-Lackawanna R. Co.

Upon consideration of such applications and motions and of all papers filed in opposition, a stay of enforcement of the order of the Interstate Commerce Commission and the motions to accelerate are hereby granted subject to and in accordance with the following expedited schedule. See *Hannah v. Larche*, 361 U.S. 910. Appellants (who desire to appeal and have not already done so) shall file notices of appeal, shall docket the case, and shall file jurisdictional statements and briefs on the merits on or before November 30, 1966. Appellees shall file any motions responsive to the statements as to jurisdiction and briefs on the merits of the case on or before December 30, 1966. Appellants shall file their reply briefs on or before January 6, 1967. The appeals will be consolidated, and all matters involved are set for oral argument on January 9, 1967, with a total of four hours allotted for argument. Four attorneys will be permitted to participate in the oral argument on each side, the division of time to be settled among

¹ Order of April 6, 1966, 327 I.C.C. 475, as modified by Order of September 16, 1966, — I.C.C. —.

² Erie-Lackawanna R. Co.; Delaware & Hudson R. Corp.; Baltimore & Ohio R. Co.; Central R. Co. of New Jersey; Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Reading Co.; Western Maryland R. Co.

³ City of Hoboken, City of Union City, Township of North Bergen, and Township of Weehawken (communities of the State of New Jersey); Borough of Freedom and City of Scranton (communities in the Commonwealth of Pennsylvania).

⁴ Milton J. Shapp, who appears also as a citizen of Pennsylvania.

⁵ Pennsylvania R. Co.; New York Central R. Co.; Trustees of the New York, New Haven & Hartford R. Co.; States of Connecticut, Massachusetts, New York, and Rhode Island; City of Philadelphia; Greater Philadelphia Chamber of Commerce and the Chamber of Commerce of Pittsburgh.

⁶ Central R. Co. of New Jersey; Chesapeake & Ohio R. Co.; Norfolk & Western R. Co.; Reading Co.; Western Maryland R. Co.

counsel. The cases will be heard with typewritten record, but any of the parties may print as appendices to their briefs such portions of the record as they may desire.

Nothing in this order shall preclude the Interstate Commerce Commission from proceeding with its further hearings in this matter, now scheduled for October 31, 1966.

The request of the State of Connecticut for imposition of bond is denied. Opinion *per curiam*.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 19, 1966, will be as follows: Nos. **22, 28, 45, 49, and 54.**

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Lawrence Alexander Gibbs, of Columbus, Ohio, Ronald J. Blask, of Houston, Tex., Willard K. Carey, of La Grande, Oreg., and Julius C. Biervliet, of Mount Vernon, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; Arthur B. Broaddus, of Ukiah, Calif., and Harry J. Krade, of Davis, Calif., on motion of Mr. Robert L. Leggett; John E. Vanderstar, of Washington, D.C., on motion of Mr. William H. Allen; John W. Cooper, of Birmingham, Ala., on motion of Mr. A. Alvis Layne; James T. Townsend, of Brady, Tex., on motion of Mr. Harry J. Jordan; James J. Gallagher, of St. Louis, Mo., on motion of Mr. Gerry Levenberg; and Bryan R. McCarthy, of San Rafael, Calif., and Edgar B. Washburn, of San Rafael, Calif., on motion of Mr. Michael J. Shea, were admitted to practice.

ORAL ARGUMENT

No. 22. Time, Inc., appellant, *v.* James J. Hill. Reargument continued by Mr. Richard M. Nixon for the appellee and concluded by Mr. Harold R. Medina, Jr., for the appellant.

No. 28. Transportation-Communication Employees Union, petitioner, *v.* Union Pacific Railroad Company. Argued by Mr. Milton Kramer for the petitioner and by Mr. James A. Wilcox for the respondent.

No. 45. Ronald R. Cichos, petitioner, *v.* Indiana. Leave granted Douglas B. McFadden to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. John P. Price. Argued by Mr. John P. Price for the petitioner and by Mr. Douglas B. McFadden for the respondent, *pro hac vice*, by special leave of Court.

No. 49. United Gas Pipe Line Company, petitioner, *v.* Federal Power Commission et al. One and one-half hours allowed for oral argument. Argument commenced by Mr. Vernon W. Woods for the petitioner and continued by Mr. Peter Schiff for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 20, 1966, will be as follows: Nos. 49, 54, 91, 63, and 62.

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 W. Brugman, of Chicago, Ill., Stephen Jurco, of Chicago, Ill., Arthur W. Kennelly, of Chicago, Ill., Martin J. Kennelly, of Chicago, Ill., Laurence A. Licalzi, of Chicago, Ill., Michael H. Lyons, of Chicago, Ill., Joseph Patrick McGah, of Chicago, Ill., Ben G. Ottenhoff, of Chicago, Ill., Robert W. Rooney, of Chicago, Ill., Robert G. Weclaw, of Chicago, Ill., Alfonse F. Wells, of Chicago, Ill., Edward F. Zahour, of Chicago, Ill., and Edmund Durkin, Jr., of Cleveland, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; Walter Earl Steimel, of Fort Worth, Tex., on motion of Mr. Ralph W. Yarborough; Roger D. Anderson, of Grand Rapids, Mich., Enrico V. Gualtieri, of Detroit, Mich., and Arnold D. Kadushin, of Detroit, Mich., on motion of Mr. Philip A. Hart; C. Kimball Rose, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Henry DuLaurence, Jr., of Cleveland, Ohio, and Paul H. Oppmann, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Nina Rao Cameron, of New York, N.Y., on motion of Judge Paul P. Rao; Stanley M. Lipnick, of Washington, D.C., on motion of Mr. Sol J. Pokrass; Julian Paul Lawson, of Atlanta, Ga., on motion of Mr. William S. Tennant; Thomas Brian Donovan, of San Francisco, Calif., on motion of Mr. Charles Alvin Miller; Donald Lee Goldman, of Cleveland, Ohio, on motion of Mr. Mark R. Joelson; Annette Pinsky, of Brooklyn, N.Y., on motion of Mr. Lee Polsky; Martin J. Flynn, of Bethesda, Md., on motion of Mr. Lawrence J. Latto; Harold Aryai Siegel, of Greenbelt, Md., on motion of Mr. Richard P. McGrath; Ruth Renner Percy, of Northfield, Ohio, and Robert Richard Renner, of Novelty, Ohio, on motion of Mr. Thomas V. Koykka; Arnold Broser, of Brooklyn, N.Y., and Bernard Speisman, of New York, N.Y., on motion of Mr. Herbert Silberman; John B. Matheny, of Sacramento, Calif., on motion of Mr. Herman J. Morton; and Richard John Wieland, of Houston, Tex., on motion of Mr. Benj. Rosner Wolman, were admitted to practice.

ORAL ARGUMENT

No. 49. United Gas Pipe Line Company, petitioner, *v.* Federal Power Commission et al. Argument continued by Mr. Peter Schiff

for the respondents, by Mr. Bruce R. Merrill for the respondents and concluded by Mr. Vernon W. Woods for the petitioner.

No. 54. Immigration and Naturalization Service, petitioner, *v.* Giuseppe Errico. Argued by Mr. Solicitor General Marshall for the petitioner and by Mr. Frank M. Ierulli for the respondent.

No. 91. Muriel May Scott, nee Plummer, petitioner, *v.* Immigration and Naturalization Service. Argued by Mr. Julius C. Biervliet for the petitioner and by Mr. Solicitor General Marshall for the respondent.

No. 63. Bank of Marin, petitioner, *v.* John M. England, Trustee in Bankruptcy. Argued by Mr. Edgar B. Washburn for the petitioner and by Mr. Thomas B. Donovan for the respondent.

Adjourned until Monday, October 24, 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

Arthur M. Olson, of San Bernardino, Calif., Herman T. Smith, of Los Angeles, Calif., James T. Carlisle, of Vero Beach, Fla., Harlan Heller, of Mattoon, Ill., Frederick T. Work, of Gary, Ind., Jerome W. Breslow, of Arlington, Va., Carl Golden, of Brooklyn, N.Y., Malcolm W. Berkowitz, of Philadelphia, Pa., Alfred C. Schlosser, of Houston, Tex., Charles Chambers Mulcahy, of Milwaukee, Wis., and Wendell H. Davis, of Los Angeles, Calif., on motion of Mr. Solicitor General Thurgood Marshall; Thomas C. Enright, of Salem, Oreg., on motion of Mr. Wayne Lyman Morse; Ernest Wade Ballou, of Roanoke, Va., and F. Rodney Fitzpatrick, of Roanoke, Va., on motion of Mr. Robert Kirkwood Kennon Jones; Donald E. Zinn, of Washington, D.C., and James R. Sweeney, of Chicago, Ill., on motion of Mr. Gideon Franklin Rothwell IV; Gordon Levoy, of Beverly Hills, Calif., on motion of Mr. Fulton Brylawski; William D. Zabel, of New York, N.Y., on motion of Mr. Robert C. Barnard; William K. Zewadski III, of St. Petersburg, Fla., on motion of Mr. George Edward Hutchinson; Allen Klein, of Los Angeles, Calif., on motion of Mr. Chester C. Shore; John M. Longway, of Denver, Colo., on motion of Mr. Rodney D. Briggs; Russell D. Jacobson, of Kansas City, Mo., on motion of Mr. Hugh J. Nugent; Harvey Dell Ashworth, of Topeka, Kans., on motion of Mr. Robert D. Buehler; Fred James Finch, Jr., of Dallas, Tex., on motion of Mr. Elmer Williams Henderson; Frederic E. Van Dorn, of San Francisco, Calif., on motion of Mr. Edward Gallagher; John Thomas Moran, Jr., of New York, N.Y., on motion of Mr. Deane McCormack; Albert L. Yarashus, of Washington, D.C., on motion of Mr. Valerian J. Lavernoich; Gordon P. MacDougall, of Washington, D.C., on motion of Mr. Samuel H. Moerman; W. Howard Gray, of Reno, Nev., on motion of Mr. Joseph T. McDonnell; Jerome Gilson, of Chicago, Ill., on motion of Mr. George Cabell Busick; William Boardman Graves, of San Juan, P.R., and Donald M. Hall, of San Juan, P.R., on motion of Mr. Edward Wynne; Loren Virgil Smith, of Sacramento, Calif., on motion of Mr. E. Lewis Reid; Richard Franklin Record, Jr., of Mattoon, Ill., on motion of Mr. Lawrence F. Henneberger; Thomas K. Spence, of Concord, N.C., on motion of Mr. William Paisley; Sheldon Murray Meizlish, of Detroit, Mich., on motion of Mr. Ralph Temple; Thomas Conrad Mayer,

of Detroit Mich., and John Francis Mayer, of Detroit, Mich., on motion of Mr. Wilbur D. Sparks; and Clarence J. Alandt, of Detroit, Mich., Gloriette G. Alandt, of Plymouth, Mich., Melvin S. Bernstein, of Detroit, Mich., Albert Best, of Detroit, Mich., John Boghosian, of Southfield, Mich., Wilber Dallas Bollinger, of Detroit, Mich., Thomas P. Casey, of Detroit, Mich., Frank L. Charbonneau, of Detroit, Mich., Louis H. Charbonneau, of Detroit, Mich., Peter M. Cooper, of Detroit, Mich., Kathleen Copeland, of Highland Park, Mich., Gerald Curtis, of Detroit, Mich., Stanley J. Domzalski, of Detroit, Mich., James L. Elsman, Jr., of Birmingham, Mich., Eugene J. Fisher, of Detroit, Mich., Carolyn Florescu, of Lincoln Park, Mich., Arnold P. Garber, of Detroit, Mich., Allan W. Gilbert, of Detroit, Mich., S. Gerald Gorceyca, of Detroit, Mich., Michael Maurice Grand, of Detroit, Mich., Jerome Byron Greenbaum, of Detroit, Mich., David Harris, of Detroit, Mich., Jesse L. Holliday, of Detroit, Mich., Harold Hood, of Detroit, Mich., James P. Huddleston, of Detroit, Mich., Frank I. Kennedy, of Detroit, Mich., Ronald Gary Kraft, of Detroit, Mich., Richard John Langs, of Detroit, Mich., William Levin, of Detroit, Mich., Stephen G. Lucky, of Detroit, Mich., John E. MacDonald, of Wayne, Mich., John Madias, of Detroit, Mich., Dan A. Manason, of Detroit, Mich., David V. Martin, of Detroit, Mich., James H. McCrory, of Detroit, Mich., Aubrey Vance McCutcheon, Jr., of Detroit, Mich., Arthur Mitchell, of Detroit, Mich., Fred Morganroth, of Detroit, Mich., Wayne F. Moriarty, of Detroit, Mich., Leonard M. Nathanson, of Southfield, Mich., John A. Ridal, of Detroit, Mich., Robert Clayton Rosenfeld, of Detroit, Mich., Robert S. Rosenfeld, of Detroit, Mich., Jordan Rossen, of Detroit, Mich., Allison Lowell Scafuri, of Detroit, Mich., Murray C. Slomovitz, of Detroit, Mich., James S. Soltesz, of Detroit, Mich., William R. Still, of Detroit, Mich., Edward A. Taub, of Detroit, Mich., Glenn M. Taub, of Detroit, Mich., and Anthony M. Vernava, of Detroit, Mich., on motion of Mr. Solicitor General Thurgood Marshall, were admitted to practice.

OPINION

No. 220. Atlantic Coast Line Railroad Company et al., petitioners, v. Brotherhood of Railway Trainmen et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. 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 of 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. 426. Barney M. Giles et al., appellants, *v.* Friendly Finance Company of Biloxi, Inc., et al. Appeal from the Supreme Court of Mississippi. 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, certiorari is denied. Opinion *per curiam*.

No. 437. Colorado-Ute Electric Association, Inc., appellant, *v.* The Western Colorado Power Company et al. Appeal from the Supreme Court of Colorado. 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. 88, Misc. William T. Johnson, appellant, *v.* California. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 574, Misc. Robert L. Bradford, appellant, *v.* Joseph A. Gavan, etc., et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 100. Peter H. Klopfer, petitioner, *v.* North Carolina. The motion of The American Civil Liberties Union et al. for leave to file a brief, as *amici curiae*, is granted.

CERTIORARI GRANTED

No. 164. Ayako Honda et al., petitioners, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

No. 399. William Turner et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York granted and case placed on the summary calendar.

No. 428. Securities and Exchange Commission, petitioner, *v.* United Benefit Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

No. 456. Beys Afroyim, petitioner, *v.* Dean Rusk, as Secretary of State. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 248. Ellsworth F. Montrie, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 382. Robert Hammond et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 421. Nash Miami Motors, 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. 423. Maryland Casualty Company, petitioner, *v.* The Seminole Tribe of Florida, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 433. McGraw-Edison Company, petitioner, *v.* Preformed Line Products Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 435. Grady L. West et al., petitioners, *v.* Edward M. Gilbert et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 436. Norfolk Dredging Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 439. Herlong-Sierra Homes, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 442. Volkswagen Interamericana, S.A., petitioner, *v.* Henry A. Rohlsen. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 443. Benjamin A. Schabert, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 444. Hugh C. Fisher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 445. Edward Martin et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 446. Central of Georgia Railway Company et al., petitioners, *v.* Oscar L. Altman et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 448. City of Miami Beach, petitioner, *v.* Hyman Kirsner et ux. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 453. Joseph P. Ruth, petitioner, *v.* Blue River Constructors et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 454. Weyman O. Wilkes, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 459. American Infra-Red Radiant Co., Inc., et al., petitioners, *v.* Lambert Industries, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 460. Joseph Montanaro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 461. Lifetime Siding, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 401. Chemical Bank New York Trust Company, Trustee, Mortgagee, petitioner, *v.* Steamship Westhampton (formerly Steamship Montauk Point), her engines, boilers, etc. Motion of The Government of Bundesrepublik Deutschland for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 429. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. The Chief Justice and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 441. Sandor Schwartz, petitioner, *v.* Cyrus S. Eaton et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 458. Clifford J. Hynning, etc., petitioner, *v.* Daniel Partridge III, as Trustee, u/w Grace S. Partridge, et al. Motion to use record in No. 766, **October Term, 1964**, granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

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

No. 176, **Misc.** Elgin Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 307, Misc. Jack Ledbetter, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 349, Misc. Robert Graham, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 466, Misc. Betti Jane Newhouse, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Sacramento, denied.

No. 470, Misc. John Lee King, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 532, Misc. Moses Russ, petitioner, *v.* United States. Petition for writ of certiorari to the United States court of Appeals for the Second Circuit, denied.

No. 607, Misc. George Junior Mitchell, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 619, Misc. Rory Zamora Alcorcha, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 622, Misc. Richard Virgil, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 623, Misc. Wayman Mead, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 626, Misc. Henry Hawkins, 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. 627, Misc. Harry E. Gregoire and B. Elaine Gregoire, petitioners, *v.* National Bank of Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 628, Misc. John Elbert Ward, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 631, Misc. Robert C. Jordan, petitioner, *v.* T. W. Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 642, Misc. Mary C. Hamilton, petitioner, *v.* C. Harold Hamilton. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 242, Misc. Vernis H. Miller, petitioner, *v.* Nebraska; and

No. 745, Misc. Kenneth Rogers, petitioner, *v.* Ward Lane, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 223, Misc. James Cosio Aguilar, petitioner, *v.* Arthur L. Oliver; and

No. 609, Misc. Charles Stanley Miller, petitioner, *v.* Arthur L. Oliver et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 614, Misc. Marcelino Ruiz, petitioner, *v.* District of Columbia Court of General Sessions et al. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 1291, October Term, 1965. William L. Taub, petitioner, *v.* Randolph Hale et al. Motions for leave to file supplements to petition for rehearing denied. Petition for rehearing denied.

No. 574. David Maslowsky et al., appellants, *v.* John E. Cassidy, Jr., Chairman et al., etc. Petition for rehearing denied.

Adjourned until Monday, November 7, 1966, at 10 o'clock.

The day call for Monday, November 7, 1966, will be as follows: Nos. 47, 62, and 51 (73 and 88).

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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 S. Selig, of Pine Bluff, Ark., Arnold David Levine, of Tampa, Fla., Ralph Allen Richardson, of Fort Myers, Fla., George Theophilus Swartz, of Fort Myers, Fla., Fred English Arnold, of St. Louis, Mo., Joseph A. Millimet, of Manchester, N.H., Raymond William Philipps, of New York, N.Y., Neil S. Kurlander, of Silver Spring, Md., Frank Richard Bodor, of Warren, Ohio, Leonard P. Gilbert, of Cleveland, Ohio, and Walter Francis Kerrigan, of Chicago, Ill., on motion of Mr. Solicitor General Thurgood Marshall; E. Jerry Dietrich, of Houston, Tex., on motion of Mr. Frederick Herman Korth; William Philip Gray, of LaGrange, Ill., on motion of Mr. Henry Russell Thomas; Edward P. Connell, of Clarksdale, Miss., and Parham Williams, of Oxford, Miss., on motion of Mr. Wm. Ephraim Cresswell; John Dewey Buchanan, Jr., of Tallahassee, Fla., on motion of Mr. J. William Norman; Paul R. Speckman, Jr., of San Francisco, Calif., on motion of Mr. Earl R. Stanley; Peter David Lederer, of New York, N.Y., on motion of Mr. Walter Slowinski; Paul J. Cooksey, of Downey, Calif., on motion of Mr. Lawrence Speiser; John Robert Kramer, of New York, N.Y., on motion of Mr. Lawrence J. Latto; Howard Moore, Jr., of Atlanta, Ga., on motion of Mr. Leonard Boudin; Richard A. Gadbois, Jr., of Los Angeles, Calif., on motion of Mr. James Francis Gordy; Louis Phillips, of Miami, Fla., and William Phillips, of Miami, Fla., on motion of Mr. Ellwood Englander; Eugene Robert Anderson, of New York, N.Y., on motion of Miss Janet Calvert Brown; Jack W. Foutch, of Colorado Springs, Colo., on motion of Mr. James W. Dent; Bernard E. Bernstein, of Knoxville, Tenn., and William Pennebaker Boone Dougherty, of Knoxville, Tenn., on motion of Mr. Donald Dennison; Gordon S. Eslick, of South Bend, Ind., and William H. Macbeth, of Dayton, Ohio, on motion of Mr. Lawrence F. Henneberger; and Edward J. Powers, of Bedford, N.H., on motion of Mr. Robert L. Heald, were admitted to practice.

OPINION

No. 42. Switzerland Cheese Association, Inc., et al., petitioners, *v.* E. Horne's Market, Inc. On writ of certiorari to the United States

Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Harlan would affirm the judgment below on the basis of the reasoning set forth in Judge Waterman's opinion for the Second Circuit in *Chappell & Co., Inc. v. Frankel*, —F. 2d—. Mr. Justice Stewart concurs in the result.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 1029, October Term, 1965. Fred B. Black, Jr., petitioner, *v.* United States. On petition for rehearing. Petition for rehearing granted, order denying petition for writ of certiorari vacated, petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted, judgment vacated and case remanded to the United States District Court for the District of Columbia for a new trial. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 319. Pittsburgh Towing Company, appellant, *v.* Mississippi Valley Barge Line Company et al. Appeal from the United States District Court for the Eastern District of Missouri. The motion to dismiss is granted and the appeal is dismissed for failure to comply with Rule 13(1). Opinion *per curiam*. Dissenting opinion by Mr. Justice Black.

No. 475. John H. Kelsey et al., appellants, *v.* Perry H. Corbett et al. Appeal from the Court of Civil Appeals of Texas, Eighth 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. 481. Waggoner Carr, appellant, *v.* City of Altus, Oklahoma, et al. 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*.

No. 486. Jos. Schlitz Brewing Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of California. The motion of Philip A. Ray et al., for leave to file a brief, as *amici curiae*, is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted and set the case for argument.

No. 496. Amalgamated Transit Union, AFL-CIO, appellant, *v.* United States et al.; and

No. 497. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and Local Union 549, appellants, *v.* United States et al. Appeals from the United States District Court for the District of Columbia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 630, Misc. De Wayne Massey, appellant, *v.* Georgia. Appeal from the Supreme Court of Georgia. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 686, Misc. Louis Paul Matranga, appellant, *v.* Edward McDonnell, Sheriff, Harrison County, Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 70. William Everett Reed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. The motion of petitioner for leave to file a supplemental brief, after argument, is denied.

No. 80. Joseph Sherman, petitioner, *v.* Immigration and Naturalization Service. The motion of Frank C. Newman et al., for leave to file a brief, as *amici curiae*, is granted.

No. 114. Manuel Vaca et al., petitioners, *v.* Niles Sipes, Administrator of the Estate of Benjamin Owens, Jr., deceased. The motions of American Federation of Labor and Congress of Industrial Organizations; and Swift & Company for leave to file briefs, as *amicus curiae*, are granted.

No. 173. Commissioner of Internal Revenue, petitioner, *v.* Howe A. Stidger et ux. John A. Reed, Esquire, of New York, New York, a member of the Bar of this Court, is invited to brief and argue this case, as *amicus curiae*, in support of the judgment below.

CERTIORARI GRANTED

No. 440. Clive Michael Boutilier, petitioner, *v.* The 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. 462. Washington Public Power Supply System, petitioner, *v.* Federal Power Commission. Motions of Pacific Northwest Power Company and the State of Oregon to be added as parties respondent

granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 463.

No. 463. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* Federal Power Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

No. 480. Warden, Maryland Penitentiary, petitioner, *v.* Bennie Joe Hayden. 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 Fourth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 245. John W. Davis and Joseph Leo Vedder, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 345. Ralph T. Hickey et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 417. Louis A. Klitzner et ux., 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. 447. Francis Robillard et al., petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Judicial Department, denied.

No. 451. John Kerestes, petitioner, *v.* United States; and

No. 455. Raymond O. Sopher et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 465. Emilio Eminente, petitioner, *v.* Lyndon Baines Johnson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 466. Oil Base, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 467. Peter Omicini, petitioner, *v.* California. Petitioner for writ of certiorari to the Supreme Court of California denied.

No. 468. Edward L. Lascher, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 469. Archie J. Layton et al., petitioners, *v.* Selb Manufacturing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 470. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America et al., petitioners, *v.* National Mediation Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 471. Duncan Miller, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 472. Chauffeurs, Teamsters and Helpers "General" Local No. 200, etc., 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. 474. Home Shipping Company, S. A., as owner of the S/S Cosmic, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 476. John Elmer Woodards, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 478. E. Taylor Chewing et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 479. Walstein C. Findlay, Jr., et al., petitioners, *v.* David B. Findlay, Inc., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 482. Maryland for the use of Josephine Costas, individually, et al., petitioners, *v.* Atlantic Aviation Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 484. Allstate Insurance Company et al., petitioners, *v.* Edwin S. Lanier, Commissioner of Insurance for North Carolina, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 485. Walter Otto, petitioner, *v.* Mayor, Council of Commissioners, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 487. Allison T. Williams, petitioner, *v.* Raymond W. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 489. Kingdom of Greece, Ministry of Commerce, Purchase Directorate, petitioner, *v.* Petrol Shipping Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 490. American Manufacturers Mutual Insurance Co. et al., petitioners, *v.* American Broadcasting-Paramount Theatres, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 492. Frances Elaine Smith, Administratrix, etc., petitioner, *v.* Union Oil Company, Inc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 493. Joseph Robert Ralph et al., petitioners, *v.* Tidewater Construction Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 494. Sadie Haine, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 498. Lipsett Steel Products, Inc., petitioner, *v.* Samuel Mosley et al.; and

No. 550. Cia. Mar. Adra S.A., petitioner, *v.* Samuel Mosley. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 499. The New Mexico Public Service Commission et al., petitioners, *v.* Community Public Service Company. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 501. Freddie Lee Kindell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 503. Bear Sales Company et al., petitioners, *v.* Federal Trade Commisison. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 504. Joseph F. Schipani, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 506. Department of Fish and Game of the State of California, petitioner, *v.* Federal Power Commission et al.; and

No. 569. Pacific Power & Light Company, petitioner, *v.* Federal Power Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 509. Malcolm B. Devers, petitioner, *v.* Capital Investors Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 510. Philip Stein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 512. Nelson Noel, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 514. Manja T. Bronner, petitioner, *v.* Arthur L. Goldman et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 515. Jack A. Gullo, petitioner, *v.* Bruce E. Lambert et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 520. Joseph T. Newton, Jr., et al., petitioners, *v.* South Carolina Council of Milk Producers, Incorporated, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 523. Winn-Dixie Stores, 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. 524. Michael Izzi, petitioner, *v.* John R. Rezzolla, Jr., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 531. International Brotherhood of Electrical Workers et al., petitioners, *v.* John J. Ryan et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 244. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Jacksonville Terminal Company et al. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 507. Donald P. Kahn, petitioner, *v.* Jacques H. Fox. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 180, **Misc.** Ray H. Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 186, **Misc.** Freddie Roach, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 192, **Misc.** Lewis Elmer Frayer, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 206, **Misc.** Robert Leonard Booth, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 207, **Misc.** Curtis Brawner, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 209, **Misc.** Berl Estes McDonald, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 212, Misc. Ernest Sniedzins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 219, Misc. Leroy Mason, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 267, Misc. People of the State of New York *ex rel.* Anonymous, petitioner, *v.* Harry A. La Burt, Director, Creedmoor State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 288, Misc. Bobby Joe Belk, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 306, Misc. Frank Charley Cota, petitioner, *v.* Frank Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 330, Misc. Willie Bates, petitioner, *v.* James E. Meadows, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 446, Misc. Joel B. Cantrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 448, Misc. James Andrews, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 474, Misc. Robert Eddie Louis Jackson, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 489, Misc. Romal Ferguson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 544, Misc. Lloyd Lancaster, Jr., petitioner, *v.* Jack Fogliani, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 546, Misc. Santiago Rivera, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 554, Misc. Paul Eugene La Vergne, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 560, Misc. Charles H. Smith, 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. 581, **Misc.** Charles Townsend, petitioner, *v.* Richard B. Ogilvie, Sheriff, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 600, **Misc.** Donald James Schnepf, petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 602, **Misc.** John Waldon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 613, **Misc.** Grady Asbon Cox, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 643, **Misc.** Albert J. Kostal, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 647, **Misc.** James Alvin Howard, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 649, **Misc.** Herbert Ross Montayne, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 651, **Misc.** Marion Stevenson, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 654, **Misc.** Curtis L. Braxton, 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. 656, **Misc.** Joseph Cerny, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 658, **Misc.** Charles I. Spiesel, petitioner, *v.* Allan Roos. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 660, **Misc.** Bradley Arlington Avey, petitioner, *v.* Harold M. Boslow, Director of Patuxent Institution, et al. Petition for writ of certiorari to Court of Appeals of Maryland denied.

No. 662, **Misc.** Claude W. Harris, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 665, **Misc.** Eugene Loyd Webb, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670, **Misc.** Harry Ludwig, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 671, **Misc.** Robert Newell Spry, petitioner, *v.* E. J. Oberhauser et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 674 **Misc.** Clarence Moore, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 675, **Misc.** Charles Traylor, petitioner, *v.* New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 676, **Misc.** Bobby Hugh Hogue, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 678, **Misc.** Clinton N. Allen, petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 680, **Misc.** E'Thelbert Rucker, petitioner, *v.* Frederick W. Johnson, Clerk of District Court. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 682, **Misc.** Robert Louis Carroll, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 685, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 688, **Misc.** Ernest E. Storch, 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. 692, **Misc.** Neal Hilliard, petitioner, *v.* Texas. Petition for a writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 697, **Misc.** James C. Tuggle, petitioner, *v.* Harold Brown, Secretary of the Air Force. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 700, **Misc.** Garland Porter, 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. 702, Misc. Stillman Titus, petitioner, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 706, Misc. Noel Dana, petitioner, *v.* Raymond J. Tracy, Sheriff, Washington County. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 709, Misc. Barbara Jean Elliott, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 715, Misc. Richard U. T. Hoffman, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 721, Misc. Ralph Masucci, petitioner, *v.* James Harrison, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 728, Misc. Warren Gabriel Huskey, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 733, Misc. Charles Willard Asberry, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 552, Misc. John Randolph Clarke, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 635, Misc. Michael T. Callahan, petitioner, *v.* Indiana. Motion for leave to supplement the petition granted. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 693, Misc. Sherman H. Skolnick, petitioner, *v.* Harry W. Pucetti et al., etc. Petition for writ of certiorari to the Supreme Court of Illinois and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 393, Misc. James Curtis Snow, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 771, Misc. Charles Oren Anderson, petitioner, *v.* California. and

No. 804, Misc. In the Matter of Louis Ortega, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 871, Misc. Stanley E. Cortinez, petitioner, *v.* J. Howell Flournoy, Sheriff of Caddo Parish, Louisiana. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari denied. Mr. Jus-

tice Black and Mr. Justice Stewart would treat the papers submitted as a petition for certiorari, and would grant certiorari.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 681, Misc. Robert Earl Dowd, Sr., petitioner, *v.* Alabama;

No. 691, Misc. Richard Saunders, petitioner, *v.* Carl W. Reuss, Clerk, et al.; and

No. 708, Misc. Oscar Shipp, petitioner, *v.* Supreme Court of California. Motions for leave to file petitions for writs of mandamus denied.

REHEARINGS DENIED

No. 146. Joan Flores Delaney, petitioner, *v.* United Services Life Insurance Company;

No. 332. The Bookcase, Inc., et al., appellants, *v.* Howard R. Leary, Commissioner of Police, et al.;

No. 262, Misc. Robert Clyde Norris, petitioner, *v.* United States;

No. 411, Misc. J. D. Hoard, petitioner, *v.* A. L. Dutton, Acting Warden, et al.;

No. 450, Misc. Curtis E. McCoy, petitioner, *v.* Paul H. Preston;

No. 481, Misc. Demetrios B. Tsermengas, petitioner, *v.* George A. Kropp, Warden;

No. 502, Misc. Elizabeth P. Comley, petitioner, *v.* United States; and

No. 509, Misc. Raymond Belcher, petitioner, *v.* California, Petitions for rehearing denied.

No. 407. Ralph Neely, petitioner, *v.* Houston Oilers, Inc. Petition for rehearing and application for stay or injunction prohibiting trial court from obeying the mandate denied.

ORAL ARGUMENT

No. 47. United States, appellant, *v.* Anthony L. Fabrizio. Two hours allowed for oral argument. Leave granted Jerome I. Chapman to appear and present oral argument for the appellant, *pro hac vice*, on motion of Mr. Solicitor General Marshall. Argued by Mr. Jerome I. Chapman for the appellant, *pro hac vice*, by special leave of Court, by Mrs. Betty D. Friedlander for the appellee and by Mr. Joseph A. Millimet for the State of New Hampshire, as *amicus curiae*, by special leave of Court. Memorandum for appellant to come.

No. 62. Samuel Spevack, petitioner, *v.* Solomon A. Klein. Argued by Mr. Lawrence J. Latto for the petitioner and by Mr. Solomon A. Klein for the respondent, *pro se*.

No. 51. The First National Bank of Logan, Utah, petitioner, *v.* Walker Bank & Trust Company;

No. 73. First Security Bank of Utah, N.A., petitioner, *v.* Commercial Security Bank; and

No. 88. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Commercial Security Bank. Argument commenced by Mr. Richard A. Posner for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 8, 1966, will be as follows: Nos. 51 (73 and 88), 76, 11, 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.

ADMISSIONS TO THE BAR

David Harold Blunt, of Salem, Oreg., on motion of Mr. William Berg, Jr.; Robert Rosenman, of New York, N.Y., on motion of Mr. Max O. Truitt, Jr.; Michael T. Levy, of Omaha, Nebr., on motion of Mr. Henry Eaton Wixon; Ronald L. Carlson, of Iowa City, Iowa, on motion of Mr. S. White Rhyne; Carl T. Bodolus, of Washington, D.C., and David R. Ficca, of Atlas, Pa., on motion of Mr. Courtney Whitney, Jr.; Donald Martin Feuerstein, of Washington, D.C., on motion of Mr. Walter P. North; Gerald N. Ziskind, of Pittsburgh, Pa., on motion of Mr. Richard Stephen Salzman; William G. Vance, of Atlanta, Ga., on motion of Mr. Arthur K. Bolton; Cletus W. S. Horne, of Columbia, S.C., on motion of Mr. Frederick R. Blackwell; Russell Allen Clark, of Chester, Vt., on motion of Mr. Frederick A. Tilton; and Milton Edward Nelson, Jr., of Chicago, Ill., and Gus Svolos, of Chicago, Ill., on motion of Mr. Harvey Huston, were admitted to practice.

ORAL ARGUMENT

No. 51. The First National Bank of Logan, Utah, petitioner, *v.* Walker Bank & Trust Company;

No. 73. First Security Bank of Utah, N.A., petitioner, *v.* Commercial Security Bank; and

No. 88. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Commercial Security Bank. Argument continued by Mr. Richard A. Posner for the petitioners, by Mr. Theodore S. Perry and Mr. John J. Wilson for the petitioners, by Mr. James F. Bell and Mr. Joseph S. Jones for the respondents and concluded by Mr. Richard A. Posner for the petitioners.

No. 76. United States, petitioner, *v.* Stephen Robert Demko. Argued by Mr. Richard S. Salzman for the petitioner and by Mr. Gerald N. Ziskind for the respondent.

No. 11. Canada Packers, Limited, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Two hours allowed for oral argument. Argument commenced by Mr. Charles B. Myers

for the petitioner and continued by Mr. Harvey Huston for the respondents, by Mr. Louis F. Claiborne for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Leonard S. Goodman for the Interstate Commerce Commission, as *amicus curiae*.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 9, 1966, will be as follows:
Nos. 11, 65, 77, 81, and 86.

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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

Pat Maloney, of San Antonio, Tex., on motion of Mr. Thurman Arnold; Franklin J. Okin, of Washington, D.C., on motion of Mr. Newman T. Halvorson, Jr.; Barry Stuart Zisman, of Fairfax, Va., on motion of Mr. Edward Aptaker; Donnie R. Bennett, of Des Moines, Iowa, and Paul Arthur Nejelski, of Washington, D.C., on motion of Mr. Maurice A. Roberts; James Nathaniel Hamrick, of Rutherfordton, N.C., on motion of Mr. Frederick D. Hamrick, Jr.; Bernard Andrew Peeters, of San Francisco, Calif., on motion of Mr. Theodore I. Seamon; Karl William Kolbe, Jr., of New York, N.Y., on motion of Mr. George Herbert Goodrich; Donald E. Johnson, of Kansas City, Mo., on motion of Mr. Allen Kirkpatrick III; and Bruce Stewart Markel, Jr., of Brownstown, Ind., on motion of Mr. Jonathan J. Robertson, were admitted to practice.

ORAL ARGUMENT

No. 11. Canada Packers, Limited, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Argument concluded by Mr. Leonard S. Goodman for the Interstate Commerce Commission, as *amicus curiae*.

No. 65. Robert D. Watkins, appellant, *v.* J. F. Conway. Argued by Mr. William G. Vance for the appellant and by Mr. Martin McFarland for the appellee.

No. 77. Lawrence Long, petitioner, *v.* The District Court of Iowa, in and for Lee County, Fort Madison, Iowa. Argued by Mr. Ronald L. Carlson for the petitioner and by Mr. Don R. Bennett for the respondent.

No. 81. Lee E. A. Parker, petitioner, *v.* Clarence T. Gladden, Warden. Argued by Mr. John H. Schafer for the petitioner and by Mr. David H. Blunt for the respondent.

No. 86. United States, petitioner, *v.* Acme Process Equipment Company. Argued by Mr. Solicitor General Marshall for the petitioner and by Mr. Jack Rephan for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 10, 1966, will be as follows:
Nos. **87, 13, 89,** and **83.**

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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

Francis R. Bannen, of Wisconsin Dells, Wis., on motion of Mr. Gaylord Nelson; Frederick Colombo, of Detroit, Mich., on motion of Mr. Frederick Bernays Wiener; Betty McBride Sloan, of Columbia, S.C., on motion of Mr. Maurice C. Goodpasture; Clyde J. Watts, of Oklahoma City, Okla., on motion of Mr. I. Martin Leavitt; Enrique Calderon-Lassen, of San Juan, P.R., on motion of Mr. Louis Fenner Claiborne; Roger Milo Hibbits, of St. Louis, Mo., on motion of Mr. David V. Anthony; and Gerald Herz, of Washington, D.C., on motion of Mr. I. Irwin Bolotin, were admitted to practice.

ORAL ARGUMENT

No. 87. Julian Bond et al., etc., appellants, *v.* James "Sloppy" Floyd et al. Argued by Mr. Howard Moore, Jr., and Mr. Leonard B. Boudin for the appellants and by Mr. Arthur K. Bolton for the appellees.

No. 13. Edward J. Garrity et al., appellants, *v.* New Jersey. Argued by Mr. Daniel L. O'Connor for the appellants and by Mr. Alan B. Handler for the appellee.

No. 89. Roy Walker, petitioner, *v.* Southern Railway Company. Argued by Mr. J. Nat Hamrick for the petitioner and by Mr. Jerome Ackerman for the respondent.

Adjourned until Monday, November 14, 1966, until 10 o'clock.

The day call for Monday, November 14, 1966, will be as follows: Nos. 83, 52, 53, and 78.

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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 Randall Dunn, of Los Angeles, Calif., Leon Harold Brush, of Sarasota, Fla., Dale K. Little, of Indianapolis, Ind., Peter Martin Klein, of Great Neck, N.Y., Clifford A. Bartlett, Jr., of New York, N.Y., Louis A. Caputo, Jr., of New York, N.Y., Wallace R. Cotton, of New York, N.Y., Lester E. Fetell, of New York, N.Y., Maurice Edward Fitzgerald, of New York, N.Y., Irwin Gray, of New York, N.Y., Richard Jankell, of New York, N.Y., Bernard Kenny, of New York, N.Y., Bernard Moskowitz, of East Meadow, N.Y., Harold A. Page, of Scarsdale, N.Y., Wallace Pruzansky, of New York, N.Y., Leon E. Schechter, of Bronx, N.Y., Morris Schwalb, of New York, N.Y., Nathan Weber, of Westbury, N.Y., Cecile Claire Weich, of Bronx, N.Y., Gerard Zwirn, of New York, N.Y., and Philip Zwirn, of New York, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; Jerome T. Murphy, of Chicago, Ill., and Richard W. Davis, of Radford, Va., on motion of Mr. Charles L. Edson; Bernard L. Kahn, of Canton, Ohio, on motion of Mr. William S. Fulton, Jr., Eugene Edward Durance, of Jacksonville, Fla., and Marshall Harold Ader, of Miami, Fla., on motion of Mr. J. William Norman; William J. Potts, Jr., of Bethesda, Md., on motion of Mr. Michael H. Bader; Randall Dan Luke, of Cleveland, Ohio, on motion of Mr. H. Barton Williams; Daniel J. Schifeling, of St. Charles, Ill., on motion of Mr. Earl W. Wallick; Leo H. Hirsch, Jr., of New York, N.Y., on motion of Mr. S. Harrison Kahn; Jon Fetherolf LaFaver, of New Cumberland, Pa., on motion of Mr. Ralph Norvell; James Douglas McKeivitt, of Denver, Colo., on motion of Mr. Albert D. Mislser; and Robert Sargent Shriver, Jr., of Chicago, Ill., Henry Wadsworth McGee, Jr., of Chicago, Ill., David Wandell, of Chicago, Ill., Arthur K. Young, of Chicago, Ill., John M. Ferren, of Cambridge, Mass., Earl Johnson, Jr., of Rockville, Md., Benjamin A. Salt, of Phoenix, Ariz., L. Hobson Mahon, of Little Rock, Ark., Burl Conrad Rotenberry, III, of Little Rock, Ark., Stephen N. Besser, of Woodland Hills, Calif., Emanuel Boasberg III, of San Francisco, Calif., Francis Gates, of Berkeley, Calif., Felix F. Stumpf, of Berkeley, Calif., Howard M. Van Elgort, of Los Angeles, Calif., Howard Irving Rosenberg, of Denver, Colo., Frank

W. Ling, of Washington, D.C., Steven A. Lowenstein, of Washington, D.C., Donald F. Castor, of Miami, Fla., Donald K. Tsukiyama, of Honolulu, Hawaii, Ronald Y. C. Yee, of Honolulu, Hawaii, Elmer C. Jackson, Jr., of Kansas City, Kans., John G. O'Mara, of Louisville, Ky., Shirley Z. Small, of Louisville, Ky., Ronald D. Harper, of New Bedford, Mass., William M. Gibson, of Boston, Mass., William P. Homans, Jr., of Boston, Mass., Haskell A. Kassler, of Boston, Mass., Theodore R. Pixley, of Battle Creek, Mich., Melba A. Kopel, of Detroit, Mich., Aaron S. Condon, of University, Miss., Joshua M. Morse III, of University, Miss., William Michael Barvick, of Kansas City, Mo., Curtis C. Crawford, of St. Louis, Mo., Margaret Bush Wilson, of St. Louis, Mo., Annamay T. Sheppard, of Livingston, N.J., Mary McDonald Dunlap, of Bernalillo, N. Mex., Nancy Elizabeth LeBlanc, of New York, N.Y., William Sloan Greenawalt, of New York, N.Y., Ellis L. Bert, of Syracuse, N.Y., Melvin E. Koons, of Oak Ridge, Tenn., Henry B. Taliaferro, Jr., of Oklahoma City, Okla., Harlan R. Spies, of Dover, Ohio, Richard L. Stephenson, of New Philadelphia, Ohio, Robert A. Blattner, of Columbus, Ohio, Ralph F. Crisci, of Cincinnati, Ohio, James R. Thomas, of New Philadelphia, Ohio, Asriel Strip, of Columbus, Ohio, Ronald I. Gevurtz, of Portland, Oreg., H. David Rothman, of Pittsburgh, Pa., Eduardo E. Ortiz, of Humacao, P. R., Ronald D. Campbell, of Eagle Butte, S. Dak., Sam D. Johnson, of Houston, Tex., James S. Covington, Jr., of Houston, Tex., L. Hamilton Lowe, of Austin, Tex., Ramon Arthur Klitzke, of Milwaukee, Wis., Roman Gutierrez, of Laredo, Tex., Jimi Mitsunaga, of Salt Lake City, Utah, Dale E. Stratford, of Odgen, Utah, Brent Thatcher Lynch, Jr., of Salt Lake City, Utah, Robert David Ashley, of Seattle, Wash., Joseph Lee Silverstein, Jr., of Charleston, W. Va., Margaret Bernadette Moffatt Demet, of Milwaukee, Wis., Joseph F. Preloznik, of Madison, Wis., and Thomas R. Timken, of Madison, Wis., on motion of Mr. Theodore Moody Berry, were admitted to practice.

OPINIONS

No. 45. Ronald R. Cichos, petitioner, *v.* Indiana. On writ of certiorari to the Supreme Court of Indiana. Writ dismissed as improvidently granted. Opinion by Mr. Justice White. Mr. Justice Black, while concurring with the Court's opinion, adheres to his views in *Bartkus v. Illinois*, dissent, 359 U.S. 121, 150, to the effect that the Fourteenth Amendment makes the double jeopardy provision of the Fifth Amendment applicable to the States. Dissenting opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 49. United Gas Pipe Line Company, petitioner, *v.* Federal Power Commission, et al. On writ of certiorari to the United States

Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice White.

No. 15. Illinois Central Railroad Company et al., appellants, *v.* Norfolk and Western Railway Company et al.;

No. 17. Calumet Harbor Terminals, Inc., et al., appellants, *v.* Norfolk and Western Railway Company et al.; and

No. 20. United States and Interstate Commerce Commission, appellants, *v.* Norfolk and Western Railway Company et al. Appeals from the United State District Court for the Northern District of Ohio. Judgment reversed and cases remanded to the United States District Court for the Northern District of Ohio with directions to sustain the orders of the Interstate Commerce Commission. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black.

No. 19. Harriett Louise Adderley et al., petitioners, *v.* Florida. On writ of certiorari to the District Court of Appeal of Florida, First District. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Fortas join.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 473. Board of Public Works of Maryland et al., petitioners, *v.* The Horace Mann League of the United States of America, Inc., et al. On petition for writ of certiorari to the Court of Appeals of Maryland; and

No. 590. The Horace Mann League of the United States of America, Inc., et al., appellants, *v.* Board of Public Works of Maryland et al. Appeal from the Court of Appeals of Maryland. Petition for writ of certiorari in No. 473 denied. Motion to dismiss in No. 590 granted and appeal is dismissed. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be granted in No. 473 and case set for plenary consideration. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted in No. 590 and case set down for oral argument.

No. 477. John P. O'Connor, petitioner, *v.* Ohio. On petition for writ of certiorari to the Supreme Court of Ohio. Petition for writ of certiorari granted, judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 525. United States et al., appellants, *v.* Saskatchewan Minerals (Sodium Sulphate Division); and

No. 526. Great Northern Railway Company et al., appellants, *v.* Saskatchewan Minerals (Sodium Sulphate Division). Appeals from the United States District Court for the Western District of Washington. Judgment vacated and cases remanded to the United States District Court for the Western District of Washington for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 560. Board of Satanta Joint Rural High School, District No. 2, et al., appellants, *v.* The Haskell County Planning Board et al. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 669, Misc. Jack M. Little, appellant, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Appeal from the Supreme Court of Washington. The appeal is dismissed for want of jurisdiction. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 672, Misc. Virginia Hall, appellant, *v.* Mississippi. Appeal from the Supreme Court of Mississippi. The appeal is dismissed. Opinion *per curiam*. The Chief Justice, Mr. Justice Harlan, and Mr. Justice White are of the opinion that the appeal should be dismissed for want of jurisdiction. Mr. Justice Douglas and Mr. Justice Fortas are of the opinion that probable jurisdiction should be noted.

ORDERS IN PENDING CASES

No. 136. Richard H. M. Swann et al., appellants, *v.* Tom Adams, Secretary of State of Florida, et al. The motion of John A. Davis et al., for leave to participate in the oral argument, as *amici curiae*, is denied.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. The motion to remove this case from the summary calendar is denied.

No. 555. Jack T. Rainwater et al., petitioners, *v.* Florida. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 648. Marvin Clewis, petitioner, *v.* Texas. The motion for the appointment of counsel is granted, and it is ordered that Reagan H. Legg, Esquire, of Midland, Tex., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

CERTIORARI DENIED

No. 508. The Flying Tiger Line, Inc., petitioner, *v.* Charles S. Murphy et al., as individuals and as members of the Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 511. James Higgins, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 517. Allen Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 532. Retail Liquor Dealers Association of Louisiana, Inc., et al., petitioners, *v.* Lawrence J. Reynolds, d/b/a Larry and Katz, et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 533. Mene Grande Oil Company, petitioner, *v.* Mobil Tankers Company, S.A., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 534. J. W. Spence, doing business as Geff Seed and Grain Co., petitioner, *v.* The Baltimore & Ohio Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 535. Continental Can Company, Inc., petitioner, *v.* Gerald A. Donahue, Tax Commissioner of Ohio, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 536. Kathryn Genite, petitioner, *v.* The Civil Service Commission of Toledo, Ohio, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 537. Norman Thomas Marshall et al., petitioners, *v.* George Oliver, etc., et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 538. Homer B. Potts et al., petitioners, *v.* Doris McCastlain, Commissioner of Revenues of Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 540. Charles Schiller, petitioner, *v.* Charles Lefkowitz. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 541. Martin Akerson et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 542. E. W. Wiggins Airways, Inc., petitioner, *v.* Massachusetts Port Authority et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 552. Zegers, Inc., petitioner, *v.* Edward A. Zegers. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 553. McAllister Brothers, Inc., petitioner, *v.* Tankers and Tramps Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 554. International Brotherhood of Telephone Workers, petitioner, *v.* Local No. 2, International Brotherhood of Telephone Workers. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 557. Vincent Pacelli, petitioner, *v.* United States;

No. 593. Frances Kahn, petitioner, *v.* United States; and

No. 594. Israel Schawartzberg, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 559. William D. Driscoll, petitioner, *v.* Toledo Blade Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 561. 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. 563. National Screen Service Corporation, petitioner, *v.* The Poster Exchange, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 565. Barbara L. Hiatt, petitioner, *v.* San Francisco National Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 566. Irving Joseph Lee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 567. Koehring Company, petitioner, *v.* Hyde Construction Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 518. Mark Wendell Painter, a minor, by Harold W. Painter, his father and next friend, petitioner, *v.* Dwight Bannister et ux. Motion of the Board of Christian Social Concerns New York Annual Conference of The Methodist Church for leave to file a brief, as *amicus curiae*, granted. 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 Supreme Court of Iowa denied.

No. 556. Atlantic Coast Line Railroad Company et al., petitioners, *v.* Florida East Coast 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. 558. Reginald A. Hawkins, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 161, Misc. Jerome Lane, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 173, Misc. William Edward Leek, petitioner, *v.* Roger B. Copinger, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 199, Misc. Emory Woods, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 264, Misc. Robert James Shannon, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 319, Misc. Clifford Hall, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 345, Misc. Robert B. Gholston, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 347, Misc. James Gordon McCloskey, petitioner, *v.* Harold M. Boslow, Director of Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 435, Misc. Robert G. Rodriguez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 441, Misc. William E. Baker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 475, Misc. Johnny Lee Ransom, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 499, Misc. Jimmy Joe Riojas, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 528, Misc. Stephen Luther Evans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 542, Misc. James William Stidham, petitioner, *v.* Harold R. Swenson, Warden. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 565, **Misc.** Henry Lyles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 633, **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. 687, **Misc.** Jesse J. Cantrell, petitioner, *v.* H. V. Field, Superintendent, California Mens Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 703, **Misc.** Edmund Earl Reeves, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 711, **Misc.** Bernice T. Hagins, petitioner, *v.* Redevelopment Commission of Greensboro, North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 713, **Misc.** Lester King, petitioner, *v.* H. R. Swenson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 722, **Misc.** Daniel Coley, petitioner, *v.* K. B. Bailey, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 724, **Misc.** Robert Wade Jones, petitioner, *v.* Montana. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 726, **Misc.** Floyd Blockyou, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 727, **Misc.** John O. Hunter, 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. 737, **Misc.** Sheridan T. Fagans, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 746, **Misc.** Jerry Leon Whelchel, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 747, **Misc.** Richard Frank Padilla, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 753, **Misc.** Pauline Arky Lutsky, petitioner, *v.* C. Israel Lutsky. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 772, **Misc.** John Joseph Kerrigan, petitioner, *v.* Palmer C. Scafati, Superintendent, Massachusetts Correctional Institution.

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

No. 773, **Misc.** Joseph E. Edge, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 802, **Misc.** Alex S. Evans, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 828, **Misc.** Wilson Wooten, petitioner, *v.* C. Murray Henderson, Warden;

No. 839, **Misc.** Luther E. Hardison, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections; and

No. 853, **Misc.** James T. Pope, petitioner, *v.* Jacob J. Parker, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 832, **Misc.** William E. Gretsinger, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 750, **Misc.** Ralph John Hite, petitioner, *v.* William C. Holman, Warden, et al.;

No. 801, **Misc.** Eusebius J. Biggs, petitioner, *v.* William Campbell, Chief Judge, United States District Court for the Northern District of Illinois, et al.;

No. 825, **Misc.** Cleveland Hollingshead, petitioner, *v.* Supreme Court of Florida; and

No. 826, **Misc.** Donald Wayne Lawrence, petitioner, *v.* Texas. Motions for leave to file petitions for writs of mandamus denied.

No. 813, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden. Motion for leave to file petition for writ of mandamus and for other relief denied.

REHEARINGS DENIED

No. 145. Edward T. Roehner, petitioner, *v.* The Association of the Bar of the City of New York et al.;

No. 157. Morris Kolitch et al., petitioners, *v.* New York;

No. 205. Marathon Oil Company, petitioner, *v.* Gail Heath et al.;

- No. 268. Edward G. Partin, Business Agent, General Truck Drivers, Chauffeurs, Warehousemen & Helpers of America, Local No. 5, etc., et al., petitioners, *v.* National Labor Relations Board;
- No. 349. James L. Forester, Jr., petitioner, *v.* United States;
- No. 404. Frederick J. Villafranca et ux., petitioners, *v.* Commissioner of Internal Revenue;
- No. 61, Misc. Melvin Colbert, petitioner, *v.* United States;
- No. 97, Misc. Henry Sliva, petitioner, *v.* Pennsylvania;
- No. 227, Misc. Charley Bates, petitioner, *v.* Veterans Administration et al.;
- No. 265, Misc. Louis C. White, petitioner, *v.* Inspector Forte et al.;
- No. 368, Misc. Patrick R. Cedillo, petitioner, *v.* United States;
- No. 419, Misc. Cornelius J. Greenway, petitioner, *v.* United States;
- No. 424, Misc. Joseph Purcell Hunt, petitioner, *v.* Arthur L. Oliver, Warden;
- No. 460, Misc. Robert Henry Hartford, petitioner, *v.* United States;
- No. 480, Misc. Robert Homer Mabe, petitioner, *v.* Howard C. Pilson;
- No. 490, Misc. Ruthe Graddy, petitioner, *v.* Stanley Tessel et al.;
- No. 495, Misc. Ray H. Jones, petitioner, *v.* United States; and
- No. 500, Misc. Richard E. Brown, petitioner, *v.* Otto C. Boles, Warden. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, November 21, 1966, until Monday, December 5, 1966.

ORAL ARGUMENT

No. 83. United States, appellant, *v.* Eugene Frank Robel. Argued by Mr. Kevin T. Maroney for the appellant and by Mr. John J. Abt for the appellee.

No. 52. National Labor Relations Board, petitioner, *v.* Acme Industrial Co. Argued by Mr. Norton J. Come for the petitioner and by Mr. E. Allan Kovar for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 15, 1966, will be as follows: Nos. 53, 78, 67, and 176.

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

Rex E. Lee, of Phoenix, Ariz., on motion of Mr. Stewart L. Udall; Peter Samuel Chantilis, of Dallas, Tex., and Roy C. Coffee, Jr., of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Jo Ann I. Dunne, of Los Angeles, Calif., and Dzintra I. Janavs, of Los Angeles, Calif., on motion of Mr. Daniel M. Friedman; William Hooper Collier, Jr., of Birmingham, Ala., and Howard I. Westin, of Springfield, Ohio, on motion of George Huddleston, Jr.; Delbert William Grainger, of Phoenix, Ariz., William Oscar Jordan, of Santa Fe, N. Mex., and Dale Rex Shumway, of Tempe, Ariz., on motion of Mr. John P. Frank; William P. Murphy, of Columbia, Mo., on motion of Mr. Norton J. Come; Daniel K. Edwards, of Durham, N.C., on motion of Mr. Robinson O. Everett; Frank T. Pizza, of Toledo, Ohio, on motion of Mr. John J. Burkhart; and Joseph Hardie Johnston III, of Owensboro, Ky., on motion of Mr. Robert O. Koch, were admitted to practice.

ORAL ARGUMENT

No. 53. National Labor Relations Board, petitioner, *v.* C & C Plywood Corporation. Argued by Mr. Daniel M. Freidman for the petitioner and by Mr. George J. Tichy for the respondent.

No. 78. Department of Employment et al., appellants, *v.* United States et al. Argued by Mr. James D. McKeivitt for the appellants and by Mr. Jack S. Levin for the appellees.

No. 67. Helen Maxine Levi Travis, petitioner, *v.* United States. Argument commenced by Mr. John T. McTernan for the petitioner and continued by Mr. Nathan Lewin for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 16, 1966, will be as follows: Nos. 67, 176, 84, 80, 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

J. Robert Hard, of Osceola, Iowa, on motion of Mr. Jack R. Miller; James B. Atkin, of San Francisco, Calif., on motion of Mr. Francis R. Kirkham; Royce D. Sickler, of Denver, Colo., on motion of Mr. Will Shafroth; John J. McCarthy, Jr., of Washington, D.C., on motion of Mr. Louis Fenner Claiborne; Thomas Clark Marks, Jr., of Tampa, Fla., on motion of Mr. William S. Fulton, Jr.; Henry W. Foulds, Jr., of New York, N.Y., on motion of Mr. Malcolm L. Sutherland; Jacob A. Myers, of Dayton, Ohio, on motion of Mr. Sidney G. Kusworm; William E. Timmons, of Des Moines, Iowa, on motion of Mr. Edward A. McDermott; Charles E. Bruess, of Bloomington, Ind., on motion of Mr. Martin J. Flynn; Ralph Douglas Wheat, of Columbus, Ohio, on motion of Mr. Daniel O. Omer; William C. Wolff, of Washington, D.C., on motion of Mr. Francis James O'Hara, Jr.; and Joseph Homan Newlin, of Arlington, Va., Francis Everett Thomas, Jr., of Arlington, Va., and Russell Marion King, Jr., of Arlington, Va., on motion of Mr. Will J. Davis, were admitted to practice.

ORAL ARGUMENT

No. 67. Helen Maxine Levi Travis, petitioner, *v.* United States. Argument continued by Mr. Nathan Lewin for the respondent and concluded by Mr. John T. McTernan for the petitioner.

No. 176. United States, appellant, *v.* Lee Levi Laub et al. Argued by Mr. Nathan Lewin for the appellant and by Mr. Leonard B. Boudin for the appellees.

No. 84. Obed M. Lassen, Commissioner, State Land Department, petitioner, *v.* Arizona ex rel. Arizona Highway Department. One hour and forty minutes allowed for oral argument. Argued by Mr. John P. Frank for the petitioner, by Mr. Edwin L. Weisel, Jr., for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Rex E. Lee for the respondent.

No. 80. Joseph Sherman, petitioner, *v.* Immigration and Naturalization Service. Argument commenced by Mr. Joseph Forer for the petitioner and continued by Mr. Charles Gordon for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 17, 1966, will be as follows:
Nos. 80, 40, 114, 105, and 66.

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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

Robert H. Smalley, Jr., of Griffin, Ga., Armand Arabian, of Van Nuys, Calif., and Jacob M. Messer, of New York, N.Y., on motion of Mr. John James Flynt, Jr.; Estelle Eliades Vassil, of Arlington, Va., on motion of Mr. Phineas Indritz; Henry A. Panethiere, of Kansas City, Mo., and George Guth West, of Des Moines, Iowa, on motion of Mr. David E. Feller; Alan W. Rubenstein, of Albany, N.Y., on motion of Miss Ruth V. Iles; Leo M. Williams, of Bloomfield, Nebr., and Robert H. Perkins, of Birmingham, Ala., on motion of Mr. Harold W. Gardner; Allen Francis Corotto, of San Francisco, Calif., on motion of Mr. Paul Gonson; James Truman Johnson, of Seattle, Wash., on motion of Mr. Robert R. Redmon; Thomas H. Burton, of Houston, Tex., on motion of Mr. Bruce R. Merrill; Richard G. Rorschach, of Houston, Tex., on motion of Mr. Harold E. Rorschach; Milton Lawrence Simmons, of Brecksville, Ohio, on motion of Mr. Carroll F. Palmer; Jerry H. Folkers, of Osage, Iowa, on motion of Mr. Richard Gritman Moore; John F. Cuzzone, Jr., of Barrington, R.I., and Angelo Mosca, Jr., of Providence, R.I., on motion of Mr. Benjamin N. Feld; Donald A. Jackson, of Fresno, Calif., on motion of Mr. William J. Potts, Jr.; George L. Sisko, of River Grove, Ill., on motion of Mr. Charles Gordon; and Marshall Blumenfeld, of New York, N.Y., Leonard Eisenberg, of Great Neck, N.Y., Sidney N. Solomon, of Wantagh, N.Y., and Leonard M. Speier, of New York, N.Y., on motion of Mr. Leon B. Savetsky, were admitted to practice.

ORAL ARGUMENT

No. 80. Joseph Sherman, petitioner, *v.* Immigration and Naturalization Service. Argument concluded by Mr. Charles Gordon for the respondent.

No. 40. Elizabeth Rosalia Woodby, petitioner, *v.* Immigration and Naturalization Service. Leave granted Francis X. Beytagh, Jr. to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Charles Gordon. Argued by Mr. Jacob A. Myers for the petitioner and by Mr. Francis X. Beytagh, Jr. for the respondent, *pro hac vice*, by special leave of Court.

No. 114. Manuel Vaca et al., petitioners, *v.* Niles Sipes, Administrator of the Estate of Benjamin Owens, Jr., deceased. Argued by Mr. David E. Feller for the petitioners and by Mr. Allan R. Browne for the respondent.

No. 105. Harry Keyishian et al., appellants, *v.* The Board of Regents of the University of the State of New York et al. Argued by Mr. Richard Lipsitz for the appellants and by Miss Ruth V. Iles and Mr. John C. Crary, Jr. for the appellees.

Adjourned until Monday, November 21, 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

Nathaniel L. Barone, Jr., of Miami, Fla., Anthony S. Battaglia, Sr., of St. Petersburg, Fla., Eileen Campion, of Miami, Fla., Robert L. Dubé, of Miami, Fla., Louis K. Lesperance, of Miami, Fla., Victor Levine, of Miami, Fla., Jay M. Lurie, of Miami, Fla., William John Mason, of Miami, Fla., Murray Selbert Meyerson, of Miami, Fla., Arthur L. Miller, of Miami, Fla., Norman F. Solomon, of Miami Beach, Fla., and Daniel Anthony Wick, of Miami, Fla., on motion of Mr. William Ramsey Clark; James E. Nugent, of Kerrville, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; William Harvey Grant, Jr., of Jacksonville, Fla., Robert S. Sigman, of Orlando, Fla., George H. Perkins, of Chicago, Ill., Stephen Kurzman, of Washington, D.C., and Carl Henry Miller, of Cleveland, Ohio, on motion of Mr. Ralph Simon Spritzer; William Howard Henderson, of Silver Spring, Md., on motion of Mr. Frank E. Moss; Jacob E. Johnson, of Houston, Tex., and Peter C. Piccione, of Lafayette, La., on motion of Mr. Robert L. Casey; Clarence F. Rhea, of Gadsden, Ala., Stuart A. Barbour, Jr., of Roanoke, Va., and James W. Keel, Jr., of Rocky Mount, N.C., on motion of Mr. Lewis Guy Odom, Jr.; Franklin C. Roller, of Washington, D.C., on motion of Mr. Charles J. Zinn; William Reading Mason, of Washington, D.C., on motion of Mr. Henry Easton Wixon; George Vernon Denny III, of Beverly Hills, Calif., on motion of Mr. Stewart French; Fredric H. Wright, of Oklahoma City, Okla., on motion of Mr. LeGrand A. Rouse II; Carl W. Poss, Sr., of Atlanta, Ga., on motion of Mr. Norris Shealy; and Sherman L. Muths, Jr., of Gulfport, Miss., on motion of Mr. John Chisman Hanes, were admitted to practice.

OPINION

No. 63. Bank of Marin, petitioner, *v.* John M. England, Trustee in Bankruptcy. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Fortas.

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. 505. Maxwell F. Badgley et al., appellants, *v.* Secretary of State, James M. Hare, et al. Appeal from the Supreme Court of Michigan. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 564. Frank P. Battaglia and Thomas Torchia, a partnership doing business as Produce Transport Dispatch, appellants, *v.* United States et al. 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*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 271, Misc. Gerald Glen Boyden, 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 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. —. Ben W. Fortson, Secretary of State of State of Georgia, appellant, *v.* John Morris et al. A notice of appeal having been filed in the above case from the judgment of the United States District Court for the Northern District of Georgia, and an application for a stay of that judgment pending disposition of the appeal having been presented to Mr. Justice Black, and by him referred to the Court under Rule 50(6), the stay is granted, pending the issuance of the judgment of this Court.

All of the parties to the proceeding having requested acceleration of the appeal, the following schedule for further proceedings is adopted: The appellant shall perfect his appeal, file a statement as to jurisdiction, the certified record and his brief on the merits on or before Friday, November 25, 1966. The appellees shall file such motions under Rule 16(1) as they desire and their briefs on the merits, also on November 25, 1966. Reply briefs by all parties may be filed on or before December 2, 1966. The Court will hear argument on all matters involved on December 5, 1966. The case will be heard on the typewritten record, but any of the parties may print as appendices to their briefs such portions of the record as they desire. The statement as to juris-

diction, motions and briefs may be submitted in typewritten form and printed copies substituted thereafter.

APPEAL—JURISDICTION NOTED

No. 551. United States, appellant, *v.* Gerald Hay Kilgore, a/k/a Jerry Kilgore, et al. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI DENIED

No. 375. R. Gordon Levi, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 516. Billy Gene Compton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 519. Nicholas Viscardi, petitioner, *v.* United States;

No. 527. Vincent Pacelli, petitioner, *v.* United States; and

No. 603. Joseph Armone et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 529. Earl Welch, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 530. Loren Specialty Mfg. Co., Inc., petitioner, *v.* The Clark Manufacturing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 568. Orlie C. Uttech, Sheriff, Dodge County, Wisconsin, petitioner, *v.* Isaac Foster. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 570. Benjamin Cohen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 576. Peter Joseph Troiano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 578. Aircraft Specialties, Incorporated, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 580. Poly Industries, Inc., petitioner, *v.* Don S. Mozley et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 582. Beryl H. Weiner, petitioner, *v.* Fulton County et al. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 583. Musa J. Eways et ux., petitioners, *v.* Board of Road Supervisors of Exeter Township, etc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 584. United States Fidelity and Guaranty Company, petitioner, *v.* National Screen Service Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 586. Charles E. Williams, petitioner, *v.* Hot Shoppes, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 587. George Thomas Beck, Jr., petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 588. The First Hardin National Bank et al., petitioners, *v.* Fort Knox National Bank et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 589. Wendell Evans, petitioner, *v.* Newport News Shipbuilding and Dry Dock Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 595. Edgar Pharr, d/b/a Madisonville Cab Co., petitioner, *v.* Bureau of Unemployment Compensation of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 596. W. A. Ferron et al., petitioners. *v.* Louis Horner et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 597. Lewis Cohen, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 598. Eugene Monroe Vance, petitioner, *v.* State Board of Hairdressers and Cosmetologists. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eleventh Supreme Judicial District, denied.

No. 562. Board of Supervisors of Prince Edward County, Virginia, et al., petitioners, *v.* Cocheyse J. Griffin et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black and Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 572. Percy Sinfield, petitioner, *v.* The District Court of the Fourth Judicial District of the State of Montana, in and for the County of Missoula, et al. Motion of The Montana Power Company

to be added as a party respondent granted. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 573. C. C. Peyton, Superintendent of the Virginia State Penitentiary, petitioner, *v.* Jay R. Timmons. 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 Fourth Circuit denied.

No. 577. H. Samuel Hackin, petitioner, *v.* Lorna Lockwood et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 579. United Nuclear Corporation, petitioner, *v.* Moki Oil & Rare Metals Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. 208, Misc. Clyde W. Coles, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 225, Misc. Tom Victor Martin, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 282, Misc. Wade Holman, Jr., petitioner, *v.* Robert L. Eklund. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 300, Misc. Ernest O. Wing, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 367, Misc. Walter Augustus Bowe and Khaleel Sultarn Sayyed, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 376, Misc. Manuel Pina Holguin, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 439, Misc. Athel Robert Gemmel, petitioner, *v.* Raymond J. Buchkoe, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 484, Misc. Sam Gilmore, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 488, Misc. Hubert James Putt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 497, Misc. Frank L. Spreng, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 526, **Misc.** Samuel Taylor, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 539, **Misc.** Jose R. Zuniga, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 540, **Misc.** William Thomas Wilson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 543, **Misc.** Harry Walter McCutcheon, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 580, **Misc.** George E. Nixon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 612, **Misc.** Aaron Bruce Gregory, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 738, **Misc.** Will Bowen, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 754, **Misc.** Donald H. Montgomery, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 755, **Misc.** Maurice S. Blankinship, petitioner, *v.* George C. Wallace, Governor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 760, **Misc.** William Thurston Thomas, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 761, **Misc.** Frank Maybee, petitioner, *v.* Lloyd F. Weaver, Presiding Judge, Court of Common Pleas of Clarion County, Pennsylvania. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 762, **Misc.** Peter Walker, petitioner, *v.* Ray Page, Warden, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 174, **Misc.** Lester E. Morford III, petitioner, *v.* Jack Fogliani, Warden. Petition for writ of certiorari to the Supreme Court of Nevada denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 394, *Misc.* Roger S. Bandy, petitioner, *v.* United States Attorney General. 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. 1637, *Misc.*, **October Term, 1965.** Leopold J. Gunston, petitioner, *v.* United States;

No. 28, **Original.** State of Delaware et al., plaintiffs, *v.* State of New York et al.;

No. 108. Samuel Monastersky, petitioner, *v.* United States;

No. 117. Central Louisiana Electric Company, Inc., et al., petitioners, *v.* Rural Electrification Administration et al.;

No. 119. John Marshall, petitioner, *v.* United States;

No. 124. Matias Sandoval et ux., petitioners, *v.* Jack Rattikin, Trustee;

No. 129. William Bentvena and William Struzzieri, petitioners, *v.* United States;

No. 217. Johnniemae Patterson Tietz et al., appellants, *v.* Michael J. Mariantal et al.;

No. 261. Steven L. Ruskin, petitioner, *v.* United States;

No. 276. Reed R. Maxfield et al., petitioners, *v.* United States;

No. 282. Thomas W. Reed, appellant, *v.* Illinois;

No. 286. Alabama-Tennessee Natural Gas Company, petitioner, *v.* Federal Power Commission et al.;

No. 316. Reuben Capelouto, appellant, *v.* Orkin Exterminating Company of Florida, Inc.;

No. 340. Anthony R. Fernicola, petitioner, *v.* United States;

No. 67, *Misc.* Paul Zucker, petitioner, *v.* California et al.;

No. 134, *Misc.* Nancy Jewell Cross, etc., appellant, *v.* John A. Bruning, etc., et al.;

No. 226, *Misc.* Peter D. Bogart and June Bogart, petitioners, *v.* California et al.;

No. 298, *Misc.* Hiram Whittle, Administrator of the Estate of Edgar Whittle, petitioner, *v.* J. Millard Tawes, Governor of Maryland;

No. 333, *Misc.* Lafayette Harris, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution;

No. 404, *Misc.* Leonard Brenner Glaser, petitioner, *v.* California;

No. 412, *Misc.* Peyton Maurice Daughtry, petitioner, *v.* United States;

No. 451, *Misc.* Alfred Sesler, petitioner, *v.* Florida; and

No. 496, Misc. Joseph A. Weiss, petitioner, *v.* Robert M. Morgenthau, etc. Petitions for rehearing denied.

No. 121, Misc. Charles Minchella, petitioner, *v.* Estate of Honorable W. McKay Skillman, Judge, etc., et al. Motion for leave to file petition for rehearing denied.

Adjourned until Monday, December 5, 1966, at 10 o'clock.

The day call for Monday, December 5, 1966, will be as follows: Nos.

— Fortson *v.* Morris et al., **66, 136, and 116.**

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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 W. Matthews, of Miami, Fla., P. Walter Jones, of Albany, Ga., Peter James Ciano, of Arlington, Va., Martin Joseph Gleason, of Chicago, Ill., Vincent Hamilton Cohen, of Brooklyn, N.Y., Michael B. Hendler, of Canton, Ohio, Phillip Kurtz, of Cleveland, Ohio, David J. Cannon of Milwaukee, Wis., Mary O. Eastwood, of Wiotia, Wis., and Donald Wayne Rees, of Los Angeles, Calif., on motion of Mr. Solicitor General Thurgood Marshall; Philip Rollen Melangton, Jr., of Indianapolis, Ind., and Louis Nelson Roberts, of Fort Wayne, Ind., on motion of Mr. Vance Hartke; Carl Simpson Whillock, of Clinton, Ark., on motion of Mr. James W. Trimble; Kathleen D. Keenan of Houston, Tex., on motion of Mr. Robert L. Casey; Charles S. Lopeman, of Columbus, Ohio, on motion of Mr. William B. Saxbe; Robert Arthur Chastain, of Tallahassee, Fla., and C. Kenneth Strickland, of Coral Gables, Fla., on motion of Mr. Earl Fairecloth; Hugh Waring Gibert, of Atlanta, Ga., Frederick B. Hand, Jr., of Pelham, Ga., and Coy Robert Johnson, of Atlanta, Ga., on motion of Mr. Arthur K. Bolton; Fred G. Reiners, of Cincinnati, Ohio, on motion of Mr. Gerald A. Donahue; Morris Brown, of Atlanta, Ga., and Bobby Clarence Mayfield, of Savannah, Ga., on motion of Mr. Charles Morgan, Jr.; Thomas Mitchell Odom, Sr., of Millen, Ga., on motion of Mr. Gresham Hughel Harrison; Edward L. Eagle, Jr., of Rock Island, Ill., on motion of Mr. Joseph Kittner; Marie Teresa Conway, of Kenilworth, Ill., on motion of Mr. Camillus A. Conway; Richard B. Chess, Jr., of Fairfax, Va., and Daniel R. Riordan, of Milwaukee, Wis., on motion of Mr. Kenward K. Harris; Amelia D. Lewis, of Sun City, Ariz., and Robert Joseph Shockey, of Chattanooga, Tenn., on motion of Mr. George Georgieff; John P. Higgins, of Washington, D.C., on motion of Mr. Thomas G. Carney; Rubin Tepper, of San Francisco, Calif., on motion of Mr. Joseph Forer; Lawrence Marvin Joseph, of Washington, D.C., on motion of Mr. Norton J. Come; John A. Madigan, Jr., of Tallahassee, Fla., and Julius Frederick Parker, Jr., of Tallahassee, Fla., on motion of Mr. Martin L. Friedman; and Edward Lawrence Singesen, of Providence, R.I., and George M. Vetter, Jr., of Barrington, R.I., on motion of Mr. Matthew W. Goring, were admitted to practice.

OPINIONS

No. 86. United States, petitioner, *v.* Acme Process Equipment Company. On writ of certiorari to the United States Court of Claims. Judgment reversed and case remanded to the United States Court of Claims with directions to sustain the United States' right to cancel the prime contract. Opinion by Mr. Justice Black.

No. 76. United States, petitioner, *v.* Stephen Robert Demko. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgments of the United States Court of Appeals for the Third Circuit and the United States District Court for the Western District of Pennsylvania reversed and case remanded to the United States District Court for the Western District of Pennsylvania with directions to sustain the Government's defense that the respondent's recovery under the prison compensation law is exclusive. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice White with whom Mr. Justice Douglas joins.

No. 28. Transportation-Communication Employees Union, petitioner, *v.* Union Pacific Railroad Company. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed and case remanded to the United States District Court for the District of Colorado for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Brennan joins. Dissenting opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren joins.

No. 87. 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. Judgment reversed and case remanded to the United States District Court for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren.

No. 11. Canada Packers, Limited, petitioner, *v.* The Atchison, Topeka and Santa Fe Railway 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 United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas.

No. 65. Robert D. Watkins, appellant, *v.* J. F. Conway. Appeal from the Supreme Court of Georgia. Judgment affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Douglas dissents.

No. 77. Lawrence Long, petitioner, *v.* The District Court of Iowa, in and for Lee County, Fort Madison, Iowa. On writ of certiorari to the Supreme Court of Iowa. Judgment reversed and case remanded to the Supreme Court of Iowa for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 89. Roy Walker, petitioner, *v.* Southern Railway Company. On writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgments reversed and case remanded to the United States District Court for the Western District of North Carolina for further proceedings in conformity with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. 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. 591. New England Motor Rate Bureau, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Massachusetts. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 613. Elwyn Loomis Cady et al., appellants, *v.* Missouri ex rel. State Highway Commission of Missouri. Appeal from the Kansas City Court of Appeals of Missouri. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereupon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 634. Ministers Life and Casualty Union, appellant, *v.* Robert D. Haase, Commissioner of Insurance, et al. Appeal from the Supreme Court of Wisconsin. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted and the case set for oral argument. Mr. Justice Fortas took no part in the consideration or decision of this case.

ORDERS IN PENDING CASES

No. 116. In the matter of the application of Paul L. Gault and Marjorie Gault, father and mother of Gerald Francis Gault, a minor,

appellants. The motion of the Kansas Association of Probate and Juvenile Judges for leave to join the appellee's brief and the *amicus curiae* brief of the Ohio Association of Juvenile Court Judges is granted.

No. 504. Joseph F. Schipani, petitioner, *v.* United States. The time for filing a petition for rehearing is extended to and including Thursday, December 8th.

APPEALS—JURISDICTION NOTED

No. 430. James Sailors et al., appellants, *v.* The Board of Education of the County of Kent et al. Appeal from the United States District Court for the Western District of Michigan. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al. Appeal from the United States District Court for the Eastern District of New York. In this case probable jurisdiction is noted. Case placed on the summary calendar and set for oral argument immediately following No. 624.

No. 624. Earle C. Moody et al., appellants, *v.* Richmond M. Flowers et al. Appeal from the United States District Court for the Middle District of Alabama. In this case probable jurisdiction is noted. Case placed on the summary calendar and set for oral argument immediately following No. 430.

CERTIORARI GRANTED

No. 483. Neil Reitman et al., petitioners, *v.* Lincoln W. Mulkey et al. Petition for writ of certiorari to the Supreme Court of California granted.

No. 240. The Second National Bank of New Haven, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 575. Helen Jackson, petitioner, *v.* Lykes Bros. Steamship Co., Inc. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 637. Northeastern Pennsylvania National Bank & Trust Company, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 712. Joyce C. Thorpe, petitioner, *v.* Housing Authority of the City of Durham. Petition for writ of certiorari to the Supreme Court of North Carolina granted and case placed on the summary calendar.

No. 615. Ralph Berger, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Assuming the basic Federal Fourth and Fifth Amendment constitutionality of New York State's permissive eavesdrop legislation which allows electronic room eavesdropping or 'bugging' by *ex parte* Court order (N.Y. Code Crim. Proc. § 813-a), where the *ex parte* Court orders for the room eavesdrops in this particular case without which this prosecution stipulatedly could not have been instituted or maintained, nevertheless invalid under the Fourth Amendment because not based upon an adequate showing of probable cause?

"2. Is the New York *ex parte* permissive eavesdrop legislation (N.Y. Code Crim. Proc. § 813-a) unconstitutional under the Federal Fourth, Fifth and Fourteenth Amendments as setting up a system which intrinsically involves trespassory intrusion into private premises, 'general' searches for 'mere evidence' and invasion of the privilege against self incrimination; and were the particular room eavesdrops here involved unconstitutional on those grounds?"

No. 673. Commissioner of Internal Revenue, petitioner, *v.* Estate of Herman J. Bosch, deceased, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 240.

No. 280, Misc. Francis Eddie Specht, petitioner, *v.* Wayne K. Patterson, Warden, et al. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 546. Edgar I. Shott, Jr., petitioner, *v.* Thomas A. Conroy, Trustee in Bankruptcy for Leslie D. Stickler, Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 547. Lawrence F. O'Donnell, petitioner, *v.* Paul A. Sullivan, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 548. Bernard G. McGarry et al., petitioners, *v.* William E. Riley, etc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 599. Lea County Electric Cooperative, Inc., et al., petitioners, *v.* New Mexico Electric Service Co. et al. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 600. Continental Grain Co., petitioner, *v.* Ernest O. Deffes; and No. 602. Federal Barge Lines, Inc., et al., petitioners, *v.* Ernest O. Deffes. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 601. Frank Converse et al., petitioners, *v.* George J. Igel & Co., Inc. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 604. Albert Addressi et al., petitioners, *v.* Shell Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 607. First Federal Savings and Loan Association of Rochester, petitioner, *v.* Phillip J. McNellis, as Trustee of Donald S. Potter, Bankrupt, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 617. Dorothy Horvath, petitioner, *v.* City of Milwaukee. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 620. Acron Investments, Inc., et al., petitioners, *v.* Federal Savings & Loan Insurance Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 622. Charles Alvin Soape et ux., petitioners, *v.* Louisiana Power and Light Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 623. Scovill Manufacturing Company, petitioner, *v.* Goldblatt Brothers, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 627. The A. W. Fenton Co., Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 628. Lawrence W. Goldberg, petitioner, *v.* Edward J. Hendrick, Superintendent, Philadelphia County Prisons. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 629. Abe A. Rotwein, petitioner, *v.* Kohlmeyer & Company. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 631. Directors Guild of America, Incorporated, petitioner, *v.* Leo Hurwitz et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 632. Fukaya Trading Co., S. A., petitioner, *v.* Eastern Marine Corporation, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 635. Publishers' Association of New York City 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. 643. The International Alliance of Theatrical Stagehand Employees and Moving Picture Operators of the United States and Canada, Local 642, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 646. Indiana & Michigan Electric Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 652. United States of America for the use of Theodore A. Tanos, petitioner, *v.* St. Paul Mercury Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 655. Chrysler Motors Corporation et al., petitioners, *v.* Buono Sales, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 661. Josephine Hughes Urban, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 662. Aero Corporation, 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. 663. John Woods, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 664. Indiana Lumbermens Mutual Insurance Company, petitioner, *v.* Charles Shorter et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 665. William Robert Klein, petitioner, *v.* Solomon A. Klein. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 667. Searoad Shipping Company et al., petitioners, *v.* E. I. duPont de Nemours and Company, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 670. John Lester Ellenburg and Ben Edelstein, petitioners, *v.* Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 676. James Benjamin Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 678. Austin Herschel, petitioner, *v.* Orlando W. Wilson. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 683. Robert J. Nealon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 694. A. T. DeSmedt, President, American Export Isbrandtsen Lines, Inc., et al., petitioners, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 695. George William Henson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 696. Frank N. Riley, Lake County Engineer, petitioner, *v.* William Bingham et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 697. Caesar Bottone, petitioner, *v.* United States;

No. 698. Seymour Salb, petitioner, *v.* United States; and

No. 699. Nathan Sharff, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 705. J. C. Penney Company, petitioner, *v.* Oliver F. Marston. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 708. Spindler Realty Corporation, petitioner, *v.* John C. Monning, etc., et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 502. Russell H. Sitton et ux., petitioners, *v.* American Title Co. of Dallas et al. Motion for joint consideration with Nos. 48 and 388 denied. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 571. Werner C. Von Clemm et al., petitioners, *v.* Elizabeth Rudel Smith, Treasurer of the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Stewart are of the opinion that certiorari should be granted.

No. 606. Wayne K. Patterson, Warden of Colorado State Penitentiary, petitioner *v.* Raul Leopoldo Cruz. 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 Tenth Circuit denied.

No. 614. Carl I. Cohen, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied for want of a final judgment.

No. 621. John S. Fanale, petitioner, *v.* Lennarth C. Anderson et al. Motion to dispense with printing petition for certiorari granted. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 625. In the matter of the petition of Hans-Ola T. Malmstedt for the adoption of a minor, petitioner. Motion to seal the records and preserve anonymity granted. Motion of petition to strike portions of reply to the answer to motion to seal records and preserve anonymity denied. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 626. Walker Distributing Company et al., petitioners, *v.* Lucky Lager Brewing Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied for the reason that the petition was not timely filed. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 669. Association of Industrial Electricians, petitioner, *v.* National Labor Relations Board. Motion to file petition for writ of certiorari *nunc pro tunc* denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 170, Misc. Jimmy Ray Hardwick, petitioner, *v.* H. V. Field, Superintendent, California Mens Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 284, Misc. Douglas Cecil Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 426, Misc. Francis Jarad Schultz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 551, Misc. Robert A. Chick, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 561, Misc. Frank Theodore Wallace, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 566, Misc. William Stuart Rice, petitioner, *v.* A. Frank Lee, Commissioner, Alabama Board of Corrections, et al. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 573, Misc. William Collier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 575, *Misc.* Ben Edward Alexander, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 582, *Misc.* Lawrence Harold Wood, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 585, *Misc.* James Mitchell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 620, *Misc.* Gerald Glen Boyden, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 663, *Misc.* Stanley Lorenzo Garland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 694, *Misc.* George J. Hurley, petitioner, *v.* Olin G. Blackwell, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 695, *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. 696, *Misc.* Victor Bosnich, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 698, *Misc.* Robert Grene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 699, *Misc.* James B. Gillespie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 716, *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. 719, *Misc.* Kenneth John Cody, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 723, *Misc.* Raymond Casias et al., petitioners, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 732, *Misc.* J. C. Burris, petitioner, *v.* Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 734, *Misc.* Verlon Musgrove, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 736, **Misc.** Alastair Kyle, petitioner, *v.* Clerk, United States District Court for the Eastern District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 742, **Misc.** Donald Hugh Daulby, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 752, **Misc.** Paul M. Skrmetti, petitioner, *v.* Gus Theo Marodis. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 756, **Misc.** Maurice N. Whittington, 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. 764, **Misc.** Arthur L. Rivers, petitioner, *v.* Supreme Court of Tennessee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 765, **Misc.** David Guy Baldwin, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 768, **Misc.** Ruben S. Herrera et al., petitioners, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 770, **Misc.** Eloy Trujillo Candelaria, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 776, **Misc.** James W. Black, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 778, **Misc.** Fred D. Murray, petitioner, *v.* L. E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 783, **Misc.** Willie Herman Smith, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 785, **Misc.** George Paul Reimers, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 786, **Misc.** Gerhardus Oosterwyk, petitioner, *v.* County of Milwaukee et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 787, **Misc.** Carl Hayes, 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. 792, Misc. Robert Everett Cook, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 794, Misc. Herman Abdelkader, Jr., petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 803, Misc. Frank Wolff, petitioner, *v.* Milton Kroshinsky. Petition for writ of certiorari to the Supreme Court of California denied.

No. 805, Misc. Edward J. Koehn, 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. 814, Misc. Aaron Charles Mitchell, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 816, Misc. Floyd Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 827, Misc. Earl J. Lombard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 569, Misc. Thomas Griffin, petitioner, *v.* Edward J. Hendrick, Superintendent of County Prisons. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 759, Misc. John DeJoseph, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut and/or the Appellate Division of the Circuit Court of Connecticut denied. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black and Mr. Justice Douglas join.

This case illustrates, in even more compelling terms than *Winters v. Beck*, No. 75, Misc., this Term, the need for this Court to make clear the meaning of *Gideon v. Wainwright*, 372 U.S. 335.

The petitioner was charged in a Connecticut court with criminal non-support, a misdemeanor under Connecticut law punishable by imprisonment of up to a year. At his arraignment he told the judge that he was indigent, and requested that counsel be appointed. The judge informed him that appointment of counsel was not possible because the charge was only a misdemeanor. At trial, the petitioner again indicated that he wanted counsel, but his request was ignored by the trial judge. He attempted to conduct his own defense, and was convicted and sentenced to six months in jail. The conviction was affirmed

by the Appellate Division of the Connecticut Circuit Court. That court noted that the petitioner had failed to request findings on the issue of his indigency, as required by local practice rules, and held that without more proof of indigency he could not claim that he had been deprived of any right to appointed counsel. Clearly, constitutional claims cannot be blocked by such procedural obstacles, in a case where the defendant, appearing alone in court, saw his requests for counsel denied outright by one judge and totally ignored by another.

The petitioner's conviction in this case is squarely at odds with the decision of the Federal District Court for the District of Connecticut in *Arbo v. Hegstrom* (Civil No. 11.340, decided June 16, 1966). Arbo was charged in Connecticut with criminal nonsupport, the identical offense with which the petitioner here was charged and convicted. Unlike the petitioner, Arbo pleaded guilty and never requested that counsel be appointed for him. Nevertheless, the Federal District Judge held that *Gideon* guaranteed Arbo the right to appointed counsel. Arbo's conviction was set aside because he had not been told of his right to counsel, and the State has not appealed.

Arbo was set free. The petitioner, convicted of the same offense in the same State, remains in jail. When the meaning of a fundamental constitutional right depends on which court in Connecticut a person turns to for redress, I believe it is time for this Court to intervene. I would grant certiorari and set this case for argument.

No. 780, Misc. Lonnie Hatfield, petitioner, *v. California Adult Authority et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 757, Misc. James K. Kelly, a/k/a James K. Shannon, petitioner, *v. Sheriff Baird et al.*;

No. 899, Misc. James W. Oyler, petitioner, *v. Attorney General of the United States*;

No. 900, Misc. Joseph L. Dyer, petitioner, *v. Lawrence E. Wilson, Warden*;

No. 921, Misc. Barney Patrick Bennett, petitioner, *v. Frank J. Pate, Warden*; and

No. 925, Misc. Catherine Todd, etc., petitioner, *v. Pia Visentine et al.* Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 123. Virginia Willys Lucom et vir, petitioners, *v. Atlantic National Bank of West Palm Beach, Florida*;

No. 243. Joseph M. Brennan, petitioner, *v. Bertha E. Sellers*;

No. 437. Colorado-Ute Electric Association, Inc., appellant, *v.* The Western Colorado Power Company et al.;

No. 453. Joseph P. Ruth, petitioner, *v.* Blue River Constructors et al.;

No. 593. Frances Kahn, petitioner, *v.* United States; and

No. 594. Israel Schawartzberg, petitioner, *v.* United States;

No. 180, Misc. Ray H. Jones, petitioner, *v.* United States;

No. 288, Misc. Bobby Joe Belk, petitioner, *v.* Kentucky;

No. 360, Misc. James E. Little, petitioner, *v.* United States;

No. 445, Misc. Edgar L. Daniels, petitioner, *v.* Cook Broadcasting Co., et al.;

No. 448, Misc. James Andrews, petitioner, *v.* William C. Holman, Warden;

No. 466, Misc. Betti Jane Newhouse, petitioner, *v.* California;

No. 599, Misc. Judson B. Bey et al., petitioners, *v.* United States;

No. 605, Misc. Leo Mack, petitioner, *v.* E. L. Maxwell, Warden;

No. 683, Misc. Earl Kim Darby, petitioner, *v.* Florida; and

No. 691, Misc. Richard Saunders, petitioner, *v.* Carl W. Reuss, Clerk, et al. Petitions for rehearing denied.

No. 1018, Misc., October Term 1965. Walter A. Neilsen, appellant, *v.* Nebraska State Bar Association. Motion for leave to file second petition for rehearing denied.

No. 174. John Sule, petitioner, *v.* Missouri Pacific Railroad Company et al.; and

No. 388. Jeanne King, petitioner, *v.* Vico Insurance Company of St. Louis. Motion for joint consideration with other cases denied. Petition for rehearing denied.

No. 127, Misc. Henry Ortiz, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, December 12, 1966, until Monday, January 9, 1967.

ORAL ARGUMENT

No. 800. Ben W. Fortson, Jr., individually and as Secretary of State of Georgia, etc., appellant, *v.* John Morris et al. Three hours allowed for oral argument. Argued by Mr. Harold N. Hill, Jr., for the appellant and by Mr. Charles Morgan, Jr., and Mr. Emmett J. Bondurant for the appellees.

No. 66. Kalman J. Berenyi, petitioner, *v.* District Director, Immigration and Naturalization Service. Argument commenced by Mr.

Leon B. Savetsky for the petitioner continued by Mr. Robert S. Rifkind for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 6, 1966, will be as follows: Nos. 66, 136, 116, and 251.

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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

Harry Crutcher III, of Dallas, Tex., and Milton P. Semer, of Washington, D.C., on motion of Mr. William Ramsey Clark; Mary Lee Stapp, of Montgomery, Ala., and Carol Fitzhugh Miller, of Montgomery, Ala., on motion of Mr. Wiley Messick; Edward Patrick O'Brien, of San Francisco, Calif., on motion of Mr. Albert W. Harris, Jr.; Robert John Walton, of Phoenix, Ariz., on motion of Mrs. Amelia D. Lewis; Powell McHenry, of Cincinnati, Ohio, on motion of Mr. Daniel Albert Rezneck; Buena Chaney, of Terre Haute, Ind., on motion of Mr. Ralph Becker; James Aubrey Pemberton, Jr., of Shelbina, Mo., on motion of Mr. Julian Bernard Carrick, Jr.; Laurence Drivon, of Stockton, Calif., on motion of Mr. Arlo E. Smith; Michael Traynor, of San Francisco, Calif., on motion of Mr. Philip Heymann; Thomas J. Lannon, of Washington, D.C., on motion of Mr. Michael Francis Xavier Dolan; Dewey Hayes, of Douglas, Ga., on motion of Mr. E. Freeman Leverett; Charles F. McErlean, Jr., of LaGrange, Ill., on motion of Mr. Charles Flavian McErlean; John S. Carroll, of Denver, Colo., and William H. Guyton, Jr., of Lima, Ohio, on motion of Mr. William R. Foley; Leonard C. Greenebaum, of Washington, D.C., and David G. Simpson, of Winchester, Va., on motion of Mr. Sidney S. Sachs; Richardo A. Callejo, of San Francisco, Calif., on motion of Mr. Lewis V. Reid; and Billy Glen Wiley, of Washington, D.C., on motion of Mr. Perry Woofter, were admitted to practice.

ORAL ARGUMENT

No. 66. Kalman J. Berenyi, petitioner, *v.* District Director, Immigration and Naturalization Service. Argument concluded by Mr. Robert S. Rifkind for the respondent.

No. 136. Richard H. M. Swann et al., appellants, *v.* Tom Adams, Secretary of State of Florida, et al. Argued by Mr. D. P. S. Paul for the appellants and by Mr. Earl Faircloth for the appellees.

No. 116. In the Matter of the Application of Paul L. Gault and Marjorie Gault, father and mother of Gerald Francis Gault, a minor, appellants. Leave granted Frank A. Parks to appear and present oral argument for the appellee, *pro hac vice*, on motion of Mr. Norman Dorsen. Argued by Mr. Norman Dorsen for the appellants, by Mr. Frank A. Parks for the appellee, *pro hac vice*, by special leave of Court, and by Mr. Merritt W. Green for the Ohio Association of Juvenile Court Judges, as *amicus curiae*.

No. 251. Isaac Sims, Jr., petitioner, *v.* Georgia. Argument commenced by Mr. Jack Greenberg for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 7, 1966, will be as follows:

Nos. **251, 253** (and 650), **95**, and **103**.

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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

Willard Ernest Parsons, of Jacksonville, Fla., on motion of Mr. William C. Cramer; William T. Bresnahan, of Bethlehem, Pa., on motion of Mr. Max Truitt, Jr.; L. David Trapnell, of Houston, Tex., and Robert U. Geib, Jr., of Vienna, Va., on motion of Mr. George W. Porter; Louis J. Adler, of Harrisburg, Pa., and Loring J. Whiteside, of Woodbridge, Conn., on motion of Mr. Robert S. Rifkind; Nels B. Fransen, of Stockton, Calif., Richard E. Johnson, of Stockton, Calif., and Thomas R. Krehbiel, of Stockton, Calif., on motion of Mr. Morris Lavine; Clarence E. Ransick, of Cincinnati, Ohio, on motion of Mr. Joseph A. Guimond; Henry Cassorte Smith, of New York, N.Y., on motion of Mr. Frank James Whalen, Jr.; Jack T. DiLorenzo, of Buffalo, N.Y., on motion of Mr. Elijah B. White; Edwin Abraham, of Louisville, Ky., on motion of Mr. Harry Stewart Weidberg; Chauncey M. Depuy, of Chambersburg, Pa., on motion of Mr. Philip Werner Amram, were admitted to practice.

ORAL ARGUMENT

No. 251. Isaac Sims, Jr., petitioner, *v. Georgia*. Argument continued by Mr. Jack Greenberg for the petitioner, by Mr. Dewey Hayes and Mr. E. Freeman Leverett for the respondent and concluded by Mr. Jack Greenberg for the petitioner.

No. 253. Phil Whitus and Leon Davis, petitioners, *v. Georgia*; and No. 650. Phil Whitus and Leon Davis, petitioners, *v. Georgia*. One hour and twenty minutes allowed for oral argument. Argued by Mr. Charles Morgan, Jr., and Mr. P. Walter Jones for the petitioners and by Mr. Fred B. Hand, Jr., and Mr. E. Freeman Leverett for the respondent.

No. 95. Ruth Elizabeth Chapman and Thomas LeRoy Teale, petitioners *v. California*. Argument commenced by Mr. Morris Lavine for the petitioners and continued by Mr. Arlo E. Smith for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 8, 1966, will be as follows: Nos. 95, 103, 100, 159, and 48.

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 W. Trundle, of Warrenton, Va., on motion of Mr. Philip A. Hart; Leon H. Keyserling, of Washington, D.C., on motion of Mr. Thurman Arnold; Harry James Lohstroh, of Walnut Creek, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; Wm. H. Rosenfeld, of Cleveland, Ohio, R. William Rosenfeld, of Cleveland, Ohio, and Robert T. Rosenfeld, of Cleveland, Ohio, on motion of Mr. Arnold Ordman; Wilton W. Cogswell III, of Colorado Springs, Colo., and Donald James Bell, of Los Angeles, Calif., on motion of Mr. William S. Fulton, Jr.; Louis Asarnow, of Newark, N.J., on motion of Mr. Max Truitt, Jr.; David Conroy, of Brooklyn, N.Y., on motion of Mr. Edward D. Re; William Warner Van Alstyne, of Durham, N.C., William Paul Scott, of Gaylord, Minn., Robert Ray Freda, of Columbus, Ohio, and Richard Ayres Givens, of New York, N.Y., on motion of Mr. Richard A. Posner; Frank Ragano, of Tampa, Fla., on motion of Mr. Joseph A. Fanelli; Donald P. Horwitz, of Glencoe, Ill., on motion of Mr. Loring W. Post; Lawrence Eliot Freedman, of Alexandria, Va., on motion of Mr. Nathaniel J. Ely; Andrew A. Vanore, Jr., of Raleigh, N.C., on motion of Mr. Leon Henry Corbett; Howard Monderer, of Washington, D.C., on motion of Mr. Bernard Koteen; John Joseph O'Toole, of Chicago, Ill., on motion of Mr. Richard A. Michael; Peyton Graham Bowman III, of Washington, D.C., on motion of Mr. Richard M. Merriman; and Joan M. Fleming, of Chicago, Ill., Donald J. Beighle, of Seattle, Wash., Arthur Francis Carr, of Boston, Mass., Norman Richard Cohen, of San Francisco, Calif., and Richard Merrill Hewitt, of Fort Worth, Tex., on motion of Mr. Walter P. North, were admitted to practice.

ORAL ARGUMENT

No. 95. Ruth Elizabeth Chapman and Thomas LeRoy Teale, petitioners, *v.* California. Argument continued by Mr. Arlo E. Smith for the respondent and concluded by Mr. Morris Lavine for the petitioners.

No. 103. Joe Nathan Cooper, petitioner, *v.* California. Argued by Mr. Michael Traynor for the petitioner and by Mr. Albert W. Harris, Jr., for the respondent.

No. 100. Peter H. Klopfer, petitioner, *v.* North Carolina. Argued by Mr. Wade H. Penny, Jr., for the petitioner and by Mr. Andrew A. Vanore, Jr., for the respondent.

No. 48. Herbert Heider, Administrator, etc., petitioner, *v.* Michigan Sugar Co. Argued by Mr. Gregory M. Pillon for the petitioner and by Mr. Harry M. Plotkin for the respondent.

Adjourned until Monday, December 12, 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 Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Fortas.

ADMISSIONS TO THE BAR

Joseph Weissman, of Los Angeles, Calif., Richard H. W. Maloy, of Miami, Fla., Walter E. Thomas, of Springfield, Va., Louis M. Nordlinger, of Boston, Mass., E. Reed Fletcher, of Howell, Mich., and Holland Smith, of Hampton, S.C., on motion of Mr. Ralph Simon Spritzer; George LaVern Albright, of Las Vegas, Nev., on motion of Mr. Alan Bible; Melchor Chavez-Camacho, of Harlingen, Tex., on motion of Mr. Eligio de la Garza II; Oren G. O'Neill, of Porterville, Calif., on motion of Mr. Harlen Hagen; R. H. Allen, Jr., of Mobile, Ala., on motion of Mr. William Jackson Edwards III; Henry W. McLaughlin, Jr., of Halifax, Va., on motion of Mr. Oscar L. Chapman; Francis E. Steel, Jr., of Akron, Ohio, on motion of Mr. William S. Fulton, Jr.; Emory John Crofoot, of Portland, Oreg., on motion of Mr. Brice Wilson Rhyne; Joann Patricia Porter, of Palos Verdes Estates, Calif., on motion of Mr. Charles E. Pledger, Jr.; William J. Gallagher, of Kennett Square, Pa., on motion of Mr. Alexander M. Hearn; Milton W. Schlemmer, of San Francisco, Calif., on motion of Mr. W. Britt Moore; William E. Tucker, of Denver, Colo., on motion of Mr. Charles Franklin Cook, Jr.; Peter J. Donnici, of San Francisco, Calif., on motion of Mr. Earl R. Stanley; Albert Henry Newman, of Minneapolis, Minn., on motion of Mr. Harry Robert Halper; Thomas O. Herbert, of San Francisco, Calif., on motion of Mr. Leo A. Rosetta; George Malcolm White, of Cleveland, Ohio, on motion of Mr. H. George Schweitzer; William C. Sennett, of Erie, Pa., on motion of Mr. Joseph Quinn O'Connell; Frederick H. Rabin, of White Plains, N.Y., on motion of Mr. Burton Berkeley; Joseph Patrick Kelly, of Victoria, Tex., on motion of Mr. Charles Patrick DeRoche; Benjamin Ira Gertz, of New York, N.Y., on motion of Mr. Allan I. Mendelsohn; Oliver Malm, of Tacoma, Wash., on motion of Mr. Guy Farmer; Franklin H. Berry, Jr., of Toms River, N.J., on motion of Mr. Franklin H. Berry, Sr.; James Edwin Beasley, of Philadelphia, Pa., on motion of Mr. Benjamin Paul; Samuel D. Hewlett, Jr., of Atlanta, Ga., on motion of Mr. John J. Leahy; F. Gerald Irvine, of Salt Lake City, Utah, on motion of Mr. Richard M. Merriman; Marvin G. Rosenbaum, of Denver, Colo., on motion of Mrs. Minnie B.

Rosenbaum; James Clinton Hanchey, of Lake Charles, La., on motion of Mr. Charles Martin Bass, Jr.; and Bertram Glovsky, of Beverly, Mass., C. Henry Glovsky, of Beverly, Mass., and William M. Glovsky, of Newton, Mass., on motion of Mr. Abraham Glovsky, were admitted to practice.

OPINIONS

No. 78. Department of Employment et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Colorado. Judgment affirmed. Opinion by Mr. Justice Fortas.

No. 40. Elizabeth Rosalia Woodby, petitioner, *v.* Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit; and

No. 80. Joseph Sherman, petitioner, *v.* Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments reversed and cases remanded to the respective Courts of Appeals with directions to remand to the Immigration and Naturalization Service for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan joins.

No. 32. James R. Hoffa, petitioner, *v.* United States;

No. 33. Thomas Ewing Parks, petitioner, *v.* United States;

No. 34. Larry Campbell, petitioner, *v.* United States; and

No. 35. Ewing King, petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgments affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Chief Justice Warren. Separate opinion by Mr. Justice Clark with whom Mr. Justice Douglas joins. Opinion by Mr. Justice Douglas dissenting in No. 29 and 36, *post*, and concurring in the separate opinion of Mr. Justice Clark in these cases. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 29. Z. T. Osborn, Jr., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice Douglas dissenting in this case and in No. 36, *post*, and concurring in the separate opinion of Mr. Justice Clark in Nos. 32, 33, 34, and 35, *ante*. Mr. Justice White took no part in the consideration or decision of this case.

No. 47. United States, appellant, *v.* Anthony L. Fabrizio. Appeal from the United States District Court for the Western District of New York. Judgment reversed and case remanded to the United States District Court for the Western District of New York for further

proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Fortas joins.

No. 51. The First National Bank of Logan, Utah, petitioner, *v.* Walker Bank & Trust Company. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit;

No. 73. First Security Bank of Utah, N.A., petitioner, *v.* Commercial Security Bank; and

No. 88. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Commercial Security Bank. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments affirmed. Opinion by Mr. Justice Clark announced by Mr. Justice Brennan.

No. 800. Ben W. Fortson, Jr., individually, and as Secretary of State of Georgia, etc., appellant, *v.* John Morris et al. Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded to the United States District Court for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan and Mr. Justice Fortas join. Dissenting opinion by Mr. Justice Fortas with Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 36. Duke Lee Lewis, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Brennan with whom Mr. Justice Fortas joins. Opinion by Mr. Justice Douglas dissenting in No. 29, *ante*, and in this case and concurring in the separate opinion of Mr. Justice Clark in Nos. 32, 33, 34, and 35, *ante*.

No. 54. Immigration and Naturalization Service, petitioner, *v.* Giuseppe Errico. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit; and

No. 91. Muriel May Scott, nee Plummer, petitioner, *v.* Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment in No. 54 affirmed. Judgment in No. 91 reversed and case remanded to the Court of Appeals with directions to remand to the Immigration and Naturalization Service for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan and Mr. Justice White join.

No. 48. Herbert Heider, Administrator, etc., petitioner, *v.* Michigan Sugar Co. On writ of certiorari to the Supreme Court of Michigan.

Writ dismissed as improvidently granted. Opinion per curiam announced by Mr. Chief Justice Warren.

No. 81. Lee E. A. Parker, petitioner, *v.* Clarence T. Gladden, Warden. On writ of certiorari to the Supreme Court of Oregon. Judgment reversed and case remanded to the Supreme Court of Oregon for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 328. Gilbert R. Mason et al., petitioners, *v.* City of Biloxi, Mississippi. On petition for writ of certiorari to the Supreme Court of Mississippi. Petition for certiorari granted, judgment reversed and case remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that certiorari should be granted and case set for oral argument.

No. 504. Joseph F. Schipani, petitioner, *v.* United States. On petition for rehearing. Petition for rehearing granted, order of November 7, 1966, denying certiorari vacated, petition for certiorari to United States Court of Appeals for the Second Circuit granted, judgment vacated and case remanded to the United States District Court for the Eastern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 581. Larry Theodore French, appellant, *v.* California. Appeal from the Appellate Department of the Superior Court of California, County of Los Angeles. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 644. Exley Express, Inc., appellant, *v.* United States et al. 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. 658. General Motors Corporation, etc., appellant, *v.* Appeal Board of the Michigan Employment Security Commission et al. Appeal from the Supreme Court of Michigan. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 675. Laird & Company et al., appellants, *v.* J. R. Cheney, Director of Alcoholic Beverage Control, et al. Appeal from the Supreme Court of Kansas. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 4. Cascade Natural Gas Corporation, appellant, *v.* El Paso Natural Gas Company et al.;

No. 5. People of the State of California, appellant, *v.* El Paso Natural Gas Company et al.; and

No. 24. Southern California Edison Company, appellant, *v.* El Paso Natural Gas Company et al. The motion of the State of Oregon for leave to participate in the oral argument is granted and ten minutes are allotted for that purpose. Counsel for the appellees shall be allotted an additional ten minutes for oral argument. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 149. Sanford E. Aday et al., petitioners, *v.* United States. The motion of Citizens for Decent Literature, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 462. Washington Public Power Supply System, petitioner, *v.* Federal Power Commission et al. The motions of The Idaho Fish and Game Commission; Idaho Wildlife Federation; and Washington State Sportsmen's Council, Inc., et al. to be added as parties respondent are granted. The case is removed from the summary calendar.

No. 480. Warden, Maryland Penitentiary, petitioner, *v.* Bennie Joe Hayden. The motion of the respondent for the appointment of counsel is granted, and it is ordered that Albert R. Turnbull, Esquire, of Charlottesville, Virginia, be, and he is hereby, appointed to serve as counsel for the respondent in this case.

No. 800. Ben W. Fortson, Jr., individually, and as Secretary of State of Georgia, etc., appellant, *v.* John Morris et al. The motion of Reuben A. Garland for leave to intervene is denied.

APPEAL—JURISDICTION NOTED

No. 395. Richard Perry Loving et ux., appellants, *v.* Virginia. Appeal from the Supreme Court of Appeals of Virginia. In this case probable jurisdiction is noted.

CERTIORARI DENIED

No. 592. Murray B. Baker and Victor O. Gates, Sr., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 605. Skouras Theatres Corporation et al., petitioners, *v.* Nick C. Spanos. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 608. Michael Kokin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 611. Clinton Martin Fleishour, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 630. Bart B. Chamberlain, Jr., et al., petitioners, *v.* Albert Barnes Zink et al.; and

No. 686. Albert Barnes Zink et al., petitioners, *v.* Howard M. Pack et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 651. Simon L. Howard, petitioner, *v.* St. Louis-Francisco Railway Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 654. Robert E. Rutherford, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 674. W. Frank Smyth, Jr., Director, Virginia Division of Corrections, petitioner, *v.* William Howard. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 679. Darwin Charles Brown, petitioner, *v.* John W. Follin, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 681. H. Franklin Hamilton, petitioner, *v.* Cleveland Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 684. Wilmer D. Rekeweg, petitioner, *v.* Ohio State Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 700. Clifford A. Williams, petitioner, *v.* Raymond W. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 706. The Pittsburgh National Bank, Executor of the Estate of Frank E. Mower, Deceased, petitioner, *v.* Equitable Gas Company. Petition for writ of certiorari to the Supreme Court of Pennsylvania Western District, denied.

No. 707. Crescenzo Ramirez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 710. The Celotex 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. 713. Robert L. Strauss, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 716. Medo Calzavara, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 717. Aluminum Company of America et al., petitioners, *v.* Woods Exploration & Producing Company, Inc., et al. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 187. Sam DeStefano, petitioner, *v.* Illinois. Motion for leave to amend petition granted. Petition for writ of certiorari to the Supreme Court of Illinois denied. The Chief Justice, Mr. Justice Black, and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 539. Societe Internationale, etc., petitioner, *v.* Wally Kelberine et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

No. 549. Wally Kelberine et al., petitioners, *v.* Societe Internationale, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

No. 543. Roe R. Black et al., petitioners, *v.* Paul Strand et al.;

No. 544. Roe R. Black et al., petitioners, *v.* Anna C. Brando, etc., et al.;

No. 545. Roe R. Black et al., petitioners, *v.* Denver United States National Bank; and

No. 653. Anna C. Brando, etc., et al., petitioners, *v.* Roe R. Black et al. Motion for issuance of a peremptory writ of certiorari in No. 543 denied. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice White took no part in the consideration or decision of this motion and petitions.

No. 659. Wisconsin, petitioner, *v.* Milwaukee Braves, Inc., et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied. Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Brennan are of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 672. Anthony F. Maroscia, petitioner, *v.* The Dispatch Printing Co., et al. Motion to dispense with printing the petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit and for other relief denied.

No. 690. Robert H. Martin, petitioner, *v.* Phillips Petroleum Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. The Chief Justice would grant the petition and reverse judgments of the lower courts. *Klor's, Inc. v. Broadway-Hale Stores, Inc.*, 359 U.S. 207 and *Radiant Burners, Inc. v. Peoples Gas Light & Coke Co.*, 364 U.S. 656.

No. 709. McCullough Tool Company et al., petitioners, *v.* Well Surveys, Incorporated, et al. Motion to use record in No. 366, **October Term, 1965**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 217, **Misc.** Bernard Mangel, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 268, **Misc.** Rudolph Jerome Austin, 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.

No. 320, **Misc.** Charles James Brown, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 440, **Misc.** Eligha Thomas, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 482, **Misc.** Roy Lee Booze, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 483, **Misc.** Paul R. Pelletier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 507, **Misc.** Lionel Jones, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 563, **Misc.** Leon Brent, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 568, **Misc.** George X. Ramseur, Jr., petitioner, *v.* Olin G. Blackwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 586, **Misc.** Joe Billy Granger, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 608, **Misc.** Nathaniel Vincent, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 624, **Misc.** James Edward Payton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 632, **Misc.** Joseph LaMacchio and Louis Felix Tuccillo, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 639, **Misc.** Leonard Brown, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 650, **Misc.** George Herman Young, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 652, **Misc.** Jess Willard Edwards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 661, **Misc.** Melvin Lee Foster, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 679, **Misc.** Leslie Pyles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 690, **Misc.** Floyd C. Metcalfe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 758, **Misc.** John Wesley Rodgers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 784, **Misc.** Bobby Dean Todd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 796, **Misc.** William F. Hardke, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 797, **Misc.** Albert 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. 806, **Misc.** Robert T. Mathis, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 809, Misc. Joseph D'Ercole, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 822, Misc. George J. Hurley, petitioner, *v.* Myrl E. Alexander et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 841, Misc. Frances O. Warriner, petitioner, *v.* Alfred P. Ferraro, etc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 576, Misc. George Clemons, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 888, Misc. Jimmie Lee Klines, petitioner, *v.* M. R. Schneekloth;

No. 891, Misc. Homer T. Tucker, petitioner, *v.* H. V. Field Superintendent, California Mens Colony; and

No. 894, Misc. Elmo Williams, petitioner, *v.* California Department of Corrections et al. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 366, October Term, 1965. McCullough Tool Company et al., petitioners, *v.* Well Surveys, Incorporated, et al. Motion for leave to file second petition for rehearing denied.

No. 319. Pittsburgh Towing Company, appellant, *v.* Mississippi Valley Barge Line Company et al,

No. 671, Misc. Robert Newell Spry, petitioner, *v.* E. J. Oberhauser et al.; and

No. 813, Misc. Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden. Petitions for rehearing denied.

No. 96, Misc. Donald McClellan, appellant, *v.* Dolores Huston. Motion for leave to file petition for rehearing denied.

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

The day call for Monday January 9, 1967, will be as follows: Nos. 642 (680, 691, 813, 814, and 815).

SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Thomas Perry Lippitt, of Washington, D.C., on motion of Mr. Justice Stanley Reed; Charles H. McEnerney, Jr., of Washington, D.C., Joseph J. O'Malley, of Washington, D.C., Eleanor Olsen Weems, of Long Beach, Calif., Samuel J. Betar, Jr., of Wilmette, Ill., Burton G. Lipsky, of Washington, D.C., Harry Holmes Voigh, of New York, N.Y., and M. Ronald Gould, of New York, N.Y., on motion of Mr. Solicitor General Thurgood Marshall; Louis Patrick Francis, of San Mateo, Calif., on motion of Mr. Warren Olney III; Nathan Greenberg, of Gretna, La., on motion of Mr. William Jones Bartle; David Berman, of Boston, Mass., Augustus J. Camelio, of Boston, Mass., Paul F. X. Powers, of Waltham, Mass., Theodore Regnante, of Lynn, Mass., and Joseph L. Tauro, of Boston, Mass., on motion of Mr. Edward W. Brooke; Barry Morgan Fitzpatrick, of Rockville, Md., Patrick Carroll McKeever, of Rockville, Md., and Charles Norman Shaffer, of Rockville, Md., on motion of Mr. Nathan Lewin; Lawrence G. Bohlen, of Baltimore, Md., and Jean Ellsworth Van Slate, of New Orleans, La., on motion of Mr. Gardiner M. Haight; Donald Thomas Morrison, of Deerfield, Ill., on motion of Mr. Donald Deuster; Robert H. Van Brunt, of Indianapolis, Ind., on motion of Mr. Larry A. Conrad; Wilbert Carl Anderson, of Seattle, Wash., Richard Bennett Hooper, of Seattle, Wash., and William E. Wall, of Seattle, Wash., on motion of Mr. Charles E. McGee; Robert Wilfred Blanchette, of New Haven, Conn., on motion of Mr. James William Moore; Morris Raker, of Boston, Mass., and Robert M. Schacht, of Providence, R.I., on motion of Mr. Joseph Auerbach; Harvey Gelb, of Scranton, Pa., and Howard Lionel Toft, of Newark, N.J., on motion of Mr. Gordon P. MacDougall; Samuel Kanell, of Hartford, Conn., and William J. Lynch, of Hartford, Conn., on motion of Mr. Hugh M. Joseloff; James H. Durkin, of Chicago Heights, Ill., and Patrick C. Mullen, of Chicago Heights, Ill., on motion of Mr. Gerald J. O'Rourke, Jr., Robert M. Harris, of Tamaqua, Pa., on motion of Mr. Frederick A. Ballard; John T. Rafferty, of New York, N.Y., on motion of Mr. Edward W. Bourne; James Frederick Bromley, of Washington, D.C., on motion of Mr.

Donald Macleay; Jay Michael Vogelson of Dallas, Tex., on motion of Mr. Max H. Goldschein; Robert Morris Price, of Washington, D.C., on motion of Mr. Harry N. Rosenfield; Rosario J. Di Lorenzo, of Buffalo, N.Y., on motion of Mr. Jack T. Di Lorenzo; Alan Lawrence Freedman, of Los Angeles, Calif., on motion of Mr. Jeremiah C. Waterman; George V. Allen, Jr., of Washington, D.C., on motion of Mr. Henry P. Sailer; James H. Epps III, of Johnson City, Tenn., on motion of Mr. H. G. Morison; and Angelo J. Baro, of Reading, Pa., John W. Biehl, of Reading, Pa., Martin W. Binder, of Reading, Pa., Llewellyn R. Bingham, of Reading, Pa., Frederick Oliver Brubaker, of Reading, Pa., Terrence E. Connor, of Reading, Pa., Frederick Edenharter, of Reading, Pa., W. Richard Eshelman, of Reading, Pa., John Drase Glase, of Reading, Pa., Raymond K. Hess, of Reading, Pa., Sidney DeLong Kline, Jr., of Reading, Pa., William R. Lessig, Jr., of Reading, Pa., John Paul Martin, of Reading, Pa., John E. Marx, of Reading, Pa., R. Joseph Merkel, of Reading, Pa., Robert T. Miller, of Reading, Pa., Carl F. Mogel, of Reading, Pa., D. Frederick Muth, of Reading, Pa., Clinton J. Majarian, of Reading, Pa., Franklin E. Poore III, of Reading, Pa., John E. Ruth, of Reading, Pa., Calvin E. Smith, of Reading, Pa., G. Roderick Snyder, of Reading, Pa., Donald Frederick Spang, of Reading, Pa., Harry W. Speidel, of Reading, Pa., Albert A. Stallone, of Reading, Pa., Russel Goodhart Weidner, of Reading, Pa., Richard T. Williamson, of Reading, Pa., Edward G. Wink, of Reading, Pa., and Joseph Zaffiro, of Reading, Pa., on motion of Judge James W. Bertolet, were admitted to practice.

OPINIONS

No. 136. 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. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 53. National Labor Relations Board, petitioner, *v.* C & C Plywood Corporation. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to enforce the order of the National Labor Relations Board. Opinion by Mr. Justice Stewart.

No. 52. National Labor Relations Board, petitioner, *v.* Acme Industrial Co. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the Court of Appeals with directions to enforce the order of the National Labor Relations Board. Opinion by Mr. Justice Stewart.

No. 22. Time, Inc., appellant, *v.* James J. Hill. Appeal from the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeal of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren 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. 171. Federated Department Stores, Inc., 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*. Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 370. Dorothy C. Duddleston et al., appellants, *v.* Nelson G. Grills et al. Appeal from the United States District Court for the Southern District of Indiana. Judgment vacated and case remanded to the United States District Court for the Southern District of Indiana for further consideration in light of *Swann v. Adams*, No. 136, October Term 1966, decided this day, *Wesberry v. Sanders*, 376 U.S. 1, and *Reynolds v. Sims*, 377 U.S. 533. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that the judgment should be affirmed.

No. 671. Albert C. Droste, appellant, *v.* Otto Kerner, Governor of Illinois, et al. Appeal from the Supreme Court of Illinois. 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. 687. Illinois Central Railroad Company, appellant, *v.* United States et al.;

No. 688. St. Louis Southwestern Railway Company, appellant, *v.* United States et al.; and

No. 689. Monon Railroad, appellant, *v.* United States et al. Appeals from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is

affirmed. Opinion *per curiam*. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 704. In the matter of Charles A. Meeker, Attorney at Law, appellant. Appeal from the Supreme Court of New Mexico. Motion to dispense with printing jurisdictional statement 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. 732. Roosevelt Raceway, Inc., appellant, *v.* County of Nassau et al. Appeal from the Court of Appeals of New York. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted.

No. 735. Epifonio Garcia et al., appellants, *v.* Balbino Morales. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 738. James C. Kirkpatrick, Secretary of State of Missouri, et al., appellants, *v.* Paul W. Preisler et al. Appeal from the United States District Court for the Western District of Missouri. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 756. Donald C. Glouner et al., appellants, *v.* Superior Court of State of California for the County of Los Angeles. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 758. Paul Nehring, Jr., appellant, *v.* City of DeKalb et al. Appeal from the Supreme Court of Illinois. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 767. Charles A. Nave, appellant, *v.* City of Seattle. 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. 31, Misc. George J. Webster, petitioner, *v.* Lee County District Court, Fort Madison, Iowa. On petition for writ of certiorari to the Supreme Court of Iowa. 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 Iowa for further consideration in light of *Long v. District Court of Iowa in and for Lee County*, 385 U.S. 192. Opinion *per curiam*.

No. 767, Misc. Peter D. Bogart, appellant, *v.* Roger J. Traynor, Chief Justice of the State of California, et al. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied. The request for other relief is denied. Opinion *per curiam*.

No. 917, Misc. John O. Hunter, appellant, *v.* 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*.

ORDERS IN PENDING CASES

No. 1, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.;

No. 2, Original. The State of Michigan, complainant, *v.* The State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.;

No. 3, Original. State of New York, complainant, *v.* State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.; and

No. 11, Original. State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York, and Wisconsin. The report of the Special Master is received and ordered filed. The following schedule for the filing of exceptions and briefs is adopted:

1. Exceptions by all parties to the report of the Special Master, to be filed on or before March 6, 1967.

2. Opening briefs by all parties in support of their exceptions to be filed on or before June 5, 1967.

3. Briefs by all parties in answer to opening briefs to be filed on or before September 5, 1967.

4. Reply briefs by all parties to be filed by November 6, 1967.

No. 136. Richard H. M. Swann et al., appellants, *v.* Tom Adams, Secretary of State of Florida, et al. The appellants' petition for stay is denied. It is ordered that the judgment in this case issue forthwith.

No. 181. Anthony M. Grosso, petitioner, *v.* United States. The motion to remove this case from the summary calendar is denied.

No. 209. Railroad Transfer Service, Inc., petitioner, *v.* The City of Chicago et al. The motion of Chicago Terminal Railroads for leave to file a brief, as *amicus curiae*, is granted.

No. 730. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 831. Francis Eddie Specht, petitioner, *v.* Wayne K. Patterson, Warden, et al. The motion of the petitioner for the appointment of counsel is granted and it is ordered that Michael A. Williams, Esquire, of Denver, Colorado, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEAL—JURISDICTION POSTPONED

No. 724. Frank A. Dusch et al., appellants, *v.* J. E. Clayton Davis et al. Appeal from the United States Court of Appeals for the Fourth Circuit. Further consideration of the question of jurisdiction in this case is postponed to the hearing of the case on the merits. Case placed on the summary calendar and set for oral argument immediately following No. 491. In addition to the merits of the case, counsel are directed to brief and present oral argument on the question of whether a three-judge court should have been convened.

CERTIORARI GRANTED

No. 38. James Marchetti, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to the following question:

“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 vs. Subversive Activities Control Board* — U.S. — (1965), overrule *United States v. Kahrigier*, 345 U.S. 22 (1953) and *Lewis vs. United States*, 348 U.S. 419 (1955)?”

No. 275. Stephen R. Wainwright, petitioner, *v.* City of New Orleans, Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 339. Stella Hughes, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington granted and case placed on the summary calendar.

No. 781. National Labor Relations Board, petitioner, *v.* Great Dane Trailers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 794. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* Brotherhood of Railroad Trainmen et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 464. Harry M. Elder, M.D., petitioner, *v.* Board of Medical Examiners of the State of California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 609. George Barrow, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 610. The Firestone Tire & Rubber Company, petitioner, *v.* Federal Trade Commission; and

No. 685. Shell Oil Company, petitioner, *v.* Federal Trade Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 618. Jerome H. Moore et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 619. John Andreadis, etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 636. Empire Rayon Yarn Co., Inc., petitioner, *v.* American Viscose Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 657. Pacific Far East Line, Inc., petitioner, *v.* The Government of Guam. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 666. Charles E. Lester et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 677. The A. P. Smith Manufacturing Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 711. Forster Mfg. Co., Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 718. John Herbert Cudmore, petitioner, *v.* Richardson-Merrell, Inc. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District denied.

No. 719. Joseph Branch, etc., et al., petitioners, *v.* Willa Johnson, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 720. Isadore Blau, etc., petitioner, *v.* Edward Lamb et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 721. Peacock Records, Inc., et al., petitioners, *v.* Checker Records, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 722. Salvatore Arnone et al., petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 723. F. & D. Rentals, 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. 727. George S. Stayner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 728. Kapel Goldstein 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. 729. Royal Netherlands Steamship Company, petitioner, *v.* Strachan Shipping Company; and

No. 741. Strachan Shipping Company, petitioner, *v.* Royal Netherlands Steamship Company. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 731. Local Union No. 542-A, -B, -C, International Union of Operating Engineers, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 733. Stella Prusa et al., petitioners, *v.* John Cermak et al. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 737. Bloomfield Steamship Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 739. Howard J. Meister, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 740. Marina Mercante Nicaraguense, S. A., as owner of the Motor Vessel "El Salvador", petitioner, *v.* McAllister Brothers, Inc., etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 742. Mondakota Gas Company, petitioner, *v.* Collins G. Reed, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 743. Norton Company et al., petitioners, *v.* Minnesota Mining and Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 746. James L. Werner, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Geauga County, denied.

No. 747. Sheridan Creations, 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. 748. Paul R. Casavina, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 749. Sarah McInnes et al., petitioners, *v.* The Port of New York Authority. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 751. Sidney J. Ungar, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 752. John A. Guziak, petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 755. Isadore Blau, etc., petitioner, *v.* Alonzo Petteys et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 757. John Marshall, petitioner, *v.* Grant Sawyer, as Governor of Nevada, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 761. Norman M. Littell, petitioner, *v.* Stewart L. Udall, Secretary of the Interior. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 763. Union Barge Line Corporation et al., petitioners, *v.* Walter M. Allen. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 764. Burr Oaks Corporation et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 765. Humble Oil & Refining Company, petitioner, *v.* Standard Oil Company (Kentucky). Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 769. Raphael J. Chervy et ux., petitioners, *v.* Peninsular & Oriental Steam Navigation Company, Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 770. Robert Lynn Martin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 771. Rosemont Enterprises, Inc., petitioner, *v.* Random House, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 772. Thomas F. Carter et al., petitioners, *v.* American Telephone and Telegraph Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 773. Mandell, Spector, Rudolph Co., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 775. Checker Cab Company and its members, petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 776. Robert Lewis Banzer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 780. 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. 782. Madison Fund, Inc., etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 783. Henry Schein, doing business as Henry Schein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 784. Francis Ray Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 785. George H. Butterfield, Sr., petitioner, *v.* The Plastic Contact Lens Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 787. Kenneth H. Grant et al., petitioners, *v.* School District No. 61, Baker County, Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 788. Al Harris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 790. Larry Wayne Helberg et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 792. City of Mesa, petitioner, *v.* Salt River Project Agricultural Improvement and Power District. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 798. West Los Angeles Institute for Cancer Research, petitioner, *v.* Ward Mayer et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 802. Addrin Coates, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 811. State Loan & Finance Corporation, petitioner, *v.* The American Plan Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 830. Grace Line, Inc., et al., petitioners, *v.* Michael J. Kanton. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 633. Charles McLaurin et al., petitioners, *v.* City of Greenville, Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 714. Atlantic Coast Line Railroad Company, petitioner, *v.* J. H. Hodges 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. 725. Eugene J. Keogh, petitioner, *v.* The Washington Post Co. The petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 778. United States ex rel. Edgar I. Shott, Jr., petitioner, *v.* Dan Tehan, Sheriff of Hamilton County. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. The Chief Justice is of the opinion that certiorari should be granted. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 81, Misc. Frederick A. Hunter, petitioner, *v.* Arthur T. Prasse. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 172, Misc. Louis H. Granade, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 188, **Misc.** Robert Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 236, **Misc.** Thomas Clark, Jr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 382, **Misc.** In the Matter of the Application of Gerald Glen Boyden, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 438, **Misc.** William Conner, petitioner, *v.* John W. Wingo, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 443, **Misc.** Patrick J. Cupo 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. 515, **Misc.** Lupe Reyes Carrillo, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 562, **Misc.** John William Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 615, **Misc.** Ernest Lee Austin, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 640, **Misc.** Elijah Primus, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 641, **Misc.** Vincent Joseph Osborne and Kenneth Jackson Redmond, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 645, **Misc.** Ray Dodge, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 648, **Misc.** Josephine M. Baldwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 705, **Misc.** Donald R. Elbel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 717, **Misc.** Earl Joseph Oliver, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 730, **Misc.** Clarence James Sutton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 748, *Misc.* Ottis Mayo Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 766, *Misc.* Rudolph Hamilton, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 795, *Misc.* John Calvin Ward, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 799, *Misc.* Moises Lea De La Paz, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 800, *Misc.* Dorman Fred Talbot, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 807, *Misc.* James Leak, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 808, *Misc.* Hughie Cameron, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Judicial Department, denied.

No. 810, *Misc.* Joseph Newsome, petitioner, *v.* Richmond M. Flowers, Attorney General of Alabama, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 811, *Misc.* Jose Felix Torres, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 812, *Misc.* Jesse Nailor, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals for New York denied.

No. 820, *Misc.* William Stone, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 824, *Misc.* Fred A. Newell, petitioner, *v.* Ray H. Page, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 831, *Misc.* Ronaldo Nevarez Solis, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 833, *Misc.* Jean Edward Lehman, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 834, *Misc.* Ernest McClain, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 835, Misc. Louis Soviero, petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, Queen's County, denied.

No. 837, Misc. James W. Wells, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 838, Misc. William Lee Evans, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 840, Misc. John Clifford McCrary, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 847, Misc. Larry Taylor, petitioner, *v.* City of Griffin, Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 850, Misc. Willie Clarence Hillman, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 855, Misc. Evoy Lee Grant, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 856, Misc. Thomas D. Danks, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 860, Misc. Joseph Smith, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 865, Misc. Robert F. Urbano, petitioner, *v.* C. D. DeLoach, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 866, Misc. William Callahan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 867, Misc. Andrew Lee Saddler, 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. 868, Misc. Robert S. Lee, petitioner, *v.* Roger B. Copinger, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 869, Misc. Robert R. Ebell, petitioner, *v.* Richard A. McGee, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 870, **Misc.** Jerome Dyson, petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 872, **Misc.** Donald 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. 873, **Misc.** Lowell Lyons, petitioner, *v.* State Bar of California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 876, **Misc.** George A. Berry, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 878, **Misc.** Charles Daniel Gleaton, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 883, **Misc.** William J. Ford, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 885, **Misc.** Vicente Garcia Rule, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 887, **Misc.** John C. Jefferson, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 890, **Misc.** John Carlyle Bennett, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 893, **Misc.** Gerald Arthur Friend, 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. 895, **Misc.** Wilson E. King, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 897, **Misc.** Salvatore D'Ambrosio, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 898, **Misc.** Arnold C. Watson, petitioner, *v.* Jack P. F. Gre-million, Attorney General of Louisiana, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 902, **Misc.** Nolan D. Wimberley, petitioner, *v.* Robert K. Meyers, Judge, Superior Court of Tulare County, California. Peti-

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

No. 903, Misc. Richard W. Black, petitioner, *v.* Myron D. Crocker, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 906, Misc. Walter Carl Splitt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 909, Misc. Joe Smith, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 910, Misc. Michael Charles Sheridan, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 911, Misc. Henry Lakas, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 913, Misc. Henry Berry Cason, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 916, Misc. Jack C. Massengale, petitioner, *v.* Charles E. Lester, Jr. et al. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 918, Misc. James B. Alexander, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 920, Misc. Rudolph Lester, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 922, Misc. Otes Gileseria Rodriguez, a/k/a Otis Giles, petitioner, *v.* W. C. Johnston, Superintendent, Matteawan State Hospital, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 940, Misc. Donald W. Eldridge, petitioner, *v.* Richfield Oil Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1112, Misc. John Edwin Myers, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 644, Misc. Christopher Romano, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 819, **Misc.** L. C. Haynes, petitioner, *v.* Rederi a/s Aladdin et al. Motion of American Trial Lawyers Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 904, **Misc.** Louis Ortega, petitioner, *v.* James Montante, Wayne County Circuit Court Judge. Motion for leave to file petition for writ of certiorari denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 689, **Misc.** Willie James Coffee, petitioner, *v.* Florida;

No. 779, **Misc.** Vincente Alicea Reyes, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 947, **Misc.** Kenneth Herman Dean, petitioner, *v.* Florida;

No. 980, **Misc.** Herbert Dae Alexander, Jr., petitioner, *v.* Virginia;

No. 984, **Misc.** William Stacey, petitioner, *v.* Illinois;

No. 998, **Misc.** Gregory Gene Kinderman, petitioner, *v.* Ralph H. Tahash, Warden; and

No. 1010, **Misc.** Calvin Winston Jackson, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 629, **Misc.** Robert Clemons, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 774, **Misc.** Wendell Christian Weidemann, petitioner, *v.* California et al.;

No. 777, **Misc.** Vincent Fontana, petitioner, *v.* Merle R. Schneekloth, Warden, et al.;

No. 926, **Misc.** Leon M. Ruhl et al., petitioners, *v.* Supreme Court of Pennsylvania; and

No. 927, **Misc.** James Noel Sipult, Sr., petitioner, *v.* Arthur L. Oliver et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITION FOR WRIT OF INJUNCTION DENIED

No. 969, **Misc.** Coleridge Taylor Mason, Jr., petitioner, *v.* United States District Court for the Eastern District of Michigan, et al. Motion for leave to file petition for writ of injunction and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 924, **Misc.** Marie Baucum Scott, petitioner, *v.* Ben C. Dawkins, Jr., Judge, etc.; and

No. 935, **Misc.** Lewis Wesley Huston, petitioner, *v.* Kansas. Motions for leave to file petitions for writs of mandamus denied.

No. 907, **Misc.** Sherman H. Skolnick, petitioner, *v.* Win G. Knoch, Judge, etc. Motion for leave to file petition for writ of mandamus and for other relief denied.

No. 953, **Misc.** Warren Smith et al., petitioners, *v.* Arthur J. Stanley, Jr., Judge, United States District Court for the District of Kansas. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 19. Harriett Louise Adderley et al., petitioners, *v.* Florida;

No. 45. Ronald R. Cichos, petitioner, *v.* Indiana;

No. 89. Roy Walker, petitioner, *v.* Southern Railway Company;

No. 179. Atlas Scraper and Engineering Co., petitioner, *v.* Harry A. Pursche;

No. 469. Archie J. Layton et al., petitioners, *v.* Selb Manufacturing Company et al.;

No. 471. Duncan Miller, petitioner, *v.* Stewart L. Udall, Secretary of the Interior;

No. 486. Jos. Schlitz Brewing Company, appellant, *v.* United States et al.;

No. 505. Maxwell F. Badgley et al., appellants, *v.* Secretary of State, James M. Hare, et al.;

No. 509. Malcolm B. Devers, petitioner, *v.* Capital Investors Co., et al.;

No. 524. Michael Izzi, petitioner, *v.* John R. Rezzolla, Jr., et al.;

No. 559. William D. Driscoll, petitioner, *v.* Toledo Blade Company;

No. 565. Barbara L. Hiatt, petitioner, *v.* San Francisco National Bank et al.;

No. 800. Ben W. Fortson, Jr., Individually, and as Secretary of State of Georgia, etc., appellant, *v.* John Morris et al.;

No. 169, **Misc.** Earl Guy, appellant, *v.* Ralph H. Tahash et al.;

No. 174, **Misc.** Lester E. Morford, III, petitioner, *v.* Jack Fogliani, Warden;

No. 220, **Misc.** Lucille Bailey, petitioner, *v.* Young Men's Christian Association of Metropolitan Atlanta, Inc.;

No. 394, **Misc.** Roger S. Bandy, petitioner, *v.* United States Attorney General;

No. 439, **Misc.** Athel Robert Gemmel, petitioner, *v.* Raymond J. Buchkoe, Warden;

No. 507, **Misc.** Lionel Jones, petitioner, *v.* Vincent R. Mancusi, Warden;

No. 620, **Misc.** Gerald Glen Boyden, petitioner, *v.* United States;

No. 692, **Misc.** Neal Hilliard, petitioner, *v.* Texas;

No. 711, **Misc.** Bernice T. Hagins, petitioner, *v.* Redevelopment Commission of Greensboro, North Carolina; and

No. 786, **Misc.** Gerhardus Oosterwyk, petitioner, *v.* County of Milwaukee et al. Petitions for rehearing denied.

ORAL ARGUMENT

No. 642. Baltimore and Ohio Railroad Company et al., appellants, *v.* United States et al.;

No. 680. The Delaware and Hudson Railroad Corporation, appellant, *v.* United States et al.;

No. 691. Erie-Lackawanna Railroad Company, appellant, *v.* United States et al.;

No. 813. City of Scranton, appellant, *v.* United States et al.;

No. 814. Milton J. Shapp, appellant, *v.* United States et al.; and

No. 815. Chicago & Eastern Illinois Railroad Company, appellant, *v.* United States et al. Six hours allowed for oral argument. Argument commenced by Mr. Howard J. Trienens for the appellants and continued by Mr. Lloyd N. Cutler, by Mr. Edward W. Bourne, by Mr. Harry G. Silleck, Jr., by Mr. Leon Keyserling, and by Mr. Gordon P. MacDougall for the appellants, by Mr. Solicitor General Marshall for the United States, and by Mr. Robert W. Ginnane for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 10, 1967, will be as follows: Nos. 642 (680, 691, 813, 814, and 815), 159, and 127 (and 128).

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

Wayne W. Waldo, of Jefferson City, Mo., on motion of Mr. Richard H. Ichord; Edward T. Martin, of Boston, Mass., Jay L. Fialkow, of Boston, Mass., Willie J. Davis, of Boston, Mass., and Max H. Tobin, of Boston, Mass., on motion of Mr. William I. Cowin; John H. Chafee, of Providence, R.I., on motion of Mr. James William Moore; William W. Brackett, of Chicago, Ill., and Charles C. McDugald, of Chicago, Ill., on motion of Mr. John J. O'Donnell, Jr.; Arthur Abraham, of Baltimore, Md., on motion of Mr. Alanson W. Willcox; Robert S. Daggett, of San Francisco, Calif., on motion of Mr. Gregory A. Harrison; James Franklin Flug, of Brooklyn, N.Y., on motion of Mr. Harold F. Reis; William Bruner, of San Diego, Calif., on motion of Mr. Samuel L. Davidson; Richard Manford Rabkin, of Westfield, N.J., on motion of Mr. Roland A. Linger; Herbert Florie DeSimone, of Providence, R.I., on motion of Mr. Joseph Auerbach; and Melvin Robert Goldman, of San Francisco, Calif., on motion of Mr. Jack S. Levin, were admitted to practice.

OPINIONS

No. 176. United States, appellant, *v.* Lee Levi Laub et al. Appeal from the United States District Court for the Eastern District of New York. Judgment affirmed. Opinion by Mr. Justice Fortas.

No. 67. Helen Maxine Levi Travis, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas.

No. 84. Obed M. Lassen, Commissioner, State Land Department, petitioner, *v.* Arizona ex rel. Arizona Highway Department. 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 Harlan.

ORAL ARGUMENT

No. 642. Baltimore and Ohio Railroad Company et al., appellants, *v.* United States et al.;

No. 680. The Delaware and Hudson Railroad Corporation, appellant, *v.* United States et al.;

No. 691. Erie-Lackawanna Railroad Company, appellant, *v.* United States et al.;

No. 813. City of Scranton, appellant, *v.* United States et al.;

No. 814. Milton J. Shapp, appellant, *v.* United States et al.; and

No. 815. Chicago & Eastern Illinois Railroad Company, appellant, *v.* United States et al. Argument continued by Mr. Robert W. Ginane, by Mr. Hugh B. Cox, by Mr. Joseph Auerbach, by Mr. Walter J. Myskowski, by Mr. Samuel Kanell, by Mr. David Berman and by Mr. John H. Chafee for the appellees and by Mr. Howard J. Triens, by Mr. Lloyd N. Cutler, by Mr. Edward W. Bourne, by Mr. Harry G. Silleck, Jr., by Mr. Leon Keyserling and by Mr. Gordon P. MacDougall for the appellants and concluded by Mr. Solicitor General Marshall for the United States.

No. 159. George McCray, petitioner, *v.* Illinois. Argument commenced by Mr. R. Eugene Pincham for the petitioner and continued by Mr. John J. O'Toole for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 11, 1967, will be as follows: Nos. 159, 127 (and 128), 79 (and 94), and 250.

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

Lyle Robert Wolff, of Baker, Oreg., on motion of Mr. Wayne Lyman Morse; Herbert Dym, of Washington, D.C., on motion of Mr. Stanley L. Temko; Richard G. Wilkins, of Atlanta, Ga., on motion of Mr. Michael J. Murray; William James Coughlin, of Chicago, Ill., on motion of Mr. William Wallace Cochran; Harry Golter, of Chicago, Ill., on motion of Mr. Willard J. Lassers; Francis M. Gibbons, of Salt Lake City, Utah, on motion of Mr. William Edward Marx; Claude H. Mullendore, Jr., of Oklahoma City, Okla., on motion of Mr. George J. Meiburger; and Brandt Nicholson, of San Francisco, Calif., on motion of Mr. W. Crosby Roper, Jr., were admitted to practice.

ORAL ARGUMENT

No. 159. George McCray, petitioner, *v.* Illinois. Argument concluded by Mr. John J. O'Toole for the respondent.

No. 127. Federal Power Commission, petitioner, *v.* United Gas Pipe Line Company et al.; and

No. 128. Memphis Light, Gas and Water Division, petitioner, *v.* United Gas Pipe Line Company et al. Argued by Mr. Howard E. Wahrenbrock and Mr. Reuben Goldberg for the petitioners and by Mr. Thomas Fletcher and Mr. William W. Brackett for the respondents.

No. 79. Robert L. Pierson et al., petitioners, *v.* J. L. Ray et al.; and

No. 94. J. L. Ray et al., petitioners, *v.* Robert L. Pierson et al. Argued by Mr. Carl Rachlin for the petitioners in No. 79 and the respondents in No. 94 and by Mrs. Elizabeth W. Grayson for the respondents in No. 79 and the petitioners in No. 94.

No. 250. Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden. Argument commenced by Mr. Willard J. Lassers for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 12, 1967, will be as follows: Nos. 250, 4 (5 and 24), and 39.

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

Anna Manalakis Pappas, of New York, N.Y., Chris Pappas, of New York, N.Y., Edward E. Sachs, of Cleveland, Ohio, and Daniel Frank Joella, of Bangor, Pa., on motion of Mr. Daniel M. Friedman; William Thomas Barr, of Manhattan, Kans., on motion of Mr. Garner E. Shriver; John Frederick Livingston, Jr., of Batesville, Ark., on motion of Mr. Floyd Lee Williams; Seymour Samuels, Jr., of Nashville, Tenn., on motion of Mr. Brice Wilson Rhyne; Howard F. Dick, of Thorntown, Ind., on motion of Mr. Harold W. Gardiner; Clarke Gable Ward, of Houston, Tex., on motion of Mr. Frederick A. C. Hoefler; Joseph Stein, of Chicago, Ill., on motion of Mr. Samuel H. Horne; Paul Strok Adler, of New York, N.Y., on motion of Mr. Howard A. Glickstein; Frederick W. Padden, of Bridgewater, N.J., on motion of Mr. Alfred E. Hirsch; J. Allen Jensen, of Idaho Falls, Idaho, on motion of Mr. Glen A. Wilkinson; and Arthur Gordon Greenberg, of Peoria, Ill., on motion of Mr. Willard J. Lassers, were admitted to practice.

ORAL ARGUMENT

No. 250. Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden. Argument continued by Mr. Willard J. Lassers for the petitioner, by Mr. Maurice Rosenfield for Radio Station WAIT, et al., as *amici curiae*, by Mr. Richard A. Michael for the respondent and concluded by Mr. Willard J. Lassers for the petitioner.

No. 4. Cascade Natural Gas Corporation, appellant, *v.* El Paso Natural Gas Company et al.;

No. 5. People of the State of California, appellant, *v.* El Paso Natural Gas Company et al.; and

No. 24. Southern California Edison Company, appellant, *v.* El Paso Natural Gas Company et al. Two hours and twenty minutes allowed for oral argument. Argued by Mr. William M. Bennett, by Mr. Rollin E. Woodbury and by Mr. Richard B. Hooper for the appellants, by Mr. Richard W. Sabin for the State of Oregon, as *amicus curiae*, by

special leave of Court and by Mr. Daniel Friedman and Mr. Gregory A. Harrison for the appellees.

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

The day call for Monday, January 16, 1967, will be as follows: Nos. 173, 39, 336 (and 438), 12, and 18.

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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

Norma L. Holloway, of Washington, D.C., Herbert Hoover Franks, of Marengo, Ill., Lester Arthur Jensen, of Chicago, Ill., Edgar Hughe Twine, of Chicago, Ill., Ronald Patrick Smith, of St. Paul, Minn., John K. Speck, of Oklahoma City, Okla., Wendell Wyatt, of Astoria, Oreg., and Loren D. Hicks, of Salem, Oreg., on motion of Mr. Solicitor General Thurgood Marshall; Dan P. Danilov, of Seattle, Wash., William G. Ennis, of Spokane, Wash., and Jerome Williams, of Spokane, Wash., on motion of Mr. Henry M. Jackson; Andrew J. Sato, of Minneapolis, Minn., on motion of Mr. Daniel K. Inouye; Cruz M. Tijerina, of Rio Grande City, Tex., on motion of Eligio de la Garza II; Kenneth N. Kripke, of Denver, Colo., on motion of Mr. Byron G. Rogers; Paul E. Riley, of Wilmington, Ohio, on motion of Mr. Jackson E. Betts; Frank M. Krohn, Jr., of Prairie City, Iowa, on motion of Mr. Neal E. Smith; Willis H. Jolly, of Columbus, Miss., on motion of Mr. Wm. Ephraim Cresswell; John Clinton Mott, of Denver, Colo., on motion of Mr. Richard M. Schmidt, Jr.; Gene Mayfield, of St. Louis, Mo., on motion of Mr. George P. Lamb; Stephen R. Lang, of New York, N.Y., on motion of Mr. Edward J. Ross; William August Wildhack, Jr., of Arlington, Va., on motion of Mr. Allen Howard Gardner; John Field Foley, of San Jose, Calif., William G. Corrigan, of San Rafael, Calif., Roderick P. Martinelli, of San Rafael, Calif., on motion of Mr. E. Lewis Reid; John Thomas Purtle, of Batesville, Ark., on motion of Mr. John Frederick Livingston, Jr.; Matthew P. Mitchell, of San Francisco, Calif., and Robert William Hughes, of Salt Lake City, Utah, on motion of Mr. Joseph L. Alioto; and Melvyn E. Stein, of Chicago, Ill., on motion of Mr. Charles Gordon, were admitted to practice.

OPINIONS

No. 13. Edward J. Garrity et al., appellants, *v.* New Jersey. 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 granted. 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 Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice White in this case and in No. 62, *post*.

No. 62. Samuel Spevack, petitioner, *v.* Solomon A. Klein. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Douglas announced the judgment of the Court and delivered an opinion in which the Chief Justice, Mr. Justice Black and Mr. Justice Brennan concur. Concurring opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice White in this case and in No. 13, *ante*.

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. 645. Ivan C. McLeod, Regional Director of the Second Region of the National Labor Relations Board, petitioner, *v.* General Electric Company et al.; and

No. 774. International Union of Electrical, Radio and Machine Workers, AFL-CIO, petition, *v.* General Electric Company et al. On petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit. Petitions for writs of certiorari granted, judgment vacated, and cases remanded to the Court of Appeals with direction to enter a new judgment setting aside the order of the District Court and remanding to that court for such further proceedings as may be appropriate in light of the supervening event. Opinion *per curiam*.

No. 779. James F. Short et al., appellants, *v.* Ness Produce Co. Appeal from the United States District Court for the District of Oregon. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Harlan are of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 892, Misc. Alice M. Alexander, appellant, *v.* Board of Review, Division of Employment Security, Department of Labor and Industry of New Jersey. Appeal from the Supreme Court of New Jersey. The motion to dismiss 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. 929, Misc. Robert McConaghy, appellant, *v.* Olga Frieda McConaghy. Appeal from the District Court of Appeals 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*.

ORDERS IN PENDING CASES

No. 428. Securities and Exchange Commission, petitioner, *v.* United Benefit Life Insurance Company. The motion of The National Association of Securities Dealers, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al. The motion to remove this case from the summary calendar is denied.

APPEAL—JURISDICTION NOTED

No. 914. United States, appellant, *v.* First City National Bank of Houston et al. Appeal from the United States District Court for the Southern District of Texas. Application for a stay presented to Mr. Justice Brennan, and by him referred to the Court, granted. In this case probable jurisdiction noted and case placed on the summary calendar. Motion to advance filed by the Solicitor General, and joined in by the several appellees, granted. Case will be heard on typewritten record with leave to the parties to print such portions of the record as they desire as appendices to their briefs. Mr. Justice Clark took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. 744. Patricia Waldron, etc., petitioner, *v.* Cities Service Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 682. Angelo Passini, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 692. The Morrison Milling Company, petitioner, *v.* Orville L. Freeman et al.; and

No. 693. General Mills, Inc., et al., petitioners, *v.* Orville L. Freeman et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 736. D. I. Operating Co. et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 777. Duke Power Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 786. John V. Kelly, etc., et al., petitioners, *v.* Capital Insurance & Surety Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 795. Perpetual Royalty Corporation et al., petitioners, *v.* Sarah Kipfer et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 799. Clement V. Conole et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 803. Luigi Bafico, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 809. Spokane, Portland & Seattle Railway Company et al., petitioners, *v.* Order of Railway Conductors and Brakemen et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 812. Merle E. Parker 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. 818. Evert L. Hagan, petitioner, *v.* The Superior Court of the State of California for the County of Los Angeles et al. Petition for writ of certiorari to the Superior Court of California, County of Los Angeles, denied.

No. 821. United Electrical Contractors Association et al., petitioners, *v.* Arnold Ordman et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 822. Frances Uhlhorn, petitioner, *v.* U.S. Gypsum Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 832. Jamaica Time Petroleum, Inc., petitioner, *v.* Federal Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 834. Jacob A. Millstein, petitioner, *v.* Co-Ordinating Committee on Discipline. Petition for writ of certiorari to the Appellant Division of the Supreme Court of New York, First Judicial Department, denied.

No. 840. Dominick F. Paduano et al., petitioners, *v.* City of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 701. Charles Cole et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. The Chief Justice, Mr. Justice Brennan, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 836. Virginia ex rel. Virginia State Bar, petitioner, *v.* Brotherhood of Railroad Trainmen. Motion to use the record in No. 34, October Term, 1963, granted. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 417, Misc. James E. Lofland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 559, Misc. Walter Forbush, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 567, Misc. Irving Smalls, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 606, Misc. Joseph Csobor, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 611, Misc. Gene Burg Jimenez, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 655, Misc. Charles Armwood, petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 668, Misc. Willie Brown, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 673, Misc. Robert James Thibodeau, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 707, Misc. Herchel W. Gann, petitioner, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 725, *Misc.* Prince Moore, petitioner, *v.* Georgia. Petition for writ of certiorari to the Court of Appeals of Georgia denied.

No. 731, *Misc.* Gerard Cachoian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 735, *Misc.* George Chromiak, Jr., petitioner, *v.* Superintendent, California Mens Colony, West. Petition for writ of certiorari to the Supreme Court of California denied.

No. 789, *Misc.* Donald Lee Ragsdale, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 815, *Misc.* John Thomas Terry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 843, *Misc.* Billy Leu Gregory, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 849, *Misc.* Robert Donald Hodgdon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 874, *Misc.* Albert Jefferson, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 908, *Misc.* Amos Jimmy Jennings, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 928, *Misc.* Taylor Harding Cooper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 932, *Misc.* Chester Campbell, petitioner, *v.* Ralph M. Freeman, Judge, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 936, *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. 941, *Misc.* Hoover Glass, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 943, *Misc.* James Yager, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 949, *Misc.* Jo Ann Lyons, petitioner, *v.* Municipal Court, Northern Judicial District, County of San Mateo, et al. Petition for

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

No. 950, Misc. Johnny Thomas, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 951, Misc. Henry Coleman, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 958, Misc. James Jackson Nailor, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 968, Misc. Carmen Walker, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 970, Misc. L. T. Fields, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Supreme Court of New York, Queen's County, denied.

No. 971, Misc. Hector R. Cano, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 974, Misc. Peter Tarallo, 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. 976, Misc. Theodore Paul Switzer, petitioner, *v.* Sherrill Halbert, Judge, etc. Petition for certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 981, Misc. James Alvin Howard, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 982, Misc. Paul Grear, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 985 Misc. Willian Leon Horsley, petitioner, *v.* C. M. Simpson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 986, Misc. Robert Linwood Stevens, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 997, Misc. Bernard Steppe, Jr., petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 923, Misc. Thomas J. Ballou, Jr., 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. 930, *Misc.* James Marshall Peace and Tony Obrant Morrison, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 975, *Misc.* Michael Demaro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. The Chief Justice, Mr. Justice Brennan, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 875, *Misc.* Joseph Newsome, petitioner, *v.* William C. Holman, Warden, et al.; and

No. 993, *Misc.* Charles Crooke, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

o.t. 1963

No. 640, Carl I. Cohen, petitioner, *v.* New York. Motion for leave to file petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 28. Transportation-Communication Employees Union, petitioner, *v.* Union Pacific Railroad Company;

No. 51. The First National Bank of Logan, Utah, petitioner, *v.* Walker Bank & Trust Company;

No. 86. United States, petitioner, *v.* Acme Process Equipment Company;

No. 287. Herbert C. Deesen, petitioner, *v.* The Professional Golfers' Association of America et al.;

No. 614. Carl I. Cohen, petitioner, *v.* New York;

No. 626. Walker Distributing Company, et al., petitioners, *v.* Lucky Lager Brewing Company;

No. 665. William Robert Klein, petitioner, *v.* Solomon A. Klein;

No. 546, *Misc.* Santiago Rivera, petitioner, *v.* United States; and

No. 809, *Misc.* Joseph D'Ercole, petitioner, *v.* United States. Petitions for rehearing denied.

No. 502. Russell H. Sitton, et ux., petitioners, *v.* American Title Co. of Dallas et al. Petition for rehearing and for other relief denied.

No. 634. Ministers Life and Casualty Union, appellant, *v.* Robert D. Haase, Commissioner of Insurance, et al. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

RECESS ORDER

The Court will take a recess from Monday, January 23, 1967, until Monday, February 13, 1967.

ORAL ARGUMENT

No. 173. Commissioner of Internal Revenue, petitioner, *v.* Howe A. Stidger et ux. Argued by Mr. Mitchell Rogovin for the petitioner and by Mr. John A. Reed, as *amicus curiae*, in support of judgment, by invitation of the Court.

No. 39. Abbott Laboratories et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education and Welfare, et al. Argued by Mr. Gerhard A. Gesell for the petitioners and by Mr. Nathan Lewin for the respondents.

No. 336. The Toilet Goods Association, Inc., et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education and Welfare, et al.; and

No. 438. John W. Gardner, Secretary of Health, Education and Welfare, et al., petitioners, *v.* The Toilet Goods Association, Inc., et al. One hour allowed for oral argument. Argued by Mr. Edward J. Ross for the petitioners in No. 336 and the respondents in No. 438 and by Mr. Nathan Lewin for the respondents in No. 336 and the petitioners in No. 438.

No. 12. Sandra Lee Neely, etc., petitioner, *v.* Martin K. Eby, Construction Co., Inc. Argument commenced by Mr. Kenneth N. Kripke for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 17, 1967, will be as follows: Nos. 12, 18, 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

Walter Thomas Henson, of Dalhart, Tex., on motion of Judge Wilson Cowen; Merrill Moores, of Indianapolis, Ind., Milton P. Schulman, of Cleveland, Ohio, and Joseph H. Hurndon, of New Orleans, La., on motion of Mr. Larry A. Conrad; David Wilkinson Miller, of Washington, D.C., on motion of Mr. Francis M. Shea; Amos Diehl, of Hyattsville, Md., on motion of Mr. Benjamin F. Rossner; and C. Richard Beyda, of Washington, D.C., on motion of Mr. Julius I. Fox, were admitted to practice.

ORAL ARGUMENT

No. 12. Sandra Lee Neely, etc. petitioner, *v.* Martin K. Eby Construction Co., Inc. Argument continued by Mr. Kenneth N. Kripke for the petitioner, by Mr. John C. Mott for the respondent and concluded by Mr. Kenneth N. Kripke for the petitioner.

No. 18. Utah Pie Company, petitioner, *v.* Continental Baking Company et al. Two and one half hours allowed for oral argument. Argued by Mr. Joseph L. Alioto for the petitioner and by Mr. John H. Schafer, by Mr. Peter W. Billings and by Mr. George P. Lamb for the respondents.

No. 38. James Marchetti, petitioner, *v.* United States. Leave granted Mr. Francis X. Beytagh, Jr., to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Jack S. Levin. Argument commenced by Mr. Jacob D. Zeldes for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 18, 1967, will be as follows: Nos. 38, 181, 110 (and 111), and 206 (and 413).

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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 Dyer Lacy, Jr., of Lubbock, Tex., and Roy Jene Millender, Jr., of San Diego, Calif., on motion of Mr. Harold W. Gardiner; James Fleming Eggleston, of Memphis, Tenn., on motion of Mr. Gardiner M. Haight; Gerald Stern, of New York, N.Y., on motion of Mr. Bruce J. Terris; Judith O. Stein, of Los Angeles, Calif., and William L. Stein, of Los Angeles, Calif., on motion of Mr. E. Lewis Reid; and Samuel H. Seymour, of Washington, D.C., on motion of Mr. Herbert A. Bergson, were admitted to practice.

ORAL ARGUMENT

No. 38. James Marchetti, petitioner, *v.* United States. Argument continued by Mr. Jacob D. Zeldes, for the petitioner, by Mr. Francis X. Beytagh, Jr., for the respondent, *pro hac vice*, by special leave of Court, and concluded by Mr. Jacob D. Zeldes, for the petitioner.

No. 181. Anthony M. Grosso, petitioner, *v.* United States. Argued by Mr. Charles Alan Wright for the petitioner and by Mr. Jack S. Levin for the respondent. Memorandum for respondent to come.

No. 110. National Woodwork Manufacturers Association et al., petitioners, *v.* National Labor Relations Board; and

No. 111. National Labor Relations Board, petitioner, *v.* National Woodwork Manufacturers Association et al. Argument commenced by Mr. Charles B. Mahin for the petitioners in No. 110 and the respondents in No. 111 and continued by Mr. Dominick L. Manoli for the respondent in No. 110 and the petitioner in No. 111.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 19, 1967, will be as follows: Nos. 110 (and 111), 206 (and 413), 352 (and 359), and 310.

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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 Burns Simpson, Jr., of Washington, D.C., James G. Alex, of Chicago, Ill., Gust William Dickett, of Chicago, Ill., William A. Romanoff, of Chicago, Ill., Charles Whitman, of Chicago, Ill., Abraham J. Zenoff, of Chicago, Ill., Howard Lesnick, of Philadelphia, Pa., E. Dexter Galloway, Jr., of Hutchinson, Kans., Glenn E. Ketner, Jr., of Salisbury, N.C., and Albert J. Beveridge III, of Washington, D.C., on motion of Mr. Ralph Simon Spritzer, were admitted to practice.

ORAL ARGUMENT

No. 110. National Woodwork Manufacturers Association et al., petitioners, *v.* National Labor Relations Board; and

No. 111. National Labor Relations Board, petitioner, *v.* National Woodwork Manufacturers Association et al. Argument continued by Mr. Dominick L. Manoli for the respondent in No. 110 and the petitioner in No. 111 and concluded by Mr. Charles B. Mahin for the petitioners in No. 110 and the respondents in No. 111.

No. 206. Houston Insulation Contractors Association, petitioner, *v.* National Labor Relations Board; and

No. 413. National Labor Relations Board, petitioner, *v.* Houston Insulation Contractors Association. One hour allowed for oral argument. Argued by Mr. W. D. Deakins, Jr., for the petitioner in No. 206 and the respondent in No. 413 and by Mr. Norton J. Come for the respondent in No. 206 and the petitioner in No. 413.

No. 352. Betty Levin, etc., petitioner, *v.* Mississippi River Fuel Corporation et al.; and

No. 359. Alleghany Corporation et al., petitioners, *v.* Mississippi River Fuel Corporation et al. Argued by Mr. Breck P. McAllister and Mr. John Lowenthal for the petitioners and by Mr. Robert H. McRoberts and Mr. Dennis G. Lyons for the respondents.

Adjourned until Monday, January 23, 1967, 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

William C. Rau, of Los Angeles, Calif., Thomas Silk, Jr., of Washington, D.C., Robert Harris Solomon, of Washington, D.C., Sam Polur, of New York, N.Y., Daniel L. Quinlan, Jr., of Norristown, Pa., and Joseph J. Carlin, of Philadelphia, Pa., on motion of Mr. Solicitor General Thurgood Marshall; Leon J. Humbert, of Greensburg, Ind., on motion of Mr. Vance Hartke; Thomas Laurance Stennis II, of Gulfport, Miss., on motion of Mr. John Cornelius Stennis; Raymond P. Underwood, of Lake Oswego, Oreg., on motion of Mr. William Berg, Jr.; H. M. Harrington, Jr., of Longview, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Arthur M. Wolff, of St. Louis, Mo., on motion of Mr. Harold W. Gardner; Simon Brewster Gluck, of New York, N.Y., on motion of Mr. Nathan Lewin; Harris Zimmerman, of Oakland, Calif., on motion of Mr. Charles Alvin Miller; William H. Fox, of Washington, D.C., Malcolm P. McGregor, of Washington, D.C., and Thomas H. McGregor, of Kansas City, Mo., on motion of Mr. Edward Gallagher; N. Dale Sayre, of New York, N.Y., and John W. Routh, of New York, N.Y., on motion of Mr. W. Brown Morton, Jr.; John E. Benoit, of Washington, D.C., and James K. Haskell, of Palos Verdes Estates, Calif., on motion of Mr. Richard Paul Schulze; Carl Frank Wymore, of Kansas City, Mo., on motion of Mr. Richard W. Galiher; Charles Harold Lloyd, of Houston, Tex., on motion of Mr. Freeman W. Sharp, Jr.; John P. Garrigan, of New York, N.Y., on motion of Mr. Robert V. Schnabel; Robinson Markel, of New York, N.Y., on motion of Mr. Joseph DeFranco; John Ernest Howath Sherry, of New York, N.Y., on motion of Mr. James Fulton Hoge; R. Michael Cantillon, of Beverly Hills, Calif., on motion of Mr. Paul M. McDonough; and Nathan Agran, of Philadelphia, Pa., Charles M. Allen, of Philadelphia, Pa., Joseph S. Aronstein, of Philadelphia, Pa., Edwin B. Barnett, of Philadelphia, Pa., Bernard D. Beitch, of Philadelphia, Pa., David F. Binder, of Philadelphia, Pa., Alexander A. Bonavitacola, of Philadelphia, Pa., Jerome E. Bogutz, of Philadelphia, Pa., Herbert R. Cain, Jr., of Philadelphia, Pa., Frederick Cohen, of Philadelphia, Pa., Martin Cohen, of Philadel-

phia, Pa., Robert Cohen, of Philadelphia, Pa., Grace Cohn, of Philadelphia, Pa., Joseph N. Corcoran, of Philadelphia, Pa., Simon J. Denenberg, of Philadelphia, Pa., Albert Dennis, of Philadelphia, Pa., Alvin Diamond, of Philadelphia, Pa., Lee F. Driscoll, Jr., of Philadelphia, Pa., James Albert Drobile, of Philadelphia, Pa., Burton B. Gilbard, of Philadelphia, Pa., Philip E. Horowitz, of Philadelphia, Pa., Ned L. Hirsh, of Philadelphia, Pa., Mary Bell Hammerman, of Philadelphia, Pa., Arsen A. Hanamirian, of Philadelphia, Pa., Jack Earl Levin, of Philadelphia, Pa., Herbert Epstein, of Philadelphia, Pa., Norman Alexander Jenkins, of Philadelphia, Pa., William M. Marutani, of Philadelphia, Pa., John F. Finney, of Philadelphia, Pa., Daniel T. McWilliams, of Philadelphia, Pa., Mortin E. Rotman, of Philadelphia, Pa., Paul A. Lockery, of Philadelphia, Pa., Harvey S. Luterman, of Philadelphia, Pa., I. Raymond Kremer, of Philadelphia, Pa., Frank J. Marcone, of Media, Pa., Albert S. Fein, of Philadelphia, Pa., Barry S. Lyons, of Philadelphia, Pa., Josef Jaffe, of Philadelphia, Pa., John Leo Larkin, of Philadelphia, Pa., Stanton Willig Kratzok, of Philadelphia, Pa., Frank E. Gordon, of Philadelphia, Pa., Murray Charles Goldman, of Philadelphia, Pa., Morton Steven Gorelick, of Philadelphia, Pa., Eugene Gelfand, of Philadelphia, Pa., Lawrence Goldberg, of Philadelphia, Pa., Haskell Golder, of Philadelphia, Pa., Edgar R. Einhorn, of Philadelphia, Pa., Martin S. Evelev, of Philadelphia, Pa., Theodore Eisenberg, of Philadelphia, Pa., Leonard L. Ettinger, of Philadelphia, Pa., James J. McEldrew, of Philadelphia, Pa., Joseph B. Meranze, of Philadelphia, Pa., Joseph S. Moloznik, of Philadelphia, Pa., Earl Finbar Murphy, of Philadelphia, Pa., Abraham T. Needleman, of Philadelphia, Pa., Samuel A. Needleman, of Philadelphia, Pa., Francis X. O'Brien, of Philadelphia, Pa., Herbert L. Olivieri, of Philadelphia, Pa., Martin B. Pitkow, of Philadelphia, Pa., Robert A. Polin, of Philadelphia, Pa., Samuel Polsky, of Philadelphia, Pa., John J. Poserina, Jr., of Philadelphia, Pa., John Harrison Potts, of Philadelphia, Pa., David Roy Pressman, of Philadelphia, Pa., John P. Quinn, of Philadelphia, Pa., Paula S. Rand, of Philadelphia, Pa., Gordon S. Rogers, of Philadelphia, Pa., Samuel M. Rosenfeld, of Philadelphia, Pa., Irwin N. Rosenzweig, of Philadelphia, Pa., Alexander N. Rubin, Jr., of Philadelphia, Pa., Robert D. Sanborn, of Philadelphia, Pa., Harvey N. Schmidt, of Philadelphia, Pa., Benjamin N. Schoenfeld, of Philadelphia, Pa., Charles H. Schreiberstein, of Philadelphia, Pa., Harry Schwartz, of Philadelphia, Pa., Bernard L. Segal, of Philadelphia, Pa., Joseph Sharfsin, of Philadelphia, Pa., Deborah Kratzok Silver, of Philadelphia, Pa., Morton Silver, of Philadelphia, Pa., Arnold Jay Silvers, of Philadelphia, Pa., Kenneth L. Stein, of

Philadelphia, Pa., Paul D. Sulman, of Philadelphia, Pa., Sheldon Tabb, of Philadelphia, Pa., Robert LeRoy Wells, of Philadelphia, Pa., Robert W. Williams, Jr., of Philadelphia, Pa., Frederick Doremus Wood, of Philadelphia, Pa., Franklin A. Wurman, of Philadelphia, Pa., Ronald Ziegler, of Philadelphia, Pa., Kenneth P. Barrow, of Media, Pa., Max Bayer, of Brooklyn, N.Y., Charles Blasband, of Bridgeport, Pa., Charles Homer Brown, of Elkhart, Ind., Nathan G. Ginsburg, of Camden, N.J., Leonard H. Goldberg, of Newark, N.J., Martin A. Herman, of Woodbury, N.J., Milton Jacobson, of Norristown, Pa., Leonard H. Kaser, of Williamstown, N.J., John Maier III, of North Caldwell, N.J., Doris Nelson Malit, of Yeadon, Pa., Edward T. McErlean, of Media, Pa., Paul R. Melletz, of Camden, N.J., Sanford A. Meskin, of Hillside, N.J., Rubin Mogul, of Norristown, Pa., Thomas J. Murphy, of Clementon, N.J., Marvin A. Naigur, of Caldwell, N.J., Wilson Oberdorfer, of Doylestown, Pa., Harry M. Sablosky, of Norristown, Pa., Herbert Somerson, of Wyncote, Pa., and Sheldon Nathaniel Witt, of Englewood, N.J., on motion of Mr. Solicitor General Thurgood Marshall, were admitted to practice.

OPINIONS

No. 66. Kalman J. Berenyi, petitioner, *v.* District Director, Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren and Mr. Justice Brennan join.

No. 105. 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. Judgment reversed and case remanded to the United States District Court for the Western District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 68. Leon Spencer, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas;

No. 69. Robert A. Bell, Jr., petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas; and

No. 70. William Everett Reed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments affirmed. Opinion by Mr. Justice Harlan. Concurring opinion by

Mr. Justice Stewart. Opinion by Mr. Chief Justice Warren with whom Mr. Justice Fortas joins dissenting in Nos. 68 and 69 and concurring in No. 70. Dissenting opinion by Mr. Justice Brennan with whom Mr. Justice Douglas joins.

No. 251. Isaac Sims, Jr., petitioner, *v. Georgia*. On writ of certiorari to the Supreme Court of Georgia. Judgment reversed and case remanded to the Supreme Court of Georgia for a hearing as provided by *Jackson v. Denno*, 378 U.S. 393-396. Opinion by Mr. Justice Clark. Mr. Justice Black dissents for the reasons stated in his dissent in *Jackson v. Denno*, 378 U.S. 401.

No. 650. Phil Whitus and Leon Davis, petitioners, *v. Georgia*. On writ of certiorari to the Supreme Court of Georgia; and

No. 253. Phil Whitus and Leon Davis, petitioners, *v. Georgia*. On writ of certiorari to the Court of Appeals of Georgia. Writ dismissed in No. 253 as improvidently granted. Judgment reversed in No. 650 and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 702. Floyd & Beasley Transfer Co., Inc., appellant, *v. United States et al.* Appeal from the United States District Court for the Northern District of Alabama. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 793. Mark Fein, appellant, *v. New York*. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 797. Southern Pacific Company, appellant, *v. City of Los Angeles et al.* Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 805. Elbert M. D'Amico, appellant, *v. National Broadcasting Company et al.* Appeal from the United States Court of Appeals for the District of Columbia Circuit. The motion to dispense with printing the statement as jurisdiction is granted. The motions to dismiss

are granted and the appeal is dismissed for want of jurisdiction.

Opinion per curiam.

No. 820. Charles C. Patterson et al., appellants, *v.* City of Newport News, Virginia, et al. Appeal from the United States Court of Appeals for the Fourth Circuit. The motion to dispense with printing the statement as to jurisdiction is granted. 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. 825. William Sprowal, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. *Opinion per curiam.* Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 584, Misc. Steven Lewis McQuaid, 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 jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. *Opinion per curiam.*

No. 1025, Misc. William L. Maxwell, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. On motion for leave [✓] to file petition for writ of certiorari and petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Order denying petitioner's application for certificate of probable cause to appeal to United States Court of Appeals for the Eighth Circuit reversed and case remanded to the Court of Appeals with directions to issue the certificate. *Opinion per curiam.*

ORDERS IN PENDING CASES

No. 159. George McCray, petitioner, *v.* Illinois. The motion of the petitioner for leave to file a supplemental brief after argument is granted.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. The motion of The New York Times Display Advertising Salesmen Steering Committee for leave to file brief, as *amicus curiae*, is granted.

No. 305. The Denver and Rio Grande Western Railroad Co. et al., appellants, *v.* United States et al. The motion to remove this case from the summary calendar is granted and an additional fifteen minutes are allotted to each side.

No. 914. United States, appellant, *v.* First City National Bank of Houston et al. The motion of the appellees for additional time for oral argument is granted and thirty additional minutes are allotted

to each side. Mr. Justice Clark took no part in the consideration or decision of this motion.

APPEAL—JURISDICTION NOTED

No. **972**. United States, appellant, *v.* Provident National Bank et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. In this case probable jurisdiction is noted and case set for oral argument immediately following No. **914**. Motion of the appellees to expedite consideration granted and the expedited schedule for filing of briefs, consented to by the Solicitor General, adopted. Case will be heard on typewritten record with leave to the parties to print such portions of record as they desire as appendices to their briefs. Mr. Justice Clark took no part in the consideration or decision of this case.

CERTIORARI DENIED

No. **753**. Thomas T. Cohen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **816**. Jane G. Kelly, petitioner, *v.* Agnes J. Reeves Greer et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **826**. Winona Mae Foster, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **833**. In the matter of Harlan E Grimes, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **837**. Mayflower Congregational Church, petitioner, *v.* Helen Joan Berkaw et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. **841**. Country Mutual Insurance Company, petitioner, *v.* Gustav Andeen, Administrator of the Estate of Gustav K. Andeen, et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **846**. Kansas City Transit, Inc., petitioner, *v.* Kansas City, Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. **848**. Swift & Company, Inc., et al., petitioners, *v.* Don J. Wickham, Commissioner of Agriculture and Markets of the State of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **856**. Jacob J. Gordon, petitioner, *v.* City of Worcester et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 861. Joseph William Janovic, Jr., petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 879. The Pennsylvania Railroad Company et al., petitioners, *v.* American National Bank and Trust Company, etc. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 966. United Steelworkers of America, AFL-CIO, et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 824. Willie Williams et al., petitioners, *v.* Joseph N. Shaffer. Petition for writ of certiorari to the Supreme Court of Georgia denied. Dissenting opinion by Mr. Justice Douglas with whom the Chief Justice concurs:

This case involves an important question regarding the right of a poor tenant to remain in possession of his shelter and defend against eviction in a court of law. It is part of the larger problem regarding the inability of indigent and deprived persons to voice their complaints through the existing institutional framework, and vividly demonstrates the disparity between the access of the affluent to the judicial machinery and that of the poor in violation of the Equal Protection Clause.

The Georgia summary eviction statute provides that a landlord may oust a tenant in a very swift, expedient manner. The landlord files with a judge of the superior court or justice of the peace an affidavit that the tenant has held over or has failed to pay rent (Ga. Code Ann. § 61-301 (1966)); and the judge issues a dispossessory warrant ordering the sheriff to evict the tenant and his possessions. Ga. Code Ann. § 61-302 (1966). The tenant may arrest the proceedings and prevent his summary eviction by filing a counter-affidavit denying the landlord's allegations (Ga. Code Ann. § 61-303 (1966)) and thereby obtain a jury trial on the facts in issue. Ga. Code Ann. § 61-304 (1966). But in order to remain in possession and obtain a trial (see Ga. Code Ann. § 61-304 (1966)) the tenant must "tender a bond with good security, payable to the landlord, for the payment of such sum, with costs, as may be recovered against him on the trial of the case."¹ Ga. Code Ann. § 61-303 (1966). If the tenant is not able to furnish the security bond, he is summarily evicted. The effect is that the indigent tenant

¹ The security required is substantial. Ga. Code Ann. § 61-305 (1966) provides:

"If the issue specified in [§ 61-304] shall be determined against the tenant, judgment shall go against him for double the rent reserved or stipulated to be paid . . . and such judgment in any case shall also provide for the payment of future double rent until the tenant surrenders possession of the lands or tenements to the landlord after an appeal or otherwise"

The insurance companies which posted dispossessory bonds informed petitioners that it would be necessary for each petitioner to put up a cash collateral for double the rent for about six months, as well as pay a bond premium.

is deprived of his shelter, and the life of his family is disrupted—all without a hearing—solely because of his poverty.

In this case respondent, petitioners' landlord, obtained a dispossessionary warrant after filing an affidavit that petitioners had failed to pay rent. Petitioners attempted to file counter-affidavits raising a number of defenses, together with affidavits that they were unable to post security due to their indigency. Apparently the affidavits were rejected. Petitioners then petitioned the Superior Court attempting to arrest the summary eviction. They sought vacation of the dispossessionary warrants and injunctions against the landlord and the sheriff restraining them from executing the warrants. Each petitioner offered to pay into the court registry any rents due or to become due during the pendency of the action. Their petitions were denied and the action dismissed. Thereafter, petitioners were summarily evicted. On appeal, the Georgia Supreme Court held that the case was moot because petitioners had been evicted.

The State, acting on the landlord's behalf, argues that certiorari should be denied on that ground. Whether or not a case is moot is a federal question which must be resolved by this Court. The finding of mootness by the State Supreme Court is not binding on us. See *Ward v. Love County*, 253 U.S. 17, 22; *Love v. Griffin*, 266 U.S. 32, 33-44; *Liner v. Jafco*, 375 U.S. 301. The mootness doctrine is a beneficial one, expressive of the need for adverse parties who will vigorously argue the conflicting contentions to the Court and a necessary one in light of the requirements of Article III. But if this case were held to be moot, no tenant would ever be able to bring the statute to this Court. His eviction would render the case moot and preclude a challenge to the very statute causing the eviction. The statute would be immune from the constitutional challenge. Perhaps I am wrong. But the point is so substantial as to require oral argument.

The effect of the security statute is to grant an affluent tenant a hearing and to deny an indigent tenant a hearing. The ability to obtain a hearing is thus made to turn upon the tenant's wealth. On numerous occasions this Court has struck down financial limitations on the ability to obtain judicial review. See *e.g.*, *Griffin v. Illinois*, 351 U.S. 12; *Burns v. Ohio*, 360 U.S. 252, *Smith v. Bennett*, 365 U.S. 708. We have recognized that the promise of equal justice for all would be an empty phrase for the poor, if the ability to obtain judicial relief were made to turn on the length of a person's purse. It is true that these cases have dealt with criminal proceedings. But the Equal Protection Clause of the Fourteenth Amendment is not limited to criminal prosecutions. Its protections extend as well to civil matters. I can see no more justification for denying an indigent a hearing in an eviction proceeding solely because of his poverty than for denying an indigent

the right to appeal (*Burns v. Ohio, supra*), the right to file a habeas corpus petition (*Smith v. Bennett, supra*), or the right to obtain a transcript necessary for appeal (*Griffin v. Illinois, supra*).

It is no answer to say that the Georgia procedure is fairer than the procedures of some States, whereby a tenant can be evicted without any opportunity for a hearing. Though a State may not constitutionally be required to afford a hearing before its process is used to evict a tenant, having provided one it cannot discriminate between rich and poor. It cannot consistently with the Equal Protection Clause provide a hearing in such a way as to discriminate against some "on account of their poverty." *Griffin v. Illinois, supra*, at 18.

The problem of housing for the poor is one of the most acute facing the Nation. The poor are relegated to ghettos and are beset by substandard housing at exorbitant rents. Because of their lack of bargaining power, the poor are made to accept onerous lease terms. Summary eviction proceeds are the order of the day. Default judgments in eviction proceedings are obtained in machinegun rapidity, since the indigent cannot afford counsel to defend. Housing laws often have a built-in bias against the poor. Slumlords have a tight hold on the Nation. Lyford, *The Airtight Cage* (1966).² And see Schoor, *Slums and Social Insecurity* (1964).

The plight of the poor is being somewhat ameliorated by federal and state programs (particularly the Neighborhood Legal Services under OEO) and by private organizations dedicated to the representation of indigents in civil matters. This Court of course does not sit to cure social ills that beset the country. But when we are faced with a statute that apparently violates the Equal Protection Clause by patently discriminating against the poor and thereby worsening their already sorry plight, we should address ourselves to it. I would grant certiorari.

MR. JUSTICE BRENNAN is of the opinion that certiorari should be granted.

² "They have not the economic power to make themselves heard, and their official political representatives have built their power on the ghetto and are committed to its perpetuation. In New York City a vast, informal machinery funnels society's discipline and health problems into the West Ninety-third Streets, and just about every sector of the establishment participates in running the machinery or lubricating it: slumlords who rent to the dead as well as the living provided they get a good price for it and have immunity from fire, building, health, and rent regulations; the city employee who collaborates in the arrangement; the welfare and health departments that go along because they have no other alternative; judges who tap the slumlord on the wrist on the rare occasions when he is brought into court. Approval of the system is given by business leaders who lead the fight against adequate welfare and housing, prosperous financial institutions that refuse to lend money for private investment in slum rehabilitation; foundations that avoid any significant commitment to abolition of the slum; labor unions that have abandoned the low-paid worker and practice racial discrimination; and white and black political organizations that have a vested interest in segregation and race politics. When the slum is used as a concentration camp for the criminal and disabled, the virulence of all the diseases endemic in slum life is intensified." Lyford, *supra*, pp. xxi-xxii.

No. 847. William Ray Corbean, by William Charles Corbean, his father and next friend, petitioner, *v.* Xenia City Board of Education. Motion for leave to supplement petition for certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 886. John Chulick, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 342, **Misc.** Chester Smith, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 511, **Misc.** Robert S. Collier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 720, **Misc.** Wiley Anderson, Jr., 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.

No. 749, **Misc.** Jewell James Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 948, **Misc.** Marion Howard Stevenson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 954, **Misc.** David Harold Lawrence, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 955, **Misc.** Howard Gamble, 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. 966, **Misc.** William Cain, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 967, **Misc.** James C. Metcalf, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Circuit Court of St. Clair County, Illinois, denied.

No. 972, **Misc.** William Bush, Jr., petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 983, **Misc.** Richard I. Laing, petitioner, *v.* H. V. Field, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 989, *Misc.* James H. McNutt, petitioner, *v.* Texas et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 992, *Misc.* Rudolph LaManna, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 995, *Misc.* Frank Finley, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1022, *Misc.* William Edwards, 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. 1029, *Misc.* Leamon Miller, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama denied.

No. 1100, *Misc.* Lawrence George Kruchten, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1042, *Misc.* George Curtis Cole, petitioner, *v.* J. T. Willingham, Warden. Motion for leave to file petition for writ of habeas corpus denied.

REHEARINGS DENIED

No. 48. Herbert Heider, Administrator, etc., petitioner, *v.* Michigan Sugar Co.;

No. 581. Larry Theodore French, appellant, *v.* California;

No. 654. Robert E. Rutherford, petitioner, *v.* United States;

No. 679. Darwin Charles Brown, petitioner, *v.* John W. Follin, etc., et al.;

No. 780. Paul W. Panczko, petitioner, *v.* United States;

No. 273, *Misc.* Sidney W. Mundt et ux., petitioners, *v.* Charles J. Zaluskey et ux.;

No. 482, *Misc.* Roy Lee Booze, petitioner, *v.* Virginia;

No. 776, *Misc.* James W. Black, petitioner, *v.* New York; and

No. 841, *Misc.* Frances O. Warriner, petitioner, *v.* Alfred P. Ferraro, etc., et al. Petitions for rehearing denied.

No. 549. Wally Kelberine et al., petitioners, *v.* Societe Internationale, etc., et al. Petition for rehearing denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

No. 659. Wisconsin, petitioner, *v.* Milwaukee Braves, Inc., et al. Petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 685 Misc. Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent of Washington State Penitentiary, et al. Motion for leave to file petition for rehearing denied.

Adjourned until Monday, February 13, 1967, at 10 o'clock.

The day call for Monday, February 13, 1967, will be as follows: Nos. 342, 209, 371, and 164.

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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

Michael T. Platt, of Washington, D.C., Morton A. Orbach, of Miami, Fla., Brooks Taylor, of Crestview, Fla., Richard Joseph Boyle, of Iowa City, Iowa, Howard B. Rockman, of Silver Spring, Md., Robert Bloom, of Falls Church, Va., Gretchen White Oberman, of New York, N.Y., Robert Eirwin Thomas, of Asheville, N.C., Stephan M. Gabalac, of Akron, Ohio, Joseph G. Miller, of Akron, Ohio, Glenn Woodson Morris, of Akron, Ohio, John William Reece, of Akron, Ohio, George F. Davis, of Cincinnati, Ohio, and Allen Hubert Metzger, of Cincinnati, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; Wilbur G. Hollingsworth, of Arlington, Mass., and Wayne B. Hollingsworth, of Augusta, Maine, on motion of Mr. Edward W. Brooke; James Lee Stanton, of Greene, Iowa, on motion of Mr. Harold W. Gardner; Frank Jackson Martin, Jr., of Gadsden, Ala., on motion of Mr. Jacob Hagopian; George Edwin McInnis, of Oakland, Calif., on motion of Mr. George E. Reed; Meredith Hemp-hill, Jr., of New York, N.Y., on motion of Mr. Robert S. Rifkind; Rayner M. Hamilton, of New York, N.Y., on motion of Mr. Howard Adler, Jr.; James R. Loeb, of Cornwall-on-Hudson, N.Y., on motion of Mr. Peter David Ehrenhaft; Thano Dameris, of Houston, Tex., and Sam Preston Douglass, of Houston, Tex., on motion of Mr. Leslie H. Fisher; Richard R. Rochester, of Chicago, Ill., and Raymond F. Simon, of Chicago, Ill., on motion of Mr. Sydney R. Drebin; Kenneth G. Pringle, of Minot, N. Dak., and James L. Head, of West Chester, Pa., on motion of Mr. John Foley Lord; Donald Allen Kaul, of Washington, D.C., Werner Warren Kleeman, of Washington, D.C., Marvin Robert Stern, of Washington, D.C., and James Edward Siegel, of New York, on motion of Mr. Samuel L. Davidson; and Robert King Wood, of Philadelphia, Pa., on motion of Mr. Thomas E. Byrne, Jr., were admitted to practice.

OPINION

No. 250. Lloyd Eldon Miller, Jr., petitioner, *v.* Frank J. Pate, Warden. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

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. 14. Alfred T. Rundle, Superintendent, State Correctional Institution, petitioner, *v.* James Morris Johnson. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion of respondent for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Appeals for consideration of the unresolved issues. Opinion *per curiam*. Mr. Justice Douglas dissents from the reversal of the Court of Appeals (*U.S. v. Rundle*, 349 F. 2d 416) which affirmed *U.S. v. Rundle*, 243 F. Supp. 695, 700, where the District Court granted the petition for habeas corpus since the introduction of the accused's "prior criminal record for obstructing a railroad was so fundamentally unfair as to deny him due process of law."

No. 71. Landon Zuckerman et al., petitioners, *v.* Samuel Greason. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department. Petition for writ of certiorari granted, judgment vacated and case remanded to the Appellate Division of the Supreme Court of New York, Second Judicial Department, for reconsideration in light of *Spevack v. Klein*, 385 U.S. 511. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart would affirm the judgment below for the reasons set forth in Mr. Justice Harlan's dissenting opinion in *Spevack v. Klein*, 385 U.S. 520. Mr. Justice White dissents for the reasons stated in his dissenting opinion in *Garrity v. New Jersey*, and *Spevack v. Klein*, 385 U.S. 530.

No. 109. William Kirvin Barlow, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 300. Louis Kaye, petitioner, *v.* Co-Ordinating Committee on Discipline of the Association of the Bar of the City of New York, etc. On petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department. Petition for writ of certiorari granted, judgment vacated and case remanded to the Appellate Division of the Supreme Court of New York, First Judicial Department, for reconsideration in light of *Spevack v. Klein*, 385 U.S. 511. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart would affirm the judgment below for the reasons

stated in the dissenting opinions of Mr. Justice Harlan in *Spevack v. Klein*, 385 U.S. 520, and *Garrity v. New Jersey*, 385 U.S. 500. Mr. Justice White dissents for the reasons stated in his dissenting opinion in *Garrity v. New Jersey*, and *Spevack v. Klein*, 385 U.S. 530.

No. 715. 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 motion of Dade County et al. to join Seaboard Air Line Railroad Company in the motion to affirm is granted. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 801. Neil A. Woodington, appellant, *v.* Wisconsin. Appeal from the Supreme Court of Wisconsin. 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. 858. Elbert M. D'Amico, appellant, *v.* Pennsylvania et al. Appeal from the United States Court of Appeals for the District of Columbia Circuit. The motion to dispense with printing the jurisdictional statement is granted. 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. 904. Aline P. Weiss et al., appellants, *v.* John W. Gardner, Secretary of the Department of Health, Education, and Welfare, et al. Appeal from the United States District Court for the Southern District of New York. Judgment vacated and case remanded to the United States District Court for the Southern District of New York with instructions to dismiss the complaint as moot. Opinion *per curiam*.

No. 905. Charles Fenster, appellant, *v.* Howard R. Leary, as Commissioner of Police of the City 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*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 18, Misc. Henry Walter Stoneham, appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The appeal is dismissed. Opinion *per curiam*. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 414, Misc. Joseph H. Milani, petitioner, *v.* Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of cer-

tiorari granted. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 454, **Misc.** James J. Allison, 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 with instructions to grant the petitioner an appeal with counsel. Opinion *per curiam*.

No. 858, **Misc.** Ethan Allen Beer, Jr., appellant, *v.* Attorney General of California. Appeal from the United States Court for the Northern District of California. The application for stay, presented to Mr. Justice Douglas, and by him referred to the Court, is denied. Judgment affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 963, **Misc.** Margaret Risch, appellant, *v.* Phillip Risch. Appeal from the Supreme Court 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. 1030, **Misc.** Patricia Elizabeth Dale, appellant, *v.* California. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1063, **Misc.** Peter M. Holmes, appellant, *v.* Superior Court of California, City and County of San Francisco. Appeal from the Supreme Court of California. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 574, **October Term, 1963.** Robert M. Williamson, Jr., et al., etc., petitioners, *v.* The Honorable Paul Peurifoy, Judge of the 95th District Court in Dallas County, Texas. The motion to recall, vacate, and amend the order of this Court dated January 6, 1964, is denied.

No. 18, **Original.** State of Illinois, plaintiff, *v.* State of Missouri.

IT IS ORDERED that the Honorable Harvey M. Johnsen, Senior Judge of the United States Court of Appeals for the Eighth Circuit, be, and he is hereby appointed Special Master in this case in the place of the Honorable Sam E. Whitaker, Resigned. The Special Master shall have authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and authority to summon witnesses, issue subpoenas, and take such evidence as may

be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The Master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his 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. 29, Original. State of Texas, et al., plaintiffs, *v.* State of Colorado; and

No. 952. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. The Solicitor General is invited to file a brief expressing the views of the United States in each of these cases.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. The motion of International Union, UAW-AFL-CIO (Locals 248 and 401) to participate in oral argument is granted and fifteen minutes are allotted for that purpose. The other respondent is also allotted an additional fifteen minutes for oral argument.

No. 371. Crown Coat Front Co., Inc., Petitioner, *v.* United States. The motion of Electronic Industries Association for leave to file a brief, as *amicus curiae*, is granted.

No. 391. State Farm Fire and Casualty Company et al., petitioners, *v.* Kathryn Tashire et al. The motion of Anderson & Geary et al., for leave to file a brief, as *amici curiae*, is granted.

No. 463. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* Federal Power Commission et al. The joint motion to remove this case from the summary calendar is granted.

No. 480. Warden, Maryland Penitentiary, petitioner, *v.* Bennie Joe Hayden. The motion of the petitioner to remove this case from the summary calendar is denied.

No. 1346, Misc. In the Matter of the Disbarment of Wilmer D. Rekeweg, petitioner. It is ordered that Wilmer D. Rekeweg of Paulding, Ohio, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

APPEALS—JURISDICTION NOTED

No. 760. United States, appellant, *v.* Penn-Olin Chemical Company et al. Appeal from the United States District Court for the District of Delaware. In this case probable jurisdiction is noted.

No. 754. Howard Joseph Whitehill, appellant, *v.* Wilson Elkins, President, University of Maryland, et al. Appeal from the United States District Court for the District of Maryland. In this case probable jurisdiction is noted and case placed on the summary calendar.

No. 810. Sanford Zwickler, appellant, *v.* Aaron E. Koota, as District Attorney of the County of Kings. Appeal from the United States District Court for the Eastern District of New York. In this case probable jurisdiction is noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 424. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Motion to dispense with printing petition and petition for writ of certiorari to the Supreme Court of Washington granted. Case placed on the summary calendar.

No. 734. William Earl Walkling, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Motion to dispense with printing petition and petition for writ of certiorari to the Supreme Court of Washington granted. Case placed on the summary calendar and set for oral argument immediately following No. 424.

No. 789. Federal Trade Commission, petitioner, *v.* Fred Meyer, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Question 1, presented by the petition which reads as follows:

"1. Whether a supplier's granting to a retailer who buys directly from it promotional allowances that are not made available to a wholesaler who resells to retailers competing with the direct-buying retailer violates Section 2(d) of the Robinson-Patman Act."

Case placed on the summary calendar.

No. 838. Wyandotte Transportation Company et al., petitioners, *v.* United States. Petition or writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 892. International Longshoremen's Association, Local 1291, petitioner, *v.* Philadelphia Marine Trade Association. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 703. Fred Meyer, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 766. Max Jakob, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 791. Harry Wallerstein, Receiver of Television Company of America, Inc., et al., petitioners, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 796. Crane Boom Life Guard Co., Inc., et al., petitioners, *v.* Saf-T-Boom Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 829. Central Illinois Public Service Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 844. Albert J. Russo, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 855. Antonine Broussard, petitioner, *v.* State Farm Mutual Automobile Insurance Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 857. Philip Marx, petitioner, *v.* Louis Jaffe. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 862. Percy C. Magnus, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 864. Gabriel McMillan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 874. Geneva R. Marshall, petitioner, *v.* Elvie Russell, etc., et al. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 877. Nathaniel Presley Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 878. Gene Rawdon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 880. Robert A. Kennedy, as Treasurer of the State of Arizona, et al., petitioners, *v.* Louise Powell, Trustee in Bankruptcy of the

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

No. 882. Walter C. Wright, Jr., petitioner, *v.* Press Publishing Company et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 887. United States Rubber Company, petitioner, *v.* Underwater Storage, Inc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 889. Harry A. Smith, Jr., petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 890. Charles Ronald Gray, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 897. Russell L. Irish, dba Russell L. Irish Investments, petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 898. W. H. Yates and John W. Gary, petitioners, *v.* Herbert H. Hodges et ux. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 900. Gladys Towles Root, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 901. Paul De Lucia, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 902. Travel Consultants, Inc., petitioner, *v.* Travel Management Corp. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 907. Marbro Food Service, Inc., etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 908. Bankers Life and Casualty Company, petitioner, *v.* Guarantee Reserve Life Insurance Company of Hammond et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 912. Loyd Carl Ray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 913. Napoleon Persone Zamora, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 917. Roofire Alarm Company, petitioner, *v.* Underwriters' Laboratories, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 919. Eugene K. Friedman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 920. Bloomfield Steamship Company, petitioner, *v.* Charles S. Haight et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 922. Matanuska Valley Lines, Inc., petitioner, *v.* Frank H. Molitor. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 923. Jefferson Construction Co. of Florida, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 924. Loren R. Gajewski et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 926. Bethlehem Steel Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 935. Paul Clark, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 939. Margaret Christmas Lefargue et vir, petitioners, *v.* Ernest C. Sameul et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 955. Young & Company of Houston, petitioner, *v.* Robert S. Calvert, as Comptroller of Public Accounts of the State of Texas. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Third Supreme Judicial District, denied.

No. 6. Octave Howard, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. The Chief Justice, Mr. Justice Douglas and Mr. Justice Fortas would grant the petition and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 —.

No. 851. David J. Miller, 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. 870. Robert B. Curtis et al., petitioners, *v.* William Boeger, Warden; and

No. 871. Michela Grand et al., petitioners, *v.* William Boeger, Warden. Petitions for writs 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. 906. John W. Harris, petitioner, *v.* United States. 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. 854. Vase Calvin Valrie, petitioner, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 916. Julius W. Hobson et al., petitioners, *v.* Oliver Gasch, District Judge of the United States District Court for the District of Columbia. 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. 921. Ulrich Otten, petitioner, *v.* Immigration and Naturalization Service. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 868. Teresa Mae Smith, petitioner, *v.* Industrial Accident Commission of the State of California, etc., et al. Motion to dispense with printing petition and motion of respondent, Workmen's Compensation Appeals Board, to dispense with printing their brief, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 883. Alabama et al., petitioners, *v.* Cecil Bell. Motion of respondent for appointment of counsel denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 888. Harrah's Club, petitioner, *v.* National Labor Relations Board. Motion of Alladin Hotel 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 Ninth Circuit denied.

No. 936. Thurmond Clarke, Chief Judge, United States District Court, Central District of California, petitioner, *v.* William G. Yax. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. 29, Misc. Lawrence Mark Pohlbel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 204, **Misc.** Darl Dee Parker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 364, **Misc.** Hersley Jones, petitioner, *v.* H. M. Comstock, Superintendent, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 387, **Misc.** Jack R. Lynott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 594, **Misc.** Clarence Burnett, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 603, **Misc.** James Donald Brown, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 701, **Misc.** William Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 704, **Misc.** Ruben Renteria Candelario, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 712, **Misc.** William Robert Bullard, III, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 714, **Misc.** Simeon Jessamy Coke, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 852, **Misc.** Alan Eugene Reed, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 861, **Misc.** Cecil Lester Wright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 877, **Misc.** Bernard Copley, petitioner, *v.* United States; and

No. 886, **Misc.** Bernard Roseman, petitioner, *v.* United States. Petitions for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 945, **Misc.** Ada McFall Bennett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 957, **Misc.** Murray Dickerson, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 959, *Misc.* E. L. Woodruff, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 962, *Misc.* Morris C. Goldberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 964, *Misc.* John P. Viveiros, Jr., petitioner, *v.* State Board of Education et al. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 973, *Misc.* Milton Parness, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 977, *Misc.* Morris Ruckle, petitioner, *v.* Warden, Baltimore City Jail. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 978, *Misc.* Morris Ruckle, petitioner, *v.* Warden, Baltimore City Jail. Petition for writ of certiorari to the Baltimore City Court of Maryland denied.

No. 979, *Misc.* Ralph A. Vanella, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 990, *Misc.* Thomas Gene Rasmussen, petitioner, *v.* John T. Willingham, Jr., warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 991, *Misc.* William Reid Black, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1000, *Misc.* George A. Berry, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 1001, *Misc.* Jose Lujan, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1002, *Misc.* Fred D. Murray petitioner, *v.* L. E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1006, *Misc.* James W. Harbold, petitioner, *v.* Alfred T. Rundle, Superintendent, State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1008, *Misc.* David Smith, Jr., 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. 1009, *Misc.* Luther Edwin Floyd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1012, *Misc.* Willard Willoughby, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1014, *Misc.* Britton Preston, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1016, *Misc.* Andrew L. Jacobs, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1017, *Misc.* Orlando Gutierrez Acosta, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1018, *Misc.* Murray Juneau, petitioner, *v.* J. Wayne Allgood, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1019, *Misc.* Edward Beadle, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1020, *Misc.* Paul Zucker, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1026, *Misc.* Charles T. McCaulley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1028, *Misc.* Manuel Parra, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1033, *Misc.* Daniel Joe Figaratto, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1034, *Misc.* John L. Richardson, petitioner, *v.* Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1036, *Misc.* James Conway, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1037, *Misc.* Charles Clemons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1038, *Misc.* Henry Hanshaw, petitioner, *v.* Frank Eymann, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. **1039, Misc.** Philip Eidenmueller, 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. **1040, Misc.** Cora S. Nelms, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1041, Misc.** George Dana Cramer, 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. **1045, Misc.** Ernest Dallas, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1046, Misc.** Fred D. McCreary, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1047, Misc.** Louis Hayward White, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1048, Misc.** John Paul Bellam, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1049, Misc.** Robert Walker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1053, Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent of the Washington State Penitentiary, et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. **1054, Misc.** Johnny Banks, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, denied.

No. **1056, Misc.** Don Hoptowit, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. **1057, Misc.** Calvin Ray Reed, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1058, Misc.** Phillip B. Anderson, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1061, Misc.** Florence A. Ellis and William S. Ellis, Jr., petitioners, *v.* Lyman T. Harada et al. Petition for writ of certiorari to the Supreme Court of Hawaii denied.

No. **1062, Misc.** Herbert A. Ellenbogen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1071, Misc.** Kenneth Arthur Haas, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. **1077, Misc.** Clayton Staggs, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1079, Misc.** Wilson Wooten, petitioner, *v.* C. Murray Henderson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **1082, Misc.** Frank Harvey and Jesse Webster Joyner, petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1083, Misc.** William J. Ford, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1086, Misc.** Clemmie Lewis, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1087, Misc.** Daniel Lee, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1088, Misc.** James Edward Thomas, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1089, Misc.** Alonzo Johnson, petitioner, *v.* Department of Correction, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1090, Misc.** Michael H. Grove, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1091, Misc.** Arthur Lepper, petitioner, *v.* Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. **1096, Misc.** Fred L. Smith, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District, denied.

No. **1099, Misc.** William Marvin Butler, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1102, **Misc.** Freddie Coleman, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1106, **Misc.** Charles Daniels, Jr., petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1108, **Misc.** Lester King, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1110, **Misc.** Joe Louis Pierson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1113, **Misc.** Robert Gatewood, petitioner, *v.* Edward J. Hendrick, Superintendent, County Prisons. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1114, **Misc.** Roscoe Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1115, **Misc.** William M. Heacock, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1116, **Misc.** Vincent Lee, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1118, **Misc.** Karl H. Stell, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1199, **Misc.** Ethan Allan Beer, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 315, **Misc.** Norris Eugene Johnson, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeals of Florida, Third District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 863, **Misc.** Alastair Kyle, petitioner, *v.* Cornelius W. Wickersham, Jr., and Warren Max Deutsch. Motion to substitute Elizabeth S. Wickersham in place of Cornelius W. Wickersham, Jr., as a party respondent granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1094, **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 and for other relief denied.

No. 2, **Misc.** Irvin Goodspeed, 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.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 4, Misc. James W. Carter, 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. Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 5, Misc. John J. Breen, 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. Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 7, Misc. Leslie Stanley, Jr., alias Joseph Saunders, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 16, Misc. William E. Wagoner, 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 would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 17, Misc. William E. Warden, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 21, Misc. Alfred Taylor, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated

in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 77, Misc. Bethal Ray Fairris, 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 would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 403, Misc. John Hunter Stockwell, 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.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 530, Misc. Willie Earl Clark, 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.

Mr. Justice Douglas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of Mr. Justice Brennan in *Spencer v. Texas*, 385 U.S. —.

No. 8, Misc. Bobby Ralph Lott, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 13, Misc. Henry Walter Stoneham, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 14, Misc. Jesse Capuchino, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 59, **Misc.** Gerald Dixon Fletcher, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 84, **Misc.** Arthur G. Abel, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 109, **Misc.** Reuben Booker, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 718, **Misc.** Joe Y. Gamez, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 590, **Misc.** Jerry Ross Platt, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas would grant the petition for writ of certiorari and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 931, **Misc.** Henry Sliva, petitioner, *v. A. T. Rundle*, Superintendent, State Correctional Institution;

No. 1084, **Misc.** William Eugene Ring, petitioner, *v. Superintendent, California Medical Facility, et al.*;

No. 1095, **Misc.** Honorio Adorno Lorenzana, petitioner, *v. Warden of the San Juan District Jail*;

No. 1098, **Misc.** Harold Eidinoff, petitioner, *v. James H. Kreimeyer, Acting Superintendent, Rusk State Hospital, et al.*;

No. 1101, **Misc.** Charles J. Boucher, petitioner, *v. Paul H. Preston et al.*; and

No. 1124, **Misc.** Joseph D. Stewart, petitioner, *v. California*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 851, *Misc.* Leon G. Schack, petitioner, *v.* Florida et al. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

No. 1, *Misc.* Thomas Lorenzo Williams, petitioner, *v.* Texas;

No. 11, *Misc.* Alfred Taylor, petitioner, *v.* Texas;

No. 74, *Misc.* Windell Odell Stephens, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 116, *Misc.* Fred A. Smith, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections; and

No. 238, *Misc.* William Henry Beck, petitioner, *v.* George J. Beto, Director, Department of Corrections. Motions for leave to file petitions for writs of habeas corpus denied. Mr. Justice Douglas dissents.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1064, *Misc.* Chester Campbell, petitioner, *v.* United States Court of Appeals for the Sixth Circuit et al.;

No. 1072, *Misc.* Jacob J. Gordon, petitioner, *v.* Massachusetts; and

No. 1074, *Misc.* Endel E. Soots et ux., petitioners, *v.* Attorney General of the United States; Motions for leave to file petitions for writs of mandamus denied.

No. 1093, *Misc.* Sherman H. Skolnick, petitioner, *v.* James B. Parsons et al., etc. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

No. 1206, *Misc.* Sherman Skolnick, petitioner, *v.* William J. Campbell, etc. 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. 965, *Misc.* Hubert James Putt, petitioner, *v.* United States District Court for the Northern District of Georgia et al. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 740. Marina Mercante Nicaraguense, S. A., as owner of the Motor Vessel "El Salvador", petitioner, *v.* McAllister Brothers, Inc., etc., et al.;

No. 767. Charles A. Nave, appellant, *v.* City of Seattle;

No. 784, *Misc.* Bobby Dean Todd, petitioner, *v.* United States;

No. 824, *Misc.* Fred A. Newell, petitioner, *v.* Ray H. Page, Warden;

No. 869, *Misc.* Robert R. Ebell, petitioner, *v.* Richard A. McGee, etc., et al.;

No. 997, **Misc.** Bernard Steppe, Jr., petitioner, *v.* Florida; and
No. 998, **Misc.** Gregory Gene Kinderman, petitioner, *v.* Ralph H.
Tahash, Warden. Petitions for rehearing denied.

No. 453. Joseph P. Ruth, petitioner, *v.* Blue River Constructors
et al. Motion for leave to file second petition for rehearing denied.

No. 622. Charles Alvin Soape et ux., petitioners, *v.* Louisiana
Power and Light Company et al. Motion for leave to dispense with
printing petition for rehearing granted. Petition for rehearing
denied.

No. 690. Robert H. Martin, petitioner, *v.* Phillips Petroleum Com-
pany et al. Motion to defer consideration and for leave to supple-
ment the petition denied. Petition for rehearing denied.

No. 665, **Misc.** Eugene Loyd Webb, petitioner, *v.* George Beto, Di-
rector, Texas Department of Corrections;

No. 853, **Misc.** James T. Pope, petitioner, *v.* Jacob J. Parker,
Warden, et al. Motions for leave to file petitions for rehearing
denied.

ORAL ARGUMENT

No. 342. Federal Trade Commission, petitioner, *v.* The Procter &
Gamble Company. Argued by Mr. Solicitor General Marshall for
the petitioner and by Mr. Frederick W. R. Pride and Mr. Kenneth C.
Royall for the respondent.

No. 209. Railroad Transfer Service, Inc., petitioner, *v.* The City
of Chicago et al. Argued by Mr. Amos M. Mathews for the peti-
tioner and by Mr. Raymond F. Simon for the respondents.

No. 371. Crown Coat Front Co., Inc., petitioner, *v.* United States.
Argument commenced by Mr. Edwin J. McDermott for the petitioner
and continued by Mr. David Rose for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 14, 1967, will be as follows:
Nos. 371, 164, 310, 214, 391, and 92.

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 B. Griswold, of Portland, Oreg., and Otto R. Skopil, Jr., of Salem, Oreg., on motion of Mr. Wendell Wyatt; Nick Chaivoe, of Portland, Oreg., on motion of Mr. William Berg, Jr.; Nahum Litt, of Washington, D.C., on motion of Mr. Robert W. Ginnane; Louis Pohoryles, of Greenbelt, Md., on motion of Mr. Carleton R. Sickles; B. Michael Rauh, of Alexandria, Va., on motion of Mr. Joseph L. Rauh, Jr.; Walt Thomas Zielinski, of New York, N.Y., on motion of Mr. Charles Buchanan Smith; Richard J. Testa, of Boston, Mass., on motion of Mr. Eugene F. Bogan; Norman Haskell Sokolow, of Los Angeles, Calif., on motion of Mr. William E. James; Corbin Lee Snow, Jr., of Austin, Tex., on motion of Mr. Linward Paul Shivers; Michael Schwartz, of Brooklyn, N.Y., on motion of Mr. Robert S. Rifkind; J. D. Burdick, of Palo Alto, Calif., on motion of Mr. John Gordon Gearin; Marvin E. Preis, of Washington, D.C., on motion of Mr. Cyril S. Lawrence; Douglas MacKinnon Andrews, of DeFuniak Springs, Fla., Ernest Clifford Wimberly, of Fort Walton Beach, Fla., and Stephens Blakely Woodrough, of South Port Mitchell, Ky., on motion of Mr. John Franklin Lee; William H. Buchanan, of Pittsburgh, Pa., on motion of Mr. R. Clyde Cruit; and Elsa Kievits, of Beverly Hills, Calif., Doris Brin Walker, of San Francisco, Calif., Lawrence L. Duga, of Berkeley, Calif., David B. Finkel, of Los Angeles, Calif., James Herndon, of San Francisco, Calif., David Sheldon Levinson, of San Francisco, Calif., Francis J. McTernan, of San Francisco, Calif., Frank S. Pestana, of Los Angeles, Calif., Frederick S. Reinheimer, of San Jose, Calif., Arthur M. Schaffer, of San Francisco, Calif., William Gordon Smith, of Los Angeles, Calif., Marvin E. Stender, of San Francisco, Calif., and Robert Edward Treuhaff, of Oakland, Calif., on motion of Mr. Joseph Forer were admitted to practice.

ORAL ARGUMENT

No. 371. Crown Coat Front Co., Inc., petitioner, *v.* United States. Argument continued by Mr. David Rose for the respondent and concluded by Mr. Edwin J. McDermott for the petitioner.

No. 164. Ayako Honda et al., petitioners, *v.* Nicholas deB. Katzenbach, Attorney General of the United States. Argued by Mr. Joseph L. Rauh, Jr. for the petitioners and Mr. Richard A. Posner for the respondent. Memorandum for petitioners to come.

No. 310. Federal Trade Commission, petitioner, *v.* Jantzen, Inc. Argued by Mr. Ralph S. Spritzer for the petitioner and by Mr. Edwin S. Rockefeller for the respondent.

No. 214. The Fleischmann Distilling Corporation et al., petitioners, *v.* Maier Brewing Company et al. Argued by Mr. Moses Lasky for the petitioners and by Mr. J. Albert Hutchinson for the respondents.

No. 391. State Farm Fire and Casualty Company et al., petitioners, *v.* Kathryn Tashier et al. Argument commenced by Mr. Otto R. Skopil, Jr. for the petitioners.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, February 15, 1967, will be as follows:
Nos. 391, 92, 180, and 223.

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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

Andrew Jacobs, Jr., of Indianapolis, Ind., on motion of Mr. Lee H. Hamilton; Don G. Abel, Jr., of Seattle, Wash., on motion of Mr. Brockman Adams; Weldon Holcomb, of Tyler, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Gilbert G. Pompa, of San Antonio, Tex., on motion of Mr. Kenneth H. Burns; Donald J. Guittar, of Cleveland, Ohio, on motion of Mr. Charles Sylvanus Rhyne; Rodney G. Buckles, of Oklahoma City, Okla., on motion of Mr. Melvin Richter; Charles Luke McKissack, of Los Angeles, Calif., on motion of Mr. Gerhard Van Arkel; Charles Kraut, of Chicago, Ill., on motion of Mr. Richard T. Burris; Donald Edward Engle, of St. Paul, Minn., on motion of Mr. Gary L. Cowan; Leslie Stuart Blicher, of Silver Spring, Md., on motion of Mr. John Burns Hausner; Charles O'Connell, of St. Paul, Minn., on motion of Mr. Mallory L. Miller, Jr.; Joel Joseph Rabin, of Milwaukee, Wis., on motion of Mr. Stanley Sporkin; and Paul A. Teschner, of Chicago, Ill., on motion of Mr. Gerry Levenberg, were admitted to practice.

ORAL ARGUMENT

No. 391. State Farm Fire and Casualty Company et al., petitioners, *v.* Kathryn Tashire et al. Argument continued by Mr. Nick Chaivoe and Mr. James Griswold for the respondents and concluded by Mr. John Gordon Gearin for the petitioners.

No. 92. Roland Camara, appellant, *v.* Municipal Court of the City and County of San Francisco. Argued by Mr. Marshall W. Krause for the appellant and by Mr. Albert W. Harris, Jr., for the appellee.

No. 180. Norman See, appellant, *v.* City of Seattle. Argued by Mr. Norman Dorsen for the appellant and by Mr. A. L. Newbould for the appellee.

No. 223. Jesse James Gilbert, petitioner, *v.* California. Argument commenced by Mr. Luke McKissack for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, February 16, 1967, will be as follows:
Nos. **223, 334, 254, and 456.**

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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 B. Bowers, of Columbia, S.C., and Harry M. Lightsey, Jr., of Columbia, S.C., on motion of Mr. Ernest F. Hollings; Tom Bevill, of Jasper, Ala., on motion of Mr. George Huddleston, Jr.; Theodore Wieseman, of Washington, D.C., on motion of Miss Beatrice Rosenberg; Samuel Douglas Sechser, of Sioux Falls, S. Dak., on motion of Mr. Harold O. Lovre; Eric A. Seiff, of New York, N.Y., on motion of Mr. H. Richard Uviller; Kenneth James Auburger, of Potomac, Md., on motion of Mr. Joseph P. Maloney; Bernard James McGraw, of Tulsa, Okla., on motion of Mr. Terrence C. Sheehy; James Elliott Espe, of Louisville, Ky., on motion of Mr. Oscar B. Waddell; Edward S. Cowen, of New York, N.Y., on motion of Mr. Charles Seligson; Charles W. Ennis, of Denver, Colo., on motion of Mr. Charles Franklin Cook, Jr.; William E. Hellerstein, of New York, N.Y., on motion of Mr. Leon P. Polsky; Frank Edward Grutzik, of Silver Spring, Md., and David Homer, of Herndon, Va., on motion of Mr. Joseph A. Woolman; Tom Watson Brown, of Atlanta, Ga., and James R. Harland, Jr., of Atlanta, Ga., on motion of Mr. James Franklin Rill; and David S. Brown, of New York, N.Y., R. Jay Engel, of San Francisco, Calif., Michael J. Kennedy, of San Francisco, Calif., Douglas E. Robertson, of Bowling Green, Ky., and Robert D. Simmons, of Bowling Green, Ky., on motion of Mr. George F. Galland, were admitted to practice.

ORAL ARGUMENT

No. 223. Jesse James Gilbert, petitioner, *v.* California. Argument continued by Mr. Norman H. Sokolow and Mr. William E. James for the respondent and concluded by Mr. Luke McKissack for the petitioner.

No. 334. United States, petitioner, *v.* Billy Joe Wade. Argued by Miss Beatrice Rosenberg for the petitioner and by Mr. Weldon Holcomb for the respondent.

No. 254. Theodore Stovall, petitioner, *v.* Wilfred Denno, Warden. Argued by Mr. Leon B. Polsky for the petitioner, by Mr. William

Cahn for the respondent and by Mr. H. Richard Uviller for the New York State District Attorney's Association, as *amicus curiae*.

Adjourned until Monday, February 20, 1967, at 10 o'clock.

The day call for Monday, February 20, 1967, will be as follows:
Nos. **456, 118, 914, and 972.**

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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 K. Flanagan, of La Crosse, Wis., and Robert D. Preston, of Lexington, Ky., on motion of Mr. Solicitor General Thurgood Marshall; Sarah Jane Cunningham, of McCook, Nebr., on motion of Mr. Carl T. Curtis; John E. Mathews, Jr., of Jacksonville, Fla., on motion of Mr. Spessard L. Holland; Bernard J. Mulherin, of Augusta, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Wilmont Sweeney, of Berkeley, Calif., on motion of Mr. James C. Corman; Mary Farris Goodwin, of St. Louis, Mo., and John M. Goodwin, of St. Louis, Mo., on motion of Mr. William Leonard Hungate; John J. Crews, Jr., of Macclenny, Fla., and William G. O'Neill, of Ocala, Fla., on motion of Mr. C. Farris Bryant; Marvin A. Bass, of New York, N.Y., on motion of Mr. Jules Fink; Harry M. Reasoner, of Houston, Tex., on motion of Mr. David T. Searls; Milton Burke Allen, of Baltimore, Md., on motion of Mr. Arthur M. Reynolds; John I. Rogers III, of Bennettsville, S.C., on motion of Mr. Duncan B. Phillips; Lionel Wernick, of New York, N.Y., on motion of Mr. Michael Gould; William Marsh Rice Lummis, of Houston, Tex., on motion of Mr. Leon M. Payne; Robert C. Bickford, of New York, N.Y., on motion of Mr. Albert C. Bickford; David G. Leach, of San Francisco, Calif., on motion of Mr. Daniel E. Leach; Samuel Pizar, of Beverly Hills, Calif., on motion of Mr. Laurence I. Hewes III; Frank M. Farris, Jr., of Nashville, Tenn., on motion of Mr. Joseph J. O'Malley; and Jacob P. Billig, of Washington, D.C., on motion of Mr. Gordon P. MacDougall, were admitted to practice.

OPINIONS

No. 27. James V. Giles et al., petitioners, *v.* Maryland. On writ of certiorari to the Court of Appeals of Maryland. Judgment vacated and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Mr. Justice Brennan announced the judgment of the Court and an opinion in which Mr. Chief Justice Warren and Mr. Justice Douglas join. Concurring opinion by Mr. Justice White. Opinion by Mr. Justice Fortas concurring in the judgment. Dissenting opinion by Mr. Jus-

tice Harlan with whom Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Stewart join.

No. 95. Ruth Elizabeth Chapman and Thomas LeRoy Teale, petitioners, *v. California*. On writ of certiorari to the Supreme Court of California. Judgment reversed and case remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Stewart concurring in the result. Dissenting opinion by Mr. Justice Harlan.

No. 103. Joe Nathan Cooper, petitioner, *v. California*. On writ of certiorari to the Supreme Court of California. Judgment affirmed. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Fortas join.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 235. William W. Kilgarlin et al., appellants, *v. John L. Hill, Secretary of State of Texas, et al.* Appeal from the United States District Court for the Southern District of Texas. Judgment reversed and case remanded to the United States District Court for the Southern District of Texas for further proceedings consistent with the opinion of this Court. Opinion *per curiam*. Concurring opinion by Mr. Justice Douglas. Mr. Justice Clark would affirm the judgment. Mr. Justice Harlan and Mr. Justice Stewart would affirm the judgment in its entirety, on the basis of the reasoning contained in Mr. Justice Harlan's dissenting opinion in *Swann v. Adams*, 385 U.S. 440.

No. 503, Misc. Hugh Wendell MacDonald, appellant, *v. California*. Appeal from the Appellate Department of the Superior Court of California, County of Orange. 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. 751, Misc. Carl Kimbro, petitioner, *v. Henry Heer, Warden*. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Middle District of Tennessee for a hearing. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that certiorari should be denied.

ORDER IN PENDING CASE

No. 891. Corvallis Sand & Gravel Co. et al., petitioners, *v.* Hoisting and Portable Engineers Local Union No. 701 et al. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 929. Massachusetts, petitioner, *v.* Donald M. Painten. 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. 56, Misc. James Cleveland Burgett, 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.

CERTIORARI DENIED

No. 817. Bentley L. Holt et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 819. Richard Lamar Patterson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 842. Julius Black, Administrator of the Estate of David Victor Black, petitioner, *v.* United States et al.; and

No. 960. Ruth Elizabeth Allen, etc., et al., petitioners, *v.* Mathiasen's Tanker Industries, Inc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 845. Continental Baking Company, petitioner, *v.* Federal Trade Commission;

No. 849. Langendorf United Bakeries, Inc., et al., petitioners, *v.* Federal Trade Commission; and

No. 852. Safeway Stores, Incorporated, petitioner, *v.* Federal Trade Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 927. Mitsubishi International Corporation et al., petitioners, *v.* A. O. Anderson & Co. et al.;

No. 933. China Union Lines, Ltd., petitioner, *v.* A. O. Andersen & Co. et al.; and

No. 934. Lan Jing-Chau et al., petitioners, *v.* A. O. Andersen & Co. et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 932. Darrell D. MacIntyre, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 940. Alexander Wallace, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 941. William H. Maness et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 943. William Marks, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 945. Lawrence P. Hickey et al., petitioners, *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 948. Booker T. Duke, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 961. Max Wright, T/A Wright's Grocery, petitioner, *v.* Masonite Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 963. Marian Ford Stucker, petitioner, *v.* The College Life Insurance Company of America. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 729, Misc. Richard J. Mayberry et al., petitioners, *v.* James F. Maroney, Superintendent of State Correctional Institution et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 782, Misc. James Lee Marion, petitioner, *v.* Grady Harrist. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 845, Misc. Rufus E. Davis, petitioner, *v.* Jesse A. Tubbs. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 854, Misc. Everett Graves, petitioner, *v.* Louie L. Wainwright. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 912, Misc. Norman Benjamin Parson, petitioner, *v.* Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 952, Misc. Luis Paz-Sierra, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1005, **Misc.** Richard Eugene Sires, petitioner, *v.* William N. Goodwin, Judge, United States District Court, Eastern District of Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1055, **Misc.** Robert F. Urbano, petitioner, *v.* Federal Bureau of Investigation et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1067, **Misc.** Ben T. Mathis, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1085, **Misc.** Richard Cabassa Esteban, petitioner, *v.* Richard A. Chappell, Chairman, U.S. Board of Parole. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1104, **Misc.** Harvey J. Britton, 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. 1125, **Misc.** Michael Frederick Lingo, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1127, **Misc.** Joseph S. Juarez, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1129, **Misc.** William D. Messamore, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1131, **Misc.** Bert Eugene Farrell, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1133, **Misc.** Malcolm Jackson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1134, **Misc.** Emerson Jones, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1135, **Misc.** Charles James Holmes, 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. 1137, **Misc.** Alonzo Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1143, **Misc.** Phillip L. Pelletier, petitioner, *v.* Jacob J. Parker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1149, **Misc.** James V. Miller, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1150, **Misc.** Donald Allen Phelps, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1151, **Misc.** Edward Gobie, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1153, **Misc.** Anthony Frank Zurica, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1155, **Misc.** Ben Lewis, alias Ben Lewis Ehrlich, petitioner, *v.* Illinois et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1156, **Misc.** William D. Werner, petitioner, *v.* California Department of Corrections et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1158, **Misc.** Ronald E. Lawrence, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1160, **Misc.** Leroy Harshaw, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 10, **Misc.** Arturo Gomez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 646, **Misc.** Paul W. Botsch, Jr., 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. 788, **Misc.** James Ernest Butterwood, 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.

No. 938, **Misc.** Maurice Wheeler Cartwright, Jr., 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. 15, **Misc.** Booker T. Hillery, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. The Chief Justice, Mr. Justice Douglas and Mr. Justice Fortas would grant the petition and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

No. 1052, **Misc.** Willie Ross, alias Willie Harrison, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. The Chief Justice, Mr. Justice Douglas and Mr. Justice Fortas would grant the petition and reverse the judgment of the court below for the reasons stated in the dissenting opinion of the Chief Justice in *Spencer v. Texas*, 385 U.S. —.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

- No. 1128, **Misc.** Ben Hitchcock, petitioner, *v.* Arizona et al. ;
 No. 1140, **Misc.** Raymond Luther Bryans, Jr., petitioner, *v.* United States ;
 No. 1147, **Misc.** Glenn Gilchrist, petitioner, *v.* Florida ;
 No. 1161, **Misc.** William T. Loftis, petitioner, *v.* Frank A. Eyman, Warden, et al. ; and
 No. 1184, **Misc.** Norman Brabson, petitioner, *v.* Vincent R. Mancusi, Warden. Motions for leave to file petitions for writs of habeas corpus denied.
 No. 1148, **Misc.** Samuel Willie Wright, petitioner, *v.* L. L. Wainwright, Director, Florida 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.

REHEARINGS DENIED

- No. 36. Duke Lee Lewis, petitioner, *v.* United States ;
 No. 53. National Labor Relations Board, petitioner, *v.* C & C Plywood Corporation ;
 No. 758. Paul Nehring, Jr., appellant, *v.* City of DeKalb et al. ;
 No. 761. Norman M. Littell, petitioner, *v.* Stewart L. Udall, Secretary of the Interior ;
 No. 803. Luigi Bafico, petitioner, *v.* Southern Pacific Company ;
 No. 830. Grace Line, Inc., et al., petitioners, *v.* Michael J. Kanton ;
 No. 841. Country Mutual Insurance Company, petitioner, *v.* Gustav Andeen, Administrator of the Estate of Gustav K. Andeen, et al. ;
 No. 645, **Misc.** Ray Dodge, petitioner, *v.* Utah ;
 No. 705, **Misc.** Donald R. Elbel, petitioner, *v.* United States ;
 No. 767, **Misc.** Peter D. Bogart, appellant, *v.* Roger J. Traynor, Chief Justice of the State of California, et al. ; and
 No. 982, **Misc.** Paul Grear, petitioner, *v.* Ohio. Petitions for rehearing denied.
~~No. 982, **Misc.** Paul Grear, petitioner, *v.* Ohio. Petitions for rehearing denied.~~
 No. 29. Z. T. Osborn, Jr., petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. **666**. Charles E. Lester et al., petitioners, *v.* United States. Motion for leave to file supplement to the petition for rehearing denied. Petition for rehearing denied.

No. **777, Misc.** Vincent Fontana, petitioner, *v.* Merle R. Schneekloth, Warden, et al. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, February 27, 1967, until Monday, March 13, 1967.

ORAL ARGUMENT

No. **456**. Beys Afroyim, petitioner, *v.* Dean Rusk, as Secretary of State. Argued by Mr. Edward J. Ennis for the petitioner and by Mr. Charles Gordon for the respondent.

No. **118**. James A. Dombrowski et al., petitioners, *v.* James Eastland, etc., et al. Argued by Mr. Arthur Kinoy for the petitioners and by Mr. Roger Robb for the respondents.

No. **914**. United States, appellant, *v.* First City National Bank of Houston et al. Argument commenced by Mr. Donald F. Turner for the appellant.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, February 21, 1967, will be as follows: Nos. **914, 972, and 241**.

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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

Robert J. Potts, Jr., of Austin, Tex., on motion of Mr. Ralph W. Yarborough; Robert Burns Morrill, of Reno, Nev., on motion of Mr. Howard W. Cannon; James Edward Buck, of Cuyahoga Falls, Ohio, on motion of Mr. Hamer H. Budge; Edwin O. Halpert, of Providence, R.I., on motion of Mr. Maurice C. Goodpasture; Richard A. Solomon, of Charleston, S.C., on motion of Mr. Saul C. Oppenheim; Allen E. Lockerman, of Atlanta, Ga., and Melvin Scott, of Colchester, Conn., on motion of Mr. William H. Schroder; Richard C. Bull, of Villanova, Pa., John Francis Gough, of Norristown, Pa., and LeRoy E. Perper, of Wyncote, Pa., on motion of Mr. Bernard V. Lentz; Maurice J. Ferriter, of Holyoke, Mass., on motion of Mr. George Spiegel; David R. Hardy, of Kansas City, Mo., on motion of Mr. Abraham Krash; Dennis J. Kenny, of Buffalo, N.Y., on motion of Mr. Benjamin W. Boley; and Herbert Adelman, of Arlington, Va., on motion of Mr. George Kaufmann, were admitted to practice.

ORAL ARGUMENT

No. 914. United States, appellant, *v.* First City National Bank of Houston et al. Argument continued by Mr. Donald F. Turner for the appellant, by Mr. David T. Searls and Mr. Eugene J. Metzger for the appellees and concluded by Mr. Donald F. Turner for the appellant.

No. 972. United States, appellant, *v.* Provident National Bank et al. Argued by Mr. Donald F. Turner for the appellant and by Mr. Frederick L. Ballard and Mr. Joseph J. O'Malley for the appellees.

Adjourned until Thursday, February 23, 1967, at 10 o'clock.

The day call for Thursday, February 23, 1967, will be as follows:
Nos. 241, 150, and 37.

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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

Donovan Worden, Jr., of Missoula, Mont., and James Van Petten Noble, of Santa Fe, N. Mex., on motion of Mr. Jackson E. Betts; Ronald Ray Pentecost, of Lansing, Mich., on motion of Mr. Charles E. Chamberlain; Granville H. Crabtree, Jr., of Sarasota, Fla., on motion of Mr. William C. Cramer; Harold E. Rogers, Jr., of San Francisco, Calif., on motion of Mr. Robert L. Leggett; William E. Ready, of Meridian, Miss., Arden E. Shenker, of Portland, Oreg., Thomas K. Thorpe, of Portland, Oreg., Glenn L. Greene, Jr., of Miami, Fla., and Samuel A. Miceli, Jr., of New Orleans, La., on motion of Mr. Harold Barefoot Sanders; Leo P. Larkin, Jr., of New York, N.Y., on motion of Mr. William P. Rogers; Robert V. Nystrom, of Chicago, Ill., on motion of Mr. Charles E. Green; J. A. Gooch, of Fort Worth, Tex., John Herbert Clay, of Philadelphia, Pa., and Ewell G. Moore, Jr., of Falls Church, Va., on motion of Mr. Charles E. Pledger; William Brantner Korth, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald; Barry J. Lipson, of New York, N.Y., Jed Davis, of New York, N.Y., and Peter Linzer, of New York, N.Y., on motion of Mr. Charles F. Gorder; James R. Ziperski, of Milwaukee, Wis., on motion of Mr. William P. Sullivan; Howard C. Equitz, of Milwaukee, Wis., on motion of Mr. John Waddleton; Eve Preminger, of New York, N.Y., on motion of Mr. Theodore H. Friedman; S. James Clarkson, of Southfield, Mich., on motion of Mr. Wilbur Sparks; J. Robertshaw, of Greenville, Miss., and Robert B. Adam, of Gulfport, Miss., on motion of Mr. Peter McKenzie Stockett, Jr.; Robert A. Hess, of Royal Oak, Mich., and John E. Schippel, of Detroit, Mich., on motion of Mr. Norman C. Paulson; Richard Harold Bassin, of Elizabeth, N.J., Raymond T. Bennett, of New York, N.Y., James P. DeStefano, of Emerson, N.J., and Joel Louis Shoobe, of Paterson, N.J., on motion of Mr. Bernard Chazen; Alfred R. Genkinger, of New York, N.Y., George Calvin Hanson, of Hamden, Conn., Bennet Hugh Silverman, of New York, N.Y., and Kenneth Louis Stein, of New York, N.Y., on motion of Mr. Richard Kent Stacer; and Herbert Furrer Smith, of Granada Hills, Calif., William Frank Worthington, of San Francisco, Calif., Matthew S. Rae, Jr., of Los Angeles, Calif., Donald R. Moore, of Washington, D.C., Alex A. Hotchkiss, of Lyn-

don, Kans., Don Hutson, of Kansas City, Mo., C. Raymond Judice, of Houston, Tex., and Thomas R. Nelipowitz, of Syracuse, N.Y. were admitted to practice.

ORAL ARGUMENT

ON MOTION OF
MR. ROBERT E. REDDING

No. 241. National Bellas Hess, Incorporated, appellant, *v.* Department of Revenue of State of Illinois, etc. Argued by Mr. Archibald Cox for the appellant and by Mr. Terence F. MacCarthy for the appellee.

No. 150. The Associated Press, petitioner, *v.* Edwin A. Walker. One and one-half hours allowed for oral argument. Argued by Mr. William P. Rogers for the petitioner and by Mr. Clyde J. Watts for the respondent.

No. 37. Curtis Publishing Company, petitioner, *v.* Wallace Butts. One and one-half hours allowed for oral argument. Argued by Mr. Herbert Wechsler for the petitioner and by Mr. Allan E. Lockerman and Mr. William H. Schroder for the respondent.

Adjourned until Monday, February 27, 1967, at 10 o'clock.

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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 Stewart, and Mr. Justice White.

ADMISSIONS TO THE BAR

Jerome David Rosenfield, Jr., of Los Angeles, Calif., Robert J. Masters, of Midland, Pa., and Edward J. Tocci, of Aliquippa, Pa., on motion of Mr. Solicitor General Thurgood Marshall; John R. Dellenback, of Medford, Oreg., on motion of Mr. Edward W. Brooke; Richard C. Turner, of Council Bluffs, Iowa, Roger H. Ivie, of Des Moines, Iowa, and Paul G. Law, of Des Moines, Iowa, on motion of Mr. Jack R. Miller; Gordon R. Hall, of Tooele, Utah, on motion of Mr. Frank E. Moss; William John Hempel, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Bert Edward Church, of Wellington, Kans., on motion of Mr. Garner E. Shriver; William T. Basford, Jr., of Jacksonville, Fla., on motion of Mr. C. Farris Bryant; Donald M. Colasurd, of Columbus, Ohio, and Charles Jappe Neuger, of Cleveland, Ohio, on motion of Mr. William B. Saxbe; Robert E. Proaps, Jr., of Sacramento, Calif., on motion of Mr. Richard N. Little; Charles Nelson Brower, of Basking Ridge, N.J., and James B. Hurlock, of New York, N.Y., on motion of Mr. Orison S. Marden; Fred Rippy Edney, of Richmond, Va., on motion of Mr. E. Riggs McConnell; J. A. Zimmerman, Jr., of Seattle, Wash., on motion of Mr. Robert E. Redding; Myer Rosenberg, of Carlsbad, N. Mex., on motion of Mr. Max N. Edwards; Juan M. Garcia-Passalacqua, of San Juan, P.R., on motion of Miss Priscilla Holmes; William J. Keese, of Temple City, Calif., on motion of Mr. E. Lewis Reid; Michael P. Oshatz, of New York, N.Y., on motion of Mr. Gerald Brown; John Furman Lewis, of Dallas, Tex., on motion of Mr. Bernard A. Foster, Jr.; Christopher Samuel Bond, of Mexico, Mo., and Glen O. Robinson, of Washington, D.C., on motion of Mr. James H. McGlothlin; Albert Earle Garrett, Jr., of Danville, Va., William Allan Garrett, of Danville, Va., William H. Smith, of Danville, Va., Albert Earle Garrett III, of Danville, Va., and George Banister Anderson, of Danville, Va., on motion of Mr. G. Kenneth Miller; and Stewart J. Alexander, of San Antonio, Tex., Teodoro Arevalo, of San Antonio, Tex., David Hamilton Brune, of San Antonio, Tex., Morris Laverne Collins, of San Antonio, Tex., Edward Vincent Dylla, of San Antonio, Tex., Thomas J. Lee, of San Antonio, Tex., James Neal Martin, of San Antonio, Tex., Ollie K. Mayo, of San Antonio, Tex., Fred Nelson Pfeiffer, of San Antonio, Tex., Judson Hiram

Phelps, Jr., of San Antonio, Tex., Robert Paul Sims, of San Antonio, Tex., John Francis Tafolla, of San Antonio, Tex., Joe Villarreal, Jr., of San Antonio, Tex., Bruce Waitz, of San Antonio, Tex., and Richard Grady Weil, of San Antonio, Tex., on motion of Mr. William S. Fulton, Jr., were admitted to practice.

OPINIONS

No. 114. Manuel Vaca et al., petitioners, *v.* Niles Sipes, Administrator of the Estate of Benjamin Owens, Jr., deceased. On writ of certiorari to the Supreme Court of Missouri. Judgment reversed and case remanded to the Supreme Court of Missouri for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Harlan join concurring in the result. Dissenting opinion by Mr. Justice Black.

No. 352. Betty Levin, etc., petitioner, *v.* Mississippi River Fuel Corporation et al.; and

No. 359. Alleghany Corporation et al., petitioners, *v.* Mississippi River Fuel Corporation et al. On writs of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and cases remanded to the United States District Court for the Eastern District of Missouri for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 4. Cascade Natural Gas Corporation, appellant, *v.* El Paso Natural Gas Company et al.;

No. 5. People of the State of California, appellant, *v.* El Paso Natural Gas Company et al.; and

No. 24. 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. Judgment reversed and cases remanded to the United States District Court for the District of Utah for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of these cases.

Mr. Justice Black said:

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

OPINIONS PER CURIAM

No. 863. Shell Oil Company, appellant, *v.* State Board of Equalization of the State of California et al. Appeal from the Supreme

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

No. 684, Misc. Janet Phillips and William Ross Phillips, petitioners, *v.* California. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for a writ of certiorari granted. Judgment reversed and case remanded to the District Court of Appeal of California, Second Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Clark are of the opinion that the judgment should be vacated and the case remanded for further consideration in light of *Chapman v. California*. Mr. Justice Harlan would affirm the judgment below for the reasons set forth in his dissenting opinion in *Chapman v. California*.

No. 1044, Misc. Peter D. Bogart, appellant, *v.* Ronald Reagan, etc., et al. Appeal from the United States District Court for the Central District of California. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. The request for other relief is denied. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 31. United States, appellant, *v.* National Steel Corporation et al. The joint motion to refer this case to the United States District Court for the Southern District of Texas is granted, and the case is referred to that court for consideration of the settlement agreement.

CERTIORARI GRANTED

No. 806. Provident Tradesmens Bank and Trust Company, Administrator of the Estate of John R. Lynch, etc., petitioner, *v.* George M. Patterson, Administrator of the Estate of Donald Cionci, et al. 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. 967. Sam Umans, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 975. Lester J. Albrecht, petitioner, *v.* The Herald Company, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. 834. United Mine Workers of America, District 12, petitioner, *v.* Illinois State Bar Association et al. Motion of The American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of Illinois granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 843. Ward M. Vanderpool, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 853. Serrol Dubin, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Lake County, denied.

No. 872. J. Fleet Cowden et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 944. National Pneumatic Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 949. Estate of Max Steinberg, Deceased, Pearl Steinberg, Executrix, and Pearl Steinberg, Individually, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 950. Charles W. Spencer et al., petitioners, *v.* New Orleans Terminal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 964. 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. 965. Howard S. Katz et al., petitioners, *v.* Harold R. Tyler, Jr., Judge of the United States District Court for the Southern District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 970. Carmelita Teves Carriaga, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 973. Gerhard Brasch, petitioner, *v.* Superior Court of the State of California, in and for the City and County of San Francisco. Petition for writ of certiorari to the Supreme Court of California denied.

No. 980. Calvin Rogers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 983. Buford Wilson Worley et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 990. Samuel R. Kaplus et al., petitioners, *v.* Americana of Puerto Rico, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 996. Brownwood Manufacturing Company et al., petitioners, *v.* Tanenbaum Textile Company, Inc. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fifth Supreme Judicial District, denied.

No. 997. H. M. Harrington, Jr., et al., petitioners, *v.* Texas. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 762. Hyman Kalish, petitioner, *v.* Harold A. Hosier et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 859. American Trucking Associations, 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. Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 976. Delores Watkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 844, **Misc.** Eddie Lewis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1024, **Misc.** William E. Hagan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1060, **Misc.** James S. Coleman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1066, **Misc.** Moises Rivas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1078, **Misc.** Robert Thompson, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1103, **Misc.** Walter A. Dorsey, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1122, **Misc.** Porter D. White, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 1123, **Misc.** St. Clair Johnston, petitioner, *v.* A. L. Dutton, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1130, **Misc.** David H. Lawrence, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Third Judicial Department, denied.

No. 1132, **Misc.** Anne Bragg, petitioner, *v.* Sinclair Refining Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1136, **Misc.** Hazel Jones Boone, etc., et al., petitioners, *v.* J. A. Pritchett, Commissioner, et al. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1138, **Misc.** Bill Harvey Dukes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1142, **Misc.** Arthur Chavez Zavala, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1146, **Misc.** Hugh Joseph Hays, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1154, **Misc.** Charles E. Ringo, petitioner, *v.* John W. Wingo, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1157, **Misc.** James Bolin, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1159, **Misc.** Clarence Stewart, Jr., petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1162, **Misc.** Stephen Conover, 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. 1166, **Misc.** Willie Herman Hutchins, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1174, **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. 1175, **Misc.** Morris Edwin Anglin, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1182, Misc. James Eason, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1232, Misc. Charles Walker, petitioner, *v.* John W. Wingo, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 739, Misc. Ray Wayne Pierce, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied. Mr. Justice Douglas:

Denial of certiorari is proper in this case. I see no constitutional bar to a state court treating a petition for habeas corpus as a petition for rehearing where the habeas corpus petition raises the same questions as an earlier appeal. But federal habeas corpus is not so cramped, and the petitioner can, of course, petition a federal district court for a writ of habeas corpus. The underlying question is whether the *M'Naghten* test of legal insanity is a constitutionally permissible test of criminal liability in light of the contemporary state of knowledge on the problems of insanity. Should that test give way to the 128 years of experience in the fields of psychiatry and psychology since its formulation? Should it be replaced by the more sophisticated and realistic *Durham* test (*Durham v. United States*, 214 F. 2d 862) or some other test more in keeping with due process?

No. 1097, Misc. Raymond Ross, Jr., petitioner, *v.* George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1176, Misc. Rudolph L. Sandoval, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Dissenting opinion by Mr. Justice Douglas:

Police officers obtained warrants for the arrest of Coates and five others. They had been informed by an informer not known to be reliable, that Coates concealed heroin and burglary loot in his home, that the house served as a narcotics headquarters, and that at least one "connection" contacted Coates there by telephone. Apparently this information had been partially corroborated by an independent investigation implicating Coates and the others in a burglary operation. Officers stationed at the house saw Coates and a woman leave. They arrested Coates, saw puncture marks on the woman's hands, and arrested her. A search of the woman's person uncovered narcotics.

The police then entered Coates' home and saw narcotics in plain view. They arrested the occupants and began an extensive search of the premises. During the search, a telephone rang and an officer answered it. A voice asked, "Is this Jessie?" The officer replied that

it was. The caller said, "Man, where have you been? I've been waiting for you a long time. You were supposed to meet me some time ago." The officer replied that he had been delayed and would be along in a few minutes. The caller then said, "Well, hurry up, man, I can't stand around with this stuff in my pocket on the street. I might get picked up." When the conversation ended, the officer asked Coates what it meant. Coates explained that he had arranged to pick up heroin from a person named Rudy, gave the police a description of Rudy and his car, and specified the meeting place. The officers rushed off to the designated place and arrested and searched petitioner, finding narcotics used at petitioner's trial for possessing narcotics.

The California Supreme Court held that the officers had probable cause to arrest petitioner. The entry into Coates' home was lawful because the discovery of the narcotics on the woman, together with the informant's information and the information from the independent investigation, gave the officers probable cause to believe that people in the house possessed narcotics. Since they were lawfully in the house the police could answer the telephone and conceal their identities in order "to learn of possible unlawful activities." 65 Adv. Cal. App. 309, 314. The information given by Coates was confirmed when the officers saw petitioner. Thus, I assume that they had probable cause to arrest and search petitioner.

While we have sustained the validity of searches of the home of a person validly arrested (*Agnello v. United States*, 269 U. S. 20; *Harris v. United States*, 331 U. S. 145; *United States v. Rabinowitz*, 339 U. S. 56) we have stressed that the bounds of such searches are not unlimited. A search of the place where an arrest is made may be made "in order to find and seize things connected with the crime as its fruits or as the means by which it is committed, as well as weapons and other things to effect an escape from custody. . . ." *Agnello v. United States, supra*, at 30. Over and over again we have emphasized that a search incident to arrest cannot be a general exploratory search, but must be narrowly confined. See, e. g., *United States v. Lefkowitz*, 285 U. S. 451; *Harris v. United States, supra*, at 152-153; *United States v. Rabinowitz, supra*, at 62. In those cases, the search was designed to uncover fruits or instrumentalities of the crime for which the person was arrested. In this case the officer was engaged in a fishing expedition when he answered the telephone. He sought "to learn of possible unlawful activities." 65 Adv. Cal. App. 309, 314. And, the "possible unlawful activities" about which he was curious were not confined to those on the part of Coates' or even to those of the type which gave the officers justification for entering the house. The officer who answered the telephone and used artifice was engaged in a general, exploratory search to obtain evidence and leads incriminating anyone of any

possible crime. Until the intercepted conversation, there was absolutely no lead connecting petitioner with any unlawful activity.

The permissible bounds of a search of the premises of an arrest have thus been extended. The import of such extension is dangerous. Police often lawfully enter a house to make an arrest. If the decision below is sustained the police are given a roving commission to do things condemned by the Fourth Amendment—as long as they remain in the home which they have taken over. They are given license to make a general, exploratory search which the Fourth Amendment was designed to prevent.

It might be argued that petitioner lacks standing to object to the unlawful police conduct. This would be on the theory that he had no possessory interest in the home subjected to the search. It should be noted that neither the California Supreme Court, nor the State, relied upon petitioner's lack of standing. We have liberally interpreted the provision of Rule 41(e) of the Federal Rules of Criminal Procedure that a defendant must be a "person aggrieved" in order to suppress evidence in a federal court. See, *e.g.*, *Jeffers v. United States*, 342 U.S. 48; *Jones v. United States*, 362 U.S. 257. Argument is at least warranted on this point.

For the reasons stated I would grant certiorari in this case.

LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI DENIED

No. 1208, *Misc.* Carroll M. House, petitioner, *v.* Circuit Court of Howard County et al. Motion for leave to file petition for writ of certiorari denied.

REHEARINGS DENIED

No. 682. Angelo Passini, petitioner, *v.* United States;

No. 701. Charles Cole, et al., petitioners, *v.* United States; and

No. 975, *Misc.* Michael DeMaro, petitioner, *v.* United States; and

No. 749, *Misc.* Jewell James Williams, petitioner, *v.* United States.

Petitions for rehearing denied.

No. 32. James R. Hoffa, petitioner, *v.* United States:

No. 33. Thomas Ewing Parks, petitioner, *v.* United States;

No. 34. Larry Campbell, petitioner, *v.* United States; and

No. 35. Ewing King, petitioner, *v.* United States. Motion of Criminal Courts Bar Association of Los Angeles County for leave to file a brief, as *amicus curiae*, granted. Motion of Uniformed Sanitationmen's Association for leave to file a brief, as *amicus curiae*, granted. Motion to vacate judgment denied. Petition for rehearing denied. Mr. Justice White and Mr. Justice Fortas took no part in the consideration or decision of this petition and motions.

Adjourned until Monday, March 13, 1967, at 10 o'clock.

The day call for Monday, March 13, 1967, will be as follows: Nos. **233, 222, 101, and 249.**

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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. —. Phillip Kitzer, Sr., et al., petitioners, *v.* Honorable Edward J. Devitt, Judge, United States District Court for the District of Minnesota. The application for a stay of the trial of the case *United States v. Kitzer* in the United States District Court for the ~~Northern~~ District of North Dakota, presented to Mr. Justice White 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 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 W. Malek, of Miami Beach, Fla., A. E. N. Westcott, of Miami, Fla., Gerald L. Sbarboro, of Chicago, Ill., Thomas E. Kelly, of Hutchinson, Kans., Harry D. Shapiro, of Louisville, Ky., Philip J. Yazbeck, of Lafayette, La., Edgar L. O'Neill, Jr., of Pineville, La., Daniel J. O'Hern, of Red Bank, N.J., Richard Crawford Pugh, of Washington, D.C., Douglas L. Burau, of Grand Forks, N. Dak., Robert L. Monroe, of Enderlin, N. Dak., William Edward Pfadt, of Erie, Pa., and Leroy V. Amen, of Cheyenne, Wyo., on motion of Mr. Solicitor General Thurgood Marshall; Harold Lockhart Davison, of Aurora, Colo., on motion of Mr. Donald G. Brotzman; Robert B. Keating, of Denver, Colo., and Byron G. Rogers, Jr., of Denver, Colo., on motion of Mr. Byron G. Rogers; Lawrence Egerton, Jr., of Greensboro, N.C., on motion of Mr. Horace Robinson Kornegay; H. Joseph Gitlin, of Woodstock, Ill., on motion of Mr. Robert McClory; Charles A. Forrest, Jr., of Flint, Mich., on motion of Mr. Brice Wilson Rhyne; James R. Riley, Jr., of Denver, Colo., on motion of Mr. William S. Fulton, Jr.; Ira Michael Heyman, of Berkeley, Calif., on motion of Mr. William H. Dempsey, Jr.; Sarel M. Kandell, of Pawling, N.Y., on motion of Mr. Daniel A. Rezneck; David Bennett, of Austin, Tex., on motion of Mr. Robert Newton Reid; James Elwyn Daniels, of Chicago, Ill., and B. R. Tongren, of Peotone, Ill., on motion of Mr. Bernard Joseph Waters; James R. Fruchterman, of Chicago, Ill., on motion of Mr. Frank C. McAleer; Stephen Robert Wiener, of New York, N.Y., on motion of Mr. Newton Frohlich; James K. Arthur, of Chicago, Ill., on motion of Mr. John Glen Cassity; Gerald Shucklin, of Seattle, Wash., on motion of Mr. Stanton Pavian Sender; Francis Keil Decker, Jr., of New York, N.Y., on motion of Mr. Francis K. Decker; Alan M. Dershowitz, of Cambridge, Mass., on motion of Mr. Nathan Lewin; Ben Herzberg, of New York, N.Y., on motion of Mr. Milton Freeman; Thomas H. Routt, of Houston, Tex., on motion of Mr. Freeman W. Sharp, Jr.; Harold Simmons Tate, Jr., of Columbia, S.C., on motion of Mr. Leon William Vaseliades; George J. Roth, of Northridge, Calif., on motion of Mr. William E. James; Nathan B. Kaufman, of University City, Mo., on motion of Mr. Bernard Fenster-

wald, Jr.; Charles W. Salley, of Shreveport, La., on motion of Mr. Newell A. Clapp; and Leo M. Clark, of Denver, Colo., James Joseph Doherty, of Denver, Colo., George F. Elsner, of Castle Rock, Colo., Conrad Earl Gardner, of Goldon, Colo., Stevens P. Kinney II, of Denver, Colo., Douglas J. Malone, of Denver, Colo., Robert Stephen Meer, of Denver, Colo., Bernard H. Thorn, of Denver, Colo., Albert B. Wolf, of Denver, Colo., and Alan Woods, of Denver, Colo., on motion of Mr. Gordon Allott, were admitted to practice.

OPINIONS

No. 127. Federal Power Commission, petitioner, *v.* United Gas Pipe Line Company et al; and

No. 128. Memphis Light, Gas and Water Division, petitioner, *v.* United Gas Pipe Line Company 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 White. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Douglas and Mr. Justice Stewart join. Mr. Justice Fortas took no part in the consideration or decision of these cases.

No. 310. Federal Trade Commission, petitioner, *v.* Jantzen, Inc. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Harlan concurring: While I confess to great difficulty in driving through the statute to the Court's conclusion, I am content to acquiesce in my Brother Clark's opinion with the added help of the Second Circuit's opinion in *FTC v. Standard Motor Products, Inc.*, — F. 2d —.

No. 100. Peter H. Klopfer, petitioner, *v.* North Carolina. On writ of certiorari to the Supreme Court of North Carolina. Judgment reversed and case remanded to the Supreme Court of North Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Stewart concurs in the result. Opinion by Mr. Justice Harlan concurring in the result.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 46. Kenneth Reynolds Wheaton, petitioner, *v.* California. On petition for writ of certiorari to the District Court of Appeal of Cali-

fornia, Second Appellate District. Petition for writ of certiorari granted, judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. ———. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 726. The Wackenhut Corporation et al., appellants, *v.* Salvador Rodriguez Aponte, Superintendent of Police, et al. Appeal from the United States District Court for the District of Puerto Rico. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 759. Harold Swenson, Warden, petitioner, *v.* Clarence R. Bosler. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted and judgment affirmed. Opinion *per curiam*.

No. 827. City of Galveston et al., appellants, *v.* United States et al.; and

No. 828. The Atchison, Topeka and Santa Fe Railway Company et al., appellants, *v.* United States et al. Appeals from the United States District Court for the Southern District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 925. Roger Haendiges, appellant, *v.* Arthur Ford. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed, it appearing that the judgment below rests upon an adequate state ground. Opinion *per curiam*.

No. 938. Louisiana et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black and Mr. Justice White are of the opinion that probable jurisdiction should be noted and the case set for hearing.

No. 942. Alterman Transport Lines, Inc., et al., appellants, *v.* Public Service Commission of Tennessee et al. Appeal from the United States District Court for the Middle District of Tennessee. The judgment is affirmed. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that probable jurisdiction should be noted.

No. 12, Misc. Charles Robert Anders, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Fourth Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —.

Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 19, Misc. John Edward Daugherty, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Fourth Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 22, Misc. Harold Lloyd Garner, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 23, Misc. Chester Erb, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Fourth Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 32, Misc. Gerald F. Tettamble, petitioner, *v. Missouri*. On petition for writ of certiorari to the Supreme Court of Missouri. 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 Missouri for further consideration in light of *Swenson v. Bosler, ante*. Opinion *per curiam*.

No. 36, Misc. James Ronald Ricks, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant

certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386, U.S. —.

No. 37, Misc. Vernie M. Hudgins, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart is of the opinion that certiorari should be denied because the petition was not timely filed.

No. 38, Misc. William Earl Cotter, Jr., petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of California for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 39, Misc. Fred Propp, Jr., petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 44, Misc. William Gerald Otwell, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Third Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 46, Misc. Eugene Vinson Hollis, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and re-

versed the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 50, **Misc.** Norman Fontaine, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 52, **Misc.** Buell Sherman Shaw, petitioner, *v. California*. On petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Appellate Department of the Superior Court of California, County of Los Angeles, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 57, **Misc.** Gerald Glen Boyden, appellant, *v. California*. Appeal from the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would vacate the judgment and remand for reconsideration in light of the views stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 68, **Misc.** James Kinney Roy, petitioner, *v. California et al.* On petition for writ of certiorari to the District Court of Appeal of California, Fourth Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, Fourth Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 69, **Misc.** Arnold McClellan, petitioner, *v. California*. On petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment

ment vacated and case remanded to the District Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 140, **Misc.** Willie Ford, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further consideration in light of the *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 157, **Misc.** Stanley Ray Davis, 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 consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari, vacate the judgment, and remand for reconsideration in light of the views stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 332, **Misc.** Fred S. Adams, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 397, **Misc.** Lynn Wayne Hester, petitioner, *v. Harold R. Swenson, Warden*. On petition for writ of certiorari to the Supreme Court of Missouri. 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 Missouri for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 465, **Misc.** R. B. Michael, petitioner, *v. California*. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the District

Court of Appeal of California, Second Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 533, **Misc.** John Vernon Deckard, petitioner, *v.* Warden, Missouri State Penitentiary. On petition for writ of certiorari to the Supreme Court of Missouri. 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 Missouri for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 556, **Misc.** Albert G. Beattie, 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 consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 664, **Misc.** Jimmie Garrison, petitioner, *v.* California. On petition for a writ of certiorari to the District Court of Appeal of California, Third 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, Third Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. —. Opinion *per curiam*. Mr. Justice Stewart would grant certiorari and reverse the judgment for the reasons stated in his concurring opinion in *Chapman v. California*, 386 U.S. —.

No. 1180, **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. 1193, **Misc.** William H. Young, appellant, *v.* United States Board of Parole. 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*.

ORDERS IN PENDING CASES

No. ——. Frank Lee, as Commissioner of Corrections of Alabama et al., appellants, *v.* Caliph Washington et al., etc. The application for a stay presented to Mr. Justice Black, and by him referred to the Court, is granted pending final disposition of the appeal by this Court, provided the jurisdictional statement is filed and the case docketed in this Court within 20 days from this date.

No. 343. Prima Paint Corporation, petitioner, *v.* Flood & Conklin Mfg. Co. The motion of the American Arbitration Association for leave to file a brief, as *amicus curiae*, is granted.

No. 391. State Farm Fire and Casualty Company et al., petitioners, *v.* Kathryn Tashire et al. The motion of the Greyhound Lines, Inc. for leave to file a response to the *amici curiae* brief, after argument, is granted.

No. 395. Richard Perry Loving et ux., Appellants, *v.* Virginia. The motion of the Japanese American Citizens League for leave to participate in oral argument, as *amicus curiae*, is granted and fifteen minutes are allotted for that purpose. The appellee is allotted an additional fifteen minutes for oral argument.

No. 424. Jerry Douglas Mempa, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary; and

No. 734. William Earl Walkling, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. The motions of the petitioners for leave to proceed further herein *in forma pauperis* are granted. The motions of the petitioners for the appointment of counsel are granted and it is ordered that Evan L. Schwab, Esquire, of Seattle, Washington, be, and he is hereby, appointed to serve as counsel for the petitioners in these cases.

No. 1080. James Cleveland Burgett, petitioner, *v.* Texas. The motion of the petitioner for the appointment of counsel is granted and it is ordered that Gordon Gooch, Esquire, of Houston, Texas, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

APPEAL—JURISDICTION NOTED

No. 821, Misc. Nelson Sibrón, appellant, *v.* New York. Appeal from the Court of Appeals of New York. Motion for leave to proceed *in forma pauperis* granted. In this case probable jurisdiction noted and case transferred to the appellate docket.

CERTIORARI GRANTED

No. 895. Charles Katz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth

Circuit granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Whether evidence obtained by attaching an electronic listening and recording device to the top of a public telephone booth used and occupied by the Petitioner is obtained in violation of the Fourth Amendment to the United States Constitution.

A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth.

B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution.

"2. Whether the search warrant used by the Federal Officers in the instant case violated the Fourth Amendment to the United States Constitution in that said warrant was (a) not founded on probable cause; (b) an evidentiary search warrant and (c) a general search warrant."

The Court also wishes counsel to brief and present oral argument on the holding in *Frank v. United States*, 347 F. 2d 486 as it may affect this case.

No. 918. Hubert L. Will, Judge, United States District Court for the Northern District of Illinois, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 839. Henry Van Hummell, Inc., petitioner, *v. Commissioner of Internal Revenue*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 866. Morris Dubin, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 867. Norton S. Buck, petitioner, *v. City of Oregon, Ohio*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 873. Joseph Colozzo, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 885. Adelaide M. Brauer et al., petitioners, *v. City of Cleveland*. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 893. Snyder Brothers Company, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 899. Ohio ex rel. Sibarco Corporation et al., petitioners, *v.* City of Berea et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 903. James Henry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 909. Edward Limperis, Trustee in Bankruptcy of Process-Manz Press, Inc., petitioner, *v.* A. J. Armstrong Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 937. Holden Brown et al., petitioners, *v.* Sterling Aluminum Products Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 946. John Woody et al., petitioners, *v.* Sterling Aluminum Products, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 951. Harvey B. Collins, petitioner, *v.* Government of the Virgin Islands of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 969. Keco Industries, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 974. Lester Kraft et ux., d/b/a National Art Academy, petitioners, *v.* Board of Education of the District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 979. Douglas A. Smith, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Marin, denied.

No. 985. Neuhoff Bros. Packers, 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. 986. Southern Pacific Company, petitioner, *v.* Nathalie L. Dupont et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 987. Pearline Porter et al., petitioners, *v.* Gladys E. Porter. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 988. Steven Etienne Pshemensky, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 991. Estate of Sol Schildkraut, deceased, Eugene Schildkraut and Lester Schildkraut, Executors, petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 992. Daniel L. Ginsberg, etc., petitioner, *v.* United States. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 994. Russell W. Borrowdale, petitioner, *v.* Howard R. Reuland. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1006. Elijah Muhammad 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. 1008. National Maritime Union of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1018. John F. Bryan, Jr., and Lester N. Hambrick, etc., petitioners, *v.* Kershaw Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1020. Xenia D. Magbanua, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1021. Robert G. Mooreman, Trustee, etc., petitioner, *v.* Mutual Life Insurance Company of New York. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1030. Richard Hayes Hinton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1053. The Firestone Tire & Rubber Company, petitioner, *v.* The General Tire & Rubber Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 860. Brotherhood of Sleeping Car Porters, petitioner, *v.* Fred Thompson. Motion of Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 881. Anne Francolino, 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. 977. Delores Watkins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 928. Elam Reamuel Temple, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins:

Under 18 U.S.C. § 401(1) a court may punish as contempt "misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice." We held in *In re Michael*, 326 U.S. 224, that this contempt power, limited as Congress intended it to be, could not be used to punish a person merely for committing perjury in the court's presence without the additional showing that an actual obstruction of justice was caused thereby. Accord, *Ex parte Hudgings*, 249 U.S. 378; see *In re McConnell*, 370 U.S. 230, 234, 236; cf. *Cammer v. United States*, 350 U.S. 399; *Brown v. United States*, 356 U.S. 148, 153.

Petitioner, an attorney, represented a plaintiff in a lawsuit against the Government in federal district court. When he failed to file a brief within the time specified by the court's pretrial order, the Government moved to dismiss his client's complaint for want of prosecution. The District Judge refused to do so upon petitioner's representation in his belated brief and in open court that the delay was due to illness on his part. The court went on to hear the case on its merits and, after a trial which lasted only an hour, rendered judgment for the Government. A year later, petitioner was charged with contempt of court under § 401(1) for having misrepresented to the judge that he was ill. Tried summarily by that same judge without a jury, petitioner was convicted and sentenced to six months' imprisonment. Though the Court of Appeals reversed and remanded for a new trial on grounds not here material, it flatly held, with little discussion and no citation to authority, that "lying to a judge is certainly misbehavior in the court's presence and therefore punishable under § 401." 349 F. 2d 116, 117. Petitioner was retried summarily before a different judge and again convicted of contempt of court, apparently on the basis of the Court of Appeals prior holding that "lying to a judge" in and of itself constitutes contempt.

Since there is nothing in this record to suggest that either the Government attempted to prove or the trial judge found that petitioner's misrepresentation actually obstructed the administration of justice, his conviction on its face runs counter to *In re Michael*. There is not a vestige of evidence to support it. Cf. *Thompson v. Louisville*, 362 U.S. 199. Nevertheless, the Court of Appeals refused to reverse this illegal conviction and dismissed petitioner's appeal on the ground that, while he gave an oral notice of appeal and filed an appeal bond at the end of his trial, he did not file a written notice of appeal within the 10-day period specified by Fed. Rule Crim. Proc. 37(a)(2).

Although only four days after that period expired petitioner moved the trial court to accept a written notice of appeal, and although the trial court then found that petitioner's delay was the result of excusable neglect," the Court of Appeals refused to hold the oral notice adequate. The court noted that the result might be different had this case arisen under the 1966 amendment to Rule 37(a)(2) which now provides that "upon a showing of excusable neglect, the district court may, before or after the time has expired, . . . extend the time for filing the notice of appeal otherwise allowed to any party for a period not to exceed 30 days . . ." The court also refrained from deciding "that an oral notice of appeal transcribed into the record would never be sufficient to invoke jurisdiction in the court of appeals." Yet the court allowed a plainly invalid conviction to stand. Because I believe that the Court of Appeals, in the words of *Fallen v. United States*, 378 U.S. 139, 142, "overlooked . . . the fact that the Rules are not, and were not intended to be, a rigid code to have an inflexible meaning irrespective of the circumstances" and because I find it "apparent when the circumstances of this case are examined" that "the Rules were not approached with sympathy for their purpose," I would grant certiorari in this case to correct a clear miscarriage of justice. Cf. *Berman v. United States*, 378 U.S. 530 (dissenting opinion).

No. 1000. Pacific Inland Navigation Company, petitioner, *v.* Delbert A. Course. Motion of the Columbia River Towboat Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1007. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Brothers, Inc. Motion to use the record in No. 803, **October Term, 1961**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1009. Western Natural Gas Company, petitioner *v.* Cities Service Gas Company. Petition for writ of certiorari to the Supreme Court of Delaware denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1035. Lewis A. Paley, petitioner, *v.* Edward L. Brenner et al. Motion to dispense with printing petition granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 456, *Misc.* Orion Trotter, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 457, *Misc.* Albert Harris, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 579, *Misc.* Samuel Lee House and Burrell Caston, Jr., petitioners, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 791, *Misc.* Frank Harris, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 879, *Misc.* Frank Harris, petitioner, *v.* O. E. Bishop, Superintendent, Arkansas State Penitentiary. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 919, *Misc.* Prince 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. 937, *Misc.* James Herbert Lacey, 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.

No. 994, *Misc.* Alexander Murphy, petitioner, *v.* New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1065, *Misc.* Albert Ross Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1164, *Misc.* Richard J. Thomas, petitioner, *v.* W. C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1165, *Misc.* Henry Ames, 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. 1169, *Misc.* David Joseph Schmidt, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 1171, *Misc.* Thomas B. Simpson, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1172, *Misc.* Joseph Isaacs, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1173, *Misc.* Thomas Calhoun et al., through their next friend, Barbara Tucker Galhoun, petitioners, *v.* Charles C. Hertwig, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1177, *Misc.* Stanwood A. Demers, petitioner, *v.* George L. Shehab, etc., et al. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 1181, *Misc.* Charles Thomas Kopetka, petitioner, *v.* Ralph A. Tahash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1183, *Misc.* James Roger Edwards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1185, *Misc.* George Kelly Boulware, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1186, *Misc.* William Dale Miller, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1187, *Misc.* Richard Keith Chance, petitioner, *v.* Arizona. Petition for writ of certiorari to the Court of Appeals of Arizona denied.

No. 1189, *Misc.* Leroy Weathers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1191, *Misc.* James Jackson Nailor, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1192, *Misc.* Roy James Hoy, petitioner, *v.* Nevada. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1196, *Misc.* John Ames, petitioner, *v.* J. D. Middlebrooks, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1197, *Misc.* Herbert C. Hacker, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1201, *Misc.* Raul M. Conde, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1203, *Misc.* Robert William Losieau, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1204, *Misc.* Maurice Ferro, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1205, *Misc.* Wilbur Dean Cox, petitioner, *v.* George Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1207, *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. 1211, *Misc.* Walter J. Goodpaster, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1214, *Misc.* Leon G. Schack, petitioner, *v.* Nicholas Katzenbach. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1215, *Misc.* Orville C. Perry, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1222, *Misc.* Manuel Arguello, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1225, *Misc.* Russell Daniels, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1226, *Misc.* Sam Noyes, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1227, *Misc.* Eddie Borges Santos, 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. 1231, *Misc.* James Gilbert Glass, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1236, *Misc.* Albert William Villarino, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1238, *Misc.* Roland Simon, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1241, *Misc.* Wilbur Thomas Lawrence, 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.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1262, *Misc.* Henry Smith, petitioner, *v.* Illinois;

No. 1276, *Misc.* Alfred Ross, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections of Florida; and

No. 1283, *Misc.* Gordon B. Parker, petitioner, *v.* John W. Turner, Warden. Motions for leave to file petitions for writ of habeas corpus denied.

No. 1021, *Misc.* George Reynolds Jones, Jr., petitioner, *v.* Louie L. Wainwright, Director, Florida 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.

No. **1296, Misc.** Eugene Myles, petitioner, *v.* Paul H. Preston, Superintendent, District of Columbia Jail. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **1224, Misc.** Ralph L. Wilson, petitioner, *v.* Supreme Court of Washington et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. **68.** Leon Spencer, appellant, *v.* Texas;

No. **69.** Robert A. Bell, Jr., petitioner, *v.* Texas;

No. **70.** William Everett Reed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. **71.** Landon Zuckerman et al., petitioners, *v.* Samuel Greason;

No. **747.** Sheridan Creations, Inc., petitioner, *v.* National Labor Relations Board;

No. **820.** Charles C. Patten^s et al., appellants, *v.* City of Newport News, Virginia, et al.;

No. **846.** Kansas City Transit, Inc., petitioner, *v.* Kansas City, Missouri;

No. **2, Misc.** Irvin Goodspeed, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. **21, Misc.** Alfred Taylor, petitioner, *v.* Texas;

No. **210, Misc.** James William Collins, petitioner, *v.* Lawrence E. Wilson, Warden;

No. **511, Misc.** Robert S. Collier, petitioner, *v.* United States;

No. **963, Misc.** Margaret Risch, appellant, *v.* Phillip Risch;

No. **1016, Misc.** Andrew L. Jacobs, petitioner, *v.* United States;

No. **1057, Misc.** Calvin Ray Reed, petitioner, *v.* California;

No. **1089, Misc.** Alonzo Johnson, petitioner, *v.* Department of Correction, etc., et al.; and

No. **1118, Misc.** Karl H. Stell, petitioner, *v.* Pennsylvania. Petitions for rehearing denied.

ORAL ARGUMENT

No. **233.** James J. Waldron, petitioner, *v.* Moore-McCormack Lines, Inc. Argued by Mr. Theodore H. Friedman for the petitioner and by Mr. William M. Kimball for the respondent.

No. 222. Edward John Nowakowski, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution. Argued by Mr. Daniel J. O'Hern for the petitioner and by Mr. William E. Pfadt for the respondent.

No. 101. Federal Trade Commission, petitioner, *v.* Universal-Rundle Corporation. Argued by Mr. Robert S. Rifkind for the petitioner and by Mr. Frank C. McAleer for the respondent.

No. 249. Wyatt Tee Walker et al., petitioners, *v.* City of Birmingham, etc. Two 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 Tuesday, March 14, 1967, will be as follows: Nos. 249, 440, 98, and 252.

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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. Solicitor General Marshall presented the Honorable Ramsey Clark, Attorney General of the United States.

The Chief Justice said:

“Mr. Attorney General, the Court welcomes you to the performance of the important duties which devolve upon you as the chief law officer of the Government, and as an officer of this Court. Your Commission will be recorded with the Clerk.”

ADMISSIONS TO THE BAR

Joseph Jaworski, of Houston, Tex., Carlton Wilde, of Houston, Tex., and William Key Wilde, of Houston, Tex., on motion of Mr. Attorney General William Ramsey Clark; Francis B. Carr, of Snohomish, Wash., on motion of Mr. Henry M. Jackson; David Rasmussen Hansen, of Atlantic, Iowa, Fredric Fedje Hendrickson, of Des Moines, Iowa, and James Manning Walker, of Council Bluffs, Iowa, on motion of Mr. Jack Miller; Don Burkholder, of Cincinnati, Ohio, and Pasquali Paul Pusateri, of Wilmington, Ohio, on motion of Mr. Robert Taft, Jr.; Fred C. Root, of Missoula, Mont., on motion of Mr. Arnold H. Olsen; J. Robert Dempster, of Cupertino, Calif., on motion of Mr. Don Edwards; Cary Young, of Garland, Tex., on motion of Mr. Jack Brooks; Bernard Ryan, of Albion, N.Y., and Leonard Eames Ryan, of New York, N.Y., on motion of Mr. William Fitts Ryan; Gene W. Thompson, of Columbus, Ohio, on motion of Mr. Samuel L. Devine; Henry B. Buslee, of Fond Du Lac, Wis., on motion of Mr. Brice Wilson Rhyne; Robert Elijah Jordan III, of Fairfax, Va., Anthony A. Lapham of Washington, D.C., and Robert Kenly Webster, of New York, N.Y., on motion of Mr. David C. Acheson; Mona Salyer Lambird, of Baltimore, Md., on motion of Mr. Carl Eardley; James J. Barden, of Milwaukee, Wis., and Robert B. Peregrine, of Wauwatosa, Wis., on motion of Mr. Stephen Frederick Owen, Jr.; Sven L. Johanson, of Denver, Colo., on motion of Mr. Hugh F. Owens; Richard C. DuPar, of Los Angeles, Calif., on motion of Mrs. James Randall Dunn; Marion S. Ackerman III, of Houston,

Tex., on motion of Mr. Eldon H. Crowell; Charles Eugene Chisholm, of Bethesda, Md., on motion of Mr. William H. Clarke; and Thomas Y. Higashi, of Salem, Oreg., on motion of Mr. William I. Harkaway, were admitted to practice.

ORAL ARGUMENT

No. 249. Wyatt Tee Walker et al., petitioners, *v.* City of Birmingham, etc. Argument continued by Mr. Jack Greenberg for the petitioners, by Mr. Louis F. Claiborne for the United States, as *amicus curiae*, by special leave of Court, by Mr. Earl McBee and Mr. J. M. Breckenridge for the respondent and concluded by Mr. Jack Greenberg for the petitioners.

No. 440. Clive Michael Boutilier, petitioner, *v.* The Immigration and Naturalization Service. Argued by Miss Blanch Freedman for the petitioner and by Mr. Nathan Lewin for the respondent.

No. 98. Charles Robert Anders, petitioner, *v.* California. Argued by Mr. Ira Michael Heyman for the petitioner and by Mr. George J. Roth for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday March 15, 1967, will be as follows: Nos. 252, 216, 648, and 649.

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

Alfred Hoyun Song, of Monterey Park, Calif., on motion of Mr. Solicitor General Thurgood Marshall; James A. Mashburn, of Midland, Tex., on motion of Mr. George H. Mahon; E. B. Lee, of Oklahoma City, Okla., on motion of Mr. Page Belcher; Robert Lee Lattimore, Jr., of Austin, Tex., on motion of Mr. Eligio de la Garza; Richard S. Lowe, of Norristown, Pa., on motion of Mr. Albert W. Johnson; David Kaplan, of Louisville, Ky., on motion of Mr. M. G. Snyder; Karl W. Sommer, Jr., of Martins Ferry, Ohio, on motion of Mr. John Gordon Underwood; Constantine R. Jurgela, of Lindenhurst, N.Y., on motion of Mr. Frank C. Tribbe; Edward L. Welch, of Edwardsville, Ill., on motion of Mr. John L. Waddleton; William J. McGowan, of Milwaukee, Wis., on motion of Mr. Maxwell H. Herriott; Floyd Bob Chaite, of Arlington, Va., on motion of Mr. Beverly Bailey Bates; Neal Lennard Petersen, of Washington, D.C., on motion of Mr. William R. Joyce, Jr.; Robert F. Gertenbach, of Fort Lee, N.J., on motion of Mr. Frank S. Ketcham; and Robert Eugene Owen, of Austin, Tex., on motion of Mr. Howard Martin Fender, were admitted to practice.

ORAL ARGUMENT

No. 252. Harvey Lyle Entsminger, petitioner, *v.* Iowa. Argued by Mr. David W. Belin for the petitioner and by Mr. Don R. Bennett for the respondent.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing Company et al. One and one-half hours allowed for oral argument. Argued by Mr. Solicitor General Marshall and Mr. John Silard for the petitioner, by Mr. Martin C. Seham for the New York Times Display Advertising Salesmen Steering Committee, as *amicus curiae*, and by Mr. Howard C. Equitz for the respondent.

No. 648. Marvin Clewis, petitioner, *v.* Texas. Argued by Mr. Reagan H. Legg for the petitioner and by Mr. Gilbert J. Pena for the respondent.

No. 649. Jackie Washington, petitioner, *v.* Texas. Argument commenced by Mr. Charles W. Tessmer for the petitioner.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 16, 1967, will be as follows: Nos. 649, 305, 343, and 637.

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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

Kenneth Balcomb, of Glenwood Springs, Colo., and Jean F. Ross, of Denver, Colo., on motion of Mr. Peter H. Dominick; Darrell George Renstrom, of Ogden, Utah, on motion of Mr. Frank E. Moss; Benj. B. Blackburn III, of Atlanta, Ga., John Payson Shonkwiler, of Monticelli, Ill., and Richard J. Sluggett, of West Palm Beach, Fla., on motion of Mr. John James Flynt, Jr.; Frank E. Maynes, of Durango, Colo., on motion of Mr. Wayne N. Aspinall; Clyde N. Christey, of Topeka, Kans., Leland Martin Spurgeon, of Topeka, Kans., and George L. Zoellner, of Aurora, Colo., on motion of Mr. Donald G. Brotzman; Ruth G. Blumrosen, of Washington, D.C., and Alfred W. Blumrosen, of Washington, D.C., on motion of Mr. Stephen Shulman; Hugh Smith, of Portland, Oreg., on motion of Mr. William H. Dempsey, Jr.; Dana M. Raymond, of New York, N.Y., on motion of Mr. Henry T. Rathbun; Harvey Ira Sladkus, of New York, N.Y., on motion of Miss Grace L. Brodsky; Clement F. Springer, Jr., of Chicago, Ill., on motion of Mrs. Carolyn Royall Just; Donald J. Fendrick, of Scranton, Pa., and Arthur P. Scibelli, of Washington, D.C., on motion of Mr. Milton I. Baldinger; Robert D. Rogers, of Greenwich, Conn., and Jules Teitelbaum, of New York, N.Y., on motion of Mr. Robert P. Herzog; Stanley M. Chernau, of Nashville, Tenn., and W. Raymond Denney, of Nashville, Tenn., on motion of Mr. Joseph C. Swidler; Carl Lyonel Jones, of Cleveland, Ohio, on motion of Mr. John Burns Simpson, Jr.; Robert Kenneth Ball, of Oklahoma City, Okla., on motion of Mr. LeRoy C. Corcoran; Joseph A. Massie, Jr., of Winchester, Va., on motion of Mr. Robert Goodloe Harper; Frederick B. Karl, of Daytona Beach, Fla., on motion of Mr. William Amory Underhill; Stanley Lawrence Sklar, of New York, N.Y., on motion of Mr. David N. Brainin; and Ned L. Conley, of Houston, Tex., on motion of Mr. Willard Hanger, were admitted to practice.

ORAL ARGUMENT

No. 649. Jackie Washington, petitioner, *v.* Texas. Argument continued by Mr. Howard M. Fender for the respondent and concluded by Mr. Charles W. Tessmer for the petitioner. Memorandum for respondent to come.

No. 305. The Denver and Rio Grande Western Railroad Co., et al., *v.* United States et al. One and one-half hours allowed for oral argument. Argued by Mr. William H. Dempsey, Jr., for the appellants and by Mr. Thomas D. Barr and Mr. Robert S. Rifkind for the appellees.

No. 343. Prima Paint Corporation, petitioner, *v.* Flood & Conklin Mfg. Co. Argued by Mr. Robert P. Herzog for the petitioner, by Mr. Martin A. Coleman for the respondent and by Mr. Gerald Aksen for the American Arbitration Association, as *amicus curiae*.

Adjourned until Monday, March 20, 1967, at 10 o'clock.

The day call for Monday, March 20, 1967, will be as follows: Nos. 637, 647, and 483.

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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

Robert C. McDiarmid, of Washington, D.C., Gilbert B. Friedman, of San Francisco, Calif., Loren Miller, Jr., of Los Angeles, Calif., Robert M. Solomon, of San Francisco, Calif., Michael A. Morrow, of Lawrence, Kans., Martin Jacobs, of Washington, D.C., Jon Allen Ziegler, of Columbus, Ohio, Alan E. Boroff, of Norristown, Pa., Charles B. Fox, of Dayton, Ohio, and Alexis J. Perillat, of San Francisco, Calif., on motion of Mr. Solicitor General Thurgood Marshall; Louis B. Oberhauser, of Wayzata, Minn., on motion of Mr. Clark MacGregor; Louis Miller, of Los Angeles, Calif., on motion of Mr. James C. Corman; Arthur Knodel, of Tacoma, Wash., on motion of Mr. Floyd V. Hicks; Martin T. Goldblum, of New York, N.Y., on motion of Judge Oscar H. Davis; Phylis Skloot Bamberger, of New York, N.Y., Michael A. Bamberger, of New York, N.Y., Ruth B. Ginsburg, of New York, N.Y., and Martin D. Ginsburg, of New York, N.Y., on motion of Judge Theodore Tannenwald; Henry W. Gleiss, of Benton Harbor, Mich., on motion of Mr. Wilbur D. Sparks; William Arthur Sumpter, of Ashland, Ky., and Thomas James Geygan, of Cincinnati, Ohio, on motion of Mr. Frank O. House; Robert R. Hanley, of Brooklyn, N.Y., on motion of Mr. Lawrence G. Bohlen; Charles S. Battles, Jr., of Los Angeles, Calif., and Samuel O. Pruitt, Jr., of Los Angeles, Calif., on motion of Mr. Herman F. Selvin; Bettye Hynson Kehrer, of Austell, Ga., on motion of Mr. Lawrence Gold; Joe A. Walters, of Minneapolis, Minn., on motion of Mr. Harry Robert Halper; Arthur Earl Bonfield, of Iowa City, Iowa, on motion of Mr. Herman I. Orentlicher; Sol Bogen, of New York, N.Y., and Louis Stephen Papa, of Washington, D.C., on motion of Mr. Jack Rephan; Lester D. Reich, of Jamaica, N.Y., on motion of Mr. John J. Jaskot; Ralph Warren Gearhart, Jr., of Cedar Rapids, Iowa, on motion of Mr. G. Duane Vieth; William C. Schaab, of Albuquerque, N. Mex., on motion of Mr. Reuben G. Clark, Jr.; John P. Moore, of Aurora, Colo., on motion of Mr. John E. Bush; Michael A. Williams, of Denver, Colo., on motion of Mr. Richard M. Schmidt, Jr.; Roy H. Bergquist, of Chicago, Ill., on motion of Mr. Robert S. Morse; Augustine S. Gannon, Jr., of Saugus, Mass., on motion of

Mr. Phil Fine; Neale E. Creamer, of Los Angeles, Calif., on motion of Mr. John Stephan Nolan; and Charles E. Washington, Jr., of Beaufort, S.C., on motion of Mr. Matthew J. Perry, were admitted to practice.

OPINIONS

No. 12. Sandra Lee Neely, etc., petitioner, *v.* Martin K. Eby Construction Co., Inc. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed. Opinion by Mr. Justice White. Mr. Justice Douglas and Mr. Justice Fortas while agreeing with the Court's construction of Rule 50, would reverse the judgment because in their view the evidence of negligence and proximate cause was sufficient to go to the jury. Dissenting opinion by Mr. Justice Black.

No. 159. George McCray, petitioner, *v.* Illinois. On writ of certiorari to the Supreme Court of Illinois. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan, and Mr. Justice Fortas join.

No. 173. Commissioner of Internal Revenue, petitioner, *v.* Howe A. Stidger et ux. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Fortas join.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 823. Charles Joseph O'Brien et al., 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 Eastern District of Michigan for a new trial should the Government seek to prosecute petitioner anew. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 947. Gulf-Canal Lines, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of Texas. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 968. New York, appellant, *v.* United States et al. Appeal from the United States District Court for the Western District of New York. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1004. Arden Farms Co. et al., appellants, *v.* State Department of Agriculture et al. 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 Douglas, Mr. Justice Harlan, and Mr. Justice White are of the opinion that probable jurisdiction should be noted and the case set for oral argument.

ORDERS IN PENDING CASES

No. 483. Neil Reitman et al., petitioners *v.* Lincoln W. Mulkey et al. The motion of the American Civil Liberties Union of Northern California for leave to file a brief, as *amicus curiae*, is granted. The motion of the United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW), AFL-CIO, Region 6 etc., for leave to file a brief, as *amicus curiae*, is granted. The motion of the California State Central Committee of the Democratic Party for leave to file a brief, as *amicus curiae*, is granted.

No. 1040. Quinault Tribe of Indians, petitioner, *v.* A. M. Gallagher, etc., et al. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 905, Misc. Dennis Manafort Whitney, petitioner, *v.* Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the District Court of Appeal of Florida, Third District, granted. Case transferred to the appellate docket.

CERTIORARI DENIED

No. 876. Frances D. Krohn, petitioner, *v.* Richardson-Merrell, Inc., etc. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 930. Manoutchehr Aadal, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1010. Warden, Maryland Penitentiary, petitioner, *v.* John Frank Ledbetter, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1013. Bobby H. Worley et al., petitioners, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1016. William H. Frazier et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1023. The Exchange and Savings Bank of Berlin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1025. Joseph Naples, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1031. Daniel Lovall Spigner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1069. Fred Olsen Line et al., petitioners, *v.* Madeline Curry, Administratrix of the Estate of Jack Curry, deceased. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1081. Visidor Corporation, petitioner, *v.* Borough of Cliffside Park. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1096. Paul Daddona et al., petitioners, *v.* Zoning Board of Appeals of City of Stamford. Petition for writ of certiorari to the Supreme Court of Connecticut denied.

No. 1123. Timothy D. Kelly, Administrator, etc., petitioner, *v.* Emma Chabot. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1012. David Henry Mitchell, III, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas dissents:

Petitioner did not report for induction as ordered, was indicted, convicted, and sentenced to five years imprisonment and his conviction was affirmed. 369 F. 2d 323. His defense was that the "war" in Vietnam was being conducted in violation of various treaties to which we were a signatory especially the Treaty of London of August 8, 1945, 59 Stat. 1544, which in Article (a) declares that "waging of a war of aggression" is a "crime against peace" imposing "individual responsibility." Article 8 provides:

"The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires."

Petitioner claimed that the "war" in Vietnam was a "war of aggression" within the meaning of the Treaty of London and that Article 8

makes him responsible for participating in it even though he is ordered to do so.*

Mr. Justice Jackson, the United State prosecutor at Nuremberg, stated: "If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us." (International Conference on Military Trials, Dept. State Pub. No. 3880, p. 330.)

Article VI, cl. 2 of the Constitution states that "treaties" are a part of "the supreme law of the land; and the Judges in every State shall be bound thereby."

There is a considerable body of opinion that our actions in Vietnam constitute the waging of an aggressive "war."

This case presents the questions:

(1) whether the Treaty of London is a treaty within the meaning of Art. VI, cl. 2;

(2) whether the question as to the waging of an aggressive "war" is in the context of this criminal prosecution a justiciable question:

(3) whether the Vietnam episode is a "war" in the sense of the Treaty;

(4) whether petitioner has standing to raise the question;

(5) whether, if he has, it may be tendered as a defense in this criminal case or in amelioration of the punishment.

These are extremely sensitive and delicate questions. But they should, I think, be answered. Even those who think that the Nuremberg judgments were unconstitutional by our guarantee relating to *ex post facto* laws would have to take a different view of the Treaty of London that purports to lay down a standard of future conduct for all the signatories.

I intimate no opinion on the merits. But I think the petition for certiorari should be granted. We have here a recurring question in present-day Selective Service cases.

No. 1027. Roy D. Thomas, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Douglas dissents:

I would grant this petition on the fourth question. It concerns the apparent practice of Internal Revenue agents in examining taxpayers and using the evidence obtained in criminal prosecutions when the taxpayers are given no warning as to their rights, including the right to have an attorney present. This is not an in-custody case, but it

*The trial court charged the jury that the Treaty of London did not interfere "in any manner in respect to this defendant fulfilling his duty under this order."

is a coercive examination of a taxpayer at a critical preliminary hearing, so to speak, and the question presented apparently is a recurring one.

No. **1029**, **Misc.** Conren, Inc., d/b/a Great Scot Supermarket, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Stewart is of the opinion that certiorari should be granted.

No. **356**, **Misc.** Joe Ornales, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **666**, **Misc.** George A. Cornelio, petitioner, *v.* Metropolitan District Council et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **763**, **Misc.** Vance Sterling, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **769**, **Misc.** Anthony Joseph Munich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **914**, **Misc.** James A. Lovejoy and Lloyd John Ryer, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **915**, **Misc.** Major Harden, 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. **933**, **Misc.** Willie B. Brooks, 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. **1023**, **Misc.** Theodore Roosevelt Wallace, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **1120**, **Misc.** Harry I. Greene, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1152**, **Misc.** Carl O. Deltenre, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. **1168**, **Misc.** Gordon L. Anderson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1202, Misc. John Henry Downey, petitioner, *v. Virginia*. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1234, Misc. Raymond L. Reese, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1235, Misc. Frank ~~Sturam~~^{STURAM}, petitioner, *v. California Adult Authority et al.* Petition for writ of certiorari to the Supreme Court of California denied.

No. 1237, Misc. Leo Roberts, petitioner, *v. United California Bank et al.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1253, Misc. Robert Henry Sykes, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1256, Misc. Leon G. Schack, petitioner, *v. J. Edgar Hoover, Director, Federal Bureau of Investigation*. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1264, Misc. Anna Knoll and Rose Keller, petitioners, *v. Socony Mobil Oil Company, Inc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1268, Misc. James Delmar Deaton, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1301, Misc. Charles Williams, petitioner, *v. P. J. Donovan, Deputy Commissioner, Department of Labor, etc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1327, Misc. Joseph Gaito, petitioner, *v. Samuel Strauss et al.* Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

LEAVE TO FILE PETITIONS FOR WRIT OF HABEAS CORPUS DENIED

No. 1360, Misc. Homer Barclay, petitioner, *v. George A. Kropp, Warden*. Motion for leave to file a petition for writ of habeas corpus denied.

REHEARINGS DENIED

No. 703. Fred Meyer, Inc., et al., petitioners, *v. Federal Trade Commission*;

No. 793. Mark Fein, appellant, *v. New York*;

- No. **862**. Percy C. Magnus, petitioner, *v.* United States;
 No. **870**. Robert B. Curtis et al., petitioners, *v.* William Boeger, Warden; and
 No. **871**. Michela Grand et al., petitioners, *v.* William Boeger, Warden;
 No. **890**, **Misc.** John Carlyle Bennett, petitioner, *v.* North Carolina;
 No. **1037**, **Misc.** Charles Clemons, petitioner, *v.* United States;
 No. **1046**, **Misc.** Fred D. McCreary, petitioner, *v.* Lawrence E. Wilson, Warden;
 No. **1093**, **Misc.** Sherman H. Skolnick, petitioner, *v.* James B. Parsons et al., etc.;
 No. **1110**, **Misc.** Joe Louis Pierson, petitioner, *v.* New Jersey; and
 No. **1116**, **Misc.** Vincent Lee, petitioner, *v.* Kansas. Petitions for rehearing denied.
 No. **894**, **Misc.** Elmo Williams, petitioner, *v.* California Department of Corrections et al. Motion for leave to file a petition for rehearing denied.

RECESS ORDER

The Court will take a recess from Monday, March 27, 1967, until Monday, April 10, 1967.

ORAL ARGUMENT

No. **637**. Northeastern Pennsylvania National Bank & Trust Company, etc., petitioner, *v.* United States. Argued by Mr. Milton I. Baldinger for the petitioner and by Mr. Richard C. Pugh for the respondent.

No. **647**. Louis Bostick, petitioner, *v.* South Carolina et al. Argued by Mr. Matthew J. Perry for the petitioner and by Mr. Everett N. Brandon for the respondents.

No. **433**. Neil Rietman et al., petitioners, *v.* Lincoln W. Mulkey et al. Three hours allowed for oral argument. Argument commenced by Mr. Samuel O. Pruitt, Jr. for the petitioners and continued by Mr. Herman F. Selvin for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 21, 1967, will be as follows: Nos. **433, 712, 831, 240, and 673.**

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

Bess Effrat Dick, of Washington, D.C., and George Dunbar Dysart, of Portland, Oreg., on motion of Mr. Attorney General William Ramsey Clark; Edward Michael Esber, of Cleveland, Ohio, on motion of Mr. Solicitor General Thurgood Marshall; Joseph Lawrence Coniff, Jr., of Olympia, Wash., on motion of Mr. Henry M. Jackson; Walter Pozen, of Chevy Chase, Md., on motion of Mr. Robert F. Kennedy; Arthur Lee Forbes III, of Houston, Tex., on motion of Mr. Ralph W. Yarborough; Louis G. DeSonier, Jr., of Metairie, La., on motion of Mr. Hale Boggs; Paul Wendlandt, Jr., of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Martha C. Belle, of Montclair, N.J., on motion of Mr. Peter W. Rodino, Jr.; James F. Snelling, of St. Petersburg, Fla., on motion of Mr. William C. Cramer; George H. Clark, of Ames, Iowa, on motion of Mr. Richard L. Mitchell; Carl L. Jesina, of Silver Spring, Md., and Thomas D. Quinn, Jr., of Washington, D.C., on motion of Mr. Fred M. Vinson, Jr.; Eugene Noel Zeigler, of Florence, S.C., on motion of Mr. Ralph Simon Spritzer; Leonard Stephen Joyce, of Washington, D.C., on motion of Mr. Benjamin Louis Zelenko; Charles H. Jones, Jr., of New York, N.Y., on motion of Mr. Jack Greenberg; Harry L. Freeman, of Washington, D.C., on motion of Mr. Robert C. Bickford; Kurt Shaffert, of Washington, D.C., on motion of Mr. Robert Frank Conrad; David L. Rosner, of Beverly Hills, Calif., on motion of Mr. Robert M. Lichtman; William Y. Manson, of Durham, N.C., on motion of Mr. Daniel K. Edwards; Glenn J. Seeley, of Avon Lake, Ohio, on motion of Mr. Geo. Stephen Leonard; Joseph F. Timberlake, Jr., of Chattanooga, Tenn., on motion of Mr. John J. Leahy; Jean Camper Cahn, of Washington, D.C., on motion of Mr. John Robert Kramer; Jerome R. Jallo, of Minneapolis, Minn., on motion of Mr. Lorne Dale MacIver; Bernard M. Althoff, of New York, N.Y., and Lawrence P. J. Bonaguidi, of New York, N.Y., on motion of Mr. John W. Burke, Jr.; and Lawrence J. Gross, of New York, N.Y., on motion of Mr. George D. Zuckerman, were admitted to practice.

ORAL ARGUMENT

No. 483. Neil Reitman et al., petitioners, *v.* Lincoln W. Mulkey et al. Argument continued by Mr. A. L. Wirin for the respondents, by Mr. Solicitor General Marshall for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. Samuel O. Pruitt, Jr., for the petitioners.

No. 712. Joyce C. Thorpe, petitioner, *v.* Housing Authority of the City of Durham. Argued by Mr. James M. Nabrit III for the petitioner and by Mr. Daniel K. Edwards for the respondent.

No. 831. Francis Eddie Specht, petitioner, *v.* Wayne K. Patterson, Warden, et al. Argued by Mr. Michael A. Williams for the petitioner and by Mr. John E. Bush for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 22, 1967, will be as follows:
Nos. 240 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

M. Dale Palmer, of Danville, Ind., on motion of Mr. William G. Bray; Asher Bogin, of Dayton, Ohio, on motion of Mr. Jerome Garfinkel; and Floyd Douglas Birdzell, of Arlington, Va., on motion of Mr. Carl B. Klein, were admitted to practice.

ORAL ARGUMENT

No. 240. The Second National Bank of New Haven, etc., petitioner, *v.* United States. Argued by Mr. Curtiss K. Thompson for the petitioner and by Mr. Jack S. Levin for the respondent.

No. 673. Commissioner of Internal Revenue, petitioner, *v.* Estate of Herman J. Bosch, deceased, etc. Argued by Mr. Jack S. Levin for the petitioner and by Mr. John W. Burke for the respondent.

Adjourned until Monday, March 27, 1967, 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.

ORDERS IN PENDING CASES

No. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. On consideration of the motion of the United States for entry of a supplemental decree declaring that the United States is entitled to certain submerged lands of the Gulf of Mexico and enjoining the State of Texas from interfering therewith, and for a temporary restraining order and preliminary injunction to enjoin the State of Texas from leasing or otherwise interfering with said submerged lands pending determination of the title thereto; and

It appearing from said motion and attached affidavit that the State of Texas has announced its intention to offer said lands for mineral leasing on April 4, 1967, and that such leasing may violate this Court's injunction of December 12, 1960, and subject to unlawful exploitation mineral resources to which the United States makes claim under that decree,

It is hereby ordered:

(1) That within twenty days from the date hereof the State of Texas respond to the motion of the United States, and show cause why a preliminary injunction should not be issued as prayed for, pending final determination of the rights of the parties in the premises; and

(2) That the State of Texas be, and it is hereby, restrained from leasing or otherwise interfering with the submerged lands described in the motion of the United States, pending the ruling of the Court on the Motion of the United States for a preliminary injunction and the response of the State of Texas thereto.

The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 25. United States, appellant, *v.* Arnold, Schwinn & Co., et al. The motion of counsel for the appellees for postponement of the argument and for an extension of time for filing of the appellees' briefs 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.

ADMISSIONS TO THE BAR

Crawford Collins Martin, of Hillsboro, Tex., Angelo J. Carubbi, Jr., of Pampa, Tex., George Malcolm Cowden, of Austin, Tex., Robert Wilson Norris, of Austin, Tex., William Eugene Wells, of Austin, Tex., and Nola White, of Austin, Tex., on motion of Mr. Attorney General William Ramsey Clark; Anthony S. Da Vigo, of Sacramento, Calif., E. Grady Jolly, Jr., of Oxford, Miss., Nelson G. Gross, of Hackensack, N.J., George L. Barnett, of Brooklyn, N.Y., Donald W. Bennett, of Cleveland, Ohio, and Victor Manian, of Milwaukee, Wis., on motion of Mr. Solicitor General Thurgood Marshall; Jon Marvin Jonsson, of Seattle, Wash., Roy J. Mocerri, of Seattle, Wash., and Robert Paul Piper, of Seattle, Wash., on motion of Mr. Thomas Stephen Foley; Eugene K. Lawlor, of El Cerrito, Calif., Fred Wilmot Soldwedel, of Pasadena, Calif., and Howard William Wayne, of Berkeley, Calif., on motion of Mr. Jerome Russell Waldie; George Tony Blankenship, of Oklahoma City, Okla., W. Timothy Dowd, of Tulsa, Okla., and Brian Howard Upp, of Chelsea, Okla., on motion of Mr. Page Belcher; Robert W. Sawdey, of Grand Rapids, Mich., and David M. Yager, of Santa Barbara, Calif., on motion of Mr. Lewis George Meader; Roy H. Semtner, of Oklahoma City, Okla., on motion of Mr. Brice Wilson Rhyne; Charles Montgomery Walker, of Los Angeles, Calif., on motion of Mr. John Nolan; David E. Dutcher, of Grand Rapids, Mich., on motion of Mr. Dennis G. Lyons; Wayne M. Newport, of Davenport, Iowa, and Gerald E. Ruth, of York, Pa., on motion of Mr. David Kammerman; Burton K. Katkin, of Scarsdale, N.Y., on motion of Mr. T. S. L. Perlman; Ted O. Hays, of Knox, Ind., and Theodore D. Wilson, of Indianapolis, Ind., on motion of Mr. Clarence Kipps; Everett R. Casey, of City of Orchard Lake, Mich., and Gaylord Paul Haas, Jr., of Birmingham, Mich., on motion of Mr. Charles Willard Hayes; Harold Hoag, of Grand Rapids, Mich., on motion of Mr. Richard K. Stacer; Howard James Wuerth, of Birmingham, Mich., on motion of Mr. James Bernt Ueberhorst; Joseph William Nutter of Washington, D.C., on motion of Mr. Raymond N. Shibley; Harry Edmond Webb, Jr., of Fairfax, Va., on motion of Mr. Ralph A. Barney; Richard F.

Koproske, of Hinsdale, Ill., on motion of Mr. Carl Vernon Lyon; Matthew C. Thompson, of Chicago, Ill., on motion of Mr. Earl G. Spiker; Charles Weinstock Bergman, of Atlanta, Ga., on motion of Mr. Boynton P. Livingston; Franklin Michaels, of Rochester, Minn., on motion of Mr. William B. Wolf, Jr.; Alfred E. Froh, of New York, N.Y., and Cameron F. MacRae, of New York, N.Y., on motion of Mr. Chauncey P. Williams, Jr.; Sylvia O. Decker, of Chicago, Ill., and Thomas D. Decker, of Chicago, Ill., on motion of Mr. Richard J. Flynn; Vincent J. Mutari, of Hempstead, N.Y., on motion of Mr. Howard Monderer; Glenn Arthur Schwartz, of Chicago, Ill., on motion of Mr. Benjamin W. Boley; William Pawling Thorn, of Philadelphia, Pa., on motion of Mr. Alvin A. Layne; John Munro Robinson, of La Jolla, Calif., on motion of Mr. Howard Pickard, were admitted to practice.

OPINIONS

No. 642. Baltimore and Ohio Railroad Company et al., appellants, *v.* United States et al.;

No. 680. The Delaware and Hudson Railroad Corporation, appellant, *v.* United States et al.;

No. 691. Erie-Lackawanna Railroad Company, appellant, *v.* United States et al.;

No. 813. City of Scranton, appellant, *v.* United States et al.;

No. 814. Milton J. Shapp, appellant, *v.* United States, et al.; and

No. 815. Chicago & Eastern Illinois Railroad Company, appellant, *v.* United States et al. Appeals from the United States District Court for the Southern District of New York. Judgment reversed and cases remanded to the United States District Court for the Southern District of New York with instructions that the causes be remanded to the Interstate Commerce Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Brennan. Opinion by Mr. Justice Douglas dissenting in part. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White join.

No. 914. United States, appellant, *v.* First City National Bank of Houston et al. Appeal from the United States District Court for the Southern District of Texas; and

No. 972. United States, appellant, *v.* Provident National Bank et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. Judgments reversed and cases remanded to the United States District Court for the Southern District of Texas and the United States District Court for the Eastern District of Pennsylvania, respectively, for further proceedings in conformity with

the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Clark took no part in the consideration or decision of these cases.

No. 209. Railroad Transfer Service, Inc., petitioner, *v.* The City of Chicago 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 Black. Mr. Justice Harlan would affirm the judgment below substantially for the reasons given in the opinion of Chief Judge Hastings for the Court of Appeals, 358 F. 2d 55.

No. 647. Louis Bostick, petitioner, *v.* South Carolina et al. On writ of certiorari to the Supreme Court of South Carolina. Judgment reversed and case remanded to the Supreme Court of South Carolina for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 894. Colonial Refrigerated Transportation, Inc., appellant, *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. 998. Clyde B. Rogers et al., appellants, *v.* City and County of Denver et al. Appeal from the Supreme Court of Colorado. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 999. Peggy J. Connor et al., appellants, *v.* Paul B. Johnson, Jr., Governor of Mississippi, et al. Appeal from the United States District Court for the Southern District of Mississippi. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted and the case set for oral argument.

No. 1019. Morris Berman, appellant, *v.* Board of Elections, City of New York et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1198, *Misc.* James K. Shannon, appellant, *v.* Sheriff Sequeechi et al. Appeal from the United States Court of Appeals for the Tenth Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1246, *Misc.* William T. Cross et al., appellants, *v.* Palo Alto-Mountain View Municipal Court et al. 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. The prayer for other relief denied. Opinion *per curiam*.

No. 1260, *Misc.* Jack E. Mangus, petitioner, *v.* A. C. E. Freight, Inc., et al. On petition for writ of certiorari to the Supreme Court of Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Ohio for further consideration in light of *Vaca v. Sipes*, 386 U.S. 171. Opinion *per curiam*.

ORDER IN PENDING CASE

No. 615. Ralph Berger, petitioner, *v.* New York. The motion of the New York Civil Liberties Union for leave to participate in the oral argument, as *amicus curiae*, is denied.

APPEAL, JURISDICTION NOTED

No. 846, *Misc.* John Francis Peters, appellant, *v.* New York. Appeal from the Court of Appeals of New York. Motion for leave to proceed *in forma pauperis* granted and probable jurisdiction noted. Case transferred to the appellate docket, placed on the summary calendar, and set for oral argument immediately following No. 1139.

CERTIORARI GRANTED

No. 962. Edward J. Hardin, as Mayor of Tazewell, Tennessee, et al., petitioners, *v.* Kentucky Utilities Company;

No. 1056. Powell Valley Electric Cooperative, petitioner, *v.* Kentucky Utilities Company; and

No. 1063. Tennessee Valley Authority, petitioner, *v.* Kentucky Utilities Company. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

CERTIORARI DENIED

No. 954. CBN Corporation (formerly Columbian Carbon Company), petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 957. Samuel H. Wissner, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1039. Van Norman Industries, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1042. Richard Lee Buonomo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1043. Edward M. Ostendorff, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1044. John C. Krantz, Jr., et al., petitioners, *v.* John F. Olin. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 1045. Joseph B. Sheppard, Sr., etc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1048. Latic Key, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1051. Union Carbide Corporation, petitioner, *v.* E. I. du Pont de Nemours and Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1054. George N. Christofalos, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1057. Climax Chemical Company, petitioner, *v.* C. F. Braun & Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1066. The Pennsylvania Public Utility Commission et al., petitioners, *v.* The Pennsylvania Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1068. William C. Seiferth and William H. Seiferth, a minor, by William C. Seiferth, his father and next friend, petitioners, *v.* St. Louis Southwestern Railway Company. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1131. Norman Peters et al., petitioners, *v.* Gust Bounougias. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 959. Emilio Albergo, petitioner, *v.* Reading Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Black would grant the petition for certiorari and reverse the judgment. Mr. Justice Douglas would grant the petition for certiorari and reverse the judgment below on the authority of *Rogers v. Missouri Pacific R. Co.*, 352 U.S. 500.

No. 1024. Evelyn Sue Dillard, petitioner, *v.* Carl Mason Dillard. 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. 1026. Jacob Molinas, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1041. Nez Perce Tribe of Indians, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1058. Martin Hirshhorn, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 857, Misc. Rocco Lupino, petitioner, *v.* Ralph H. Tahash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 881, Misc. Alfonse Juan Alire, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 960, Misc. Edward Copeland, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 996, Misc. Wilbert Lee and Freddie L. Pitts, petitioners, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, denied.

No. 1050, Misc. Ralph C. Money, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1051, **Misc.** Russell Nelson and Fred J. Martineau, petitioners, *v.* Parker L. Hancock, Warden. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1068, **Misc.** Henry Clay Burks, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1167, **Misc.** Salvatore Polisi and Anthony Polisi, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1190, **Misc.** Leon West, petitioner, *v.* Daniel McMann, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1239, **Misc.** Joseph Von Atzinger, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1243, **Misc.** Robert Leon King, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1248, **Misc.** James Lee Haynes, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1249, **Misc.** William R. Wilson, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1252, **Misc.** Ivan Cecil Hicks, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1255, **Misc.** Thomas D. Gaertner, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme of Wisconsin denied.

No. 1258, **Misc.** Robert Edward McClindon, petitioner, *v.* Arthur L. Oliver et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1259, **Misc.** Louis Ortega, petitioner, *v.* O. W. Johnson, Municipal Court Judge of Allen Park, Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1263, **Misc.** Bernard Chandler, 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. 1269, **Misc.** Ray Meholchick, petitioner, *v.* Joseph R. Brierley, Supt., State Correctional Institution. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1270, *Misc.* Harry Ramey, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1271, *Misc.* James Roosevelt Simon, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1272, *Misc.* Robert Lewis, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1273, *Misc.* Lonnie Nelson Seymour, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1286, *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. 1290, *Misc.* James K. Kelly, a/k/a James K. Shannon, petitioner, *v.* Chief of Police, Coffeyville Police Dept. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 882, *Misc.* Mark Comfort, petitioner, *v.* California. Petition for writ of certiorari to the Municipal Court of Oakland-Piedmont, California, and/or Superior Court of California, County of Alameda, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. The Chief Justice took no part in the consideration or decision of this petition.

No. 901, *Misc.* Thomas Montgomery, petitioner, *v.* Charles McKendrick, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 987, *Misc.* John Frank Azzone, petitioner, *v.* Ralph H. Tahash, Warden;

No. 1332, *Misc.* Bruce Davis Giffen, petitioner, *v.* California; and

No. 1338, *Misc.* Gary Otis Hodge, petitioner, *v.* Sanger B. Powers. Motions for leave to file petitions for writs of habeas corpus denied.

REHEARINGS DENIED

No. 95. Ruth Elizabeth Chapman and Thomas LeRoy Teale, petitioners, *v.* California;

No. 926. Bethlehem Steel Company et al., petitioners, *v.* United States;

No. 14, *Misc.* Jesse Capuchino, petitioner, *v.* Texas.

No. 29, *Misc.* Lawrence Mark Pohlbel, petitioner, *v.* United States;

- No. 414, **Misc.** Joseph H. Milani, petitioner, *v.* Illinois;
No. 503, **Misc.** Hugh Wendell MacDonald, appellant, *v.* California;
No. 646, **Misc.** Paul W. Botsch, Jr., petitioner, *v.* United States;
No. 718, **Misc.** Joe Y. Gamez, petitioner, *v.* Texas.
No. 1074, **Misc.** Endel E. Soots et ux., petitioners, *v.* Attorney General of the United States;
No. 1138, **Misc.** Bill Harvey Dukes, petitioner, *v.* United States;
and
No. 1155, **Misc.** Ben Lewis, alias Ben Lewis Ehrlich, petitioner, *v.* Illinois et al. Petitions for rehearing denied.
No. 103. Joe Nathan Cooper, petitioner, *v.* California. Petition for rehearing and for modification of opinion denied.

Adjourned until Monday, April 10, 1967, at 10 o'clock.

The day call for Monday, April 10, 1967, will be as follows: Nos. 395, 428, and 463.

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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

Jerome Shuman, of Washington, D.C., Junius V. Beaver, of Louisville, Ky., Donald F. Evans, of Omaha, Nebr., N. David Palmeter, of Elmira, N.Y., Charles E. Halley, of Oklahoma City, Okla., James R. Cooper, of New Kensington, Pa., and Albert Yurko, of Orlando, Fla., on motion of Mr. Solicitor General Thurgood Marshall; George A. Day, of Brownwood, Tex., and Lawrence D. Lee, Jr., of Dallas, Tex., on motion of Mr. Ralph W. Yarborough; George S. Pappagianis, of Nashua, N.H., and Aaron A. Harkaway, of Nashua, N.H., on motion of Mr. Thomas J. McIntyre; George R. Wright, of Smyrna, Del., on motion of Mr. James Caleb Boggs; Richard Joseph Zerafa, of Elk Rapids, Mich., on motion of Mr. Robert P. Griffin;

Clinton R. Ashford, of Honolulu, Hawaii, on motion of Mr. Hiram L. Fong; Richard D. Shearer, of St. Charles, Ill., and Michael F. O'Brien, of St. Charles, Ill., on motion of Mr. John C. Erlenborn; Patrick C. Herrington, of Little Rock, Ark., on motion of Mr. Wilbur Daigh Mills; Ellis B. Anderson, of Essex Fells, N.J., on motion of Mr. Paul A. Porter; Charles H. Phillips, of Los Angeles, Calif., and Richard M. Goldwater, of New York, N.Y., on motion of Mr. Max O. Truitt, Jr.; Francis Robert Reilly, of Los Angeles, Calif., on motion of Mr. George Raymond Jones; R. Harcourt Dodds, of Brooklyn Heights, N.Y., on motion of Mr. Theodore George Gilinsky; Donald P. Gallop, of St. Louis, Mo., on motion of Mr. Bernard J. Fensterwald, Jr.; Richard W. Ervin III, of Tallahassee, Fla., on motion of Mr. William F. Norman; Thomas Edwin Maher, of Detroit, Mich., on motion of Mr. Harold W. Gardner; Rene Munox Padin, of San Juan, P.R., on motion of Mr. William Dill Rogers; Thomas M. Comerford, of New York, N.Y., on motion of Mr. Earl G. Spiker;

Wilford M. Burton, of Salt Lake City, Utah; on motion of Mr. Newell W. Ellison; Stephen DuVal Martin, Jr., of Martinsville, Va., on motion of Mr. Cary Jacquelin Randolph; John Joseph Dempsey, of Springfield, Mass., on motion of Mr. John E. Benoit; Charles J. Moxley, of Ogden, Utah, on motion of Mr. Albert C. Lazure; David Joel Myerson, of New York, N.Y., on motion of Mr. Walter P. North; James Oakes McKee, of Galesburg, Ill., on motion of Mr. Labre R.

No. 639. City of Tampa, Florida, appellant, *v.* United States et al;
No. 640. Railway Labor Executives' Association et al., appellants,
v. United States et al.; and

No. 641. Southern Railway System, appellant, *v.* United States.
Appeals from the United States District Court for the Middle District
of Florida. The motions to affirm in Nos. 638, 639, and 641 are
granted and the judgment is affirmed. The motion to dismiss in
No. 640 is granted and the appeal is dismissed as moot. Opinion *per*
curiam. Mr. Justice Douglas would note probable jurisdiction in
Nos. 638, 639 and 641. Mr. Justice Fortas took no part in the
consideration or decision of these cases.

No. 1028. Elbert M. D'Amico, appellant, *v.* Baltimore and Ohio
Railroad Company. Appeal from the United States District Court
for the District of Maryland. 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. Opinion
per curiam.

No. 1295, Misc. Nancy Jewell Cross, appellant, *v.* California. Ap-
peal from the Superior Court of California, County of San Mateo.
The motion to use the record in No. 1161, Misc., October Term, 1965,
is granted. The appeal is dismissed for want of jurisdiction. Treat-
ing the papers whereon the appeal was taken as a petition for writ of
certiorari, certiorari denied. Opinion *per curiam*.

No. 1317, Misc. William H. Young, appellant, *v.* Director, U.S.
Bureau of Prisons, et al. Appeal from the United States District
Court for the Middle District of Pennsylvania. The motion to dis-
miss is granted and the appeal is dismissed for want of jurisdiction.
Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 9. United States, appellant, *v.* Sealy, Inc. The motion of Serta
Associates, Inc., et al. for leave to participate in oral argument, as
amici curiae, is denied.

No. 89. Roy Walker, petitioner, *v.* Southern Railway Company.
The motion to recall and amend the judgment of this Court is granted.
It is ordered that the certified copy of the judgment sent to the District
Court be recalled and that the case be remanded to the United States
Court of Appeals for the Fourth Circuit.

No. 615. Ralph Berger, petitioner, *v.* New York. The motion of
International Brotherhood of Teamsters, Chauffeurs, Warehouse-
men & Helpers of America, for leave to file a brief, as *amicus curiae*,
is granted.

No. 949. Estate of Max Steinberg, deceased, Pearl Steinberg, Executrix, and Pearl Steinberg, Individually, petitioner, *v.* Commissioner of Internal Revenue. The motion to remand is denied.

No. 9, Misc. Melvin Davis Rees, Jr., petitioner, *v.* C. C. Peyton, Superintendent of the Virginia State Penitentiary. This case is held without action of the petition until further order of the Court.

CERTIORARI GRANTED

No. 1002. Edward J. Brenner, Commissioner of Patents, petitioner, *v.* Jack H. Hofstetter. Petition for writ of certiorari to the United States Court of Custom and Patent Appeals granted and case placed on the summary calendar.

No. 1032. Minnie E. Nash, petitioner, *v.* Florida Industrial Commission et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, granted and case placed on the summary calendar.

No. 1036. National Labor Relations Board, petitioner, *v.* Fleetwood Trailer Co., Inc. 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. 1033. United States, petitioner, *v.* R. B. Rands et ux. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. 953. D. J. Miller, petitioner, *v.* County of Los Angeles. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 956. Robert B. Bennett, Acting Warden, petitioner, *v.* Edgar Labat et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1033. Aaron Daniel, petitioner, *v.* Skibs A/S Hilda Knudsen et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1055. Curtis B. Danning, Trustee, petitioner, *v.* Francis Mintz. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1065. Michael Myerson a/k/a Meyer Myersohn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1071. Charles Farmer, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1072. Jose Guerrero Beltran et al., petitioners, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1073. Laurence Colbrese, Jr., petitioner, *v.* National Farmers Union Property and Casualty Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1075. Leslie D. Stickler, petitioner, *v.* Dan Tehan, Sheriff of Hamilton County, Ohio. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1076. Jerry Sine et ux., petitioners, *v.* Henry C. Helland, Director of Highways, et al. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1077. Ernest Mallory, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1078. The Borden Company, petitioner, *v.* Orville L. Freeman, Secretary of Agriculture, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1079. L. S. Lee et al., petitioners, *v.* City of Jesup. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1082. Bob Hindes et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1084. Columbia Bank for Cooperatives, petitioner, *v.* H. Kenneth Lee, Trustee in Bankruptcy. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1086. Joe Jordan, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1092. Shelby Franklin et al., petitioners, *v.* Marlin K. McDaniel. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1094. Ben Cutler et al., petitioners, *v.* American Federation of Musicians of the United States and Canada, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1099. Franco C. Robinson, petitioner, *v.* S/S "Atlantic Starling" et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1100. Government of Guam, petitioner, *v.* Atkins-Kroll (Guam), Ltd. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

ESPERTS

No. 1121. Lena Roberts, Administratrix, etc., petitioner, *v.* Chicago, Rock Island & Pacific Railroad Company. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 3, *Misc.* Samuel Lee Dunning, petitioner, *v.* Mississippi. Petition for writ of certiorari to the Supreme Court of Mississippi denied.

No. 538, *Misc.* Earnest Hardy Pritchett, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 790, *Misc.* George Woods, Jr., petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 818, *Misc.* John Edward Merrill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 961, *Misc.* John H. Matthews, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1031, *Misc.* Albert David O'Day, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1032, *Misc.* Allen H. Hewitt, 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. 1035, *Misc.* Joseph Wakaksan, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1070, *Misc.* Nathaniel Clifton, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1075, *Misc.* Bonifacio Encarnacion Caballero, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1121, *Misc.* Anthony Wayne Gentile, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 1145, *Misc.* James E. Bright, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1209, *Misc.* George B. Petite, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1210, *Misc.* Frederic Pittman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1217, *Misc.* Elliott Burt Forrest, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1223, *Misc.* J. Howard Arnold, petitioner, *v.* William J. McGuinness. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1228, *Misc.* James Belvin, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1240, *Misc.* Jim Fair, *v.* John Dekle, Supervisor of Voter Registration, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1250, *Misc.* Frederick Harold Brokaw, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1251, *Misc.* Maxine J. LaBrasca, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Sacramento, denied.

No. 1257, *Misc.* Charles J. Stein, petitioner, *v.* W. Willard Wirtz, Secretary of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1261, *Misc.* Albert David O'Day, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1265, *Misc.* William F. Davis, petitioner, *v.* Warden, Maryland House of Correction. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1266, *Misc.* Donald Walker Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1275, *Misc.* Berry Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1280, *Misc.* Leonard Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1284, *Misc.* Albert Grady Keller, petitioner *v.* C. M. Simpson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1287, *Misc.* Douglas Stiltner, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1289, **Misc.** Freddie J. Merneigh, petitioner, *v.* A. L. Dutton, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1291, **Misc.** Richard E. Loux, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1292, **Misc.** John van Geldern, petitioner, *v.* A. L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1293, **Misc.** Henry A. Best, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1294, **Misc.** Charles E. Lyle, petitioner, *v.* James F. Maroney, Superintendent, State Correctional Institution, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1297, **Misc.** Byrle L. Dillenburg, petitioner, *v.* Roger F. Maxwell, Superintendent of the Washington State Reformatory. Petition for writ of certiorari to the Supreme Court of Washington, denied.

No. 1303, **Misc.** Herman H. Castillo, petitioner, *v.* Director of the Department of Corrections et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1306, **Misc.** Alvin Calloway, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1307, **Misc.** Jerome Erving, Jr., and Donald Henry Davis, petitioners, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1310, **Misc.** James W. Price, petitioner, *v.* J. Wayne Allgood, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1312, **Misc.** In the matter of the Disbarment of Paul E. Rhodes, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1316, **Misc.** Phillip H. Jung, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1321, **Misc.** Frances O. Warriner, petitioner, *v.* Doug Tower, Inc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1325, **Misc.** Harry Levine et al., petitioners, *v.* Colgate-Palmolive Co. et al. Petition for writ of certiorari to the Supreme Court of New York, New York County, denied.

No. 1330, **Misc.** Jay Ed Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1331, **Misc.** Rudolphus Farmer, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1593, **Misc.** Aaron Charles Mitchell, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1076, **Misc.** Oscar Bjornsen, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1581, **Misc.** Aaron Charles Mitchell, petitioner, *v.* California. Application for stay of execution presented to Mr. Justice Douglas, and by him referred to the Court, denied. Petition for writ of certiorari to the Supreme Court of California denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1356, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden; and

No. 1391, **Misc.** Walter Woll, petitioner, *v.* Florida. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1396, **Misc.** Riney Meter, petitioner, *v.* Nebraska. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1329, **Misc.** Sherman H. Skolnick, petitioner, *v.* Julius J. Hoffman, Judge; and

No. 1383, **Misc.** Robert Cecil Wilcox, petitioner, *v.* Raymond W. Meier, Warden, et al. Motions for leave to file petitions for writs of mandamus and for other relief denied.

REHEARINGS DENIED

No. 235. William W. Kilgarlin et al., appellants, *v.* John L. Hill, Secretary of State of Texas, et al.;

No. 791. Harry Wallerstein, Receiver of Television Company of America, Inc., et al., petitioners, *v.* Federal Communications Commission;

No. 933. China Union Lines, Ltd., petitioner, *v.* A. O. Andersen & Co. et al.;

No. 934. Lan Jing-Chau et al., petitioners, *v.* A. O. Andersen & Co. et al.;

No. 945. Lawrence P. Hickey et al., petitioners, *v.* Illinois Central Railroad Company;

No. 948. Booker T. Duke, petitioner, *v.* United States;

No. 960. Ruth Elizabeth Allen, etc., et al., petitioners, *v.* Mathiasen's Tanker Industries, Inc., et al.;

No. 973. Gerhard Brasch, petitioner, *v.* Superior Court of the State of California, in and for the City and County of San Francisco;

No. 992. Daniel L. Ginsberg, etc., petitioner, *v.* United States;

No. 15, Misc. Booker T. Hillery, Jr., petitioner, *v.* California;

No. 684, Misc. Janet Phillips and William Ross Phillips, petitioners, *v.* California;

No. 1176, Misc. Rudolph L. Sandoval, petitioner, *v.* California;

No. 1180, Misc. Walter A. Nielsen, appellant, *v.* Nebraska State Bar Association; and

No. 1231, Misc. James Gilbert Glass, petitioner, *v.* United States. Petitions for rehearing denied.

No. 363. Teresa Mae Smith, petitioner, *v.* Industrial Accident Commission of the State of California, etc., et al. Motion for leave to file petition for rehearing denied.

ORAL ARGUMENT

No. 395. Richard Perry Loving et ux., appellants, *v.* Virginia. Two and one half hours allowed for oral argument. Leave granted Mr. Philip J. Hirschkop to appear and present oral argument for the appellants, *pro hac vice*, on motion of Mr. Bernard S. Cohen. Argued by Mr. Philip J. Hirschkop for the appellants, *pro hac vice*, by special leave of Court, by Mr. Bernard S. Cohen for the appellants, by Mr. William M. Marutani for the Japanese American Citizens League, as *amicus curiae*, by special leave of Court, and by Mr. R. D. McIlwaine III, for the appellee.

No. 428. Securities and Exchange Commission, petitioner, *v.* United Benefit Life Insurance Company. Argued by Mr. Solicitor General Marshall for the petitioner and by Mr. Daniel J. McCauley, Jr., for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 11, 1967, will be as follows: Nos. 463, 462, and 480.

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. Ernest Goldstein, of Austin, Tex., on motion of Mr. Solicitor General Thurgood Marshall; Alfred F. Talley, Jr., of Tracy, Calif., on motion of Mr. John J. McFall; James Brent Clarke, Jr., of Washington, D.C., William Richard Stratton, of Washington, D.C., and Justin Nestor Tierney, of Bethesda, Md., on motion of Mr. John Avon Nevius; Robert T. Anderson, of Oakland, Calif., on motion of Mr. Charles Sylvanus Rhyne; Allen I. Olson, of Grand Forks, N. Dak., on motion of Mr. Lawrence P. Hansen; David Epstein, of San Antonio, Tex., on motion of Mr. Daniel Albert Rezneck; Robert P. Mone, of Columbus, Ohio, and Edward F. Whipps, of Columbus, Ohio, on motion of Mr. O. P. Easterwood, Jr.; Don T. Hibner, Jr., of Los Angeles, Calif., on motion of Mr. Gordon F. Hampton; Leonard Zissu, of New York, N.Y., on motion of Mr. Sigmund Timberg; Maurice N. Nessen, of New York, N.Y., on motion of Mr. Samuel H. Seymour; and Michael N. Mervin, of Washington, D.C., on motion of Mr. Samuel Lebowitz, were admitted to practice.

OPINIONS

No. 342. Federal Trade Commission, petitioner, *v.* The Procter & Gamble Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the Court of Appeals with instructions to affirm and enforce the order of the Federal Trade Commission. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Harlan. Mr. Justice Stewart and Mr. Justice Fortas took no part in the consideration or decision of this case.

No. 831. Francis Eddie Specht, petitioner, *v.* Wayne K. Patterson, Warden, et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Colorado for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Harlan agrees with the opinion of this Court, but upon the premises set forth in his opinion concurring in the result in *Pointer v. Texas*, 380 U.S. 400, 408.

No. 79. Robert L. Pierson et al., petitioners, *v.* J. L. Ray et al.; and

No. 94. J. L. Ray et al., petitioners, *v.* Robert L. Pierson et al. On writs 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 District Court for the Southern District of Mississippi for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas.

ORAL ARGUMENT

No. 463. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* Federal Power Commission et al. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. Richard Solomon and Mr. Hugh Smith for the respondents.

No. 462. Washington Public Power Supply System, petitioner, *v.* Federal Power Commission et al. Argument commenced by Mr. Northcutt Ely for the petitioner and continued by Mr. Richard Solomon and Mr. Hugh Smith for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 12, 1967, will be as follows:
Nos. 462, 480, 575, and 399.

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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

Tyler Abell, of Washington, D.C., and John L. Bishop, of Portland, Oreg., on motion of Mr. Attorney General William Ramsey Clark; David R. Anderson, of Washington, D.C., on motion of Mr. Henry S. Reuss; Richard James Waters, of Bellingham, Wash., on motion of Mr. Edwin Lloyd Meeds; Frank Waldemar Bjorklund, of Norway, Maine, on motion of Mr. William D. Hathaway; Thomas A. Davis, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Graeme C. Bannerman, of Washington, D.C., on motion of Mr. Meritt H. Steger; Lewis Clifford Brown, of Rahway, N.J., on motion of Mr. Carl G. Seutter; Waller Staples Hairston, of Easton, Md., on motion of Mr. Lawrence G. Bohlen; Samuel Field Phillips Daniel, Jr., of Tulsa, Okla., on motion of Mr. Michael Shea;

Jerome F. Fitzgerald, of Minneapolis, Minn., on motion of Mr. Lorne Dale MacIver; Bruce Lee Birchman, of Alexandria, Va., on motion of Mr. Rufus S. Hill, Jr.; William K. Tell, Jr., of Houston, Tex., on motion of Mr. William K. Tell; G. Edward Merritt, of New Orleans, La., on motion of Mr. Benjamin W. Yancey; Harry B. LaTourette, Jr., of Tyler, Tex., on motion of Mr. Karl D. Loos; Edwin B. Meade, of Danville, Va., on motion of Mr. Mortimer M. Caplin; Gray L. Dorsey, of St. Louis, Mo., on motion of Mr. Mark H. Woolsey; John A. Murray, of St. Paul, Minn., on motion of Mr. William J. Boyd, Jr.; Frederick P. Hafetz, of New York, N.Y., Patrick William McGinley, of New York, N.Y., and Michael H. Metzger, of New York, N.Y., on motion of Mr. H. Richard Uviller; and Bernard A. Hennig, of Chicago, Ill., and Manly R. Croft, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters, were admitted to practice.

ORAL ARGUMENT

No. 462. Washington Public Power Supply System, petitioner, *v.* Federal Power Commission et al. Argument continued by Mr. Hugh Smith for the respondents and concluded by Mr. Northcutt Ely for the petitioner.

No. 480. Warden, Maryland Penitentiary, petitioner, *v.* Bennie Joe Hayden. Two hours allowed for oral argument. Leave granted Mr.

Albert R. Turnbull to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Franklin Goldstein. Argued by Mr. Franklin Goldstein for the petitioner, by Mr. Ralph S. Spritzer for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Albert R. Turnbull for the respondent, *pro hac vice*, by special leave of Court.

No. 575. Helen Jackson, petitioner, *v.* Lykes Bros. Steamship Co., Inc. Argued by Mr. Charles R. Maloney for the petitioner and by Mr. Benjamin W. Yancey for the respondent.

No. 399. William Turner et al., petitioners, *v.* New York. Argument commenced by Mr. Osmond K. Fraenkel for the petitioners and continued by Mr. H. Richard Uviller for the respondent.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 13, 1967, will be as follows: Nos. 399, 615, and 57 (59 and 60).

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

Robert H. Friebert, of Madison, Wis., and Maurice J. McSweeney, of Milwaukee, Wis., on motion of Mr. Gaylord Nelson; John K. Hass, of Santa Barbara, Calif., on motion of Mr. Quentin M. Burdick; Donald C. McKinlay, of Denver, Colo., and George Frazier Bethel, of Maumee, Ohio, on motion of Mr. Byron G. Rogers; Ronald J. Motta, of Fremont, Calif., on motion of Mr. Don Edwards; L. Guy Marshall, of Portland, Oreg., on motion of Mr. Wendell Wyatt; William Ney Evans, of High Point, N.C., on motion of Judge Wilson Cowan; Walter M. Powell, of Oklahoma City, Okla., on motion of Mr. Brice Wilson Rhyne; McGee Parramore, of Chicago, Ill., on motion of Mr. Russell R. Sage; Donald McGregor, of Sacramento, Calif., on motion of Mr. John F. Mahoney, Jr.; John Edmund Faulk, of Atlanta, Ga., on motion of Mr. Fritz Kahn;

William H. Tabb, of Dallas, Tex., on motion of Mr. William P. McClure; Robert Hamernik, of Tulsa, Okla., on motion of Mr. Bernard James McGraw; Peter F. Willig, of Flushing, N.Y., on motion of Mr. Milford A. Juten; Fred D. Fagg 3d, of Los Angeles, Calif., on motion of Mr. Wayne H. Knight; David Glenn Budd, of Cleveland, Ohio, on motion of Mr. Ernest C. Friesen, Jr.; Raymond Wicks Stephens II, of Los Angeles, Calif., on motion of Mr. Marcus Mattson; William H. Curtis, of Kansas City, Mo., on motion of Mr. Francis G. Cole; David Patton List, of Chicago, Ill., and Thomas Harvey Morsch, of Chicago, Ill., on motion of Mr. Harry T. Carter; Seymour L. Ellison, of San Francisco, Calif., on motion of Mr. Harry S. Wender; Theodore Jay Nessel, of New York, N.Y., and Alfred Reinharz, of New York, N.Y., on motion of Mr. Sidney W. Cornfield; and James E. Cockfield, of Washington, D.C., and Marvin Gayle, of Beverly Hills, Calif., on motion of Mr. Peter H. Smolker, were admitted to practice.

ORAL ARGUMENT

No. 399. William Turner et al., petitioners, *v.* New York. Argument continued by Mr. H. Richard Uviller for the respondent and concluded by Mr. Osmond K. Fraenkel for the petitioners.

No. **615**. Ralph Berger, petitioner, *v.* New York. Argued by Mr. Joseph E. Brill for the petitioner and by Mr. H. Richard Uviller for the respondent.

No. **57**. American Trucking Associations, Inc., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al.;

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

No. **60**. United States et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Three hours allowed for oral argument. Argument commenced by Mr. Robert W. Ginnane for the appellants and continued by Mr. Richard R. Sigmon for the appellants and by Mr. Thormund A. Miller for the appellees.

Adjourned until Monday, April 17, 1967, at 10 o'clock.

The day call for Monday, April 17, 1967, will be as follows: Nos. **57 (59 and 60), 430, 624, 491, and 724.**

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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 R. Parks, of Miami, Fla., Paul Cartwright Perkins, of Orlando, Fla., Norris D. Woolfork III, of Orlando, Fla., David E. Schwab II, of New York, N.Y., and Lester A. Katz, of Providence, R.I., on motion of Mr. Ralph Simon Spritzer; C. Wayne Hatcher, of Lincoln, Nebr., on motion of Mr. Carl T. Curtis; Herbert Reginald Thompson, of Swainsboro, Ga., on motion of Mr. Phil M. Landrum; Alfred D. Meitus, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Donald Lewis Summer, of Buffalo, N.Y., on motion of Mr. Eugene Gressman; Cyrus R. Lewis, of Dothan, Ala., and C. Harris Dittmar, of Jacksonville, Fla., on motion of Mr. Charles Sylvanus Rhyne; Jeanine Jacobs, of Bala-Cynwyd, Pa., on motion of Mr. Louis Jacobs; Charles Richard Eyster, of San Antonio, Tex., on motion of Mr. Richard F. Generelly; Donald C. Steiner, of Rochester, Minn., on motion of Mr. Thomas L. Hughes; Eugene Driker, of Detroit, Mich., on motion of Mr. George Miron;

Martin M. Lucente, of Chicago, Ill., on motion of Mr. George L. Saunders; Wesley Counts Johnson, of Tampa, Fla., on motion of Mr. Amory Underhill; Robert H. Stahlheber, of St. Louis, Mo., on motion of Mr. Harry J. Breithaupt, Jr.; Raymond Schwartz, of Stony Brook, N.Y., on motion of Mr. Stanley J. Mann; Hamilton R. Winton, Jr., of Chicago, Ill., on motion of Mr. Benj. G. Habberton; Adlai Stevenson Hardin, Jr., of New York, N.Y., on motion of Mr. John Grindle, Jr.; Frederic Block, of Port Jefferson, N.Y., on motion of Mr. Richard Caleb Cahn; Stuart James Scott, of Dallas, Tex., on motion of Mr. Bernard A. Foster, Jr.; Wm. Holmes Brown, Jr., of Huntington, W. Va., on motion of Mr. George Kaufmann; George R. Cook, of Grand Rapids, Mich., and Niel A. Weathers, Jr., of Grand Rapids, Mich., on motion of Mr. Paul O. Strawhecker; Richard S. Werksman, of Kensington, Md., and Avrom J. Gold, of Nutley, N.J., on motion of Mr. Franklin C. Salsbury; and Kurt Berggren, of Richmond, Va., Harry Frazier III, of Richmond, Va., and Harry T. Marshall, Jr., of Virginia Beach, Va., on motion of Mr. Archibald G. Robertson, were admitted to practice.

OPINIONS

No. 110. National Woodwork Manufacturers Association et al., petitioners, *v.* National Labor Relations Board; and

No. 111. National Labor Relations Board, petitioner, *v.* National Woodwork Manufacturers Association et al. On writs of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed in part and reversed in part and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring memorandum by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Clark join.

No. 206. Houston Insulation Contractors Association, petitioner, *v.* National Labor Relations Board; and

No. 413. National Labor Relations Board, petitioner, *v.* Houston Insulation Contractors Association. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed in part and reversed in part and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Clark, and Mr. Justice Stewart dissent for the reasons expressed in the dissenting opinion of Mr. Justice Stewart in Nos. 110 and 111, *supra*.

No. 712. Joyce C. Thorpe, petitioner, *v.* Housing Authority of the City of Durham. On writ of certiorari to the Supreme Court of North Carolina. Judgment vacated and case remanded to the Supreme Court of North Carolina for such further proceedings as may be appropriate in light of the February 7 circular of the Department of Housing and Urban Development. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice White.

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. 984. Erwine Laverne et al., appellants, *v.* Incorporated Village of Laurel Hollow et al. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for the reason that the judgment sought to be reviewed rests upon an adequate state ground. Opinion *per curiam*.

No. 1014. James Dean Walker, appellant, *v.* Arkansas. Appeal from the Supreme Court of Arkansas. 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. 1034. Chester Stewart et al., appellants, *v.* Industrial Commission of Illinois 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. 1049. Norman F. Dacey et al., appellants, *v.* Grievance Committee of the Bar of Fairfield County. Appeal from the Supreme Court of Connecticut. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 1067. Miller Brewing Company, appellant, *v.* Theodore Jones as Director of Revenue of Illinois. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Caddo Parish School Board et al., petitioners, *v.* United States et al. The motion for stays of execution and enforcement of the judgments of the United States District Courts for the Eastern and Western Districts of Louisiana entered pursuant to the mandates of the United States Court of Appeals for the Fifth Circuit, presented to Mr. Justice Black and by him referred to the Court, is denied.

No. —. Daniel Allen Roberts, petitioner, *v.* Lawrence E. Wilson, Warden. The application for a stay of execution of the death sentence imposed upon the petitioner presented to Mr. Justice Douglas, and by him referred to the Court, is denied. Mr. Justice Fortas is of the opinion that the application for stay should be granted.

No. 30, **Original**. State of Michigan, plaintiff, *v.* State of Ohio. The motion for leave to file a bill of complaint is granted and the State of Ohio is allowed sixty days to answer.

No. 23. United States et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. The motion of the Southern Governors' Conference et al., for leave to file a brief, as *amici curiae*, is granted.

No. 1119. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. The Solicitor General is invited to file a brief expressing the views of the United States.

CERTIORARI GRANTED

No. 668. Federal Trade Commission, petitioner, *v.* Flotill Products, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 1070. S. Edward Bloom, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois granted and case placed on the summary calendar.

No. 1141, Misc. James H. Harris, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 982. County of Los Angeles et al., petitioners, *v.* Montrose Chemical Corporation of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1097. John Burton Moody, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1101. Gordon Evanson et al., petitioners, *v.* Northwest Holding Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1107. Joseph Rizzo et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1108. Chambersburg Broadcasting Company, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1111. Alfred Korn, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1113. Jan T. Bata, etc., petitioner, *v.* Central-Penn National Bank of Philadelphia et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1125. Elias Tsakonites, petitioner, *v.* Transpacific Carriers, Corp., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1126. Clara L. Washington, petitioner, *v.* Golden State Mutual Life Insurance Company. Petition for writ of certiorari to the Supreme Court of Texas denied.

No. 1127. Southern Brokerage Company, petitioner, *v.* David Carnarsa. Petition for writ of certiorari to the Supreme Court of Texas and/or the Court of Civil Appeals of Texas, Sixth Supreme Judiciary District, denied.

No. 1145. Dendy Robert Sligh, petitioner, *v.* Columbia, Newberry and Laurens Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1162. Merlands Club, Inc., petitioner, *v.* Victor R. Messall et al. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 981. Sidney Felber, petitioner, *v.* The Association of the Bar of the City of New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied. Mr. Justice Black dissents with whom Mr. Justice Douglas joins:

Petitioner, a lawyer, was automatically disbarred in 1941 solely on the basis of a trial court's conviction for larceny and forgery. This conviction was held void and set aside by an appellate court which finally ended the criminal case. After dismissal of the criminal case, petitioner moved for reinstatement to the Bar. The matter was referred to a referee, who, relying on the same testimony which the appellate court held could not legally support petitioner's conviction, denied reinstatement. In so doing, the referee expressly noted that petitioner had the burden of proving that he was morally fit for re-admission to the Bar, although the burden of proof would have been on the Bar in making an original charge against a lawyer. The Appellate Division accepted the referee's recommendation, and the Court of Appeals denied petitioner permission to appeal on the ground that the judgment lacked "finality." On three subsequent occasions petitioner again moved for reinstatement, but each time was turned down by the Appellate Division without an opinion and denied permission to appeal by the Court of Appeals on the ground of no "final judgment," although it has disbarred him for 25 years. On the last occasion petitioner presented the state courts with the constitutional issues which he now urges this Court to review and decide in his favor.

For over 25 years petitioner has been unable to pursue his vocation because of a void criminal conviction, a manifest distortion of justice. The question presented is whether the State, having disbarred petitioner automatically on the basis of a conviction for crime subsequently voided, can perpetuate his disbarment on the basis of the identical evidence offered to convict him. There are at least two reasons why the State should not be allowed to do this. First, the moment petitioner's conviction was reversed, his continued disbarment was supported by absolutely no evidence. This was a clear deprivation of due process of law and made the disbarment at that time as void as the criminal

conviction. *Konigsberg v. State Bar*, 353 U.S. 252; see *Thompson v. City of Louisville*, 362 U.S. 199. Second, it is no answer to suggest, as does respondent, that this denial of due process was somehow remedied when the referee, after a hearing, denied petitioner's motion for reinstatement. This shifted to petitioner the burden to prove his innocence, because in New York there is apparently a tremendous difference between defending a disbarment charge and prosecuting a motion for reinstatement to the Bar. Where the Bar prosecutes for disbarment, the burden of proof is on the Bar Association; but where, as here, the lawyer asks reinstatement, the burden of proof is on him. Moreover, when a lawyer is initially disbarred, he may appeal the Appellate Division's decision to the Court of Appeals; but when a lawyer's motion for reinstatement is denied, the Court of Appeals is without jurisdiction to hear an appeal because the denial is not a "final judgment." Thus, for 25 years (long enough one would think to be final) the Court of Appeals has refused to review the orders denying petitioner readmission to the Bar. There may be valid reasons for fastening greater procedural burdens on a disbarred lawyer seeking reinstatement than on a lawyer defending a disbarment action. But where the difference in status, as here, is solely attributable to a void conviction for crime, the difference in treatment is itself violative of equal protection and further aggravates the initial deprivation of due process, a disbarment based on no evidence.

For these reasons I dissent from the denial of certiorari in this case.

No. 1091. Virgil Ogletree et al., petitioners, *v. Ohio*. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 1176. 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. 325, Misc. Edward Freeman, petitioner, *v. Illinois*. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 864, Misc. Joseph Gaito, petitioner, *v. Pennsylvania*. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 1004, Misc. Osvaldo Jacquez, petitioner, *v. Lawrence E. Wilson, Warden*. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1092, Misc. Horatio Ben Pearson, petitioner, *v. California*. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1105, *Misc.* Frank Richard Darmiento and Anne Marie Del Vecchio, petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1119, *Misc.* Howard Eugene Rowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1163, *Misc.* Harry Gamboa Buckley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1216, *Misc.* Anthony Williams, 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. 1218, *Misc.* Eufemio Rosado aka Mike Rosado, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1244, *Misc.* Lee Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1282, *Misc.* Otis Chestnut et al., petitioners, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1299, *Misc.* Edward L. Jones, 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. 1302, *Misc.* Verdell Turner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1314, *Misc.* Emma Lee E. Hatter, etc., petitioner, *v.* T. S. Sale, Jr., et al. Petition for writ of certiorari to the Supreme Court of Louisiana and/or Court of Appeal of Louisiana, Second Circuit, denied.

No. 1315, *Misc.* Henry Wilson, 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. 1318, *Misc.* Phillip Allen LeBrun, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1323, *Misc.* Orvil C. Allen, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1324, *Misc.* Frances Oppenheim et al., petitioners, *v.* Samuel H. Sterling et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1326, **Misc.** Matthew P. Zaleck, petitioner, *v.* Lawrence E. Wilson, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1333, **Misc.** Jo Ann Lyons, petitioner, *v.* E. W. Klatt, Superintendent. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1334, **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. 1335, **Misc.** Milton Parness, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1336, **Misc.** Walter Frank Knowles, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1339, **Misc.** Harold N. Vigil, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1341, **Misc.** Georgie Lynn and Johnnie Lynn, petitioners, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1343, **Misc.** Robert W. Puppe, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1349, **Misc.** Jack Meikle, petitioner, *v.* Edward Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1351, **Misc.** Gilbert V. Gonzales, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1354, **Misc.** Billy Joe Wright, petitioner, *v.* Fred R. Dickson, Warden et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1357, **Misc.** Robert E. Collins, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1362, **Misc.** Forrest E. Honea, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First District, denied.

No. 1364, **Misc.** Louis D. Ponce, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1365, **Misc.** Robert L. Corbin, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. **1366, Misc.** Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1368, Misc.** J. C. McCrary, petitioner, *v.* South Carolina et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. **1369, Misc.** James A. Williams, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1372, Misc.** Sampson Tkaczyk et al., petitioners, *v.* Kenneth Gallagher et al. Petition for writ of certiorari to the United States of Appeals for the Second Circuit denied.

No. **1373, Misc.** Phillipp Eidenmueller, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied.

No. **1374, Misc.** Bryant Henry Pridgen, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1378, Misc.** John. C Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1379, Misc.** Arthur Michael Schruder, petitioner, *v.* B. J. Rhay, Superintendent, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1408, Misc.** P. E. Carey, petitioner, *v.* George Washington University. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1417, Misc.** Frank Ramirez Torres, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1419, Misc.** Wesley Johnson, petitioner, *v.* Texas. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1430, Misc.** George Stanley Ashby, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. **123, Misc.** Earl Nettles, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. **158, Misc.** James E. Smith, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals

for the District of Columbia Circuit denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 245, *Misc.* Stanley White, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 275, *Misc.* Allan B. Smith, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 279, *Misc.* Jessie Louis Clifton, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 741, *Misc.* Joe Givas Acosta, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 829, *Misc.* Bobby Merrick Fluelylyn, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Second Judicial Department, denied. The Chief Justice, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. 167, *Misc.* Joseph Coffey, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Douglas and Mr. Justice Fortas are of the opinion that certiorari should be granted. The Chief Justice took no part in the consideration or decision of this petition.

No. 1247, *Misc.* Charles L. Everett, 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.

LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 1439, *Misc.* Charles Edward Smith, petitioner, *v.* Lawrence E. Wilson, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. **1352, Misc.** Calvin Winston Jackson, petitioner, *v.* District Court of Appeal of California, Fourth Appellate District. Motion for leave to file petition for writ of mandamus denied.

No. **1313, Misc.** James Durelle Boles, Sr., petitioner, *v.* Hamilton S. Burnett, Chief Justice, Supreme Court of Tennessee, et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

No. **1359, Misc.** Sherman H. Skolnick, petitioner, *v.* Edwin A. Robson, Judge, etc. Motion for leave to file petition for writ of mandamus and for other relief denied.

No. **1613, Misc.** Muhammad Ali, etc., et al., petitioners, *v.* James F. Gordon, United States District Judge for the Western District of Kentucky. Application for stay and for other relief, as well as the petition for an order staying the orders of the United States District Court for the Western District of Kentucky and for an injunction pending appeal, presented to Mr. Justice Stewart and by him referred to the Court, denied. Motion for leave to file a petition for writ of mandamus denied.

REHEARINGS DENIED

No. **571.** Werner C. von Clemm et al., petitioners, *v.* Elizabeth Rudel Smith, Treasurer of the United States, et al.;

No. **942.** Alterman Transport Lines, Inc., et al., appellants, *v.* Public Service Commission of Tennessee et al.;

No. **1004.** Arden Farms Co. et al., appellants, *v.* State Department of Agriculture et al.; and

No. **1198, Misc.** James K. Shannon, appellant, *v.* Sheriff Sequeechi et al. Petitions 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, April 24, 1967, until Monday, May 8, 1967.

ORAL ARGUMENT

No. **57.** American Trucking Associations, Inc., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al.;

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

No. 60. United States et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al. Argument continued by Mr. Thormund A. Miller, by Mr. Francis M. Shea, by Mr. Paul R. Duke, and by Mr. D. Robert Thomas for the appellees and concluded by Mr. Robert W. Ginnane for the appellants.

No. 430. James Sailors et al., appellants, *v.* The Board of Education of the County of Kent et al.;

No. 624. Earle C. Moody et al., appellants, *v.* Richmond M. Flowers et al.;

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al.; and

No. 724. Frank A. Dusch et al., appellants, *v.* J. E. Clayton Davis et al. Total of five hours and twenty minutes allowed for oral argument. Leave granted Mr. Francis X. Beytagh to appear and present oral argument for the United States, as *amicus curiae, pro hac vice*, on motion of Mr. Ralph S. Spritzer.

No. 430. James Sailors et al., appellants, *v.* The Board of Education of the County of Kent et al. Argument commenced by Mr. Wendell A. Miles for the appellants and continued by Mr. Paul O. Strawhecker for the appellees and by Mr. Francis X. Beytagh for the United States, as *amicus curiae, pro hac vice*, by special leave of Court in this case and in Nos. 624, 491, and 724.

Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 18, 1967, will be as follows: Nos. 430, 624, 491, 724, and 781.

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 Armendariz, of El Paso, Tex., on motion of Mr. Richard C. White; William J. Dwyer, of Hagerstown, Md., and George G. Snyder, of Clear Spring, Md., on motion of Mr. Charles McCurdy Mathias, Jr.; Douglas MacKernan Black, of Port Huron, Mich., on motion of Mr. Eugene F. Black; Cyril M. Saroyan, of San Francisco, Calif., on motion of Mr. Calvin L. Rampton; James Carrigan Hagedorn, of San Diego, Calif., on motion of Mr. William S. Fulton, Jr.; David Joel Passamaneck, of Union, N.J., on motion of Mr. Martin S. Drucker; Edgar S. Cahn, of Washington, D.C., on motion of Mrs. Jean Camper Cahn; Wilford N. Sklar, of Riverside, Calif., on motion of Mr. Hubert I. Teitelbaum; Guy Wilson Shoup, of New York, N.Y., on motion of Mr. Jerome Christian Muys; Richard E. Kurtz, of Berwyn, Pa., on motion of Mr. Oscar B. Waddell; William F. Eich, of Madison, Wis., on motion of Mr. Nicholas V. Olds; Kenneth Dean Barrows, of Denver, Colo., on motion of Mr. George L. Saunders; Barclay D. McMillen, of Washington, D.C., on motion of Mr. William I. Harkaway; Cleveland Stevens, of Washington, D.C., on motion of Mr. Paul R. Webber III; George C. Neal, of Washington, D.C., and David S. Hemenway, of St. Louis, Mo., on motion of Mr. L. Welch Pogue; W. L. Moore, of Nashville, Tenn., and William D. Dodson, of Nashville, Tenn., on motion of Mr. H. G. Morison; LeGrand Alf Carlston, of Denver, Colo., and Z. L. Pearson, Jr., of Denver, Colo., on motion of Mr. Bryce Rea; and E. Winther McCroom, of Cincinnati, Ohio, Peter J. Randolph, Sr., of Cincinnati, Ohio, and Arthur J. Reid, Jr., of Cincinnati, Ohio, on motion of Mr. Norris Muldrow, were admitted to practice.

ORAL ARGUMENT

No. 430. James Sailors et al., appellants, *v.* The Board of Education of the County of Kent et al. Argument continued by Mr. Francis X. Beytagh for the United States, as *amicus curiae*, *pro hac vice*, by special leave of Court in this case and in Nos. 624, 491 and ~~724~~, and concluded by Mr. Paul O. Strawhecker for the appellees. 724

No. 624. Earle C. Moody et al., appellants, *v.* Richmond M. Flowers et al. Argued by Mr. Charles S. Rhyne for the appellants and by Mr. Truman Hobbs for the appellees.

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al. Argued by Mr. Stanley S. Corwin for the appellants and by Mr. Frederic Block and Mr. Richard C. Cahn for the appellees. Memoranda to come.

No. 724. Frank A. Dusch et al., appellants, *v.* J. E. Clayton Davis et al. Argued by Mr. Harry Frazier III, for the appellants and by Mr. Henry E. Howell, Jr., for the appellees.

Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 19, 1967, will be as follows: Nos. 781, 8 (and 23), and 794.

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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

Carroll E. Multz, of Denver, Colo., on motion of Mr. Gordon Allott; Ralph Gordon Thompson, of Oklahoma City, Okla., on motion of Mr. Page Belcher; Jerry Silverman, of Long Beach, Calif., on motion of Mr. Craig Hosmer; William Nicholas Azkoul, of Grand Rapids, Mich., on motion of Mr. Gerald R. Ford; William Althen Eckert, Jr., of Magnolia, Ark., on motion of Mr. Floyd Lee Williams; Myrtle M. Burgess, of Reedley, Calif., on motion of Mr. Stewart French; Alan Lewis Siff, of Chicago, Ill., on motion of Mr. Fritz R. Kahn; William B. Pennell, of Brooklyn, N.Y., on motion of Mr. David A. Miller; David Livingstone Wilson, of Philadelphia, Pa., on motion of Mr. Hugh B. Cox; Herbert H. George, of Helena, Mont., on motion of Mr. Richard Henry Heidermann; Martin P. Hoffman, of Silver Spring, Md., on motion of Mr. Donald L. Dennison; William E. Miele, Jr., of Suffern, N.Y., and Robert J. Stolarik, of Suffern, N.Y., on motion of Mr. Leo C. Krazinski; Edward S. Bopp, of New Orleans, La., on motion of Mr. Lawrence F. Henneberger; and Gerald R. Ferrera, of Boston, Mass., on motion of Mr. James H. Kelley, were admitted to practice.

ORAL ARGUMENT

No. 781. National Labor Relations Board, petitioner, *v.* Great Dane Trailers, Inc. Argued by Mr. Arnold Ordman for the petitioner and by Mr. O. R. T. Bowden for the respondent.

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

No. 23. United States et al., appellants, *v.* The Atchison, Topeka & Santa Fe Railway Company et al. Three hours allowed for oral argument. Argued by Mr. Arthur J. Cerra and Mr. Hugh B. Cox for the appellants and by Mr. Howard J. Trienens, Mr. George L. Saunders, Jr., and Mr. Calvin L. Rampton, and Mr. Cyril M. Saroyan for the appellees.

No. 794. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* Brotherhood of Railroad Trainmen et al. Argued by Mr. Martin M. Lucente for the petitioner and by Mr. James L. Highsaw, Jr., for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 20, 1967, will be as follows: Nos. 9 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

Margaret Murray Blizard, of Norwood, Mass., and John C. Culver, of Marion, Iowa, on motion of Mr. Edward M. Kennedy; Kase Higa, of Wailuku, Hawaii, on motion of Mr. Daniel K. Inouye; C. Hamilton Evans, of Denver, Colo., on motion of Mr. Donald G. Brotzman; James R. Schipper, of Viroqua, Wis., on motion of Mr. Vernon W. Thomson; George Read Carlock, of Phoenix, Ariz., on motion of Mr. John K. Carlock; Edward L. FitzGerald, of Kansas City, Mo., Myer M. Penn, of San Francisco, Calif., Bernard Harold Strasser, of Daytona Beach, Fla., and A. J. Amadeo-Murga, of San Juan, P.R., on motion of Mr. Daniel M. Friedman; Benjamin Hager, of Brooklyn, N.Y., on motion of Mr. Nathan Lewin; Frank J. Simokaitis, of St. Louis, Mo., on motion of Mr. Robert L. Vickers;

Ivan Frank Kardos, of Adelphi, Md., on motion of Mr. Jack T. DiLorenzo; James G. Hierung, of Kenilworth, Ill., on motion of Mr. Robert C. Keck; Leo P. Dorsey, of New York, N.Y., on motion of Mr. James F. Hart; William B. Stoebeck, of Seattle, Wash., on motion of Mr. Donald E. Schwartz; Sheldon H. Grossfeld, of Sacramento, Calif., on motion of Mr. Joel R. Feidelman; Henry Durham, of Lexington, Ky., on motion of Mr. D. M. Harrington; Joseph F. Haas, of Atlanta, Ga., on motion of Mr. Sigmund Timberg; David Lee Aufderstrasse, of Chicago, Ill., on motion of Mr. Richard W. McLaren; Roland Grover Robison, Jr., of Salt Lake City, Utah, on motion of Mr. John Franklin Lee; and Don L. Nay, of San Diego, Calif., on motion of Mr. Aaron Walter Reese, were admitted to practice.

ORAL ARGUMENT

No. 9. United States, appellant, *v.* Sealy, Inc. Argued by Mr. Daniel M. Friedman for the appellant and by Mr. Richard W. McLaren for the appellee.

No. 25. United States, appellant, *v.* Arnold, Schwinn & Co. et al. Argued by Mr. Richard A. Posner for the appellant and by Mr. Robert C. Keck and Mr. Earl E. Pollock for the appellees.

Adjourned until Monday, April 24, 1967, 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 Alexis Guerin, of Washington, D.C., Stephen L. Robbins, of Washington, D.C., Donald B. St. Charles, of Victorville, Calif., William Power Clancey, Jr., of San Francisco, Calif., Claude L. Eichel, of Miami, Fla., Edward I. Heilbronner, of Washington, D.C., Irving J. Whitman, of Miami, Fla., Henry G. Salamy, of Boston, Mass., Roger M. Thomas, of Boston, Mass., James E. McCarthy, of Plymouth, Mich., Arnold C. Friedman, of Maplewood, N.J., Donald Berman, of New York, N.Y., Harry Brodbar, of Brooklyn, N.Y., Harold M. Brown, of Brooklyn, N.Y., Morton L. Ginsberg, of New York, N.Y., Raymond J. Scanlan, of Brooklyn, N.Y., Eleftherios P. Baker, of Washington, D.C., Frank E. Bennett, of Columbus, Ohio, John Dominic Connor, of Columbus, Ohio, Myron L. Joseph, of Cleveland, Ohio, John T. Carlon, Jr., of Fort Lauderdale, Fla., and Charles F. Hite, of Johnstown, Pa., on motion of Mr. Solicitor General Thurgood Marshall; Darrell D. Thomas, of Colorado Springs, Colo., on motion of Mr. Gordon Allott; Peter Flanagan Leary, of Salt Lake City, Utah, on motion of Mr. Frank Moss;

Stephen T. Roumell, of New Buffalo, Mich., and Garry E. Brown, of Schoolcraft, Mich., on motion of Mr. J. Edward Hutchinson; George Camp, of Oklahoma City, Okla., on motion of Mr. Page Belcher; Norman Janvier Bolinger, of Jacksonville, Fla., on motion of Mr. Charles E. Bennett; Francis G. Culhane, of San Angelo, Tex., and J. P. Darrouzet, of Austin, Tex., on motion of Mr. O. C. Fisher; Billie Gene Hollowell, of Grand Saline, Tex., on motion of Mr. John Dowdy; Daniel J. Sullivan, of Seaford, N.Y., and Burton B. Roberts, of Bronx, N.Y., on motion of Mr. Edwin L. Weisl, Jr.; Edouard Eugene Robert, of Petaluma, Calif., and James Douglas Harris, of Montgomery, Ala., on motion of Mr. Brice Wilson Rhyne; Kenneth W. King, of Fairfield, Calif., on motion of Mr. Harold W. Gardner; George R. Donnell, of San Antonio, Tex., on motion of Mr. James H. Norris, Jr.; Kenneth Charles Hughes, of Metairie, La., on motion of Mr. Earl R. Stanley; Robert S. Swecker, of Washington, D.C., and

Benton Samuel Duffett, Jr., of Washington, D.C., on motion of Mr. J. Preston Swecker; Charles D. Cook, of New York, N.Y., on motion of Mr. Charles O. Verrill; Bestor F. Witter, of Rock Island, Ill., on motion of Mr. William F. Clarke;

Leslie A. Hynes, of New York, N.Y., on motion of Mr. Thomas G. Laughlin; Edward Schulzinger, of Cincinnati, Ohio, on motion of Mr. Joel R. Feidelman; Roger Arthur Clark, of Washington, D.C., on motion of Mr. Robert Larsen; Josef Griliches, of New York, N.Y., on motion of Mr. Bertram Schwartz; Gerald F. Stevens, of Milford, Conn., on motion of Mr. Ernest Schein; George William Coggin, of Greensboro, N.C., on motion of Mr. Hugh Q. Alexander; Howard E. Erickson, of Denver, Colo., on motion of Mr. Lawrence Gold; Judd L. Kessler, of Newark, N.J., and Kent N. Knowles, of Northport, N.Y., on motion of Mr. Herbert E. Morris; Patrick F. Sullivan, of St. Paul, Minn., on motion of Mr. Loren MacIver; E. MacBurney Storm, of Spencerport, N.Y., on motion of Mr. Jalmer O. Rolfson; John A. Biersmith, of Kansas City, Mo., on motion of Mr. Hugh Nugent; George Arthur Athanson, of Hartford, Conn., on motion of Mr. Achilles Catsonis; Robert M. Stein, of Hempstead, N.Y., on motion of Mr. David I. Shapiro; George E. Anthou, of Canonsburg, Pa., on motion of Mr. M. Ted Rapses; Edward Fenig, of Washington, D.C., on motion of Mr. Frank Stetson; Joseph R. Di Stefano, of North Providence, R.I., on motion of Mr. Eugene T. Leipfert; John J. Mackiewicz, of Philadelphia, Pa., and Robert B. Washburn, of Philadelphia, Pa., on motion of Mr. Oscar B. Waddell;

Horace R. Burnham, of Anniston, Ala., William I. Chertok, of Los Angeles, Calif., Charles M. Dresow, of San Francisco, Calif., Leighton Hatch, of San Francisco, Calif., James Merle Ideman, of Los Angeles, Calif., R. Bryan Jamar, of Santa Rosa, Calif., Hayward P. LeCrone, of Anaheim, Calif., Max M. Misenaar, of Orinda, Calif., Benjamin S. Mortara, Jr., of San Francisco, Calif., Robert Nicco, of San Francisco, Calif., Einar C. Petersen, of San Pedro, Calif., James Wesley Read, Jr., of Santa Monica, Calif., Timothy Paul Reames, of Los Angeles, Calif., Mario Andrew Roberti, of Los Angeles, Calif., Paul G. Seehusen, of Culver City, Calif., Robert J. Smith, of Los Altos, Calif., Fredric Speier, of Belvedere, Calif., Peter Nachant Swan, of San Francisco, Calif., George J. Polatty, of Roswell, Ga., Edwin La Von Duncan, of Fountain Valley, Calif., Patrick M. Ryan, of Fullerton, Calif., James S. Kilpatrick, Jr., of Ardmore, Pa., Jack L. Bloom, of Greenville, S.C., Dudley H. Britt, Jr., of Columbia, S.C., James G. Long, Jr., of Spartanburg, S.C., John D. Long III, of Union, S.C., Marvin R. Watson, of Greenwood, S.C., John H. Cary, of Knoxville, Tenn., Howell G. Clements, of Chattanooga, Tenn., H. Wayne Grant, of Chattanooga, Tenn., John C. Pope, of Lake View Terrace,

Calif., Robert Wayne Ritchie, of Knoxville, Tenn., William M. Sherrill, of Chattanooga, Tenn., Lee Julius Rosch, of El Pasco, Tex., Kenneth J. Hodson, of Jackson, Wyo., Bruce C. Babbitt, of Livingston, Mont., Robert N. Mittelstaedt, of San Francisco, Calif., Michael M. Downes, of Athens, Ga., Richard Pittman Scheff, of Marietta, Ga., Boyd W. Allen, Jr., of Decatur, Ill., William E. Steffen, of North Riverside, Ill., Robert D. Byers, of Marshalltown, Iowa, Steven R. Norman, of Ames, Iowa, Robert D. Hamel, of Zurich, Kans., Walter K. Myers, of Hiawatha, Kans., Arthur C. White, of Charlottesville, Va., William Kent Suter, of Houston, Tex., Anthony A. Movsesian, of Lincoln, R.I., Robert J. Chadwick, of Montclair, N.J., Harold D. Krashes, of Spring Valley, N.Y., Sanford V. Lavine, of Syracuse, N.Y., Richard J. Bednar, of Omaha, Nebr., James Crawford Subrown, of Sutherland, Nebr., Raymond C. McRorie, of Spring Lake, N.C., Oliver L. Price, of Grand Forks, N. Dak., Norman S. Wilson, of Muskogee, Okla., Gustave F. Jacob, of De Smet, S. Dak., Claude C. Farmer, Jr., of Richmond, Va., Charles A. White, Jr., of Mathews, Va., Michael Patrick Murray, of San Francisco, Calif., Edwin P. Wasinger, of Milwaukee, Wis., and Ronald M. Holdaway, of Laramie, Wyo., on motion of Mr. Lawrence Joseph Fuller;

Joseph B. Bagley, of Pittsburgh, Pa., Norman M. Bartko, of McKeesport, Pa., Alan N. Bloch, of Pittsburgh, Pa., John R. Bredin, of Pittsburgh, Pa., Alvin D. Capozzi, of Pittsburgh, Pa., Norman J. Cowie, of Pittsburgh, Pa., John P. Davis, Jr., of Pittsburgh, Pa., Ralph T. DeStefano, of Pittsburgh, Pa., George C. Diamantopoulos, of Pittsburgh, Pa., F. Peter Dixon, of Pittsburgh, Pa., William B. Dixon, of Pittsburgh, Pa., Frederick N. Egler, of Pittsburgh, Pa., Emilio Paul Fastuca, of Pittsburgh, Pa., Jay Harris Feldstein, of Pittsburgh, Pa., James J. Flaherty, of Pittsburgh, Pa., Mave Victoria Geddis, of Pittsburgh, Pa., Stanley Z. Goldberg, of Pittsburgh, Pa., Charles M. Grimstad, of Pittsburgh, Pa., Leo P. Hajdukiewicz, of Monroeville, Pa., Orrin G. Hatch, of Pittsburgh, Pa., Gilbert J. Helwig, of Pittsburgh, Pa., William A. Herd, Jr., of Pittsburgh, Pa., John J. Hickton, of Pittsburgh, Pa., Thomas Hollander, of Pittsburgh, Pa., Peter J. King, of Pittsburgh, Pa., James C. Larrimer, of Pittsburgh, Pa., Roslyn M. Litman, of Pittsburgh, Pa., S. David Litman, of Pittsburgh, Pa., S. Sylvan Little, of Pittsburgh, Pa., Martin Lubow, of Pittsburgh, Pa., Paul A. Manion, of Pittsburgh, Pa., James F. Manley, of Pittsburgh, Pa., Edwin J. Martin, of Pittsburgh, Pa., Lois J. McKee, of McKeesport, Pa., John Sherman McLaughlin, of Pittsburgh, Pa., Paul E. Moses, of Pittsburgh, Pa., Henry Mustin, of Pittsburgh, Pa., Robert N. Peirce, Jr., of Pittsburgh, Pa., Robert Raphael, of Pittsburgh, Pa., Irwin M. Ringold, of Pittsburgh, Pa., Vincent L. St. Johns, of Pittsburgh, Pa., Samuel R. Sciullo, of

Castle Shannon, Pa., John H. Scott, Jr., of Pittsburgh, Pa., Martin M. Sheinman, of Pittsburgh, Pa., Arnold B. Silverman, of Pittsburgh, Pa., John P. Spina, of Pittsburgh, Pa., William L. Standish IV, of Pittsburgh, Pa., Steven A. Stepanian II, of Pittsburgh, Pa., Irwin I. Tryon, of Pittsburgh, Pa., C. Holmes Wolfe, Jr., of Pittsburgh, Pa., and G. Edward Yurcon, of Pittsburgh, Pa., on motion of Mr. Hugh D. Scott, Jr.;

David F. Babson, Jr., of Stamford, Conn., Jack D. Barnston, of New Haven, Conn., Leo Joseph Barrett, of South Windsor, Conn., Thomas J. Barrett, of Bridgeport, Conn., William V. Begg, of Waterbury, Conn., G. Whitney Biggs, of Bridgeport, Conn., Andrew J. Broughel, of Bridgeport, Conn., Leonard F. Casella, of Naugatuck, Conn., Joseph A. Conti, of Manchester, Conn., Donald J. Deneen, of Windsor, Conn., G. Eric Doerschler, of Wethersfield, Conn., Vincent F. Dooley, of New Haven, Conn., Antoinette L. Dupont, of New London, Conn., Ralph P. Dupont, of New London, Conn., Ralph G. Elliot, of West Hartford, Conn., Joel M. Ellis, of Hartford, Conn., Henry Elstein, of Bridgeport, Conn., David S. Fishman, of Bloomfield, Conn., John R. FitzGerald, of Norwich, Conn., Henry E. Forgiione II, of Southington, Conn., Albert J. Genua, Jr., of Rocky Hill, Conn., A. Arthur Giddon, of Hartford, Conn., Vincent J. Giedraitis, of Hartford, Conn., Richard L. Goldblatt, of Hamden, Conn., Burton A. Greenspan, of Hartford, Conn., George Greenstein, of Hamden, Conn., James T. Healey, of Waterbury, Conn., Seymour L. Hendel, of New London, Conn., Wright Hugus, Jr., of Greenwich, Conn., Richard F. Jacobson, of Fairfield, Conn., Joel E. Kanter, of Bridgeport, Conn., Eugene H. Kaplan, of Waterbury, Conn., Jeremiah M. Keefe, of Waterbury, Conn., Albert J. Kleban, of Easton, Conn., W. Harmon Leete, of West Hartford, Conn., Stanley M. Lessler, of Bridgeport, Conn., James C. Lyons, of Ansonia, Conn., William T. Margiotta, Jr., of Waterbury, Conn., James W. Marshall, of West Haven, Conn., William P. Mason, III, of Bridgeport, Conn., John F. Merchant, of Bridgeport, Conn., Herman A. Michelson, of West Suffield, Conn., Sidney Lee Miller, of Longmeadow, Mass., Anthony J. Monterosso, of New Britain, Conn., E. Arthur Morin, Jr., of Stamford, Conn., Frank F. Ober, of Bridgeport, Conn., Howard T. Owens, Jr., of Bridgeport, Conn., Robert M. Owens, of Bridgeport, Conn., Robert A. Platt, of Windsor, Conn., Ronald A. Sarasin, of Beacon Falls, Conn., Barry R. Schaller, of Branford, Conn., Edgar T. See, of Westport, Conn., Joseph K. Sherman, of Stamford, Conn., William M. Sherman, of Stamford, Conn., John E. Silliman, of Hartford, Conn., Paul R. Solomon, of New Haven, Conn., Peter J. Somma, Jr., of Stamford, Conn., Richard A. Sugarmann, of New Haven, Conn., Edward D. Sullivan, of Bridgeport, Conn., Joseph T. Sweeney, of Hartford, Conn., Wayne G. Tillinghast, of Norwich, Conn., Robert E. Thorne,

of Simsbury, Conn., Stephen I. Traub, of Milford, Conn., John E. Watson, Jr., of Westport, Conn., Arthur C. Williams, of Bridgeport, Conn., John C. Yavis, Jr., of Manchester, Conn., and Pasquale Young, of North Branford, Conn., on motion of Mr. Donald J. Irwin; and Arnold P. Azarow, of Oceanside, N.Y., Louis J. Bachand, Jr., of La-Canada, Calif., Stanley M. Balaban, of Valley Stream, N.Y., Frederic S. Baum, of Queens, N.Y., Sydney Beizer, of Queens Village, N.Y., Jay Budin, of Merrick, N.Y., Marvin M. Dingott, of Oceanside, N.Y., Bernard Feigen, of Freeport, N.Y., Solomon Fishman, of Flushing, N.Y., Arthur Frederick, of Waynesboro, Pa., Alan R. Gaines, of Staten Island, N.Y., Irving M. Getnick, of Freeport, N.Y., Norman Gluss, of Stamford, Conn., Bernard Gold, of Staten Island, N.Y., Steven James Goldsmith, of White Plains, N.Y., Irvin B. Green, of Mount Vernon, N.Y., Martin J. Groothuis, of Brooklyn, N.Y., George M. Hart, of Staten Island, N.Y., M. Douglas Haywoode, of Brooklyn, N.Y., Miles W. Hirson, of Port Chester, N.Y., Francis J. Hughes, of East Northport, N.Y., Melvin J. Jacobowitz, of Roslyn, N.Y., Edwin M. Keusey, of Garden City, N.Y., M. Barry Levy, of Merrick, N.Y. Irwin H. Lieberman, of Bellerose, N.Y., Leonard Lieman, of Stamford, Conn., Arthur A. Litt, of Tarrytown, N.Y., Bernd Lorge, of Brooklyn, N.Y., Theodore Whitney Lowen, of Rockville Centre, N.Y., Gerald I. Lustig, of Merrick, N.Y., Peter J. Malloy, Jr., of Rockville Centre, N.Y., Robert E. Mitchell, of Manhasset, N.Y., William W. Mizrahi, of Staten Island, N.Y., John Lawrence Phillips, Jr., of Brooklyn, N.Y., Sheldon R. Raphael, of Yonkers, N.Y., Leonard H. Rubin, of Hartsdale, N.Y., Frank John Sofia, of Bronxville, N.Y., Jack Tillem, of Jackson Heights, N.Y., Lawrence Chester Turk, of Matawan, N.J., Arthur L. Vangeli, of Chatham, N.J., Marie Vogelstein, of Brooklyn, N.Y., Philip Agree, of New York, N.Y., Reuben J. Aronson, of New York, N.Y., William Burton Aronstein, of New York, N.Y., Edward Baer, of New York, N.Y., Paul Bauman, of New York, N.Y., Edward J. Babb, of New York, N.Y., William H. Behrenfeld, of New York, N.Y., Lowell Bennett, of New York, N.Y., Everett W. Berger, of New York, N.Y., Howard J. Berger, of New York, N.Y., Joel Bernstein, of New York, N.Y., Darnell J. Blackett, of New York, N.Y., Norman Blass, of New York, N.Y., David Braun, of New York, N.Y., Jesse H. Brenner, of New York, N.Y., Paul David Budin, of New York, N.Y., Robert L. Budin, of New York, N.Y., Arnold J. Calie, of New York, N.Y., James J. Carey, Jr., of New York, N.Y., Henry Conan Caron, of New York, N.Y., Milton Chasin, of New York, N.Y., Darryl R. Chason, of New York, N.Y., Bernard Chodosh, of New York, N.Y., Herbert M. Citrin, of New York, N.Y., Richard Allen Claxton, of New York, N.Y., David M. Cohen, of New York, N.Y., Irving D. Cohen, of New York, N.Y., John K. Conant, of New York, N.Y., Harry T. Constas, of New York, N.Y., Julius Datler,

of New York, N.Y., Caroline Florence Davis, of New York, N.Y., Adolph Dick, of New York, N.Y., Edward T. Di Tomasso, of New York, N.Y., Nicholas J. Di Tomasso, of New York, N.Y., Ralph J. Drabkin, of New York, N.Y., Harold A. Easton, of New York, N.Y., Saul Edelstein, of New York, N.Y., Charles R. Eichel, of New York, N.Y., Burton M. Epstein, of New York, N.Y., Natalina F. Fanto, of New York, N.Y., Charles A. Feinstein, of New York, N.Y., Howard A. Feldman, of New York, N.Y., John F. Felton, of New York, N.Y., James J. Flanagan, of New York, N.Y., William J. Fleming, of New York, N.Y., Akin M. French, of New York, N.Y., Edward I. Friedman, of New York, N.Y., Gerald Friedman, of New York, N.Y., Morris R. Friedman, of New York, N.Y., Paul J. Gavin, of New York, N.Y., Sherwood Gordon, of New York, N.Y., Martin E. Gotkin, of New York, N.Y., Louis Greenfield, of New York, N.Y., Richard G. Gugliotta, of New York, N.Y., Herman Mark Harris, of New York, N.Y., Charles Haydon, of New York, N.Y., Sol Peter Herman, of New York, N.Y., Edwin Hirschberg, of New York, N.Y., Leonard Holland, of New York, N.Y., Daniel B. Jordan, of New York, N.Y., Bernard Kalmanson, of New York, N.Y., Frank E. Karelsen III, of New York, N.Y., George Karp, of New York, N.Y., Simon Katz, of New York, N.Y., John Francis Kelly, of New York, N.Y., Eugene J. Kerno, of New York, N.Y., Charles King of New York, N.Y., Floyd Klapper, of New York, N.Y., Moonray Kojima, of New York, N.Y., Solomon Kreitman, of New York, N.Y., Maurice M. Krolik, of New York, N.Y., Fred Lederer, of New York, N.Y., John Y. Lee, of New York, N.Y., Leon L. Levine, of New York, N.Y., Saul Scott Le Vine, of New York, N.Y., Alan Leonard Levy, of New York, N.Y., Joel Levy, of New York, N.Y., Judith Levy, of New York, N.Y., Theodore Stanley Levy, of New York, N.Y., Pierre A. Lorsy, of New York, N.Y., Sidney Marks, of New York, N.Y., Louis L. Mast, of New York, N.Y., Robert A. McElligott, of New York, N.Y., Stanton D. McMahon, of New York, N.Y., William M. Miles, of New York, N.Y., Robert Miller, of New York, N.Y., Solomon D. Monshine, of New York, N.Y., Edward Small Moore III, of New York, N.Y., Zoltan Neumark, of New York, N.Y., William Harris Oltarsh, of New York, N.Y., Donald W. Paley, of New York, N.Y., Albert J. Parreno, of New York, N.Y., Raymond L. Parri, of New York, N.Y., Norman Pemstein, of New York, N.Y., Stephen M. Piga, of New York, N.Y., George Lloyd Platt, of New York, N.Y., James Stuart Posner, of New York, N.Y., Robert John Randell, of New York, N.Y., Harvey Reich, of New York, N.Y., Paul G. Reilly, Jr., of New York, N.Y., Jules Ritholz, of New York, N.Y., David A. Rosenberg, of New York, N.Y., Edmund Allen Rosner, of New York, N.Y., Martin S. Rothman, of New York, N.Y., Nancy Ann Rucker, of New York, N.Y., Leonard H. Salis, of New York, N.Y., Frank A. Sanders, of New York, N.Y., Demostenes Santiago-Roque, of New

York, N.Y., Alfred Satz, of New York, N.Y., Irving Schmetterling, of New York, N.Y., Martin Schneier, of New York, N.Y., B. Leo Schwarz, of New York, N.Y., Sanford Jay Seigel, of New York, N.Y., Ethel Shames, of New York, N.Y., Gary Shapiro, of New York, N.Y., Allen Sherman, of New York, N.Y., Daniel M. Shientag, of New York, N.Y., Albert A. Silbermann, of New York, N.Y., Robert E. Smith, of New York, N.Y., Joseph F. Sorahan, of New York, N.Y., Samuel Stempler, of New York, N.Y., Isidor S. Stern, of New York, N.Y., Frank R. Tengi, of New York, N.Y., Jerome H. Tick, of New York, N. Y., David Toplitz, of New York, N.Y., Sydney S. Traum, of New York, N.Y., Chester Tuchman, of New York, N.Y., Irving Ungar, of New York, N.Y., Charles H. Watson, of New York, N.Y., Murray Arthur Weiss, of New York, N.Y., Sunao T. A. Yamada, of New York, N.Y., Nancy J. Young, of New York, N.Y., Burton H. Zuckerman, of New York, N.Y., and Samuel Zuckerman, of New York, N.Y., on motion of Mr. Mark F. Hughes, were admitted to practice.

OPINIONS

No. 648. Marvin Clewis, petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Fortas. Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Harlan concur in the result.

No. 18. Utah Pie Company, petitioner, *v.* Continental Baking Company et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan 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. 1098. Prohibition Party of Michigan et al., appellants, *v.* James M. Hare, Secretary of State of Michigan, et al. Appeal from the Supreme Court of Michigan. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1118. Oliver W. Arnold, 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*.

ORDERS IN PENDING CASES

No. 370, Misc., October Term, 1964. Robert M. Williamson, Jr., et al., petitioners, *v.* Annie Gilmer et al.; and

No. 598, Misc., October Term, 1964. Robert M. Williamson, et al., petitioners, *v.* Annie Gilmer et al. The motion to recall the orders of this Court and for other relief is denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 9, Original. United States of America, plaintiff, *v.* State of Louisiana et al. The motion of the United States for a preliminary injunction against the State of Texas is denied on the representation of the Attorney General of Texas that "Texas does not intend to lease any of the controverted area pending determination of this controversy." The case will be set in due course for oral argument on the issues raised in the application of the United States for entry of a supplemental decree and the reply of Texas thereto. The plaintiff is given until July 25, 1967, for filing its brief and the defendant is given until September 25, 1967, to file its reply. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 744. Patricia Waldron, etc., petitioner, *v.* Cities Service Co. The motion of the respondent to require certification of additional parts of the record is granted. The expense of printing such additional parts of the record shall initially be paid by the respondent and ultimately shall abide the judgment of the Court at the conclusion of this case.

No. 1041. Nez Perce Tribe of Indians, petitioner, *v.* United States. The motion for clarification of the order denying the petition for writ of certiorari is denied.

CERTIORARI DENIED

No. 804. John G. Moffatt 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. 910. South Texas Rice Warehouse Co., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1005. Reef 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. 1037. Tai Mui, petitioner, *v.* P. A. Esperdy, as District Director of the Immigration and Naturalization Service for the District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1038. Chan Hing et al., petitioner, *v.* P. A. Esperdy, as District Director of the Immigration and Naturalization Service for the District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1050. Richard S. Henderson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1052. Retail Clerks International Association, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1090. Woo Cheng Hwa, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1110. WWIZ, 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.

No. 1129. Eunice Janousek, petitioner, *v.* Effie D. Chatterton et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1138. Bank of Utah et al., petitioners, *v.* Commercial Security Bank. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1140. National Surety Corporation, petitioner, *v.* Rauscher, Pierce & Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1141. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* Brotherhood of Railroad Trainmen et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1144. United States, petitioner, *v.* The Equitable Life Assurance Society of the United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1203. United States, petitioner, *v.* The Prudential Insurance Company of America. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1300. Muhammad Ali, also known as Cassius M. Clay, Jr., et al., etc., petitioners, *v.* James F. Gordon, United States District Judge for the Western District of Kentucky. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 528. William J. Bauers, Jr., petitioner, *v.* Herbert T. Heisel, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 750. Salvatore Granello et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Brennan took no part in the consideration or decision of this petition. Mr. Justice Douglas dissents:

There are two issues in this case, relating to entirely separate events. The first concerns the seizure of a lawyer's documents in Pennsylvania by the police from the premises where the lawyer stored them. If we assume that the premises were unlawfully raided by the police, a client's paper seized and used against the client in a criminal prosecution, does the client have standing to move to suppress the evidence? Whether petitioners were clients and Birrell their attorney are questions not fully resolved. But I think they are entitled to a hearing on the issue and on the legality of the search. I cannot, as of now, believe that if a lawyer-client relation is shown and if the search were held to be illegal, the client is without standing to move for suppression of the evidence. The dimensions of the problem are so great in the setting of the Fourth Amendment and our enveloping regime of police surveillance, that we should put the case down for argument. Another issue, mentioned by my Brother FORTAS, relates to electronic surveillance conducted in Florida. On that, we should at least remand the case for findings on electronic surveillance as suggested by my Brother FORTAS in whose opinion I concur—without prejudice of course to the search and seizure question.

Mr. Justice Fortas dissents with whom the Chief Justice joins:

It is my opinion that certiorari should be granted and the case remanded for a hearing in the District Court with respect to the electronic surveillance which the Solicitor General has revealed to us. According to the Solicitor General, agents of the Federal Bureau of Investigation on or about May 11, 1962, surreptitiously and by trespass installed an electronic listening device in a "commercial establishment in Florida owned by an acquaintance of Levine and in which Levine may have had a proprietary interest." The device was in operation for nearly one year. During that time a number of conversations in which Levine participated were overheard. Some of those conversations were between Levine and attorneys representing him in prosecutions for interstate transport of counterfeit securities and for stock and mail fraud, matters then pending in a federal court in Florida.

The Solicitor General represents that this violation of petitioner Levine's constitutional rights had no connection with the present case,

which involves a prosecution in New York for failure to file income tax returns for 1956 and 1957. He says that it originated in connection with an FBI investigation relating to the charges for which petitioner Levine was tried and convicted in Florida. See *Rogers v. United States*, 334 F. 2d 83 (C.A. 5th Cir.), cert. denied, 380 U.S. 915; *Gradsky v. United States*, 342 F. 2d 147 (C.A. 5th Cir.), vacated and remanded *sub. nom. Levine v. United States*, 383 U.S. 265. The Government represents that nothing was overheard which had anything to do with the present criminal tax case, and that neither the Internal Revenue Service nor prosecuting counsel was apprised of the existence of the surveillance. The Solicitor General says that petitioner Levine will be furnished with the logs so that he may take whatever action is appropriate in the District Court in Florida relating to the convictions obtained in that court.

It is entirely possible, perhaps even probable, that the Solicitor General's representations will be validated, and it may be that no reason will be developed for invalidating the present convictions because of the trespassory espionage or its fruits. But this is "dirty business." *Olmstead v. United States*, 277 U.S. 438, 470 (1928) (dissenting opinion of Mr. Justice Holmes). It is important enough for the Solicitor General to call to our attention. And an appraisal of the material and the circumstances by defense counsel may adduce facts affecting the weight to be given the unlawful operation which would never occur to the prosecutor. The prosecutorial eye is, after all, apt to yield an out-of-focus picture, as is the eye of the defense. But in our system we insist upon the perspective developed by both. See *Dennis v. United States*, 384 U.S. 855, 875 (1966). In any event, the facts, circumstances, yield, and fruits of the electronic surveillance should be exposed in the record of this case so that we may, at least, be sure that the Government's trespassory surveillance has not infected the trial of these petitioners. Cf. *O'Brien v. United States*, — U.S. — (No. 823 this Term); *Schipani v. United States*, 385 U.S. 372 (1966); *Black v. United States*, 385 U.S. 26 (1966).

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

No. 1128. Warden, Maryland Penitentiary, petitioner. *v.* Herbert Smallwood. Motion of respondent for leave to proceed herein *in forma pauperis* granted. Motion to strike appendix "C" to petition denied. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 136, Misc. James D. Brown, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 830, **Misc.** Walter Paul Foster, a/k/a Paul Ashley, petitioner, *v.* Washington. Petition for writ of certiorari to the Superior Court of Washington, King County, denied.

No. 1027, **Misc.** Charles Thomas Bashlor, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections of Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1109, **Misc.** Selvie Winfield Wells, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1139, **Misc.** William Clark Bryan, Jr., petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1220, **Misc.** Lee Alley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1242, **Misc.** Manuel Zurita, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1274, **Misc.** Eugene W. Duling, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1288, **Misc.** John Carter McClellan, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1304, **Misc.** Charles McKinney, 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. 1358, **Misc.** Herbert Ryan Lee Reado, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1376, **Misc.** Charles Raymond Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1377, **Misc.** George Willie Hobbs, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1381, **Misc.** Edward Lee Tucker, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1384, **Misc.** Eddie Franklin Barry, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1387, **Misc.** Paul Watkins, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1388, Misc.** Stanley Dee Rose, petitioner, *v.* C. T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1392, Misc.** Melvin Simons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1393, Misc.** Allen Krohn, petitioner, *v.* The Chase Manhattan Bank. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. **1394, Misc.** Wilbert R. Durrett and Charles E. Harris, petitioners, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. **1395, Misc.** James Arthur Lindsey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1397, Misc.** Willie L. Baker, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1398, Misc.** Harold Eugene Huffman, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. **1400, Misc.** Jerald Dee Sartain, petitioner, *v.* Peter J. Pitchess, Sheriff. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1402, Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1404, Misc.** Samuel D. Collins, petitioner, *v.* Harold V. Field, Superintendent of California Men's Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1405, Misc.** Zach Junior Thomas, petitioner, *v.* L. E. Wilson, Warden. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, denied.

No. **1406, Misc.** Frank DeClara, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1407, Misc.** Patrick A. Roberts, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **1409, Misc.** Ralph Oden Anderson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1410, *Misc.* Henry Foggy, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1412, *Misc.* Elmer Eugene Higgerson, petitioner, *v.* United States Attorney General. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1413, *Misc.* Edward Worth Menefield and Mary Thompson, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1414, *Misc.* Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1415, *Misc.* Eugene William Rollins, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1424, *Misc.* Robert W. Phillips, petitioner, *v.* William M. Carroll. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1428, *Misc.* Lonnie Smith, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1445, *Misc.* Leon G. Schack, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1450, *Misc.* Eli Carrier, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 588, *Misc.* Curtis G. Dennis, 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.

No. 793, *Misc.* Louis D. Ponce, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 862, *Misc.* Nelson Chevallier, petitioner, *v.* Texas. Petition for writ of certiorari to the Criminal District Court No. Four of Harris County, Texas, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1375, *Misc.* Lloyd Brulotte et al., petitioners, *v.* Charles M. Merrill and James R. Browning, Circuit Judges, United States Court of Appeals for the Ninth Circuit, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 12. Sandra Lee Neely, etc., petitioner, *v.* Martin K. Eby Construction Co., Inc.;

No. 937. Holden Brown et al., petitioners, *v.* Sterling Aluminum Products Corporation;

No. 946. John Woody et al., petitioners, *v.* Sterling Aluminum Products, Inc., et al.;

No. 987. Pearlina Porter et al., petitioner, *v.* Gladys E. Porter;

No. 1007. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Brothers, Inc.;

No. 1031. Daniel Lovall Spigner, petitioner, *v.* United States;

No. 8, Misc. Bobby Ralph Lott, petitioner, *v.* Texas;

No. 1225, Misc. Russell Daniels, petitioner, *v.* United States;

No. 1290, Misc. James K. Kelly, a/k/a James K. Shannon, petitioner, *v.* Chief of Police, Coffeyville Police Dept.; and

No. 1613, Misc. Muhammad Ali, etc., et al., petitioners, *v.* James F. Gordon, United States District Judge for the Western District of Kentucky. Petitions for rehearing denied.

No. 1009. Western Natural Gas Company, petitioner, *v.* Cities Service Gas Company. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

Adjourned until Monday, May 8, 1967, 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

Walter L. Dukes, Jr., of Detroit, Mich., Edward Lee Rogers, of Washington, D.C., Gilda R. Cohen, of Beverly Hills, Calif., Lawrence W. Somerville, of Los Angeles, Calif., Norman Abrams, of Los Angeles, Calif., Robert B. Acomb, Jr., of New Orleans, La., James D. Tangires, of Baltimore, Md., Hugh M. Durham, of Arlington, Va., and Paul Morlan Garman, of Sacramento, Calif., on motion of Mr. Solicitor General Thurgood Marshall; George E. Barket, of Miami, Fla., on motion of Mr. Dante Fascell; Ralph M. Hagen, of Honolulu, Hawaii, on motion of Mr. Hiram Leong Fong; James Reed Ellis, of Seattle, Wash., on motion of Mr. Thomas Stephen Foley; Dale Edward Bernard, of Avon Lake, Ohio, and Allan D. Dobnick, of Ada, Ohio, on motion of Mr. Jackson E. Betts; C. R. Beirne, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Ferdinand F. Fernandez, of Claremont, Calif., and Joe R. Purcell, of Phoenix, Ariz., on motion of Mr. John Rhodes; James D. Webb, of Tucson, Ariz., and Roger C. Wolf, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Robert Bryan Flint, of Anchorage, Alaska, on motion of Mr. Howard W. Pollock; George Leroy Warner, Jr., of Wichita, Kans., on motion of Mr. Garner E. Shriver; Harvey F. Tennen, of Detroit, Mich., on motion of Mr. William David Ford; Robert B. Cox, of Odessa, Tex., on motion of Mr. Richard C. White;

Harvey Jackson, Jr., of Jasper, Ala., on motion of Mr. Tom Bevill; Stephen B. Clarkson, of New York, N.Y., William J. O'Shaughnessy, of New York, N.Y., and Thomas D. Soutter, of New York, N.Y., on motion of Mr. Joseph P. Tumulty, Jr.; Robert H. Anderson, of Oklahoma City, Okla., on motion of Mr. Brice Wilson Rhyne; Lawrence E. Gardner, of Des Moines, Iowa, Jerry J. Di Geronimo, of Natick, Mass., and Ernest B. Goodman, of Chicago, Ill., on motion of Mr. William S. Fulton, Jr.; Lynn Sumner Castner, of Minneapolis, Minn., and Arthur Wells, Jr., of Berkeley, Calif., on motion of Mr. Lawrence Speiser; Addison M. Bowman III, of Washington, D.C., Marilyn Cohen, of Washington, D.C., and J. Patrick Hickey, of Washington, D.C., on motion of Mr. William B. Bryant; Mary Etta Phillips, of Cleveland, Ohio, on motion of Mr. Eugene F. Bogan; Neal Henry Hundt, of Washington, D.C., on motion of Mr. Robert Sheriffs Moss; Lawrence E. Lewy, of Chicago, Calif., and Joseph T. Kane, of Wash-

ington, D.C., on motion of Mr. Thomas Joseph Reynolds; George Dimond Brodigan, of Hartford, Conn., on motion of Mr. Hugh B. Cox; John Wm. Whelan, of Washington, D.C., on motion of Mr. Paul H. Gantt; Michael J. Phelan, of San Francisco, Calif., on motion of Mr. E. Lewis Reid; Arthur B. Kramer, of New York, N.Y., on motion of Mr. Daniel H. Margolis; Hugo E. Oswald Jr., of Seattle, Wash., on motion of Mr. Thomas Francis Brosnan; David Edward Willett, of San Francisco, Calif., on motion of Mr. Paul A. Wille; William Henry Seals, of Marion, S.C., on motion of Mr. Duncan Phillips; Albert S. Roistacher, of Chevy Chase, Md., on motion of Mr. Robert D. Larsen; Robert K. German, of Dallas, Tex., on motion of Mr. Mastin G. White;

Christopher S. Clayton, of Washington, D.C., on motion of Mrs. Mary Redmond Day; Sol Zalel Rosen, of Washington, D.C., on motion of Mr. Paul Dobin; Janice L. Gradwohl, of Lincoln, Nebr., on motion of Mr. John M. Gradwohl; Carl P. Jensen, of Seattle, Wash., on motion of Mr. Donald E. Cross; William Richard Bauer, of Arlington, Va., on motion of Mr. Edwin A. Mooers, Sr.; Elliot A. Lawrence, of Livingston, N.J., on motion of Mr. Lawrence Irwin Lerner; Gerald Paul Aurillo, of New Orleans, La., on motion of Mr. H. Barton Williams; Don L. Hanni, of Youngstown, Ohio, on motion of Mr. Richard Patrick McLaughlin; John P. Manwell II, of Washington, D.C., and Lewis Perelman, of Cleveland, Ohio, on motion of Mr. Raymond G. Larroca; Robert N. Palmer, Jr., of Glen Cove, N.Y., and George E. Peterson, Jr., of New York, N.Y., on motion of Mr. Richard M. Merriam; Albert L. Sandlin, Jr., of Atlanta, Ga., on motion of Mr. Harold W. Gardner; James R. McGowan, of Providence, R.I., on motion of Mr. John H. Fanning; Arthur W. Murphy, of Newport, R.I., on motion of Mr. Enser William Cole, Jr.; James Cyrus Demas, of Washington, D.C., on motion of Mr. Robert M. Scott; Jerome Kenneth Tankel, of Annandale, Va., on motion of Mr. Richard Joseph Heiman; Eugene Ebert, of Alexandria, Va., on motion of Mr. Walter W. Johnson, Jr.; James Hanemann, Jr., of New Orleans, La., on motion of Mr. Clarence J. Martin;

Glenn Stevenson Carihfield, of Greensboro, N.C., Henry E. Frye, of Greensboro, N.C., James Woodrow Gillespie, of Burlington, N.C., Robert Ray Hayes, of Burlington, N.C., John Samuel Johnson, Jr., of Greensboro, N.C., Walter Eugene Johnston III, of Greensboro, N.C., Charles Yount Lackey, of Greensboro, N.C., J. Kenneth Lee, of Greensboro, N.C., T. Paul Messick, Sr., of Burlington, N.C., Paul H. Ridge, of Burlington, N.C., Lee Warren Settle, of Mebane, N.C., Russell F. Van Landingham, of Thomasville, N.C., John H. Vernon, of Burlington, N.C., Robert Morton Weinstein, of Greensboro, N.C., and John Demetrius Xanthos, of Burlington, N.C., on motion of Mr. Horace Robinson Kornegay; and Maurice Berkowitz, of Forest Hills,

N.Y., Victor L. Carpentier, of Jamaica, N.Y., Richard J. Cron, of New Suffolk, N.Y., James P. Dollard, Jr., of Freeport, N.Y., Joan Marie Durante, of Forest Hills, N.Y., Irving Edelman, of Jamaica, N.Y., Charlotte B. Fishman, of New York, N.Y., Morris Fishman, of Jamaica, N.Y., Jean Caplan Fox, of Neponsit, N.Y., Sylvia D. Garland, of New York, N.Y., Irving M. Gellerman, of Brooklyn, N.Y., Jerome Maurice Ginsberg, of Jamaica, N.Y., Carolyn Gail Giordano, of New York, N.Y., Fred Gold, of Jamaica, N.Y., Milton Grossman, of East Meadows, N.Y., Stanton Halpern, of Astoria, N.Y., Harold C. Harrison, of Jamaica, N.Y., Estelle Herman, of Forest Hills, N.Y., Harold M. Hershman, of Jamaica, N.Y., Nettie T. Himmelfarb, of Jamaica, N.Y., Jack Hunter, of Jamaica, N.Y., Ira L. Hyams, of Jamaica, N.Y., Paul J. Kalina, of Kew Gardens, N.Y., Murray Klein, of Massapequa, N.Y., Hymen Stuart Klopper, of Jamaica, N.Y., Corrine R. Korn, of Rego Park, N.Y., Ronald S. LeBovici, of Jamaica, N.Y., Leonard Lekarew, of Jamaica, N.Y., Marvin H. Leicher, of Jamaica, N.Y., Wallace L. Leinhardt, of Kew Gardens, N.Y., Blanche R. Liftoff, of Jamaica, N.Y., Evelyn H. Lustig, of Hewlett Harbor, N.Y., Serphin R. Maltese, of New York, N.Y., Mary P. Mass, of Jamaica, N.Y., Ralph A. Matalon, of New York, N.Y., Charles Miller, of Brooklyn, N.Y., Francis W. Palmieri, of Richmond Hill, N.Y., William Posner, of Brooklyn, N.Y., Herbert Reginstreif, of Jamaica, N.Y., Marain Rosenthal, of Corona, N.Y., Stanley I. Schachter, of Forest Hills, N.Y., Frederic John Shaw, of Rego Park, N.Y., Martin A. Shlufman, of New York, N.Y., Charles E. Skoller, of Jamaica, N.Y., Gerald Stahl, of New York, N.Y., Edward C. Walsh, of Kew Gardens, N.Y., Mary Wheelock, of Corona, N.Y., Josephine Zafonte, of New York, N.Y., and Jesse Zaslav, of New York, N.Y., on motion of Judge Bernard Dubin, were admitted to practice.

OPINIONS

No. 241. National Bellas Hess, Incorporated, appellant, *v.* Department of Revenue of the State of Illinois, etc. Appeal from the Supreme Court of Illinois. Judgment reversed and case remanded to the Supreme Court of Illinois for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Fortas with whom Mr. Justice Black and Mr. Justice Douglas join.

No. 98. Charles Robert Anders, petitioner, *v.* California. On writ of certiorari to the Supreme Court of California. Judgment reversed and case remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black and Mr. Justice Harlan join.

No. 252. Harvey Lyle Entsminger, petitioner, *v. Iowa*. On writ of certiorari to the Supreme Court of Iowa. Judgment reversed and case remanded to the Supreme Court of Iowa for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Mr. Justice Stewart, with whom Mr. Justice Black and Mr. Justice Harlan join, concurs in the judgment and in the Court's opinion, except as it refers to *Anders v. California*, a case which he thinks involves quite different issues.

No. 233. James J. Waldron, petitioner, *v. Moore-McCormack Lines, Inc.* On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice White with whom Mr. Justice Harlan, Mr. Justice Brennan, and Mr. Justice Stewart join.

No. 575. Helen Jackson, petitioner, *v. Lykes Bros. Steamship Co., Inc.* On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

No. 214. The Fleischmann Distilling Corporation et al., petitioners, *v. Maier Brewing Company et al.* On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Stewart.

No. 3. Robert Redrup, petitioner, *v. New York*. On writ of certiorari to the Appellate Term of the Supreme Court of New York, First Judicial Department;

No. 16. William L. Austin, petitioner, *v. Kentucky*. On writ of certiorari to the Circuit Court of McCracken County, Kentucky; and

No. 50. Gent et al., appellants, *v. Arkansas*. Appeal from the Supreme Court of Arkansas. Judgments reversed and cases remanded to the respective courts for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 399. William Turner et al., petitioners, *v. New York*. On writ of certiorari to the Court of Appeals of New York. The writ is dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Fortas 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. 1011. Armored Carrier Corporation, appellant, *v.* United States et al. Appeal from the United States District Court for the Eastern District of New York. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1060. Oscar Gruss & Son, appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 1095. Fifth Avenue Coach Lines, Inc., et al., appellants, *v.* 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. 1103. Herbert Callender, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1114. Erwine Laverne, appellant, *v.* Piranesi Imports, Inc. 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*.

No. 1459, Misc. Charles Ellsworth Montieth, appellant, *v.* Oregon. Appeal from the Supreme Court of Oregon. 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. 30, Original. State of Michigan, plaintiff, *v.* State of Ohio.

IT IS ORDERED that the Honorable Albert B. Maris, Senior Judge of the United States Court of Appeals for the Third Circuit be, and he is hereby, appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, 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. **1156**. Frank P. Poafpybitty et al., petitioners, *v.* Skelly Oil Company. The Solicitor General is invited to file a brief expressing the views of the United States.

APPEAL—JURISDICTION NOTED

No. **730**. Oswald Zschernig et al., appellants, *v.* William J. Miller, Administrator, et al. Appeal from the Supreme Court of Oregon. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

CERTIORARI GRANTED

No. **1185**. Carl Simon et al., petitioners, *v.* Irving L. Wharton, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

CERTIORARI DENIED

No. **850**. Nathaniel Burbridge et al., petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **875**. Thomas N. Burbridge et al., petitioners, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of San Francisco and/or the Supreme Court of California denied.

No. **1047**. Homer L. Bruce, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1059**. Southern Pacific Land Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1061**. William McAdoo et al., petitioners, *v.* New York. Petition for writ of certiorari to the Appellate Term of the Supreme Court of New York, First Judicial Department, denied.

No. **1064**. Stockton Port District, petitioner, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **1074**. Southern Railway Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1085**. Joseph A. Rich, petitioner, *v.* Atlantic Coast Line Railroad Company. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. **1137**. Earl Latsha Lumber Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **1142**. James Henry Smith, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. **1146**. The Coastal Club, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1147**. Robert Halpin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1148**. Hulburt Oil & Grease Company (an Illinois Corporation), petitioner, *v.* Hulburt Oil & Grease Company (a Pennsylvania Corporation). Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **1149**. Peter S. Hussey, petitioner, *v.* Michael N. Petito et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **1163**. Allan L. Robbins, Warden, petitioner, *v.* Clifford G. Small, III. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **1165**. John K. Calhoun, Individually and as Attorney for the Estate of C. F. Calhoun, petitioner, *v.* Charles C. Hertwig, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1166**. H. T. Jordan, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1170**. Local 1291, International Longshoremens' Association, (AFL-CIO), petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1171. Nolla, Galib & Co., petitioner, *v.* Geronimo Lebron et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1177. Casey Gray, Alan Cowie and Paul Woodman, etc., petitioners, *v.* James R. Morgan, Commissioner of Taxation for the State of Wisconsin. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1179. John Richard Burrup et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1181. L. B. Maytag, Jr., et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1183. Robert F. Urbano, petitioner, *v.* Wenda Davis Sondern, Executrix, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1188. Charles A. Shadid et al., petitioners, *v.* City of Oklahoma City. Petition for writ of certiorari to the Supreme Court of Oklahoma denied.

No. 1189. Milton Luros et al., petitioners, *v.* Superior Court of the State of California for the County of Los Angeles. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1191. Ramon Novarro, petitioner, *v.* Peter Pitchess, Sheriff of the County of Los Angeles, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1193. Wisconsin ex rel. John C. Rizzo, petitioner, *v.* County Court of Kenosha County, Branch II, etc. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1195. Carlisle & Jacquelin and Decoppet & Doremus, etc., et al., petitioners, *v.* Morton Eisen. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1221. District of Columbia, petitioner, *v.* Paul S. Davis. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1223. Ruth S. Wells, petitioner, *v.* Civil Service Commission of Philadelphia, Pennsylvania, et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1246. Lucien R. Tharaud et ux., petitioners, *v.* Chauncey Real Estate Co., Ltd., et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1258. Diana Kearney Powell, petitioner, *v.* Committee on Admissions and Grievances, etc., et al. Petition for writ of certiorari to

the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1284**. Leo Robert Forcella, petitioner, *v.* Warden, New Jersey State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **30**. John Pinkowski, petitioner, *v.* Ralph Cogley, doing business as Mohawk Equipment Company. 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.

No. **500**. Fenix and Scisson, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. **915**. Barbara June Muncy et vir, petitioners, *v.* General Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. **211**. A. L. Brown, petitioner, *v.* General Motors Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted.

No. **262**. Michael Kuberski, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Fortas are of the opinion that certiorari should be granted and the judgment reversed.

No. **360**. Mitsubishi Shipping Company, petitioner, *v.* Louis Mills. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted and the judgment reversed.

No. **1143**. Eunice C. Madison, 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. **1178**. Catherine Muth, Administratrix of the Estate of Clem Muth, Deceased, et al., petitioners, *v.* Harriet M. Atlass et al., etc. Motion of the respondents to use the record in Nos. **709** and **733**, **October Term, 1965**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **30, Misc.** Edward A. Gragan, petitioner, *v.* The New York, New Haven and Hartford Railroad Company et al. Petition for writ of

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

No. 1081, **Misc.** Ah Chiu Pang, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1345, **Misc.** Walter English, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee denied.

No. 1380, **Misc.** Joseph Peterson, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1382, **Misc.** Oliver M. Boddie, petitioner, *v.* Michigan. Petition for writ of certiorari to the Court of Appeals of Michigan denied.

No. 1385, **Misc.** Henry F. Williams, petitioner, *v.* United States; and

No. 1390, **Misc.** George Samuel Gitlitz, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1422, **Misc.** Orville Lee Moore, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1423, **Misc.** Norsie L. Williams et al., petitioners, *v.* New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1425, **Misc.** Peter Macon, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1426, **Misc.** Jewel Platt Foster, petitioner, *v.* United States Civil Service Commissioners et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1433, **Misc.** Jose H. Cabral, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1435, **Misc.** Pearly Wilson, petitioner, *v.* Gerald J. Weber, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1436, **Misc.** Henry E. Hansen, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1440, **Misc.** Albert R. Randall, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1441, **Misc.** Lillian White, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1443, **Misc.** Edward Lee Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1444, **Misc.** Edgar Garland Cook, 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. 1446, **Misc.** Theodore R. Nance, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1447, **Misc.** James S. Nelson, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1449, **Misc.** William Thomaston, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1453, **Misc.** Dennie Maddox, 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. 1454, **Misc.** Louis Ludwik Furtak, petitioner, *v.* Vincent R. Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1455, **Misc.** Robert N. Hayes, Jr., petitioner, *v.* Harold M. Boslow, Director of the Patuxent Institution. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1461, **Misc.** John Jay Shaw, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1462, **Misc.** William J. Couture, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1472, **Misc.** Elmer A. Merrill, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1475, **Misc.** Roy Bell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1480, **Misc.** Elijah Webster, Jr., petitioner, *v.* Louie L. Wainwright, Director, Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1481, **Misc.** Kiney Joseph Davis, 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. 1482, **Misc.** Eugene Myers, petitioner, *v.* City Court of Salt Lake City. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1483, **Misc.** Leo Roberts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1484, **Misc.** Alfred Glen Symons, petitioner, *v.* H. V. Field, Superintendent of California Men's Colony. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1488, **Misc.** Honorio Adorno Lorenzana, petitioner, *v.* Puerto Rico. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 1491, **Misc.** Floyd Leroy Laughlin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1492, **Misc.** Rayfield Moore, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1493, **Misc.** Earl Pinkney, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1494, **Misc.** Allen W. Hendricks, 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.

No. 1503, **Misc.** Vernon James Louie, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1510, **Misc.** James Mabey Holland, 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. 1512, **Misc.** Joshua Postell, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1514, **Misc.** Walter Lee Finn, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1515, **Misc.** Alvin Robert Alexander, 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. 1551, **Misc.** George Chromiak, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1558, **Misc.** David Bradley Wood, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1564, *Misc.* Ronald H. Sands, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 365, *Misc.* Noyes Grass, 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. 942, *Misc.* Leon G. Schack, petitioner, *v.* Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

No. 1277, *Misc.* Leon G. Schack, petitioner, *v.* Ramsey Clark, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark took no part in the consideration or decision of this petition.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1490, *Misc.* Barney Patrick Bennett, petitioner, *v.* Frank J. Pate, Warden;

No. 1571, *Misc.* Loy Rollin Kirk, petitioner, *v.* Walter Dunbar, Director, California Department of Corrections;

No. 1574, *Misc.* Alonzo Johnson, petitioner, *v.* Merle R. Schneekloth, Superintendent, et al.; and

No. 1578, *Misc.* Willie F. Ballard, petitioner, *v.* A. L. Dutton, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1534, *Misc.* Wilbur E. Mansfield, petitioner, *v.* J. T. Willingham, Warden. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as a petition for writ of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1500, *Misc.* Melvin Carter, petitioner, *v.* United States District Court for the Eastern District of California et al.; and

No. 1506, *Misc.* Joseph White, petitioner, *v.* J. O. Crist, Superintendent, Lima State Hospital, et al. Motions for leave to file petitions for writs of mandamus denied.

LEAVE TO FILE PETITIONS FOR WRITS OF PROHIBITION DENIED

No. 1469, *Misc.* Webster Bivens, petitioner, *v.* United States Court of Appeals for the Second Circuit; and

No. 1588, *Misc.* James A. Catlino, petitioner, *v.* Kingsley A. Taft et al. Motions for leave to file petitions for writs of prohibition denied.

REHEARINGS DENIED

No. 464, October Term, 1965. Lloyd A. Fry Roofing Company, petitioner, *v.* Volasco Products Company;

No. 159. George McCray, petitioner, *v.* Illinois.

No. 998. Clyde B. Rogers et al., appellants, *v.* City and County of Denver et al.;

No. 1012. David Henry Mitchell, III, petitioner, *v.* United States;

No. 1013. Bobby H. Worley et al., petitioners, *v.* Illinois;

No. 1044. John C. Krantz, Jr., et al., petitioners, *v.* John F. Olin;

No. 1066. The Pennsylvania Public Utility Commission et al., petitioners, *v.* The Pennsylvania Railroad Company;

No. 857, Misc. Rocco Lupino, petitioner, *v.* Ralph H. Tahash, Warden; and

No. 987, Misc. John Frank Azzone, petitioner, *v.* Ralph H. Tahash, Warden;

No. 933, Misc. Willie B. Brooks, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections;

No. 1120, Misc. Harry I. Greene, petitioner, *v.* United States;

No. 1190, Misc. Leon E. West, petitioner, *v.* Daniel McMann, Warden; and

No. 1264, Misc. Anna Knoll and Rose Keller, petitioners, *v.* Socony Mobil Oil Company, Inc., et al. Petitions for rehearing denied.

No. 878. Gene Rawdon, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, May 15, 1967.

Adjourned until Monday, May 15, 1967, 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

Leon D. Wofford, Jr., of Huntsville, Ala., Curtis E. Garner, of Little Rock, Ark., Cecil W. Kuehnert, of Little Rock, Ark., Jean Elyse Morris, of San Francisco, Calif., Philip W. Leslie, of San Francisco, Calif., Carl Lawrence Sandstrom, of Denver, Colo., Stanley C. Lowicki, of Wilmington, Del., Abraham Spector, of Washington, D.C., Samuel C. Borzilleri, of Washington, D.C., Daniel E. Manning, of Washington, D.C., Charles Bechhoefer, of Washington, D.C., Irving Kalikow, of Washington, D.C., Reno E. Bonfanti, of Washington, D.C., James E. Lemert, of Washington, D.C., Harlan Gard Lewis, of Washington, D.C., Robert Russell Black, of Washington, D.C., Julian Augustus Wilhelm, of Washington, D.C., Max N. Berry, of Washington, D.C., Robert Donald Hadl, of Washington, D.C., Irene A. Bowman, of Washington, D.C., Michael F. Noone, Jr., of Washington, D.C., Howard Ray Lurie, of Washington, D.C., Arthur B. Edgeworth, Jr., of Washington, D.C., Andrew L. Geisler, of Washington, D.C., Francis A. O'Brien, of Washington, D.C., Emiliano J. Salcines, Jr., of Tampa, Fla., Jack J. Taffer, of Miami, Fla., Ernest C. Lee, of Atlanta, Ga., Helen H. Dodge, of Atlanta, Ga., Leroy C. Fowler, of Savannah, Ga., Richard C. Chadwick, of Savannah, Ga., Wm. Reeves Lewis, of Savannah, Ga., Charles Williamon, of Rome, Ga., William H. Seckinger, of Chicago, Ill., Max Levy, of Chicago, Ill., Florence B. Rapacz, of Winnetka, Ill., Joseph Byron Coleman, of Algonquin, Ill., Wilson L. Tow, of Indianapolis, Ind., Lowell S. Love, of Indianapolis, Ind., James Emerson Gordon, of Indianapolis, Ind., Arthur R. Robinson, of Indianapolis, Ind., Paul Thomas Wells, of Indianapolis, Ind., Forrest Smith, of Indianapolis, Ind., George A. Buskirk, of Indianapolis, Ind., Kenneth J. Lawless, of Indianapolis, Ind., James C. Robison, of Indianapolis, Ind., Virgil Joseph Wolfe, of Carroll, Iowa, Claude Asbury, of Catlettsburg, Ky., Vincent J. Brennan, of Covington, Ky., Benjamin F. Rush, of Ashland, Ky., Hyman J. Gretskey, of Newton, Mass., Walter J. Williams, of Detroit, Mich., David I. Kaufman, of Detroit, Mich., Merle J. Tower, of Detroit, Mich., Edwin R. Ling, of Waveland, Miss., Robert E. Curran, of Chevy Chase, Md., Elizabeth R. Haig, of Laurel, Md., Alfred Gilbert Scholle, of Baltimore, Md., Henry Eagles, of Baltimore,

Md., Peter Anthony Di Rito, of Baltimore, Md., Ronald M. Smullian, of Baltimore, Md., Arthur L. Isaacs, of Baltimore, Md., Guy L. Harri-man, Jr., of Baltimore, Md., Marie Zuras Harris, of Silver Spring, Md., Willard C. Unkenholz, of Silver Spring, Md., Irving H. Dachis, of Silver Spring, Md., Robert L. Gilliat, of Silver Spring, Md., Bernard Martin, of Silver Spring, Md., Lawrence Weiner, of Silver Spring, Md., Howard Jay Braun, of Silver Spring, Md., Stephen Faulkner, of Fair Lawn, N.J., Sylvester Anthony Puzio, of Gar-field, N.J., Meyer Bronstein, of North Arlington, N.J., Evan C. Revelle, of New York, N.Y., Robert Richard Allan Briggs, of New York, N.Y., Theodore Kleinman, of New York, N.Y., David George Oringer, of New York, N.Y., Dale O. Torrence, of Cornelius, N.C., Charles A. Boyce, of Findlay, Ohio, Robert August Jung, of Cincinnati, Ohio, Jerry D. Williams, of Wilburton, Okla., Joseph Ashley Roach, of Philadelphia, Pa., O'Hear W. Fraser, Jr., of Walterboro, S.C., Robert N. Best, of Dallas, Tex., D. Michael Harvey, of Springfield, Va., Richard F. Murphy, of Woodbridge, Va., G. Herbert Fahy, of Vienna, Va., Edward Brennan Gable, Jr., of McLean, Va., John L. Tully, Jr., of Arlington, Va., Paul Edwin Nystrom, Jr., of Arlington, Va., Melvin L. Hamlin, of Arlington, Va., Karl S. Landstrom, of Arlington, Va., Louis J. Frana, of Arlington, Va., Charles M. Blackard, of Alexandria, Va., Milton L. Tepper, of Alexandria, Va., Arien S. Wolf, of Hunting-ton, W. Va., N. Paul Bromley, of Huntington, W. Va., Robert J. Wojtal, of Madison, Wis., Gerald Cullen Baker, of Kenosha, Wis., and J. L. Henderson, Jr., of Laramie, Wyo., on motion of Mr. Attorney General William Ramsey Clark;

William J. Hamilton, Jr., of Jacksonville, Fla., Donald Gilbert Sanders, of Springfield, Va., Seymour Glanzer, of New York, N.Y., John Michael Kelly, of New York, N.Y., Elmer A. Keller, of Colum-bus, Ohio, John J. Duffy, of West Chester, Pa., Rose A. Rubin, of Philadelphia, Pa., Ronald G. Woods, of Pampa, Tex., and Richard Frank Irwin, of Arlington, Va., on motion of Mr. Solicitor General Thurgood Marshall; Robert V. Denny, of Fairbury, Nebr., Darvid D. Quist, of Lincoln, Nebr., Larry T. Reida, of Lincoln, Nebr., Leo F. Clinch, of Burwell, Nebr., and Richard A. Huebner, of Grand Island, Nebr., on motion of Mr. Roman L. Hruska; James David Hall, of Warsaw, Ind., on motion of Mr. Birch E. Bayh, Jr.; Ralph J. Stein-berg, of San Jose, Calif., on motion of Mr. Don Edwards; Hart John-son, of Fort Stockton, Tex., and W. O. Shafer, of Odessa, Tex., on motion of Mr. Richard C. White; Harold J. Thorsen, of St. Helena, Calif., on motion of Mr. Robert L. Leggett; Robert J. Fogan, of Fort Lauderdale, Fla., and Robert E. Mathews, Jr., of Bell Glade, Fla., on motion of Mr. Paul G. Rogers; William Howard Evans, of Mil-waukee, Wis., on motion of Mr. Henry S. Reuss; Richard W. Johnson,

of Stockton, Calif., on motion of Mr. John J. McFall; W. P. Wilbanks, Jr., of Duluth, Ga., on motion of Mr. Phil M. Landrum; John Franklin Beasley, of Atlanta, Ga., and Glenville Haldi, of Atlanta, Ga., on motion of Mr. Benj. B. Blackburn III; William L. Anderson, of Santa Ana, Calif., on motion of Mr. James B. Utt;

David K. Peet, of Utica, N.Y., on motion of Mr. Alexander Pirnie; David L. Munns, of Coronado, Calif., on motion of Miss Katherine E. Shilling; Richard B. Allen, of Chicago, Ill., on motion of Miss Alice L. O'Donnell; William S. Arnold, of Crossett, Ark., on motion of Mr. Floyd Lee Williams; Frank G. Reeder, of Chicago, Ill., on motion of Mr. Dominick Manoli; Emmanuel Herzl Smith, of Chevy Chase, Md., on motion of Mr. Robert W. Ginnane; Thomas Clinton McClellan, of Houston, Tex., on motion of Mr. Louis Fenner Claiborne; Walter Robinson Shepard, of New York, N.Y., on motion of Mr. Joseph P. Tumulty; James T. Williamson, of St. Louis, Mo., on motion of Mr. Newell Clapp; Thomas J. Foley, of New York, N.Y., on motion of Mr. Frederick B. Abramson; Lois P. Siegel, of Washington, D.C., on motion of Mr. Michael H. Bader; G. G. Dowling, of Beaufort, S.C., on motion of Mr. Peter Stockett; Iddo Pittman, Jr., of Hammond, La., on motion of Mr. Will Ernest Leonard, Jr.; Robert S. Munroe, of Indian Rocks Beach, Fla., on motion of Mr. Robert T. Lowerre; Walter J. Adam, of Long Beach, Calif., on motion of Mr. Richard P. Schulze; Donald A. Moon, of Brighton, Mich., on motion of Mr. Raymond Goddard; Jerome Kamerman, of New York, N.Y., on motion of Mr. Albert A. Jones; William C. Canby, Jr., of St. Paul, Minn., on motion of Mr. Harold C. Havighurst; Kenneth A. Jennings, of Springfield, Va., on motion of Mr. James O'D. Moran; Dean Grayson Lawrence, of Grass Valley, Calif., on motion of Mr. Ernest Horn; John A. Doyle, of Oakland, Calif., on motion of Mr. Frank Hammill;

Daniel S. Pearson, of Miami, Fla., on motion of Mr. Jerome A. Hochberg; Wallace E. Wolfe, of San Diego, Calif., on motion of Mr. Plato Papps; Francis A. Paintin, of Wilmington, Del., on motion of Mr. Frederick Schafer; Daniel J. B. Bierman, of Washington, D.C., on motion of Mr. Louis Rogers; William S. Dorman, of Tulsa, Okla., on motion of Mr. John Howard Lewis, Jr.; Michael A. Schwind, of New York, N.Y., on motion of Mr. George D. Hornstein; John Taylor Manning, of Chapel Hill, N.C., on motion of Mr. Donald W. Markham; Howard S. Boros, of Washington, D.C., on motion of Mr. L. Welch Pogue; Daniel F. O'Keefe, Jr., of Alexandria, Va., on motion of Mr. Robert E. Giles; Harry R. Levy, of Pittsburgh, Pa., on motion of Mr. Robert I. Rudolph; Charles Alexander Legge, of San Francisco, Calif., on motion of Mr. Leslie H. Fisher; Kenneth B. Mason, Jr., of New York, N.Y., on motion of Mr. Ralph E. Becker; Isaac McDougall, of Pocatello, Idaho, on motion of Mr. James V. Heffer-

nan; Gresham Charles Smith, of St. Louis, Mo., on motion of Mr. Charles Donahue; James Robert Fuson, of Oklahoma City, Okla., on motion of Mr. Brice Wilson Rhyne; Thomas J. Stephens, of White Plains, N.Y., on motion of Mr. George Radin; Merwin Wallace Peake, of Kansas City, Mo., on motion of Mr. Alfred W. Breiner; William C. Conner, of New York, N.Y., on motion of Dr. David E. Varner;

Joseph F. Brenner, of Washington, D.C., James M. Campbell, of College Park, Md., Albert Willard Cook, of Washington, D.C., L. Mitchell Dick, of McLean, Va., Thomas J. Gallagher, of Washington, D.C., Paul A. Gattie, of Washington, D.C., Dina C. Jekofsky, of Washington, D.C., Milton Jekofsky, of Washington, D.C., Maurice Arthur Lewis, of Falls Church, Va., Charles Orison Magnetti, of College Park, Md., Daniel Walter Martin, of Silver Spring, Md., Marjorie N. McCulla, of Washington, D.C., Melvin E. Miller, of Silver Spring, Md., Joseph J. O'Meara, of Arlington, Va., Richard R. Pierson, of Washington, D.C., Robert Lorain Rissler, of Shenandoah Junction, W. Va., Geraldine Margaret Rubar, of Washington, D.C., Loy Sylvester Shuler, of Rockville, Md., Marie Thais Spencer, of Washington, D.C., and Robert E. Walter, of Washington, D.C., on motion of Mr. Frank H. Weitzel; and Thomas J. Adams, Jr., of Richmond Hill, N.Y., Donald F. Davis, of New York, N.Y., Leslie Jack Drossman, of Flushing, N.Y., Jerrold I. Ehrlich, of Bayside, N.Y., Rudy Hirschheimer, of Rego Park, N.Y., Herbert L. Kahn, of New York, N.Y., William S. Kohn, of Flushing, N.Y., Cornelius J. O'Brien, of Woodside, N.Y., Royal R. Riley, of Fresh Meadows, N.Y., Joseph J. Regan III, of New York, N.Y., James E. Robinson, of Corona, N.Y., Harry Smith, of New York, N.Y., Arnold T. Taub, of New York, N.Y., and Moses Zachary Yam, of New York, N.Y., on motion of Mr. Thomas J. Mackell, were admitted to practice.

OPINIONS

No. 116. 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. 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 Fortas. Concurring opinion by Mr. Justice Black. Concurring opinion by Mr. Justice White. Opinion by Mr. Justice Harlan concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Stewart.

No. 118. James A. Dombrowski et al., petitioners, *v.* James Eastland, etc., et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed in part and reversed in part 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* announced by Mr. Chief Justice Warren. Mr. Justice Black 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. 1046. American Trucking Associations, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Columbia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1088. Arthur C. Holding, d/b/a Grand News, appellant, *v.* G. T. Blankenship, Oliver Hodge and Jim Cook, individually and as the Oklahoma Literature Commission, et al. Appeal from the United States District Court for the Western District of Oklahoma. Probable jurisdiction noted as to Question 1. Judgment reversed and case remanded to the United States District Court for the Western District of Oklahoma insofar as it adjudged provisions of §§ 1040.1 to 1040.10 of Title 21 of the Oklahoma Statutes to be constitutional. Treating the nonappealable issue presented by Question 2 as if contained in a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Harlan concurs in the denial of certiorari as to Question 2, but would affirm the judgment of the District Court as to Question 1. Mr. Justice White would note probable jurisdiction and set the case for oral argument.

No. 1089. G. T. Blankenship, Oliver Hodge and Jim Cook, individually and as the Oklahoma Literature Commission, et al., appellants, *v.* Arthur C. Holding, d/b/a Grand News. Appeal from the United States District Court for the Western District of Oklahoma. Probable jurisdiction noted. Judgment affirmed insofar as it adjudged provisions of §§ 1040.1 to 1040.10 of Title 21 of the Oklahoma Statutes to be unconstitutional. Opinion *per curiam*.

No. 1116. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local Unions Nos. 9, 9-A, and 9-B, International Union of Operating Engineers. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the United States

District Court for the District of Colorado with directions to dismiss the complaint as moot. Opinion *per curiam*.

No. 1136. Aero Mayflower Transit Co., Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Southern District of Indiana. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 6, Misc. Carmela N. Iacurci, etc., petitioner, *v.* Lummus Company. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black would reverse the judgment and reinstate the judgment of District Court in favor of petitioner. Dissenting opinion by Mr. Justice Harlan.

No. 710, Misc. Jose Rubio, 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 reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 889, 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 consideration in light of *Chapman v. California*, 386 U.S. 18. Opinion *per curiam*.

No. 1059, Misc. Arland L. Gerberding, petitioner, *v.* Ralph H. Tahash, Warden. On petition for writ of certiorari to the Supreme Court of Minnesota. 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 Minnesota for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 1401, Misc. Sherman H. Skolnick, appellant, *v.* Otto Kerner, as Governor of State of Illinois, et al. Appeal from the United States District Court for the Northern District of Illinois. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. Gus Colacasides, petitioner, *v.* Michigan. The application for bail presented to Mr. Justice Stewart and by him referred to the Court, is denied.

No. 31, **Original.** State of Utah, plaintiff, *v.* United States. The motion for leave to file a bill of complaint is granted and the United States is allowed sixty days to answer.

No. 25. United States, appellant, *v.* Arnold, Schwinn & Co., et al. The motion of The O. M. Scott & Sons Company for leave to file a brief, as *amicus curiae*, is denied.

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al. The motion of Arthur McComb for leave to file a brief, as *amicus curiae*, is denied.

No. 1169. Alitalia-Linee Aeree Italiane, S.p.A., petitioner, *v.* John Lisi, etc., et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1342. Federal Power Commission, petitioner, *v.* Skelly Oil Company et al. The motion of the petitioner to expedite proceedings is denied at this time insofar as it requests that responses to the petition of the Federal Power Commission for a writ of certiorari and to the other petitions for writs of certiorari dealing with the same proceeding be filed by May 20, 1967, whether or not such responses are, under the Rules of this Court, due by that date.

APPEALS—JURISDICTION NOTED

No. 1109. Interstate Circuit, Inc., appellant, *v.* City of Dallas; and

No. 1155. United Artists Corporation, appellant, *v.* City of Dallas. Appeals from the Court of Civil Appeals of Texas, Fifth Supreme Judicial District. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allotted for oral argument.

CERTIORARI GRANTED

No. 1157. Case-Swayne Co., Inc., petitioner, *v.* Sunkist Growers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

No. 1115. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local 153, Glass Bottle Blowers Association of the United States and Canada, AFL-CIO. 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. 1117. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Local Union No. 125, Laborers' International Union of North Amer-

ica, AFL-CIO. 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. 1115.

No. 956, Misc. Fleming Smith, petitioner, *v.* Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Appellate Court of Illinois, First District, granted. Case transferred to the appellate docket and placed on the summary calendar.

CERTIORARI DENIED

No. 768. William J. Sullivan, et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 891. Corvallis Sand & Gravel Co., et al., petitioners, *v.* Hoisting and Portable Engineers Local Union No. 701 et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 989. Law Motor Freight, Inc., et al., petitioners, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1102. Byron Hahn, a/k/a Soon K. Hahn, et ux., petitioners, *v.* John W. Bihlmire, etc. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1104. E. G. Swindlehurst, petitioner, *v.* American Fidelity Fire Insurance Company et al. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1160. National Motor Freight Traffic Association, Inc., et al., petitioners, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1180. Charles N. Anderson et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1190. John Nuccio et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1196. Joseph Datlof, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1197. Bryant-Buckner Associates, Inc., petitioner, *v.* The Danville Tobacco Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1200. Henry B. McFarland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1204. Charles Sherman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the third Circuit denied.

No. 1205. Ben D. Spivak et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1206. 305 East 43rd Street Corporation, petitioner, *v.* Eskil L. Karlson. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1207. Robert Alan Lawrence, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1212. Symonette Shipyards, Ltd., petitioner, *v.* Lee Clark et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1275. The Creditors' Committee of Drive-In Development Corp., et al., petitioners, *v.* National Boulevard Bank of Chicago. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1040. Quinault Tribe of Indians, petitioner, *v.* A. M. Gallagher, etc., et al. Motion to dispense with printing the petition is granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1194. Joseph A. Chase, 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 Fourth Circuit denied.

No. 1062. Robert A. Schmitz et al., petitioners, *v.* Societe Internationale Pour Participations Industrielles et Commerciales, S. A., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Clark and Mr. Justice Fortas took no part in the consideration or decision of this petition.

No. 1112. Will Foster, petitioner, *v.* Lykes Bros. Steamship Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 1198. Reliance Insurance Company, petitioner, *v.* Blount Brothers Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 1210. Barnett Sarfaty et al., petitioners, *v.* Joseph Nowak, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Black is of the opinion certiorari should be granted.

No. 1132. Florists' Nationwide Telephone Delivery Network-America's Phone-Order Florists, Inc., petitioner, *v.* Florists' Telegraph Delivery Association; and

No. 1248. Florists' Telegraph Delivery Association, petitioner, *v.* Florists' Nationwide Telephone Delivery Network-America's Phone-Order Florists, Inc. Petitions for writs 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 these petitions.

No. 1158. Joseph J. Hurst, 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.

No. 1201. Lucio J. Pepe, 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. 848, Misc. Milton Bowers, 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. 834, Misc. Robert Lee Pettit, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 988, Misc. Conrad Schiebelhut, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1170, Misc. Luther Durham, Jr., petitioner, *v.* Virginia. Petition for writ of certiorari to the Circuit Court of Frederick County of Virginia denied.

No. 1178, Misc. John F. Beltowski, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 1350, Misc. Wilburt 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. 1431, Misc. Ernest Vida, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1438, *Misc.* James E. Garrison, petitioner, *v.* Alonzo L. Lacey, Special Agent, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1473, *Misc.* Conrad F. Carter, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1476, *Misc.* Ronald McConnell, petitioner, *v.* Wayne K. Patterson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1477, *Misc.* Sewell Richard Davidson, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1479, *Misc.* Harry Jack Bloomer, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1486, *Misc.* Bobby E. Gordon, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1496, *Misc.* George Rivera, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1499, *Misc.* Charles Roy Nieto, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1504, *Misc.* Abe Jacob Pletcher, 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. 1505, *Misc.* Jerome Peter Kuk, petitioner, *v.* Warden, Nevada State Prison. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 1507, *Misc.* Jose Rodriguez, petitioner, *v.* Walter Dunbar, Director, Department of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1508, *Misc.* Francis Haines, petitioner, *v.* Max P. Frye, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1509, *Misc.* John F. Beltowski, petitioner, *v.* Judge Earl R. Larson. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1511, *Misc.* Albert B. Crosby, petitioner, *v.* Joseph R. Brierley, Superintendent, County of Philadelphia, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1513, *Misc.* David Jacob Seiterle, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1518, **Misc.** Maurice H. Hardeman, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1519, **Misc.** Roy Overstreet, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1533, **Misc.** Jewell C. Beasley, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1535, **Misc.** Robert Dean Phelps, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1536, **Misc.** George Chromiak, Jr., petitioner, *v.* Harold V. Field, Superintendent, Los Padres State Institution. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1538, **Misc.** Robert H. Parrish, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1546, **Misc.** Robert E. Williams, petitioner, *v.* Arthur Oliver, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1549, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1560, **Misc.** Charles Emile Groleau, 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. 1569, **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. 1580, **Misc.** Richard Edward Fodrey, 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. 1582, **Misc.** Willie Scott, 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. 1589, **Misc.** Charles Fitzgerald, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1629, *Misc.* Leavy Cowens, 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.

No. 823, *Misc.* Richard Charles Blessing, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 939, *Misc.* Edward Henry Kushmer, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1080, *Misc.* Frank Earl Senk, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1556, *Misc.* Miguel Castro, 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. 1487, *Misc.* James A. McShane and Lillian L. McShane, petitioners, *v.* Barbara Lucille Cleaver et al. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1602, *Misc.* J. S. Baker, petitioner, *v.* Georgia;

No. 1617, *Misc.* George Henry Humphrey, petitioner, *v.* H. V. Field, Superintendent, California Mens Colony; and

No. 1625, *Misc.* Ernest B. Sandefur, petitioner, *v.* George A. Kropp, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1623, *Misc.* Raymond Luther Bryans, Jr., petitioner, *v.* United States; and

No. 1631, *Misc.* Theodore Dickerson, petitioner, *v.* George A. Kropp, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1543, *Misc.* James E. Garrison, petitioner, *v.* United States; and

No. 1603, *Misc.* Clifford Paul Wiltsie, petitioner, *v.* Lawrence E. Wilson, Warden. Motions for leave to file petitions for writs of mandamus denied.

No. 1521, Misc. Calvin Thomas, petitioner, *v.* Supreme Court of California et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 467, October Term, 1962. James Alvado et al., petitioners, *v.* General Motors Corporation. Motion for leave to file fifth petition for rehearing denied. Mr. Justice Fortas took no part in the consideration or decision of this motion.

No. 1091. Virgil Ogletree et al., petitioners, *v.* Ohio;

No. 1092. Shelby Franklin et al., petitioners, *v.* Marlin K. McDaniel;

No. 275, Misc. Allan B. Smith, petitioner, *v.* Ohio;

No. 1076, Misc. Oscar Bjornsen, petitioner, *v.* J. Edwin LaVallee, Warden;

No. 1210, Misc. Frederic Pittman, petitioner, *v.* United States;

No. 1247, Misc. Charles L. Everett, petitioner, *v.* United States;
and

No. 1439, Misc. Charles Edward Smith, petitioner, *v.* Lawrence E. Wilson, Warden. Petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, May 22, 1967.

Adjourned until Monday, May 22, 1967, a 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

Donald E. Channell, of Atlanta, Ga., Lowell Richard Beck, of Chicago, Ill., and Carlos P. Baker, Jr., of Lemoore, Calif., on motion of Mr. Attorney General William Ramsey Clark; Leonard Waterman, of Hollywood, Calif., Henry M. Aronson, of Seattle, Wash., Alfred R. Jones, of Falls Church, Va., Melvyn H. Zarr, of Worcester, Mass., John G. Penn, of Pittsfield, Mass., Richard J. Tarrant, of Teaneck, N.J., Carl M. Bornmann, of New York, N.Y., Samuel B. Brouner, of Fort Lee, N.J., Charles W. Cooke, of Chevy Chase, Md., Murray H. Paloger, of Merrick, N.Y., Max Wild, of Liberty, N.Y., James Odysseus Stassinou, of Charlotte, N.C., Sarah J. Baicker, of Nanticoke, Pa., and John R. Gauntt, of Salt Lake City, Utah, on motion of Mr. Solicitor General Thurgood Marshall; George Bennett Cullison, Jr., of Harlan, Iowa, and Richard Dean Morr, of Chariton, Iowa, on motion of Mr. Jack R. Miller; Francis M. Izumi, of Honolulu, Hawaii, on motion of Mrs. Patsy Tokemoto Mink; Larry D. Basham, of Cleveland, Tenn., on motion of Mr. Greg Potvin; George W. Weber, Jr., of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Allen G. Chistofersen, of St. Paul, Minn., on motion of Mr. Clark MacGregor;

Jack R. Fenton, of Montebello, Calif., Frank Murphy, Jr., of Santa Cruz, Calif., and Yolanda M. Palmer, of New Orleans, La., on motion of Mr. Jerome R. Waldie; Robert E. Clark, of San Jose, Calif., on motion of Mr. Don Edwards; Russell J. Dean, of Indianapolis, Ind., on motion of Mr. Andrew Jacobs, Jr.; John Francis Wilson, of Everett, Wash., on motion of Mr. Edwin Lloyd Meeds; Frank M. Jakobowski, of Philadelphia, Pa., on motion of Mr. Ralph Simon Spritzer; Max Fred Parrish, of Pocatello, Idaho, John Davis Goodwin, of Shreveport, La., James S. Fleming, of Worcester, Mass., Adonis Nieves, of San Juan, Puerto Rico, and Donald R. Kennedy, of Redding, Calif., on motion of Mr. William S. Fulton, Jr.; William Early Craig, of Phoenix, Ariz., on motion of Mr. Charles Sylvanus Rhyne; Robert C. Smith, of Columbia, Mo., on motion of Mr. Bernard Fensterwold, Jr.; William Henry Muntzing II, of St. Petersburg, Fla., and Lewis Manning Muntzing, of Charleston, W. Va., on motion of Judge H. Gus Muntzing; Savino J. Basile, of Springfield, Mass.,

and Robert W. Coughlin, of Springfield, Mass., on motion of Mr. William Humphrey Tucker, Jr.; David Lewis Ottenstein, of Bethesda, Md., Wilbur Dawson Owens, Jr., of Macon, Ga., and David Russell Willson, of Arlington, Va., on motion of Mr. W. Graham Claytor; Jay Norton, of San Saba, Tex., on motion of Mr. Robert M. Perry; George W. Pugh, of Baton Rouge, La., on motion of Mr. Thomas S. Currier; Robert F. Morten, of New York, N.Y., on motion of Mr. Robert A. Maloney; Amalya L. Kearse, of New York, N.Y., Harris J. Amhowitz, of New York, N.Y., Albert David Angel, of Brooklyn, N.Y., Harold S. Barron, of New York, N.Y., Peter Gruenberger, of New York, N.Y., and David Beecher Hudnut, of New York, N.Y., on motion of Mr. Harold L. Smith;

Maurice C. Inman, Jr. of Los Angeles, Calif., on motion of Mr. Ralph J. Temple; Mary Jean Gallagher, of New York, N.Y., on motion of Miss Helen Steinbinder; Blair Pershing Wakefield, of Norfolk, Va., on motion of Mr. James M. Henderson; Stephen A. Hochman, of New York, N.Y., and Morton P. Hyman, of New York, N.Y., on motion of Mr. Michael Joseph; Kenneth Horace Lange, of Katonah, N.Y., on motion of Mr. Newton Frohlich; Charles Wallace White, of Alexandria, Va., on motion of Mr. James Joseph Kearney; William J. Evans, of Baltimore, Md., Norman Edmund Burke, of Baltimore, Md., and Joseph R. Hardiman, of Baltimore, Md., on motion of Mr. Robert L. Karwacki; Charles T. Bate, of Indianapolis, Ind., and Myron J. Hack, of South Bend, Ind., on motion of Mr. Lee H. Hamilton; Marion Blase Amato, of Cleveland, Ohio, Richard Henry Kraushaar, of Cleveland, Ohio, and Harold A. Ross, of Cleveland, Ohio, on motion of Mr. Barkley D. McMillen; Chester D. Taylor, Jr., of South St. Paul, Minn., Richard C. Bocken, of Honolulu, Hawaii, Joseph R. Lowry, of Omaha, Nebr., William F. Hebert, of Cohoes, N.Y., and Walter D. Reed, of Des Moines, Iowa, on motion of Mr. Harold W. Gardner; Thomas Maron Hendricks, Jr., of Meridian, Miss., on motion of Mr. Peter M. Stockett, Jr.; Devereux Milburn, of Bronxville, N.Y., on motion of Mr. Arnold M. Lerman; Robert James Mogley, of River Forest, Ill., on motion of Mr. Edmund B. Clark; Justus Kenneth Ehlers, of Baltimore, Md., on motion of Mr. Louis A. Scholz; Milton Shalleck, of New York, N.Y., and James Weeks Murphy, of Little Rock, Ark., on motion of Mr. Michael H. Cardozo IV;

Lloyd F. Dunn, of Los Angeles, Calif., and Albert J. Galen, of Los Angeles, Calif., on motion of Mr. Alva C. Baird; William E. Kelly, of Spring Lake, N.J., James J. Casey, of Peapack, N.J., Preben Jensen, of Manhasset, N.Y., and Alan R. Wentzel, of Bronxville, N.Y., on motion of Mr. John R. Mahoney; Herman S. Paul, of Jacksonville, Fla., on motion of Mr. Allen George Siegel; Belden Hill Bell, of Evansville, Ind., on motion of Mr. Lawrence F. Hen-

neberger; Gerald G. Stamper, of Tulsa, Okla., on motion of Mr. Dickson R. Loos; William F. Faison, of Monmouth Beach, N.J., on motion of Mr. Jerome Hockberg; Phillip D. Endom, of Philadelphia, Pa., on motion of Mr. Francis H. Caskin III; Raphael Sherfy, of Washington, D.C., on motion of Mr. Laurence P. Sherfy; Larry Alan Bear, of New York, N.Y., on motion of Mr. Edward L. Genn; Richard D. Heiser, of Westport, Conn., on motion of Mr. Felix M. DeRosa; Ernest F. W. Wildermuth, Jr., of New York, N.Y., and Hugh Francis McShane, Jr., of New York, N.Y., on motion of Mr. Ernest F. W. Wildermuth; Herman J. Soloway, of New York, N.Y., on motion of Mr. Isidore H. Wachtel; and William H. Malloy, Jr., of Arlington, Va., on motion of Mr. Terrence C. Sheehy; William H. Berman, of Toledo, Ohio, David M. Leive, of Washington, D.C., Fredrick W. Huszagh, of Chicago, Ill., Lawrence M. DeVore, of New York, N.Y., Irving Goldstein, of Catskill, N.Y., Milton C. Nomkin, of New York, N.Y., and Alan V. Washburn, of Seattle, Wash., on motion of Mr. David Campion Acheson; Arnold D. Berkeley, of Washington, D.C., Wallace Edward Brand, of Altadena, Calif., Gordon Mitchell Grant, of Niagara Falls, N.Y., Joseph H. Gutride, of Washington, D.C., Stanley Joseph Harris, Jr., of Washington, D.C., James Ned Horwood, of Alexandria, Va., William E. Hynan, Jr., of Silver Spring, Md., Burt L. Johnson, of Longmeadow, Mass., Allen C. Lande, of Silver Spring, Md., George P. Lewnes, of Washington, D.C., Julius Conrad Meier, of Annandale, Va., John R. Miller, of East Haven, Conn., Kenneth F. Plumb, of Buffalo, N.Y., Oscar E. Reed, of Fort Worth, Tex., Richard C. Steffey, of Arlington, Va., Maynard Ugol, of Rochester, N.Y., Seymour Werner, of Silver Spring, Md., and Cyril S. Wofsy, of Washington, D.C., on motion of Mr. John C. Mason;

Lawrence Erwin Abelman, of New York, N.Y., Eugene Joseph Adams, of Spring Valley, N.Y., Joseph Dennis Ahearn, of Brooklyn, N.Y., George J. Alexander, of Syracuse, N.Y., Lucien P. Ali, of Syracuse, N.Y., Donald A. Altman, of Bronx, N.Y., Sheldon Amster, of Brooklyn, N.Y., Ronald M. Appel, of Rego Park, N.Y., Stanley Arthur Applebaum, of Staten Island, N.Y., Hannan Appleman, of Suffern, N.Y., Joseph Appleman, of Monsey, N.Y., John Anthony Astorina, of New York, N.Y., William M. Aukamp, of Rockville Centre, N.Y., Garrett E. Austin, of Floral Park, N.Y., M. David Baker, of Brooklyn, N.Y., Varkis Baligian, of Niagara Falls, N.Y., Russell H. Baller, Jr., of Valatie, N.Y., Clarence A. Baracks, of New York, N.Y., Richard Anthony Barber, of Binghamton, N.Y., Gerald J. Barre, of New York, N.Y., Robert A. Barron, of Hartsdale, N.Y., J. Albert Barsamian, of Albany, N.Y., Philip I. Beane, of New York, N.Y., Kenneth B. Becker, of New York, N.Y., Thomas R. Beecher, Jr., of Buffalo, N.Y., H. Clark Bell, of Woodstock, N.Y., Richard Andrew Benack, of Brooklyn,

N.Y., Michael G. Bennett, of Brooklyn, N.Y., Samuel J. Benson, Jr., of Floral Park, N.Y., F. Steven Berg, of Buffalo, N.Y., Philip Bruce Berger, of Rochester, N.Y., Alan A. Bergstein, of New York, N.Y., Jordan William Berkman, of Brewster, N.Y., Alan S. Berkowitz, of New York, N.Y., Norman R. Berkowitz, of New York, N.Y., Philip M. Berman, of New York, N.Y., Allan D. Bishop, Jr., of Owego, N.Y., Robert Charles Blum, of Brooklyn, N.Y., Eugene J. Blumberg, of Amityville, N.Y., Philip M. Blumenfeld, of New York, N.Y., John Anthony Bonina, of Brooklyn, N.Y., Cecil H. Brathwaite, of Queens, N.Y., Thomas A. Brennan, Jr., of New York, N.Y., Anthony William Brick, Jr., of North Tonawanda, N.Y., Arthur C. Briggs III, of Amityville, N.Y., Robert David Bring, of Monsey, N.Y., Bradford Hickman Brinton, of Keeseville, N.Y., Aaron Britvan, of Plainview, N.Y., Marvin Brockman, of Forest Hills, N.Y., George Thomas Bruckman, of New York, N.Y., Sidney Bruskin, of New York, N.Y., Thomas L. Bryan, of New York, N.Y., Joel Buchman, of New York, N.Y., Donald A. Bright, of New York, N.Y., Steven Allen Burn, of Scarsdale, N.Y., Edward Joseph Burns, of Rochester, N.Y., Martin Burroughs, of New York, N.Y., and Grace B. Wreaks, of Sea Girt, N.J., on motion of Mr. J. Henry Neale;

Robert M. Callahan, of Farmingdale, N.Y., Jay S. Caplan, of Albany, N.Y., Richard James Cardali, of New York, N.Y., Gregory W. Carman, of Farmingdale, N.Y., Willis B. Carman, Jr., of Farmingdale, N.Y., John M. Carter, of Clayton, N.Y., Samuel A. Carucci, of New York, N.Y., Stuart B. Cassell, of Flushing, N.Y., John F. K. Cassidy, of New York, N.Y., Michael E. Catalinotto, of Saugerties, N.Y., John J. Cavanaugh, Jr., of Albany, N.Y., M. Nathan Cember, of Nyack, N.Y., Archimedes Cervera, of Brentwood, N.Y., Herbert T. Cheiffetz, of Buffalo, N.Y., Malcolm B. Choset, of Brooklyn, N.Y., Walter S. Cobin, of New York, N.Y., Edward I. Cohen, of Brooklyn, N.Y., Robert L. Cohen, of New York, N.Y., Walter Cohen, of Brooklyn, N.Y., Henry G. Cohn, of Albany, N.Y., Martin Condon, of New York, N.Y., Arthur J. Cooperman, of Jamaica, N.Y., John B. Cross, of Albany, N.Y., Livingston Trevor Coulter, of Albany, N.Y., Michael J. Cramas, of New York, N.Y., Bernard F. Crowe, of New York, N.Y., Martin J. Crowley, of Kings Park, N.Y., John J. Curran, of Syracuse, N.Y., William B. Custer, of Fredonia, N.Y., Joseph Darienzo, of Brooklyn, N.Y., Richard J. Daronco, of Pelham, N.Y., David E. Davila, of New York, N.Y., Charles W. De Groat, of South Nyack, N.Y., John P. Della Ratta, of Greenvale, N.Y., Gerald S. Deutsch, of Bayside, N.Y., Sidney Devorsetz, of Syracuse, N.Y., John C. Diller, of New York, N.Y., Paul Peter Dommer, of Buffalo, N.Y., William D. Donovan, of Harrison, N.Y., Dominick J. Dorata, of Brooklyn, N.Y., Marvin T. Dubin, of Buffalo, N.Y., Philip

M. Dugan, of Manhasset, N.Y., Walter D'Ull, of New York, N.Y., Alfred Eisenstaedt, of New York, N.Y., Charles J. Engel, Jr., of Syracuse, N.Y., Rodney Lee Enocks, of Irvington-on-the-Hudson, N.Y., William Watson Esseks, of Aquebogue, N.Y., Matthew J. Evans, of Brooklyn, N.Y., John F. Farrell, Jr., of Little Neck, N.Y., Richard Lisle Fenstamaker, of Williamsport, Pa., Harvey S. Feuerstein, of New York, N.Y., Raymond Thomas Field, of Woodside, N.Y., Arnold Finkel, of Monsey, N.Y., Emanuel Finkelman, of Brooklyn, N.Y., James H. Fisher, of Kingston, N.Y., John Flynn, of New Rochelle, N.Y., Harry J. Friedberg, of New York, N.Y., Leonard Friedman, of Brooklyn, N.Y., and Stanley Fuchs, of Brooklyn, N.Y., on motion of Mr. Donald C. Carmien;

George F. Gahles, of Staten Island, N.Y., Alan D. Gally, of Plainview, N.Y., Michael I. Gandin, of Huntington, N.Y., Paul P. Gerstner, of New York, N.Y., Frederick J. Gerty, of Huntington, N.Y., Theodore Ginsberg, of New York, N.Y., Stanley N. Gladstone, of New York, N.Y., Miles M. Glantz, of Jamaica, N.Y., Martin Wm. Goldman, of New York, N.Y., Robert M. Goldsmith, of New York, N.Y., Harold F. Goldwasser, of East Meadow, N.Y., Allan D. Goodridge, of New York, N.Y., Abraham Greenberg, of New York, N.Y., David Greenberg, of Spring Valley, N.Y., Harvey Lawrence Greenberg, of Brooklyn, N.Y., Ira Greenberg, of Bronx, N.Y., Warren H. Greene, Jr., of New York, N.Y., Morton Greenwald, of New York, N.Y., Lawrence T. Gresser, Jr., of Jamaica, N.Y., Charles J. Groppe, of New York, N.Y., Jeffrey M. Hagen, of New York, N.Y., F. Lambert Haley, of Buffalo, N.Y., Alfred Halpern, of Great Neck, N.Y., Joel M. Handel, of Lawrence, N.Y., Charles Jerome Hannum, of Dunkirk, N.Y., James J. Harrington, of New York, N.Y., Alan David Harris, of Mineola, N.Y., Raymond Paul Hayden, of New York, N.Y., David Helfant, of New York, N.Y., Alfred J. Hemlock, of New York, N.Y., Richard Montgomery Hill, of Binghamton, N.Y., James E. Hirsch, of Mount Kisco, N.Y., Harry Hoffer, of New York, N.Y., George H. Holbrook, of Hoosick Falls, N.Y., Lawrence J. Holt, of Selden, N.Y., Charles E. Hopfl, of New York, N.Y., Robert Howard, of New York, N.Y., Louis L. Hoynes, Jr., of New York, N.Y., Melvyn L. Hurwitz, of Buffalo, N.Y., Gerard Charles Iannelli, of New York, N.Y., Richard A. Iklé, of Manhasset, N.Y., Ward W. Ingalsbe, Jr., of Kingston, N.Y., Sidney Ingber, of Brooklyn, N.Y., Donald Israel, of Bethpage, N.Y., Alfred Jackson, Jr., of West Islip, N.Y., Gerald S. Jacobs, of St. James, N.Y., Jerrold F. Janata, of New Hyde Park, N.Y., Marvin Ronald Javitz, of New York, N.Y., Henry M. Jetter, of Hauppauge, N.Y., Norman Earl Joslin, of Buffalo, N.Y., Patrick J. Joyce, of Sherburne, N.Y., Gerald Kahn, of New York, N.Y., David H. T. Kane, of New York, N.Y., Gerald R. Kane, of Nyack, N.Y., Siegrun D. Kane, of New York, N.Y.,

Alan H. Kaplan, of Bayside, N.Y., Paul Richard Karan, of New York, N.Y., Walter A. Kardash, of Yonkers, N.Y., and Robert P. Kassel, of West Nyack, N.Y., on motion of Mr. Harold Thompkins;

Jacqueline Koshian Baligian, of Niagara Falls, N.Y., Howard S. Kass, of New York, N.Y., Leo P. Kehoe, of Wolcott, N.Y., Stephen H. Kelly, of East Aurora, N.Y., William A. Kelly, of Kingston, N.Y., Theodore H. Kenworth, of Brooklyn, N.Y., Warren C. Kimmey, of Slingerlands, N.Y., Arthur Klein, of Monsey, N.Y., Stanley M. Klein, of New York, N.Y., William R. Kneeland, of Buffalo, N.Y., David R. Knoll, of Buffalo, N.Y., Paul J. Konigsberg, of New York, N.Y., Jerome M. Kornfeld, of Suffern, N.Y., Bernard J. Koster, of Syosset, N.Y., Edward J. Kovacs, of Poughkeepsie, N.Y., Raymond F. Kramer, of Grand Island, N.Y., William Allan Krupman, of Scarsdale, N.Y., Wilfred M. Lacey, of Niagara Falls, N.Y., Charles E. Lalanne, Jr., of Scarsdale, N.Y., Irving B. Lampert, of New York, N.Y., Alexander J. Lapinski, of New York, N.Y., Irving Lash, of Port Chester, N.Y., Frederick M. Lavin, of Williamsville, N.Y., Richard E. Leavitt, of Brooklyn, N.Y., Ira S. Leventhal, of Brooklyn, N.Y., Gerald M. Levin, of New York, N.Y., Robert B. Levin, of New York, N.Y., Morree M. Levine, of Niagara Falls, N.Y., Sanford Harold Levine, of Troy, N.Y., Philip David Levy, of Endicott, N.Y., Robert S. Levy, of New York, N.Y., Herbert B. Lifschitz, of Manhasset, N.Y., Harold Theodore Limpert, of Syracuse, N.Y., Irving List, of New York, N.Y., Eugene Litman, of New York, N.Y., Frank D. Loeb, of Upper Nyack, N.Y., Leo C. Loughrey, of New York, N.Y., Verner R. Love, Jr., of Syracuse, N.Y., Marshall K. Lynch, of Tappan, N.Y., Donald A. Macharg, of Slingerlands, N.Y., Robert M. Maidman, of Upper Nyack, N.Y., Howard Maizes, of New York, N.Y., Roy I. Mandelbaum, of New York, N.Y., Bernard Mann, of New York, N.Y., Gerald Mann, of New York, N.Y., Philip A. Maphey, of Watertown, N.Y., Graham Margot, of Mineola, N.Y., Louis J. Marrero, of New York, N.Y., John Richard Marshall, Jr., of Norwich, N.Y., Lyle A. Marshall, of Great Neck, N.Y., Malcolm Elliot Martin, of New York, N.Y., Henry A. Marzullo, Jr., of Flushing, N.Y., Rudolph L. Mazzei, of Port Jefferson, N.Y., James A. McGough, of New York, N.Y., Kevin Patrick McGovern of Brooklyn, N.Y., Robert W. McKeever, of Port Chester, N.Y., Stuart Alvin McKeever, of Port Chester, N.Y., and Edward Joseph McLaughlin, of Syracuse, N.Y., on motion of Mr. Albert K. Hill;

John Daniel Meader, Sr., of Albany, N.Y., Jacob M. Mehl, of New York, N.Y., Michael A. Meltzer, of Brooklyn, N.Y., Philip Meltzer, of New York, N.Y., John E. Meyer III, of Chappaqua, N.Y., Clyde J. Militscher, of New York, N.Y., Martin Minkowitz, of Brooklyn, N.Y., Patrick D. Monserrate, of Binghamton, N.Y., Harold R. Moore, Jr., of Hudson Falls, N.Y., James A. Moynihan, of Buffalo, N.Y.,

Robert E. Moses, of Syracuse, N.Y., Robert J. Mozer, of Manhasset, N.Y., William M. Mulderig, of Suffern, N.Y., George F. Murphy, Jr., of New York, N.Y., John E. Murray, of Binghamton, N.Y., James Raeburn Myers, of Kingston, N.Y., Ciro J. F. Napolitano, of Lynbrook, N.Y., John J. Napolitano, of Queens, N.Y., Stanley M. Nayer, of Elmont, N.Y., Edgar C. NeMoyer, of Buffalo, N.Y., Pat Frank Nesci, of Southhampton, N.Y., Joseph L. Nestor, of Endicott, N.Y., Barry I. Newman, of Garden City, N.Y., Michael B. Nitsberg, of New York, N.Y., George Washington Nordham, of New York, N.Y., Bernard Novick, of White Plains, N.Y., Patricia A. O'Brien, of New York, N.Y., Donald M. Ochacher, of New York, N.Y., Thomas W. O'Connor, of New York, N.Y., Francis J. O'Donnell, of New York, N.Y., Martin F. Odorisio, of Brooklyn, N.Y., Thomas J. O'Hare, of Garden City, N.Y., Donald D. Olman, of New York, N.Y., Thomas P. O'Malley, Jr., of New York, N.Y., Frank J. Ondrusek, of Binghamton, N.Y., James J. O'Neil, of New York, N.Y., John H. Owen, of New York, N.Y., John F. Papsidero, of North Tonawanda, N.Y., Richard Steel Pastore, of Old Greenwich, Conn., H. Richard Penn, of New York, N.Y., Edward Penson, of New York, N.Y., Gregory J. Perrin, of New York, N.Y., Donald A. Peshkin, of Port Washington, N.Y., Neal H. Pilson, of New York, N.Y., Morton Pinkus, of New City, N.Y., Ronald Stanley Platt, of New York, N.Y., Joseph M. Poissant, of Malone, N.Y., Merle B. Pratt, of Liverpool, N.Y., Alan Prigal, of New York, N.Y., Robert R. Ranni, of New York, N.Y., Michael H. Reeder, of Spring Valley, N.Y., Stanley J. Reiben, of New York, N.Y., Harold P. Reichwald, of New York, N.Y., John J. Reilly, of Upper Nyack, N.Y., Frederick M. Reuss, Jr., of Hollis, N.Y., Robert Stephen Rich, of New York, N.Y., Frank John Rienzo, of Bayside, N.Y., Leo M. Ritter, of Poughkeepsie, N.Y., and J. Arthur Robbins, of Brooklyn, N.Y., on motion of Mr. Samuel G. Brundage;

Albert Robin, of New York, N.Y., James Thomas Rochford, of Rockville Centre, N.Y., Roger Martin Rodwin, of Stamford, Conn., David George Roepe, of New City, N.Y., Pierre Antoine Ronachel, of New York, N.Y., Eric R. Roper, of New York, N.Y., Goldy Meresman Rosen, of Garden City, N.Y., Morton H. Rosen, of New York, N.Y., Robert M. Rosen, of Monticello, N.Y., Harry J. Rosenberg, of New York, N.Y., Sanford Rosenblum, of Albany, N.Y., Arnold J. Ross, of New York, N.Y., Lester Rosenbaum, of Yorktown Heights, N.Y., Irwin Roth, of New York, N.Y., Harold M. Rothstein, of New York, N.Y., Joseph K. Rowe, of Brooklyn, N.Y., Albert J. Rubin, of Penn Yan, N.Y., Carole-Marie Cecelia Runge, of Farmingdale, N.Y., Peter D. Rubinton, of Smithtown, N.Y., Robert Ruisis, of Great Kills, N.Y., David Sachs, of New York, N.Y., Robert M. Saltzstein, of New York, N.Y., Perry Satz, of Poughkeepsie, N.Y., Nicholas P. Scelsa, of

Patchogue, N.Y., Edward P. Scharfenberger, of Ridgewood, N.Y., Herman Schechter, of Smithtown, N.Y., Irving Schechter, of Smithtown, N.Y., Isidore Schechter, of New York, N.Y., William H. Scheurer, Jr., of New York, N.Y., David Scheinfeld, of New York, N.Y., Robert Martin Schimpf, of White Plains, N.Y., Howard M. Schmertz, of New York, N.Y., William Schmidt, of Bayside, N.Y., Victor Michael Schneider, of New York, N.Y., Martin I. Schneyer, of Sunnyside, N.Y., Philip W. Schunk, of Highland, N.Y., George L. Scrocco, of Pearl River, N.Y., Abraham Seidner, of New York, N.Y., John L. Sellstrom of Jamestown, N.Y., Brian Michael Seltzer, of East Rockaway, N.Y., Daniel M. Semel, of New York, N.Y., Harry Shames, of Brooklyn, N.Y., Howard Roberts Shapiro, of New York, N.Y., Milton B. Shapiro, of Spring Valley, N.Y., Jay B. Shaw, of West Hempstead, N.Y., James W. Shea, of Staten Island, N.Y., Carl Silber, of Poughkeepsie, N.Y., Michael J. Silverberg, of New York, N.Y., Peter Alan Silverstein, of Brooklyn, N.Y., Joseph M. Silvestri, of New York, N.Y., Alexander Simon, of West Hempstead, N.Y., Jerome L. Sindler, of New York, N.Y., Gerald Skolnick, of Brooklyn, N.Y., Martin Smolowitz, of Brooklyn, N.Y., Sanford Soffer, of Albany, N.Y., James Marshall Spector, of Hartsdale, N.Y., Joel J. Spector, of East Rockaway, N.Y., and John H. Stenger, of Buffalo, N.Y., on motion of Mr. Robert B. Fiske, Jr.;

Michael P. Stern, of New York, N.Y., Frederick C. Stimmel, of Slingerlands, N.Y., Stephen N. Strauss, of Port Jefferson, N.Y., Brian J. Strum, of New York, N.Y., Donald C. Studley, of Lewiston, N.Y., William E. Sugnet, of Syracuse, N.Y., James Robert Sullivan, of Rochester, N.Y., Sidney Sussman, of New York, N.Y., Murray Susswein, of New York, N.Y., Herbert P. Sydney, of Forest Hills, N.Y., Alexander Teitler, of Nanuet, N.Y., Irving Tenenbaum, of New York, N.Y., William P. Thompson, of Yorktown Heights, N.Y., Leslie B. Tinkler, of New York, N.Y., Beverly Cipollo Tobin, of Albany, N.Y., Edwin James Tobin, of Albany, N.Y., David E. Tolbin, of New York, N.Y., Robert L. Tooker, of Riverhead, N.Y., Theodosius J. Totolis, of New York, N.Y., Leon H. Tracy, of New York, N.Y., David A. Trager, of Yonkers, N.Y., William C. Tubman, of New York, N.Y., Robert H. Tucker, of Jamaica, N.Y., Robert Lewis Tuttle, of New York, N.Y., William J. Ungvarsky, of Brooklyn, N.Y., Charles H. Velardi, of Brewster, N.Y., Thomas A. Vitanza, of Norwich, N.Y., Robert P. Walton, of New York, N.Y., Michael S. Washor, of New York, N.Y., Richard J. Waters, of New York, N.Y., William H. Weber, Jr., of Buffalo, N.Y., Robert M. Weichert, of Baldwinsville, N.Y., Henry Weiler, of New York, N.Y., Leonard Weinstein, of Greenlawn, N.Y., Harvey Werbel, of Brooklyn, N.Y., Brian Mark Weyl, of Hewlett, N.Y., James N. White, of Amsterdam, N.Y., Stanley White, of Brooklyn, N.Y., Richard J. Wierzbicki, of Buffalo, N.Y., and Myron J.

Wiess, of Pound Ridge, N.Y., on motion of Mr. Harold Tompkins; and Paul Babitz, of Rochester, N.Y., Gary A. Beller, of New York, N.Y., K. King Burnett, of Salisbury, Md., George J. Caspar III, of Farmington, Conn., Robert L. Cohen, of Alexandria, Va., Thomas J. Connelly, of North Babylon, N.Y., Anthony A. D'Amato, Jr., of New York, N.Y., Paul S. Edelman, of New York, N.Y., Leonard J. Fassler, of New York, N.Y., James L. Fowler, of New York, N.Y., Francis J. Heneghan, of New York, N.Y., Paul John Josenhans, of Washington, D.C., Thomas J. Kelly, of New York, N.Y., Howard Joel Levitz, of New York, N.Y., Roy G. Levy, of New York, N.Y., Francis J. McNiff, of New York, N.Y., David S. Nelson, of Gouverneur, N.Y., Julius Y. Oestreicher, of New York, N.Y., Charles J. Piluso, of Arlington, Va., Seth Rosner, of New York, N.Y., Robert D. Stern, of Mamaroneck, N.Y., William J. Weldon, of Flushing, N.Y., Joseph T. Wilkinson, of Broadalbin, N.Y., Morton I. Willen, of Huntington, N.Y., Alex Wiltse, Jr., of Catskill, N.Y., Peter C. Wiltse, of Hamburg, N.Y., Aaron G. Windheim, of Nyack, N.Y., Eugene L. Wishod, of Smithtown, N.Y., G. Robert Witmer, Jr., of Webster, N.Y., Robert T. Wolf, of New York, N.Y., Arnold J. Wolff, of New York, N.Y., Louis R. Wolfish, of Spring Valley, N.Y., Neil I. Wolfson, of New York, N.Y., Paul M. Wolski, of New York, N.Y., Joyce M. Wrenn, of Albany, N.Y., William L. Wright, of Jamestown, N.Y., Michael Geoffrey Yamin, of New York, N.Y., Erwin Young, of New York, N.Y., Benjamin Zalman, of New York, N.Y., Lucien Zarnowski, of New York, N.Y., Edward M. Zimmerman, of East Aurora, N.Y., and Frank W. Zito, of New York, N.Y., on motion of Mr. Donald C. Carmien, were admitted to practice.

OPINIONS

No. 637. Northeastern Pennsylvania National Bank & Trust Company, etc., petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Middle District of Pennsylvania 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 and Mr. Justice Harlan join.

No. 39. Abbott Laboratories et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education, and Welfare, et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Clark join, dissent-

ing in this case and in No. 438, *post*, and concurring in No. 336, *post*. Dissenting opinion by Mr. Justice Clark in this case and in No. 438, *post*. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 336. The Toilet Goods Association, Inc., et al., petitioners, *v.* John W. Gardner, Secretary of Health, Education, and Welfare, et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Douglas dissents for the reasons stated by Judge Tyler of the District Court, 235 F. Supp. 648, 651-652. Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Clark join, concurring in this case and dissenting in No. 39, *ante*, and No. 438, *post*. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 438. John W. Gardner, Secretary of Health, Education and Welfare, et al., petitioners, *v.* The Toilet Goods Association, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Clark join, concurring in No. 336, *ante*, and dissenting in No. 39, *ante*, and in this case. Dissenting opinion by Mr. Justice Clark in this case and in No. 39, *ante*. Mr. Justice Brennan took no part in the consideration or decision of this case.

No. 428. Securities and Exchange Commission, petitioner, *v.* United Benefit Life Insurance Company. On writ of certiorari to 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 Harlan.

No. 440. Clive Michael Boutilier, petitioner, *v.* The Immigration and Naturalization Service. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Brennan dissents for the reasons stated by Judge Moore of the Court of Appeals, 363 F. 2d 488, 496-499. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Fortas joins.

No. 624. Earle C. Moody et al., appellants, *v.* Richmond M. Flowers et al. Appeal from the United States District Court for the Middle District of Alabama; and

No. 491. Board of Supervisors of Suffolk County, New York, et al., appellants, *v.* I. William Bianchi, Jr., et al. Appeal from the United States District Court for the Eastern District of New York. Judgments vacated and cases remanded to the respective courts for

further proceedings in conformity with the opinion of this Court.
Opinion by Mr. Justice Douglas.

No. 430. James Sailors et al., appellants, *v.* The Board of Education of the County of Kent et al. Appeal from the United States District Court for the Western District of Michigan. Judgment affirmed. Opinion by Mr. Justice Douglas. Mr. Justice Harlan and Mr. Justice Stewart concur in the result.

No. 724. Frank A. Dusch et al., appellants, *v.* J. E. Clayton Davis et al. Appeal from the United States Court of Appeals for the Fourth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Mr. Justice Harlan and Mr. Justice Stewart concur in the result.

The Chief Justice said:

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

OPINIONS PER CURIAM

No. 274. Helen Mascuilli, etc., petitioner, *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, judgment reversed, and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White are of the opinion that certiorari should be denied.

No. 1003. James R. Hoffa 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, judgment vacated, and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black would grant certiorari and set the case for argument. He dissents from the vacation of the judgment of the Court of Appeals and from the remand of the case to the District Court. Mr. Justice White took no part in the consideration or decision of this case.

No. 1017. United States, appellant, *v.* Marshall & Ilsley Bank Stock Corporation 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 *per curiam*.

No. 1154. Julian Messner, Inc., et al., appellants, *v.* Warren E. Spahn. Appeal from the Court of Appeals of New York. Motion of the Authors League of America, Inc., for leave to file a brief, as *amicus curiae*, granted. Judgment vacated and case remanded to Court of Appeals of New York for further consideration in light of *Time, Inc. v. Hill*, 385 U.S. 374. Opinion *per curiam*. Mr. Chief Justice Warren and Mr. Justice Fortas would dismiss the appeal for want of a substantial federal question.

No. 1174. Harry S. Krakoff, Administrator of the Estate of William F. Donnell, appellant, *v.* Paul Ruble Weaver 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. 1182. Tennessee ex rel. The New Providence Utility District, et al., appellants, *v.* City of Clarksville et al. Appeal from the Supreme Court of Tennessee, Middle Division. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1199. George H. Greene, Jr., appellant, *v.* Texas. Appeal from the Court of Criminal Appeals of Texas. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 24, Misc. John Belcher, petitioner, *v.* Wisconsin. On petition for writ of certiorari to the Supreme Court of Wisconsin. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Wisconsin for further consideration in light of *Anders v. California*, 386 U.S., —, decided May 8, 1967. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 33, Misc. Willie Frazier, petitioner, *v.* Ward Lane, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Long v. District Court of Iowa in and for Lee County*, 385 U.S. 192. Opinion *per curiam*.

No. 48, Misc. Douglas Fred Barnett, petitioner, *v.* Nevada. On petition for writ of certiorari to the Supreme Court of Nevada. 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 Nevada for further consideration in light of *Anders v. California*, 386 —, decided May 8, 1967, and *Long v. District Court of Iowa in and for Lee County*, 385 U.S. 192. Opinion *per curiam*.

No. 354, Misc. Leon Walker, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. On petition for writ of certiorari to the Supreme Court of Florida. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Florida for further consideration in light of *Anders v. California*, 386 U.S. —, decided May 8, 1967. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 1530, Misc. Johnnie Chewie, appellant, *v.* Richard W. Lock, County Attorney, Delaware County, Oklahoma, 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*.

ORDERS IN PENDING CASES

No. —. Howard Brett Levy etc., petitioner, *v.* Howard F. Corcoran, United States District Judge. The application for a stay presented to Mr. Chief Justice Warren, and by him referred to the Court, is denied.

No. —. Lurleen Burns Wallace, etc., et al., appellants, *v.* Anthony T. Lee et al. The application for a stay presented to Mr. Justice Black, and by him referred to the Court, is denied.

No. 895. Charles Katz, petitioner, *v.* United States. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is granted.

CERTIORARI GRANTED

No. 1218. International Longshoremen's Association, Local 1291, its officers and members, petitioners, *v.* Philadelphia Marine Trade Association. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. Case placed on the summary calendar and set for oral argument immediately following No. 892.

CERTIORARI DENIED

No. 1122. Fred A. Brown and Jennie B. Brown, d/b/a Gem Dairy, petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1124. Bonnie J. Bissell et al., petitioners, *v.* Edmond J. McElligott, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1130. Leonard E. Noren et al., petitioners, *v.* Robert E. McCarthy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1150. David M. Goodman, petitioner, *v.* United States;

No. 1151. Joseph Cohen, petitioner, *v.* United States; and

No. 1152. John V. Coughlin, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Claims denied.

No. 1173. Hubert Still et al., petitioners, *v.* Rossville Crushed Stone Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1214. Strathmore Securities, Inc., et al., petitioners, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1215. R. A. Babcock et ux., petitioners, *v.* V. Lee Phillips. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1219. Beall Pipe and Tank Corporation, petitioner, *v.* Shell Oil Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1220. Joseph J. Delfino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1222. Gary Aircraft 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. 1225. The Colson Corporation, petitioner, *v.* Everest & Jennings, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1226. J. D. Mallon et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1228. Tool Research and Engineering Corporation, petitioner, *v.* Honor Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1232. John Pierce Hellams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1235. William Martin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1237. M. Lois Corson et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1239. Jackson County Public Water Supply District, No. 1, petitioner, *v.* Ong Aircraft Corporation et al. Petition for writ of certiorari to the Kansas City Court of Appeals of Missouri denied.

No. 1244. Eddie Rocco, petitioner, *v.* Life Magazine et al. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1247. Sylvester K. Stevens, petitioner, *v.* Helen C. Frick. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1256. Robert Dulaine, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1264. Terryayne O'Brien, etc., et al., petitioners, *v.* Great Northern Railway Company et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 1267. Joseph Scoleri, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1288. Lourdesita Sombero Arroyo, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1330. Grace Line, Inc., et al., petitioners *v.* Joseph Scopaz et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 378. Waterman Steamship Corporation, petitioner, *v.* Joseph Skibinski. Motion of American Merchant Marine Institute, Inc., for leave to file a brief, as *amicus curiae*, granted. Motion of American Trial Lawyers Association for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1217. International Railways of Central America, petitioner, *v.* United Fruit Company; and

No. 1320. United Fruit Company, petitioner, *v.* International Railways of Central America. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Stewart took no part in the consideration or decision of these petitions.

No. 1069, **Misc.** Ronald O. Tivey, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1200, **Misc.** Nathaniel Franklin, petitioner, *v.* Arizona. Petition for writ of certiorari to the Court of Appeals of Arizona denied.

No. 1221, **Misc.** Donald L. Velasquez, petitioner, *v.* B. J. Rhay Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1230, **Misc.** Robert Allen Herrington, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1279, **Misc.** William Lawrence, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1300, **Misc.** Ivan Miles, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1308, **Misc.** Douglas Stiltner, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1320, **Misc.** John Henry Sheppard, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 1344, **Misc.** Walter English, petitioner, *v.* Tennessee; and

No. 1502, **Misc.** Harold Grant, petitioner, *v.* Tennessee. Petitions for writs of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1348, **Misc.** Charles Pino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1353, **Misc.** Stephen Nathdrine Cheely, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1389, **Misc.** Doxey D. Hankins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1399, **Misc.** John Robert Harrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1429, **Misc.** John Weymann and Hubert Mitchell, petitioners, *v.* J. Wayne Allgood, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1458, **Misc.** Decevigne Kilpatrick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1471, **Misc.** Irvin Hall, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1489, **Misc.** Jean Ann Shipp, petitioner, *v.* City of Toledo. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1520, **Misc.** Arnold Schildhaus, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1526, **Misc.** Robert J. Manning, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1537, **Misc.** Anthony Nadile, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1540, **Misc.** Marvin Kinnett, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1541, **Misc.** Kenneth Wayne Nelson, petitioner, *v.* Charles K. Miller, Captain, United States Navy, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1544, **Misc.** Harry Alfred Rohde, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 1552, **Misc.** Page Sumpter, petitioner, *v.* City of Cleveland, Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1563, **Misc.** George Robert Brown, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1567, **Misc.** Edwin Joe Abney, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1568, **Misc.** John McIntosh, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1590, **Misc.** Max G. Wendell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1591, **Misc.** Chester A. Hawks, 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. 1620, **Misc.** Adiel F. Gonzales, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1634, *Misc.* Robert B. Dorado, petitioner, *v.* California Adult Authority et al. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1655, *Misc.* Richard Fargo, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied.

No. 1656, *Misc.* Douglas Stiltner, petitioner, *v.* Washington State Board of Prison Terms and Paroles. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1665, *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. 999, *Misc.* Willie Floyd Canada, 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.

No. 1361, *Misc.* David H. Whittlesey et al., petitioners, *v.* United States. Motion for leave to file an amended petition 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. 1298, *Misc.* William Albert Osborn, petitioner, *v.* Superintendent of California Mens Colony;

No. 1643, *Misc.* David Rivera, petitioner, *v.* Government of the Virgin Islands; and

No. 1652, *Misc.* Paul Allen, petitioner, *v.* Lake F. Russell, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1539, *Misc.* James Durelle Boles, Sr., petitioner, *v.* Hamilton S. Burnett, etc. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

REHEARINGS DENIED

No. 110. National Woodwork Manufacturers Association et al., petitioners, *v.* National Labor Relations Board; and

No. 111. National Labor Relations Board, petitioner, *v.* National Woodwork Manufacturers Association et al.;

No. 646. Indiana & Michigan Electric Company, petitioner, *v.* Federal Power Commission;

No. 1019. Morris Berman, appellant, *v.* Board of Elections, City of New York, et al.;

No. 1034. Chester Stewart et al., appellants, *v.* Industrial Commission of Illinois et al.;

No. 1075. Leslie D. Stickler, petitioner, *v.* Dan Tehan, Sheriff of Hamilton County, Ohio; and

No. 1409, Misc. Ralph Oden Anderson, petitioner, *v.* United States. Petitions for rehearing denied.

No. 1014. James Dean Walker, appellant, *v.* Arkansas. Motion to present oral argument in support of rehearing and petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, May 29, 1967.

Adjourned until Monday, May 29, 1967, 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

Lee A. Satterfield, of Washington, D.C., Richard L. Carico, of San Francisco, Calif., Harry A. Fry, of Pasadena, Calif., Alvin M. Coen, of Huntington Beach, Calif., Joseph A. DeCristoforo, of Sacramento, Calif., Roger L. Gambatese, of Davis, Calif., Roy B. Woolsey, Sr., of Newport Beach, Calif., Theodore P. Jakaboski, of Stamford, Conn., Frederick N. Barad, of Miami Beach, Fla., Harry G. Carratt, of Fort Lauderdale, Fla., Barry L. Garber, of Miami, Fla., Charles R. Morgan, of Fort Lauderdale, Fla., Paul R. Stern, of Ormond Beach, Fla., Angus M. Stephens, Jr., of Miami, Fla., Margaret E. Flynn, of Chicago, Ill., Donald Flynn, of Chicago, Ill., John Lannon Flynn, Chicago, Ill., Marvin Joseph Garbis, of Baltimore, Md., Ralph S. Stone, of St. Louis, Mo., S. Sheldon Weinhaus, of St. Louis, Mo., Larry G. Wills, of Cape Girardeau, Mo., Alan J. Brockman, of New York, N.Y., Michael D. Bromberg, of Hewlett, N.Y., Jay Gold, of New York, N.Y., James Herman Goodfriend, of New York, N.Y., Wilfred J. Jacques, Jr., of Westport, Conn., Daniel R. Murdock, of New York, N.Y., Edward L. Sadowsky, of New York, N.Y., Harold A. Shapiro, of Great Neck, N.Y., Charles P. Sifton, of New York, N.Y., Carmelo J. Tavormina, of Brooklyn, N.Y., Carl F. Schetter, of Milwaukee, Wis., Howard W. Staiman, of Silver Spring, Md., and Guy Vander Jagt, of Cadillac, Mich., on motion of Mr. Solicitor General Thurgood Marshall;

John Franklin O'Neal, of Waco, Tex., on motion of Mr. W. R. Poage; James A. Murphy, Jr., of Saratoga Springs, N.Y., on motion of Mr. Carleton J. King; Malcolm Stuart Weintraub, of Sacramento, Calif., on motion of Mr. Frederick Sharon Farr; David J. Melamed, of Washington, D.C., on motion of Mr. John H. Pickering; William J. Wier, Jr., of Wilmington, Del., on motion of Mr. Frederick Bernays Wiener; Donald C. Wintersheimer, of Covington, Ky., and Eugene Lee Wohlner, of Los Angeles, Calif., on motion of Mr. Brice Wilson Rhyne; George B. Driesen, of Chevy Chase, Md., on motion of Mr. Dominick Manoli; Gerald C. Simon, of Detroit, Mich., on motion of Mr. Wilbur D. Sparks; Jack A. Mann, of Beckley, W. Va., on motion of Mr. William E. Miller; Cornelius J. Collins, of Chicago, Ill., on motion of Mr. Edmund J. Johnson, Sr.; Allan M. Palmer, of Wash-

ington, D.C., on motion of Mr. David G. Bress; Herbert I. Galperson, of Los Angeles, Calif., on motion of Mr. Plato E. Papps; Rafael O. Fernandez, of San Juan, Puerto Rico, on motion of Mr. Philip F. Herrick; Warren G. Wickersham, of Washington, D.C., on motion of Mr. Monroe Karasik; William Franklin Kemp, of Austin, Tex., on motion of Mr. George S. Steele, Jr.; Peter Otto Clauss, of Philadelphia, Pa., and Donald Earl Elisburg, of Washington, D.C., on motion of Mr. Charles Donahue; Horace B. Robertson, Jr., of Kannapolis, N.C., on motion of Mr. Enser W. Cole; John H. Montgomery, Jr., of New York, N.Y., on motion of Mr. George N. Tompkins, Jr.; Ronald G. Rice, of Hudson, Ohio, on motion of Mr. James V. Siena; Gordon W. Paulsen, of New York, N.Y., on motion of Mr. Richard Kent Stacer;

John F. Dunne, Jr., of Los Angeles, Calif., on motion of Mr. George Patrick Coleman; Richard Wolf, of St. Louis, Mo., on motion of Mr. Frederic T. Suss; Charles C. Lemert, of Columbus, Ohio, Gerald E. Nelson, of Dallas, Tex., Archie L. Haden, Jr., of Columbus, Ga., Edward C. Flood, of Bartow, Fla., and Frank C. Logan, of Clearwater, Fla., on motion of Mr. J. William Norman; Mack E. Davis, of Washington, D.C., on motion of Mr. Paul Rainey Webber III; Wm. Harrison Norton, of Kansas City, Mo., and Wilbur L. Pollard, of Kansas City, Mo., on motion of Mr. Daniel H. Margolis; Allen David Brufsky, of Washington, D.C., and Stanford Warner Berman, of Washington, D.C., on motion of Mr. Allen George Siegel; Henry S. Ruth, Jr., of Philadelphia, Pa., on motion of Mr. Frederick P. Graham; Stephen Allen Hopkins, of New York, N.Y., on motion of Mr. Andrew J. Kilcarr; Gerard C. Smetana, of Chicago, Ill., on motion of Mr. A. Duncan Whitaker; A. J. Weiss, of Beverly Hills, Calif., on motion of Mr. Leo A. Rosetta; Edwin Clark Matthias, Jr., of New York, N.Y., on motion of Mr. Edwin C. Matthias; David Churchill George, of Elyria, Ohio, on motion of Mr. Harvey J. Wilcox; Solomon Jesmer, of Chicago, Ill., on motion of Mr. Perry Patterson; Louis V. Pistilli, of Joliet, Ill., on motion of Judge Angelo Fred Pistilli; Paul M. Posner, of Los Angeles, Calif., on motion of Mr. John C. Mason; Walter J. Bonner, of Bethesda, Md., Lawrence E. Carr, Jr., of Kensington, Md., John Powell Diuguid, of Bethesda, Md., Edward C. O'Connell, of Kensington, Md., and David Alan Scott, of Bethesda, Md., on motion of Mr. Louis Kaplan;

James Brade, of New York, N.Y., R. Franklin Brown, of New York, N.Y., Clifton E. Hall, Jr., of New York, N.Y., William T. Johnson, of New York, N.Y., Eldridge Leonard, of New York, N.Y., Joseph Pinckney, of New York, N.Y., James R. Rhone, of New York, N.Y., Frederick E. Samuels, of New York, N.Y., Clayton Sinclair, Jr., of New York, N.Y., Ermyn O. Stroud, of New York, N.Y., Arthur B. C. Walker, of New York, N.Y., Ozro Thaddeus Wells, of New

York, N.Y., and William Anderson White, of New York, N.Y., on motion of Mr. Thomas V. Sinclair, Jr.; Louis A. Barone, of New Rochelle, N.Y., Henry Robertson Barrett III, of White Plains, N.Y., Pellegrino P. Bavetta, of New York, N.Y., Abraham D. Breitbart, of New York, N.Y., Walter T. Clark, Jr., of New Rochelle, N.Y., Andrew Codispoti, of Monsey, N.Y., William J. Crossin, of New York, N.Y., Nicholas A. D'Onofrio, of New Rochelle, N.Y., Francis T. Donohue, of White Plains, N.Y., James J. Duggan, of White Plains, N.Y., George B. Fargis, of Scarsdale, N.Y., Amedeo J. Forzano, of Brooklyn, N.Y., Arthur Harris Grae, of New Rochelle, N.Y., Jacob Boyd Henson, of White Plains, N.Y., J. Radley Herold, of Scarsdale, N.Y., Adrienne E. Hofman, of Mount Vernon, N.Y., Jerome K. Karver, of Mount Vernon, N.Y., David Klibanow, of New Rochelle, N.Y., Edward D. Loughman, Jr., of Pelham, N.Y., Louis J. Martino, of Mount Vernon, N.Y., Joseph S. Ragno, of Mount Vernon, N.Y., Joseph W. Rakacky, of North Tarrytown, N.Y., Eugene L. Scancarelli, of Mount Vernon, N.Y., Edward Storck, of New Rochelle, N.Y., Alfred F. Sulla, Jr., of Harrison, N.Y., Edwin P. Tiihonen, of White Plains, N.Y., Irwin R. Vogel, of Mount Vernon, N.Y., and Joseph King West, of Yonkers, N.Y., on motion of Mr. Frederick William Glassberg; and Franklin P. Samples, of Phoenix City, Ala., Lawrence D. Becker, of San Francisco, Calif., Don N. Bent, of Los Angeles, Calif., Ronald T. Golan, of Los Angeles, Calif., Robert B. Robbins, of Fresno, Calif., Robert W. Smedley, of Denver, Colo., Jackson R. Dunlap, Jr., of Georgetown, Del., James Anthony Belson, of Washington, D.C., Robert J. Elliott, of Washington, D.C., Eugene L. Stewart, of Washington, D.C., Peter E. Winegar, of Coral Gables, Fla., Henry Alexander Keever, of Cartersville, Ga., Harold Franklin, McCart, Jr., of Atlanta, Ga., Hugh Boyd Pettit, Jr., of Cartersville, Ga., Walter M. Endee, of Woodstock, Ill., Robert J. Gorman, of Chicago, Ill., John T. McGrath, of Chicago, Ill., Frank E. Van Bree, of Chicago, Ill., George Beall, of Baltimore, Md., Harry Joseph Goodrick, of Elkton, Md., Charles D. Savage, of Dearborn, Mich., Daniel Thomas Anderson, of Jackson, Miss., Malcolm Lee Shaw, of Hobbs, N. Mex., Calvin B. T. Lee, of New York, N.Y., Joseph J. Carroll, of New York, N.Y., Carroll W. Walden, Jr., of Forest City, N.C., Ken M. Brown, of Mayville, N. Dak., John R. Kohl, of Lathrup Village, Mich., Kenneth Clifford Segal, of Cincinnati, Ohio, John Charles Pankuch, of White Plains, N.Y., Leopold J. Wendekier, of Patton, Pa., Herschel Pickens Franks, of Chattanooga, Tenn., Virgil Dan Burney, of Dallas, Tex., Will D. Pace, of Tyler, Tex., G. R. Close, of Perryton, Tex., Louis J. Weber, Jr., of Dallas, Tex., John Ray Alford, of Lynchburg, Va., Joseph C. Knakal, Jr., of Lynchburg, Va., and Norman Kenneth Moon, of Lynchburg, Va., on motion of Mr. Robert E. Redding, were admitted to practice.

OPINIONS

No. 57. American Trucking Associations, Inc., et al., appellants, *v.* The Atchison, Topeka and Santa Fe Railway Company et al.;

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

No. 60. 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. Judgment reversed and cases 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 Fortas. Mr. Justice Black and Mr. Justice Stewart would affirm the judgment for the reasons stated in the opinion of the District Court Judge Hoffman reported at 244 F. Supp. 955, 961-964. Mr. Justice Harlan, finding it impossible to escape the impact of the proviso to § 3(1) of the Interstate Commerce Act, 49 U.S.C. § 3(1), would, for reasons elaborated in the portion of Judge Hoffman's opinion dealing with that point, 244 F. Supp. 955, at 961-964, affirm the judgment of the District Court.

No. 483. Neil Reitman et al., petitioners, *v.* Lincoln W. Mulkey et al. On writ of certiorari to the Supreme Court of California. Judgment affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Black, Mr. Justice Clark, and Mr. Justice Stewart join.

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

No. 23. 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 Southern District of California. Judgment reversed and cases remanded to the United States District Court for the Southern District of California for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 480. Warden, Maryland Penitentiary, petitioner, *v.* Bennie Joe Hayden. 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 District of Maryland for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren joins. Dissenting opinion by Mr. Justice Douglas.

No. 456. Beys Afroyim, petitioner, *v.* Dean Rusk, as Secretary of State. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of New York for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark, Mr. Justice Stewart, and Mr. Justice White join.

No. 101. Federal Trade Commission, petitioner, *v.* Universal-Rundle Corporation. 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. Chief Justice Warren.

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. 43. Stanley Markis, petitioner, *v.* United States; and

No. 64. Albert P. Moretti, 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 District of Connecticut for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 450. United States, appellant, *v.* Continental Oil Company. Appeal from the United States District Court for the District of New Mexico. Judgment vacated and case remanded to the United States District Court for the District of New Mexico for further consideration in light of *United States v. Pabst Brewing Co.*, 384 U.S. 546. Opinion *per curiam*.

No. 1106. Sweet Briar Institute, appellant, *v.* Robert Y. Button et al. Appeal from the United States District Court for the Western District of Virginia. Judgment reversed and case remanded to the United States District Court for the Western District of Virginia for further consideration on the merits. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice Stewart would affirm the judgment.

No. 1186. Harry Schackman et al., appellants, *v.* Roger Arnebergh, City Attorney for the City of Los Angeles, et al. Appeal from the United States District Court for the Central District of California. The motion to dismiss is granted and the appeal is dismissed for lack of jurisdiction. Opinion *per curiam*.

No. 1213. Robert William Delaney, appellant, *v.* Florida. Appeal from the Supreme Court of Florida. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that probable jurisdiction should be noted.

No. 1557, *Misc.* Ray Charles Stoeckle, appellant, *v.* Michael S. Wolke. Appeal from the Supreme Court of Wisconsin. 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. 1565, *Misc.* Francisco Cepero, appellant, *v.* Industrial Commission of Puerto Rico, etc. 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. Opinion *per curiam*.

No. 1572, *Misc.* Charles Patterson et al., appellants, *v.* Virginia Electric and Power Co. 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. 1606, *Misc.* Francisco Cepero, appellant, *v.* Victor Rivera Colon et al. 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. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. —. In the Matter of Edgar I. Shott, Jr. It is ordered that Edgar I. Shott, Jr., of Cincinnati, Ohio, be permitted to resign voluntarily from the Bar of this Court. It is further ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. —. Lawrence Pierce, petitioner, *v.* Warren Pinto, Superintendent, New Jersey State Prison Farm. The application for bail is denied. Mr. Justice Douglas took no part in the consideration or decision of this application.

No. 371. Crown Coat Front Co., Inc., petitioner, *v.* United States. The motion for allowance of costs is denied.

No. 1308. Etel Ober et al., petitioners, *v.* James C. Nagy et al. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 1820, *Misc.* In the Matter of Disbarment of Charles H. Quimby, III. It is ordered that Charles H. Quimby, III, of Washington, District of Columbia, be suspended from the practice of law in this

Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

APPEALS—JURISDICTION NOTED

No. 1208. Frank Lee, Commissioner of Corrections of Alabama, et al., appellants, *v.* Caliph Washington et al. Appeal from the United States District Court for the Middle District of Alabama. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 1236. United States, appellant, *v.* Charles Jackson et al. Appeal from the United States District Court for the District of Connecticut. In this case probable jurisdiction noted and case placed on the summary calendar.

CERTIORARI GRANTED

No. 952. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted.

No. 1161. John W. Terry et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio granted. Case placed on the summary calendar and set for oral argument immediately following No. 1192.

CERTIORARI DENIED

No. 1120. Alvin Beigel, petitioner, *v.* United States; and

No. 1254. Joseph Lapi, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1153. Fritz Kyer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1240. Cream Crest-Blanding Dairies, Inc., petitioner, *v.* National Dairy Products Corp. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1242. Kenneth A. Green, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1243. Donald L. Jackson, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1245. William A. Wax, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Fourth District, denied.

No. 1249. Board of Transportation of New Castle County, Delaware, petitioner, *v.* Civil Aeronautics Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1250. American Guild of Variety Artists, petitioner, *v.* William Smith, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1252. Carl Fager, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1260. Mack Trucks, Inc., petitioner, *v.* Bendix-Westinghouse Automotive Air Brake Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1261. Robert Rimerman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1262. Arthur Wilcox et al., petitioners, *v.* Transamerican Freight Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the sixth Circuit denied.

No. 1263. Public Service Company of Indiana, Inc., petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1268. The Board of Education of the Oklahoma City Public Schools, Independent District No. 89, etc., et al., petitioners, *v.* Robert L. Dowell and Vivian C. Dowell, infants, by A. L. Dowell, their father and next friend, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1285. Groendyke Transport, Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1310. Paul Washington Kibby et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1313. Perth Amboy Dry Dock Co., petitioner, *v.* John Hansen. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 1324. Domenico Mastini, petitioner, *v.* American Telephone and Telegraph Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1340. Sunkist Growers, Inc., petitioner, *v.* Case-Swayne Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1105. Joseph Clinton McBride, petitioner, *v.* Willard Smith, Commandant, United States Coast Guard. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Brennan are of the opinion that certiorari should be granted.

No. 1253. James Bauer Tolan, petitioner, *v.* United States. Motion to dispense with printing petition granted. Petition for writ of cer-

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

No. 1272. Green Street Association et al., petitioners, *v.* Richard J. Daley et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1386. Adam Clayton Powell, Jr., et al., petitioners, *v.* John W. McCormack et al. Motion for leave to file supplement to petition granted. Motion of the American Civil Liberties Union et al., for leave to file a brief, as *amici curiae*, granted. Motion of the Congress for Racial Equality for leave to file a brief, as *amicus curiae*, granted. Motion of the Harlem Lawyers Association, Inc., for leave to file a brief, as *amicus curiae*, granted. Motion of The National Bar Association for leave to file a brief, as *amicus curiae*, granted. Motion of the New York City Chapter of National Lawyers Guild 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, prior to the judgment, denied.

No. 1212, *Misc.* Ambrocio Rascon, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1213, *Misc.* Frank Mistretta, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1245, *Misc.* Winifred Huey Kimmons, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1311, *Misc.* Dennis Randel, 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. 1319, *Misc.* Abyssinia Hayes, etc., petitioner, *v.* Edward J. Hendrick, Superintendent, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1355, *Misc.* William T. Fulwood, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1367, *Misc.* Charles Horton, petitioner, *v.* New York; and

No. 1386, *Misc.* Louis Alvarez, petitioner, *v.* New York. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 1411, *Misc.* Agnes Lipka, as Administratrix, etc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1452, *Misc.* George Albert Mills, petitioner, *v.* P. J. Ciccone, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1456, *Misc.* H. J. Chopping, petitioner, *v.* First National Bank

of Lander, Wyoming. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 1457, *Misc.* George L. Ginger, petitioner, *v.* Circuit Court for the County of Wayne et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1468, *Misc.* Joseph Ellis Faustin, petitioner, *v.* United States Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1470, *Misc.* Anthony Verzino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1561, *Misc.* Edward Eugene Charlton and Roger Lee Edwards, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1575, *Misc.* J. Samuel Wacker, petitioner, *v.* J. G. Bisson, Consul General, Dominion of Canada. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1584, *Misc.* Darrell Devere Poulson, petitioner, *v.* John W. Turner, Warden. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1585, *Misc.* Clancy Fletcher, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1586, *Misc.* Merle W. Burnside, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 1587, *Misc.* Oscar Rodes, petitioner, *v.* Beverly I. Rodes. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1597, *Misc.* Alva G. Blanchard, dba Inferno Company, petitioner, *v.* Texsteam corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit Denied.

No. 1598, *Misc.* Robert John Ward, petitioner, *v.* Vincent Mancusi, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1599, *Misc.* Jim Fair, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1600, *Misc.* Robert O. Gilmore, Jr., petitioner, *v.* Ronald Reagan et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1601, *Misc.* Major Harden, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1608, *Misc.* Peter J. Troglio, petitioner, *v.* Sherwin-Williams

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

No. 1611, *Misc.* Robert E. Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1616, *Misc.* Robert Brown, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1630, *Misc.* Warren Gabriel Huskey, petitioner, *v.* Leon R. Yankwich, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1698, *Misc.* Donald D. Barnes, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1495, *Misc.* Robert C. Alford, 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. 1679, *Misc.* James Matthew Gauze, petitioner, *v.* Arthur L. Oliver, Warden, et al.;

No. 1684, *Misc.* Billy Ray Key, petitioner, *v.* Arizona et al.; and

No. 1697, *Misc.* Jerome William Greenlee, petitioner, *v.* California. 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. 1605, *Misc.* James T. Pope, petitioner, *v.* Jacob J. Parker, Warden, et al.;

No. 1653, *Misc.* Ben Lewis, petitioner, *v.* Illinois et al.; and

No. 1670, *Misc.* Gerald L. Hudson, petitioner, *v.* Texas et al. Motions for leave to file petitions for writs of mandamus denied.

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

No. 1678, *Misc.* Sherman H. Skolnick, petitioner, *v.* Walter J. Cummings, Jr., et al. Motions for leave to file petitions for writs of mandamus and/or prohibition denied.

LEAVE TO FILE PETITION FOR WRIT OF PROHIBITION DENIED

No. 1604, *Misc.* Robert E. Morgan, petitioner, *v.* United States. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 206. Houston Insulation Contractors Association, petitioner, *v.* National Labor Relations Board; and

No. 413. National Labor Relations Board, petitioner, *v.* Houston Insulation Contractors Association;

No. 981. Sidney Felber, petitioner, *v.* The Association of the Bar of the City of New York;

No. 1049. Norman F. Dacey et al., appellants, *v.* Grievance Committee of the Bar of Fairfield County;

No. 1067. Miller Brewing Company, appellant, *v.* Theodore Jones as Director of Revenue of Illinois;

No. 1101. Gordon Evanson et al., petitioners, *v.* Northwest Holding Company; and

No. 1126. Clara L. Washington, petitioner, *v.* Golden State Mutual Life Insurance Company. Petitions for rehearing denied.

No. 711. Forster Mfg. Co., Inc., et al., petitioners, *v.* Federal Trade Commission. Motion for leave to file petition for rehearing denied.

No. 1359, Misc. Sherman H. Skolnick, petitioner, *v.* Edwin A. Robson, Judge, etc.;

No. 1362, Misc. Forrest E. Honea, petitioner, *v.* Florida;

No. 1372, Misc. Sampson Tkaczyk et al., petitioners, *v.* Kenneth Gallagher et al.;

No. 1393, Misc. Allen Krohn, petitioner, *v.* The Chase Manhattan Bank;

No. 1400, Misc. Jerald Dee Sartain, petitioner, *v.* Peter J. Pitchess, Sheriff;

No. 1408, Misc. P. E. Carey, petitioner, *v.* George Washington University; and

No. 1410, Misc. Henry Foggy, petitioner, *v.* Arizona. Petitions for rehearing denied.

No. 1004, Misc. Osvaldo Jacquez, petitioner, *v.* Lawrence E. Wilson, Warden; and

No. 1310, Misc. James W. Price, petitioner, *v.* J. Wayne Allgood, Warden. Motions for leave to file petitions for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 5, 1967.

Adjourned until Monday, June 5, 1967, 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

William J. Brennan III, of New York, N.Y., Michael E. Fox, of Chicago, Ill., and Shayle P. Fox, of Chicago, Ill., on motion of Mr. Attorney General William Ramsey Clark; Robert Lawrence Rifkin, of Montebello, Calif., William E. Brannan, of Towson, Md., Lester B. Lipkind, of Babylon, N.Y., Armand D. Kunz, of Detroit, Mich., J. James Marshall Ecker, of Pittsburgh, Pa., and Joel Kamens, of Boston, Mass., on motion of Mr. Ralph Simon Spritzer; Harriet L. Robnett, of St. Louis, Mo., on motion of Mr. James W. Symington; Joseph Bradley Blake, of Denver, Colo., on motion of Mr. Gordon Allott; Kenneth Ray Barron, of Tyler, Tex., on motion of Mr. Eligio de la Garza II; Henry D. Edwards, of Wichita, Kans., on motion of Mr. Robert J. Dole; H. Ernest Griffith, of Lubbock, Tex., on motion of Mr. George H. Mahon; Frank E. Daily, Jr., of Coldwater, Kans., on motion of Mr. Joe Skubitz; Harlan E. Smith, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; Bruce D. Bringgold, of Ventura, Calif., on motion of Mr. George Meador; John B. Rhineland, of New York, N.Y., on motion of Mr. Nathan Lewin; Frank A. Wollaeger, of Chicago, Ill., on motion of Mr. Myer Feldman; Herbert Irvin Lazerow, of Washington, D.C., on motion of Mr. Norton J. Come;

John F. Fay, of Ojai, Calif., on motion of Mr. Earl W. Kintner; Martin D. Newman, of Washington, D.C., on motion of Mr. David Ferber; Warren Immanuel Cohn, of Washington, D.C., William George Davenport, of Alexandria, Va., Paul Joseph McElligott, of Fitchburg, Mass., Zvonko R. Rode, of Washington, D.C., and Paul Zaleski, of Washington, D.C., on motion of Mr. Edward D. Re; Cyril D. Calley, of Arlington, Va., and William V. C. Leahy, of Washington, D.C., on motion of Mr. Plata C. Cacheris; Edwin D. Ford, Jr., of New York, N.Y., on motion of Mr. Richard M. Merriman; Frank L. Barton, of Chevy Chase, Md., on motion of Mr. Duncan B. Phillips; Harold F. Wolters, of Grass Valley, Calif., on motion of Mr. James A. Hunt; Nina Lambeth, of Dallas, Tex., on motion of Mr. Daniel L. O'Connor; Robert A. Murphy, of Albany, N.Y., on motion of Mr. Lester M. Bridgeman; Gerald N. Gordon, of Los Angeles, Calif., on

motion of Mr. Jack Paul; Richard H. Bryan, of Las Vegas, Nev., on motion of Mr. David E. Leach; Ivan A. Elliott, Jr., of Carmi, Ill., on motion of Mr. Joseph B. Friedman; Chester E. Blodget, of Tulsa, Okla., on motion of Mr. Sherman Poland; Homer Burl Walls of Houston, Tex., on motion of Mr. Irving Kator; T. Howard Spainhour, of Norfolk, Va., on motion of Mr. J. Bruce Kellison; Michael E. Curan, of New York, N.Y., Lennard K. Rambusch, of New York, N.Y., and John J. Quigley, Jr., of New York, N.Y., on motion of Mr. George Hearn;

Melville C. Wilson, Jr., of North Charleston, S.C., on motion of Mr. Henry Russell Thomas; Norman Tennyson Ollestad, of Los Angeles, Calif., and Robert Alexis Green, Jr., of Gainesville, Fla., on motion of Mr. Robert Alexis Green; William F. Crowley, of Missoula, Mont., James Francis Hewitt, of San Francisco, Calif., Patrick J. Hughes, Jr., of Chicago, Ill., Tom Karas, of Phoenix, Ariz., Dennis M. O'Brien, Jr., of Chicago, Ill., Emmanuel Poverstein, of Brooklyn, N.Y., Thomas H. Rothwell, of San Francisco, Calif., Robert L. Spangenberg, of Boston, Mass., Harry D. Stewart, of San Diego, Calif., John Watson Williams, Jr., of Columbia, S.C., and Owen E. Woodruff, Jr., of San Rafael, Calif., on motion of Mr. Charles L. Decker; and Salem Vincent Ahto, of Madison, N.J., Erwin David Apell, of Wrightstown, N.J., Cresenzi W. Castaldo, of Bayonne, N.J., Daniel Crystal, of East Orange, N.J., George E. Davey, of North Arlington, N.J., Thomas A. Deakin, of Rumson, N.J., Reno A. Del Ben, of Tenafly, N.J., Vincent C. De Maio, of Middletown, N.J., Daniel Feinberg, of Bayonne, N.J., Stewart M. Hutt, of Woodbridge, N.J., Harold Kamens, of Newark, N.J., Sol L. Kesselman, of Newark, N.J., Joseph J. Kralik III, of West Orange, N.J., Joseph L. Kramer, of Jersey City, N.J., Joel C. Rinsky, of Newark, N.J., Leonard H. Savadove, of Camden, N.J., Salvatore Sclafane, of Bayonne, N.J., Harry Silverman, of Perth Amboy, N.J., David A. Slutsky, of Rahway, N.J., M. Stanley Susskind, of Bayonne, N.J., Peter F. Vogel, of Teaneck, N.J., Irving A. Weber, of Teaneck, N.J., and Stanley Yacker, of Mattawan, N.J., on motion of Mr. Aristo Dallavalle, were admitted to practice.

OPINIONS

No. 92. Roland Camara, appellant, *v.* Municipal Court of the City and County of San Francisco. Appeal from the District Court of Appeal of California, First Appellate District. Judgment vacated and case remanded to the District Court of Appeal of California, First Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join, in this case and in No. 180, *post*.

No. 130. Norman See, appellant, *v.* City of Seattle. Appeal from the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Harlan and Mr. Justice Stewart join, in this case and in No. 92, *ante*.

No. 794. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* Brotherhood of Railroad Trainmen et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment reversed and case remanded to the United States District Court for the District of Colorado for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas and Mr. Justice Fortas join.

No. 305. The Denver and Rio Grande Western Railroad Co. et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Colorado. Judgment reversed and case remanded to the United States District Court for the District of Colorado with directions to enter a new judgment remanding case to the Interstate Commerce Commission for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Opinion by Mr. Justice White concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 673. Commissioner of Internal Revenue, petitioner, *v.* Estate of Herman J. Bosch, deceased, etc.; and

No. 240. The Second National Bank of New Haven, etc., petitioner, *v.* United States. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment reversed in No. 673 and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Judgment affirmed in No. 240. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Fortas joins. Dissenting opinion by Mr. Justice Fortas.

No. 463. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* Federal Power Commission et al.; and

No. 462. Washington Public Power Supply System, petitioner, *v.* Federal Power Commission et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed in No. 463 and case remanded to the Court of Appeals with instructions to remand to Federal Power Commission for further proceedings in conformity with the opinion of this Court. Judgment vacated in No. 462 and case remanded to the Court of Appeals

with instructions to remand to the Federal Power Commission 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. 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. 513. Immigration and Naturalization Service, petitioner, *v.* Gerald Joseph Lavoie. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Douglas is of the opinion that certiorari should be denied.

No. 1159. Aluminum Company of America et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Arkansas. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan took no part in the consideration or decision of this case.

No. 1043, Misc. Lowell Carson Gills, petitioner, *v.* California. On petition for writ of certiorari to the Supreme Court of California. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeal of California, Third Appellate District, for further consideration in light of *Chapman v. California*, 386 U.S. 18. Opinion *per curiam*.

No. 1073, Misc. Nicholas Camodeo, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further consideration in light of *Anders v. California*, 386 U.S. —, decided May 8, 1967. Opinion *per curiam*. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White are of the opinion that certiorari should be denied.

No. 1144, Misc. Melvin Lewis Elliott, petitioner, *v.* Oregon. On petition for writ of certiorari to the Supreme Court of Oregon. 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 Oregon for further consideration in light of *Anders v. California*, 386, U.S. —, decided May 8, 1967. Opinion *per curiam*. Mr.

Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be denied.

No. 1579, Misc. Terrill Clark, appellant, *v.* Alabama. Appeal from the Supreme Court of Alabama. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

ORDERS IN PENDING CASES

No. 29, Original. State of Texas et al., plaintiffs, *v.* State of Colorado. This case is held without action on the motion for leave to file a bill of complaint until October 16, 1967, or further order of the Court.

No. 83. United States, appellant, *v.* Eugene Frank Robel. This case is restored to the calendar for reargument and counsel are directed to brief and argue, in addition to the questions presented, the question whether the delegation of authority to the Secretary of Defense to designate "defense facilities" satisfies pertinent constitutional standards.

No. 1119. Agnes M. Banks, etc., petitioner, *v.* Chicago Grain Trimmers Association, Inc., et al. The Solicitor General is invited to file a further brief expressing the views of the United States in light of Title 33 U.S.C. § 933(g).

No. 1346, Misc. In the matter of the Disbarment of Wilmer D. Rekeweg.

It having been reported to the Court that Wilmer D. Rekeweg, of Paulding, State of Ohio, has been disbarred from the practice of law in all of the courts of the State of Ohio by judgment of the Supreme Court of Ohio, duly entered on the 27th day of April, 1966, and this Court by order of February 13, 1967, having suspended the said Wilmer D. Rekeweg from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid;

It is ordered that the said Wilmer D. Rekeweg be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. 1845, Misc. In the Matter of Disbarment of Earl J. Lombard. It is ordered that Earl J. Lombard, of Washington, District of Columbia, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 1846, Misc. In the Matter of Disbarment of James M. McCullough. It is ordered that James M. McCullough, of Chevy Chase, State of Maryland, be suspended from the practice of law in this Court and a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. ~~1607~~¹⁶⁰⁷, Misc. In the matter of Buddy Lynn Whittington, petitioner. The motion for stay of execution and for other relief is denied.

CERTIORARI GRANTED

No. 1301. Alexander Tcherepnin et al., petitioners, *v.* Joseph E. Knight et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

CERTIORARI DENIED

No. 488. United States, petitioner, *v.* The Citizens National Bank of Evansville, as Executor. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1175. Dorothy Hinchcliff, petitioner, *v.* James M. Clarke, Internal Revenue Agent, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1184. Mary Domany et al., petitioners, *v.* Otis Elevator Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1230. Sanford A. Schafitz, petitioner, *v.* Federal Communications Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1238. James J. Rush et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1241. A. L. Dutton, Warden, petitioner, *v.* Russell Mosley. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1251. National Labor Relations Board, petitioner, *v.* Garwin Corporation et al.;

No. 1257. Garwin Corporation et al., petitioners, *v.* National Labor Relations Board et al.; and

No. 1327. Local 57, International Ladies' Garment Workers' Union, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1266. Oregon, petitioner, *v.* Frank Leroy Brewton. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. **1271**. Isidora Somolinos, petitioner, *v.* Charles M. Hitt et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. **1277**. Frederick Collins Fermin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. **1280**. Charles M. Oertle et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1282**. Arnold Romano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1283**. Seas Shipping Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1298**. Herman J. Heidrich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **1303**. City of New Orleans 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. **1304**. In the Matter of Morris Brauer, petitioner. Petition for writ of certiorari to the Supreme court of New Jersey denied.

No. **1305**. Antranik Paroutian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1306**. Charles H. Fenton, petitioner, *v.* A/S Glittre et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **1307**. Dale Boat Yards, Inc., petitioner, *v.* Mabel Szumski. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. **1309**. Angelo A. Reginelli, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania, Philadelphia District, denied.

No. **1322**. Joseph Thomas McCaffrey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **1326**. Robert Luftig, petitioner, *v.* Robert S. McNamara, Secretary of Defense, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **1352**. Northern States Power Company et al., petitioners, *v.* Rural Electrification Administration et al. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1370. Golay & Co., Inc., petitioner, *v.* National Labor Relations Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1233, Misc. William Shane, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1267, Misc. Carmine Moccio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1278, Misc. Frank Barney, petitioner, *v.* United States, Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1305, Misc. Edward Suarez, petitioner, *v.* Harold W. Follette, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1347, Misc. Horace Young, petitioner, *v.* Judicial Circuit Court of Mobile County, Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1363, Misc. Gloria Jean Narro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1501, Misc. Jackson Fee, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1516, Misc. Owen Columbus Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1523, Misc. Alfred H. Osborne, Sr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1528, Misc. George Walsh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1542, Misc. Richard Sympol Townes, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1547, Misc. Vivian Brown, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1610, **Misc.** Thomas Allen Cox, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1615, **Misc.** Kenneth Phillips, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 1618, **Misc.** Sammy Dale Carico, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 1628, **Misc.** William Howard, petitioner, *v.* John J. Norton, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1664, **Misc.** William R. Ferganchick et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1666, **Misc.** W. D. Nolen, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1667, **Misc.** Joe M. Prendez, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Third Appellate District, denied.

No. 1671, **Misc.** Leagnard Brown, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1688, **Misc.** Harry Lee Dodd, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1703, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1710, **Misc.** Hayes Henry Cheadle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1729, **Misc.** Joe Flores, 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. 1734, **Misc.** Guadalupe Rocha Hernandez, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1735, **Misc.** Richard Floyd Devoe, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

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

No. 1736, *Misc.* John Arthur Welsh, petitioner, *v.* California, et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1752, *Misc.* Adai Leser, petitioner, *v.* United States. Motion for leave to file petition for writ of habeas corpus and for other relief denied.

LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. 1738, *Misc.* James M. Green, petitioner, *v.* Fred M. Hooey, Judge, et al. Motion for leave to file petition for writ of mandamus denied.

REHEARINGS DENIED

No. 18. Utah Pie Company, petitioner, *v.* Continental Baking Company et al. Petitions for rehearing denied. The Chief Justice took no part in the consideration or decision of these petitions.

No. 750. Salvatore Granello et al., petitioners, *v.* United States. Petition for rehearing denied. Mr. Justice Brennan took no part in the consideration or decision of this petition.

No. 870. Robert B. Curtis et al., petitioners, *v.* William Boeger, Warden. Motion for leave to file second petition for rehearing denied.

No. 1488, *Misc.* Honorio Adorno Lorenzana, petitioner, *v.* Puerto Rico; and

No. 1574, *Misc.* Alonzo Johnson, petitioner, *v.* Merle R. Schneekloth, Superintendent, et al. Petitions for rehearing denied.

No. 303, *Misc.* Peter Columbus Curry, Jr., petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

RECESS ORDER

The Court will take a recess from today until Monday, June 12, 1967, upon which day it will adjourn for the term unless otherwise ordered.

Adjourned until Monday, June 12, 1967, 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

James F. Walker, of Silver Spring, Md., Alan David Block, of Torrance, Calif., Melvin Roy Burstein, of Los Angeles, Calif., Lillian Worthing Wyshak, of Beverly Hills, Calif., Robert H. Wyshak, of Beverly Hills, Calif., Russell Lowell Davis, of Chicago, Ill., Louis F. Ulbrich, of Bloomington, Ill., Donald Wadsworth Williamson, Jr., of Meridian, Miss., Samuel A. Peters, of New York, N.Y., Albert M. Rosenblatt, of Poughkeepsie, N.Y., Seymour Simon, of New York, N.Y., Allan Sherry, of Woodsfield, Ohio, Leonard P. Henderson, of Columbus, Ohio, and Richard E. Moorman, of Leitchfield, Ky., on motion of Mr. Solicitor General Thurgood Marshall; P. J. Washburn, of Roseburg, Oreg., on motion of Mr. Wayne Lyman Morse; Don W. Barker, of Iowa Falls, Iowa, on motion of Mr. Jack R. Miller; Gene E. Godley, of Dallas, Tex., Miron Anderson Love, of Houston, Tex., and Michael Condon Shea, Jr., of San Antonio, Tex., on motion of Mr. Ralph W. Yarborough; Spessard Lindsey Holland, Jr., of Titusville, Fla., on motion of Mr. Spessard L. Holland; Clyde Dickens Calliotte, of Little Rock, Ark., Edd Noel Williams, Jr., of Arlington, Va., and Gerald E. Williams, of Arlington, Va., on motion of Mr. John L. McClellan; Donald D. Haley, of Seattle, Wash., on motion of Mr. Brockman Adams; H. L. Hays, Jr., of Abilene, Tex., on motion of Mr. Omar Burleson;

Theodore R. Fisher, of Tulsa, Okla., on motion of Mr. Page Belcher; William J. MacDaniels, of Toledo, Ohio, on motion of Mr. Robert Taft, Jr.; Myron H. Burnstein, of Hollywood, Fla., and Miette K. Burnstein, of Hollywood, Fla., on motion of Mr. J. Herbert Burke; John F. Cirricione, of Joliet, Ill., on motion of Mr. John N. Erlenborn; Robert L. Borsos, of Kalamazoo, Mich., and Vincent T. Early, of Kalamazoo, Mich., on motion of Mr. J. Edward Hutchinson; William L. Mock, of Santa Ana, Calif., on motion of Mr. Richard T. Hanna; Peter Barton Hutt, of Buffalo, N. Y., on motion of Mr. John Lord O'Brian; Ellis H. McKay, of Cleveland, Ohio, and Burke W. Mathes, Jr., of Los Angeles, Calif., on motion of Miss Alice L. O'Don-

nell; Steven B. Duke, of Woodbridge, Conn., on motion of Mr. William H. Dempsey; Michael Thomas Sauer, of Los Angeles, Calif., on motion of Mr. Charles Sylvanus Rhyne; Ruth Vanderbur Huber, of Arlington, Va., on motion of Mr. Russell Marion King, Jr., David T. Goldstick, of New York, N.Y., on motion of Mr. Lawrence Speiser; Ishmael Cameron Childs, of Cleveland, Ohio, on motion of Mr. Dorsey Childs; Harry Krupsaw Wolpoff, of Silver Spring, Md., on motion of Mr. David Berger; Norman Ashton Klinger, of Philadelphia, Pa., on motion of Mr. William S. Fulton, Jr.; C. Donald Robertson, of Charleston, W. Va., Leo Catsonis, of Charleston, W. Va., Philip J. Graziani, of Charleston, W. Va., and Morton I. Taber, of Charleston, W. Va., on motion of Mr. Jack M. McCarty; David Boyette Stevens, of Durham, N. C., and Armando de Leon, of Phoenix, Ariz., on motion of Mr. Harold W. Gardner; George Taylor Hess, of York, Pa. on motion of Mr. Edwin Shaffer Rockefeller III;

Joe G. Leibson, of Louisville, Ky., on motion of Mr. Werner Kronstein; Alvin S. Brown, of Los Angeles, Calif., and Nathan Burstyn, of Silver Spring, Md., on motion of Mr. John T. Sheets; Charles Lawrence Scarborough, of Dallas Tex., on motion of Mr. Arthur B. Hanson; Frederick Hollister Campbell, of Skokie, Ill., on motion of Mr. Melvin H. Kerr; Thomas J. O'Donnell, of Chicago, Ill., on motion of Mr. Bernard J. Waters; Donald Brodkey, of Omaha, Nebr., and Gertrude Rothkop Brodkey, of Omaha, Nebr., on motion of Mr. Alan D. McArthur; Richard Michael Moneymaker, of Los Angeles, Calif., on motion of Mr. Donald Mulvihill; Richard Potter Lynch, of Washington, D.C., on motion of Mr. Daniel S. Skoler; Sanford E. Berger, of River Vale, N.J., on motion of Mr. Steve Paradise; Charles J. Barnhill, of Chicago, Ill., on motion of Mr. Fred Rowe; Edward Chester Mackie, of Baltimore, Md., on motion of Mr. Thomas V. Moore; Ralph Sterling Cunningham, Jr., of Washington, D.C., on motion of Mr. Henry J. Fox; Gerald S. Kantorow, of Washington, D.C., on motion of Mr. Gerald Herz; Lawrence Earl Hickman, of Colfax, Wash., on motion of Mr. Harry LeVine, Jr.; Louren R. Wood, of Richland, Mo., on motion of Mr. Claude T. Wood; Thomas L. Smith, of Boise, Idaho, on motion of Mr. O. P. Easterwood, Jr.; Marvin E. Pollock, of New York, N.Y., on motion of Mr. Herbert A. Fierst; Edward B. Connolly, of New York, N.Y., on motion of Mr. John P. Southmayd; Karl F. Anuta, of Boulder, Colo., on motion of Mr. L. Reed Miller; David B. Walker, of Escondido, Calif., and Philip J. Hirschkop, of Alexandria, Va., on motion of Mr. Bernard S. Cohen; and Eugene H. Zimmerman, of Mineola, N.Y., on motion of Mr. Gerald Charnoff, were admitted to practice.

OPINIONS

No. 9. United States, appellant, *v.* Sealy, Inc. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for the entry of an appropriate decree in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Dissenting opinion by Mr. Justice Harlan. Mr. Justice Clark and Mr. Justice White took no part in the decision of this case.

No. 25. United States, appellant, *v.* Arnold, Schwinn & Co., et al. Appeal from the United States District Court for the Northern District of Illinois. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for the entry of a decree in conformity with the opinion of this Court. Opinion by Mr. Justice Fortas. Opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins concurring in part and dissenting in part. Mr. Justice Clark and Mr. Justice White took no part in the decision of this case.

No. 343. Prima Paint Corporation, petitioner, *v.* Flood & Conklin Mfg. Co. On writ of certiorari to the United States Court of Appeals for the Second 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 Stewart join.

No. 249. Wyatt Tee Walker et al., petitioners, *v.* City of Birmingham, etc. On writ of certiorari to the Supreme Court of Alabama. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Chief Justice Warren with whom Mr. Justice Brennan and Mr. Justice Fortas join. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren, Mr. Justice Brennan and Mr. Justice Fortas join. Dissenting opinion by Mr. Justice Brennan with whom Mr. Chief Justice Warren, Mr. Justice Douglas, and Mr. Justice Fortas join.

No. 216. National Labor Relations Board, petitioner, *v.* Allis-Chalmers Manufacturing 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 Brennan. Concurring opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas, Mr. Justice Harlan, and Mr. Justice Stewart join.

No. 334. United States, petitioner, *v.* Billy Joe Wade. 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 with directions to enter a new judgment vacating the conviction and remanding the case to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Chief Justice Warren joins the opinion of the Court except for Part I, from which he dissents for the reasons stated in the opinion of Mr. Justice Fortas. Mr. Justice Douglas joins the opinion of the Court except for Part I. On that phase of the case he adheres to the dissenting views in *Schmerber v. California*, 384, U.S. 757, 772-779, that compulsory lineup violates the privilege against self-incrimination contained in the Fifth Amendment. Concurring opinion by Mr. Justice Clark. Opinion by Mr. Justice Black dissenting in part and concurring in part. Opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join, dissenting in part and concurring in part. Opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren and Mr. Justice Douglas join, concurring in part and dissenting in part.

No. 223. Jesse James Gilbert, petitioner, *v.* California. On writ of certiorari to the Supreme Court of California. Judgment vacated and case remanded to the Supreme Court of California for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Mr. Chief Justice Warren joins this opinion except for Part III, from which he dissents for the reasons expressed in the opinion of Mr. Justice Douglas. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Black concurring in part and dissenting in part. Opinion by Mr. Justice White with whom Mr. Justice Harlan and Mr. Justice Stewart join, concurring in part and dissenting in part. Opinion by Mr. Justice Fortas with whom Mr. Chief Justice Warren joins, concurring in part and dissenting in part.

No. 254. Theodore Stovall, petitioner, *v.* Wilfred Denno, Warden. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Mr. Justice Douglas is of the view that the deprivation of the right to counsel in the setting of this case should be given retroactive effect as it was in *Gideon v. Wainwright*, 372 U.S. 335, and in *Douglas v. California*, 372 U.S. 356. See *Linkletter v. Walker*, 381 U.S. 618, 640, dissenting opinion; *Johnson v. New Jersey*, 384 U.S. 719, 736 (dissenting opinion). Mr. Justice Fortas would reverse and remand for a new trial on the ground that the State's reference at trial to the improper hospital identification violated petitioners Fourteenth Amendment rights

and was prejudicial. He would not reach the question of retroactivity of Wade and Gilbert. Opinion by Mr. Justice White, with whom Mr. Justice Harlan and Mr. Justice Stewart join, concurring in the result. Dissenting opinion by Mr. Justice Black.

No. 37. Curtis Publishing Company, petitioner, *v.* Wallace Butts. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit; and

No. 150. The Associated Press, petitioner, *v.* Edwin A. Walker. On writ of certiorari to the Court of Civil Appeals of Texas, Second Supreme Judicial District and/or Supreme Court of Texas. Judgment in No. 37 affirmed. Judgment in No. 150 reversed and case remanded to the Court of Civil Appeals of Texas, Second Supreme Judicial District for further proceedings not inconsistent with the opinions that have been filed herein by the Chief Justice, Mr. Justice Black and Mr. Justice Douglas. Mr. Justice Harlan announced the judgments and delivered an opinion in which Mr. Justice Clark, Mr. Justice Stewart and Mr. Justice Fortas join. Opinion by Mr. Chief Justice Warren concurring in the result. Opinion by Mr. Justice Black, with whom Mr. Justice Douglas joins, concurring in No. 150 and dissenting in No. 37. Opinion by Mr. Justice Brennan, with whom Mr. Justice White joins, concurring in No. 150 and dissenting in No. 37.

No. 615. Ralph Berger, petitioner, *v.* New York. On writ of certiorari to the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas. Opinion by Mr. Justice Stewart concurring in the result. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice White.

No. 395. Richard Perry Loving et ux., appellants, *v.* Virginia. Appeal from the Supreme Court of Appeals of Virginia. Judgment and convictions reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Stewart.

No. 649. Jackie Washington, petitioner, *v.* Texas. On writ of certiorari to the Court of Criminal Appeals of Texas. Judgment and conviction reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Harlan concurring in the result.

No. 781. National Labor Relations Board, petitioner, *v.* Great Dane Trailers, Inc. 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 enforce the order of the National Labor Relations Board. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

The Chief Justice said:

"This being the final session of the 1966 Term which represents 18 years of service on the Court by Mr. Justice Clark, and because this is his last session with us, the Court believes that we should not adjourn without taking note of his departure.

"Under ordinary circumstances, I would say that we approach his retirement with great regret, but realizing the happy circumstances which bring about his retirement I can only say that we view his departure with mixed feelings.

"Justice Clark has had a great public career. He graduated from the Law School of the University of Texas in his native State in 1922, and practiced law, both publicly and privately, for 15 years, until he entered the Department of Justice as a Special Assistant in 1937. He rose rapidly in the ranks of the Department, and scaled the entire echelon until he finally became Attorney General of the United States in 1945. Having served with distinction, he was appointed to the Supreme Court by President Truman in 1949. For 18 years he has served with distinction on this Court. During those dynamic years he wrote many of the most important opinions of the times.

"He has been a great companion for us, and he departs with the affection of every member of the Court. We are happy to know that he leaves in the best of health and for a happy reason. We have no idea what he will undertake to do in the future, but we know that he will be active, and that he will continue throughout his useful years, which we hope will be many, to devote his efforts to the improvement of the administration of justice.

Mr. Justice Clark said:

"Mr. Chief Justice and my brother Associate Justices:

"You have been most generous in your statement, Mr. Chief Justice, for which I am deeply grateful. If my Father were here he would chuckle—perhaps laugh—at hearing such a eulogy; but if my Mother were here, she would believe every word of it, and love it!

"My eighteen years' service on the Court has been the most rewarding of my public life. To two great Presidents I am grateful for giving me this opportunity. First, to Franklin Delano Roosevelt for bringing me into the Department of Justice in 1937 and appointing me Assist-

ant Attorney General in 1943; and, the more am I indebted to the best client of my life, President Harry S. Truman, for whom I served as Attorney General of the United States.

“And let me also thank each of my present colleagues on the bench for their most helpful and cooperative assistance; and also those who are gone but with whom I was privileged to have served, one of whom, Justice Reed, I see in the courtroom today. And, to my law clerks—all 36 and many of whom are here today—I am appreciative of their diligent, effective and devoted service; and to my loyal secretary of almost a quarter of a century, Miss Alice O'Donnell, I give my grateful thanks. If I have accomplished any of the things which you enumerated, Mr. Chief Justice, it has been due to Mary, my dear wife whose love and devotion has been my inspiration.

“Today our emotions are mixed—happiness with regrets. But it is not the last day of which I speak, it is rather the first day of the new life which we shall continue to dedicate to the public interest. As we enter it—and close our 18 years here—we call to mind the words of the Court Crier: ‘God bless the United States and this Honorable Court.’”

The Chief Justice said:

“Also, because this is the last session of our 1966 Term, we should tarry long enough to take notice of another significance the day has for us. It represents the completion of thirty years of service on this Court by Mr. Justice Black. Only eight other Justices in the long history of the Court have achieved such a record and none in a more dynamic period or with greater distinction. In this long period, he has written hundreds of important opinions that in the aggregate constitute a monumental part of the jurisprudence of the Court.

“As he passes this milestone, we all wish for him continued good health and happiness.”

The Chief Justice said:

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

No. 1, Original. The State of Wisconsin et al., complainants, *v.* The State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.;

No. 2, Original. The State of Michigan, complainant, *v.* State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.;

No. 3, **Original.** State of New York, complainant, *v.* State of Illinois and the Metropolitan Sanitary District of Greater Chicago et al.; and

No. 11, **Original.** State of Illinois, plaintiff, *v.* States of Michigan, Ohio, Pennsylvania, Minnesota, New York, and Wisconsin. Decree entered.

OPINIONS PER CURIAM

No. 2. David E. Keney, petitioner, *v.* New York. On petition for writ of certiorari to the County Court of Monroe County, New York. Petition for writ of certiorari granted, judgment reversed and case remanded to the County Court of Monroe County, New York, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 7. Sidney Friedman, petitioner, *v.* New York. On petition for writ of certiorari to the Appellate ~~Division~~^{TERM} of the Supreme Court of New York, First Judicial Department. Petition for writ of certiorari granted, 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. Opinion *per curiam*. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383, U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 10. Sam Ratner et al., petitioners, *v.* California. On petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of San Mateo. Petition for writ of certiorari granted, judgment reversed and case remanded to the Appellate Department of the Superior Court of California, County San Mateo, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice, Mr. Justice Clark, and Mr. Justice Brennan would affirm. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 21. Allen Cobert, petitioner, *v.* New York. On petition for writ of certiorari to the Court of Appeals of New York. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice, Mr. Justice Clark, and Mr. Justice Brennan would affirm. Mr.

Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 26. Harold Sheperd et al., petitioners, *v. New York*. On petition for writ of certiorari to the Appellate ~~TERM~~ of the Supreme Court of New York, First Judicial Department. Petition for writ of certiorari granted, 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. Opinion *per curiam*. The Chief Justice and Mr. Justice Clark would affirm. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 58. The New York Central Railroad Company, appellant, *v. United States et al.* Appeal from the United States District Court for the Northern District of Illinois. The motion of American Trucking Associations, Inc., et al. to be added as parties appellees is granted. The motion to affirm is granted and those portions of the judgment from which appellant is appealing are affirmed. Opinion *per curiam*.

No. 72. Alfred Avansino et al., petitioners, *v. New York*. On petition for writ of certiorari to the Appellate ~~TERM~~ of the Supreme Court of New York, First Judicial Department. Petition for writ of certiorari granted, 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. Opinion *per curiam*. The Chief Justice and Mr. Justice Clark would affirm. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm. ✓

No. 149. Sanford E. Aday et al., 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 reversed, and case remanded to the United States District Court for the Western District of Michigan for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. The Chief Justice and Mr. Justice Brennan would grant the petition, vacate the judgment, and remand in light of *Memoirs v. Massachusetts*, 383 U.S. 413. Mr. Justice Clark would grant the petition and affirm. Mr. Justice Harlan concurs in the reversal on the basis of the reasoning set forth in his opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Manual Enterprises, Inc. v. Day*, 370 U.S. 478. ✓

No. 227. Corinth Publications, Inc., petitioner, *v.* James P. Wesley et al., as members of the Georgia State Literature Commission. On petition for writ of certiorari to the Supreme Court of Georgia. Petition for writ of certiorari granted, judgment reversed and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice would grant the petition and set case for oral argument. Mr. Justice Clark would grant the petition and affirm. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm. ✓

No. 323. Books, Inc., petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the First Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the District of Rhode Island for further proceeding in conformity with the opinion of this Court. Opinion *per curiam*. The Chief Justice would grant the petition and set case for oral argument. Mr. Justice Clark would grant the petition and affirm. Mr. Justice Harlan concurs in the reversal on the basis of the reasoning set forth in his opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Manual Enterprises, Inc. v. Day*, 370 U.S. 478. ✓

No. 366. Dave Rosenbloom, 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*. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm. ✓

No. 660. Kenneth Jacobs et al., appellants, *v.* New York. Appeal from the Appellate Term of the Supreme Court of New York, First Judicial Department. The motion to dismiss is granted and the appeal is dismissed as moot. Opinion *per curiam*. Mr. Justice Brennan would affirm the judgment. Mr. Justice Fortas would reverse the judgment. Dissenting opinion by the Chief Justice.

No. 807. Kenneth Burkard et al., appellants, *v.* New York; and

No. 808. Henry Habel et al., appellants, *v.* New York. Appeals from the Court of Appeals of New York. The motion to dismiss is granted and the appeals are dismissed for want of jurisdiction. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*.

No. 865. A Quantity of Copies of Books et al., petitioners, *v. Kansas*. On petition for writ of certiorari to the Supreme Court of Kansas. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Kansas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice would grant the petition and set case for oral argument in light of *Quantity of Books v. Kansas*, 378 U.S. 205. Mr. Justice Clark would grant the petition and affirm the judgment. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 896. Louis Mazes, petitioner, *v. Ohio*. On petition for writ of certiorari to the Supreme Court of Ohio. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice, Mr. Justice Clark, and Mr. Justice Harlan would grant the petition and set case for oral argument on the Ohio statute.

No. 993. Charles Tannenbaum, appellant, *v. New York*. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed as moot. Opinion *per curiam*. Mr. Justice Brennan would reverse the judgment. Dissenting opinion by the Chief Justice. Mr. Justice Douglas dissents.

No. 995. Harry Schackman et al., appellant, *v. California*. Appeal from the Superior Court of California, County of Los Angeles. Judgment reversed and case remanded to the Superior Court of California, County of Los Angeles, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. The Chief Justice, Mr. Justice Clark, and Mr. Justice Brennan would affirm the judgment. Mr. Justice Harlan adheres to the views expressed in his separate opinions in *Roth v. United States*, 354 U.S. 476, 496, and *Memoirs v. Massachusetts*, 383 U.S. 413, 455, and on the basis of the reasoning set forth therein would affirm.

No. 1093. Order of Railway Conductors and Brakemen et al., appellants, *v. United States et al.* Appeal from the United States District Court for the Northern District of Illinois. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Black is of the opinion that probable jurisdiction should be noted and case set for oral argument.

No. 1164. Saul Landau, petitioner, *v. Addison Fording*, Chief of Police, Berkeley, California, et al. On petition for writ of certiorari to the Court of Appeals of California, First Appellate District. Petition for writ of certiorari granted and judgment affirmed. Opinion

per curiam. Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Stewart, and Mr. Justice Fortas would grant the petition and reverse.

No. **1255.** Whitehouse Trucking, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Ohio. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam.*

No. **1265.** Bell Telephone Laboratories, Incorporated, et al., appellants, *v.* Bureau of Revenue of New Mexico et al. Appeal from the Supreme Court of New Mexico. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam.*

No. **1296.** Lupton Manufacturing Company, appellant, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Missouri. The motions to dismiss are granted and the appeal is dismissed. Opinion *per curiam.*

No. **1315.** Canton Poultry, Inc., et al., appellants, *v.* Doyle Conner, Commissioner of Agriculture of Florida. Appeal from the United States District Court for the Northern District of Florida. Judgment vacated and case remanded to the United States District Court for the Northern District of Florida so that it may enter a fresh decree from which a timely appeal may be taken to the Court of Appeals. Opinion *per curiam.*

No. **1335.** Ezra Parks, petitioner, *v.* Simpson Timber Company et al. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the District of Oregon for further proceedings in conformity 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. **1399.** Mario Savio et al., appellants, *v.* California. Appeal from the Superior Court of California, County of Alameda. 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. **79, Misc.** Carlos (Charlie) Sanchez, petitioner, *v.* Harold A. Cox, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the District of ~~Colorado~~ ^{NEW MEXICO} for reconsideration in light of the transcript of evidence which it now appears can be made available. Opinion *per curiam.*

No. 836, Misc. George W. Balles, 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*.

No. 880, Misc. Joseph Pierrel, appellant, *v.* United States Court of Appeals for the District of Columbia Circuit. Appeal from the United States District Court for the District of Columbia. 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. 934, Misc. Grigorios Stellas, petitioner, *v.* P. A. Esperdy, District Director of Immigration and Naturalization Service for the District of New York. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Southern District of New York with directions that it be returned to the Immigration and Naturalization Service for further administrative proceedings. Opinion *per curiam*.

No. 1107, Misc. Ruth Sandoval, petitioner, *v.* Utah. On petition for writ of certiorari to the Supreme Court of Utah. 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 Utah in light of the representations of the Attorney General that the petitioner was entitled to the transcription of the mechanical recording of the juvenile court hearing at the expense of the Salt Lake County or other governmental entity within their jurisdiction. Opinion *per curiam*.

No. 1179, Misc. Lewis F. Hadley, appellant, *v.* Massachusetts. Appeal from the Supreme Judicial Court of Massachusetts. Motion for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded to the Supreme Judicial Court of Massachusetts for further consideration in light of *Camara v. Municipal Court of the City and County of San Francisco*, 387 U.S. —, decided June 5, 1967. Opinion *per curiam*. Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart dissent and would affirm the judgment for the reasons stated in Mr. Justice Clark's dissenting opinion in *Camara v. Municipal Court of the City and County of San Francisco*, 387 U.S. —.

No. 1342, Misc. William Hemphill, petitioner, *v.* Illinois. On petition for writ of certiorari to the Supreme Court of Illinois. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme

Court of Illinois with instructions to appoint counsel and hear the appeal. Opinion *per curiam*.

No. 1421, Misc. Walter Fox, petitioner, *v.* Oregon. On petition for writ of certiorari to the Supreme Court of Oregon. 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 Oregon for further consideration in light of *Anders v. California*, 386 U.S. —, decided May 8, 1967. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan and Mr. Justice Stewart are of the opinion that certiorari should be denied.

ORDERS IN PENDING CASES

No. 6, October Term, 1964. Aaron Henry, petitioner, *v.* Mississippi. Respondent's motions that this Court reinstate the judgment of conviction and retax costs are denied. It is noted that the opinion of the Mississippi Supreme Court states: "If this case were again before us, we would reaffirm our former opinion and judgment." Further proceedings in the cause should be addressed to any new final judgment which may be entered by the Mississippi courts. Cf. *United States v. Shotwell Mfg. Co.*, 355 U.S. 233, 245-246; *Campbell v. United States*, 365 U.S. 85, 90. Mr. Justice Black concurs in the denial of respondent's motions. 99

No. —. Z. T. Osborn, Jr., appellant, *v.* United States. The application for stay and bail presented to the Chief Justice, and by him referred to the Court, is denied.

No. 31, Original. State of Utah, plaintiff, *v.* United States.

IT IS ORDERED that the Honorable J. Cullen Ganey, Senior Judge of the United States Court of Appeals for the Third Circuit be, and he is hereby, appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

The master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 38. James Marchetti, petitioner, *v.* United States. Case restored to the calendar for reargument at the 1967 Term. In their briefs and oral arguments, counsel are requested to discuss, in addition to the questions specified in the original writ, the following:

(1) What relevance, if any, has the required records doctrine, *Shapiro v. United States*, 335 U.S. 1, to the validity under the Fifth Amendment of the registration and special occupational tax requirements of 26 U.S.C. §§ 4411, 4412?

(2) Can an obligation to pay the special occupational tax required by 26 U.S.C. § 4411 be satisfied without filing the registration statement provided for by 26 U.S.C. § 4412?

No. 181. Anthony M. Grosso, petitioner, *v.* United States. Case restored to the calendar for reargument at the 1967 Term. In their briefs and oral arguments, counsel are requested to discuss, in addition to the questions previously presented, the following:

(1) What relevance, if any, has the required records doctrine, *Shapiro v. United States*, 335 U.S. 1, to the validity under the Fifth Amendment of the obligation to pay the wagering excise tax imposed by 26 U.S.C. § 4401?

(2) Is satisfaction of an obligation to pay a wagering excise tax imposed by 26 U.S.C. § 4401 conditioned upon the filing of a return required under 26 U.S.C. § 6011 and pertinent regulation? If it is not, what information, if any, must accompany the payment of a wagering excise tax obligation in order to extinguish the taxpayer's liability for that obligation?

No. 838. Wyandotte Transportation Company et al., petitioners, *v.* United States. The motion to remove this case from the summary calendar is denied.

No. 952. Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc., petitioner, *v.* C. Gordon Anderson, Trustee. The motion to dispense with printing the record is granted.

No. 32, Misc. Gerald F. Tettamble, petitioner, *v.* Missouri. The motion of the petitioner for further relief is denied.

APPEALS—JURISDICTION NOTED

No. 1022. Sam Ginsberg, appellant, *v.* New York. Appeal from the Appellate Term of the Supreme Court of New York, Second Judicial Department. In this case probable jurisdiction noted and case placed on the summary calendar. Case set for oral argument immediately following Nos. 1109 and 1155.

No. 1259. United States, appellant, *v.* Third National Bank in Nashville et al. Appeal from the United States District Court for the Middle District of Tennessee. In this case probable jurisdiction noted

and case placed on the summary calendar. Mr. Justice Fortas took no part in the consideration or decision of this case.

CERTIORARI GRANTED

No. **958**. Hank Avery, petitioner, *v.* Midland County, Texas, et al. Petition for writ of certiorari to the Supreme Court of Texas granted.

No. **1087**. Thomas Earl Simmons et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted and case placed on the summary calendar.

No. **1168**. Volkswagenwerk Aktiengesellschaft, petitioner, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

No. **1334**. United States, petitioner, *v.* Homer O. Correll et ux. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. **1274**. Continental Oil Company and Midhurst Oil Corporation, petitioners, *v.* Federal Power Commission;

No. **1287**. The Superior Oil Company, petitioners, *v.* Federal Power Commission;

No. **1291**. New Mexico and Texas, petitioners, *v.* Federal Power Commission;

No. **1292**. Sun Oil Company, petitioner, *v.* Federal Power Commission et al.;

No. **1293**. California and Public Utilities Commission of California, petitioners, *v.* Skelly Oil Company et al.;

No. **1294**. Hunt Oil Company et al., petitioners, *v.* Federal Power Commission;

No. **1295**. Pacific Gas and Electric Company et al., petitioners, *v.* Skelly Oil Company et al.;

No. **1302**. Perry R. Bass et al., petitioners, *v.* Federal Power Commission;

No. **1342**. Federal Power Commission, petitioner, *v.* Skelly Oil Company et al.; and

No. **1412**. City of Los Angeles, petitioner, *v.* Skelly Oil Company et al. These cases will hereafter be referred to collectively as the "Permian Basin Area Rate Cases." Motions to supplement petitions in Nos. **1293** and **1295** granted. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit granted and cases consolidated for oral argument, eight hours being assigned for the hearing of these cases and any other cases which may be granted

with respect to the "Permian Basin Area Rate Cases." Such time is to be divided among the parties with four hours allotted to those supporting the order of the Federal Power Commission and four hours to those attacking such order, the division of time among counsel on each side to be settled among themselves. The briefs of those parties supporting the order of the Federal Power Commission shall be filed on or before August 25, 1967, and of those attacking such order shall be filed on or before October 9, 1967.

No. 1474, *Misc.* Miles Edward Haynes, petitioner, *v.* United States. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Case transferred to the appellate docket and placed on the summary calendar and set for oral argument immediately following No. 181.

No. 1562, *Misc.* Archie Nathaniel Biggers, petitioner, *v.* Tennessee. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, granted. Case transferred to the appellate docket and placed on the summary calendar and set for oral argument immediately following No. 1087.

CERTIORARI DENIED

No. 522. Linus Pauling, petitioner, *v.* Globe-Democrat Publishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1202. Walter Gene Gwin et al., petitioners, *v.* Liberty Mutual Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1297. Harry T. Bowers, petitioner, *v.* Kaiser Steel Corporation. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 1312. George L. Warn, petitioner, *v.* Brooks-Scanlon, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1316. Lyman W. Ames and Mildred Yorba Serrano, Administrators, etc., petitioners, *v.* The Irvine Company. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1319. Homer Brooks, petitioner, *v.* John Renton Hunter et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1323. Continental Oil Company et al., petitioners, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1325. Irma Grossman et al., petitioners, *v.* Jeannette Stubbs et al. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 1329. James D. Ballou et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1331. Holland American Line, petitioner, *v.* Philadelphia Ceiling and Stevedoring Company. Petition for writ of certiorari to the United States Court of Appeals for the Third District denied.

No. 1332. National Molasses Company, petitioner, *v.* David B. Beebe, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1336. Aron Williams, petitioner, *v.* Texas Farm Products Company. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Twelfth Supreme Judicial District, denied.

No. 1350. Bossier Parish School Board et al., petitioners, *v.* Ura Bernard Lemon et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1376. Timothy Dennis Moriarty, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1435. Gulf Oil Corporation et al., petitioners, *v.* William H. Wolowitz. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 616. Harold Eugene Wenzler, Jr., petitioner, *v.* Peter Pitchess, Sheriff of Los Angeles County, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Stewart would reverse on the basis of *Redrup v. New York*, 386 U.S. —, decided May 8, 1967.

No. 931. John J. Aiello, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1015. In the Interest of T.W.P., petitioner. Petition for writ of certiorari to the Supreme Court of Florida and/or the Court of Appeal of Florida, Third District, denied upon the representation of the Attorney General of Florida that the case is moot.

No. 1216. Arthur C. Allyn, Jr., petitioner, *v.* Robert J. Flannery et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 1276. Gerardo A. Re, also known as Jerry A. Re, et al., petitioners, *v.* United States. Motion to remand and 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 motion and petition.

No. 1321. Francis Hamilton Griswold, petitioner, *v.* Arizona. Motion to dispense with printing response granted. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1339. Jerome S. Spevack, petitioner, *v.* J. William Pike. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. The Chief Justice is of the opinion that certiorari should be granted.

No. 270, Misc. Larry Anson Boyer, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 385, Misc. Leaman Russell Smith, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 583, Misc. Leroy M. Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 781, Misc. Jesse Ed Daniel, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 946, Misc. Ernest Hardy Pritchett, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1003, Misc. Alfred Manuel Juarez, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District denied.

No. 1013, Misc. Douglas M. Boney, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1111, Misc. Marvin D. Keeton, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 1322, Misc. Francisco Gomez, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1328, Misc. Carl S. Kelly, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1337, Misc. Bessie Thompson, petitioner, *v.* Edward Thompson et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1370, *Misc.* Leslie Evans Foster, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1371, *Misc.* Fred Lee Owen et al., petitioners, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1403, *Misc.* David Belmonte Tovar, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1434, *Misc.* Mildred Howard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1464, *Misc.* James Castle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1465, *Misc.* John Joseph Walsh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1466, *Misc.* Osvaldo Lugo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1485, *Misc.* Norman Edward Wilson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1498, *Misc.* Sylvester Barbour, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1532, *Misc.* Joshua Lee Calland, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1554, *Misc.* David Monroe, 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. 1555, *Misc.* Joseph Louis Williams, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 1576, *Misc.* Raymond Llanes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1583, *Misc.* Joel Franklin Levine, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1595, *Misc.* Piero Heliczzer et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1612, *Misc.* Rhozier T. Brown, Jr., petitioner, *v.* United States; and

No. 1627, *Misc.* Robert L. Jones, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1626, *Misc.* David Wilbur Powell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1635, *Misc.* James R. Walker, petitioner, *v.* North Carolina and City of Charlotte. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1637, *Misc.* Richard Eugene Sires, petitioner, *v.* State Farm Mutual Automobile Insurance Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1638, *Misc.* Dennis H. Doherty, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1641, *Misc.* John T. White, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 1645, *Misc.* Lawrence Jay Snow, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1647, *Misc.* Mitchell Sobota, petitioner, *v.* Felix Rodriguez, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1648, *Misc.* Stewart W. Newsom, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1649, *Misc.* George Alexander Shorts, 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. 1650, *Misc.* Roger S. Bandy, petitioner, *v.* J. T. Willingham, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1651, *Misc.* Sherman J. Lattimore, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1657, *Misc.* In the Matter of Frank Williams, petitioner. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 1659, *Misc.* McKenzie Davis, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 1660, *Misc.* Jesus Pina and Raymond Olivas, petitioners, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1661, *Misc.* Charles Lee Zachery, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fifth Appellate District denied.

No. 1662, *Misc.* Clarence Eugene Wilson, petitioner, *v.* Ross V. Randolph, Director of Public Safety et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1668, *Misc.* Knox Williams, etc., petitioner, *v.* The Louisville & Nashville Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1669, *Misc.* John Boyce Davis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1673, *Misc.* Charles E. Smith, petitioner, *v.* Idaho et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1675, *Misc.* Alvie Wright, petitioner, *v.* Oklahoma et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1681, *Misc.* Franklin W. Durgin et al., petitioners, *v.* John T. Graham et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1682, *Misc.* Roy W. De Welles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1683, *Misc.* Charles Broeckel and Sam Sirna, petitioners, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. 1690, *Misc.* Rufus Hives, petitioner, *v.* Clarence V. Tittle, Sr., etc. Petition for writ of certiorari to the Court of Appeals of Ohio, Franklin County, denied.

No. 1696, *Misc.* Joseph Jerome Koeblich, petitioner, *v.* Arthur L. Oliver, Warden. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1700, *Misc.* Vito Nitti, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1701, *Misc.* Jesse Ballinger, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1711, *Misc.* Robert M. Dayen, petitioner, *v.* California. Petition for writ of certiorari to the Superior Court of California, County of Los Angeles, denied.

No. 1716, *Misc.* George W. Bourland, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District denied.

No. 1718, *Misc.* Robert Jewell Landman, Sr., petitioner, *v.* C. C. Peyton, Superintendent, Virginia State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1722, *Misc.* Nolan D. Wimberley, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1727, *Misc.* Raymond Alexander Schneider, petitioner, *v.* L. L. Wainwright, Director, Florida Division of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1732, *Misc.* Pedro Tejada Gallardo, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied.

No. 1740, *Misc.* James H. King, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, Fourth Appellate District, denied.

No. 1742, *Misc.* Robert Allan Ladd, petitioner, *v.* Superior Court of the County of Los Angeles. Petition for writ of certiorari to the Court of Appeal of California, Second Appellant District, denied.

No. 1748, *Misc.* Glenn R. Bryant, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1749, *Misc.* James G. McCloskey, petitioner, *v.* Director, Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1782, *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. 677, *Misc.* Thomas Mendoza Aguilar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 798, *Misc.* Carl Arthur Taylor, 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.

No. 842, Misc. James V. Earl, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 944, Misc. Robert H. Mottram, petitioner, *v.* Allan L. Robbins, Warden. 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. 1007, Misc. James Jacob Stubbs, petitioner, *v.* Sherman H. Crouse, 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.

No. 1011, Misc. Jesse James Gilbert, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1015, Misc. Nimrod M. Wingfield, 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. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1117, Misc. Furman Posley, 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. 1194, Misc. Waldo Kent Ferguson and Robert Lowell Rogers, petitioners *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.

No. 1195, Misc. Francis John LaBlanc, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1219, Misc. Bernard Philip Hatch, 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. 1229, Misc. John F. Herring, 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.

MR. JUSTICE DOUGLAS
IS OF THE OPINION THAT
CERTIORARI SHOULD BE
GRANTED.

No. 1254, *Misc.* Marvin Williams, 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. 1281, *Misc.* Clyde Monroe, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1285, *Misc.* Fred Maurice Bonner, II, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1633, *Misc.* Carl Albert Luxem, petitioner, *v.* California. Petition for writ of certiorari to the Court of Appeal of California, First Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1674, *Misc.* Bige Hensley et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1709, *Misc.* Dorman Fred Talbot, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1743, *Misc.* Morris Johnson, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 1747. Billy Rhetta, petitioner, *v.* Harold V. Field, Superintendent, California Mens Colony. Petition for writ of certiorari to the Court of Appeal of California, Second Appellate District, denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 514, *Misc.* James J. Potter and Harvey G. Wolfe, petitioners, *v.* California. Motion for leave to supplement the petition granted. Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

LEAVE TO FILE PETITIONS FOR WRITS OF HABEAS CORPUS DENIED

No. 1766, *Misc.* Mervin Carlos McKinney, petitioner, *v.* Lawrence E. Wilson, Warden, et al.;

No. 1768, *Misc.* Donald James Jadwin, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections; and

No. 1784, *Misc.* Wayne H. Brooks, petitioner, *v.* Louie L. Wainwright, Director, Florida Division of Corrections. Motions for leave to file petitions for writs of habeas corpus denied.

No. 817, *Misc.* Henry Sliva, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution; and

No. 1783, *Misc.* A. Matthew Buder, petitioner, *v.* George A. Kropp, Warden, et al. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

No. 1824, *Misc.* Charles E. Herd, petitioner, *v.* Michigan. Motion for leave to file petition of writ of habeas corpus and for other relief denied.

LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1188, *Misc.* James Joseph O'Brien, petitioner, *v.* United States. Motion for leave to file petition for writ of mandamus denied.

No. 1767, *Misc.* Willie Lee Walker, petitioner, *v.* E. L. Maxwell, Warden, et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

LEAVE TO FILE PETITIONS FOR WRITS OF PROHIBITION DENIED

No. 1753, *Misc.* Muhammad Ali, etc., et al., petitioners, *v.* Ben C. Connally et al. Motion for leave to file petition for writ of prohibition denied.

No. 1517, *Misc.* W. H. Pat O'Bryan, petitioner, *v.* Stephen S. Chandler. Motion to dispense with printing petition granted. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

REHEARINGS DENIED

No. 888, **October Term, 1965.** United Biscuit Company of America, petitioner, *v.* Federal Trade Commission;

No. 16. William L. Austin, petitioner, *v.* Kentucky;

No. 98. Charles Robert Anders, petitioner, *v.* California;

No. 500. Fenix and Scisson, Inc., petitioner, *v.* United States;

No. 768. William J. Sullivan et ux., petitioners, *v.* United States;

No. 915. Barbara June Muncy et vir, petitioners, *v.* General Motors Corporation;

No. 1011. Armored Carrier Corporation, appellant, *v.* United States et al.;

No. 1143. Eunice C. Madison, petitioner, *v.* United States;

No. 1165. John K. Calhoun, Individually and as Attorney for the Estate of C. F. Calhoun, petitioner, *v.* Charles C. Hertwig, Trustee, et al.;

No. 1166. H. T. Jordan, Jr., et al., petitioners, *v.* United States;

No. 1178. Catherine Muth, Administratrix of the Estate of Clem Muth, Deceased, et al., petitioners, *v.* Harriet M. Atlass et al., etc.; and

No. 1258. Diana Kearney Powell, petitioner, *v.* Committee on Admissions and Grievances, etc., et al. Petitions for rehearing denied.

No. 665. William Robert Klein, petitioner, *v.* Solomon A. Klein. Motion for leave to file second petition for rehearing denied.

No. 1217, Misc. Elliott Burt Forrest, petitioner, *v.* United States;

No. 1324, Misc. Frances Oppenheim et al., petitioners, *v.* Samuel H. Sterling et al.;

No. 1411, Misc. Agnes Lipka, as Administratrix, etc., et al., petitioners, *v.* United States et al.;

No. 1597, Misc. Alva G. Blanchard, dba Inferno Company, petitioner *v.* Texstream Corporation et al.; and

No. 1623, Misc. Raymond Luther Bryans, Jr., petitioner, *v.* United States. Petitions for rehearing denied.

No. 801, Misc., October Term, 1965. Patrick J. Corcoran, petitioner, *v.* Samuel W. Yorty et al. Motion for leave to file fourth petition for rehearing denied.

ORDER ADOPTING REVISED RULES OF THE SUPREME COURT OF THE UNITED STATES

The revision of the Rules of this Court has been lodged with the Clerk, and it is ordered that the said Rules shall become effective October 2, 1967, and be printed as an appendix to the United States Reports.

It is further ordered that the Rules promulgated April 12, 1954, appearing in volume 346 of the United States Reports and all amendments thereof be, and they hereby are rescinded, but this shall not affect any proper action taken under them before the Rules hereby adopted become effective.

The Chief Justice announced the following order of the Court:

"All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

"It is ordered by this Court that all cases on the docket be, and they are hereby, continued to the next term."

Adjourned to the time and place appointed by law.