

## OCTOBER TERM, 1964

## STATISTICS

	Original	Appellate	Miscellaneous	Total
Number of cases on dockets-----	11	1, 247	1, 404	2, 662
Cases disposed of-----	2	1, 027	1, 151	2, 180
Remaining on dockets----	9	220	253	482

## Cases disposed of—Appellate Docket:

By written opinions-----	103
By per curiam opinions or orders-----	133
By motion to dismiss or per stipulation (merits cases)-----	0
By denial or dismissal of petitions for certiorari-----	791

## Cases disposed of—Miscellaneous Docket:

By written opinions-----	0
By denial or dismissal of petitions for certiorari-----	927
By denial or withdrawal of other applications-----	178
By granting of other applications-----	1
By per curiam dismissal of appeals-----	22
By other per curiam opinions or orders-----	16
By transfer to Appellate Docket-----	7

Number of written opinions-----	91
Number of printed per curiam opinions-----	17
Number of petitions for certiorari granted (Appellate)-----	116
Number of appeals in which jurisdiction was noted or postponed-----	34
Number of admissions to bar-----	2, 735

## REFERENCE INDEX

## GENERAL:

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Burton, J., Resolutions of Bar presented.....	313
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## ARGUMENTS—Continued

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**ATTORNEYS:**

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Counsel appointed on motion:	
(Orville A. Harlan) (577)-----	87
(Daniel J. Meador) (843)-----	175
(Charles J. Bloch) (1023)-----	258
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## Judgments, etc.:

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## JUDGMENTS, OPINIONS, AND MANDATES—Continued

## Judgments, etc.—Continued

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## Judgments, etc.—Continued

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## JUDGMENTS, OPINIONS, AND MANDATES—Continued

## Judgments, etc.—Continued

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**Stays:**

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Benjamin P. Nucian, of Detroit, Mich., George C. Baldrige, of Joplin, Mo., Walter A. Kurz, of Detroit, Mich., Robert V. Zener, of Washington, D.C., Frederick Bruce Abramson, of New York, N.Y., Bernard Marshall Kaplan, of Skokie, Ill., Jacob Victor Eskenazi, of Miami, Fla., Lester F. Murphy, Jr., of East Chicago, Ind., Gerald Robert Miller, of Salt Lake City, Utah, and Robert M. Yeates, of Salt Lake City, Utah, on motion of Mr. Solicitor General Archibald Cox; William W. Wander, of Nampa, Idaho, on motion of Mr. Frank Church; Paul D. Clayton, of Eugene Oreg., and Howard E. Speer, of Eugene, Oreg., on motion of Mr. Wayne Lyman Morse; Carlos Castillon, of Laredo, Tex., on motion of Mr. Joe M. Kilgore; Henry F. Womer, of Cleveland, Ohio, Ronald M. Benjamin, of Cleveland, Ohio, Jack L. Hollingsworth, of Cleveland, Ohio, and Jay A. Hollingsworth, of Cleveland, Ohio on motion of Mr. William E. Minshall; David Jay Morgan, of San Francisco, Calif., on motion of Mr. Warren Olney III; Howard Samuel Smith, of Los Angeles, Calif., on motion of Mr. William Ramsey Clark; John Lloyd Evans, Jr., of Cincinnati, Ohio, on motion of Mr. Edward G. Hudon; Moreton Rolleston, Jr., of Atlanta, Ga., on motion of Mr. Mac Asbill, Jr.; Alfred W. Metzger, Jr., of Boulder, Colo., Peter L. Obremskey, of Lebanon, Ind., Tommy Roscoe Ogletree, of Alexander City, Ala., Leonard Carroll Battle, of Midland, Mich., and Herbert Francis Kelley, Jr., of Columbus, Ohio, on motion of Mr. Roy Dale Adcock; Raymond Allen Kinzie, of Chicago, Ill., and Raymond Wyant Kinzie, of Oak Park, Ill., on motion of Mr. Peter N. Chumbris; William A. Allain, of Jackson, Miss., and Peter McKenzie Stockett, Jr., of Jackson, Miss., on motion of Mr. William Ephraim Cresswell; Harold Vandersand Martin, of Carrollton, Ill., on motion of Mr. Frank C. Stetson; June Lucretia Barnum, of San Francisco, Calif., and Gordon Thompson, Jr., of San Diego, Calif., on motion of Mr. C. Emerson Duncan II; Julius M. Klein, of Los Angeles, Calif., on motion of Mr. Belford V. Lawson, Jr.; Julian Sothern Brewer, Jr., of Baltimore, Md., Edward Deal Hardesty, of Lansdowne, Md., and John Grant Rose, of Catonsville, Md., and Norman F. Summers, of Baltimore, Md., on motion of Mr. Alexander Paul Connor; Harry M. Hunt, of Los Angeles, Calif., Patrick A. O'Doherty, of Baltimore, Md., Ed-

ward James Thompson, of Baltimore, Md., and Gerald Ney Klauber, of Baltimore, Md., on motion of Mr. George P. Bowie; William H. Gustafson, of Los Angeles, Calif., on motion of Mr. Richard David Andrews; Alfred Donati, Jr., of New York, N.Y., on motion of Mr. Donald M. Murtha; William G. Somerville, Jr., of Birmingham, Ala., on motion of Mr. Daniel J. Meador; Berne Rolston, of Beverly Hills, Calif., on motion of Mr. John William Kopecky; Brian L. Hall, of Reno, Nev., on motion of Mr. Patrick E. Katen; Will T. Wright, of Enid, Okla., on motion of Mr. Charles David Ablard; J. Jackson Wills, of Corondo, Calif., on motion of Mr. Newton Frolich; Pete Perez, of Fort Worth, Tex., on motion of Mr. Gerald Weatherly; Gerald E. Boltz, of Denver, Colo., on motion of Mr. Donald J. Stocking; Emmet B. Hayes, of San Francisco, Calif., on motion of Mr. E. K. Gubin; Thomas C. Thompson, Jr., of Washington, D.C., on motion of Mr. Thomas L. C. Vail; James A. McKiel, of Hyattsville, Md., on motion of Mr. D. B. Russell; Marlin K. McDaniel, of Richmond, Ind., on motion of Mr. Harlan Kays, Jr.; M. Walter Hulkower, of Hollywood, Calif., on motion of Mr. Robert Jordan Wager; William J. Mounce, of El Paso, Tex., on motion of Mr. C. Frank Riefnyder; Francis L. Williams, of Houston, Tex., on motion of Mr. Herbert O. Reid; Edward F. Merrey, Jr., of Paterson, N.J., on motion of Mr. Edward F. Merrey; Wade H. Penny, Jr., of Durham, N.C., on motion of Mr. Hugh Q. Alexander; Neil Mahlon Turner, of New York, N.Y., on motion of Mr. Harry Turner; A. D. Ericksen, of Berkeley, Calif., on motion of Mr. William R. Foley; Felix Michael Apicella, of Cleveland, Ohio, on motion of Mr. Paul Marshall; John Gavin, of Yakima, Wash., Frederick C. Palmer, Jr., of Yakima, Wash., and Charles B. Roe, Jr., of Olympia, Wash., on motion of Mr. Jerome K. Kuykendall; Charles A. Laufer, of Los Angeles, Calif., on motion of Mr. Richard David Andrews; Robert Lynn Bartholic, of Denver, Colo., on motion of Mr. Clarence L. Bartholic; Robert Lawrence Doss, of Denison, Tex., and Charles H. Bullett, of Denison, Tex., on motion of Mr. George T. Mobile; Bertram S. Harris, of Los Angeles, Calif., and Roland A. Childs, of Beverly Hills, Calif., on motion of Mr. Gregg R. Potvin; John N. Hazelwood, of Claremont, Calif., on motion of Mr. Robert B. Harmon; Vance Addicks Fisher, of Washington, D.C., on motion of Mr. Paul C. Warnke; Melvin R. Stidham, of San Francisco, Calif., on motion of Mr. Robert N. Roley; Robert H. Goldman, of Lowell, Mass., on motion of Mr. Jules Fink; Joseph W. Toti, of Youngstown, Ohio, W. Glenn Osborne, of Youngstown, Ohio, Michael A. Gerchak, of Youngstown, Ohio, Norman Goldberg, of Youngstown, Ohio, Joseph W. Maxin, of Youngstown, Ohio, Lloyd R. Haynes, of Youngstown, Ohio, Samuel W. Penrod, of Youngstown, Ohio, Thomas R. Zebrasky, of Youngstown, Ohio, Chester W. Horlick, of Youngstown, Ohio, Joseph P. Sontich, of Youngstown, Ohio, Richard T. Tracy, of Youngstown, Ohio, Edward

E. Lynn, of Youngstown, Ohio, Robert C. Lobdell, of Youngstown, Ohio, John A. Reddy, of Sebring, Ohio, and Richard C. Ross, of Sebring, Ohio, on motion of Mr. Jerry N. Griffin; William J. Ahern, Jr., of Kenilworth, N.J., Thomas E. Durkin, Jr., of Newark, N.J., Norbert E. Turek, of Elizabeth, N.J., Olga Marie Springer, of Elizabeth, N.J., John Joseph Laffey, of Elizabeth, N.J., Edmund W. Nulton, of Elizabeth, N.J., Nathan Barshay, of Elizabeth, N.J., John A. Craner, of Elizabeth, N.J., Roger Dean Asch, of Elizabeth, N.J., Harry G. Hyra, of Hillside, N.J., Morton P. Weitzman, of Linden, N.J., Abe Weitzman, of Linden, N.J., Robert J. T. Mooney, of Plainfield, N.J., William Wright, Jr., of Plainfield, N.J., William H. Gindin, of Plainfield, N.J., Harvey Rothberg, of Plainfield, N.J., Myron Weiner, of Roselle, N.J., Sidney B. Kaufman, of Roselle Park, N.J., Benjamin Romano, of Union, N.J., Bernard Rowe, of Westfield, N.J., Emma C. McGall, of Westfield N.J., and William M. Beard, of Westfield, N.J., on motion of Mr. Philip Dean Cohen; Eli Saul Cohn, of New York, N.Y., Sheldon Cohen, of New York, N.Y., Emanuel Bund, of New York, N.Y., Herman Blitz, of New York, N.Y., David S. Blatt, of New York, N.Y., Charles I. Berger, of New York, N.Y., Burton Bach, of New York, N.Y., Wm. R. Altman, of New York, N.Y., Lillian Stiglitz, of New York, N.Y., Vivian P. McGowan, of New York, N.Y., Shirley Kahn, of New York, N.Y., Michael J. Dontzin, of New York, N.Y., William J. Davis, of New York, N.Y., Sanford S. Dranoff, of Bronx, N.Y., Harold N. Enten, of Bronx, N.Y., Fred Ehrlich, of New York, N.Y., Martin Greene, of New York, N.Y., David S. Goodzeit, of New York, N.Y., Ronald Marc Gardner, of New York, N.Y., Arthur Gross, of New York, N.Y., and Henry Gruffi, of New York, N.Y., on motion of Mr. David Gettsoff; and Anthony V. Magro, of New York, N.Y., Herman Litroff, of New York, N.Y., Fredric Lewis, of New York, N.Y., Abraham D. Levy, of Bronx, N.Y., Max Kavenoff, of New York, N.Y., Roy H. Josephson, of Bronx, N.Y., Sol Hulnick, of Long Beach, N.Y., Donald Hulnick, of Irvington, N.Y., Gustave Harrow, of New York, N.Y., William J. McGowan, of New York, N.Y., Morris Musicant, of New York, N.Y., Murray Mayer, of New York, N.Y., Joseph A. Mazur, of New York, N.Y., Herbert L. Weisman, of New York, N.Y., Daniel H. Rogers, of New York, N.Y., Philip Peltz, of New York, N.Y., Bernard Rabin, of New York, N.Y., Oswald Vischi, of New York, N.Y., Norman Howard Schaumberger, of New York, N.Y., Morton Porwick, of New York, N.Y., and H. Gary Zaslav, of New York, N.Y., on motion of Mr. Max Gross, were admitted to practice.

The Chief Justice announced the following orders of the Court:

#### APPEALS—JURISDICTION NOTED

No. 515. Heart of Atlanta Motel, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the North-

ern District of Georgia. In this case probable jurisdiction is noted. The joint motion for acceleration of oral argument is granted and the case is set for oral argument on Monday, October 5, 1964.

No. 543. Nicholas deB. Katzenbach, as Acting Attorney General of the United States, et al., appellants, *v.* Ollie McClung, Sr., et al. Appeal from the United States District Court for the Northern District of Alabama. The motion of NAACP Legal Defense and Educational Fund, Inc., for leave to file a brief, as *amicus curiae*, is granted. In this case probable jurisdiction is noted. The joint motion to expedite briefing and oral argument is granted and the case is set for oral argument on Monday, October 5, 1964, immediately following No. 515.

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#### ORDER

The Court appoints William E. Foley, of Connecticut, to be Deputy Director of the Administrative Office of the United States Courts, pursuant to the provisions of Section 601 of Title 28 of the United States Code.

#### 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 5, 1964, and ending June 30, 1965, and for such further time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

#### ORAL ARGUMENT

No. 515. Heart of Atlanta Motel, Inc., appellant, *v.* United States et al. Argued by Mr. Moreton Rolleston, Jr., for the appellant and by Mr. Solicitor General Cox for the appellees.

No. 543. Nicholas deB. Katzenbach, as Acting Attorney General of the United States, et al., appellants, *v.* Ollie McClung, Sr., et al. Argued by Mr. Solicitor General Cox for the appellants and by Mr. Robert McDavid Smith for the appellees. Briefs to come within ten days.

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Adjourned until Monday, October 12, 1964, at 10 o'clock.

The day call for Monday, October 12, 1964, will be as follows: Nos. 2, 5, and 9.

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Elizabeth M. Rainsford, of San Francisco, Calif., Howard McGregor Doty II, of Boulder, Colo., Joseph Anthony McGowan, of Miami, Fla., Edward D. O'Cleary, of Fort Lauderdale, Fla., John Robert Terry, of Miami, Fla., Wilburn K. DeBruler, of Winslow, Ind., L. Minor Barnes, of Council Bluffs, Iowa, Augustine D. Riley, of Lawrence, Mass., Maurice Schwartz, of Lawrence, Mass., Daniel J. Mahar, Jr., of Oyster Bay, N.Y., John F. Martin, of New York, N.Y., and Roy W. Short, of Cincinnati, Ohio, on motion of Mr. Ralph Simon Spritzer; Ronald B. Stang, of Leawood, Kans., on motion of Mr. Robert F. Ellsworth; Marcus L. Beckner, Jr., of Fairfax, Va., Weston Harris Grimsley, of Arlington, Va., John Bright Hill, of Wilmington, N.C., William Lanier Hill II, of Wilmington, N.C., and B. Richard Taylor, of Waco, Tex., on motion of Mr. William Ramsey Clark; Walter Gladstone Treanor, of San Francisco, Calif., on motion of Mr. E. Barrett Prettyman, Jr.; Irwin H. Desser, of Baltimore, Md., on motion of Mr. Jacob Matz; Eugene E. Hunt, of Baltimore, Md., and T. Michael Smith, of Indianapolis, Ind., on motion of Mr. Walter J. Myskowski; McAlister Marshall, of Cleveland, Ohio, and Robert B. Preston, of Cleveland, Ohio, on motion of Mr. Thomas V. Koykka; Bernard Burlakoff, of Westbury, N.Y., on motion of Mr. Sydney R. Sutton; Arthur David Deckelman, of Miami, Fla., and Ben Lipman, of Miami, Fla., on motion of Mr. David V. Anthony; Harry S. Fenton, of Sacramento, Calif., on motion of Mr. Herman J. Morton; August A. Conomos, of Baltimore, Md., and Clayton A. Reid, of Baltimore, Md., on motion of Mr. Harry Arthur Calevas; William Ward Rayner, of Washington, D.C., on motion of Mr. Thomas S. Markey; Robert Joel Blum, of Greensboro, N.C., on motion of Mr. Merlin H. Staring; David Lesem Fist, of Tulsa, Okla., on motion of Mr. Samuel L. Zeligson; Vernon D. Strickland, of Rich Square, N.C., and Donald Bennett Strickland, of Rich Square, N.C., on motion of Mr. Roy Dale Adcock; Leonard Saul Goodman, of Washington, D.C., on motion of Mr. Hyman Neil Garson; Anna Joyce Capps, of Arlington, Va., on motion of Mr. Earl Hubert Davis; Harold B. Anderson, of Little Rock, Ark., on motion

of Mr. Jack Greenberg; Jose R. Lebron-Velazquez, of San Juan, P.R., and Daniel E. Lopez-Pritchard, of San Juan, P.R., on motion of Mr. Thurman Arnold; Lawrence B. Custer, of Marietta, Ga., on motion of Mr. Mac Asbill, Jr.; Henry D. Fisher, of Waukegan, Ill., on motion of Mr. Donald E. Deuster; John Joseph Costanzo, of Los Angeles, Calif., and Philip L. Bradish, of Los Angeles, Calif., on motion of Mr. William H. Clarke; Charles Edmund Sproger, of Chicago, Ill., on motion of Mr. Albert Simon Povich; Sherwyn E. Syna, of Atlanta, Ga., on motion of Mr. Raymond R. Dickey; Peter John Nordigian, of Waukegan, Ill., on motion of Mr. Michael Waris, Jr.; William D. Hall, of Indianapolis, Ind., on motion of Mr. Harlan L. Kays, Jr.; and Jesse Lafayette Riley, Jr., of Russellville, Ky., on motion of Mr. Emmet O'Neal, were admitted to practice.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 68. Thomas R. Davis, appellant, *v.* Ralph Neely and Virginia Gaylord Neely. Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 72. City of Plantation, appellant, *v.* Utilities Operating Co., 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. 105. Harry Schackman and Harry Greenwald, appellants, *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. 131. Accelerated Transport-Pony Express, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the District of Vermont. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 152. Ampco Printing-Advertisers' Offset Corp., et al., appellants, *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. 159. Cooper-Jarrett, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Western District of Missouri. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 238. Wycoff Company, Incorporated, appellant *v.* Public Service Commission of Utah et al. Appeal from the Supreme Court of Utah. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 250. Samuel William Yorty et al., appellants, *v.* Frank M. Jordan, Secretary of State. 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. 259. Kenneth Agee, appellants, *v.* Columbus Bar Association. 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. 260. Stanley Jurus, appellant, *v.* Columbus Bar Association. 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. 295. Joseph Battista, et al., etc., appellants, *v.* Milk Control Commission of Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 329. Charles Ford, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 402. Henry Wasmuth et al., etc., appellants, *v.* James E. Allen, Jr., as Commissioner of Education 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. 6, Misc. Terry D. Loudon, 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 remanded to the Supreme Court of

Utah for further proceedings in light of *Stoner v. California*, 376 U.S. 483. Opinion *per curiam*. Mr. Justice Harlan and Mr. Justice White are of the opinion that certiorari should be denied.

No. 21, Misc. Daniel Edward McIlvaine and Jackie Krohn, petitioners, *v. Louisiana*. On petition for writ of certiorari to the Supreme Court of Louisiana. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Supreme Court of Louisiana for further consideration in light of *Aguilar v. Texas*, 378 U.S. 108. Opinion *per curiam*. Mr. Justice Black dissents.

No. 46, Misc. Joe Alvarez, appellant, *v. California*. Appeal from the District Court of Appeals of California, Second Appellate District. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 145, Misc. William J. Edell, appellant, *v. Walter Mack et al.* Appeal from the Court of Appeals of New York. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 163, Misc. Roy E. Lind, appellant, *v. Minnesota et al.* Appeal from the United States District Court for the District of Minnesota. The motion to dismiss is granted and the appeal is dismissed. Opinion *per curiam*.

No. 176, Misc. Francisco Cepero, appellant, *v. Hon. President of the United States et al.* Appeal from the United States District Court for the Southern District of New York. The appeal is dismissed. Opinion *per curiam*. The Chief Justice took no part in the consideration or decision of this case.

No. 181, Misc. Margaret Binz, appellant, *v. Helvetia Florida Enterprises, 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. 195, Misc. John Chapman Gager, appellant, *v. Lawrence I. Kasdon*. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 225, Misc. Rolland Maloney, appellant, *v. Henry L. Holden, Judge, etc.* Appeal from the Supreme Court of Ohio. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 273, Misc. Louis Wright, 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. 275, Misc. Elizabeth M. Bennett, appellant, *v.* County of Dade, 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*.

#### ORDERS IN PENDING CASES

No. 5, Orig. The United States of America, plaintiff, *v.* The State of California. The motion of Carl Whitson for leave to present oral argument, as *amicus curiae*, is denied. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 1. Henry Rogers Anderson, petitioner, *v.* Kentucky. The motion for a hearing is denied.

No. 13. United States, petitioner, *v.* Jackie Hamilton Gainey, et al. The motion of respondent, Cleveland Johns for leave to proceed further herein *in forma pauperis*, is granted.

No. 20. Walter C. Brulotte et al., petitioners, *v.* Thys Company. The motion of Well Surveys, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 34. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. The motions of Marathon Oil Company et al.; and Richfield Oil Corporation et al., for leave to file briefs, as *amici curiae*, are granted.

No. 42. Mortimer Singer, petitioner, *v.* United States. The motion of Joni Rabinowitz for leave to file a brief, as *amicus curiae*, is granted. The motion of Nicholas Jacop Uselding to dispense with printing motion for leave to file a brief, as *amicus curiae*, and the motion to file a brief, as *amicus curiae*, are granted.

No. 44. American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board; and

No. 65. Veterans of the Abraham Lincoln Brigade, petitioner, *v.* Subversive Activities Control Board. The motions to remove these cases from the summary calendar are granted and each case is allotted one and one-half hours for oral argument.

No. 107. Coffee County, Tennessee, petitioner, *v.* City of Tullahoma; and

No. 179. Stanley M. Corbett, Guardian of the Property of Constantine Neonakis, a Minor, appellant, *v.* Viola Stergios, etc. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

## APPEALS—JURISDICTION NOTED OR POSTPONED

No. 96. Reserve Life Insurance Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 115. Warren Trading Post Company, appellant, *v.* Arizona State Tax Commission et al. Appeal from the Supreme Court of Arizona. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 178. Ben W. Fortson, Jr., as Secretary of State of Georgia, appellant, *v.* James W. Dorsey et al. Appeal from the United States District Court for the Northern District of Georgia. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 232. United States, appellant, *v.* Boston and Maine Railroad et al. Appeal from the United States District Court for the District of Massachusetts. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 360. A. M. Harman, Jr., et al., appellants, *v.* Lars Forssenius et al. Appeal from the United States District Court for the Eastern District of Virginia. In this case probable jurisdiction noted and case placed on the summary calendar.

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants, *v.* Henry J. Toombs et al. Appeal from the United States District Court for the Northern District of Georgia. In this case probable jurisdiction noted. Motion to advance granted and case set for oral argument on November 18, 1964.

No. 86. Louis Zemel, appellant, *v.* Dean Rusk, Secretary of State, et al. Appeal from the United States District Court for the District of Connecticut. Further consideration of the question of jurisdiction postponed to the hearing of the case on the merits.

## CERTIORARI GRANTED

No. 82. Sergeant Herbert N. Carrington, petitioner, *v.* Alan V. Rash et al. Petition for writ of certiorari to the Supreme Court of Texas granted.

No. 123. Federal Power Commission, petitioner, *v.* Union Electric Power. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted.

No. 61. Radio and Television Broadcast Technicians Local Union 1264, etc., et al., petitioners, *v.* Broadcast Service of Mobile, Inc. Petition for writ of certiorari to the Supreme Court of Alabama granted and case placed on the summary calendar.

No. 98. National Labor Relations Board, petitioner, *v.* Metropolitan Life Insurance Company. 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. 111. Department of Mental Hygiene of California, petitioner, *v.* Evelyn Kirchner, Administratrix of the Estate of Ellinor Green Vance. Petition for writ of certiorari to the Supreme Court of California granted and case placed on the summary calendar.

No. 134. Paragon Jewel Coal Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case placed on the summary calendar.

No. 148. Lester G. McKinnie et al., petitioners, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, granted and case placed on the summary calendar.

No. 149. R. Wright Armstrong, Jr., petitioner, *v.* Salvatore E. Manzo et ux. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, granted and case placed on the summary calendar.

No. 171. Eddie V. Hanna, petitioner, *v.* Edward M. Plumer, Jr., Executor. 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. 138. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v.* Association for the Benefit of Non-Contract Employees;

No. 139. United Air Lines, Inc., petitioner, *v.* National Mediation Board et al.; and

No. 369. National Mediation Board et al., petitioners, *v.* Association for the Benefit of Non-Contract Employees. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Based on the District Court's undisturbed finding that the limitation 'was imposed after arm's-length bargaining, \* \* \* and was fashioned exclusively by the unions to serve their own interests—how long and what members shall work, what work they shall do, and what

pay they shall receive' (R. 672), whether the limitation upon market operating hours and the controversy concerning it are within the labor exemption of the Sherman Antitrust Act.

"2. Whether a claimed violation of the Sherman Antitrust Act which falls within the regulatory scope of the National Labor Relations Act is within the exclusive primary jurisdiction of the National Labor Relations Board?"

The case is placed on the summary calendar and set for oral argument immediately following No. 48. The motion of American Federation of Labor and Congress of Industrial Organizations for leave to file a brief, as *amicus curiae*, is granted.

No. 255. The American Shipbuilding Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted limited to Question 2 presented by the petition which reads as follows:

"2. Whether, under section 8(d)(4), the 1947 Amendment to the National Labor Relations Act, an employer lockout is a corollary of the employees' statutory right to strike?"

The case is placed on the summary calendar and set for oral argument immediately following No. 7.

No. 313. Jesse Elliott Douglas, petitioner, *v.* Alabama. Petition for writ of certiorari to the Court of Appeals of Alabama granted limited to Question 1 presented by the petition which reads as follows:

"1. Is the defendant in a criminal trial deprived of due process of law when the prosecutor knowingly calls an alleged accomplice to the stand to secure from him a refusal to testify and when his presence on the stand is used as a pretense for reading to the jury an alleged confession of the witness which is inadmissible against the defendant?"

This case is placed on the summary calendar.

No. 10, **Misc.** Bob Granville Pointer, petitioner, *v.* Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Criminal Appeals of Texas granted. Case transferred to the appellate docket and placed on the summary calendar.

No. 212, **Misc.** George Angelet, petitioner, *v.* Edward M. Fay, Warden. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted. Case transferred to the appellate docket and placed on the summary calendar for oral argument immediately following No. 95.

#### CERTIORARI DENIED

No. 70. T. Smith & Son, Inc., petitioner, *v.* Willie Wilson et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 74. Katherine F. Miller, 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. 76. The Cortez Company, petitioner, *v.* Manatee County et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 78. Commerce Company d/b/a Lamar Hotel, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 79. American Airlines, Inc., petitioner, *v.* Joseph V. Manning, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 80. T. Frank Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 84. Robert D. Kemper, petitioner, *v.* Dayton Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 85. Paul Rhodes, petitioner, *v.* Erenst W. Taylor et al. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 87. California, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 88. Larry Robert Eddington, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 92. Albina Engine and Machine Works et al., petitioners, *v.* J. J. O'Leary, Deputy Commissioner, Bureau of Employees' Compensation, Department of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 94. Ralph J. Perk, County Auditor of Cuyahoga County, Ohio, petitioner, *v.* The Park Investment Company et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 97. In re Glenn H. Rogers for Discipline of a Certain Attorney at Law, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 101. Charles G. Raible, petitioner, *v.* Puerto Rico Industrial Development Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 104. Norman Carl Hug, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 106. Fair Share Organization, Inc., et al., petitioners, *v.* Philip Nagdeman & Sons, Inc. Petition for writ of certiorari to the Appellate Court of Indiana denied.

No. 108. National Surety Corporation, petitioner, *v.* United States for the Use and Benefit of Olmos Building Materials Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 109. Zigmont J. LeTowt, Jr., et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 110. Edward A. King, petitioner, *v.* Howard Yaeger, Warden. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 112. West Virginia ex rel. William Dandy, petitioner, *v.* William J. Thompson, Judge of the Intermediate Court of Kanawha County, West Virginia, et al. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 113. Joseph M. Thomas et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 114. Stewart B. Hopps, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 117. Hattie Ray King and James Albert King, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 118. Ernst Johan Jens Henriksen, et al., petitioners, *v.* Cory Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 119. Dorothy Dorsett Brown, petitioner, *v.* Orleans Parish School Board. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 121. Radiator Specialty Company, petitioner, *v.* Richard Micek. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 122. International Brotherhood of Electrical Workers, Local Union 1377, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 124. Benjamin H. Saunders, Executor, etc., et al., petitioners, *v.* Anne Baker Bien Hanson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 125. Morton Berkowitz, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.



No. 126. Harvey K. Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 127. Worth Munn et al., petitioners, *v.* The Horvitz Company et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 128. Roy A. Dickie, Assignee of Whitaker & Co., Inc., petitioner, *v.* Sewer Improvement District No. 1, of Dardanelle, Arkansas, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 129. Robert Laken, petitioner, *v.* Joan Cornmesser. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 132. Louis H. Lewis 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. 135. Joe Delegal, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 136. Eddie Griffin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 137. Russell J. Straight, Mary D. Evans, and Josh J. Evans, Co-partners, doing business as Pryor Hay and Grain Company, et al., petitioners, *v.* James Talcott, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 141. Red Ball Motor Freight, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 142. Florida ex rel. Norbert Fox, etc., petitioner, *v.* Florence J. Webster, etc. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, denied.

No. 143. Charles Chramek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 144. Homer L. Woxberg, Sr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 146. Mortimer W. H. Cox., Administrator, etc., petitioner, *v.* Arthur O. Hecker et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 147. Irving Berlin et al., petitioners, *v.* E. C. Publications, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 150. Nicolae Malaxa, petitioner, *v.* Robert F. Kennedy, Attorney General of the United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 151. Alvin Chance, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 153. Pearl E. Dilley, etc., petitioner, *v.* The Chesapeake & Ohio Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 154. Fidelity-Baltimore National Bank, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 155. Maurice J. Breen, 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. 156. Frank Bassi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 157. American Export Lines, Inc., petitioner, *v.* Howard Ali Ammar. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 158. The Boston Metals Company et al., petitioners, *v.* Stephen O'Hearne, Deputy Commissioner, Fourth Compensation District. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 160. Harry R. Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 161. Albert Scolnick, et ux., petitioners, *v.* Louis J. Lefkowitz et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 162. L. P. Steuart, Inc., petitioner, *v.* Joseph H. Matthews. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 163. Anthony Orlando, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 167. Atlantic City, a Municipal Corporation of the State of New Jersey, petitioner, *v.* Andrew Caporossi. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 168. Chicago & Eastern Illinois Railroad Co., et al., petitioners, *v.* Paul J. Kern et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 170. Michael Zaffarano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 173. Mark Allen et al., petitioners, *v.* Millicent F. Brown et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 174. Local 542, 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. 175. Montreal Securities, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 176. Technograph Printed Circuits, Ltd., et al., petitioners, *v.* The Bendix Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 177. American Can Company, petitioner, *v.* New Jersey, etc. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 180. Henry Giordano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 182. Texas State AFL-CIO et al., petitioners, *v.* Robert F. Kennedy, Attorney General, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 183. Henry Watson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 184. Beneficial Finance Co. of North Jersey, petitioner, *v.* Irwin Ray, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 185. C. C. Thomas, petitioner, *v.* Youngstown Sheet and Tube Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 186. Charles Oran Mensik et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 187. Thomas Organ Company, petitioner, *v.* John A. Neal and John G. Duffy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 188. Caesar A. Fiocchi and Charles Fiocchi, etc., et al., petitioners, *v.* Robert G. Regan Co. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 190. Mount Holly-Burlington Broadcasting Company, Inc., petitioner, *v.* William S. Halpern and Louis N. Seltzer, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 191. John J. Houlihan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 192. Thomas H. Keegan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 194. Frank W. Cass et al., petitioner, *v.* The Youngstown Sheet and Tube Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 195. American Hardware Supply Company, etc., petitioner, *v.* General Warehousemen and Employees Union No. 636, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 196. Air Terminal Services, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 197. Diamante Urga, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 198. John T. Bourn, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 199. Luise S. Cristiani, petitioner, *v.* Icard, Merrill, Cullis & Timm, et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 200. Joseph Spatuzza et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 203. Appalachian Power Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 204. Pearl Beer Distributing Company of Jefferson County, Incorporated, petition, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 206. Jacksonville Terminal 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.

No. 207. Retail Clerks Union, 1550, etc., 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. 208. Associated Stores, Inc., petitioner, *v.* Industrial Loan and Investment Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 209. State Neon Sign Co., Inc., petitioner, *v.* Franklin Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 210. Bernard E. Berlenbach, etc., petitioner, *v.* Anderson and Thompson Ski Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 211. Millie Vecchio, etc., petitioner, *v.* Anheuser-Busch, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 212. Norman Nathan Semler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 213. W. T. Grant Company, petitioner, *v.* Mrs. Lillian M. Skelton. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 214. Phillips & Buttorff Corporation, petitioner, *v.* W. Raymond Denney et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 215. Paul L. Temple, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 216. Terry & Wright, Inc., et al., petitioners, *v.* Hugh D. Blanchard et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 217. General Bancshares Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 218. Leonard Hyatt et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 219. Anthony Fernandez et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 220. Rooted Hair, Inc., petitioner, *v.* A & B Wig Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 221. Frank Cannon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 222. William H. Dean, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 224. Detroit Vital Foods, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 225. Carlos Castro et al., petitioner, *v.* Central Aguirre Sugar Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 227. Margaret Davis et al., petitioners, *v.* Pauline D. McLaughlin, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 230. Levin & Weintraub, petitioners, *v.* Alfred A. Rosenberg. Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 231. Eighteenth Avenue Land Co., petitioner, *v.* Isidore Chernov, Trustee in Bankruptcy of Itemlab, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 233. Mongoose Gin Company et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 235. International Longshoremen's Association, Local 1242, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 236. Joseph K. Taussig, Jr., 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. 239. Marion M. Pickle, Jr., petitioner, *v. Tennessee*. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 241. James B. Clower et al., petitioners, *v. National Labor Relations Board et al.* Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 242. B. B. Woodson, Trustee in Bankruptcy for Sterling R. Decker and Mary Jane Decker, partners t/a Berkeley Community Builders, et al., petitioners, *v. George Gilmer*. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 243. F. E. Gooding et ux., petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Claims denied.

No. 244. Chatsworth Cooperative Marketing Association et al., petitioners, *v. Interstate Commerce Commission*. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 247. Janel Sales Corp., petitioner, *v. Parke, Davis & Company*. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 248. James E. Little, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 249. Scott N. Brown, petitioner, *v. Tennessee*. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 252. Dave Fleischer, etc., petitioner, *v. A. A. P., Inc., et al.* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 253. John C. Long et al., petitioner, *v. Johns-Manville Sales Corporation*. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 257. Nellie Louise Carson, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 258. Albert Strite et al., petitioners, *v. Edgar A. McGinnes*, District Director of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 261. Carl Michael Mirabile, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 263. Oscar C. Stahl et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 264. O. M. Tate, Jr., Trustee, etc., petitioner, *v.* National Acceptance Company of America. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 266. Johns-Manville Corporation, petitioner, *v.* Italit, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 267. Clayton B. Hellner et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 268. Daniel J. Leary et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 269. David R. Pulliam, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 270. Republican Engineering & Manufacturing Co., petitioner, *v.* Milton A. Moskovitz et al. Petition for writ of certiorari to the St. Louis Court of Appeals of Missouri denied.

No. 271. Ellen Webster et al., petitioners, *v.* City of Newark et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 273. John M. Kossick, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 274. Bernard J. Korzen, County Treasurer of Cook County, Illinois, et al., petitioners, *v.* Ford Motor Company and United States. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 276. United Furniture Workers of America, AFL-CIO, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 277. Marvin Johnny Perry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 279. John Papalia, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 280. Irving A. Kanarek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.



No. 281. Frank W. Wicker, petitioner, *v.* National Surety Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 284. A. M. Byers Company, petitioner, *v.* Howard Jamison, etc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 287. People's Educational Camp Society, 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. 289. Glenn Doherty et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 290. Archie E. Merriott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 293. Andrew Pasha et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 297. Helen Bischoff, petitioner, *v.* Nathan Pereles, Jr., etc., et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 299. International Organization Masters, Mates and Pilots of America, Inc., etc., et al., petitioners, *v.* International Organization Masters, Mates and Pilots of America, Local No. 2, etc., et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 303. Samuel Melnick et ux., etc., petitioners, *v.* Joseph Mina et ux. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 309. Haik Kavookjian et al., petitioners, *v.* Town of Darien. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 315. Restaurant League of New York, Inc., et al., etc., petitioners, *v.* Jack Townsend et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 316. Allied Chemical Corporation, petitioner, *v.* Hampton Roads Carriers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 317. Janet Marie Cuddy, Administratrix, etc., petitioner, *v.* Western Maryland Railway. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **318.** W.R.B. Corporation et al., petitioners, *v.* Odell Geer, d/b/a Odell Geer Company, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **319.** Arch C. Scurlock et al., petitioners, *v.* Samuel Meltzer; and

No. **326.** Arthur W. Sloan et al., petitioners, *v.* Samuel Meltzer. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **320.** Ernest L. Allen, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. **322.** Robert Keith Carter et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. **323.** John F. Ramey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **324.** Local 1566, International Longshoremen's Association, AFL-CIO, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **325.** Ampto, Inc., petitioner, *v.* American Photocopy Equipment Company, etc. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. **330.** Baltimore Transit Company et al., petitioners, *v.* Maryland, for the use of Gloria S. Geils, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. **331.** Cecile J. Shapiro, petitioner, *v.* Russell Leach et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **333.** Elaine Yagoda (formerly Elaine Drechsler), 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. **340.** J. Paul Scott, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **341.** Vernon Zimmerman, petitioner, *v.* Mississippi Valley Barge Line Co. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 342. The Hays Corporation, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 344. Wylie A. Campbell, Jr., et al., petitioners, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 346. Fair Share Organization, Inc., petitioner, *v.* Morris Mitnick, d/b/a Central Fourth Street Drugs. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 349. E. R. Christenson, d/b/a Christenson Electric Company, petitioner, *v.* Diversified Builders Incorporated, Johnson Construction Co., and Kaiser Company, Joint Venturers, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 351. Grace Line, Inc., petitioner, *v.* National Marine Engineers' Beneficial Association. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 357. Philip Charles Testa, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 361. E. G. Robinson, Jr., tr/as Palmetto Broadcasting Company (WDKD), 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. 362. Sherman S. Cohen, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 364. Mrs. Mary Virginia Bell, etc., petitioner, *v.* Tug Shrike, in rem, Southern Transportation Company, Incorporated, and Southern Tug Corporation, in personam. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 367. AMP Incorporated, petitioner, *v.* Burndy Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 379. Board of School Commissioners of Mobile County et al., petitioners *v.* Birdie Mae Davis et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 385. Irma Grossman et al., petitioner, *v.* Jeannette Stubbs et al. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 394. Mendo Wood Products, Inc., petitioner, *v.* Albert Mulder et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District denied.

No. 66. William A. Reiling, petitioner, *v.* Beldin H. Loftsgaarden. Petition for writ of certiorari to the Supreme Court of Minnesota denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 81. L. L. Wainwright, Director, Division of Corrections, Florida, petitioner, *v.* Floyd L. Cullins et al. Motion of respondents for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 100. International Harvester Company, petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 102. The Creek Nation East of the Mississippi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied. Mr. Justice Black took no part in the consideration or decision of this petition.

No. 164. Virgil D. Dardi, petitioner, *v.* United States;

No. 165. Charles Rosenthal, petitioner, *v.* United States; and

No. 166. Charles Berman, petitioner, *v.* United States. Petitions for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 169. Cowles Magazines and Broadcasting, Inc., petitioner, *v.* Orlando Cepeda. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

No. 189. The Fanner Manufacturing Company, petitioner, *v.* Preformed Line Products Company. 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. 339. Gate Film Club, petitioner, *v.* Louis M. Pesce. 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. 272. Trunkline Gas Company, petitioner, *v.* Hardin County. Motion to use the record in No. 153, **October Term, 1963**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 391. Democratic County Committee of Philadelphia, on behalf of Michael A. Musmanno, petitioner, *v.* County Board of Elections of Philadelphia County. Motion of Genevieve Blatt to be added as a

party respondent granted. Motion of Charles S. Helmig for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

**No. 1, Misc.** James John McDonald, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

**No. 3, Misc.** Alfred Aldana Ruiz, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 4, Misc.** Jeddy Wilkins, petitioner, *v.* William J. Banmiller, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

**No. 8, Misc.** Glenn J. Miller, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

**No. 12, Misc.** John D. Beeler, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

**No. 13, Misc.** United States ex rel. Alvin R. Drew, 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. 15, Misc.** Alfred Ortega Medina, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

**No. 16, Misc.** Clifford Jefferson, 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. 17, Misc.** John J. Whitney, petitioner, *v.* W. H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

**No. 18, Misc.** Raymond Buenrostro Cortez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

**No. 19, Misc.** Clyde W. Coles, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

**No. 22, Misc.** John E. Burke et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

**No. 23, Misc.** Willie Porter, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

**No. 26, Misc.** Julius Dwaine Perry, Sr., petitioner, *v.* United States Attorney General et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 27, **Misc.** Ophelia Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 28, **Misc.** Thomas Stem, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 29, **Misc.** Victor Morales Ortiz, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 30, **Misc.** Robert Lozano Garcia, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Division of the Superior Court of California, County of Los Angeles, denied.

No. 31, **Misc.** Calvin Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 33, **Misc.** Anthony Paul Marullo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 34, **Misc.** Ora E. Gaines, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims and/or the United States Court of Appeals for the Fifth Circuit denied.

No. 37, **Misc.** Benjamin M. Huffman, petitioner, *v.* Douglas Aircraft Company et al. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 39, **Misc.** Bobby J. Jones, petitioner, *v.* Luther Thomas, Warden. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 40, **Misc.** Laura Ella Griffin, petitioner, *v.* John S. Gleason, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 41, **Misc.** George S. Hlozansky, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 42, **Misc.** Joe Hill, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 44, **Misc.** John R. Kilbourne, Jr., petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 45, **Misc.** James Ricci, 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. 47, **Misc.** Nelson Prince, petitioner, *v.* Workmen's Compensation Board. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 48, **Misc.** Bernard H. Tabor, petitioner, *v.* Mell G. Underwood, U.S. District Judge. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 49, **Misc.** Lonnie Warden, petitioner, *v.* William C. Holman, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 50, **Misc.** John Thomas Fitts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 51, **Misc.** Gerald Mastracchio, petitioner, *v.* Superior Court of Rhode Island for Providence County. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 54, **Misc.** William A. Nelson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 55, **Misc.** Cozzie Merrill Jones, petitioner, *v.* Frank Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 56, **Misc.** William J. Couture, petitioner, *v.* United States. Petition for writ of certiorari to the United States of Appeals for the First Circuit denied.

No. 57, **Misc.** Nelson Robinson, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 60, **Misc.** Whitney Bartie, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 62, **Misc.** Erwin M. Swam, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 63, **Misc.** Robert Draper, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 64, **Misc.** James A. Flores, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 66, **Misc.** Donald F. Hipp, petitioner, *v.* Isidore P. Smith et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 67, **Misc.** William David Andrews, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 68, **Misc.** Wilfred G. Verney, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 69, **Misc.** Edward Earl Brooks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 71, **Misc.** Francis J. Green, petitioner, *v.* Warden, Maryland State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

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

No. 74, **Misc.** Maurice N. Whittington, petitioner, *v.* United States District Court et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 75, **Misc.** Grant Cooper, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 76, **Misc.** Joseph Linwood Richards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 77, **Misc.** Henry Sliva, 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. 78, **Misc.** Myrtie Hopkins, petitioner, *v.* Condon Wasson et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 79, **Misc.** Charles White, petitioner, *v.* New Hampshire. Petition for writ of certiorari to the Supreme Court of New Hampshire denied.

No. 80, **Misc.** Herman Hayman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 82, **Misc.** Ernest Calvin Johnson, petitioner, *v.* Dr. John P. Shovlin, Superintendent, Farview State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 83, **Misc.** Louis Saccenti, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.



No. 84, **Misc.** Bernard 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. 85, **Misc.** Hiram A. Matthewson et al., petitioners, *v.* Judge Leo W. McCune et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 86, **Misc.** Raymond James Yates, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 90, **Misc.** Ollie Jackson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 91, **Misc.** George E. Duggin, etc., petitioner, *v.* Tennessee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 92, **Misc.** Chester White, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 94, **Misc.** Levy Parish, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 95, **Misc.** Bethel S. Stevenson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 96, **Misc.** Julie R. Blitz, petitioner, *v.* Janet M. Bogg; and

No. 97, **Misc.** Julie R. Blitz, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 100, **Misc.** Raymond E. Ferguson, petitioner, *v.* Alfred W. Whitehurst, Commonwealth's Attorney for the City of Norfolk, Virginia. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 101, **Misc.** Clarence Smith, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York, denied.

No. 103, **Misc.** Minister James 15 X. C. White, petitioner, *v.* Commissioner John B. Duncan et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 104, **Misc.** Arthur D. Jack, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 110, **Misc.** Wai Lau, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 111, **Misc.** Edward Wiseman, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 112, **Misc.** Aileen Henig et al., petitioners, *v.* Rocco A. Odo-risio et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 113, **Misc.** Leon L. Hood, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 116, **Misc.** Robert Draper, petitioner, *v.* William J. Reilly, Sheriff, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 118, **Misc.** Oliver Rae Schumann, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

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

No. 122, **Misc.** Walter Lee Johnson, petitioner, *v.* Pennsylvania Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 124, **Misc.** Kiney Joseph Davis, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 126, **Misc.** Dorothea Erenreich, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 128, **Misc.** Charles William Walker, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 129, **Misc.** Karl H. Stello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 130, **Misc.** Robert Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for Second Circuit denied.

No. 131, **Misc.** Willie Toler, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 132, **Misc.** Leonard Ewing Scott, petitioner, *v.* Citizens National Bank of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 134, *Misc.* John Aldridge, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 136, *Misc.* William R. Mills, petitioner, *v.* William C. Holman, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 137, *Misc.* K. Chandapillai Seth, petitioner, *v.* British Overseas Airways Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 138, *Misc.* Kathleen Marra Mole, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 139, *Misc.* George W. Pullite, petitioner, *v.* Ross V. Randolph Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 142, *Misc.* Charles Clifford Moore, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 146, *Misc.* Martin Legere, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 148, *Misc.* Dwight DeWitt Robison, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 149, *Misc.* Vincent Astor Williams, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 150, *Misc.* Ralph L. Sims, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 151, *Misc.* John Hendricks, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 152, *Misc.* Emmett J. Stebbins, petitioner, *v.* John W. Macy et al., U.S. Civil Service Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 153, *Misc.* Conway M. Sorrell, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 157, *Misc.* Richard Thompson, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 161, *Misc.* James Wm. Carter, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 164, *Misc.* Johnnie Lee Goss, petitioner, *v.* Alaska et al. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 166, *Misc.* Eli De Paunto, alias R. E. Lipscomb, petitioner, *v.* Michigan. Petition for writ of certiorari to the United State Court of Appeals for the Sixth Circuit denied.

No. 167, *Misc.* Lee Colligan, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 169, *Misc.* Louis Moorer, petitioner, *v.* South Carolina et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 173, *Misc.* Jack Shields, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

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

No. 179, *Misc.* Nathan K. Goldberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 183, *Misc.* Freddie R. Moore, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 184, *Misc.* James W. Vaughn, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 185, *Misc.* Amado Cadena, petitioner, *v.* Washington et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 186, *Misc.* William C. Wycoff, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 187, *Misc.* Francis Baker, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 191, *Misc.* Sidney E. Huddleston, Sr., petitioner, *v.* Ohio River Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 196, *Misc.* Arthur Leroy Horton, petitioner, *v.* Chesterfield County et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 197, **Misc.** Walter Nathaniel Wiggins, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 200, **Misc.** Grover Hill, 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. 202, **Misc.** William Lee Evans, 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. 203, **Misc.** Donald Franklin McGraw, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 204, **Misc.** Bernard T. Rideout, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 205, **Misc.** Gerald Joseph Pulaski, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 206, **Misc.** Glen E. Crow, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 207, **Misc.** J. Howard Arnold, petitioner, *v.* Frances Kelly Arnold. Petition for writ of certiorari to the Supreme Court of California denied.

No. 208, **Misc.** Fred D. Lovett, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 213, **Misc.** Verle G. Conard, 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. 214, **Misc.** Joseph F. Burgess, petitioner, *v.* District of Columbia Board of Parole et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 215, **Misc.** Millard Dedmon, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 216, **Misc.** Charles Isaac Benson and Trevette Woody, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 219, **Misc.** Roy Douglas, petitioner, *v.* Lamoyne Green, Superintendent, Marian Correctional Institution, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 221, **Misc.** Robert J. Jones, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 222, **Misc.** Michael Anthony Rizzitello et al., petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 223, **Misc.** Paul Adam Gibbs, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 224, **Misc.** Jay King, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 227, **Misc.** Roy Edward Kinder, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 229, **Misc.** Ronald O. Bisordi, 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. 230, **Misc.** Ned Dominguez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 234, **Misc.** Samuel Barnes, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 235, **Misc.** Golden A. Frinks, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 236, **Misc.** Bennie Jones, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 238, **Misc.** Frank Bowie, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 241, **Misc.** Louis Clarence Morrow, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 242, **Misc.** Marion Pyles, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 245, **Misc.** Paul W. Welsh, petitioner, *v.* State Medical Board of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 246, **Misc.** Anderson Holliday, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education, and Welfare. Petition for

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

No. 248, **Misc.** Jack Spada, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 249, **Misc.** W. H. Naillieux, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 250, **Misc.** Vernon Cooper 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. 251, **Misc.** James C. Wilkins, 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. 255, **Misc.** Joseph W. Miles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 256, **Misc.** Norbert Harris, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 257, **Misc.** George Phillips, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 259, **Misc.** H. Gael Baldwin and Catalina Baldwin, petitioners, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 262, **Misc.** John Lee Ikerd, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 265, **Misc.** Doyle Alva Terry, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 266, **Misc.** Willie Charles Hill, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 267, **Misc.** James Douglas Latham and George Ronald York, petitioners *v.* Sherman Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 269, **Misc.** Thomas Gerald King, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 274, **Misc.** Joseph Uhler, petitioner, *v.* Berks County Court. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 280, *Misc.* Pennsylvania ex rel. George Lee Rivers, petitioner, v. David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 283, *Misc.* Floyd E. Johnson, petitioner, v. Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 285, *Misc.* Jeremiah P. Reed, petitioner, v. E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 286, *Misc.* William Clyde Wright, petitioner, v. B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 290, *Misc.* Richard D. Roper, petitioner, v. Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 295, *Misc.* James Conway, petitioner, v. Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 296, *Misc.* R. W. Agnew, petitioner, v. Richard W. Moody et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 297, *Misc.* Charles Price, Jr., petitioner, v. Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 299, *Misc.* Ola Belle Meredith, petitioner, v. United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 301, *Misc.* Ronald J. Harris, petitioner, v. Harold V. Langlois, Warden. Petition for writ of certiorari to the Supreme Court of Rhode Island denied.

No. 303, *Misc.* Willy S. Crider, petitioner, v. E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 304, *Misc.* Rudolph Manasek, petitioner, v. New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 305, *Misc.* Ernest Chico McGary, petitioner, v. Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 307, *Misc.* Brewington C. Thomas, petitioner, v. California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 310, *Misc.* Roy David Tyson, petitioner, v. Edmund W. Henning, Jr., et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.



No. 318, **Misc.** William Heirens, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 322, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 323, **Misc.** Earl H. Badgley, 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 District denied.

No. 324, **Misc.** Leon G. Schack, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 326, **Misc.** Angelo Sparaco, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 330, **Misc.** Charles E. Lawrenson, petitioner, *v.* United States Fidelity and Guaranty Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 354, **Misc.** LeRoy James McNair, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 2, **Misc.** W. E. Young, petitioner, *v.* South Carolina. Motion of the American Civil Liberties Union for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. 5, **Misc.** John Joseph Ryan et al., petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 61, **Misc.** Elmer Tahtinen, 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. 162, **Misc.** Roy Sanders Ashbrook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 277, **Misc.** William W. Fabian, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 333, **Misc.** Ernest F. Williams, 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. 72, **Misc.** Victoria St. Pierre Lartigue, petitioner, *v.* R. J. Reynolds Tobacco Co. et al. Motion to use record in No. 386 Misc., October Term, 1963, granted. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 133, **Misc.** Robert A. Nist, 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 and for other relief denied.

No. 158, **Misc.** Robert B. Gravis, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

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

No. 24, **Misc.** Anibal Marin, Jr., petitioner, *v.* United States. Motion for leave to file petition for writ of certiorari denied.

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

No. 20, **Misc.** Thomas J. Auflick, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 53, **Misc.** Edward William Anderson, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 65, **Misc.** S. J. Brown, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections, et al.;

No. 70, **Misc.** Arthur V. Sampson, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections;

No. 102, **Misc.** Darwin Blaine Beers, petitioner, *v.* Florida;

No. 106, **Misc.** Arnold Burton Unger, petitioner, *v.* Howard Yeager, Warden;

No. 114, **Misc.** James Holman, petitioner, *v.* Frank A. Eyman, Warden, et al.;

No. 115, **Misc.** Charles N. Lambert, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. 119, **Misc.** Thomas M. Grey, petitioner, *v.* Minnesota;

No. 193, **Misc.** Francis Lloyd Burke, petitioner, *v.* California;

No. 268, **Misc.** Maurice Duckett, petitioner, *v.* Walter Dunbar, Director of Corrections, et al.;

No. 293, **Misc.** Robert Charles Garvie, petitioner, *v.* People of the State of California;

No. 300, **Misc.** Earl Ferriera, petitioner, *v.* United States;

No. 302, **Misc.** Frank Frederick Beck, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 338, **Misc.** Leon G. Schack, petitioner, *v.* Martin Kellenberger, Sheriff of Palm Beach County, Florida; and

No. 344, **Misc.** Ruben Williams, petitioner, *v.* Frank J. Pate, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 182, **Misc.** Robert M. Lee, Jr., petitioner, *v.* Frank J. Pate, Warden, et al. Motion for leave to file petition for writ of habeas and for other relief denied.

No. 25, **Misc.** Benjamin Olen Christmas, petitioner, *v.* Florida;

No. 52, **Misc.** Adam Mosley, petitioner, *v.* Missouri; and

No. 108, **Misc.** Homer J. Buchanan, petitioner, *v.* Frank A. Eyman, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 81, **Misc.** Glorida Parker, petitioner, *v.* Hon. Edward J. Lumbard et al.;

No. 98, **Misc.** Robert William Crawford, petitioner, *v.* United States Court of Appeals for the Sixth Circuit et al.; and

No. 314, **Misc.** Winckler & Smith Citrus Products Co. et al., petitioners, *v.* United States Court of Appeals for the Ninth Circuit et al. Motions for leave to file petitions for writs of mandamus denied.

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

No. 172, **Misc.** Thaddeus E. Tansimore, petitioner, *v.* United States. Motion for leave to file petition for writ of prohibition denied.

#### REHEARINGS DENIED

No. 84, **October Term, 1960.** Albert Martin Cohen, petitioner, *v.* Denis M. Hurley. Motions of New York State Association of Trial Lawyers; and National Lawyers Guild for leave to file briefs, as *amicus curiae*, in support of motion for leave to file a second petition for rehearing granted. Motion for leave to file a second petition for rehearing denied. Mr. Justice White and Mr. Justice Goldberg took no part in the consideration or decision of these motions.

No. 467, **October Term, 1962.** James Alvado et al., petitioners, *v.* General Motors Corporation. Motion for leave to file a third petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

No. —, **October Term, 1963.** Thomas T. Kawahara, petitioner, *v. Elvis J. Stahr, Jr., etc.*;

No. 15, **October Term, 1963.** Evander Ford et al., petitioners, *v. Tennessee*;

No. 23, **October Term, 1963.** B. A. Reynolds, etc., et al., appellants, *v. M. O. Sims et al.*;

No. 27, **October Term, 1963.** David J. Vann and Robert S. Vance, appellants, *v. Agnes Baggett, Secretary of State of the State of Alabama, et al.*;

No. 35, **October Term, 1963.** Israel Dresner et al., petitioners, *v. City of Tallahassee*;

No. 41, **October Term, 1963.** John W. McConnell, Jr., et al., appellants, *v. Agnes Baggett, Secretary of State of Alabama, et al.*;

No. 95, **October Term, 1963.** Samuel Dodd Williamson, petitioner, *v. California*;

No. 99, **October Term, 1963.** Harold Eugene Wenzler, Sr., and John Imlay, petitioners, *v. California*;

No. 245, **October Term, 1963.** Milton Berman, petitioner, *v. United States*;

No. 264, **October Term, 1963.** James P. Donovan et al., petitioners, *v. City of Dallas et al.*;

No. 297, **October Term, 1963.** Richard H. M. Swann, appellant, *v. Tom Adams, Secretary of State of Florida, et al.*;

No. 379, **October Term, 1963.** Pan-American Life Insurance Company, petitioner, *v. Marie Lorigo*; and

No. 380, **October Term, 1963.** Pan-American Life Insurance Company, petitioner, *v. Marie Lorigo*;

No. 553, **October Term, 1963.** Harry Finch et al., petitioners, *v. California*;

No. 556, **October Term, 1963.** United Mine Workers of America, petitioner, *v. White Oak Coal Company, Inc.*;

No. 608, **October Term, 1963.** Roy J. Neering, petitioner, *v. Florida*;

No. 673, **October Term, 1963.** Pan-American Life Insurance Company, petitioner, *v. Augustin Goytisolo Recio*;

No. 819, **October Term, 1963.** Irving Marder, appellant, *v. Massachusetts*;

No. 930, **October Term, 1963.** Joseph L. Sanapaw et al., petitioners, *v. Wisconsin*;

No. 939, **October Term, 1963.** Harlow Chamberlin, etc., et al., appellants, *v. The Dade County Board of Public Instruction et al.*;

No. 949, **October Term, 1963.** James M. Sinclair, Jr., appellant, *v. Glenn R. Baker, etc., et al.*;

No. 993, **October Term, 1963.** Mitchell Bros. Truck Lines, appellant, *v. United States and Interstate Commerce Commission*;

- No. 1062, October Term, 1963. Felix O. Bullard, petitioner, *v.* Florida;
- No. 1081, October Term, 1963. Waltham Precision Instrument Company, Inc., etc., et al., petitioners, *v.* Federal Trade Commission;
- No. 1102, October Term, 1963. Houston Maritime Association, Inc., et al., petitioners, *v.* National Labor Relations Board;
- No. 1110, October Term, 1963. Pan American Life Insurance Company, petitioner, *v.* Carlos Manuel Theye y Ajuria;
- No. 1113, October Term, 1963. Normand Smith et al., petitioners, *v.* Government of the Virgin Islands et al.; and
- No. 1188, October Term, 1963. Jaime J. Merino, petitioner, *v.* United States Marshal. Petitions for rehearing denied.
- No. 115, October Term, 1963. General Motors Corporation, appellant, *v.* Washington et al. Motions of Automotive Service Industry Association; Electronic Industries Association; Automotive Manufacturers Association; and the National Association of Manufacturers for leave to file briefs, as *amicus curiae*, in support of petition for rehearing granted. Petition for rehearing denied.
- No. 481, October Term, 1963. Viking Theatre Corporation, petitioner, *v.* Paramount Film Distributing Corporation et al. Petition for rehearing denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.
- No. 554, October Term, 1963. Popeil Brothers, Inc., petitioner, *v.* Karl Zysset et al.; and
- No. 991, October Term, 1963. Alfonso Spinelli, petitioner, *v.* Isthmian Steamship Company et al. Motions for leave to file second petitions for rehearing denied.
- No. 636, October Term, 1963. Joseph Germano et al., appellants, *v.* Otto Kerner et al. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.
- No. 983, October Term, 1963. Chicago North Shore and Milwaukee Railway Company, petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.
- No. 323, Misc., October Term, 1963. Frank J. Mee, petitioner, *v.* United States;
- No. 396, Misc., October Term, 1963. Pedro Camacho Lopez, petitioner, *v.* Texas;
- No. 942, Misc., October Term, 1963. Albert Edward Raymond, petitioner, *v.* Pennsylvania;
- No. 955, Misc., October Term, 1963. Alvin Maurice Parham, petitioner, *v.* California;
- No. 973, Misc., October Term, 1963. Wilson M. Smith, Jr., petitioner, *v.* United States;

No. 982, Misc., October Term, 1963. Michael Reynolds, petitioner, *v.* New Jersey;

No. 985, Misc., October Term, 1963. John Paul Herb, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 1011, Misc., October Term, 1963. Robert Lowell Rogers, petitioner, *v.* United States;

No. 1059, Misc., October Term, 1963. George Wilson, petitioner, *v.* Illinois;

No. 1089, Misc., October Term, 1963. James Henry Miller, petitioner, *v.* United States;

No. 1115, Misc., October Term, 1963. John G. Ahlstedt, petitioner, *v.* United States;

No. 1133, Misc., October Term, 1963. John Joseph Berry, petitioner, *v.* Warden, Queens House of Detention;

No. 1139, Misc., October Term, 1963. Martin Reynolds, petitioner, *v.* New Jersey;

No. 1143, Misc., October Term, 1963. Gerhard Willie Gawantka, petitioner, *v.* United States;

No. 1150, Misc., October Term, 1963. Edward Williams, petitioner, *v.* South Carolina;

No. 1151, Misc., October Term, 1963. John Morris, petitioner, *v.* South Carolina;

No. 1179, Misc., October Term, 1963. Walter E. Fisher, petitioner, *v.* United States;

No. 1203, Misc., October Term, 1963. Kethel Osborne, petitioner, *v.* J. C. Taylor, Warden;

No. 1228, Misc., October Term, 1963. Andrew J. Easter, petitioner, *v.* Frederick W. Brune et al., Judges of the Court of Appeals of Maryland;

No. 1238, Misc., October Term, 1963. S. Leon Levy, petitioner, *v.* John W. Macy, Jr., et al., Commissioner, United States Civil Service Commission;

No. 1245, Misc., October Term, 1963. Louis C. White, petitioner, *v.* Fred R. Dickson, Warden;

No. 1268, Misc., October Term, 1963. Dallas O. Williams, petitioner, *v.* United States;

No. 1281, Misc., October Term, 1963. Robert S. Van Rensselaer et al., petitioners, *v.* General Motors Corp., etc.;

No. 1310, Misc., October Term, 1963. Thomas D. Ramsey, petitioner, *v.* National Labor Relations Board;

No. 1320, Misc., October Term, 1963. Jay R. Kurth, petitioner, *v.* John E. Bennett, Warden;

No. 1324, Misc., October Term, 1963. Frank Hudson, petitioner, *v.* Frank R. Dickson, Warden;

No. 1328, Misc., October Term, 1963. John T. Benton, petitioner, *v. Arizona et al.*;

No. 1333, Misc., October Term, 1963. John T. Dirring, petitioner, *v. United States*;

No. 1347, Misc., October Term, 1963. Joe Flores, petitioner, *v. George Beto, Director, Texas Department of Corrections*;

No. 1352, Misc., October Term, 1963. Winston Phillip, petitioner, *v. North Carolina*;

No. 1404, Misc., October Term, 1963. Charles E. Horner, petitioner, *v. Florida*; and

No. 1416, Misc., October Term, 1963. Roland J. Jackson, petitioner, *v. George A. Kropp, Warden*. Petitions for rehearing denied.

No. 1375, Misc., October Term, 1963. Joe Sinette, petitioner, *v. F. R. Dickson, Warden, et al.* Motion for leave to file petition for rehearing denied.

#### ORAL ARGUMENT

No. 2. Arthur Hamm, Jr., petitioner, *v. City of Rock Hill*. Argued by Mr. Jack Greenberg for the petitioner and by Mr. Daniel R. McLeod for the respondent.

No. 5. Frank James Lupper et al., petitioners, *v. Arkansas*. Argued by Mrs. Constance B. Motley for the petitioners and by Mr. Jack L. Lessenberry for the respondent.

No. 9. Ralph D. Abernathy et al., petitioners, *v. Alabama*. Argument commenced by Mr. Louis H. Pollak for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 13, 1964, will be as follows: Nos. 9, 8, 6, 10, and 11.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSION TO THE BAR

James A. Hunt, of Victoria, Tex., on motion of Mr. Joe M. Kilgore; Grey K. Nelson, of Cleveland, Ohio, Thomas Raymond Skulina, of Cleveland, Ohio, Dene Lonier Lusby, of Kensington, Md., and Otis D. James, of Oklahoma City, Okla., on motion of Mr. Joseph F. Spaniol, Jr.; Robert James Kelly, of Tallahassee, Fla., and James Glennon Mahorner, of Tallahassee, Fla., on motion of Mr. J. William Norman; Donald M. Ladd, Jr., of Los Altos, Calif., on motion of Mr. Frederick Bernays Wiener; Allen J. Roth, of St. Louis, Mo., on motion of Mr. Bernard Fensterwald, Jr.; John Pope Cole, Jr., of Washington, D.C., on motion of Mr. Grover Collins Cooper; Erwin J. Puta, of Naperville, Ill., on motion of Mr. William Ross; William Theodore King, of Los Angeles, Calif., on motion of Mr. R. Clyde Cruitt; Madison B. Morgan, of Baltimore, Md., and Jan A. Obst, of Baltimore, Md., on motion of Mr. Henry W. Hartlove; Joseph Rabin, of Beverly Hills, Calif., on motion of Mr. Richard A. Mullens; Robert Bruce Corpening, of Los Angeles, Calif., on motion of Mr. John Charles Reid; Marvin Edward Schlosser, of Washington, D.C., on motion of Mr. Lee W. Cowan; William Thomas Dooley, Jr., of Arlington, Va., on motion of Mr. James A. Blalock; Julius C. Jaffe, of Chicago, Ill., on motion of Mr. Reuben G. Clark, Jr.; Barry Wendell Jackson, of Fairbanks, Alaska, on motion of Mr. Michael J. Shea; and Sandra E. Scholnick Swartz, of Brookline, Mass., Ida Fendel Sims, of Revere, Mass., Henry T. Broderick, of Sterling, Mass., Ralph D. Lider, of New Bedford, Mass., David Dexter Alperin, of Brookline, Mass., John A. Romano, of Worcester, Mass., Nicholas S. Aiello, of Worcester, Mass., Leo Bashara Forzley, of Worcester, Mass., Timothy J. McInerney, of Boston, Mass., and William Francis Donnelly, of Boston, Mass., on motion of Mr. Edward M. Dangel, were admitted to practice.

## ORAL ARGUMENT

No. 9. Ralph D. Abernathy et al., petitioners, *v.* Alabama. Argument continued by Mr. Leslie Hall for the respondent and concluded by Mr. Louis H. Pollak for the petitioners. Memorandum by respondent to come.



No. 8. Robert L. Schlagenhauf, petitioner, *v.* Cale J. Holder, United States District Judge for the Southern District of Indiana. Argued by Mr. Robert S. Smith for the petitioner and by Mr. Erle A. Kightlinger for the respondent.

No. 6. Aaron Henry, petitioner, *v.* Mississippi. Argued by Miss Barbara A. Morris for the petitioner and by Mr. G. Garland Lyell, Jr., for the respondent.

No. 10. Mabel Gillespie, Administratrix, etc., petitioner, *v.* United States Steel Corporation. Argued by Mr. Jack G. Day for the petitioner and by Mr. Thomas V. Koykka for the respondent. Memoranda to come.

No. 11. Dewey McLaughlin et al., appellants, *v.* Florida. Argument commenced by Mr. William T. Coleman for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 14, 1964, will be as follows:  
Nos. 11, 12, 54, and 13.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Charles T. Munger, of Los Angeles, Calif., and Charles J. O'Connor, of Chicago, Ill., on motion of Mr. Solicitor General Archibald Cox; John A. Breslin, Jr., of Maysville, Ky., and John J. Quinn, Jr., of Los Angeles, Calif., on motion of Judge Walter Ely; Joseph Reichmann, of Los Angeles, Calif., on motion of Mr. Stewart French; Norman Carey Amaker, of New York, N.Y., on motion of Mrs. Constance Baker Motley; Wilber L. Rowberry, of Idaho Falls, Idaho, on motion of Mr. J. Dean Mosher; Reagan A. Scurlock, of Bedford, Mass., on motion of Mr. Donald H. Smith; Dexter S. Odin, of Fairfax, Va., and Myron Charles Smith, of Fairfax, Va., on motion of Mr. Ralph G. Louk; Mason Willrich, of San Francisco, Calif., on motion of Mr. Frederick S. Wyle; John R. Peterson, of Boston, Mass., and Peter T. Kennedy, of Boston, Mass., on motion of Mr. John Schulman; David L. Ladd, of Chicago, Ill., on motion of Mr. Joseph Schimmel; Glenn L. Shinn, of Washington, D.C., on motion of Mr. H. Neil Garson; Bernard P. Reese, Jr., of Rockford, Ill., on motion of Mr. Charles F. Simon; J. P. Hammond, of Tulsa, Okla., on motion of Mr. William J. Grove; Michael L. Haun, of San Francisco, Calif., on motion of Mr. Alan D. McArthur; J. Frank Martin, Jr., of Los Angeles, Calif., on motion of Mr. William Wade Beckett; Jesse W. Bush, of Macon, Ga., on motion of Mr. Joseph H. Davis; Charles Stafford Lynch, of Toledo, Ohio, on motion of Mr. Joseph A. DeGrandi; and John G. Hanes, of Cheyenne, Wyo., on motion of Mr. Samuel W. Warner, were admitted to practice.

No. 11. Dewey McLaughlin et al., appellants, *v.* Florida. Argument continued by Mr. William T. Coleman and Mr. Louis H. Pollak for the appellants, by Mr. James G. Mahorner for the appellee and concluded by Mr. William T. Coleman for the appellants.

No. 12. Bayard Edward Ryan, petitioner, *v.* United States. Argued by Mr. William R. Bagby for the petitioner and by Mr. Bruce J. Terris for the respondent.

No. 54. United States et al., petitioners, *v.* Max Powell et al. Argument commenced by Mr. Bruce J. Terris for the petitioners and continued by Mr. Bernard G. Segal for the respondents.

Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 15, 1964, will be as follows:  
Nos. 54, 13, 18, 15, and 16.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Sidney W. Provensal, Jr., of New Orleans, La., on motion of Mr. Gillis W. Long; Wilson F. Collier, of Bethesda, Md., on motion of Mr. Joseph F. Spaniol, Jr.; John Dickey, of New York, N.Y., on motion of Mr. Max O. Truitt, Jr.; Frank Russell Douglass, of Austin, Tex., and Charles D. Post, of Boston, Mass., on motion of Mr. Louis Fenner Claiborne; Glen T. Mitchell, of Millbrae, Calif., on motion of Mr. Stewart French; Bernard E. Mahon, of Washington, D.C., on motion of Mrs. Ann Dodge Goodbee; Lillian Ward Long, of Cleveland, Ohio, on motion of Mr. Jay B. White; Benjamin Louis Zelenko, of New York, N.Y., on motion of Mr. William R. Foley; George Elwood McCullough, of Topeka, Kans., on motion of Mr. Tim L. Bornstein; Edward V. Cain, of Cleveland, Ohio, and Thomas J. Italiano, of Cleveland, Ohio, on motion of Mr. James R. Willis; Anthony Victor Leanza, of Cleveland, Ohio, and Daniel Joseph O'Loughlin, of Cleveland, Ohio, on motion of Mr. William Thomas McKnight; C. H. Kuhn, of Grosse Ile, Mich., and Robert E. Dunn, of Trenton, Mich., on motion of Mr. James W. Dent; Robert George Jaros, of Chicago, Ill., and Charles Raymond Winkler, of Chicago, Ill., on motion of Mr. Edward R. Kenney; Theodore W. Anderson, Jr., of Chicago, Ill., on motion of Mr. George A. Arkwright, Jr.; and Richard A. Munnecke, of Pasadena, Calif., on motion of Mr. John Anthony Finken, were admitted to practice.

## ORAL ARGUMENT

No. 54. United States et al., petitioners, *v.* Max Powell et al. Argument continued by Mr. Bernard G. Segal for the respondents and concluded by Mr. Bruce J. Terris for the petitioners.

No. 13. United States, petitioner, *v.* Jackie Hamilton Gainey et al. Argued by Mr. Louis F. Claiborne for the petitioner and by Mr. Joseph H. Davis for the respondents.

No. 18. William Beck, petitioner, *v.* Ohio. Argued by Mr. James R. Willis for the petitioner and by Mr. William T. McKnight for the respondent.

No. 15. National Labor Relations Board, petitioner, *v.* Burnup and Sims, Inc. Argued by Mr. Arnold Ordman for the petitioner and by Mr. Erle Phillips for the respondent.

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Adjourned until Monday, October 19, 1964, at 10 o'clock.

The day call for Monday, October 19, 1964, will be as follows: Nos. 16, 4, 14, and 17.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Thomas R. Sheridan, of Los Angeles, Calif., Timothy Martin Thornton, of Los Angeles, Calif., Paul David Lunde, of Ames, Iowa, Bernard J. O'Reilly, of St. Louis, Mo., Irving Kagan, of New York, N.Y., Milliard Eugene Farley, of Cleveland, Ohio, Charles Douglas George, of Miami, Fla., Richard Harold Slemmer, of Columbus, Ohio, David Milne IV, of Philadelphia, Pa., Robert W. Hamilton, of Austin, Tex., James Edwin Knox, Jr., of Chicago, Ill., Robert P. Gorman, of Newark, N.J., Thomas Cecil Wray, Jr., of New York, N.Y., Ernest Rubenstein, of New York, N.Y., Malachy T. Mahon, of New York, N.Y., Stuart Walker Thayer, of New York, N.Y., William D. Powell, of Dallas, Tex., and Thomas Lawrence Tolan, Jr., of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; Alice L. O'Donnell, of Washington, D.C., and Larry Eugene Temple, of Austin, Tex., on motion of Mr. William Ramsey Clark; Joseph E. Forch, of Indianapolis, Ind., Dennis Leroy Runyan, of Warsaw, Ind., and Jonathan J. Robertson, of Seymour, Ind., on motion of Mr. Birch Bayh; Charles L. Norris, of Washington, D.C., on motion of Judge Godfrey L. Munter; John F. Weisser, Jr., of Salem, Oreg., on motion of Mr. William Berg, Jr.; John Sholar Langford, Jr., of Atlanta, Ga., on motion of Mr. William A. Sutherland; Henry William McCarr, Jr., of Minneapolis, Minn., on motion of Mr. Theodore George Gilinsky; Ralphine Ronald Staring, of Washington, D.C., on motion of Mr. Merlin H. Staring; Burton Seymour Rosky, of Los Angeles, Calif., and David W. Slavitt, of Los Angeles, Calif., on motion of Mr. Paul E. Treusch; Harry L. Albrecht, of Washington, D.C., on motion of Mr. Lawrence H. Gall; Charles Cavano, of Cleveland, Ohio, on motion of Mr. William Tyson; Robert Joseph Robertory, of North Bergen, N.J., on motion of Mr. Edwin R. Fischer; Arthur L. Murray, of Boston, Mass., on motion of Mr. Beverly Singleton Simms; Benjamin Paul, of Philadelphia, Pa., on motion of Mr. Lipman Redman; Garland R. Rolling, of Metairie, La., on motion of Mr. A. Robert Theibault; and James J. Foley, of Des Moines, Iowa, on motion of Mr. Wilbur J. Smolka, 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. 228. Safeway Trails, Inc., appellant, *v.* David D. Furman, etc., et al. Appeal from the Supreme Court of New Jersey. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 288. Alhambra Trucking Co. et al., appellants, *v.* Public Utilities Commission of California. Appeal from the Supreme Court of California. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 311. Dixie Feed and Seed Company, Inc., et al., appellants, *v.* Stanifer G. Byrd. Appeal from the Court of Appeals of Tennessee. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 327. Nicholas Mamula, appellant, *v.* United Steelworkers of America et al. Appeal from the Supreme Court of Pennsylvania, Western District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice Brennan is of the opinion that the appeal should be dismissed but in treating the papers as a petition for writ of certiorari, certiorari should be granted. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 483. Charles E. Boineau, Jr., et al., appellants, *v.* O. Frank Thornton, Secretary of State of South Carolina, et al. Appeal from the United States District Court for the Eastern District of South Carolina. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 312, Misc. Isabella Bohman, appellant, *v.* City of Boston, Real Estate Commission. Appeal from the Superior Court of Massachusetts. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 313, Misc. Isabella Bohman, appellant, *v.* Peutucket Five Cent Saving Bank. Appeal from the Supreme Judicial Court of Massachusetts. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 17, **Original**. State of Nebraska, plaintiff, *v.* State of Iowa. This case is set down for argument on the motion for leave to file a bill of complaint.

No. 46. People of the State of California et al., petitioners, *v.* Lo-Vaca Gathering Company et al.;

No. 47. Southern California Gas Company et al., petitioners, *v.* Lo-Vaca Gathering Company et al.; and

No. 57. Federal Power Commission, petitioner, *v.* Lo-Vaca Gathering Company et al. The motion of respondent, Lo-Vaca Gathering Company, to defer oral argument is denied. Mr. Justice White took no part in the consideration or decision of this motion.

## CERTIORARI GRANTED

No. 363. Lucy C. Simons, petitioner, *v.* Miami Beach First National Bank, etc. Petition for writ of certiorari to the District Court of Appeal of Florida, Third District, granted.

No. 291. Minnesota Mining and Manufacturing Company, petitioner *v.* New Jersey Wood Finishing Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted. The Solicitor General is invited to file a brief expressing the views of the United States.

No. 345. Maryland for the use of Nadine Y. Levin, Sydney L. Johns et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit granted and case placed on the summary calendar.

No. 347. Max Jaben, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted and case placed on the summary calendar.

No. 348. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Question 6 presented by the petition which reads as follows:

"Whether the statute of limitations was tolled by Section 5 of the Clayton Act during the pendency of the Government's action in *United States v. Standard Oil Company of California et al.* (Civil No. 11584-C)?"

The case is placed on the summary calendar.

## CERTIORARI DENIED

No. 133. Maurice Steingold, Executor of the Estate of Samuel A. Steingold, et al., petitioners, *v.* Capital Airlines, Inc., et al. Petition for writ of certiorari to the Supreme Court of New York, Kings County, denied.



No. 254. Dixie Portland Flour Mills, Inc., petitioner, *v.* Stanifer G. Byrd. Petition for writ of certiorari to the Court of Appeals of Tennessee denied.

No. 285. Jack Baer, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 301. Elmer J. Day, petitioner, *v.* Northwest Division 1055 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, et al. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 305. Ana del Valle et al., petitioners, *v.* Hotel and Restaurant Employees and Bartenders International Union, AFL-CIO, et al. Petitioner for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 306. The Pennsylvania Railroad Company, petitioner, *v.* Chicago Express, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 308. Nick Chournos et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 310. C. Gordon Anderson, as Trustee for TMT Trailer Ferry, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 328. Samuel G. Beno, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 332. Louis Gladstein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 334. Local Union No. 12405, District 50, United Mine Workers, et al., petitioners, *v.* Martin Marietta Corp. et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 335. R. H. Wright, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 336. William Paul Krueger, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 338. Renee Bins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 350. Isidore Balaban et al., petitioners, *v.* Max J. Rubin et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 430. Max Manny Elgisser, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 103. Twentieth Century-Fox Film Corporation et al., petitioners, *v.* Samuel Goldwyn et al., doing business as Goldwyn Productions, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Douglas took no part in the consideration or decision of this petition.

No. 120. Rita Gottesman et al., petitioners, *v.* General Motors Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 383. Margot B. Schiff, etc., et al., petitioners, *v.* Honorable Charles M. Metzner, District Judge of the United States for the Southern District of New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 278. Monolith Portland Cement Company, petitioner, *v.* Public Utilities Commission of California et al. The motion of The Atchison, Topeka and Santa Fe Railway to be added as a party respondent is granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 302. National Labor Relations Board, petitioner, *v.* Wellington Mill Division, West Point Manufacturing Company. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 343. Fred A. Alexander et al., petitioners, *v.* Pacific Maritime Association et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 7, Misc. John Kenneth Real, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 36, Misc. James Ronald Preble, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 43, *Misc.* James Berryhill, petitioner, *v.* Ray H. Page, Warden, et al. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 135, *Misc.* Joseph Pagano, petitioner, *v.* Walter W. Fitzpatrick, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 270, *Misc.* Willard M. Cannon, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 306, *Misc.* Edwin Codarre, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 352, *Misc.* Clair D. Sullivan, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 361, *Misc.* Nicholas Logan, petitioner, *v.* Donald B. Peterson, Superintendent, Fulton State Hospital. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 365, *Misc.* Isaac J. Tindle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 366, *Misc.* Thomas Murray Burge, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 374, *Misc.* Ora E. Gaines, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 117, *Misc.* Percy Pruitt, 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.

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

No. 156, *Misc.* Charles E. Jenkins, petitioner, *v.* Maryland;

No. 159, *Misc.* Andrew Bellue, petitioner, *v.* Ellis C. MacDougall, Director, Department of Corrections; and

No. 336, *Misc.* Albert Eugene Hawkins, petitioner, *v.* Director, Patuxent Institution. Motions for leave to file petitions for writs of habeas corpus denied.

No. 432, *Misc.* Robert Blackburn, petitioner, *v.* L. L. Wainwright, Director, Florida Division of Corrections; and

No. 439, *Misc.* Benjamin Lewis Cranner, Jr., petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. 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.

## RECESS ORDER

The Court will take a recess from Monday, October 26, 1964, until Monday, November 9, 1964.

## ORAL ARGUMENT

No. 16. Elizabeth Simonson King, etc., et al., petitioners, *v.* United States. Argued by Mr. David S. Bate for the petitioners and by Mr. Alan S. Rosenthal for the respondent.

No. 4. Jim Garrison, appellant, *v.* Louisiana. Reargued by Mr. Eberhard P. Deutsch for the appellant and by Mr. Jack P. F. Gremillion for the appellee.

No. 14. Fibreboard Paper Products Corporation, petitioner, *v.* National Labor Relations Board et al. Argued by Mr. Marion B. Plant for the petitioner and by Mr. Solicitor General Cox and Mr. David E. Feller for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, October 20, 1964, will be as follows: Nos. 17, 20, and 22.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Donald L. Benson, of Alva, Okla., on motion of Mr. J. Howard Edmondson; Virgil H. Wedge, of Reno, Nev., on motion of Miss Eva B. Adams; William R. Federici, of Santa Fe, N. Mex., on motion of Mr. Robert C. McConnell; Arthur A. Kest, of Cleveland, Ohio, on motion of Mr. Spencer B. Michael; Joseph Sacks, of Brooklyn, N. Y., on motion of Mr. Frederick Albert Tilton; George M. Chapman, of New York, N. Y., and Mercer Logan Stockell, of New York, N. Y., on motion of Mr. James Fulton Hoge; Charles C. Countryman, of Yakima, Wash., and Elwood Hutcheson, of Yakima, Wash., on motion of Mr. Edward S. Irons; Lawrence Dale Kidwell, of Wichita, Kans., and George W. Ball, of Wichita, Kans., on motion of Mr. Richard Arnold Mullens; Edgar Wallace Breisch, Jr., of Pittsburgh, Pa., and Terrell Louis Ruhlman, of Pittsburgh, Pa., on motion of Mr. William D. Hall; and Paul Firestone, of Boston, Mass., John Jay Gardner, of Boston, Mass., Harold Karp, of Boston, Mass., and Louis Karp, of Boston, Mass., on motion of Mr. Arthur L. Murray, were admitted to practice.

### ORAL ARGUMENT

No. 17. Jesse M. Calhoun, as President, or Herbert W. Peters, as Secretary-Treasurer of District No. 1, National Marine Engineers' Beneficial Association, AFL-CIO, petitioner, *v.* Raymond H. Harvey et al., Individually and on Behalf of Other Persons Similarly Situated. Argued by Mr. David Scribner for the petitioner and by Mr. Burton H. Hall for the respondents.

No. 20. Walter C. Brulotte et al., petitioners, *v.* Thys Company. Argued by Mr. Edward S. Irons for the petitioners and by Mr. Elwood Hutcheson for the respondent.

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Mr. Solicitor General Cox addressed the Court as follows:

"Mr. Chief Justice:

"It is with sadness that I inform the Court of the death, late this morning, of Herbert Hoover, the thirty-first President of the United

States. He served his country unstintingly and with great distinction both before and after, as well as during, his Presidency. His death, while not wholly unanticipated, will be a shock not only to his fellow countrymen but also to millions of people in other lands whose suffering after the ravages of war he did so much to ease.

"I move that the Court do now recess as a mark of respect to the memory of the former President."

The Chief Justice said:

"Mr. Solicitor General:

"It is with sadness that the Court receives from you the news of the passing of this great American.

"President Hoover had a long and purposeful life—one of dedicated service to this Nation and to the world. People of every race on every continent of the earth are indebted to him for alleviating much of their suffering which resulted from the two most devastating wars in history.

"I am sure they, too, will mourn his passing, as we do.

"It is appropriate that you, Mr. Solicitor General, should make this motion, and the Court takes some consolation from the fact that it can, in granting it, pay its respect and veneration to his memory. Accordingly, the Court will transact no further business today and will stand adjourned until tomorrow."

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, October 21, 1964, will be as follows: Nos. 22, 24, and 49.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Ware Adams, of Chicago, Ill., Edward R. Lev, of Chicago, Ill., Glenn E. Woodard, of El Paso, Tex., and John Theodore Kipp, of Dallas, Tex., on motion of Mr. Solicitor General Archibald Cox; Carrington Shields, of Washington, D.C., and Viola C. Heaney, of Santa Barbara, Calif., on motion of Mrs. Maurine Howard Abernathy; Arnold M. Lerman, of Washington, D.C., on motion of Mr. John H. Pickering; George R. Hillsinger, of Los Angeles, Calif., on motion of Mr. Charles E. Pledger; Jay Martin Wordes, of Miami, Fla., on motion of Mr. Leonard B. Sussholz; Allan George Siegel, of Washington, D.C., on motion of Mr. Stuart Rothman; Thomas E. Kennedy, of Northbrook, Ill., on motion of Mr. Thomas V. Moore; David M. Vaughan, of Atlanta, Ga., on motion of Mr. Charles Patrick Clark; and Thomas M. Stewart, of Boulder, Colo., on motion of Mr. Alan D. McArthur, were admitted to practice.

## ORAL ARGUMENT

No. 22. All States Freight, Inc., et al., appellants, *v.* New York, New Haven and Hartford Railroad Company, et al. Two hours and forty minutes allowed for oral argument. Argued by Mr. Homer S. Carpenter for the appellants, by Mr. Robert W. Ginnane for the United States of America and the Interstate Commerce Commission, and by Mr. Edward A. Kaier and Mr. Eugene E. Hunt for the appellees.

No. 24. B. Elton Cox, appellant, *v.* Louisiana. Argued by Mr. Carl Rachlin for the appellant and by Mr. Ralph L. Roy for the appellee. Memorandum to come.

No. 49. B. Elton Cox, appellant, *v.* Louisiana. Argument commenced by Mr. Nils Douglas for the appellant.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, October 22, 1964, will be as follows:  
Nos. 49, 31, and 34.

SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Stephen Richard Pratt, of Kansas City, Mo., on motion of Mr. Solicitor General Archibald Cox; Turner Hudson McBaine, of San Francisco, Calif., and Robert J. Bowman, of Laguna Beach, Calif., on motion of Mr. Francis R. Kirkham; Gilbert H. Weil, of New York, N.Y., on motion of Mr. Melville Ehrlich; Mahlon F. Perkins, Jr., of New York, N.Y., on motion of Mr. Fred D. Turnage; Hector Anninos, of San Francisco, Calif., and Oscar Walker, of Bangor, Maine, on motion of Mr. John Thomas Murphy; Edward Baxter Marsh, of Washington, D.C., on motion of Mr. Harry W. Frazee; Arthur H. Snyder, of Hutchinson, Kans., on motion of Mr. Justin R. Wolf; Allen M. Mesirow, of Washington, D.C., on motion of Mr. Joshua Egelson; Rex Earl Shoop, of San Francisco, Calif., on motion of Mr. Paul E. Hadlick; and Paul H. Cullinan, of Easton, Conn., on motion of Mr. Charles H. Vaughn, were admitted to practice.

## ORAL ARGUMENT

No. 49. B. Elton Cox, appellant, *v.* Louisiana. Argument continued by Mr. Ralph L. Roy for the appellee and concluded by Mr. Nils Douglas for the appellant.

No. 31. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v.* United Air Lines, Inc. Two hours allowed for oral argument. Argued by Mr. James L. Highsaw, Jr., for the petitioner, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, and by Mr. Stuart Bernstein for the respondent.

No. 34. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. Argument commenced by Mr. Wayne G. Barnett for the petitioner.

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Adjourned until Monday, October 26, 1964, at 10 o'clock.

The day call for Monday, October 26, 1964, will be as follows:  
No. 34.



## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

James A. Chatz, of Chicago, Ill., Harry Ander, of Brooklyn, N.Y., Jacob B. Tanzer, of Portland, Oreg., and Harold Sterling Fardal, of Seattle, Wash., on motion of Mr. Solicitor General Archibald Cox; Julian Danford Anthony, Jr., of Hartford, Conn., on motion of Judge Bruce Miller Forrester; Margaret R. Bates, of Denver, Colo., on motion of Mr. Kahl K. Spriggs; Philip Walter Marquardt, of Tucson, Ariz., on motion of Mr. Roy Dale Adcock; William McWhorter Cochrane, of Chapel Hill, N.C., and Philip Palmer Green, Jr., of Chapel Hill, N.C., on motion of Mr. Hugh Q. Alexander; John Harvey Quinn, Jr., of Washington, D.C., on motion of Mr. A. Duncan Whitaker; John H. Hall, of Los Angeles, Calif., on motion of Mr. Frederick A. Ballard; Richard Aron Levin, of East Orange, N.J., on motion of Mr. Frank Ira Goodman; J. T. Vaughan, Jr., of Dallas, Tex., on motion of Mr. William P. McClure; H. Richard Bixby, of Yarmouth, Maine, on motion of Mr. J. David Mann, Jr.; Myron Woodrum Solter, of Washington, D.C., and Alan D. Hutchison, of Washington, D.C., on motion of Mr. James R. Sharp; James K. Tallman, of Anchorage, Alaska, on motion of Mr. Robert L. McCarty; Wm. E. Morrow, Jr., of Omaha, Nebr., on motion of Mr. Edward T. Tait; Arthur Albert Marshall, Jr., of Seabrook, Md., on motion of Mr. Richard E. Painter; Homer Earl Capehart, Jr., of Indianapolis, Ind., on motion of Mr. Don V. Harris, Jr.; and Peter J. Adolph, of Newton, Mass., M. David Hyman, of New York, N.Y., Leonard H. Rossen, of Silver Spring, Md., and Stanley Sporokin, of Washington, D.C., on motion of Mr. Irving M. Pollack, were admitted to practice.

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The Chief Justice said:

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

## OPINIONS PER CURIAM

No. 23. Filippo Giova, etc., petitioner, *v.* George K. Rosenberg, District Director of Immigration and Naturalization Service, Los

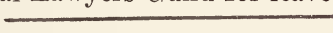
Angeles. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Upon consideration of the submission of the United States that the judgment should be reversed and cause remanded with directions to entertain the petition for review, and upon examination of the entire record, judgment reversed and case remanded to the United States Court of Appeals for the Ninth Circuit with directions to entertain the petition for review. Opinion *per curiam*.

No. 353. Burdwell H. Shipe et al., appellants, *v.* Thomas J. Brennan. Appeal from the Supreme Court of Pennsylvania, Middle District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 386. Gladys Quander Tancil et al., appellants, *v.* William P. Woolls and Franklin P. Backus, Judges of the Corporation Court of the City of Alexandria, Virginia; and

No. 412. Virginia State Board of Elections et al., appellants, *v.* E. Leslie Hamm et al. Appeals from the United States District Court for the Eastern District of Virginia. The motion to affirm in No. 412 is granted and the judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan is of the opinion that probable jurisdiction should be noted. Mr. Justice Brennan is of the opinion that probable jurisdiction should be noted in No. 386.

#### ORDERS IN PENDING CASES

No. 52. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. The motion of National Lawyers Guild for leave to file a brief, as *amicus curiae*, is granted. 

No. 590. Henry R. Ahlers, petitioner, *v.* United States. The petition for stay is denied.

#### APPEAL—JURISDICTION NOTED

No. 390. Ozark Butane Company, Inc., appellant, *v.* Oklahoma Liquefied Petroleum Gas Board et al. Appeal from the United States District Court for the Western District of Oklahoma. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

No. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted.

No. 237. Commissioner of Internal Revenue, petitioner, *v.* Robert Lee Merritt et ux., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Case consolidated with No. 134 and a total of one and one-half hours allotted for oral argument of both cases.

Mr. Justice Black took no part in the consideration or decision of this motion.

No. 352. General Motors Corporation, petitioner, *v.* District of Columbia. The motions of Associated Industries of New York State, Inc.; Bethlehem Steel Company; The National Association of Manufacturers; Automobile Manufacturers Association, Inc.; and The Electronic Industries Association for leave to file briefs, as *amicus curiae*, are granted. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted and case placed on the summary calendar.

No. 365. Michael C. Sansone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted limited to Questions 1 and 2 presented by the petition which read as follows:

"1. Whether the willful delivery of a false income tax return, a misdemeanor under section 7207 of the Internal Revenue Code of 1954, is a lesser included offense within section 7201 thereof, making it a felony to willfully attempt in any manner to evade one's income tax, and whether a defendant is entitled under Rule 31(c) of this Federal Rule of Criminal Procedure to a lesser offense instruction with respect thereto.

"2. Whether the willful failure to pay one's income tax, a misdemeanor under section 7203 of the Internal Revenue Code of 1954, is a lesser included offense within section 7201 thereof making it a felony to willfully attempt in any manner to evade one's income tax, and whether a defendant is entitled under Rule 31(c) of the Federal Rules of Criminal Procedure to a lesser offense instruction with respect thereto."

The case is placed on the summary calendar.

#### CERTIORARI DENIED

No. 354. Thomas C. Ballagh et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 356. The Acro Manufacturing Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 358. Buckhead Theatre Corporation et al., petitioners, *v.* Atlanta Enterprises, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 359. Robert Mims, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 366. The Philip Carey Manufacturing Company (Miami Cabinet Division), petitioner, *v.* National Labor Relations Board et al.; and

No. 370. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW-AFL-CIO, and its Local 689, petitioners, *v.* The Philip Carey Manufacturing Company, Miami Cabinet Division, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 368. Anthony P. Miller, Inc., et al., petitioners, *v.* Walter S. Kozdranski Co., Inc., et al. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, Fourth Judicial Department, denied.

No. 371. Alvin H. Frankel, Guardian of the Estate of Carol Tillman, a minor, petitioner, *v.* Edward Hoge Vick, M.D., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 373. The Great Lakes Towing Company, petitioner, *v.* American Steamship Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 374. Monroe Auto Equipment Company, petitioner, *v.* Heckethorn Manufacturing & Supply Company. Petition for writ of certiorari of the United States Court of Appeals for the Sixth Circuit denied.

No. 375. Harold A. Swanson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 376. Local 542, 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. 378. Harold Kanter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 382. Walter E. Banton, Jr., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 384. George Gentilli, petitioner, *v.* Mortimer M. Caplin, Commissioner of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 389. Lionel Marquez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 377. Rockwell Manufacturing Company, Kearney Division, 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 Goldberg took no part in the consideration or decision of this petition.

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

No. 144, **Misc.** Albert Harris, petitioner, *v.* Arkansas; and

No. 155, **Misc.** Orion Trotter, petitioner, *v.* Arkansas. Petitions for writs of certiorari to the Supreme Court of Arkansas denied.

No. 168, **Misc.** George Edward Chatfield, petitioner, *v.* George B. Harris, United States District Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 175, **Misc.** Hassie Cane Martin, petitioner, *v.* Kentucky et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 188, **Misc.** Walter Hall, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 192, **Misc.** Frank Anthony Carcerano, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 201, **Misc.** Albert Dixon, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 244, **Misc.** Andres H. Gonzalez, petitioner, *v.* California Adult Authority. Petition for writ of certiorari to the Supreme Court of California denied.

No. 254, **Misc.** Charles Glover Warnock, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 261, **Misc.** Joseph M. Blaich, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 264, **Misc.** Robert E. Morgan, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 284, **Misc.** Joseph Savage, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 309, **Misc.** Edward Cassone, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 396, **Misc.** Anthony Cappuccio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 423, **Misc.** Francis Carbonaro and Dominick LaMonica, petitioners, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 452, **Misc.** Martin X. Sostre, petitioner, *v.* Paul D. McGinnis, Commissioner of Correction of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 58, **Misc.** Robert Shuler and Jerry Chatman, petitioners, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court.

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

No. 387, **Misc.** Sylvester R. Winston, petitioner, *v.* United States et al. Motion for leave to file petition for writ of certiorari denied.

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

No. 105, **Misc.** Booker T. Hillery, Jr., petitioner, *v.* Lawrence E. Wilson, Warden;

No. 342, **Misc.** Gary Taylor, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 447, **Misc.** Francis Anthony Agresti, petitioner, *v.* O. G. Blackwell, Warden; and

No. 471, **Misc.** Jesse Shanks, petitioner, *v.* Maryland. Motions for leave to file petitions for writs of habeas corpus denied.

No. 271, **Misc.** Maurice Ferro, 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.

#### ORAL ARGUMENT

No. 34. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. Argument continued by Mr. Charles F. Wheatley, Jr., for the respondents and concluded by Mr. Wayne G. Barnett for the petitioner.

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Adjourned until Monday, November 9, 1964, at 10 o'clock.

The day call for Monday, November 9, 1964, will be as follows:  
Nos. 13, **Orig.**, 32 (and 33), and 55.

# SUPREME COURT OF THE UNITED STATES

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

## CERTIORARI DENIED

No. 636. Barry M. Goldwater, petitioner, *v.* Federal Communications Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

Dissenting opinion by Mr. Justice Goldberg from the denial of certiorari and application for expedited consideration, with whom Mr. Justice Black joins:

“I would grant certiorari and the application of the petitioner to set the case for oral argument on Thursday, October 29, 1964.

“In my view the question raised by the petition is substantial and warrants argument, which, in view of the imminence of the election, should be set for Thursday, if petitioner is to be given any practical relief before next Tuesday’s election.

“Section 315(a) of the Federal Communications Act of 1934, 47 U.S.C. § 315(a), is as follows:

“If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, that such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

““(1) bona fide newscast,

““(2) bona fide news interview,

““(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

““(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sen-

tence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.'

"The statute on its face plainly requires that a licensee who permits any legally qualified candidate for any public office to use its broadcast facilities afford equal opportunities to all other qualified candidates. No exemption is made for a legally qualified candidate who is the incumbent President of the United States. The express exceptions to the broad scope of the statute for bona fide broadcasts, news interviews, news documentaries and on-the-spot coverage of bona fide news events do not appear to apply to the address made by the President on Sunday, October 18, 1964, which does not seem to fit into any of these categories.

"The Federal Communications Commission's own interpretations of the statute have not been wholly consistent. The Commission has ruled that a spot announcement wherein President Eisenhower, then a candidate for re-election, appeared appealing for a Community Fund Drive constituted a use requiring equal time to all other candidates. *Columbia Broadcasting System*, 14 Pike and Fischer Radio Reg. 524 (1956). The Commission, in a divided decision, held, in 1956, that the Democratic candidate for President, the Honorable Adlai E. Stevenson, was not entitled to equal time resulting from use of the network facilities by the Republican candidate, President Eisenhower, to report on the Suez crisis. *Columbia Broadcasting System*, 14 Pike and Fischer, Radio Reg. 720 (1956). Finally, the Commission has recently held that the full broadcasting of a presidential news conference would be subject to the equal time requirement. *Columbia Broadcasting System*, F.C.C. 64-887, 56865 (Sept. 30, 1964). These varied holdings of the Commission, and the express language of the Act, confirm my view of the substantiality of the question and the need for immediate argument and speedy decision of this case.

"The importance of the question is, I believe, plainly apparent. The statute reflects a deep congressional conviction and policy that in our democratic society all qualified candidates should be given equally free access to broadcasting facilities, regardless of office or financial means, if any candidate is granted free time. This Court, in the recent past, has recognized the importance of making broadcasting facilities 'available to candidates for office without discrimination.' *Farmers Educational & Cooperative Union v. WDAY, Inc.*, 360 U.S. 525, 529.



Perhaps on argument, considerations may be advanced which would cast more light on what now appears to me to be a clear and unequivocal expression of congressional intent. But, since the Court has denied the petition and the application for expedited argument, I am impelled to record this dissent."

Mr. Justice White took no part in the consideration or decision of this petition.

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SUPREME COURT OF THE UNITED STATES

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

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The Chief Justice said:

"It is with profound regret that the Court announces the passing of our colleague and dear friend, Harold Hitz Burton.

"Mr. Justice Burton has gone from us, but for years before passing on he made a valiant fight against crippling disease with courage and serenity. He retired from the Supreme Court six years ago, but to the end of life he performed devoted service to other courts in the District of Columbia to the extent his diminishing strength would permit.

"He served thirteen years on the Supreme Court, and I am sure that in its long history no Justice on the Court has been held in higher esteem by his colleagues. His opinions written for the Court will be a lasting memorial to him, and will long be studied as a part of the development of American jurisprudence. A deeply religious and kindly man, Justice Burton personified good will and devotion to duty.

"As a Senator from Ohio and an Associate Justice of the Supreme Court, he has been a part of Washington for almost a quarter of a century.

"Justice Burton will be remembered fondly by people in all walks of life."

## ADMISSIONS TO THE BAR

Eugene Radding, of Burbank, Calif., Richard Ellery Loughborough, of Atlanta, Ga., Ernest Ginsberg, of Syracuse, N.Y., Thomas C. Halloran, of Stamford, Conn., Leo M. Ascherman, of Cleveland, Ohio, George T. Forssell, Jr., of Titusville, Pa., Zane E. Finkelstein, of Knoxville, Tenn., and David Hutchison Burrow, of Sweetwater, Tex., on motion of Mr. Solicitor General Archibald Cox; Thomas Herlihy, III, of Wilmington, Del., and Ruth M. Ferrell, of Wilmington, Del., on motion of Mr. James Caleb Boggs; Maurice O. Georges, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Thomas Hawthorne Phillips, of Austin, Tex., W. O. Shultz, II, of Austin, Tex., Lonny Franklin Zwiener, of Austin, Tex., and Robert Michael Perry, of San Antonio, Tex., on motion of Mr. William Ramsey Clark; Samuel H. Burr, of Birmingham, Ala., on motion of Mr. Louis F. Oberdorfer; A. Alan Hamshaw of Christiansted, St. Croix, V.I., on

motion of Mr. Paul H. Cullinan; Ralph W. Oman, of Topeka, Kans., on motion of Mr. Charles Sylvanus Rhyne; Arthur J. Homans, of New York, N.Y., on motion of Mr. Kalman I. Nulman; J. Martin Almodover-Acevedo, of San Juan, P.R., and Abelardo Ruiz-Suria, of San Juan, P.R., on motion of Mr. Raymond R. Dickey; Charles F. Bennett, of Albuquerque, N. Mex., on motion of Mr. Roy Dale Adcock; Joseph H. Resnick of Philadelphia, Pa., on motion of Mr. Augustus S. Ballard; James Leon Young, of Jackson, Miss., on motion of Mr. Penrose Lucas Allbright; Robert Theodore Quittmeyer, of New York, N.Y., on motion of Mr. William E. Willis; Cyrus A. Ansary of Washington, D.C., and Gant Redmon, of Washington, D.C., on motion of Mr. Peter V. Filpi; Lawrence K. Benson, of New Orleans, La., on motion of Mr. John J. Wilson; Thaddeus Edward Nugent, of Kansas City, on motion of Mr. Claude L. Rice; James Stephen Boxik, of Valparaiso, Ind., on motion of Mr. A. Ladd Skinner; John E. Thomason, of Houston, Tex., on motion of Mr. Jesse H. Foster, Jr.; Raymond L. Hagmann, of Mount Vernon, N.Y., and George E. Walton, of New York, N.Y., on motion of Mr. Eldon Wallingford; Charles William Lane, III, of New Orleans, La., and Arthur J. Waechter, Jr., of New Orleans, La., on motion of Mr. Edward L. Merrigan; Donald Earl Rohall, of Pittsburgh, Pa., on motion of Mr. Joseph A. Nacrelli; Edward C. Berkowitz, of Perth Amboy, N.J., on motion of Mr. Seymour Strongin; and Loren E. Van Krocklin, of Youngstown, Ohio, and Henry Charles Robinson, of Youngstown, Ohio, on motion of Mr. Vincent A. Pepper, were admitted to practice.

#### OPINIONS

No. 15. National Labor Relations Board, petitioner, *v.* Burnup and Sims, 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 for proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Opinion by Mr. Justice Harlan concurring in part and dissenting in part.

No. 31. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v.* United Air Lines, Inc. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Writ dismissed as improvidently granted. Opinion per curiam announced by Mr. Chief Justice Warren. Mr. Justice Harlan, believing that the questions which brought this case here should be decided, dissents from the dismissal of the writ. Mr. Justice Goldberg 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. **393**. R. S. Hooper, appellant, *v.* John A. Duncan, Superintendent, Department of Liquor Licenses and Control of Arizona, et al. Appeal from the Supreme Court of Arizona. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. **416**. Mary Cunliffe Trautwein et al., appellants, *v.* Community Redevelopment Agency of the City of Los Angeles, California; and

No. **426**. Henry Goldman et al., appellants, *v.* Community Redevelopment Agency of the City of Los Angeles, California. Appeals from the Supreme Court of California. The motion of John Swigart et al., for leave to file a brief, as *amici curiae*, in No. **426** is granted. The motions to dismiss are granted and the appeals are dismissed for want of jurisdiction. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*.

No. **481**. William A. Albaugh, etc., appellant, *v.* J. Millard Tawes, Governor of Maryland, et al. Appeal from the United States District Court for the District of Maryland. The judgment is affirmed. Opinion *per curiam*.

No. **379, Misc.** Nathaniel A. Denman et al., appellants, *v.* Kevin H. White, Secretary of State of Massachusetts, et al. Appeal from the United States District Court for the District of Massachusetts. The appeal is dismissed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. **138, October Term, 1963**. William Murphy and John Moody, Sr., petitioners, *v.* The Waterfront Commission of New York Harbor. The motion to retax costs is denied.

No. **914, Misc., October Term, 1963**. Warren Hill, petitioner, *v.* New York. The respondent is requested to file within twenty days a response to the motion for leave to file a petition for rehearing.

No. **52**. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. The motion of NAACP Defense and Educational Fund, Inc., for leave to file a brief, as *amicus curiae*, is granted. The motion of The American Civil Liberties Union, et al., for leave to file a brief, as *amici curiae*, is granted. Mr. Justice Black took no part in the consideration or decision of these motions.

No. 59. United States, petitioner, *v.* First National City Bank. The motion for leave to file a memorandum of Attorneys for Omar, S. A., as *amicus curiae*, is granted.

No. 60. Nick Jankovich and Paul Jankovich, co-partners, doing business as Calumet Aviation Company, petitioners, *v.* Indiana Toll Road Commission. The motion of The Air Transport Association for leave to file a brief, as *amicus curiae*, is granted.

No. 82. Sergeant Herbert N. Carrington, petitioner, *v.* Alan V. Rash et al. The motion of petitioner for leave to proceed further herein *in forma pauperis* is granted.

No. 380. Ronald L. Todd et al., petitioners, *v.* Joint Apprenticeship Committee, etc., et al.; and

No. 388. Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Division 1267, petitioner, *v.* Dade County Florida et al. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 515. Heart of Atlanta Motel, Inc., appellant, *v.* United States et al. The motion to expedite decision is denied.

#### CERTIORARI GRANTED

No. 399. United States, petitioner, *v.* Archie Brown. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted.

#### CERTIORARI DENIED

No. 205. Frank W. Babcock, petitioner, *v.* The Community Re-development Agency of the City of Los Angeles, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 372. Samuel J. Marroso, petitioner, *v.* United States; and

No. 471. John Jacob Samarin, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 392. Sidney C. Kleinman et al., petitioners, *v.* Hyman Saminsky et al. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 395. Honorable James M. Carter, Judge of the United States District Court for the Southern District of California, et al., petitioners, *v.* Olympic Refining Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 396. Bell Hosiery Mills, Inc., petitioner, *v.* Marvel Specialty Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 400. R. H. Wright, Inc., petitioner, *v.* City of Fort Lauderdale, Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 401. South Dakota, Game, Fish and Parks Department, et al. petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 403. J. C. Mount et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 407. H. L. Hanchey, Warden, petitioner, *v.* Woodman J. Collins. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 409. William W. Turner, petitioner, *v.* Robert F. Kennedy et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 411. Monroe Auto Equipment Company, petitioner, *v.* Superior Industries, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 414. Lam Tat Sin, petitioner, *v.* P. A. Esperdy, as District Director of the Immigration and Naturalization Service, New York District. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 417. Anthony Georgiou, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 418. Chester Park Apartments, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 419. Ben Lapensohn, petitioner, *v.* Pennsylvania; and

No. 420. Raymond Cohen et al., petitioners, *v.* Pennsylvania. Petitions for writs of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 421. Solomon Halio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 424. Outdoor American Corporation et al., petitioners, *v.* City of Philadelphia et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 425. Herbert C. Engle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 427. R. H. Wright, Inc., petitioner, *v.* Hardrives Co., Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 428. Albert Lapin and Lapinal, Inc., petitioners, *v.* Shulton, Inc., and Technique, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 429. Ashton J. Mouton, Collector of Revenue, State of Louisiana, petitioner, *v.* International Shoe Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 431. Thomas D. George et al., petitioners, *v.* Douglas Aircraft Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 433. Elmer Ruehrup, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 517. Lewis W. Twombly, petitioner, *v.* City of Long Beach, California, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 404. Gerardo A. Re, a/k/a Jerry A. Re, petitioner, *v.* United States;

No. 405. Gerard F. Re, petitioner, *v.* United States;

No. 406. Charles A. Casagrande, a/k/a Charles A. Grande, petitioner, *v.* United States; and

No. 410. Ely Batkin, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 408. Western Natural Gas Company, petitioner, *v.* Cities Service Gas Company; and

No. 513. Cities Service Gas Company, petitioner, *v.* Western Natural Gas Company. Petitions for writs of certiorari to the Supreme Court of Delaware denied. Mr. Justice White took no part in the consideration or decision of these petitions.

No. 88, **Misc.** William G. Holland, petitioner, *v.* Robert V. Murray, Chief, Metropolitan Police Department. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 127, **Misc.** Richard Allen, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

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

No. 220, **Misc.** Sterling H. Nickens, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **233, Misc.** John Waldon, petitioner, *v.* Richard A. Chappell, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **252, Misc.** George H. Richardson, Jr., petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. **321, Misc.** Jose Mario Martinez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **327, Misc.** Samuel D. Collins, petitioner, *v.* John Klinger. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. **329, Misc.** James J. Finley, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **331, Misc.** Paul Goffman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. **334, Misc.** Anthony Solla, petitioner, *v.* Dr. Ross E. Herold, Director, Dannemora State Hospital. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. **339, Misc.** Robert Draper and Raymond Lorentzen, petitioners, *v.* Washington et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. **341, Misc.** James Burks, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **343, Misc.** Scott Mays Emory, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. **349, Misc.** William Howlett Thompson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Fifth Appellate District, denied.

No. **351, Misc.** Marvin Don Albright, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **357, Misc.** Clarence E. Tillman, petitioner, *v.* South Carolina et al. Petition for writ of certiorari to the Supreme Court of South Carolina denied.

No. **358, Misc.** Pedro Riera, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **362, Misc.** Elizabeth Harris, petitioner, *v.* James B. Turner et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.



No. 364, **Misc.** Jack Meikle, 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. 367, **Misc.** William H. Engling, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 368, **Misc.** Clayborne Bynum, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 369, **Misc.** Hershel Quinton Nutt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 371, **Misc.** Gordon DeSimone, petitioner, *v.* Ross Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 377, **Misc.** Burnon L. McDaniel, petitioner, *v.* Union Tank Car Company. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 383, **Misc.** Robert P. Sexton, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

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

No. 386, **Misc.** Larry A. Russell, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 391, **Misc.** Ralph Nichols, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 410, **Misc.** Leo Grant Kissinger, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 413, **Misc.** Albert Mintzer, petitioner, *v.* Lazarus Joseph et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 425, **Misc.** Thomas C. Cooper, petitioner, *v.* Frederick G. Reincke, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 93, **Misc.** Paul Kern Imbler, 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. 231, **Misc.** Percy DeToro, petitioner, *v.* Vernon L. Pepersack, Warden. 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. 426, **Misc.** Gerald Pate, petitioner, *v.* Ray Page, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 209, **Misc.** Paul Gordon et al., etc., petitioners, *v.* Illinois Bell Telephone Company et al. Motion to substitute Ann Gordon in place of Paul Gordon is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

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

No. 392, **Misc.** Avery L. Lee, petitioner, *v.* Warden, Maryland Penitentiary;

No. 402, **Misc.** Richard J. Thomas, petitioner, *v.* W. C. Holman, Warden;

No. 409, **Misc.** Kenneth Brawley, petitioner, *v.* William C. Holman, Warden;

No. 478, **Misc.** Norman Lee Rogers, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution; and

No. 483, **Misc.** Robert L. Gray, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail. Motions for leave to file petitions for writs of habeas corpus denied.

#### REHEARINGS DENIED

No. 258. Albert Strite et al., petitioners, *v.* Edgar A. McGinnes, District Director of Internal Revenue;

No. 66, **Misc.** Donald F. Hipp, petitioner, *v.* Isidore P. Smith et al.;

No. 82, **Misc.** Ernest Calvin Johnson, petitioner, *v.* Dr. John P. Shovlin, Superintendent, Farview State Hospital;

No. 85, **Misc.** Hiram A. Matthewson et al., petitioners, *v.* Judge Leo W. McCune et al.;

No. 129, **Misc.** Karl H. Stello, petitioner, *v.* United States; and

No. 172, **Misc.** Thaddeus E. Tansimore, petitioner, *v.* United States. Petitions for rehearing denied.

No. 176, **Misc.** Francisco Cepero, appellant, *v.* Hon. President of the United States, et al. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

## ORDER

IT IS ORDERED by this Court that the Clerk of this Court, pursuant to 28 United States Code, Section 671(b), shall furnish bond with good and sufficient surety, or sureties, to be approved by this Court, in the amount of \$50,000 in favor of the United States of America and/or the United States of America, for the benefit of the litigants in the Supreme Court of the United States and of all others, as their interests may appear, conditional for the faithful and seasonable discharge of the duties of his office including the recording of the decrees, judgments, and determinations of the Supreme Court of the United States and, also, that he shall well and truly perform the services for which moneys by law or under the rules of this Court are advanced or paid to him, and shall truly and faithfully account for such moneys thus advanced or paid, and for any excess thereof after services are rendered, and also for all other moneys received by him as such Clerk of the Supreme Court of the United States, in accordance with law or the orders of this Court;

AND IT IS FURTHER ORDERED that the bond required by this order, when approved, as provided herein, shall be filed in the Department of Justice pursuant to law.

## ORAL ARGUMENT

No. 55. Independent Petroleum Workers of American, Inc., petitioner, *v.* American Oil Company. Argued by Mr. David E. Feller for the petitioner and by Mr. Frederic D. Anderson for the respondent.

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. Two hours allowed for oral argument. Argued by Mr. W. O. Shultz for the plaintiff, by Mr. Charles J. Kehoe for the defendant, State of New Jersey, by Mr. Fred M. Burns for the intervenor, State of Florida, by Mr. Ralph Oman for the Life Insurance Association of America, as *amicus curiae*, by Mr. Joseph H. Resnick for the defendant, State of Pennsylvania, and by Mr. Augustus S. Ballard for the defendant, Sun Oil Company.

No. 32. Howard Farmer, petitioner, *v.* Arabian American Oil Company; and

No. 33. Arabian American Oil Company, petitioner, *v.* Howard Farmer. Argument commenced by Mr. Kalman I. Nulman for the petitioner in No. 32 and the respondent in No. 33.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 10, 1964, will be as follows: Nos. 32 (and 33), 35, and 26 (and 30).

## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Nancy A. Thompson, of Washington, D.C., and Jacqueline Shepard Williams, of Washington, D.C., on motion of Mr. Attorney General Nicholas deB. Katzenbach; Gordon Barry Kahn, of Mobile, Ala., on motion of Mr. Marx Leva; Barbara Jeanne Bridge, of Fort Lauderdale, Fla., and Sidney Smith Whelan, Jr., of New York, N.Y., on motion of Mr. Richard David Andrews; Eugene N. Collins, of Chattanooga, Tenn., on motion of Mr. Charles Sylvanus Rhyne; Edward L. Genn, of Washington, D.C., on motion of Mr. Lawrence Speiser; Sheldon O. Collen, of Chicago, Ill., on motion of Mr. Milton V. Freeman; Lloyd L. Mahone, of Larchmont, N.Y., on motion of Mr. Richard Greeley Wynne; Larry B. Jackson, of Houston, Tex., and Floyd H. Myers, of Webster, Tex., on motion of Mr. Francis Raymond Hamill, Jr.; Walter J. Suthon III, of New Orleans, La., and Malcolm Logan Monroe, of New Orleans, La., on motion of Mr. Brice McAdoo Clagett; Frank Chadurjian, of Yorktown Heights, N.Y., on motion of Mr. Maurice Klitzman; Finlay MacLennan, of Kensington, Md., on motion of Mr. Noble J. Allen, Jr.; Anthony D. Brosterhous, of Beverly Hills, Calif., on motion of Mr. Alexander M. Heron; J. H. Krug, of Washington, D.C., on motion of Mr. Lucien Hilmer; James Fred Gruben, of Dallas, Tex., on motion of Mr. S. Wallace Kagan; Howard J. Schellenberg, Jr., of Falls Church, Va., on motion of Mr. Geo. Stephen Leonard; Joseph H. Kavanaugh, of Baton Rouge, La., and John Lanne, of New Orleans, La., on motion of Mr. Edward L. Merrigan; J. Charles Morris, of Raleigh, N.C., and Stuart Rodney Wolk, of New York, N.Y., on motion of Mr. Paul Sherwood; and J. Evans Attwell, of Houston, Tex., on motion of Mr. Bernard A. Foster, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 32. Howard Farmer, petitioner, *v.* Arabian American Oil Company; and

No. 33. Arabian American Oil Company, petitioner, *v.* Howard Farmer. Argument continued by Mr. Kalman I. Nulman for the petitioner in No. 32 and the respondent in No. 33, by Mr. Chester

Bordeau for the respondent in No. **32** and the petitioner in No. **33**, and concluded by Mr. Kalman I. Nulman for the petitioner in No. **32** and the respondent in No. **33**.

No. **35**. Securities and Exchange Commission, petitioner, *v.* American Trailer Rentals Company. Argued by Mr. Daniel M. Friedman for the petitioner, by Mr. Arthur W. Burke, Jr., for the respondent, and by Mr. Marcien Jenckes for State Mutual Life Assurance Company of America et al.

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Adjourned until Thursday, November 12, 1964, at 10 o'clock.

The day call for Thursday, November 12, 1964, will be as follows: Nos. **26** (and **30**), **40**, and **27**.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Howard Schulman, of New York, N.Y., on motion of Mr. Saul J. Jaffe; Thomas C. McCorkle, of Tulsa, Okla., on motion of Mr. Carroll Lewis Gilliam; James H. Rounsaville, of Jacksonville, Tex., on motion of Mr. Tom Pickett; George H. Gossman, of Seymour, Ind., on motion of Mr. Francis James O'Hara, Jr.; James David O'Brien, of Washington, D.C., on motion of Mr. Thomas McElrath Deboise II; and Merle M. McCurdy, of Cleveland, Ohio, Edward I. Stillman, of Cleveland, Ohio, Bernard J. Stuplinski, of Cleveland, Ohio, and Elmer M. Dugan, of Los Angeles, Calif., on motion of Mr. Adrian B. Fink, Jr., were admitted to practice.

## ORAL ARGUMENT

No. 26. Whitney National Bank in Jefferson Parish, petitioner, *v.* Bank of New Orleans and Trust Company et al.; and

No. 30. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Bank of New Orleans and Trust Company et al. Argued by Mr. Ralph S. Spritzer and Mr. Dean Acheson for the petitioners and by Mr. Edward L. Merrigan for the respondents.

No. 40. John W. Stanford, Jr., petitioner, *v.* Texas. Argued by Mr. Maury Maverick, Jr., and Mr. John J. McAvoy for the petitioner and by Mr. James E. Barlow and Mr. Hawthorne Phillips for the respondent.

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Adjourned until Monday, November 16, 1964, at 10 o'clock.

The day call for Monday, November 16, 1964, will be as follows: Nos. 27, 59, 50, 29, and 51.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Donald Clark Morrell, of Bethesda, Md., Giles B. Jackson, of Los Angeles, Calif., Marvin Eugene Tincher, of Long Beach, Calif., Richard M. Mowry, Jr., of Boca Raton, Fla., Michael James Jeweler, of Washington, D.C., Walter Hammond Floyd, of Whiteville, N.C., Angel Viera Martinez, of San Juan, P.R., Jerry Gifford Hill, of Houston, Tex., Aaron M. Greenberg, of Oakland, Calif., and Robert A. Rose, of Oakland, Calif., on motion of Mr. Solicitor General Archibald Cox; Richard W. Cleveland, of Eugene, Oreg., on motion of Mr. William Berg, Jr.; Michael John McArdle, of Chicago, Ill., on motion of Mr. Loren E. Beach; Robert Stuart Burk, of Chevy Chase, Md., on motion of Mr. Robert W. Ginnane; Willard B. Wagner, Jr., of Houston, Tex., on motion of Mr. Dennis G. Lyons; Jerome Kenyon Fields, of Los Angeles, Calif., on motion of Mr. Fulton Brylawski; Ronald Rosenberg, of Bethesda, Md., on motion of Mr. Henry Kaiser; Robert Barry Davis, of San Antonio, Tex., Anthony Scully Earl, of St. Ignace, Mich., and James Lyle Hoffman, Jr., of Norfolk, Va., on motion of Mr. Gardiner M. Haight; David W. Nord, of St. Paul, Minn., on motion of Mr. Mortimer Bernard Miley; Robert A. Vielhaber, of Hyattsville, Md., on motion of Mr. L. Paul Winings; Kenneth Eugene Marsh, of Baltimore, Md., on motion of Mr. John F. Burgan; Edward J. Balzarini, of Pittsburgh, Pa., and Robert Edmund Walsh, of Pittsburgh, Pa., on motion of Mr. Warren E. Magee; Herbert Donald Katz, of Fort Lauderdale, Fla., Elliott Moore, of Washington, D.C., on motion of Mr. Herman M. Levy; Joseph W. Morris, of Tulsa, Okla., on motion of Mr. Edwin S. Nail; Richard R. Robinson, of Milwaukee, Wis., on motion of Mr. Frank M. Long; James Howard Coleman, Jr., of Buckhannon, W. Va., on motion of Mr. Kenneth W. Greenawalt; Howard Paul Burak, of New York, N.Y., on motion of Mr. John S. Walker; Edgar Armond Rimbold, of Boston, Mass., on motion of Mr. John Joseph Stanton; and John E. Hoffman, Jr., of New York, N.Y., on motion of Mr. Henry Harfield, were admitted to practice.

## OPINION

No. 20. Walter C. Brulotte et al., petitioners, *v.* Thys Company. On writ of certiorari to the Supreme Court of Washington. Judgment reversed and case remanded to the Supreme Court of Washington for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Harlan.

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The Chief Justice said:

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

## OPINIONS PER CURIAM

No. 201. William W. Scranton, Governor, et al., appellants, *v.* Ira Walton Drew et al. Appeal from the United States District Court for the Middle District of Pennsylvania. Judgment vacated and case remanded to the United States District Court for the Middle District of Pennsylvania for further consideration in light of the decisions supervening since the entry of the judgment of the District Court. Opinion *per curiam*.

No. 298. Otto C. Boles, Warden, petitioner, *v.* Ernest Stevenson. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. The respondent's motion to dispense with the printing of the brief in opposition is granted. Petition for writ of certiorari granted, judgment modified, and as modified, is affirmed. Case remanded to the United States District Court for the Northern District of West Virginia for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black would affirm the judgment of the Court of Appeals.

No. 438. Winston P. Boyer et al., appellants, *v.* Richard L. Elkins et al. Appeal from the Supreme Court of Colorado. The motion to dismiss is granted and the appeal is dismissed for want of a properly presented federal question. Opinion *per curiam*.

No. 449. Associated Press et al., appellants, *v.* Edwin A. Walker. Appeal from the Court of Appeal of Louisiana, Second Circuit. 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. 5, **Original.** The United States of America, plaintiff, *v.* The State of California. The motion of the State of Alaska for leave to present oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 17, **Original.** State of Nebraska, plaintiff, *v.* State of Iowa. The motion of Roy M. Harrop et al. for leave to file a petition of intervention is denied.

No. 42. Mortimer Singer, petitioner, *v.* United States. The motion of Nicholas Jacop Uselding for leave to present oral argument, as *amicus curiae*, is denied.

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants, *v.* Henry J. Toombs et al. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

No. 577. Bob Granville Pointer, petitioner, *v.* Texas. The motion for the appointment of counsel is granted, and it is ordered that Orville A. Harlan, 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.

## CERTIORARI GRANTED

No. 422. Federal Trade Commission, petitioner, *v.* Consolidated Foods Corporation. The motion of Trabon Engineering Corporation et al. for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 437. Otto V. Burnett, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 443. Hughes Tool Company et al., petitioners, *v.* Trans World Airlines, Inc.; and

No. 501. Hughes Tool Company, petitioner, *v.* Trans World Airlines, Inc. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted and cases placed on the summary calendar.

No. 454. Nicholas J. O'Connell, Jr., etc., et al., petitioners, *v.* Joseph V. Manning, etc., et al.; and

No. 455. American Airlines, Inc., petitioner, *v.* Joseph V. Manning, etc., et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted and cases placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of these petitions.

## CERTIORARI DENIED

No. 71. Bekins Moving & Storage Company, petitioner, *v.* Donald Johnson. Petition for writ of certiorari to the Supreme Court of Idaho denied.

No. 398. Calmar Steamship Corporation, petitioner, *v.* James Thompson. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 434. Jackson L. Boughner, petitioner, *v.* Paul W. Tillotson, Special Agent, Internal Revenue Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 435. George A. Murdock, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 436. Clarence J. Malone, etc., et al., petitioner, *v.* Hurlbut Graves et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 439. Jack Lewis Katz, petitioner, *v.* C. C. Peyton. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 440. Truck Drivers and Helpers Local Union No. 728, etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 441. John Joseph Lombardozzi et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 444. Albert J. Wild, petitioner, *v.* Bennett Y. Brewer, Revenue Agent, Internal Revenue Service. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 445. Tage E. Pearson, petitioner, *v.* Youngstown Sheet and Tube Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 446. Mooney Aircraft, Inc., petitioner, *v.* Delray Beach Aviation Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 448. R. E. Hood, petitioner, *v.* Rudy Gay Hood. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 450. Paul Rhodes, petitioner, *v.* Clarence A. H. Meyer et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 451. Moses Joseph, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 452. Leandro Goiricelaya Ugalde et al., petitioners, *v.* Confederation Life Association, etc., et al. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 453. Truck Drivers Union Local No. 413, International Brotherhood of Teamsters, etc., 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. 447. Nicola Massa, petitioner, *v.* Ca. Venezuelan Navigacion. The motion of John W. McGrath Corporation to be added as a party respondent is granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 154, **Misc.** Clarence D. Rogers, petitioner, *v.* United States. Petitioner for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 174, **Misc.** Bobby Lee Griffin, petitioner, *v.* Elbert V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 281, **Misc.** Robert Berzin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 325, **Misc.** James William Nunn, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 328, **Misc.** Floyd E. Bateman, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 335, **Misc.** Melford Elten Rasmussen, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 355, **Misc.** Ralph Arnold Emanuelson, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 376, **Misc.** Michael O'Connor, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 382, **Misc.** Luis Manuel Rosario, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 405, **Misc.** Horace W. Long, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 411, **Misc.** Charles Wesley Nash, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 458, **Misc.** George Harders, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 487, **Misc.** Johnnie Brown, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

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

No. 372, **Misc.** William J. Schweitzer, petitioner, *v.* George Kropp, Warden, et al. Motion for leave to file petition for writ of certiorari denied.

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

No. 467, **Misc.** Theodore M. Harper, petitioner, *v.* California et al. Motion for leave to file petition for writ of habeas corpus denied.

No. 419, **Misc.** Dale Oliver Ross, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution; and

No. 530, **Misc.** Harold Ray Gross, petitioner, *v.* Texas 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.

#### REHEARINGS DENIED

No. 146. Mortimer W. H. Cox, Administrator, etc., petitioner, *v.* Arthur O. Hecker et al.;

No. 244. Chatsworth Cooperative Marketing Association et al., petitioners, *v.* Interstate Commerce Commission;

No. 280. Irving A. Kanarek, petitioner, *v.* United States;

No. 330. Baltimore Transit Company et al., petitioners, *v.* Maryland for the use of Gloria S. Geils et al.;

No. 483. Charles E. Boineau, Jr., et al., appellants, *v.* O. Frank Thornton, Secretary of State of South Carolina, et al.;

No. 166, Misc. Eli De Paunto, alias R. E. Lipscomb, petitioner, *v.* Michigan;

No. 181, Misc. Margaret Binz, appellant, *v.* Helvetia Florida Enterprises, Inc.; and

No. 245, Misc. Paul W. Welsh, petitioner, *v.* State Medical Board of Ohio. Petitions for rehearing denied.

No. 102. The Creek Nation East of the Mississippi, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice Black took no part in the consideration or decision of this petition.

#### RECESS ORDER

The Court will take a recess from Monday, November 23, 1964, until Monday, December 7, 1964.

#### ORAL ARGUMENT

No. 27. American Federation of Musicians, etc., et al., petitioners, *v.* Eddie Wittstein et al. Argued by Mr. Henry Kaiser for the petitioners and by Mr. Godfrey P. Schmidt for the respondents.

No. 59. United States, petitioner, *v.* First National City Bank. Argued by Mr. Louis F. Oberdorfer for the petitioner and by Mr. Henry Harfield for the respondent.

No. 50. United States, petitioner, *v.* Daniel Andrew Seeger. Argument commenced by Mr. Solicitor General Cox for the petitioner in No. 50, the respondent in No. 29, and the petitioner in No. 51.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, November 17, 1964, will be as follows: Nos. 50, 29, 51, 21, 38, and 46 (47, and 57).

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Joseph J. Wiedemann, of Elgin, Ill., and Marshall Simonds, of Boston, Mass., on motion of Mr. Solicitor General Archibald Cox; Daronne R. Tate, of Columbus, Ohio, Norton Victor Goodman, of Columbus, Ohio, and Edgar Lewis Lindley, of Columbus, Ohio, on motion of Mr. E. Brooke Alloway; France H. Goodwin, of Newport, R.I., and George E. Goodwin, of Newport, R.I., on motion of Mr. Gardiner M. Haight; Charles L. Fagin, of Oklahoma City, Okla., and Robert J. Elfers, of Tigard, Oreg., on motion of Mr. Roy Dale Adcock; Fred J. Hurlbut, of Kimball, Nebr., on motion of Mr. Hubert H. Finzel; Richard E. Tuttle, of San Francisco, Calif., on motion of Mr. James Calvin Simpson; Wm. R. Allen, of Los Angeles, Calif., on motion of Mr. Cecil Edwin Munn; and Wayne E. Kaplan, of Arlington, Va., on motion of Mr. Bruce E. Lovett, were admitted to practice.

### ORAL ARGUMENT

No. 50. United States, petitioner, *v.* Daniel Andrew Seeger. Argument concluded by Mr. Kenneth W. Greenawalt for the respondent.

No. 29. Forest Britt Peter, petitioner, *v.* United States. Argument concluded by Mr. Duane B. Beeson for the petitioner.

No. 51. United States, petitioner, *v.* Arno Sascha Jakobson. Argument concluded by Mr. Herman Adlerstein for the respondent.

No. 21. Chicago and North Western Railway Company, appellant, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company, et al. Argued by Mr. John C. Danielson for the appellant and by Mr. Frank M. Long for the appellees.

No. 38. City of El Paso, appellant, *v.* Greenberry Simmons. Argued by Mr. William J. Mounce for the appellant and by Mr. Greenberry Simmons for the appellee.

No. 46. People of the State of California et al., petitioners, *v.* Lo-Vaca Gathering Company et al.;

No. 47. Southern California Gas Company et al., petitioners, *v.* Lo-Vaca Gathering Company et al.; and

No. 57. Federal Power Commission, petitioner, *v.* Lo-Vaca Gathering Company et al. Argument commenced by Mr. Richard A. Solomon for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, November 18, 1964, will be as follows:  
Nos. 46 (47 and 57), 42, 43, and 300.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSION TO THE BAR

Duncan S. Kemp, of Amite, La., and Leonard E. Yokum, of Hammond, La., on motion of Mr. Ralph Simon Spritzer; James R. Forman, Jr., of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; Richard L. Jones, of Birmingham, Ala., and Edwin L. Brobston, of Bessemer, Ala., on motion of Mr. Lewis Guy Odom, Jr.; Albert Sidney Johnson, of Atlanta, Ga., on motion of Mr. E. Freeman Leverett; Richard L. Morgan, of Washington, D.C., on motion of Mr. Harold B. Whitmore; Edward S. White, of Atlanta, Ga., on motion of Mr. Francis Shackelford; Paul E. Hamer, of Deerfield, Ill., on motion of Mr. Ben C. Fisher; and Thomas R. Newman, of New York, N.Y., on motion of Mr. Calvin H. Cobb, Jr., were admitted to practice.

### ORAL ARGUMENT

No. 46. People of the State of California et al., petitioners, *v.* Lo-Vaca Gathering Company et al.;

No. 47. Southern California Gas Company et al., petitioners, *v.* Lo-Vaca Gathering Company et al.; and

No. 57. Federal Power Commission, petitioner, *v.* Lo-Vaca Gathering Company et al. Argument continued by Mr. Richard A. Solomon, Mr. Richard E. Tuttle and Mr. John Ormasa for the petitioners, by Mr. Sherman S. Poland for the respondents, and concluded by Mr. Richard A. Solomon for the petitioners.

No. 42. Mortimer Singer, petitioner, *v.* United States. Argued by Mr. Sidney Dorfman for the petitioner and by Miss Beatrice Rosenberg for the respondent.

No. 43. Republic Steel Corporation, petitioner, *v.* Charlie Maddox. Argued by Mr. Samuel H. Burr for the petitioner and by Mr. Richard L. Jones for the respondent.

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants, *v.* Henry J. Toombs et al. Argument commenced by Mr. E. Freeman Leverett for the appellants.



Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, November 19, 1964, will be as follows:  
Nos. **300**, **53**, and **69**.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Walter Nathan Kaufman, of New York, N.Y., and Horace Edward Beacham, Jr., of Palm Beach, Fla., on motion of Mr. Joseph F. Spaniol, Jr.; Robert Krohn Eifler, of Washington, D.C., and Seymour S. Mintz, of Washington, D.C., on motion of Mr. E. Barrett Prettyman, Jr.; George William Cregg, of Syracuse, N.Y., on motion of Mr. Herbert Emerson Forrest; William J. Keating, of Harrisonburg, Pa., on motion of Mr. B. Edward Shlessinger, Jr.; Ward William Waddell, Jr., of San Diego, Calif., on motion of Mr. Robert P. Stranahan, Jr.; Arthur C. Schreiber, of Chicago, Ill., on motion of Mr. Peter N. Chumbris; Robert R. Bunevich, of Passaic, N.J., and H. Gordon Shields, of Arlington, Va., on motion of Mr. S. William Cochran; Richard A. Wells, of Dallas, Tex., on motion of Mr. Edgar H. Brenner; Curtis Lloyd Roy, of Minneapolis, Minn., on motion of Mr. Don V. Harris, Jr.; William James Askin, of Washington, D.C., on motion of Mr. Lloyd J. Derrickson; Robert W. Jones, of Reading, Mass., on motion of Mr. Roy Dale Adcock; Billy L. Heskett, of Bartlesville, Okla., and Jack D. Heskett, of Bartlesville, Okla., on motion of Mr. Fred A. Tillman; Emmet C. Hart, of Tucumcari, N. Mex., on motion of Mr. Claude L. Dawson; and Dickee M. Howard, of Baltimore, Md., Carville M. Downes, of Baltimore, Md., Donald H. Noren, of Baltimore, Md., David T. Mason, of Baltimore, Md., Robert J. Martineau, of Baltimore, Md., Roger Duffey Redden, of Baltimore, Md., Stuart H. Rome, of Baltimore, Md., R. Randolph Victor, of Baltimore, Md., and Charles H. Wheatley III, of Baltimore, Md., on motion of Mr. Robert C. Murphy, were admitted to practice.

## ORAL ARGUMENT

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants *v.* Henry J. Toombs et al. Argument continued by Mr. E. Freeman Leverett for the appellants, by Mr. Francis Shackelford for the appellees, and concluded by Mr. E. Freeman Leverett for the appellants. Memoranda to come.

No. 53. Wayne Turner, petitioner, *v.* Louisiana. Argued by Mr. Allen B. Pierson, Jr., for the petitioner and by Mr. Leonard E. Yokum for the respondent.

No. 69. Ronald L. Freedman, appellant, *v.* Maryland. Argued by Mr. Felix J. Bilgrey for the appellant and by Mr. Thomas B. Finan for the appellee.

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Adjourned until Monday, November 23, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Bertha Claire Lee, of Miami, Fla., Leonard Richard Mellon, of Coral Gables, Fla., John Powers Crowley, of Chicago, Ill., William Omar Bittman, of Chicago, Ill., Raymond G. Lavalley, of New York, N.Y., and Laurier B. McDonald, of San Juan, P.R., on motion of Mr. Ralph Simon Spritzer; Alex S. Melgun, of Los Angeles, Calif., on motion of Mr. James C. Corman; William H. Dunn, of San Jose, Calif., on motion of Mr. Don Edwards; L. Ralph Mecham, of Salt Lake City, Utah, on motion of Mr. Arthur V. Watkins; Richard A. Tilden, of New York, N.Y., on motion of Mr. Robert Ash; Albert J. Datz, of Jacksonville, Fla., and Nathan Schevitz, of Jacksonville, Fla., on motion of Mr. J. William Norman, Jr.; Joseph Francis Healy, Jr., of Washington, D.C., on motion of Mr. C. Edward Leasure; William H. D. Cox, of St. Thomas, V.I., on motion of Mr. Harry E. Walburg; Richard Lynn Collier, of Dallas, Tex., M. G. Davis, of Dallas, Tex., and Henry E. Kerry, of Fort Worth, Tex., on motion of Mr. Theodore Lawrence Jones; John L. Catalan, of Washington, D.C., and Raymond H. Young, of Boston, Mass., on motion of Mr. Howard K. Shapar; Robert I. Lainof, of Alexandria, Va., and Bernard S. Cohen, of Alexandria, Va., on motion of Mr. John I. Pittman; Rogers M. Doering, of Scarsdale, N.Y., and Arthur I. Settles, of New York, N.Y., on motion of Mr. Thomas G. Carney; Thomas Y. Minniece, of Meridian, Miss., on motion of Mr. Joseph Mordecai Kittner; Ainslee R. Ferdie, of Coral Gables, Fla., on motion of Mr. Donald Knox Duvall; Jerome B. Blum, of Bethesda, Md., on motion of Mr. Robert E. Mitchell; Frederick W. Bankhead, of Weatherford, Tex., W. Richard Bernays, of Dallas, Tex., N. Alex Bickley, of Dallas, Tex., Walton P. Bondies, Jr., of Dallas, Tex., S. B. Bradley, of Dallas, Tex., Steven G. Condos, of Dallas, Tex., James Edgar Cowles, of Dallas, Tex., William D. Cox, Jr., of Dallas, Tex., Fred Russell Dicheroon, of Dallas, Tex., Kenneth C. Dippel, of Dallas, Tex., Christopher M. Weil, of Dallas, Tex., Jerry Ames Wells, of Dallas, Tex., Harold W. McCracken, of Dallas, Tex., James D. McKeithan, of Mission, Tex., Harry Donald Nicholson, of Corsicana, Tex., Samuel Burton Paterostro, of Dallas, Tex., Robert Harris Power, of Irving, Tex., Wm. L.

Richards, of Dallas, Tex., Gabe T. Vick, of Weatherford, Tex., and John H. Whittington, Jr., of Irving, Tex., on motion of Mr. Robt. H. Hare; and Lawrence Joseph Fuller, of Grand Rapids, Mich., Harold L. Savoie, of Lafayette, La., William Hutchinson McCleendon III, of Baton Rouge, La., William Roland Bruce, Jr., of Memphis, Tenn., Richard Hanley Crawford, of Memphis, Tenn., Thomas Edwin Douglas, Jr., of Memphis, Tenn., C. Cleveland Drennon, Jr., of Memphis, Tenn., Robert Grooms Drewry, of Memphis, Tenn., Marvin C. Goff, Jr., of Memphis, Tenn., Fred Everett Jones, of Memphis, Tenn., Henry T. V. Miller, Jr., of Memphis, Tenn., H. Rex Moody, of Memphis, Tenn., David D. Silberberg, of Memphis, Tenn., Donn Alan Southern, of Memphis, Tenn., Robert Norfleet White, of Memphis, Tenn., Edward Elton Crowell, Jr., of Dallas, Tex., Horace P. Guerra III, of Rio Grande City, Tex., William H. Haight, of San Antonio, Tex., Walter M. Kelly, of McAllen, Tex., William J. Rattikin, Jr., of Fort Worth, Tex., Lawrence Edward Steinberg, of Dallas, Tex., and Jack Harrell Walding, of Dallas, Tex., on motion of Mr. William S. Fulton, Jr., were admitted to practice.

## OPINIONS

No. 8. Robert L. Schlagenhauf, petitioner, *v.* Cale J. Holder, United States District Judge for the Southern District of Indiana. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment vacated and case remanded to the United States District Court for the Southern District of Indiana to reconsider the examination order and for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Opinion by Mr. Justice Black with whom Mr. Justice Clark joins concurring in part and dissenting in part. Opinion by Mr. Justice Douglas dissenting in part. Dissenting opinion by Mr. Justice Harlan.

No. 18. William Beck, petitioner, *v.* Ohio. On writ of certiorari to the Supreme Court of Ohio. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark with whom Mr. Justice Black joins. Dissenting opinion by Mr. Justice Harlan.

No. 4. Jim Garrison, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Concurring opinion by Mr. Justice Goldberg.

No. 54. United States et al., petitioners, *v.* Max Powell et al. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Stewart and Mr. Justice Goldberg join.

No. 12. Bayard Edward Ryan, 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 Harlan. Mr. Justice Stewart and Mr. Justice Goldberg concur in the result. Mr. Justice Douglas dissents for the reasons given in his separate opinion in *United States v. Powell*, No. 54, October Term, 1964, decided this date.

No. 55. Independent Petroleum Workers of America, Inc., petitioner, *v.* American Oil Company. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment affirmed by an equally divided Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Goldberg took no part in the consideration or decision of this case.

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The Chief Justice said :

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

#### OPINIONS PER CURIAM

No. 75. Colorado Interstate Gas Company, appellant, *v.* State Corporation Commission of Kansas et al. ;

No. 83. Northern Natural Gas Company et al., appellants, *v.* State Corporation Commission of Kansas et al. ; and

No. 140. Kansas-Nebraska Natural Gas Company, Inc., appellant, *v.* State Corporation Commission of Kansas et al. Appeals from the Supreme Court of Kansas. The motions to dismiss are granted and the appeals are dismissed for want of jurisdiction. Treating the papers whereon the appeals were taken as petitions for writs of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Justice White took no part in the consideration or decision of these cases.

No. 381. Northwestern Pacific Railroad Company, appellant, *v.* Interstate Commerce Commission et al. Appeal from the United States District Court for the Northern District of California. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 472. Robert P. McCulloch, appellant, *v.* California Franchise Tax Board. Appeal from the Supreme Court of California. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 5, **Original**. The United States of America, plaintiff, *v.* The State of California. The motion of John B. Ogden for leave to present oral argument is denied. The Chief Justice and Mr. Justice Clark took no part in the consideration or decision of this motion.

No. 44. American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board; and

No. 65. Veterans of the Abraham Lincoln Brigade, petitioner, *v.* Subversive Activities Control Board. The motion of Marvin M. Karpatkin and Melvin L. Wulf for leave to present oral argument, as *amici curiae*, is denied.

No. 52. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. The motion to dismiss is postponed pending the hearing on the merits. Mr. Justice Black took no part in the consideration of this motion.

No. 73. United States, appellant, *v.* Mississippi et al. The motion of The American Civil Liberties Union for leave to file a brief, as *amicus curiae*, is granted.

No. 178. Ben W. Fortson, Jr., as Secretary of State of Georgia, appellant, *v.* James W. Dorsey et al. The joint motion to advance is granted and the case is set for argument on Thursday, December 10, 1964.

## CERTIORARI DENIED

No. 251. Frank Ursich, petitioner, *v.* Manuel G. Da Rosa et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 456. Grand Lodge of the International Association of Machinists et al., petitioners, *v.* John J. King et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 457. Pan-American Life Insurance Company, petitioner, *v.* Abraham Raij. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 458. Diana Kearny Powell, petitioner, *v.* National Savings and Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 459. Pacific Insurance Associates, Ltd., petitioner, *v.* Fashions, Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 460. John Lapine et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 461. Karl Haller et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 462. Alan B. Kuper et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 463. Raymond L. Stover et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 465. Rose Katz, petitioner, *v.* Ira G. Katz. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 466. Julian Ralph Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 467. Raymond Cohen, petitioner, *v.* Highway Truck Drivers and Helpers, Local 107 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 468. City of New York, petitioner, *v.* Rose Bernstein et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 469. Althimus Sigue, petitioner, *v.* Texas Gas Transmission Corporation. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 470. National Maritime Union of America, AFL-CIO, petitioner, *v.* Gulfoast Transit Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 476. Joseph M. Murphy, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 477. Joseph Lewis et al., petitioners, *v.* James E. Allen, Jr., Commissioner of Education of New York. Petition for writ of certiorari to the Court of Appeals of New York denied.



No. 475. Byron Paul Wolff, petitioner, *v.* California. The motion to dispense with printing the petition is granted. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 59, **Misc.** Arnold Yopps, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 125, **Misc.** Anthony Richard Avellino, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 165, **Misc.** Robert Edward Lipscomb, petitioner, *v.* President Johnson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 190, **Misc.** Ashton B. Jones, petitioner, *v.* Harvey D. Teasley et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 210, **Misc.** Willis Case Rowe, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 232, **Misc.** William Chapman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 239, **Misc.** Stonewall Blake, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 381, **Misc.** Robert Draper, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 389, **Misc.** Silas S. Griffin, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 395, **Misc.** Felix Montes Cora, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 422, **Misc.** Joseph Bradford, petitioner, *v.* E. V. Nash, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

#### REHEARINGS DENIED

No. 129. Robert Laken, petitioner, *v.* Joan Cornmesser;

No. 144. Homer L. Woxberg, Sr., et al., petitioners, *v.* United States;

No. 194. Frank W. Cass et al., petitioners, *v.* The Youngstown Sheet and Tube Company;

No. 197. Diamante Urga, petitioner, *v.* Florida;

No. 259. Kenneth Agee, appellant, *v.* Columbus Bar Association;  
No. 260. Stanley Jirus, appellant, *v.* Columbus Bar Association;  
No. 37, **Misc.** Benjamin M. Huffman, petitioner, *v.* Douglas Aircraft Company et al.;

No. 53, **Misc.** Edward William Anderson, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections;

No. 175, **Misc.** Hassie Cane Martin, petitioner, *v.* Kentucky et al.;  
and

No. 222, **Misc.** Michael Anthony Rizzitello et al., petitioners, *v.* California. Petitions for rehearing denied.

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Adjourned until Monday, December 7, 1964, at 10 o'clock.

The day call for Monday, December 7, 1964, will be as follows:  
No. 5, **Orig.**

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

R. Dickey Hamilton, of Washington, D.C., Edward M. Daley, of Long Beach, Calif., Patrick J. McHugh, of Fort Collins, Colo., Daniel Roy Hunter, of Chicago, Ill., Harold Arvid Johnson, of Chicago, Ill., Sheldon Paul Migdal, of Chicago, Ill., Jonathan B. Altschuler, of New York, N.Y., John E. Adams, of Bismarck, N. Dak., Lynn Edwin Erickson, of Bismarck, N. Dak., Walter J. Howdyshell, of New Lexington, Ohio, David Thomas Link, of Sandusky, Ohio, William J. Brady, Jr., of Philadelphia, Pa., Martin Green, of Philadelphia, Pa., and Leonard Blair Tatar, of Washington, D.C., on motion of Mr. Solicitor General Archibald Cox; Roger F. Rice, of Birmingham, Ala., on motion of Mr. George Huddleston, Jr.; George N. Hayes, of Anchorage, Alaska, on motion of Mr. Ralph J. Rivers; Marcellus Wooten, Jr., of Dallas, Tex., Larry Oubre, of Dallas, Tex., and Sam Blakeley Hall, Jr., of Marshall, Tex., on motion of Mr. William Ramsey Clark; Stephen W. Shaughnessy, of Oakland, Calif., on motion of Mr. Richard David Andrews; William J. Sauer, of La Crosse, Wis., on motion of Mr. Brice Wilson Rhyne; Frederick Anthony Lawrence, of Providencet, R.I., on motion of Mr. Daniel T. Coughlin; John Manning Dyer, of Washington, D.C., on motion of Mr. Dominick Manoli; Robert A. Foster, of Orange, Calif., on motion of Mr. E. K. Gubin; Irving M. Clark, Jr., Seattle, Wash., on motion of Mr. Robert Lee McCarty; Andrew J. Kilcarr, of Washington, D.C., on motion of Mr. Edward R. Kenney; Warren J. Abbott, of West Covina, Calif., and Norman Gregory Taylor, of Los Angeles, Calif., on motion of Mr. Richard H. Keatinge; Walter Paul Doyle, of Chicago, Ill., on motion of Mr. Edwin Reese Fischer; Randall S. Jones, of Portland, Oreg., on motion of Mr. Raymond Lee Jones; Robert J. Eveld, Sr., of Fort Wayne, Ind., on motion of Mr. Alan J. Gould; Robert D. Zitko, of Columbus, Ohio, on motion of Mr. George F. Westerman; Albion Edward Stebbings, of Los Angeles, Calif., on motion of Mr. Wendell Lund; Howard S. Finkelstein, of Newburgh, N.Y., and Bryant Fischler, of Newburgh, N.Y., on motion of Mr. John S. Stillman; Anthony R. Mastromarino, of Taunton, Mass., on motion of Mr. C. William Tayler; Arthur S. Langlie, of Seattle, Wash., on motion of Mr. Earl Kintner; and Robert L. Achor, of Miami, Fla., and Earl Faircloth, of

Miami, Fla., on motion of Mr. John Carmody, were admitted to practice.

#### OPINIONS

No. 27. American Federation of Musicians, etc., et al., petitioners, *v.* Eddie Wittstein et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgments 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 White. Mr. Chief Justice Warren and Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 11. Dewey McLaughlin et al., appellants, *v.* Florida. Appeal from the Supreme Court of Florida. Judgment reversed and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Douglas joins.

No. 17. Jesse M. Calhoun, as President, or Herbert W. Peters, as Secretary-Treasurer of District No. 1 National Marine Engineers' Beneficial Association, AFL-CIO, petitioner, *v.* Raymond H. Harvey et al., Individually and on behalf of other persons similarly situated. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of the Court of Appeals reversed and judgment of the United States District Court for the Southern District of New York affirmed, and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas would affirm the judgment of the Court of Appeals for the reasons stated in its opinion. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins.

No. 10. Mabel Gillespie, Administratrix, etc., petitioner, *v.* United States Steel Corporation. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment modified to leave open the question of whether damages can be recovered for pain and suffering prior to death on the facts of this case and in all other respects judgment affirmed and case remanded to the United States District Court for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Opinion by Mr. Justice Goldberg dissenting in part. 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. 130. Railway Labor Executives' Association et al., appellants, v. United States et al. Appeal from the United States District Court for the Eastern District of Virginia. Judgment vacated insofar as it relates to §§ 4, 5, and 9 of the Washington Job Protection Agreement, and case remanded to the District Court with instructions to remand case to the Interstate Commerce Commission to amend its report and order in conformity with the opinion of this Court. Opinion *per curiam*.

No. 337. Warren J. Moity, appellant, v. Louisiana. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 495. Anthony Mutter, appellant, v. Wisconsin. Appeal from the Supreme Court of Wisconsin. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 436, Misc. Nancy Jewell Cross et al., appellants, v. John A. Bruning et al. 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*. The Chief Justice took no part in the consideration or decision of this case.

## ORDERS IN PENDING CASE

No. 543, October Term, 1963. United States, petitioner, v. Maryland for the use of Mary Jane Meyer et al. The motion of the respondents requesting action on the motion for leave to file a conditional petition for rehearing is denied. The motion for leave to file a brief, as *amici curiae*, in No. 345 is granted. The motion for leave to participate in the oral argument, as *amici curiae*, of No. 345 is denied.

## APPEALS—JURISDICTION NOTED

No. 496. Estelle T. Griswold et al., appellants, v. Connecticut. Appeal from the Supreme Court of Errors of Connecticut. In this case probable jurisdiction is noted.

No. 491. Corliss Lamont, doing business as Basic Pamphlets, appellant, v. Postmaster General of the United States. Appeal from the United States District Court for the Southern District of New York. In this case probable jurisdiction is noted. Counsel are directed to discuss in their briefs and oral argument the question of mootness as well as the merits of the case. Mr. Justice White took no part in the consideration or decision of this case.

## CERTIORARI GRANTED

No. 245. Waterman Steamship Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 294. One 1958 Plymouth Sedan, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, granted and case placed on the summary calendar.

No. 482. Federal Communications Commission, petitioner, *v.* Taft B. Schreiber 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. 489. United States, petitioner, *v.* Atlas Life Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

No. 503. Commissioner of Internal Revenue, petitioner, *v.* Estate of Marshal L. Noel, Deceased, William H. Frantz and Ruth M. Noel, Executors. 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. 256. Billie Sol Estes, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas granted limited to Question 2 presented by the petition which reads as follows:

"Whether the action of the trial court, over petitioner's continued objection, denied him due process of law and equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States, in requiring petitioner to submit to live television of his trial, and in refusing to adopt in this all out publicity case, as a rule of trial procedure, Canon 35 of the Canons of Judicial Ethics of the American Bar Association, and instead adopting and following, over defendant's objection, Canon 28 of the Canons of Judicial Ethics, since approved by the Judicial Section of the integrated (State agency) State Bar of Texas."

## CERTIORARI DENIED

No. 223. Ralph Arlee Poore et al., petitioners, *v.* James J. Mayer, Common Pleas Judge of Richland County, Ohio, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 282. Winifrede Railroad Company et al., petitioners, *v.* Luther Ray Rumbaugh; and

No. 283. Local Union 14182 United Mine Workers of America et al., petitioners, *v.* Luther Ray Rumbaugh. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 304. Samuel D. Carthan, petitioner, *v.* Sheriff, City of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 413. General Electric Company, petitioner, *v.* International Union of Electrical, Radio and Machine Workers, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 473. United States, petitioner, *v.* Madison County Board of Education et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 478. The Ottawa Tribe et al., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 479. John Hix Awtry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 480. Charles S. George, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 484. Laars Engineers, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 485. Jerome Rehman, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 487. Arthur E. Harris, petitioner, *v.* William F. Walker, Jr., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 490. Joseph E. Moses et ux., petitioners, *v.* North Carolina State Highway Commission. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 492. Joseph Celso, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 493. Irene Ethel Vinyard, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 497. John Ruffalo, Jr., petitioner, *v.* Mahoning County Bar Association. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 498. Carl Whitson, petitioner, *v.* Victor H. Mino et al. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 499. R. P. Balkcom, Jr., Warden, petitioner, *v.* Phil Whitus and Leon Davis. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 500. Sanford E. Aday, Wallace DeOrtega Maxey and Jack A. Lindsay, petitioners, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 502. Union Leader Corporation, petitioner, *v.* The Haverhill Gazette Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 504. Kingsport Press, Inc., petitioner, *v.* Frank W. McCulloch et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 507. Mabel Davis James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 508. Brotherhood of Locomotive Firemen and Enginemen et al., petitioners *v.* Illinois Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 509. Evva Gertrude King, Administratrix, etc., petitioner, *v.* Blanche J. Simmons, Administratrix, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 510. Anthony Gianfrancesco, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 511. Middlesex County National Bank, petitioner, *v.* Edward D. Hassan, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 512. Lawrence Roberts et al., petitioners, *v.* Ralph Stell et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 516. Bank Building and Equipment Corporation of America, petitioner, *v.* Walter J. Rees. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 518. Russell L. Sterling et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.



No. 519. Lenwood Dowery, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 522. Air Line Pilots Association, International, et al., petitioners, *v.* Aaxico Airlines, Inc.; and

No. 558. Aaxico Airlines, Inc., petitioner, *v.* Air Line Pilots Association, International, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 542. Anthony Gianfrancesco, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 596. Harold Konigsberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 488. In the Matter of Local 825, International Union of Operating Engineers and Peter W. Weber, petitioners. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 494. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Louisville and Nashville Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 505. Warden, Maryland Penitentiary, petitioner, *v.* Morris Ruckle. The motion of respondent for leave to proceed *in forma pauperis* is granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 506. Ashton Bryan Jones, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 514. Henry Thomas Bailey, petitioner, *v.* The New York Central Railroad Company. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied. Mr. Justice Black is of the opinion that certiorari should be granted and the judgments of both courts below reversed.

No. 123, Misc. Homer Lewis McQuaid, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 141, Misc. Robert Benson, petitioner, *v.* Frank A. Eyman, Warden. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 189, **Misc.** Clarence Stewart, Jr., petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 253, **Misc.** Gloria J. Alexander, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 288, **Misc.** Odell Parham, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 308, **Misc.** John Calvin Smith et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 315, **Misc.** Manuel Rivera, petitioner, *v.* United States; and

No. 316, **Misc.** Pablo Guerra, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 401, **Misc.** Guy C. Hunt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 404, **Misc.** Welton Vanhook, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 407, **Misc.** Clifford Coleman Woods, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 414, **Misc.** Alfonse Indelicato, alias Sonny Red, petitioner, *v.* Warden of Greenhaven Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 416, **Misc.** Lawrence Condon, 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. 417, **Misc.** William Duren, petitioner, *v.* Ohio. Petition for writ of certiorari to the Court of Appeals of Ohio, Cuyahoga County, denied.

No. 418, **Misc.** Charles Thomas, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 424, **Misc.** Harvey Richard Froembling, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 431, **Misc.** Samuel Stewart, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 433, **Misc.** Chester Banks, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 434, **Misc.** Alfred James Gary, petitioner, *v.* New York; and No. 435, **Misc.** Maurice Bagley and John O'Dell Martin, petitioners, *v.* New York. Petitions for writs of certiorari to the Court of Appeals of New York denied.

No. 438, **Misc.** Antonio Moreno Sandoval, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 442, **Misc.** Doyle Ashby, petitioner, *v.* Gresham Grim, Sheriff, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 446, **Misc.** Gerald F. Huth, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 448, **Misc.** William DeBerry, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 449, **Misc.** Louis Berman, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 450, **Misc.** Lester Ramsey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 451, **Misc.** Frederick A. Siegle, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 453, **Misc.** James Wright, 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. 454, **Misc.** Rex Edwin Keller, Jr., petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 459, **Misc.** Sam Green et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 461, **Misc.** Robert Melvin Brown, petitioner, *v.* Louie L. Wainwright. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 462, **Misc.** Murray Meckler, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 463, **Misc.** Marvin Spires, petitioner, *v.* James L. Bottorff. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 466, *Misc.* John Wilkes, Sr., petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 468, *Misc.* John Addison North, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 469, *Misc.* Joseph Dunn, petitioner, *v.* Richard J. Finley, etc. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 474, *Misc.* Sidney Smith, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 482, *Misc.* Francisco Molina Del Rio, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 488, *Misc.* Michael Gegenfurtner, petitioner, *v.* Wilbur J. Schmidt, Director, Department of Public Welfare and Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 503, *Misc.* David Harlow Pickett, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 526, *Misc.* John Wesley Schroeder, petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 541, *Misc.* Robert Epps, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

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

No. 508, *Misc.* Perry Eugene Walker, petitioner, *v.* Frank J. Pate, Warden. Motion for leave to file a petition for writ of certiorari denied.

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

No. 464, *Misc.* Carlos Rodriguez, petitioner, *v.* Daniel McMann, Warden; and

No. 489, *Misc.* Doyle Alva Terry, petitioner, *v.* Peter Pitches, Sheriff, County of Los Angeles. Motions for leave to file petitions for writs of habeas corpus denied.

No. 501, *Misc.* Sebron Dandy, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution; and

No. 517, *Misc.* Gale C. Dickey, petitioner, *v.* Texas 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.

#### REHEARINGS DENIED

No. 160. Harry R. Smith, petitioner, *v.* United States;

No. 385. Irma Grossman et al., petitioners, *v.* Jeannette Stubbs et al.;

No. 481. William A. Albaugh, etc., appellant, *v.* J. Millard Tawes, Governor of Maryland, et al.;

No. 29, Misc. Victor Morales Ortiz, Jr., petitioner, *v.* United States; and

No. 127, Misc. Richard Allen, petitioner, *v.* William H. Bannan, Warden. Petitions for rehearing denied.

No. 120. Rita Gottesman et al., petitioners, *v.* General Motors Corporation et al. Petition for rehearing denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 249. Scott N. Brown, petitioner, *v.* Tennessee. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 2, Misc. W. E. Young, petitioner, *v.* South Carolina. Motion for leave to file a petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, December 14, 1964, until Monday, January 18, 1965.

#### ORDER

An order is entered approving the bond of the Clerk of this Court and directing that it be recorded.

#### ORAL ARGUMENT

No. 5, Original. The United States of America, plaintiff, *v.* The State of California. Five hours allowed for oral argument. Argument commenced by Mr. Richard H. Keatinge for the defendant and continued by Mr. George N. Hayes for the State of Alaska, as *amicus curiae*, by special leave of Court, and by Mr. Solicitor General Cox for the plaintiff.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, December 8, 1964, will be as follows:  
Nos. 5, Orig., 64, 44, and 65.

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Julius I. Friedman, of Miami, Fla., on motion of Mr. Solicitor General Archibald Cox; Paul Gerald Mast, of Santa Ana, Calif., on motion of Mr. Robert L. Leggett; Clyde Burch, of Bethel, Mo., on motion of Mr. Frank Ikard; Michael Alexander Korb, Jr., of Portsmouth, Va., on motion of Mr. J. Vaughan Gary; George Thompson, of Madison, Wis., on motion of Mr. Vernon W. Thomson; Robert L. Keuch, of Washington, D.C., on motion of Mr. Kevin T. Maroney; Roy G. Mita, of Madison, Wis., on motion of Mr. George Brunner Schwahn; Fred H. Drucker, of Pasadena, Calif., on motion of Mr. Alexander M. Heron; Aaron R. Fodiman, of Washington, D.C., on motion of Mr. William Martin Donnelly; Albert McBride, Jr., of Pittsburgh, Pa., on motion of Mr. Edward S. Smith; and Arthur Mermin, of New York, N.Y., on motion of Mr. Donald J. Mulvihill, were admitted to practice.

### ORAL ARGUMENT

**No. 5, Original.** The United States of America, plaintiff, *v.* The State of California. Argument continued by Mr. Solicitor General Cox for the plaintiff and concluded by Mr. Richard H. Keatinge for the defendant.

**No. 64.** Robert Swain, petitioner, *v.* Alabama. Argued by Mrs. Constance B. Motley for the petitioner and by Mr. Leslie Hall for the respondent.

**No. 44.** American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board. One and one-half hours allowed for oral argument. Argument commenced by Mr. Joseph Forer for the petitioner and continued by Mr. Bruce J. Terris for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, December 9, 1964, will be as follows: Nos. 44, 65, 37 (and 41), 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 Goldberg.

## ADMISSIONS TO THE BAR

David A. Baker, of Chicago, Ill., on motion of Mr. Robert B. Hummel; Paul J. Spielberg, of Washington, D.C., on motion of Mr. Bruce J. Terris; Philip J. Devine, of Albany, N.Y., on motion of Mr. Marvin Edward Schlosser; John F. Betar, of New Iberia, La., on motion of Mr. Zane E. Finkelstein; John B. Siefken, of New York, N.Y., on motion of Mr. Stuart Northall Updike; Gene Allen DeLeve, of Kansas City, Mo., on motion of Mr. A. Harry Becker; Richard Broughton Kay, of Cleveland, Ohio, on motion of Mr. H. Douglas Weaver; Richard Murray, of San Francisco, Calif., on motion of Mr. Alvin Friedman; Donald Grody, of New York, N.Y., on motion of Mr. James E. Jones, Jr.; Sherman A. Katz, of Davie, Fla., on motion of Mr. Herman M. Levy; Michael L. Shatten, of Washington, D.C., on motion of Mr. J. Edward Welch; James W. Newman III, of Jackson, Miss., on motion of Mr. John Kenton Chapman; Earl E. Yates, of Seattle, Wash., on motion of Mr. Robert Nolan Reeves; Donald R. Johnston, of Minneapolis, Minn., on motion of Mr. Clarence J. Wagner; Edwin Henkel Pewett, of Chevy Chase, Md., and Jonathan Welsh Sloat, of Washington, D.C., on motion of Mr. Henry B. Weaver, Jr.; and Leonard Greenwald, of New York, N.Y., Thomas T. Kilhenny, of New York, N.Y., Everett E. Lewis, of New York, N.Y., John J. McCarthy, of New York, N.Y., and Hyman Worthman, of New York, N.Y., on motion of Mr. Irving Abramson, were admitted to practice.

## ORAL ARGUMENT

No. 44. American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board. Argument continued by Mr. Bruce J. Terris for the respondent and concluded by Mr. Joseph Forer for the petitioner.

No. 65. Veterans of the Abraham Lincoln Brigade, petitioner, *v.* Subversive Activities Control Board. One and one-half hours allowed for oral argument. Argued by Mr. Leonard B. Boudin for the petitioner and by Mr. Kevin T. Maroney and Mr. Bruce J. Terris for the respondent.

No. 37. Textile Workers Union of America, petitioner, *v.* Darlington Manufacturing Company et al.; and

No. 41. National Labor Relations Board, petitioner, *v.* Darlington Manufacturing Company et al. Argument commenced by Mr. Dominick L. Manoli for the petitioners and continued by Mr. Irving Abramson for the petitioners and by Mr. Sam J. Ervin, Jr., for the respondents.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, December 10, 1964, will be as follows:  
Nos. 37 (and 41), 62, 60, and 178.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Nathan P. Feinsinger, of Madison, Wis., on motion of Mr. Henry S. Reuss; Arthur F. Koskinas, of Worcester, Mass., and William J. McGrath, of Dayton, Ohio, on motion of Mr. Philip B. Heymann; George C. Carr, of Lakeland, Fla., Lawton M. Chiles, Jr., of Lakeland, Fla., Julian D. Clarkson, of Fort Myers, Fla., and Richard B. Keating, of Orlando, Fla., on motion of Mr. James W. Kynes; Harold L. Folley, of Indianapolis, Ind., and Robert C. Lester, of Washington, D.C., on motion of Mr. Bernard Dunau; Henry J. Cappello, of Arlington, Va., and William J. Durkin, of Washington, D.C., on motion of Mr. John A. Gosnell; William C. O'Kelley, of Atlanta, Ga., on motion of Mr. Louis V. di Donato; Edmund McIlhenny, of New Orleans, La., on motion of Mr. Francis C. Browne; John Neil Benney, of Warrenton, Va., Charles C. Hartman, Jr., of Annapolis, Md., and Charles Edward Hartman II, of Annapolis, Md., on motion of Mr. Kahl K. Spriggs; Stanley Marvin Meyer, of Brooklyn, N.Y., and Irving Philip Seidman, of Brooklyn, N.Y., on motion of Mr. John Page Marshall; Robert W. Healy, of Washington, D.C., on motion of Mr. John P. Cole, Jr.; Edwin F. Hunt, of Atlanta, Ga., and Robert G. McMorro, of Washington, D.C., on motion of Mr. Russell L. Law; James Owen Knotts, of Denton, Md., on motion of Mr. James Albert House, Jr.; Dale Lee, of Beverly Hills, Calif., on motion of Mr. Maurice C. Goodpasture; Perry C. Ausbrook, of Washington, D.C., on motion of Mr. Isaiah Guyman Martin; Harry L. Kirkpatrick, of Boston, Mass., on motion of Mr. Frank L. Neuhauser; Andrew L. Bain, of Wayne, N.J., and Salvatore A. Giarratana, of Upper Montclair, N.J., on motion of Mr. Robert F. Ziems; Charles Truman Finley, of Mt. Rainier, Md.; Heiskell Rea Gray, of Suitland, Md., and Blair Hanna Smith, of Mt. Rainier, Md., on motion of Mr. William Britton Moore; and Joel Robinson, of Providence, R.I., on motion of Mr. Edwin G. Schuck, were admitted to practice.

## ORAL ARGUMENT

No. 37. Textile Workers Union of America, petitioner, *v.* Darlington Manufacturing Company et al.; and

No. 41. National Labor Relations Board, petitioner, *v.* Darlington Manufacturing Company et al. Argument continued by Mr. Sam J. Ervin, Jr., and Mr. Stuart N. Updike for the respondents and concluded by Mr. Irving Abramson for the petitioners.

No. 62. Federal Trade Commission, petitioner, *v.* Colgate-Palmolive Company et al. Argued by Mr. Philip B. Heymann for the petitioner and by Mr. John F. Sonnett for the respondents.

No. 60. Nick Jankovich and Paul Jankovich, co-partners, doing business as Calumet Aviation Company, petitioners, *v.* Indiana Toll Road Commission. Argued by Mr. Bernard Dunau for the petitioners and by Mr. Hugh B. Cox for the respondent.

No. 178. Ben W. Fortson, Jr., as Secretary of State of Georgia, appellant, *v.* James W. Dorsey et al. Argued by Mr. Paul Rodgers for the appellant and by Mr. Edwin F. Hunt for the appellees.

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Adjourned until Monday, December 14, 1964, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Thomas John McKeon, of Hartford, Conn., Mitchell Blankstein, of Washington, D.C., Gerald Brown, of Chicago, Ill., Jerry Z. Pruzansky, of Chicago, Ill., John M. Reed, of Boston, Mass., Harvey R. Blau, of New York, N.Y., Clarence M. Dunnaville, Jr., of New York, N.Y., Laurence Vogel, of New York, N.Y., Donald Maxwell Robiner, of Cleveland, Ohio, Robert J. Rodefer, of Hobbs, N. Mex., Harry M. Wasserman, of Cincinnati, Ohio, Robert Willing Ryan, Jr., of Fort Worth, Tex., and James Naber McCune, of Annandale, Va., on motion of Mr. Solicitor General Archibald Cox; John M. McCarvel, of Great Falls, Mont., on motion of Mr. Arnold H. Olsen; John D. Smith, of Akron, Ohio, on motion of Mr. John H. Pratt; William H. Blackmarr, of St. Petersburg, Fla., Joseph A. Boatright, of Douglas, Ga., and Henry J. Olk, Jr., of Antigo, Wis., on motion of Mr. Frank Stetson; Richard Ernest Rieder, of New York, N.Y., on motion of Mr. John Richard DeBarr; Charles Hoffman, of Silver Spring, Md., on motion of Mrs. Ruby Kettles Peterson; John Francis Middleton, of Washington, D.C., and David Payne Sutton, of Washington, D.C., on motion of Mr. Hubert B. Pair; Aaron Feibel, of New York, N.Y., on motion of Mr. Fred W. Peel; John Tyssowski Roberts, of Alexandria, Va., and Malcolm Livingston Sutherland, of Alexandria, Va., and Francis James Conklin, of Spokane, Wash., on motion of Mr. Michael Haley Bader; Meyer Scher, of Sunnyvale, Calif., on motion of Mr. William Benson Bryant; Glenn A. Mitchell, of Washington, D.C., on motion of Mr. Edward S. O'Neill; Samuel Lyons Sagendorph, of Norristown, Pa., on motion of Mr. Carl Helmetag, Jr.; Lucille Snowden Mitchell, of Akron, Ohio, on motion of Mr. Joseph L. Rauh, Jr.; Dale Eugene Murphy, of Brougeville, Pa., on motion of Mr. Francis Worley; Russell Shultz, of Wichita, Kans., on motion of Mr. Neil Bernard Kabatchnick; John Richard Brunner, of Huntington Beach, Calif., on motion of Mr. Dayton M. Harrington; Richard E. Whitaker, of Salt Lake City, Utah, on motion of Mr. Edgar Harrison Hughson; Arthur Mortimer Solomon, of Chicago, Ill., on motion of Mr. Jack P. Blume; and Albert E. Mayer, of Atlanta, Ga., on motion of Mr. Henry A. Dudley, were admitted to practice.

## OPINIONS

No. 22. All States Freight, Inc., et al., appellants, *v.* New York, New Haven and Hartford Railroad Company et al. Appeal from the United States District Court for the District of Connecticut. Judgment affirmed. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice White with whom Mr. Chief Justice Warren, Mr. Justice Black and Mr. Justice Brennan join.

No. 16. Elizabeth Simonson King, etc., et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice White. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 515. Heart of Atlanta Motel, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the Northern District of Georgia. Judgment affirmed. Opinion by Mr. Justice Clark. Concurring opinions by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Goldberg in this case and in No. 543, October Term, 1964, *infra*.

No. 543. Nicholas deB. Katzenbach, as Acting Attorney General of the United States, et al., appellants, *v.* Ollie McClung, Sr., et al. Appeal from the United States District Court for the Northern District of Alabama. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Clark. Concurring opinions by Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Goldberg in this case and in No. 515, October Term, 1964, *supra*.

No. 2. Arthur Hamm, Jr., petitioner, *v.* City of Rock Hill. On writ of certiorari to the Supreme Court of South Carolina; and

No. 5. Frank James Lupper et al., petitioners, *v.* Arkansas. On writ of certiorari to the Supreme Court of Arkansas. Judgments vacated and cases remanded to the Supreme Court of South Carolina and the Supreme Court of Arkansas with instructions to order the dismissal of the charges as abated. Opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Goldberg joins. Dissenting opinions by Mr. Justice Black, Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice White.

No. 32. Howard Farmer, petitioner, *v.* Arabian American Oil Company; and

No. 33. Arabian American Oil Company, petitioner, *v.* Howard Farmer. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Judgment of Court of Appeals reversed and judgment of United States District Court for the Southern District of New York affirmed. Opinion by Mr. Justice Black. Opinion

by Mr. Justice Goldberg concurring in the result. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins.

No. 14. Fibreboard Paper Products Corporation, petitioner, *v.* National Labor Relations Board et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Stewart with whom Mr. Justice Douglas and Mr. Justice Harlan join. Mr. Justice Goldberg took no part in the consideration or decision of this case.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 535. The Piano and Musical Instrument Workers Union, Local No. 2549 of the United Brotherhood of Carpenters and Joiners of America, AFL-CIO, petitioner, *v.* W. W. Kimball Company. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment 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. 87, Misc. Freddy Green, petitioner, *v.* Lynn Bomar, 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 in light of *Townsend v. Sain*, 372 U.S. 293. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 48. United Mine Workers of America, petitioner, *v.* James M. Pennington et al. The motion of the petitioner to remove this case from the summary calendar is granted.

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. The motion of the petitioners to remove this case from the summary calendar is denied. The motion of the Solicitor General, on behalf of the United States, for leave to participate in the oral argument, as *amicus curiae*, is granted and thirty minutes are allotted for that purpose. Counsel for the petitioners

and counsel for the respondent are allotted an additional fifteen minutes each for oral argument.

No. 527. The Hanna Mining Company et al., petitioners, *v.* District 2, Marine Engineers Beneficial Association, AFL-CIO, et al. The Solicitor General is invited to file a brief expressing the views of the United States.

#### APPEALS—JURISDICTION NOTED

No. 624. Samuel A. Parsons, Town Clerk of the Town of Hubbardton, et al., appellants, *v.* T. Garry Buckley et al.; and

No. 625. Philip H. Hoff, Governor of Vermont, et al., appellants, *v.* T. Garry Buckley et al. Appeals from the United States District Court for the District of Vermont. In these cases probable jurisdiction is noted. The cases are consolidated and a total of two hours is allotted for oral argument. The appellants are directed to file their briefs on or before January 2, 1965. The appellees are directed to file their briefs on or before January 15, 1965. These cases are set for oral argument on January 18, 1965. That portion of the judgment of the United States District Court for the District of Vermont which is the subject of these appeals is hereby stayed until further order of this Court.

#### CERTIORARI GRANTED

No. 292. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission. 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. 296. The Goodyear Tire & Rubber Company, petitioner, *v.* Federal Trade Commission. 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. 486. W. Palmer Dixon et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 628. United States, petitioner, *v.* Midland-Ross Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 526. Al Harris, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted limited to Questions 2, 3, and 4 presented by the petition which read as follows:

"2. Whether petitioner was afforded a proper and fair hearing for criminal contempt under Rule 42(a) Federal Rules of Criminal Procedure and whether *Brown v. United States*, 359 U.S. 41 should be reconsidered and overruled by this Court.

"3. Whether petitioner should have been granted a trial by jury on the charge of criminal contempt where he has been sentenced to one year's imprisonment.

"4. Whether the sentence of one year's imprisonment imposed against petitioner in a summary contempt proceeding is constitutionally permissible."

No. 107, **Misc.** Melvin C. Jenkins, 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. 520. American-Hawaiian Steamship Company et al., petitioners, *v.* C. Douglas Dillon, Secretary of the Treasury, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 521. Rebecca Simon Wolfsohn, etc., petitioner, *v.* Gregory Hankin et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 523. Barbara Ann Farley, petitioner, *v.* Ross E. Farley. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 524. Gladys Jordan, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 525. Iowa Southern Utilities Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 528. Hy-Lan Furniture Company, Inc., petitioner, *v.* Thomas J. Wilson, as Trustee in Bankruptcy of Georgetown Galleries, Inc., et al. Petition for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 529. Nicholas Guarracino, petitioner, *v.* Luckenbach Steamship Company, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 530. Mary H. Shelp et al., petitioners, *v.* National Surety Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 531. Clifford Junior Thomas, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 532. Hudson-Sharp Machine Co., petitioner, *v.* Erving Paper Mills. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 533. International Association of Machinists et al., petitioners, *v.* United Aircraft Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 537. The Oneida Tribe of Indians of Wisconsin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 534. Anthony Provenzano, petitioner, *v.* United States. The motion of American Civil Liberties Union of New Jersey for leave to file a brief, as *amicus curiae*, is granted. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 89, Misc. Francis O'Halloran, 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. 243, Misc. Richard John Stewart, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 279, Misc. Bobby C. Shaw, 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. 282, Misc. Cleveland Roy Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 319, Misc. Joseph Dennis Zepeda, a minor, by Irma M. Flores, his next friend, petitioner, *v.* Louis Raul Zepeda. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 337, Misc. Charles E. Dickey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 347, Misc. Jerry James Johnson, petitioner, *v.* Arkansas. Petition for writ of certiorari to the Supreme Court of Arkansas denied.

No. 394, Misc. John H. Barnett, petitioner, *v.* Clarence T. Gladden, Warden. Petition for writ of certiorari to the Supreme Court of Oregon denied.



No. 406, **Misc.** Richard W. Clark, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 408, **Misc.** Rosalia Laugesen, etc., petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 429, **Misc.** Alcie Fletcher, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 437, **Misc.** Leroy A. Frazier, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 445, **Misc.** Roberto Vargas Garcia, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 455, **Misc.** Irven Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 456, **Misc.** Courtie U. Blakesley, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 457, **Misc.** Emmett J. Stebbins, petitioner, *v.* Phillip Young et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 480, **Misc.** Carolyn P. Mullen, petitioner, *v.* Donald D. Brewer, Director, Department of Public Welfare, D.C. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 484, **Misc.** Samuel Broyde, petitioner, *v.* Benjamin C. Willis et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 494, **Misc.** Richard R. Boodry, petitioner, *v.* Arizona. Petitioner, *v.* Arizona. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 496, **Misc.** In the Matter of Emmett J. Stebbins, petitioner. Petition for writ of certiorari to the United States Court of Claims denied.

No. 502, **Misc.** Joel B. Cantrell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 507, **Misc.** Chester Clark, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 511, **Misc.** Warren H. Mobley, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 518, **Misc.** Harold Emerich, petitioner, *v.* Al Sirat Grotto, Mystic Order of the Enchanted Realm, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 529, **Misc.** Lewis Michael Younce, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 545, **Misc.** Shelton T. Phillips, petitioner, *v.* Anthony J. Celebrezze, Secretary of Health, Education, and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 594, **Misc.** William SaMarion and Thomas L. Bratcher, etc., petitioners, *v.* Paul D. McGinnis, Commissioner of Correction of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 602, **Misc.** William Witherspoon, petitioner, *v.* Richard Ogilvie, Sheriff of Cook County, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

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

No. 247, **Misc.** Hosley Berry, petitioner, *v.* Kermit A. Weakley, Superintendent, Lorton Reformatory;

No. 505, **Misc.** Harold L. Peek, Jr., petitioner, *v.* United States and Paul J. Madigan;

No. 512, **Misc.** Juan A. Coronado, petitioner, *v.* California;

No. 534, **Misc.** Alexander Alexander, petitioner, *v.* LaMoyné Green, Superintendent, Marion Correctional Institution;

No. 540, **Misc.** Ed Murphy, petitioner, *v.* Florida; and

No. 542, **Misc.** Franklin Cecil Rance, petitioner, *v.* Warden, U.S. Penitentiary, Terre Haute, Indiana. Motions for leave to file petitions for writs of habeas corpus denied.

No. 276, **Misc.** George Rexford, petitioner, *v.* Florida;

No. 570, **Misc.** In the Matter of the Application of William Bryce Peebles, petitioner; and

No. 571, **Misc.** Clarence R. Edwards, petitioner, *v.* Donald C. Clemmer, Director, Department of Corrections. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

## LEAVE TO FILE PETITION FOR WRIT OF MANDAMUS DENIED

No. **493, Misc.** Rebecca Simon Wolfsohn, etc., petitioner, *v.* Hon. David L. Bazelon, Chief Judge, United States Court of Appeals for the District of Columbia Circuit, et al. Motion for leave to file petition for a writ of mandamus and for other relief denied.

## REHEARINGS DENIED

No. **914, Misc., October Term, 1963.** Warren Hill, petitioner, *v.* New York; and

No. **1353, Misc., October Term, 1963.** Charles Nathaniel Johnson, petitioner, *v.* New York. Motions for leave to file petitions for rehearing denied.

No. **1281, Misc., October Term, 1963.** Robert S. Van Rensselaer et al., petitioners, *v.* General Motors Corp. etc. Motion for leave to file second petition for rehearing denied.

No. **372.** Samuel J. Marroso, petitioner, *v.* United States;

No. **471.** John Jacob Samarin, petitioner, *v.* United States; and

No. **165, Misc.** Robert Edward Lipscomb, petitioner, *v.* President Johnson et al. Petitions for rehearing denied.

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

The day call for Monday, January 18, 1965, will be as follows: Nos. **624** (and **625**), **28**, and **111**.

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## SUPREME COURT OF THE UNITED STATES

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

## OPINION PER CURIAM

No. 624. Samuel A. Parsons, Town Clerk of the Town of Hubbardton, et al., appellants, *v.* T. Garry Buckley et al.; and

No. 625. Philip H. Hoff, Governor of Vermont, et al., appellants, *v.* T. Garry Buckley et al. Appeals from the United States District Court for the District of Vermont. The joint motion to modify enforcement order of court below and to affirm, as modified, is granted. Judgment modified, and as modified, affirmed. Opinion *per curiam* announced by Mr. Chief Justice Warren. Memorandum by Mr. Justice Harlan dissenting in part. The judgment shall issue forthwith.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Mark R. Rubin, of Miami, Fla., Beverly Bailey Bates, of Atlanta, Ga., Talila Engel, of Chicago, Ill., Dean Edward Miller, of Chicago, Ill., Richard Peter Delaney, of Boston, Mass., Abraham J. Stern, of Bangor, Maine, Stephen R. Weidman, of Boston, Mass., Lester Anthony Klaus, of Washington, D.C., Howard R. Levine, of New York, N.Y., David S. Schaiman, of New York, N.Y., Bernard Turiel, of New York, N.Y., Albert L. Wigor, of New York, N.Y., David Gerald Glickman, of Wichita Falls, Tex., Joseph Richard Grunda, of Lorain, Ohio, Floyd Dayton Harris, of Lorain, Ohio, Raymond Andrew Muzilla, of Amherst, Ohio, Donald Eugene Gehlmann, of Lorain, Ohio, Walter E. Jordan, of Fort Worth, Tex., Aubrey Thomas Witherington, of Alexandria, Va., Edward Radcliffe Park, of Falls Church, Va., Gordon Lewis Bazelon, of Milwaukee, Wis., Chester C. Davis, of New York, N.Y., and Dorris David Archer of Artesia, N. Mex., on motion of Mr. Solicitor General Archibald Cox; Glenn Delaney Ramirez, of Klamath Falls, Oreg., Joseph O. Stearns, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Wesley Norman Harry, of Bismarck, N. Dak., and Leonell Walter Fraase, of Bismarck, N. Dak., on motion of Mr. Quentin N. Burdick; W. J. Nicholas, of Lander, Wyo., on motion of Mr. Milward L. Simpson; John T. Boyce, of Dallas, Tex., Costine Alfred Droby, of Dallas, Tex., Clayton Fowler, of Dallas, Tex., Thomas H. Howard, of Dallas, Tex., James Martin, of Dallas, Tex., Bill Gene Thomas, of Dallas, Tex., and J. Hudson Moyer, of Amarillo, Tex., on motion of Mr. Joe Richard Pool; Bryan E. Gibson, of Woodland Hills, Calif., on motion of Mr. James C. Corman; Leland W. Geiler of Los Angeles, Calif., on motion of Judge A. Andrew Hauk; John P. Connarn, of Northfield, Vt., and Chester S. Ketcham, of Essex Junction, Vt., on motion of Mr. Thurman W. Arnold; James J. Fitzpatrick, of Melrose, Mass., on motion of Mr. Daniel T. Coughlin, Arthur Jay England, Jr., of Miami, Fla., on motion of Mr. Brice Wilson Rhyne; Irving B. Levenson, of Miami Beach, Fla., on motion of Mr. I. Martin Levitt; Romolo J. DiCintio, of Philadelphia, Pa., and Edward W. Furia, of Philadelphia, Pa., on motion of Mr. George Gershenfeld; Amy Scupi, of Washington, D.C., and Gary Nathan Calkins, Jr., of Falls Church, Va., on motion of Mr. George F. Gal-

land; Richard Eberhart Sommer, of Milwaukee, Wis., on motion of Mr. E. Riley Casey; George Rudiak, of Las Vegas, Nev., on motion of Mr. Joseph Sickles; Jorge Souss, of San Juan, P.R., on motion of Mr. Fred Suss; Robert Lodge Simmons, of Baltimore, Md., and Edward William Smith, of Baltimore, Md., on motion of Mr. Claude L. Callegary; John B. Breckinridge, of Lexington, Ky., and James N. Neel, Jr., of Ashland, Ky., on motion of Mr. Don V. Harris, Jr.; Joseph Huey O'Toole, of Houston, Tex., on motion of Mr. Arthur C. Perry; James C. Walsh, Jr., of Oakland, Calif., on motion of Mr. Warren Olney III; Wallace L. Duncan, of Salt Lake City, Utah, and Edward Weinberg, of Silver Spring, Md., on motion of Mr. Frank J. Barry; Elizabeth Palmer, of San Francisco, Calif., and John Carl Porter, of San Francisco, Calif., on motion of Mr. Elmer E. Metz; James Irving Collier, Jr., of Springfield, Va., and Carl Vernon Lyon, of Springfield, Va., on motion of Mr. Edward G. Howard; Robert Emmet O'Malley, of Washington, D.C., on motion of Mr. Lambert S. O'Malley; William J. Donlon, of Cincinnati, Ohio, on motion of Mr. Edward J. Hickey, Jr.; Joseph Entzminger, of Bay City, Tex., on motion of Mr. Eugene M. Lock; Leonard M. Sperry, Jr., of San Francisco, Calif., on motion of Mr. Carl V. Greenburg; Fay A. Stender, of Berkeley, Calif., on motion of Mr. George Kauffmann; Aaron K. Phelps, of Corona del Mar, Calif., on motion of Mr. Richard L. Braun; Alan A. Dougherty, of Redwood City, Calif., on motion of Mr. Charles T. Akre; Irving S. Feffer, of Los Angeles, Calif., and Charles J. Seifert, Jr., of Palo Alto, Calif., on motion of Mr. Richard N. Little; Raymond C. Sheppard, of Akron, Ohio, on motion of Mr. Walter Lee Mitchell; Robert Latane Montague III, of Alexandria, Va., on motion of Mr. Joseph W. Wyatt; John Cochran Mueller, of New York, N.Y., Paul A. Mueller, Jr., of Lancaster, Pa., and Clive L. DuVal 2d, of McLean, Va., on motion of Mr. John F. Grindle, Jr.; Joseph Kase, Jr., of San Diego, Calif., on motion of Mr. Albert E. Arent; John F. O'Laughlin, of San Diego, Calif., on motion of Mr. Thomas Joseph Brady, were admitted to practice.

#### OPINIONS

No. 24. B. Elton Cox, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Opinion by Mr. Justice Black concurring in this case and dissenting in No. 49, *infra*. Opinion by Mr. Justice Clark concurring in this case and dissenting in No. 49, *infra*. Opinion by Mr. Justice White with whom Mr. Justice Harlan joins concurring in part and dissenting in part in this case and No. 49, *infra*.

No. 49. B. Elton Cox, appellant, *v. Louisiana*. Appeal from the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Opinion by Mr. Justice Black dissenting in this case and concurring in No. 24, *supra*. Opinion by Mr. Justice Clark dissenting in this case and concurring in No. 24, *supra*. Opinion by Mr. Justice White with whom Mr. Justice Harlan joins concurring in part and dissenting in part in this case and No. 24, *supra*.

No. 35. Securities and Exchange Commission, petitioner, *v. American Trailer Rentals Company*. 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 Goldberg.

No. 60. Nick Jankovich and Paul Jankovich, Co-partners, doing business as Calumet Aviation Company, petitioners, *v. Indiana Toll Road Commission*. On writ of certiorari to the Supreme Court of Indiana. Writ of certiorari dismissed as improvidently granted. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black joins.

No. 38. City of El Paso, appellant, *v. Greenberry Simmons*. Appeal from the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Western District of Texas for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Black.

No. 53. Wayne Turner, petitioner, *v. Louisiana*. On writ of certiorari to the Supreme Court of Louisiana. Judgment reversed and case remanded to the Supreme Court of Louisiana for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Clark.

No. 40. John W. Stanford, Jr., petitioner, *v. Texas*. On writ of certiorari to the 57th Judicial District Court of Bexar County, Texas. Order denying motion to annul warrant and return seized property vacated and case remanded to the 57th Judicial District Court of Bexar County, Texas, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 178. Ben W. Fortson, Jr., as Secretary of State of Georgia, appellant, *v. James W. Dorsey et al.* Appeal from the United States District Court for the Northern District of Georgia. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice

Brennan. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas.

No. 6. Aaron Henry, petitioner, *v.* Mississippi. On writ of certiorari to the Supreme Court of Mississippi. Judgment vacated and case remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join.

No. 26. Whitney National Bank in Jefferson Parish, petitioner, *v.* Bank of New Orleans and Trust Company et al.; and

No. 30. James J. Saxon, Comptroller of the Currency, petitioner, *v.* Bank of New Orleans and Trust Company et al. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments reversed and cases remanded to the United States District Court for the District of Columbia with directions to dismiss the complaint. The judgment of this Court is stayed for 60 days to afford the parties an opportunity to proceed as outlined in the opinion. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Black.

No. 46. People of the State of California et al., petitioners, *v.* Lo-Vaca Gathering Company et al.;

No. 47. Southern California Gas Company et al., petitioners, *v.* Lo-Vaca Gathering Company et al.; and

No. 57. Federal Power Commission, petitioner, *v.* Lo-Vaca Gathering 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 Douglas. Dissenting opinion by Mr. Justice Harlan. Mr. Justice White took no part in the consideration or decision of these cases.

No. 59. United States, petitioner, *v.* First National City Bank. 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 Douglas. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Goldberg joins.

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants, *v.* Henry J. Toombs et al. Appeal from the United States District Court for the Northern District of Georgia. Decree vacated in part and case remanded to the District Court for reconsideration of the desirability and need for the on-going injunction in light of the results of the 1964 election and the representations of appellees.



Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Clark. Opinion by Mr. Justice Harlan with whom Mr. Justice Stewart joins concurring in part and dissenting in part. Dissenting opinion by Mr. Justice Goldberg.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 25. National Labor Relations Board, petitioner, *v.* Adams Dairy, Inc. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for reconsiderations in light of *Fibreboard Paper Products Corp. v. Labor Board*, No. 14, **October Term, 1964**, decided December 14, 1964. Opinion *per curiam*.

No. 544. Arrow Transportation Company et al., appellants, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al.; and

No. 545. Interstate Commerce Commission, appellant, *v.* The Cincinnati, New Orleans and Texas Pacific Railway Company et al. Appeals from the United States District Court for the Southern District of Ohio. Judgment vacated and cases remanded to the District Court with instructions to enter an order remanding the case to the Interstate Commerce Commission in light of the District Court's determinations and for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Stewart, and Mr. Justice White would note probable jurisdiction in these cases and set them for argument on the merits.

No. 552. Samuel C. Halpert et al., appellants, *v.* Stewart L. Udall, individually and as Secretary of the Interior of the United States. Appeal from the United States District Court for the Southern District of Florida. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 553. George H. Winkle, appellant, *v.* William H. Bannan, Warden. Appeal from the Supreme Court of Michigan. The motion to strike excerpts from the motion to dismiss is denied. 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. 557. Grant Thorn et al., appellants, *v.* Harrisburg Trust Company. Appeal from the United States Court of Appeals for the Third Circuit. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 563. W. L. D. Winship et al., appellants, *v.* City of Corpus Christi, Texas. Appeal from the Court of Civil Appeals of Texas, Thirteenth Supreme Judicial District. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 564. Carmen Tisone, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 565. Kitty Hawk Development Co., appellant, *v.* The City of Colorado Springs. 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. 566. Morrison-Knudsen, Inc., et al., d/b/a Morrison-Kaiser-Puger Sound-General, appellants, *v.* Washington. Appeal from the Supreme Court of Washington. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 600. Avis B. Voorhes et al., appellants, *v.* John Dempsey et al. Appeal from the United States District Court for the District of Connecticut. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 612. Edmund C. Sheridan, appellant, *v.* Alfred Gardner et al. Appeal from the Superior Court of Massachusetts, Suffolk County. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 263, Misc. Burl Eugene Lyles, petitioner, *v.* Dr. George J. Beto, Director, Texas Department of Corrections. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for reconsideration in light of *Massiah v. United States*, 377 U.S. 201. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 18, **Original**. State of Illinois, plaintiff, *v.* State of Missouri. The State of Missouri is directed to file a response within 30 days to the motion for leave to file the bill of complaint.

No. 19, **Original**. A. R. Kelly et al., plaintiffs, *v.* E. H. Schmidt & Assoc., Inc., et al. The motion to dispense with printing the motion for leave to file the bill of complaint is granted. The motion for leave to file the bill of complaint is denied.

No. 73. United States, appellant, *v.* Mississippi et al. The motion of the appellees to strike portions of the brief and to strike the appendix to the brief of the American Civil Liberties Union, as *amicus curiae*, is denied.

No. 95. Victor Linkletter, petitioner, *v.* Victor G. Walker, Warden; and

No. 578. George Angelet, petitioner, *v.* Edward M. Fay, Warden. The motions of the National District Attorneys' Association for leave to participate in oral argument, as *amicus curiae*, are granted.

No. 111. Department of Mental Hygiene of California, petitioner, *v.* Evelyn Kirchner, Administratrix of the Estate of Ellinor Green Vance. The motion of the National Association for Retarded Children, Inc., et al., for leave to file a brief, as *amici curiae*, is granted.

No. 291. Minnesota Mining and Manufacturing Company, petitioner, *v.* New Jersey Wood Finishing Company. The motion of Reynolds Metals Company for leave to file a brief, as *amicus curiae*, is granted.

No. 348. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al. The petitioners are directed to file a response within 20 days to the affidavits filed in opposition to the motion for leave to proceed *in forma pauperis*.

No. 437. Otto V. Burnett, petitioner, *v.* New York Central Railroad Company. The motion of Robert M. Dennis to withdraw his appearance as counsel for the respondent is granted.

No. 482. Federal Communications Commission, petitioner, *v.* Taft B. Schreiber et al. The motion of the Solicitor General for additional time for oral argument is granted, and 15 additional minutes are allotted to each side.

No. 670. Leone C. Finnell, petitioner, *v.* Leo Edwin Bromberg. The motion of George N. Lieghton to withdraw his appearance as counsel for the petitioner is granted.

No. 525, **Misc**. Dr. Karel Duda, etc., petitioner, *v.* United States District Court for the District of Maryland. The Solicitor General is invited to file a brief expressing the views of the United States.

## APPEALS—JURISDICTION NOTED

No. 538. United States, appellant, *v.* Huck Manufacturing Company et al. Appeal from the United States District Court for the Eastern District of Michigan. In this case probable jurisdiction is noted.

No. 179. Stanley M. Corbett, Guardian of the Property of Constantine Neonakis, a minor, appellant, *v.* Viola Stergios, etc. Appeal from the Supreme Court of Iowa. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

No. 598. The Western Pacific Railroad Company et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of California. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

## CERTIORARI GRANTED

No. 602. Walker Process Equipment, Inc., petitioner, *v.* Food Machinery and Chemical Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit granted.

No. 464. L. W. Holt et al., petitioners, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia granted and case placed on the summary calendar.

No. 575. United States, petitioner, *v.* Ethel Mae Yazell. 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. 580. William T. Graham et al., petitioners, *v.* John Deere Company of Kansas City et al. 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. 606. Interstate Commerce Commission, petitioner, *v.* Atlantic Coast Line R. Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 626. Federal Trade Commission, petitioner, *v.* Mary Carter Paint Co. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit granted and case placed on the summary calendar.

No. 646. United States, petitioner, *v.* Ray F. Speers, Trustee in Bankruptcy of the Kurtz Roofing Company, etc. 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. 650. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (Local 283),

petitioner, *v.* Russell Scofield 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. 644. The United Gas Improvement Company, petitioner, *v.* Continental Oil Company et al.; and

No. 693. Federal Power Commission, petitioner, *v.* M. H. Marr et al. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

No. 652. United Steelworkers of America, AFL-CIO, petitioner, *v.* R. H. Boulogny, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 228, Misc. Paul V. Case, petitioner, *v.* Nebraska. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Supreme Court of Nebraska granted. Case transferred to the appellate docket and placed on the summary calendar.

#### CERTIORARI DENIED

No. 415. David A. Goldner, petitioner, *v.* Edward S. Silver, District Attorney, Kings County, New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 432. John McGinness, petitioner, *v.* Charles Luna, etc., et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 536. Andrew Cleveland Rogers III, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 539. House, Grossman, Vorhaus & Hemley, et al., petitioners, *v.* Hudson & Manhattan Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 540. American Casualty Company of Reading, Pennsylvania, petitioner, *v.* Line Materials Industries, etc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 541. Benedetto Cinquegrano, petitioner, *v.* United States; and

No. 546. Rosario Mogavero, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 547. Thomas J. Kehoe, etc., petitioner, *v.* Charles C. Boyle, Executor of the Last Will and Testament of Michael Kehoe, etc., et al.

Petition for writ of certiorari to the Court of Common Pleas of Ohio, Hamilton County, denied.

No. 548. Jasper Lee Robinson, by his Father and next friend, Willie Robinson, petitioner, *v.* Illinois High School Association et al. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 549. Dandy Products, Inc., et al, petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 550. Lawrence Y. S. Au 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. 551. The Chesapeake and Ohio Railway Company, petitioner, *v.* Eugene Ludwig, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 556. Sakrete of Northern California, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 559. Edward C. Johnson 2d et al., petitioners, *v.* S. Harold Levitt, Executor. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 569. William S. Herreshoff, petitioner, *v.* ~~United States.~~ *Commissioner of Internal Revenue* Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 570. Donald R. Lord et al., petitioners, *v.* Alvin M. Kelley, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 572. Sidney Lefkowitz et ux., petitioners, *v.* Laurie W. Tomlinson, District Director of Internal Revenue for the District of Florida. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 573. Harold C. Booth et al., petitioners, *v.* Varian Associates. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 574. Julius Garfinckel & Co., Incorporated, etc., petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 576. William Joseph Russo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 579. St. Luke's Hospital Association of Cleveland, Ohio, of the Methodist Church, petitioner, *v.* United States. Petition for writ of

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

No. 581. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Brothers, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 582. The Purdy Company, petitioner, *v.* Argentina et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 583. B & W, Inc., petitioner, *v.* Marvin K. Swofford et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 584. Camellia Apartments, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 586. Stewart Bata Nash, etc., petitioner, *v.* N. V. Nederlandsche Schoenen-Lederfabrieken Bata-Best, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 587. Ethel M. Boese et al., petitioners, *v.* Randolph-Wells Building Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 589. Vincent Joseph, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 590. Henry R. Ahlers, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 591. South Puerto Rico Sugar Company Trading Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 592. Ronald J. Wojtas, etc., et al., petitioners, *v.* Village of Niles, etc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 593. A. H. Karpe, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Claims denied.

No. 594. Maryland Casualty Company, petitioner, *v.* Joseph P. Jacobson. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 595. Alice Schuringa et al., petitioners, *v.* City of Chicago et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 597. Theodore Cuff et ux., petitioners, *v.* Norman Van Bogart. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 599. O. B. Bruno et al., petitioners, *v.* Pennsylvania. Petition for writ of certiorari to the Superior Court of Pennsylvania denied.

No. 601. Billie Sol Estes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 603. Delaware Sports Service, etc., petitioner, *v.* The Diamond State Telephone Company and Delaware. Petition for writ of certiorari to the Supreme Court of Delaware denied.

No. 604. Susie V. Watwood, petitioner, *v.* Real Estate Commission 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. 607. Isidore Press et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 608. Roger Bauman, Trustee, etc., petitioner, *v.* Choctaw-Chickasaw Nations et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 609. Aeronautical Radio, Inc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 610. J. T. Jones, petitioner, *v.* Metzger Dairies, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 613. Adam Clayton Powell, Jr., petitioner, *v.* Esther James. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 614. Theodore Spector, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 615. Louie A. Falsetti, etc., et al., petitioners, *v.* Stella Marie Lowman et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 618. Edward R. Godfrey 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. 619. S. B. Allen et al., petitioners, *v.* W. Lewis David et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 621. William H. Deck 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. 622. Dennis J. Britt, Trustee of Frank James Damson, Bankrupt, petitioner, *v.* Alice J. Damson. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 627. The Great Atlantic & Pacific Tea Company, Inc., petitioner, *v.* The Atchison, Topeka and Santa Fe Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 629. Grain Elevator, Flour and Fee Mill Workers, International Longshoremens Association, Local 418, AFL-CIO, petitioner, *v.* Ross M. Madden, Regional Director of the Thirteenth Region of the National Labor Relations Board, etc. Petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 630. Continental Casualty Company, Inc., et al., petitioners, *v.* Allsop Lumber Company, Inc. et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 631. Robbins Men's & Boys' Wear Corp., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 634. Linus Pauling, petitioner, *v.* News Syndicate Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 637. Billy E. McClenny, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 638. Jays Foods, 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. 639. Laura A. McClellan, petitioner, *v.* R. L. Phinney, District Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 642. Croft-Mullins Electric Company, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 647. Robert Borum, petitioner, *v.* Wisconsin on the Relation of American Motors Corporation et al. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 648. Department of Fish and Game of the State of California, petitioner, *v.* Federal Power Commission et al.; and

No. 659. Pacific Power & Light Company, petitioner, *v.* Federal Power Commission. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 651. B. R. Sheffield, petitioner, *v.* Ernest Brooks, Sheriff, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 653. Globe Slicing Machine Co., Inc., et al., petitioners, *v.* Rolf K. Hasner et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 654. Ng Sui Sang, petitioner, *v.* P. A. Esperdy, District Director of the Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 656. Stanley S. Hershey et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 658. South Dakota, petitioner, *v.* The National Bank of South Dakota, Sioux Falls, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 660. Edward F. Walker, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 663. Ruth Matthews et vir., petitioners, *v.* Southern Pacific Company, etc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 664. Frank Romeo, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 665. Texaco, Inc., petitioner, *v.* Wilmer M. Holsinger et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 666. Mrs. Edna Britt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 667. Paul A. Gorin et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 668. Kelly Chambers, petitioner, *v.* Alaska. Petition for writ of certiorari to the Supreme Court of Alaska denied.

No. 711. T. C. Fry, Jr., alias Matthew Grady, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 388. Amalgamated Association of Street Electric Railway and Motor Coach Employees of America, Division 1267, petitioner, *v.* Dade County, Florida, et al. Motion for leave to supplement petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 554. Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO, et al., petitioners, *v.* Transport Workers Union of America et al. Petition for writ of certiorari to the United States

Court of Appeals for the Seventh Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 562. The Quechan Tribe of the Fort Yuma Reservation, petitioner, *v.* Clyde F. Thompson et al. Petition for writ of certiorari to the United States Court of Claims denied. The Chief Justice took no part in the consideration or decision of this petition.

No. 567. James Ramey, Jr., petitioner, *v.* United States. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 568. Kenneth M. Adams, petitioner, *v.* United States. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 605. David McReynolds et al., petitioners, *v.* Robert K. Christenberry, Postmaster, New York, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted and the case set down for oral argument immediately following *Lamont v. Postmaster General of the United States*, No. 491. Mr. Justice White took no part in the consideration or decision of this petition.

No. 616. City of Los Angeles, petitioner, *v.* Union Oil Company of California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied. Mr. Justice Harlan took no part in the consideration or decision of this petition.

No. 633. New York Stock Exchange, petitioner, *v.* William H. Legate; and

No. 645. William H. Legate, petitioner, *v.* J. Joseph Maloney, Jr., Receiver. Motion for leave to file supplement to petition for writ of certiorari in No. 633 granted. Petitions for writs of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 640. Ben B. Burrows, petitioner, *v.* Waggoner Carr, Attorney General of Texas, et al. Motion to docket petition for writ of certiorari as of October 11, 1964, *nunc pro tunc*, or for other relief, denied. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fourth Supreme Judicial District, denied.

No. 641. Helene P. Pierre et al., petitioners, *v.* Frank M. Jordan, Secretary of State of California, et al. Motion of petitioners' to strike respondents' brief denied. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 649. *In re* Metro Holovachka, petitioner. Petition for writ of certiorari to the Supreme Court of Indiana denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 662. Oregon Stevedoring Company, Inc., petitioner, *v.* Italia Societa per Azioni di Navigazione. Motion to use the record in No. 82, **October Term, 1963**, granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 11, **Misc.** Harold Robins, etc., petitioner, *v.* Martin Rarback, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 109, **Misc.** James Albert Gonzales, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 160, **Misc.** Kenneth H. Neal, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 199, **Misc.** Elmer J. Crachy, petitioner, *v.* Warden of the State Prison of Southern Michigan. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 211, **Misc.** Joseph Dailey, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 289, **Misc.** Joseph Francis Newman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 317, **Misc.** Claude Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 360, **Misc.** Edwin Marious Bertsch, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 380, **Misc.** Robert V. Bogan, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 385, **Misc.** Karl H. Stello, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 393, **Misc.** Leonard S. Hirsh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 412, **Misc.** Steve Czako, petitioner, *v.* James F. Maroney, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 460, **Misc.** Mae Jean Sullivan et al., petitioners, *v.* Anne Marie Byrne Fouts et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 477, **Misc.** Felix S. Gamrecki, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 485, **Misc.** Valentin Ocasio Calo, petitioner, *v.* Supreme Court of Puerto Rico et al. Petition for writ of certiorari to the Supreme Court of Puerto Rico denied.

No. 490, **Misc.** Eugene H. Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 495, **Misc.** Floyd T. Stanturf, petitioner, *v.* Donald Sipes et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 497, **Misc.** Claude M. Carpenter, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 499, **Misc.** Albert B. Crosby, petitioner, *v.* Alfred T. Rundle, Superintendent, Eastern State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 506, **Misc.** Constance A. Price, petitioner, *v.* United States. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 516, **Misc.** Bobby M. Matthews, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 520, **Misc.** Gus Saunders, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 522, **Misc.** Wilbur J. Rickert, Jr., petitioner, *v.* Robert G. Smith, Warden, et al. Petition for writ of certiorari to the Supreme Court of Vermont denied.

No. 524, **Misc.** Johnny Lee Harris, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 532, **Misc.** Edward Abair, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 538, **Misc.** Miguel Rivera, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 539, **Misc.** Thomas Maryanski, 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. 543, *Misc.* Matthew Mickens, 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. 544, *Misc.* Emanuel Brown, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 546, *Misc.* Donald R. Arbuckle, petitioner, *v.* Illinois. Petition for writ of certiorari to the Circuit Court of Winnebago County, Illinois, denied.

No. 548, *Misc.* Robert Sanders, Jr., petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 550, *Misc.* James E. Lathan, petitioner, *v.* George A. Kropp, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 552, *Misc.* Walter King, petitioner, *v.* Missouri. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 554, *Misc.* Harold Rohr, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 556, *Misc.* Rocky Lupino, etc., petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 558, *Misc.* William R. Lizarraga, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 559, *Misc.* John Thomas Fitts, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 560, *Misc.* Benjamin Barbaro, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 564, *Misc.* Clarence Mahurin, petitioner, *v.* James D. Carter, Director, Division of Corrections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 565, *Misc.* Mary Nussbaum, petitioner, *v.* Charles K. Warehime and Roadway Express, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 568, *Misc.* Harry Corbett Shafer et al., petitioners, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Western Division, denied.

No. 569, *Misc.* Benjamin T. Guerrieri, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 577, **Misc.** Commodore Reed, Jr., petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 579, **Misc.** John A. Smith, petitioner, *v.* United States Federal Government. Petition of writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 581, **Misc.** Robert Roberts, petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 582, **Misc.** Willie C. Engram, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 583, **Misc.** Robert A. Jones, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 584, **Misc.** William E. Simonton, petitioner, *v.* District Court of Iowa, Lee County, Iowa, etc. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 585, **Misc.** Johnnie Clifford McDowell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 586, **Misc.** Ronald W. Metzger, petitioner, *v.* Illinois et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 590, **Misc.** Irvin C. Scarbeck, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 592, **Misc.** George William Daegele, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 593, **Misc.** Robert A. Crump, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 595, **Misc.** John Gwynn, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 597, **Misc.** John Paul Ellis, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 600, **Misc.** Robert Stanley Banks, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 601, **Misc.** George S. Hlozansky, petitioner, *v.* Harold A. Cox, Superintendent of the Penitentiary of New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 603, Misc. Howard Wrege, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 604, Misc. Hiram R. Brazzell, petitioner, *v.* E. L. Maxwell, Warden et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 606, Misc. Raymond Meholchick, 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. 609, Misc. Karl David J. Farrell, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 610, Misc. Richard Eugene Hickock, petitioner, *v.* Sherman H. Crouse, Warden; and

No. 614, Misc. Perry Edward Smith, petitioner, *v.* Sherman H. Crouse, Warden. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 611, Misc. Dallas O. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 615, Misc. Alfred Ravenell, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 617, Misc. Ardis Oliver Smart, petitioner, *v.* Superior Court, Sacramento County, Sacramento, California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 618, Misc. Cecil Ray Rinehart, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 620, Misc. Emanuel Gary, petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 623, Misc. Philip Craig, petitioner, *v.* Indiana. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 630, Misc. Wayne E. Dell, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 639, Misc. William Lupo, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 647, Misc. Frederick Gray, 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. 672, *Misc.* John Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 673, *Misc.* George Levy Anthony, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 674, *Misc.* William B. Sullivan, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 680, *Misc.* Miguel Rivera, 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. 696, *Misc.* Edward William Porter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 578, *Misc.* Charles Townsend, petitioner, *v.* Richard B. Ogilvie, Sheriff of Cook County, et al. Motion of George N. Lieghton to withdraw his appearance as counsel for the petitioner granted. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 628, *Misc.* Adai Leser and Czali Leser, petitioners, *v.* United States. 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. 607, *Misc.* James Eason, petitioner, *v.* Richard A. McGee, Administrator of the Youth and Adult Corrections Agency of California, et al.;

No. 613, *Misc.* Louis C. White and Frank Hudson, petitioners, *v.* Lawrence E. Wilson, Warden, et al.;

No. 624, *Misc.* In the Matter of John Henry Roberts, petitioner;

No. 625, *Misc.* Charles Gratter, Jr., petitioner, *v.* Elbert V. Nash, Warden;

No. 649, *Misc.* Walter Lee Martin, petitioner, *v.* Allen Cook, Warden, et al.;

No. 654, *Misc.* Levi Lester Jackson, petitioner, *v.* Maryland;

No. 656, *Misc.* Honorio Adorno Lorenzana, petitioner, *v.* Puerto Rico;

No. 693, *Misc.* Daniel Boone Hymes, petitioner, *v.* Walter E. Dunbar, Director of Corrections of California, et al.;

No. 697, *Misc.* Maurice Ferro, petitioner, *v.* Walter Dunbar, Director of Corrections of California, et al.;

No. 716, *Misc.* Philip C. Macfadden, petitioner, *v.* United States Government;

No. 717, *Misc.* Leon G. Schack, petitioner, *v.* Florida et al.; and  
 No. 740, *Misc.* William H. Jackson, petitioner, *v.* Maryland.  
 Motions for leave to file petitions for writs of habeas corpus denied.

No. 599, *Misc.* Charles Scott, petitioner, *v.* Sam A. Anderson,  
 Superintendent, District of Columbia Jail;

No. 626, *Misc.* Robert E. Leeper, Jr., petitioner, *v.* Sam A. Ander-  
 son, Superintendent, District of Columbia Jail;

No. 683, *Misc.* William G. Holland, petitioner, *v.* Sam A. Ander-  
 son;

No. 708, *Misc.* William F. Parsons, petitioner, *v.* Sam A. Ander-  
 son;

No. 719, *Misc.* Jerald D. Matthews, petitioner, *v.* Texas et al.; and

No. 725, *Misc.* Jesse James Cantrell, 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.

No. 710, *Misc.* William Foy Turpin, petitioner, *v.* E. L. Maxwell,  
 Warden, et al. Motion for leave to file petition for writ of habeas  
 corpus and for other relief denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 533, *Misc.* Vondon Newman, petitioner, *v.* United States Dis-  
 trict Court for the Southern District of Ohio, etc.;

No. 598, *Misc.* Robert M. Williamson et al., petitioners, *v.* Annie  
 Gilmer et al.; and

No. 619, *Misc.* Nelson X. Canady, petitioner, *v.* Paul D. McGinnis,  
 Commissioner of Correction, etc., et al. Motions for leave to file  
 petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 17. Jesse M. Calhoun, as President, or Herbert W. Peters, as  
 Secretary-Treasurer of District No. 1, National Marine Engineers'  
 Beneficial Association, AFL-CIO, petitioner, *v.* Raymond H. Harvey  
 et al., individually and on behalf of other persons similarly situated;

No. 137. Russell J. Straight, Mary D. Evans, and Josh J. Evans,  
 Co-Partners, doing business as Pryor Hay and Grain Company, et al.,  
 petitioners, *v.* James Talcott, Inc.;

No. 381. Northwestern Pacific Railroad Company, appellant, *v.*  
 Interstate Commerce Commission et al.;

No. 439. Jack Lewis Katz, petitioner, *v.* C. C. Peyton;

No. 449. Associated Press et al., appellants, *v.* Edwin A. Walker;

No. 458. Diana Kearny Powell, petitioner, *v.* National Savings and  
 Trust Company;

- No. 461. Karl Haller et al., petitioners, *v.* United States;
- No. 465. Rose Katz, petitioner, *v.* Ira G. Katz;
- No. 472. Robert P. McCulloch, appellant, *v.* California Franchise Tax Board;
- No. 502. Union Leader Corporation, petitioner, *v.* The Haverhill Gazette Company;
- No. 517. Lewis W. Twombly, petitioner, *v.* City of Long Beach, California, et al.;
- No. 522. Air Line Pilots Association, International, et al., petitioners, *v.* Aaxico Airlines, Inc.;
- No. 125, **Misc.** Anthony Richard Avellino, petitioner, *v.* United States;
- No. 328, **Misc.** Floyd E. Bateman, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;
- No. 362, **Misc.** Elizabeth Harris, petitioner, *v.* James B. Turner et al.;
- No. 367, **Misc.** William H. Engling, petitioner, *v.* Sherman H. Crouse, Warden;
- No. 422, **Misc.** Joseph Bradford, petitioner, *v.* E. V. Nash, Warden;
- No. 463, **Misc.** Marvin Spires, petitioner, *v.* James L. Bottorff; and
- No. 488, **Misc.** Michael Gegenfurtner, petitioner, *v.* Wilbur J. Schmidt, Director, Department of Public Welfare and Wisconsin. Petitions for rehearing denied.
- No. 17, **Original.** State of Nebraska, plaintiff, *v.* State of Iowa. Motion of Roy M. Harrop for reconsideration of the denial of the motion for leave to intervene denied.
- No. 20. Walter C. Brulotte et al., petitioners, *v.* Thys Company. Petition of petitioner for rehearing and clarification of opinion denied. Petition of respondent for rehearing denied.
- No. 55. Independent Petroleum Workers of America, Inc., petitioner, *v.* American Oil Company. Petition for rehearing denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.
- No. 157. American Export Lines, Inc., petitioner, *v.* Howard Ali Ammar. Motion to substitute Gloria Dawn Ammar, as Administratrix of the Estate of Howard Ali Ammar, Deceased, in the place of Howard Ali Ammar granted. Motion for leave to file supplement to petition for rehearing granted. Petition for rehearing denied.
- No. 165. Charles Rosenthal, petitioner, *v.* United States. Petition for rehearing denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 494. Brotherhood of Railroad Trainmen et al., petitioners, *v.* Louisville and Nashville Railroad Company. Petition for rehearing denied. Mr. Justice Black is of the opinion that the petition for rehearing should be granted.

ORAL ARGUMENT

No. 28. United States, petitioner, *v.* Giacomo Ventresca. Argument commenced by Mr. Frank I. Goodman for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 19, 1965, will be as follows:  
Nos. 28, 116, 111, 7, and 255.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

James J. Bottomly, of Los Angeles, Calif., and Clifford E. Schleusner, of Billings, Mont., on motion of Mr. Lee Metcalf; Harry E. Clairborne, of Las Vegas, Nev., on motion of Mr. Howard W. Cannon; William B. Magid, of Hollywood, Calif., on motion of Mr. James C. Corman; Thomas Barr III, of New Orleans, La., on motion of Mr. Hale Boggs; Alvin G. Khoury, of Longview, Tex., on motion of Mr. Lindley G. Beckworth; Meyer M. Brilliant, of Miami, Fla., and Leon Levin, of Miami, Fla., on motion of Mr. Dante Fascell; Ernest LaCoste, of Modesto, Calif., on motion of Mr. John J. McFall; Vernon S. Hoium, of Minneapolis, Minn., on motion of Mr. Donald M. Fraser; Johnston Kimball Walker, of Bellflower, Calif., and Saul Grayson, of Los Angeles, Calif., on motion of Mr. Richard T. Hanna; Robert D. Owen, of Decatur, Ill., on motion of Mr. William L. Springer; James Marvin Weinberg, of Los Angeles, Calif., on motion of Judge George Martin Dell; Thomas C. Lynch, of Sacramento, Calif., on motion of Mr. William H. Orrick, Jr.; Eugene A. Rerat, of Minneapolis, Minn., on motion of Mr. Neil Brooks; David C. Black, of Farmington, Mo., on motion of Mr. Bernard Fensterwald, Jr.; Barry I. Fredericks, of New York, N.Y., on motion of Mr. David Campion Acheson; George J. Mitchell, of Portland, Maine, and Jerome F. Goldberg, of Chicago, Ill., on motion of Mr. Edward G. Hudon; Justin Brocato, of Kalamazoo, Mich., on motion of Mr. Harold D. Beaton; Paul P. Rao, Jr., of New York, N.Y., on motion of Judge Joseph R. Jackson; Edgar R. Casper, of Harrisburg, Pa., Donald James Murphy, of Scranton, Pa., and Joseph Patrick Murphy, of Scranton, Pa., on motion of Mr. Robert Lowe Kunzig; George I. Cline, of Morehead, Ky., and Richard S. Weinstein, of Norwalk, Conn., on motion of Mr. Frank I. Goodman; Harold Gruenberg, of St. Louis, Mo., on motion of Mr. Mozart G. Rattner; Thomas D. Nabors, Jr., of Philadelphia, Pa., and George F. Reed, of Philadelphia, Pa., on motion of Mr. David A. Sutherland; Pierce Paley, of New York, N.Y., on motion of Mr. Dexter Long Hanley; Mark Edward Hurwitz, of Orange, Calif., on motion of Mr. Samuel Hurwitz; Joseph Lucian Wyatt, Jr., of Pasadena, Calif., on motion of Mr. Roger Kent; John P. Benjamin, of Tujunga, Calif., on motion of Mr. Gordon McLean Callow; Edward A. Cazares, of Houston, Tex.,

on motion of Mr. John Wildenthal, Jr.; LeRoy C. Corcoran, of Minneapolis, Minn., on motion of Mr. Michael John Galvin; David L. Husman, of Chicago, Ill., on motion of Mr. Mitchell S. Dvoret; Thomas Guy Watkinson, of Washington, D.C., on motion of Mr. Lawrence Harold Hoover, Jr.; Stanley Irwin Westreich, of New York, N.Y., on motion of Mr. Aaron R. Fodiman; Milton Horowitz, of New York, N.Y., on motion of Mr. Saul J. Jaffe; George Allen Butler, of Dallas, Tex., on motion of Mr. William L. Keller; George William Fryhofer, of Waynesboro, Ga., on motion of Miss Carol Cox; William Joseph Delany, of Silver Spring, Md., and John J. O'Donnell, Jr., of Washington, D.C., on motion of Mr. Robert B. Gaston; George O. Hanawalt, of Champaign, Ill., on motion of Mr. John Jay O'Donnell, were admitted to practice.

#### ORAL ARGUMENT

No. 28. United States, petitioner, *v.* Giacomo Ventresca. Argument continued by Mr. Matthew R. McCann for the respondent and concluded by Mr. Frank I. Goodman for the petitioner.

No. 116. Thomas J. Crider, petitioner, *v.* Zurich Insurance Company. Leave granted Max C. Pope to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. Foster Etheredge. Argued by Mr. Max C. Pope for the petitioner, *pro hac vice*, and by Mr. Foster Etheredge for the respondent.

No. 111. Department of Mental Hygiene of California, petitioner, *v.* Evelyn Kirchner, Administratrix of the Estate of Ellinor Green Vance. Argued by Mrs. Elizabeth Palmer for the petitioner and by Mr. Alan A. Dougherty for the respondent.

No. 7. National Labor Relations Board, petitioner, *v.* John Brown et al. Argued by Mr. Norton J. Come for the petitioner and by Mr. William L. Keller for the respondents.

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Adjourned until tomorrow at 10:30 o'clock.

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SUPREME COURT OF THE UNITED STATES

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

ADMISSIONS TO THE BAR

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James B. Donart, of Weiser, Idaho, on motion of Mr. Frank Church; H. F. Patterson, of Columbia, Mo., on motion of Mr. Richard H. Ichord; Champ Clark Gibson, of Meridian, Miss., on motion of Mr. Wm. Ephraim Cresswell; and Daniel Albert Rezneck, of Troy, N.Y., on motion of Mr. Frank Ira Goodman, were admitted to practice.

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The Court adjourned for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Lyndon Baines Johnson as President of the United States by the Chief Justice.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 21, 1965, will be as follows:  
Nos. 255, 171, 98, and 232.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

James E. Faust, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Benjamin Smith, Jr., of Waycross, Ga., and Israel Katz, of Atlanta, Ga., on motion of Mr. Charles Longstreet Weltner; Paul W. Anderson, of Marshall, Tex., on motion of Mr. Graham B. Purcell, Jr.; Harmon S. Puckett, Jr., of Youngstown, Ariz., on motion of Mr. Morris K. Udall; George Milton Higginbotham, of Bessemer, Ala., on motion of Mr. Armistead I. Selden, Jr.; Doyle John Borchers, of Annapolis, Md., and John Granville Liebert, of Bethesda, Md., on motion of Judge Wilson Cowen; Phyllis Norton Cooper, of Los Angeles, Calif., and Grant B. Cooper, of Los Angeles, Calif., on motion of Mr. Charles E. Pledger, Jr.; Fred M. Bush, Jr., of Tupelo, Miss., on motion of Mr. Wm. Ephraim Cresswell; Marvin Dicker, of New York, N.Y., and Thomas F. Delaney, of New York, N.Y., on motion of Mr. Burton A. Zorn; Manuel L. Real, of San Pedro, Calif., on motion of Mr. William J. Brady, Jr.; Frank Michael Covey, Jr., of Chicago, Ill., on motion of Mr. Donald Hugh Green; Scallan E. Walsh, of Baton Rouge, La., on motion of Mr. Jack Norman Rogers; John P. Ryan, of Kansas City, Mo., on motion of Mr. Maurice B. Tobin; Mitchel Van Zicarelli, of Nashville, Tenn., on motion of Mr. William Garrison Allen; W. Kendall Baker, of Houston, Tex., Bailey Edgar Tynes, Jr., of Houston, Tex., and Joseph Michael Guarino, of Houston, Tex., on motion of Mr. Walter James Kronzer; Robert J. Clerkin, of New York, N.Y., on motion of Mr. Kevin T. Maroney; William Arthur Jennings, of San Jose, Calif., on motion of Mr. Mitchell Samuelson; and Irby L. Dyer, of Midland, Tex., on motion of Mr. L. Welch Pogue, were admitted to practice.

No. 255. The American Ship Building Company, petitioner, *v.* National Labor Relations Board. Argued by Mr. William S. Tyson for the petitioner and by Mr. Norton J. Come for the respondent.

No. 171. Eddie V. Hanna, petitioner, *v.* Edward M. Plumer, Jr., Executor. Leave granted Albert P. Zabin to appear and present oral argument for the petitioner, *pro hac vice*, on motion of Mr. James J. Fitzpatrick. Argued by Mr. Albert P. Zabin for the petitioner, *pro hac vice*, by special leave of Court, and by Mr. James J. Fitzpatrick for the respondent.



No. 98. National Labor Relations Board, petitioner, *v.* Metropolitan Life Insurance Company. Argued by Mr. Daniel M. Friedman for the petitioner and by Mr. Burton A. Zorn for the respondent.

No. 232. United States, appellant, *v.* Boston and Maine Railroad et al. Argued by Mr. Robert B. Hummel for the appellant and by Mr. Edward O. Proctor, Sr., for the appellees.

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

The day call for Monday, January 25, 1965, will be as follows: Nos. 52, 17, Orig., and 19.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Lawrence Michael Dubin, of Chicago, Ill., Petros A. Kotsos, of Baltimore, Md., and Marvin Richard Loewy, of Rockville, Md., on motion of Mr. Solicitor General Archibald Cox; Charles M. Duecy, of Scottsdale, Ariz., on motion of Mr. Henry M. Jackson; William J. Yost, of Des Moines, Iowa, on motion of Mr. Jack R. Miller; Bruce Charles Waltzer, of New Orleans, La., on motion of Mr. Arthur Kinoy; Lavern Dale Harris, of Kerrville, Tex., on motion of Mr. Charles M. Johnston; Anton Hohler, of Boise, Idaho, on motion of Mr. Faber F. Tway; Robert Clayton McHugh, of Colorado Springs, Colo., on motion of Mr. James Lawrence White; Raymond Joseph Opperman, of Findley, Ohio, on motion of Mr. Harold L. Kennedy; Eugene F. Toro, of Providence, R.I., on motion of Mr. James T. Duffy; R. E. Van Norstrand, of Darien, Conn., and Fred O. Hull, of Houston, Tex., on motion of Mr. Roy Dale Adcock; Graydon Dean Luthey, of Bartlesville, Okla., on motion of Mr. Bernard A. Foster, Jr.; Matthew White Perry, Jr., of Washington, D.C., and James Franklin Rill, of Washington, D.C., on motion of Mr. Robert Paul Stranahan, Jr.; Robert C. Flowers, Jr., of Austin, Tex., on motion of Mr. Kenneth H. Burns; Paul W. Hicks, of Dallas, Tex., on motion of Mr. Robert W. Henderson; Bernard G. Link, of Baltimore, Md., on motion of Mr. Lowell Goerlick; and Hugh Robert Overhold, of Eureka Springs, Ark., Peter James Kenny, of Sharon, Conn., Edgar C. Platt, of Bethel, Conn., Henry Russell Thomas, of Winder, Ga., Edward Stanley Adamkewicz, Jr., of Chicago, Ill., Howard Montgomery Hougen, of Cedar Falls, Iowa, Jabez Whitford Loane, IV, of Baltimore, Md., Joseph Edward Donahue, of Newburyport, Mass., Bruce Edward Stevenson, of Detroit, Mich., James Edwin Toms, of Ely, Minn., Carl Whitney Welborn, of Hattiesburg, Miss., Romulus A. Picciotti, of Rochester, N.Y., Lionel G. Batley, Jr., of Jamaica, N.Y., John E. Kiernan, of Jamaica, N.Y., Laurence John Beltman, of Raleigh, N.C., Edward Allen Lassiter, of Sunbury, N.C., James Kucera, of Yankton, S. Dak., Fred Bright, Jr., of Knoxville, Tenn., Robert Walter Jones, of San Antonio, Tex., Bryan Stulting Spencer, of El Paso, Tex., and Sebert L. Trail, of Charleston, W. Va., on motion of Mr. William S. Fulton, Jr., were admitted to practice.

## OPINION

No. 43. Republic Steel Corporation, petitioner, *v.* Charlie Maddox. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black.

The Chief Justice said:

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

## OPINIONS PER CURIAM

No. 560. Lester Davis, petitioner, *v.* The Baltimore and Ohio Railroad Company. On petition for writ of certiorari to the Court of Appeals of Maryland. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Stewart.

No. 698. Lisbon Salesbook Company et al., appellants, *v.* Ohio. Appeal from the Supreme Court of Ohio. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. The motion of American Farm Bureau Federation for leave to file a brief, as *amicus curiae*, is granted. The motion of National Livestock Feeders Association et al., for leave to file a brief, as *amici curiae*, is granted. The motion of The National Independent Meat Packers Association for leave to file a brief, as *amicus curiae*, is granted.

No. 360. A. M. Harman, Jr., et al., appellants, *v.* Lars Forssenius et al. The motion of the Solicitor General for leave to participate in the oral argument, as *amicus curiae*, is granted and fifteen minutes are allotted for that purpose. Counsel for the appellants is allotted an additional fifteen minutes for oral argument. The motion of the appellants to strike the brief, as *amicus curiae*, of the Solicitor General is denied. Counsel for the appellants are allowed thirty days from the date of service to file a reply to the brief of the Solicitor General.

No. 489. United States, petitioner, *v.* Atlas Life Insurance Company. The motion of the Solicitor General to enlarge the time for oral argument is granted and a total of one hour is allotted to the petitioner. Counsel for the respondent is allotted a total of forty-five minutes for oral argument. The motion of the Attorney General of Louisiana et al. for leave to participate in the oral argument on behalf of the respondent, as *amici curiae*, is granted.

No. 688. Baldo M. Kristovich, Public Administrator, petitioner, *v.* Shu Tong Ng. The Solicitor General is invited to file a brief expressing the views of the United States.

## CERTIORARI GRANTED

No. 695. United States, petitioner, *v.* Thomas F. Johnson. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit granted. Mr. Justice White took no part in the consideration or decision of this petition.

## CERTIORARI DENIED

No. 107. Coffee County, Tennessee, petitioner, *v.* City of Tullahoma. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 655. Edgar F. Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 669. The Klix Corporation, petitioner, *v.* Cable Vision, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 670. Leone C. Finnell, petitioner, *v.* Leo Edwin Bromberg. Petition for writ of certiorari to the Supreme Court of Nevada denied.

No. 672. Joseph Grandinetti et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 674. Jacuzzi Bros., Inc., et al., petitioners, *v.* Landon, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 675. Port of Seattle, petitioner, *v.* Glenn A. Martin et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 677. The Guiberson Corporation et al., petitioners, *v.* Jack C. Webber et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 686. United Mine Workers of America, petitioner, *v.* Sunfire Coal Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 687. Industrial Shoe Machinery Corp., petitioner, *v.* United Shoe Machinery Corporation. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 689. The City of Tulsa, Oklahoma, petitioner, *v.* Midwestern Developments, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 691. Brotherhood of Railroad Trainmen, AFL-CIO, petitioner, *v.* Florida East Coast Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 697. William R. Eddleman, petitioner, *v.* Supreme Court of Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 699. Far East Conference et al., petitioners, *v.* Federal Maritime Commission et al.;

No. 700. Pacific Coast European Conference, petitioner, *v.* Federal Maritime Commission et al.; and

No. 703. Far East Conference, petitioner, *v.* Federal Maritime Commission et al. Petitions for writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 701. Dr. Henry Turkel et al., petitioners, *v.* Food and Drug Administration, Department of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 702. Louis H. Comi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 588. C. E. Russ, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Black, Mr. Justice Brennan and Mr. Justice Goldberg are of the opinion that certiorari should be granted.

No. 690. American International Aluminum Corp., petitioner, *v.* United Steelworkers of America, AFL-CIO. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 177, **Misc.** John Edward Kirby, petitioner, *v.* Warden of the Maryland Penitentiary. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 217, **Misc.** Guy J. Wright, 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. **226, Misc.** Melvin C. Holt, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **292, Misc.** Alastair Kyle, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **294, Misc.** Robert F. Urbano, petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. **350, Misc.** Robert Sanchez Suraez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. **353, Misc.** Elizabeth P. Comley, petitioner, *v.* United States; and

No. **399, Misc.** Kenneth Eddie Chow, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **421, Misc.** Angelo Moret et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. **427, Misc.** Willard Jones, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. **472, Misc.** Edward William Stapf, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. **509, Misc.** Melvin Leroy Mahler, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. **629, Misc.** David Jacob Seiterle, petitioner, *v.* L. E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. **633, Misc.** Roy B. Smith, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. **638, Misc.** Martin Joseph Werner, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. **641, Misc.** Charles Edward Dorsey, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. **651, Misc.** Melvin Connie-Mack Carty, petitioner, *v.* Florida. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 662, *Misc.* Arbie Robert Cummings, petitioner, *v.* Vernon L. Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 666, *Misc.* Richard Mayberry, petitioner, *v.* Harry E. Russell, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 684, *Misc.* Alex Jennings, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 705, *Misc.* George T. Moore, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 720, *Misc.* Willie Joseph Edwards, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 652, *Misc.* Louis Charles Harris, petitioner, *v.* E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit and for other relief denied.

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

No. 430, *Misc.* Lee Colligan, petitioner, *v.* Thomas E. Rosetti, Property Clerk, New York County, et al. Motion for leave to file petition for writ of certiorari denied.

#### LEAVE TO FILE PETITION FOR WRIT OF HABEAS CORPUS DENIED

No. 531, *Misc.* Barney P. Bennett, petitioner, *v.* Frank J. Pate, Warden. Motion for leave to file petition for writ of habeas corpus denied.

#### REHEARINGS DENIED

No. 5. Frank James Lupper et al., petitioners, *v.* Arkansas;

No. 528. Hy-Lan Furniture Company, Inc., petitioner, *v.* Thomas J. Wilson, as Trustee in Bankruptcy of Georgetown Galleries, Inc., et al.;

No. 457, *Misc.* Emmett J. Stebbins, petitioner, *v.* Phillip Young et al.; and

No. 496, *Misc.* In the Matter of Emmett J. Stebbins, petitioner;

No. 480, *Misc.* Carolyn P. Mullen, petitioner, *v.* Donald D. Brewer, Director, Department of Public Welfare, D.C.;

No. 484, *Misc.* Samuel Broyde, petitioner, *v.* Benjamin C. Willis et al.;

No. 493, **Misc.** Rebecca Simon Wolfsohn, etc., petitioner, *v.* Hon. David L. Bazelon, Chief Judge, United States Court of Appeals for the District of Columbia Circuit, et al.; and

No. 518, **Misc.** Harold Emerich, petitioner, *v.* Al Sirat Grotto, Mystic Order of the Enchanted Realm, et al. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, February 1, 1965, until Monday, March 1, 1965.

#### ORAL ARGUMENT

No. 52. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. Argued by Mr. Leon Hubert and Mr. Arthur Kinoy for the appellants and by Mr. John E. Jackson, Jr., and Mr. Jack N. Rogers for the appellees.

No. 17, **Original.** State of Nebraska, plaintiff, *v.* State of Iowa. Argued by Mr. Howard H. Moldenhauer for the plaintiff and by Mr. William J. Yost for the defendant.

No. 19. The American Oil Company, appellant, *v.* P. G. Neill et al. Argument commenced by Mr. Frank I. Goodman for the appellant.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, January 26, 1965, will be as follows: Nos. 19, 73, 67, and 48.

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# SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Frank M. Dunbaugh III, of Falls Church, Va., Hugh D. Jascourt, of Washington, D.C., and Donald C. McDevitt, of Naperville, Ill., on motion of Mr. Solicitor General Archibald Cox; Addison L. Strong, of Albuquerque, N. Mex., on motion of Mr. Joseph M. Montoya; Dean W. Borthwick, of Cheyenne, Wyo., on motion of Mr. Milward L. Simpson; Wayne E. Windle, of El Paso, Tex., on motion of Mr. Richard C. White; Harry J. Kron, Jr., of Thibodaux, La., on motion of Mr. Joseph T. Patterson; Robert Phillip Haire, of West Jefferson, N.C., Walter Herbert Mayo, of St. Paul, Minn., and James Zeph Hovey, of Fort Mill, S.C., on motion of Mr. Roy Dale Adcock; Walter B. Morgan, of Houston, Tex., on motion of Mr. William H. Allen; Leo Segall, of Chicago, Ill., on motion of Mr. Bernard Dunau; Grover L. Severs, of Elyria, Ohio, and Arthur P. Steinmetz, of Cleveland, Ohio, on motion of Mr. Earl Kintner; Vernon Henry Humbert, of Cincinnati, Ohio, on motion of Mr. Patrick J. Regan; Andre Anthony Aversa, of Houston, Tex., on motion of Mr. George W. Willis; Paul Vincent Shaughnessy, of Waltham, Mass., on motion of Mr. Wm. Stanley Tennant; Burney Walker, of Waco, Tex., on motion of Mr. Robert C. Bruce; Richard Kent Bernstein, of New York, N.Y., and Claude Lewy, of New York, N.Y., on motion of Mr. Joseph A. Fanelli; John Thomas Guyton, of Shreveport, La., on motion of Mr. Stanley M. Morley; Samuel Weisbard, of Chicago, Ill., on motion of Mr. Theodore A. Groenke; and Melvin Carl Garbow, of Alexandria, Va., on motion of Mr. William Lawrence McGovern, were admitted to practice.

## ORAL ARGUMENT

No. 19. *The American Oil Company, appellant, v. P. G. Neill et al.* Argument continued by Mr. Frank I. Goodman for the appellant, by Mr. Allan G. Shepard for the appellees, and concluded by Mr. Frank I. Goodman for the appellant.

No. 73. *United States, appellant, v. Mississippi et al.* Argued by Mr. Solicitor General Cox for the appellant and by Mr. Charles Clark for the appellees.

No. 67. Louisiana et al., appellants, *v.* United States. Argument commenced by Mr. Harry J. Kron, Jr., for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, January 27, 1965, will be as follows:  
Nos. 67, 48, and 240.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Irving G. Breyer, of San Francisco, Calif., James S. Eaton, of Gulfport, Miss., Charles R. Galloway, of Gulfport, Miss., Owen T. Palmer, Jr., of Gulfport, Miss., and B. Kenneth Gatlin, of Tallahassee, Fla., on motion of Mr. Solicitor General Archibald Cox; Wilkes Coffey, Jr., of Murfreesboro, Tenn., on motion of Mr. Joe L. Evins; Arthur D. Dalessandro, of Exeter, Pa., on motion of Mr. Daniel F. Flood; Carla Anderson Hills, of Los Angeles, Calif., on motion of Mr. Roderick Maltman Hills; James R. Hutter, of Los Angeles, Calif., on motion of Mr. Joseph F. Spaniol, Jr.; Preston H. Dial, Jr., of San Antonio, Tex., on motion of Mr. Charles M. Johnston; Jerome G. Taylor, of Knoxville, Tenn., on motion of Mr. John A. Rowntree; Joseph T. McFadden, of Washington, D.C., on motion of Mr. Harold H. Bacon; Paul P. Senio, of Washington, D.C., on motion of Mr. John Y. Merrell; Robert D. Flynn, of New York, N.Y., on motion of Mr. John Howard Lewis, Jr.; Carl J. Lorenz, Jr., of Baltimore, Md., on motion of Mr. Robert L. May, Jr.; Mervin Yontil Auslander, of Baltimore, Md., on motion of Mr. Gerald Ney Klauber; Herbert Alan Johnson, of New York, N.Y., and Joseph Nicholas Wiltgen, of Chicago, Ill., on motion of Mr. Louis V. di Donato; Robert Emmett O'Connell, of St. Paul, Minn., and Arthur Richard Renquist, of St. Paul, Minn., on motion of Mr. Lewis A. Rivlin; Charles I. Hopkins, Jr., of Chicago, Ill., and James R. Wolfe, of Chicago, Ill., on motion of Mr. W. Scott Macgill, Jr.; Norman S. Nemser, of New York, N.Y., Stanley Nemser, of New York, N.Y., and William E. Taylor, Jr., of Wilmington, Del., on motion of Mr. Harold Leventhal; and Theodore J. Criares, of New Brunswick, N.J., William Harold Saltzman, of New York, N.Y., and Emil Scheller, of New York, N.Y., on motion of Mr. Merle J. Smith, were admitted to practice.

## ORAL ARGUMENT

No. 67. Louisiana et al., appellants, *v.* United States. Argument continued by Mr. Louis F. Claiborne for the appellee and concluded by Mr. Harry J. Kron, Jr., for the appellants.

No. 48. United Mine Workers of America, petitioner, *v.* James M. Pennington et al. Argued by Mr. Harrison Combs for the petitioner, by Mr. Theodore J. St. Antoine for the American Federation of Labor and Congress of Industrial Organizations, as *amicus curiae*, and by Mr. John A. Rowntree for the respondents.

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. Two hours allowed for oral argument. Argument commenced by Mr. Bernard Dunau for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, January 28, 1965, will be as follows:  
Nos. 240, 82, and 86.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

David D. Minier, of Santa Maria, Calif., on motion of Mr. James B. Utt; Mervyn S. Gerson, of Cleveland, Ohio, on motion of Judge Bruce M. Forrester; DePaul D. Willette, of Olivia, Minn., on motion of Judge Noah S. Rosenbloom; William O. Goldstein, of Baltimore, Md., and Carl E. Weingarten, of Baltimore, Md., on motion of Mr. Eugene Gressman; Sam S. Hays, of Birmingham, Ala., on motion of Mr. Wiley Messick; Harry H. Rains, of Mineola, N.Y., on motion of Mr. Herbert A. Fierst; Charles Wallace Vance, of Cleveland, Ohio, and Alonzo Gordon Wright, of Cleveland, Ohio, on motion of Mr. Belford Vance Lawson, Jr.; Michael Meltsner, of New York, N.Y., on motion of Mr. Jack Greenberg; Paul D. Hanlon, of Portland, Oreg., on motion of Mr. Gerhard Van Arkel; John F. Kerrigan, of Fremont, Nebr., on motion of Mr. George C. Vournas; Lewis M. Kanner, of Miami, Fla., on motion of Mr. J. H. Krug; Herbert B. Mutter, of Baltimore, Md., on motion of Mr. John Page Marshall; Robert L. Austin, of Chicago, Ill., on motion of Mr. Sidney Neuman; Gordon Allison Phillips, of Washington, D.C., and John R. Sims, Jr., of Arlington, Va., on motion of Mr. Wilmer S. Schantz; and James H. Cooper, Jr., of Kensington, Md., John P. Lacy, of Washington, D.C., Joseph Alfred Becker, of Cleveland, Ohio, and S. Neil Hosenball, of Cleveland, Ohio, on motion of Mr. Donald J. Becker, were admitted to practice.

### ORAL ARGUMENT

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. Argument continued by Mr. Bernard Dunau for the petitioners, by Mr. Solicitor General Cox for the United States, as *amicus curiae*, by special leave of Court, by Mr. George B. Christensen for the respondent and concluded by Mr. Bernard Dunau for the petitioners.

No. 82. Sergeant Herbert N. Carrington, petitioner, *v.* Alan V. Rash et al. Argued by Mr. Wayne Windle for the petitioner and by Mr. Hawthorne Phillips and Mrs. Mary K. Wall for the respondents.

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Adjourned until Monday, February 1, 1965, at 10 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Edward J. Driscoll, of Washington, D.C., Carlos F. Borja, Jr., of Los Angeles, Calif., Clifford S. Bart, of Freeport, N.Y., Howard M. Jaffe, of New York, N.Y., Bruno Lederer, of New York, N.Y., Tess L. Segel, of New York, N.Y., Harry I. Subin, of New York, N.Y., Gerald Walpin, of New York, N.Y., Donald J. Williamson, of Washington, D.C., Neal Patrick Lavelle, of Cleveland, Ohio, and Bernard L. Rosenberg, of Cincinnati, Ohio, on motion of Mr. Solicitor General Archibald Cox; Jonathan B. Bingham, of Bronx, N.Y., on motion of Mr. Robert F. Kennedy; Charles L. Rowe, of Chicago, Ill., on motion of Mr. Robert McClory; T. Terrell Sessums, of Tampa, Fla., on motion of Mr. Sam M. Gibbons; Mark Anshel Weiss, of Washington, D.C., on motion of Mr. John Lord O'Brien; Eugene B. Granof, of Washington, D.C., on motion of Mr. Dominick Manoli; Richard G. Finn, of Chicago, Ill., on motion of Mr. J. Albert Woll; Frank E. Hensley, of Guymon, Okla., on motion of Mr. Jess Larson; Bernice Z. Leaner, of Chicago, Ill., and Walter LaVon Pride, of Chicago, Ill., on motion of Mr. William S. Thompson; Elroy F. Wiehl, of Washington, D.C., Lloyd Graven of Minneapolis, Minn., Robert G. Douglass, of Norris City, Ill., Karl F. Wettlaufer, of Yellow Springs, Ohio, Timothy G. O'Shea, of Washington, D.C., and Patrick J. O'Shea, of New York, N.Y., on motion of Mr. Roy Dale Adcock; Joseph A. Loveland, Jr., of New York, N.Y., on motion of Mr. Robert P. Stranahan, Jr.; Seymour Zucker, of Los Angeles, Calif., Glenn Sylvester Roberts, of Los Angeles, Calif., Lynn D. Crandall, of Los Angeles, Calif., and Thomas T. Roberts, of Rolling Hills, Calif., on motion of Mr. Richard N. Little; Wayne Gordon Popham, of Minneapolis, Minn., on motion of Mr. Wendell Lund; Harvey M. Jame, of New York, N.Y., on motion of Mr. Joseph M. Detrio; Sam Adam, of Chicago, Ill., and R. Eugene Pincham, of Chicago, Ill., on motion of Mr. Earl E. Strayhorn; Robert L. Murphy, of Alexandria, Va., and Robert Lee Watt, of Alexandria, Va., on motion of Mr. Neville G. Hall, Jr.; Joe E. Griffith, of Crockett, Tex., on motion of Mr. David H. Burrow; F. Philip Kirwan, of Kansas City, Mo., on motion of Mr. Edward Gallagher; Ronald Wayne Mayes, of Wichita, Kans., on motion of

Mr. Edward G. Fenwich, Jr.; Thomas E. Cinnamond, of Baltimore, Md., on motion of Mr. Paul R. Connolly; Ronald Otto Meletzke, of Fairview Park, Ohio, on motion of Mrs. Barbara R. Evans; Jack H. Olender, of Washington, D.C., on motion of Mr. James P. Donovan; John Adikes, of New York, N.Y., on motion of Mr. Park T. Adikes; Ronald N. Cobert, of Washington, D.C., on motion of Mr. Leonard A. Jaskiewicz; Albert G. McCarthy, Jr., of New York, N.Y., and Albert G. McCarthy III, of Arlington, Va., on motion of Mr. Paul R. Dean; Bernard E. Brandes, of New York, N.Y., on motion of Mr. Weaver White Dunnan; F. Lee Bailey, of Boston, Mass., on motion of Mr. Harold Unger; Peter Denger, of Rock Island, Ill., on motion of Mr. Joseph Leon Nellis; and Harrison Agnew Birchmore, of Athens, Ga., Verner F. Chaffin, of Athens, Ga., Nicholas P. Chilivis, of Athens, Ga., Martin Lindsey Cowen, of Athens, Ga., Eugene A. Epting, of Athens, Ga., Howell C. Erwin, Jr., of Athens, Ga., Joseph J. Gaines, of Athens, Ga., Denny C. Galis, of Athens, Ga., Thomas Fitzgerald Green, Jr., of Athens, Ga., John Edwards Griffin, of Athens, Ga., James E. Hudson, of Athens, Ga., Herbert T. Hutto, of Athens, Ga., Raymond E. Lester, of Athens, Ga., George M. MacNider, of Athens, Ga., Larry V. McLeod, of Athens, Ga., Armond O. Parks, of Athens, Ga., Gary L. Pleger, of Athens, Ga., Lee Olin Price, Jr., of Athens, Ga., Guy B. Scott, Jr., of Athens, Ga., Loren D. Skaggs of Athens, Ga., Kenneth L. Stula, of Athens, Ga., Thomas W. Ridgway, of Monroe, Ga., William Lee Preston, of Monroe, Ga., Goebel Lovell Owens, of Monroe, Ga., and Grady C. Pittard, Jr., Winterville, Ga., on motion of Mr. Robert Grier Stephens, Jr., were admitted to practice.

#### OPINION

No. 13, **Original**. State of Texas, plaintiff, *v.* State of New Jersey et al. On complaint. Opinion by Mr. Justice Black adopting the position presented by the State of Florida. The parties are invited to submit a proposed decree. Dissenting 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. 387. Robert Blow and Ellen Marie Davis, petitioners, *v.* North Carolina. On petition for writ of certiorari to the Supreme Court of North Carolina. Petition for writ of certiorari granted, judgments vacated, and case remanded to the Supreme Court of North Carolina

for dismissal of the indictments. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White would affirm the judgments for the reasons stated in their dissenting opinions in *Hamm v. City of Rock Hill*, 379 U.S. 318, 322, and 327. Mr. Justice Stewart would vacate the judgments and remand the case to the Supreme Court of North Carolina for the reasons stated in his dissenting opinion in *Hamm v. City of Rock Hill*, 379 U.S. 326.

No. 585. Federal Power Commission, petitioner, *v.* Amerada Petroleum Corporation et al. On petition for writ of certiorari to the United States Court of Appeals for the Eighth 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*. Concurring opinion by Mr. Justice Goldberg with whom Mr. Justice Stewart joins. Opinion by Mr. Justice Harlan concurring in the opinion of Mr. Justice Goldberg.

No. 617. Walter R. Hearne et al., appellants, *v.* Robert E. Smylie, Governor of Idaho, et al. Appeal from the United States District Court for the District of Idaho. This cause is continued on the docket until the Court Conference of May 21, 1965, before which time the parties are asked to advise the Court by supplemental briefs as to the progress made in reapportioning the Idaho Legislature. Opinion *per curiam*.

No. 623. John H. Hughes and Lawrence M. Rulison, appellants, *v.* WMCA, Inc., et al. Appeal from the United States District Court for the Southern District of New York; and

No. 718. Levin Nock Davis, Secretary, State Board of Elections, et al., appellants, *v.* Harrison Mann et al. Appeal from the United States District Court for the Eastern District of Virginia. The motions to affirm are granted and the judgments are affirmed. Opinion *per curiam*. Mr. Justice White and Mr. Justice Goldberg join in the affirmance in No. 623. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins.

No. 661. The Forty-Fourth General Assembly of the State of Colorado et al., appellants, *v.* Andres Lucas and Archie L. Lisco, etc. Appeal from the United States District Court for the District of Colorado. Insofar as the judgment of the District Court decides federal questions, judgment affirmed. Insofar as the judgment decides other questions, judgment vacated and case remanded to the District Court for further consideration in light of the supervening decision of the Colorado Supreme Court in *White v. Anderson*, — Colo. —, 394 P.2d 333 (1964). Opinion *per curiam*. Concurring: Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice Goldberg.



## ORDERS IN PENDING CASES

No. 17, **Original.** State of Nebraska, plaintiff, *v.* State of Iowa.

IT IS ORDERED that the motion of the State of Nebraska for leave to file a bill of complaint is granted.

IT IS FURTHER ORDERED that the Honorable Joseph W. Madden, Senior Judge of the United States Court of Claims, be, and he is hereby appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to submit such reports as he may deem appropriate.

The master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

IT IS FURTHER ORDERED that if the position of Special Master in this case becomes vacant during a recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

No. 843. Paul V. Case, petitioner, *v.* Nebraska. The motion for the appointment of counsel is granted, and it is ordered that Daniel J. Meador, Esquire, of Charlottesville, Virginia, a member of the Bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

## APPEALS—JURISDICTION NOTED OR POSTPONED

No. 848. John F. Fixa, Individually and as Postmaster, San Francisco, California, et al., appellants, *v.* Leif Heilberg. Appeal from the United States District Court for the Northern District of California. In this case probable jurisdiction is noted and the case is placed on the summary calendar. This case is set for oral argument immediately following No. 491, which case is likewise placed on the summary calendar. Mr. Justice White took no part in the consideration or decision of this case.

No. 571. Swift & Company, Inc., et al., appellants, *v.* Don J. Wickham, Commissioner of Agriculture and Markets of New York. Appeal from the United States District Court for the Southern District of New York. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. The Solicitor General is invited to file a brief on the merits.

## CERTIORARI GRANTED

No. 679. Fribourg Navigation Company, Inc., petitioner, *v.* Commissioner of Internal Revenue. 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. 711, Misc. Eddie J. Hicks, petitioner, *v.* District of Columbia. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket.

## CERTIORARI DENIED

No. 226. Ben W. Fortson, Jr., as Secretary of State of Georgia, petitioner, *v.* James W. Dorsey et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 555. River Brand Rice Mills, Inc., petitioner, *v.* General Foods Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 673. Giacomo D'Andrea, petitioner, *v.* United States Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 684. Langhorne Carter Rorer, petitioner, *v.* United States; and

No. 724. Francis A. Simpson, Jr., petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 694. United States, petitioner, *v.* C. O. Mason, Inc., et al. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 696. R. D. McAllister & Son, et al., petitioners, *v.* City of Erie. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 704. Mary Kay Born, petitioner, *v.* Oklahoma. Petition for writ of certiorari to the Court of Criminal Appeals of Oklahoma denied.

No. 706. Milton M. Levin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 707. Alaska Aggregate Corporation, petitioner, *v.* George Beeler. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 708. International Brotherhood of Carpenters and Joiners of America (AFL-CIO), et al., petitioners, *v. C. J. Montag & Sons, Inc.*, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 709. Wittich Memorial Church, etc., petitioner, *v. George H. Richterberg*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 712. United States, petitioner, *v. Bossier Parish School Board* et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 716. Industrial Instrument Corporation, petitioner, *v. The Foxboro Company*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 717. Lewes Dairy, Inc., 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. 719. Albert Edwards and S. Frank Edwards, petitioners, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 720. Arthur A. Peisner, petitioner, *v. Maryland*. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 721. Claudine McFarlin and Leonard McFarlin, petitioners, *v. Chicago, Rock Island and Pacific Railroad Company*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 705. Sam Giancana, petitioner, *v. Marlin W. Johnson*, Agent in Charge, etc. 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. 710. Joseph A. Lorent, petitioner, *v. Martin L. Tozer*, Sheriff, City of St. Louis, Missouri. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 14, Misc. James H. Moody, petitioner, *v. William C. Holman*, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 311, Misc. Clinton McLester, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 332, *Misc.* John F. Hinrichs, petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, First Appellate District, denied.

No. 378, *Misc.* Walter Otto, petitioner, *v.* Hon. Frank R. Somers, Mayor, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 390, *Misc.* Theresa Milliken, petitioner, *v.* J. F. Gleason, Jr., etc. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 403, *Misc.* William Ross Phillips, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 470, *Misc.* Otto A. Gensburg, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 473, *Misc.* Lee Daniels, Jr., petitioner, *v.* New Jersey. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 475, *Misc.* Bernard E. La Clair, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 491, *Misc.* Albert A. Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 492, *Misc.* Antonio Fuentes, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of the Supreme Court of New York, First Judicial Department, denied.

No. 510, *Misc.* Robert Lee Hunter, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 553, *Misc.* Clifford K. Schellin, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 557, *Misc.* James David Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 621, *Misc.* Raymond Casias, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 634, *Misc.* Paul Hunter, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 648, **Misc.** W. L. Nolen, etc., petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 667, **Misc.** Douglas Stiltner, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 675, **Misc.** Donald L. Shumate, petitioner, *v.* Louisiana et al. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 676, **Misc.** Charles Richard Rowe, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 681, **Misc.** Alexander J. Woykovsky, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 685, **Misc.** Roy E. Harbaugh, 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. 687, **Misc.** Jerry L. Crump, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 689, **Misc.** Larry Zane Curry, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 690, **Misc.** Andrew H. Burgess, petitioner, *v.* Farrell Lines, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 691, **Misc.** Henry Paul Alvarado, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 695, **Misc.** John Stevenson, petitioner, *v.* Texas. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 698, **Misc.** Thomas E. Tennant, petitioner, *v.* Maryland. Petition for writ of certiorari to the Seventh Judicial Circuit Court of Maryland denied.

No. 700, **Misc.** John Cobb, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Cook County, denied.

No. 701, **Misc.** Arthur Herbert Browne, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 706, **Misc.** Edgar H. Smith, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 707, **Misc.** Marvin Ford, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 721, **Misc.** Calvin C. Green, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 731, **Misc.** Julian Beck et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 732, **Misc.** John J. Ching, petitioner, *v.* United States. Petitioner for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 567, **Misc.** Clarence White, petitioner, *v.* North Carolina. Motion of Brainerd Currie for leave to file a brief, as *amicus curiae*, granted. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 704, **Misc.** Edward C. Whited, petitioner, *v.* Peter J. Pitchess, Sheriff. 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. 726, **Misc.** Amado Cadena, petitioner, *v.* Washington et al.;

No. 735, **Misc.** Edward J. Farrant, petitioner, *v.* John E. Bennett, Warden, et al.;

No. 736, **Misc.** Domingo Rivera Gonzalez, petitioner, *v.* Department of Welfare, City of New York; and

No. 783, **Misc.** Robert Corbin, petitioner, *v.* David N. Meyers, Superintendent, State Correctional Institution. Motions for leave to file petitions for writs of habeas corpus denied.

No. 537, **Misc.** Robert Earl McCoy, petitioner, *v.* Ross V. Randolph, Warden; and

No. 551, **Misc.** Charlie H. Holley, petitioner, *v.* United States. 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.

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Adjourned until Monday, March 1, 1965, at 10 o'clock.

The day call for Monday, March 1, 1965, will be as follows: Nos. 86, 360, and 123.

SUPREME COURT OF THE UNITED STATES

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

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The Chief Justice said:

"It is on a note of sadness that we open this session of the Court because, since we last met, our friend and brother, Felix Frankfurter, has passed away.

"It was twenty-six years ago on January 30th that Mr. Justice Frankfurter took his seat on this Court. One week ago he died after a gallant fight for the restoration of the health which he had lost three years ago. In more than 23 years of service here, he had one of the longest and, without doubt, one of the most brilliant careers in the history of the Court.

"He was one of the most knowledgeable of men. He came to his high position with a combination of scholarship and public experience rarely equalled. As a scholar, teacher, public servant, man of letters, patron of the arts, and the confidant of Presidents, he had already made great contributions to the life of our Nation. But, notwithstanding his manifold activities, the law was always his preoccupation. He caught its spirit early in life, and to his very last day devoted himself fervently to its development under the Constitution which he revered.

"His death leaves a great void in the communities of scholars and jurists, but fortunately his written words, so pregnant with meaning, will be a heritage for all who love the law and believe in it as the sheet anchor of our civilization.

"We of the Supreme Court who knew him so well mourn his passing, both as our associate and friend, but we also know that his ebullient spirit would want us to get on with our always unfinished work."

## ADMISSIONS TO THE BAR

Frederick G. Smithson, of Washington, D.C., Ronald C. Roeschlaub, of Los Angeles, Calif., Joe Sherman Everett, of Clearwater, Fla., John E. Ryan, of Alexandria, Va., Robert J. Bates, of Chicago, Ill., Edward Berlin, of New York, N.Y., Nathan Lewin, of New York, N.Y., G. L. Schilling, of Wilmington, Ohio, and Elihu Hurwitz, of Seattle, Wash., on motion of Mr. Solicitor General Archibald Cox;

Benjamin Lawrence O'Brien, of Pacoima, Calif., Harry Edgar Rice III, of San Francisco, Calif., and William C. Jordan, of Santa Ana, Calif., on motion of Mr. James C. Corman; Howard Henry Harcha, Jr., of Portsmouth, Ohio, and Jack David Young, of Portsmouth, Ohio, on motion of Mr. William H. Harsha, Jr.; Richard Dalton Schreiber, of Clayton, Mo., on motion of Mr. Robert F. Ellsworth; Robert J. Owens, of Boston, Mass., on motion of Mr. Stanley R. Tupper; Joseph A. Sims, of Hammond, La., on motion of Mr. James H. Morrison; Thomas A. Handley, of St. Louis, Mo., Thomas C. Alfsen, of Minneapolis, Minn., Donald W. Brewer, of Germantown, Ohio, and Murray E. Taggart, of Walla Walla, Wash., on motion of Mr. Roy Dale Adcock; Grant LaVere Young, of Rigby, Idaho, Elvin W. Keller, of Bethany, Okla., Robert B. Park, of Chickasha, Okla., William C. McCoy, of Duncan, Okla., Max Carder, of Hobart, Okla., Turner Odies Primrose, of Norman, Okla., David Milton Cook, of Oklahoma City, Okla., James G. Caster, of Oklahoma City, Okla., James G. Hamill, of Oklahoma City, Okla., J. Ralph Moore, of Pryor, Okla., Charles Elder, of Purcell, Okla., Thomas R. Brett, of Tulsa, Okla., Ollie W. Gresham, of Tulsa, Okla., David Hall, of Tulsa, Okla., Russell L. Sohn, of Tulsa, Okla., Robert H. Tips, of Tulsa, Okla., and Ward Victor Williams, of Lynden, Wash., on motion of Mr. William S. Fulton, Jr.; Morrill B. Spaulding, Jr., of Wood Acres, Md., and Leonard S. Blondes, of Silver Spring, Md., on motion of Mr. Philip H. Herrick; Charles J. Dougherty, of St. Louis, Mo., Robert G. McClinck, of St. Louis, Mo., and Duane Allen Patterson, of St. Louis, Mo., on motion of Mr. Robert J. Keefe; L. Robert Driver, Jr., of New York, N.Y., on motion of Mr. Stanley L. Temko; Marshall H. Cox, Jr., of New York, N.Y., on motion of Mr. Donald J. Mulvihill; Martin Lester Glass, of Washington, D.C., on motion of Mr. Frederick Sass, Jr.; Robert E. Born, of Atlanta, Ga., and Paul M. Daniell, of Atlanta, Ga., on motion of Mr. James E. Wilson, Jr.; Howard Martin Grube, of Denver, Colo., on motion of Mr. Loran Paul Winings; Victor John Yannacone, Jr., of Patchogue, N.Y., on motion of Mr. Robert Irving Dennison; William H. Kinsey, of Portland, Oreg., on motion of Mr. Garrett Fuller; Marvin I. Friedman, of Washington, D.C., on motion of Mr. Henry B. Keiser; Samuel Gruber, of Stamford, Conn., on motion of Mr. Leonard B. Boudin; Bentley Hite, of Christiansburg, Va., on motion of Mr. James C. Turk; Gunter A. Hauptman, of Scarsdale, N.Y., on motion of Mr. Maurice H. Klitzman; Lloyd William Peterson, of Olympia, Wash., and Morton M. Tytler, of Olympia, Wash., on motion of Mr. Stanton P. Sender; Robert E. Simpson, of St. Louis, Mo., and John P. Downes, of Washington, D.C., on motion of Mr. Gerald J. O'Rourke, Jr.; and Francis G. Molinaro, of Arlington, Va., on motion of Mr. Eugene C. Adkins, were admitted to practice.



## OPINIONS

No. 28. United States, petitioner, *v.* Giacomo Ventresca. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Douglas with whom Mr. Chief Justice Warren joins.

No. 13. United States, petitioner, *v.* Jackie Hamilton Gainey et al. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Black. Opinion by Mr. Justice Douglas dissenting in part.

No. 82. Sergeant Herbert N. Carrington, petitioner, *v.* Alan V. Rash et al. On writ of certiorari to the Supreme Court of Texas. Judgment reversed and case remanded to the Supreme Court of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart. Dissenting opinion by Mr. Justice Harlan. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 69. Ronald L. Freedman, appellant, *v.* Maryland. Appeal from the Court of Appeals of Maryland. Judgment reversed and case remanded to the Court of Appeals of Maryland for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. 116. Thomas J. Crider, petitioner, *v.* Zurich Insurance Company. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Alabama for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 34. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Douglas and Mr. Justice Harlan took no part in the decision of this case.

No. 42. Mortimer Singer, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment affirmed. Opinion by Mr. Chief Justice Warren.

The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 740. John Blaauw, a minor, et al., petitioners, *v.* Grand Trunk Western Railroad Company. On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment vacated and case remanded to the Court of Appeals for reconsideration in light of the opinion of the Appellate Court of Illinois, First District, in *Edwards v. Pennsylvania Railroad Company*, No. 42221. Opinion *per curiam*.

No. 748. In the Matter of the Application of Joseph A. Ryan, appellant. Appeal from the Supreme Court of Hawaii. The motion to dispense with printing the jurisdictional statement is granted. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 759. James H. Mason et ux., appellants, *v.* Midwestern Gas Transmission Company. Appeal from the Supreme Court of Illinois. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 763. City of Coronado et al., appellants, *v.* The San Diego Unified Port District et al. Appeal from the District Court of Appeal of California, Fourth Appellate District. The motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 772. Frederick G. Drueding et al., appellants, *v.* Gerard F. Devlin et al. Appeal from the United States District Court for the District of Maryland. The judgment is affirmed. Opinion *per curiam*.

No. 653, Misc. Embra Maddox, appellant, *v.* Dr. Alfred A. Birzgalis, Medical Superintendent, Ionia State Hospital. Appeal from the Supreme Court of Michigan. The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 728, Misc. Peter Bonanno, appellant, *v.* Louisiana. Appeal from the Supreme Court of Louisiana. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 18, **Original.** State of Illinois, plaintiff, *v.* State of Missouri. The State of Illinois is directed to file a reply to the response within 30 days.

No. 17. Jesse M. Calhoun, as President, or Herbert W. Peters, as Secretary-Treasurer of District No. 1 National Marine Engineers' Beneficial Association, AFL-CIO, petitioner, *v.* Raymond H. Harvey et al., Individually and on behalf of other persons similarly situated. The motion of respondents to retax costs is denied.

No. 63. Commissioner of Internal Revenue, petitioner, *v.* Clay B. Brown et al. The motion of Dana Latham for leave to participate in oral argument, as *amici curiae*, is denied.

No. 82. Sergeant Herbert N. Carrington, petitioner, *v.* Alan V. Rash et al. The motions of respondent Carr to file a reply brief and a supplemental brief are granted, the said briefs having been lodged with the Court on February 10, 1965, and having been fully considered by the Court in the disposition of this case. The Chief Justice took no part in the consideration or decision of these motions.

No. 237. Commissioner of Internal Revenue, petitioner, *v.* Robert Lee Merritt et ux., et al. The motion of respondents to enlarge time for oral argument is granted and 30 additional minutes are allotted for that purpose.

No. 291. Minnesota Mining and Manufacturing Company, petitioner, *v.* New Jersey Wood Finishing Company. The motion of Highland Supply Corporation for leave to file a brief, as *amicus curiae*, is granted.

No. 422. Federal Trade Commission, petitioner, *v.* Consolidated Foods Corporation. The motion of Trabon Engineering Corporation et al., for leave to participate in oral argument, as *amici curiae*, is denied.

No. 443. Hughes Tool Company et al., petitioners, *v.* Trans World Airlines, Inc.; and

No. 501. Hughes Tool Company, petitioner, *v.* Trans World Airlines, Inc., et al. The motion of petitioners to consolidate cases for oral argument is denied.

No. 948, **Misc.** Lee E. Weissenborn, petitioner, *v.* Warren L. Jones et al. The motion to accelerate the filing of briefs and to advance is denied.

## CERTIORARI GRANTED

No. 423. Fred L. Shuttlesworth, petitioner, *v.* City of Birmingham. Petition for writ of certiorari to the Court of Appeals of Alabama granted.

No. 657. Carnation Company, petitioner, *v.* Pacific Westbound Conference 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. 733. F. J. Gunther, petitioner, *v.* San Diego & Arizona Eastern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted and case placed on the summary calendar.

No. 754. Idaho Sheet Metal Works, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit granted limited to Question 2 presented by the petition which reads as follows:

"2. Is the employer's shop a retail establishment and entitled to the exemption as such under Section 13(a) of the Fair Labor Standards Act?" The case is placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 755. W. Willard Wirtz, Secretary of Labor, petitioner, *v.* Steepleton General Tire Company, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

#### CERTIORARI DENIED

No. 680. Vincent Gigante, petitioner, *v.* United States;

No. 681. Vito Genovese, petitioner, *v.* United States;

No. 682. Natale Evola, petitioner, *v.* United States;

No. 683. Nicholas Lessa, petitioner, *v.* United States; and

No. 692. Salvatore Santora, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 713. 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. 715. Loy W. Sockman et al., petitioners, *v.* Robert C. Switzer et al.; and

No. 826. Robert C. Switzer et al., petitioners, *v.* Loy W. Sockman et al. Petitions for writs of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 722. Schwartz-Torrance Investment Corporation, petitioner, *v.* Bakery & Confectionery Workers Union, Local No. 31. Petition for writ of certiorari to the Supreme Court of California denied.

No. 723. Lake Brady Spiritualist Camp Association, petitioner, *v.* Margaret Diss Dix et al. Petition for writ of certiorari to the Court of Appeals of Ohio, Portage County, denied.

No. 725. Jacob Molinas, 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. 727. Stanker and Galetto, Inc., et al., petitioners, *v.* Earth Movers, Inc. Petition for writ of certiorari to the Superior Court of New Jersey, Appellate Division, denied.

No. 728. Don Fleming, d/b/a Green Valley Feed Mill, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 729. Nate Stein, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 730. V. H. Carroll, Trustee, Holliman Drilling Company, petitioner, *v.* Lorena Morris Holliman. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 731. National Lead Company, petitioner, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 734. Estate of Mervin G. Pierpont, Deceased, et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 735. Rivoli Trucking Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 736. J. Weingarten, Inc., petitioner, *v.* Federal Trade Commission, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 737. Charles E. Craig, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 738. Cascade County Consumers Association et al., petitioners, *v.* Public Service Commission of Montana et al. Petition for writ of certiorari to the Supreme Court of Montana denied.

No. 739. Colgate-Palmolive Company, petitioner, *v.* Honorable Frederick van Pelt Bryan, Judge, 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. 741. Elbert Moore, Inc., petitioner, *v.* Honorable Ray E. Green, etc. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 744. The Atchison, Topeka, and Santa Fe Railway Company, petitioner, *v.* Arthur W. Horn. Petition for writ of certiorari to the Supreme Court of California denied.

No. 745. Alfred Bishop, petitioner, *v.* Supreme Court of New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 747. United Aircraft Corporation (Hamilton Standard Division), petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 749. United Aircraft Corporation, petitioner, *v.* Lodge 743, International Association of Machinists, AFL-CIO, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 751. Frank J. Richards and Julius Frederick Spindler, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 752. New York Foreign Freight Forwarders and Brokers Association, Inc., 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. 753. Kit Manufacturing Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 758. Convers E. Marsh, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 760. The Florida National Bank of Jacksonville, Florida, and Herbert T. Ballard, Jr., as Co-Executors, etc., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 762. Jules I. Littwin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 764. L. I. Combs & Sons, Inc., et al., petitioners, *v.* Paul M. Schreibman. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 766. Clifford J. Hynning, petitioner, *v.* Daniel Partridge, III. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 771. James A. Peterson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 773. KWK Radio, 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. 777. Raymond W. Fleming, petitioner, *v.* Michael S. Wolke, Sheriff of Milwaukee County. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 779. Spanos Painting Contractors, Inc., petitioner, *v.* Union Building and Construction Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 781. Duo-Bed Corporation, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 782. The Tuscaloosa and Vicinity District Council of Tuscaloosa and Selma, Alabama, et al., petitioners, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 783. Gloria Stollar, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 784. Franklin L. Batten, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 786. The Sweetlake Land and Oil Company, Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 790. National Flexitized Corporation et al., petitioners, *v.* Flexitized, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 791. United Mine Workers of America, petitioner, *v.* R. P. Price et al., etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 792. Monterey County Building & Construction Trades Council, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 794. Andrew Geoly et al., petitioner, *v.* New York et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 795. Lucian J. Rossi, petitioner, *v.* William Marx et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 798. Frank M. Tack et al., petitioners, *v.* Mellon National Bank and Trust Company et al. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 799. Richard K. Gordon and Richard C. Simmers, petitioners, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 837. National Customs Brokers & Forwarders Association of America, Inc., petitioner, *v.* Federal Maritime Commission et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 380. Ronald L. Todd et al., petitioners, *v.* Joint Apprenticeship Committee, etc., 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. 785. Ernest Leon Downs et al., petitioners, *v.* The Board of Education of the City of Kansas City, Kansas, et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 787. Switzerland Company et al., petitioners, *v.* Stewart L. Udall et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 732. Bernard Reich et al., etc., petitioners, *v.* Eugene Webb, Jr., et al. Motion of Beverly Hills Federal Savings and Loan Association to be added as a party respondent granted. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 743. George Levine, petitioner, *v.* United States. Motion to waive timeliness of filing petition for writ of certiorari denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 746. Joseph Alexander et al., petitioners, *v.* Henrita Todman, Supervisor of Elections, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 757. Helen Corinne Scales Trice, Executrix, petitioner, *v.* Commercial Union Assurance Company, Ltd., et al. Motion of petitioner to strike portions of respondents' brief denied. Motion of Fyke Farmer to strike portions of opinion of District Court denied. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.



No. 796. *Aware Inc., et al., petitioners, v. John Henry Faulk.* Motions of petitioners for leave to proceed without certifying record and to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the Court of Appeals of New York denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 802. *Kinnear-Weed Corporation, petitioner, v. Hon. Joe M. Ingraham, etc.* Motion to strike respondents' brief denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 32, *Misc.* *Bernard Cyril Meaton, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 272, *Misc.* *Alexander J. Woykovsky, petitioner, v. Richard A. Chappell, Chairman, United States Board of Parole, et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 398, *Misc.* *Chester Garelli and Eugene Leonard, petitioners, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 441 *Misc.* *Nathaniel Burdette, petitioner, v. Jesse D. Harris, Warden.* Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 479, *Misc.* *Eddie P. Brady, Sr., petitioner, v. Dale C. Cameron, Superintendent, Saint Elizabeths Hospital, et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 535, *Misc.* *Wilbert Lee, petitioner, v. Florida.* Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 563, *Misc.* *Joe David Murray, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 596, *Misc.* *Clarence Duke McGann, petitioner, v. Federal Prison Industries, et al.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 622, *Misc.* *Joseph Vance Shrout, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 636, *Misc.* *Francis T. Proctor, petitioner, v. United States.* Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 640, **Misc.** Joseph W. Di Silvestro, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 645, **Misc.** John E. 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. 646, **Misc.** Lawrence J. Nutley and Richard Nickl, petitioners, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 658, **Misc.** Donald Norman Mertz, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 659, **Misc.** Ralph Polizzano, petitioner, *v.* United States;

No. 660, **Misc.** Charles Barcellona, petitioner, *v.* United States;

No. 712, **Misc.** Rocco Mazzie, petitioner, *v.* United States; and

No. 798, **Misc.** Charles Di Palermo et al., petitioners, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 661, **Misc.** Joseph W. Hunter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 663, **Misc.** Robert Thompson, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 664, **Misc.** Patrick J. Huffman, 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. 669, **Misc.** Halcott A. Bradley, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 670, **Misc.** Gerald Joseph Pulaski, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 677, **Misc.** Lloyd Odin Lawson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 688, **Misc.** John E. Blair, petitioner, *v.* District of Columbia et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 694, **Misc.** Curtis Gale Doby, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 699, *Misc.* Walter E. Nolan, petitioner, *v.* William P. Steinhauer, Acting Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 703, *Misc.* William H. Gilcrease, 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. 713, *Misc.* Edward Basilone, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 718, *Misc.* James William Putnam, petitioner, *v.* Warden, Maryland State Penitentiary. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 729, *Misc.* Henry Ford Swicegood, petitioner, *v.* Alabama. Petition for writ of certiorari to the Supreme Court of Alabama denied.

No. 733, *Misc.* Ronald Raymond Barron, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 734, *Misc.* Eugene Myles, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 738, *Misc.* Willard Wayland Carey, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 739, *Misc.* Morris C. Jordan, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 742, *Misc.* Eugene Underwood and Marvin Holbrook, petitioners, *v.* Lynn Bomar, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 746, *Misc.* Theodis McCoy, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 747, *Misc.* Henry E. Hansen, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 752, *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. 753, *Misc.* Jean Edward Lehman, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Fourth District, denied.

No. 754, *Misc.* William Lawrence, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 756, *Misc.* David Joseph Rawls, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 758, *Misc.* Daniel Teel, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 759, *Misc.* Alfredo Ray Bryan, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 760, *Misc.* James C. Oppel, petitioner, *v.* Maryland. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 761, *Misc.* Thomas Carlton Wansley, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 762, *Misc.* Frank G. James, petitioner, *v.* Maine et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 763, *Misc.* Chester R. Morris, petitioner, *v.* Paul White et al. Petition for writ of certiorari to the Court of Civil Appeals of Texas, Fourth Supreme Judicial District, denied.

No. 764, *Misc.* Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 766, *Misc.* William J. Welter, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 767, *Misc.* Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 768, *Misc.* Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 769, *Misc.* Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 770, *Misc.* Anderson Stone, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 771, *Misc.* Frank Anthony Carcerano, petitioner, *v.* Oregon. Petition for writ of certiorari to the Supreme Court of Oregon denied.

No. 772 *Misc.* Harold W. Greenwell, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 773, *Misc.* Miles La Rose, petitioner, *v.* William J. McCauley, District Attorney of Milwaukee County. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 774, **Misc.** Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 776, **Misc.** Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 777, **Misc.** Dominick Carlucci, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 780, **Misc.** Elwood Duncan Taylor, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 781, **Misc.** David Charles Bickley et al., petitioners, *v.* Walter Dunbar, Director, California Department of Corrections. Petition for writ of certiorari to the Supreme Court of California denied.

No. 782, **Misc.** L. Gilbert Cohen, petitioner, *v.* Curtis Publishing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 787, **Misc.** Eugene Silva, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 789, **Misc.** Garfield J. Kelly, petitioner, *v.* United States District Court for the Northern District of Indiana denied.

No. 793, **Misc.** Benjamin Jerrel Brown, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 795, **Misc.** Richard Thomas Gorecki, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 796, **Misc.** Paul V. Case, petitioner, *v.* Nebraska. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 797, **Misc.** James McGrane, petitioner, *v.* Warden, Clinton Prison. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 799, **Misc.** Wayne Peterson, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 800, **Misc.** Max Benjamin Berger, et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 803, **Misc.** William M. Thomas, petitioner, *v.* Texas. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 805, **Misc.** Paul Vonzo Brady, petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of

certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 806, **Misc.** Robert Lee Haynes, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 809, **Misc.** John Charles Brady, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 810, **Misc.** Ex parte James W. Hinton, petitioner. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 812, **Misc.** Alfred Turner, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 817, **Misc.** Howard Frye, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 819, **Misc.** Douglas Stiltner, petitioner, *v.* Washington et al. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 820, **Misc.** Eddie Lomax, 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. 826, **Misc.** Floyd Smith, petitioner, *v.* Illinois et al. Petition for writ of certiorari to the Circuit Court of Edgar County, Illinois, denied.

No. 833, **Misc.** Pearl Bradshaw Schluttig, petitioner, *v.* Continental Hotel et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 840, **Misc.** William L. Marion et al., petitioners, *v.* City of Lander, Wyoming, et al. Petition for writ of certiorari to the Supreme Court of Wyoming denied.

No. 846, **Misc.** Stephen J. Dulacy, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 847, **Misc.** Milton George, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 855, **Misc.** Delphos B. Burns, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 9, **Misc.** William Cabey, 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. 566, **Misc.** William Ralph, petitioner, *v.* Vernon Peppersack, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 291, **Misc.** Mauro C. Cantu, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit and for other relief denied.

No. 642, **Misc.** Claudia Walker, petitioner, *v.* Internal Revenue Service et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

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

No. 873, **Misc.** Charles Thomas, petitioner, *v.* Frank J. Pate. Motion for leave to file petition for writ of certiorari denied.

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

No. 561, **Misc.** Robert Lee Allen, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution;

No. 562, **Misc.** Jack D. Lester, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution;

No. 859, **Misc.** Joel B. Cantrell, petitioner, *v.* Kermit A. Weakley, Superintendent, Lorton Reformatory;

No. 872, **Misc.** Benjamin Thomas Guerrieri, petitioner, *v.* E. L. Maxwell, Warden, et al.;

No. 892, **Misc.** Jesse B. Moore, petitioner, *v.* Ross V. Randolph, Warden; and

No. 894, **Misc.** Earl I. Penrice, petitioner, *v.* John H. Klinger, Superintendent. Motions for leave to file petitions for writs of habeas corpus denied.

No. 814, **Misc.** John Herring, petitioner, *v.* California et al.;

No. 834, **Misc.** Eddie Spells, petitioner, *v.* Lawrence E. Wilson, Warden;

No. 877, **Misc.** In the Matter of Orlando W. Hodge, petitioner; and

No. 897, **Misc.** James Conway, petitioner, *v.* Lawrence E. Wilson 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. 775, *Misc.* Warehouse Union Local 6, International Longshoremen's and Warehousemen's Union, petitioner, *v.* Albert C. Woltenberg, Judge; and

No. 801, *Misc.* Jimmy L. Davis, petitioner, *v.* Lester L. Cecil, Chief Judge, United States Court of Appeals for the Sixth Circuit. Motions for leave to file petitions for writs of mandamus denied.

No. 671, *Misc.* John L. Shields et ux., petitioners, *v.* Hon. Neal S. Blaisdell, Mayor of the City and County of Honolulu, State of Hawaii, et al. Motion for leave to proceed on typewritten papers granted. Motion for leave to file petition for writ of mandamus denied.

No. 702, *Misc.* Calvin J. Smith, petitioner, *v.* United States Court of Appeals for the Ninth Circuit et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

## REHEARINGS DENIED

No. 456, *October Term, 1963.* Frederic Wayne Etcheverry, petitioner, *v.* United States. Motion for leave to file third petition for rehearing denied.

No. 6. Aaron Henry, petitioner, *v.* Mississippi;

No. 38. City of El Paso, appellant, *v.* Greenberry Simmons;

No. 40. John W. Stanford, Jr., petitioner, *v.* Texas;

No. 49. B. Elton Cox, appellant, *v.* Louisiana;

No. 415. David A. Goldner, petitioner, *v.* Edward S. Silver, District Attorney, Kings County, New York;

No. 510. Anthony Gianfrancesco, petitioner, *v.* Ohio; and

No. 542. Anthony Gianfrancesco, petitioner, *v.* Ohio;

No. 547. Thomas J. Kehoe, etc., petitioner, *v.* Charles C. Boyle, Executor of the last will and testament of Michael Kehoe, etc., et al.;

No. 556. Sakrete of Northern California, Inc., petitioner, *v.* National Labor Relations Board;

No. 581. Harry P. Locklin and Elmer J. Brant, etc., petitioners, *v.* Switzer Brothers, Inc., et al.;

No. 601. Billie Sol Estes, petitioner, *v.* United States;

No. 614. Theodore Spector, petitioner, *v.* United States;

No. 641. Helene P. Pierre et al., petitioners, *v.* Frank M. Jordan, Secretary of State of California, et al.;

No. 687. Industrial Shoe Machinery Corp., petitioner, *v.* United Shoe Machinery Corporation;

No. 701. Dr. Henry Turkel et al., petitioners, *v.* Food and Drug Administration, Department of Health, Education, and Welfare.



No. 711. T. C. Fry, Jr., alias Matthew Grady, petitioner, *v.* United States; and

No. 716. Industrial Instrument Corporation, petitioner, *v.* The Foxboro Company. Petitions for rehearing denied.

No. 418. Chester Park Apartments, Inc., petitioner, *v.* United States. Motion for leave to file petition for rehearing denied.

No. 597. Theodore Cuff et ux., petitioners, *v.* Norman Van Bogart; and

No. 604. Susie V. Watwood, petitioner, *v.* Real Estate Commission of the District of Columbia. Motions to dispense with printing petitions granted. Petitions for rehearing denied.

No. 22, *Misc.* John E. Burke et al., petitioners, *v.* United States;

No. 317, *Misc.* Claude Williams, petitioner, *v.* United States;

No. 380, *Misc.* Robert V. Bogan, petitioner, *v.* Walter H. Wilkins, Warden;

No. 385, *Misc.* Karl H. Stello, petitioner, *v.* United States;

No. 470, *Misc.* Otto A. Gensburg, petitioner, *v.* Robert A. Heinze, Warden, et al.;

No. 506, *Misc.* Constance A. Price, petitioner, *v.* United States;

No. 537, *Misc.* Robert Earl McCoy, petitioner, *v.* Ross V. Randolph, Warden;

No. 541, *Misc.* Robert Epps, petitioner, *v.* New York;

No. 546, *Misc.* Donald R. Arbuckle, petitioner, *v.* Illinois;

No. 598, *Misc.* Robert M. Williamson et al., petitioners, *v.* Annie Gilmer et al.;

No. 599, *Misc.* Charles Scott, petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail;

No. 601, *Misc.* George S. Hlozansky, petitioner, *v.* Harold A. Cox, Superintendent of the Penitentiary of New Mexico;

No. 609, *Misc.* Karl David J. Farrell, petitioner, *v.* John C. Burke, Warden;

No. 610, *Misc.* Richard Eugene Hickock, petitioner, *v.* Sherman H. Crouse, Warden;

No. 614, *Misc.* Perry Edward Smith, petitioner, *v.* Sherman H. Crouse, Warden;

No. 625, *Misc.* Charles Gratter, Jr., petitioner, *v.* Elbert V. Nash, Warden;

No. 626, *Misc.* Robert E. Leeper, Jr., petitioner, *v.* Sam A. Anderson, Superintendent, District of Columbia Jail; and

No. 693, *Misc.* Daniel Boone Hymes, petitioner, *v.* Walter E. Dunbar, Director of Corrections of California, et al. Petitions for rehearing denied.

No. 628, Misc. Adai Leser and Czali Leser, petitioners, *v.* United States. Petition for rehearing and for other relief denied.

ORAL ARGUMENT

No. 86. Louis Zemel, appellant, *v.* Dean Rusk, Secretary of State, et al. Argued by Mr. Leonard B. Boudin for the appellant and by Mr. Solicitor General Cox for the appellees.

No. 360. A. M. Harman, Jr., et al., appellants, *v.* Lars Forssenius et al. One and one-half hours allowed for oral argument. Argument commenced by Mr. Joseph C. Carter, Jr., for the appellants.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 2, 1965, will be as follows: Nos. 360, 123, 61, and 63.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

David C. Stripling, of Newnan, Ga., on motion of Mr. John J. Flynt, Jr.; Alfred P. Chamie, of Los Angeles, Calif., Gerald Mager, of Tallahassee, Fla., George Nicholas Jonson, of Hamilton, Ohio, and Alfred E. Lawson, of Pittsburgh, Pa., on motion of Mr. Richard N. Little; Iver E. Skjeie, of Sacramento, Calif., on motion of Mr. John M. Cleary; John R. Nesbitt, of Rensselaer, Ind., on motion of Mr. Robert Eugene Harris; Jack Malkin, of Washington, D.C., on motion of Mr. Karl George Feissner; John H. Keriakedes, of Omaha, Nebr., on motion of Mr. Alan D. McArthur; Frederick F. Butzi, of Wilmington, Del., on motion of Mr. Frederick Schafer; W. Frederick Mayer, Jr., of Belle Mead, N.J., on motion of Mr. William L. Mathis; and Vincent James Riley, of Arlington, Va., on motion of Mr. Richard H. Demuth, were admitted to practice.

### ORAL ARGUMENT

No. 360. A. M. Harman, Jr., et al., appellants, *v.* Lars Forssenius et al. Argument continued by Mr. Joseph C. Carter, Jr., for the appellants, by Mr. H. E. Widener, Jr., for the appellees, by Mr. Harold H. Greene for the United States, as *amicus curiae*, by special leave of Court, and concluded by Mr. Joseph C. Carter, Jr., for the appellants.

No. 123. Federal Power Commission, petitioner, *v.* Union Electric Company. Argued by Mr. Ralph S. Spritzer for the petitioner and by Mr. Robert J. Keefe for the respondent.

No. 61. Radio and Television Broadcast Technicians Local Union 1264, etc., et al., petitioners, *v.* Broadcast Service of Mobile, Inc. Argument commenced by Mr. J. R. Goldthwaite, Jr., for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 3, 1965, will be as follows: Nos. 61, 63, 443, 501, and 96.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Maxwell E. Cox, of New York, N.Y., Lola S. Lea, of New York, N.Y., and John G. Robertson, of St. Paul, Minn., on motion of Mr. Solicitor General Archibald Cox; Thomas D. Barr, of New York, N.Y., Robert S. Rifkind, of New York, N.Y., Eugene P. Souther, of New York, N.Y., and Donald I. Strauber, of New York, N.Y., on motion of Mr. Bruce Ditmas Bromley; Philip A. Gragan, of Washington, D.C., on motion of Mr. Charles A. Miller; William Jackson Rattikin, of Fort Worth, Tex., and Arthur Burch Waldron, Jr., of Fort Worth, Tex., on motion of Mr. William J. Rattikin, Jr.; Ralph H. Dwan, Jr., of Washington, D.C., on motion of Mr. Ralph H. Dwan; Robert Morton Duncan, of Columbus, Ohio, on motion of Mr. Edgar Lewis Lindley; Calvin L. Hamilton, of Annandale, Va., on motion of Mr. Raymond F. Newkirk; Horace E. Hill, of Daytona Beach, Fla., on motion of Mr. Herbert O. Reid; Carl S. Rowe, of New York, N.Y., on motion of Mr. Warren E. Baker; Alex L. Arguello, of San Francisco, Calif., and Marvin G. Giometti, of San Francisco, Calif., on motion of Mr. Jerome Christian Muys; A. H. Evans, of Houston, Tex., and Jack R. Springgate, of Houston, Tex., on motion of Mr. Joe E. Edwards; Frederick P. Furth, of Battle Creek, Mich., David Ingraham, of New York, N.Y., and Abraham Philip Ordovery, of New York, N.Y., on motion of Mr. Donald J. Mulvihill; John J. Mooney, of New York, N.Y., on motion of Mr. Robert J. Fitzsimmons; William A. Knoeller, of Green Bay, Wis., on motion of Mr. Davidson Church Miller; and William Lawson Auld, of Atlanta, Ga., on motion of Mr. Joseph A. De Grandi, were admitted to practice.

## ORAL ARGUMENT

No. 61. Radio and Television Broadcast Technicians Local Union 1264, etc., et al., petitioners, *v.* Broadcast Service of Mobile, Inc. Argument continued by Mr. J. R. Goldthwaite, Jr., for the petitioners, by Mr. Willis C. Darby, Jr., for the respondent, and concluded by Mr. J. R. Goldthwaite, Jr., for the petitioners.

No. 63. Commissioner of Internal Revenue, petitioner, *v.* Clay B. Brown et al. Argued by Mr. Wayne G. Barnett for the petitioner and by Mr. William H. Kinsey for the respondents.

No. 443. Hughes Tool Company et al., petitioners, *v.* Trans World Airlines, Inc. Argued by Mr. Chester C. Davis for the petitioners and by Mr. John F. Sonnett for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 4, 1965, will be as follows: Nos. 501, 96, 138 (139 and 369), and 148.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Thomas E. Fox, of Columbia, Tenn., on motion of Mr. George Folsom McCanless; Alexis L. Fricke, of Cleveland, Ohio, Paul Conant Hopkins, of Cleveland, Ohio, and Lester George Renard, of New York, N.Y., on motion of Mr. Joseph F. Spaniol, Jr.; H. Randall Bixler, of Washington, D.C., James T. Lewis, of Fairfax, Va., and Roy Shaw Mitchell, of Washington, D.C., on motion of Mr. Geoffrey Creyke, Jr.; John L. Murphy, Jr., of Boston, Mass., on motion of Mr. Nathan Lewin; James A. Larpenteur, Jr., of Portland, Oreg., on motion of Mr. William H. Kinsey; William C. Stewart, of Los Angeles, Calif., on motion of Mr. John Anthony Finken; Alan Y. Naftalin, of Washington, D.C., on motion of Mr. Bernard Koteen; M. Edwin Prud'homme, of Texarkana, Tex., on motion of Mr. Robert Michael Perry; Lawrence Vincent Cregan, of Youngstown, Ohio, and Benjamin F. Kelly, of Youngstown, Ohio, on motion of Mr. Jerry N. Griffin; Stephen A. Weiner, of New York, N.Y., on motion of Mr. William C. Chanler; and Joseph Augustus Jordan, Jr., of Norfolk, Va., on motion of Mr. Len W. Holt, were admitted to practice.

## ORAL ARGUMENT

No. 501. Hughes Tool Company, petitioner, *v.* Trans World Airlines, Inc., et al. Argued by Mr. Chester C. Davis for the petitioner and by Mr. Bruce Bromley for the respondents.

No. 96. Reserve Life Insurance Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Argued by Mr. Harris K. Weston for the appellant and by Mr. Edgar L. Lindley for the appellee.

No. 138. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, petitioner, *v.* Association for the Benefit of Non-Contract Employees;

No. 139. United Air Lines, Inc., petitioner, *v.* National Mediation Board et al.; and

No. 369. National Mediation Board et al., petitioners, *v.* Association for the Benefit of Non-Contract Employees. Argued by Mr.

Solicitor General Cox for the respondents in No. 139 and the petitioners in No. 369, by Mr. James L. Highsaw, Jr., for the petitioner in No. 138, by Mr. Stuart Bernstein for the petitioner in No. 139 and by Mr. Alex L. Arguello for the respondent in Nos. 138 and 369.

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Adjourned until Monday, March 8, 1965, at 10 o'clock.

The day call for Monday, March 8, 1965, will be as follows: Nos. 148, 134 (and 237), 347, and 115.

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## SUPREME COURT OF THE UNITED STATES

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

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Mr. Solicitor General Cox presented the Honorable Nicholas deB. Katzenbach, 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

Josh Rephun, of Miami Beach, Fla., Richard A. Knock, of Parkersburg, Iowa, Edward Everett Phillips, of Weston, Mass., John D. Gautier, of Pascagoula, Miss., William Bryan Jones, of Pascagoula, Miss., Carl A. Megehee, of Pascagoula, Miss., Nicholas R. Alessandro, of Bronx, N.Y., Victor E. De Curtis, of New York, N.Y., Manuel Epstein, of New York, N.Y., Arthur M. Handler, of New York, N.Y., Robert E. Kushner, of New York, N.Y., Martin A. Danoff, of New York, N.Y., Morton Y. Reeves, of Columbus, Ohio, Claude R. Wilson, Jr., of Dallas, Tex., David M. Woolley, of Dallas, Tex., and Robert Sherrill Bersch, of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; Harry Malcolm Mackay, of Denver, Colo., and John Ewing Archibald, of Arlington, Va., on motion of Mr. Gordon Allott; Donald P. Callaway, of Fort Smith, Ark., Ike Allen Laws, Jr., of Russellville, Ark., and John Alfred Terry, of Washington, D.C., on motion of Mr. John L. McClellan; Norton M. Furman, of Minneapolis, Minn., and Ronald James Werner, of Minneapolis, Minn., on motion of Mr. Clark MacGregor; Philip M. Haggerty, of Phoenix, Ariz., on motion of Mr. John J. Rhodes; William B. Duncan, of El Paso, Tex., and W. Barton Boling, of El Paso, Tex., on motion of Mr. Richard C. White; Ed Hoover, Jr., of Canadian, Tex., on motion of Mr. Walter Rogers; David You Mar, of Honolulu, Hawaii, on motion of Mr. Spark M. Matsunaga; Raymond L. Brown, of Pascagoula, Miss., on motion of Miss Alice L. O'Donnell; Betty Jean Hancock, of Baltimore, Md., on motion of Mr. Edward G. Hudon; Howard Thomas Markey, of Winnetka, Ill., and Irving



Lewis, of Lincolnwood, Ill., on motion of Mr. Roy Dale Adcock; Carl C. Gillespie, of Tazewell, Va., on motion of Mr. Frederick Bernays Wiener; James A. Stemmler, of St. Louis, Mo., on motion of Mr. Edwin Shaffer Rockefeller III; George G. Burke II, of Quincy, Mass., and Richard W. Barry, of Quincy, Mass., on motion of Mr. Daniel T. Coughlin; Eugene E. Cole, of Philadelphia, Pa., Joseph W. Monsanto, of Miami, Fla., and Newton T. Jones, of Collingswood, N.J., on motion of Mr. Luke Edward White; Albert W. Harris, Jr., of San Francisco, Calif., Derald Edwin Granberg, of San Francisco, Calif., and Eugene B. Jacobs, Jr., of Los Angeles, Calif., on motion of Mr. Jerome C. Muys; Frederick G. Von Huben, of Fort Worth, Tex., on motion of Mr. Paul H. Cullinan; Ed M. Brown, of Dallas, Tex., and Eugene Loyd Smith, Jr., of Dallas, Tex., on motion of Mr. Ewell Lee Smith; Emanuel Shapiro, of St. Louis, Mo.; on motion of Mr. Morris A. Shenker; Earl G. Schneider, of Chicago, Ill., and Michael R. Galasso, of Chicago, Ill., on motion of Mr. Norman Miller; Lloyd Francis Engle, Jr., of Pittsburgh, Pa., on motion of Mr. Almon S. Nelson; Robert H. Fraser, of Los Angeles, Calif., on motion of Mr. Richard Winn; Leon Thomas Knauer, of Granby, Conn., and Arthur E. McInerney, of Brooklyn, N.Y., on motion of Mr. Claron Chipman Spencer; John Hardwick Haley, Jr., of Belleville, Ill., on motion of Mr. Milton Kramer; and Thomas A. Latta, of Phoenix, Ariz., on motion of Mr. Edward Jacobson, were admitted to practice.

## OPINIONS

No. 64. Robert Swain, petitioner, *v.* Alabama. On writ of certiorari to the Supreme Court of Alabama. Judgment affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren and Mr. Justice Douglas join.

No. 111. Department of Mental Hygiene of California, petitioner, *v.* Evelyn Kirchner, Administratrix of the Estate of Ellinor Green Vance. On writ of certiorari to the Supreme Court of California. Judgment vacated and case remanded to the Supreme Court of California for further proceedings as may be appropriate under state law. The judgment and mandate of this Court shall issue forthwith. Opinion by Mr. Justice Harlan. Mr. Justice Douglas, believing it clear that the Supreme Court of California did not rest solely on the Fourteenth Amendment of the Constitution of the United States, would dismiss the writ.

No. 50. United States, petitioner, *v.* Daniel Andrew Seeger; and

No. 51. United States, petitioner, *v.* Arno Sascha Jakobson. On writs of certiorari to the United States Court of Appeals for the Second Circuit; and

No. 29. Forest Britt Peter, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgments in Nos. 50 and 51 affirmed. Judgment in No. 29 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 Clark. Concurring opinion by Mr. Justice Douglas.

No. 232. United States, appellant, *v.* Boston and Maine Railroad et al. Appeal from the United States District Court for the District of Massachusetts. Judgment vacated and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Douglas.

No. 67. Louisiana et al., appellants, *v.* United States. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment affirmed. Opinion by Mr. Justice Black. Mr. Justice Harlan considers that the constitutional conclusions reached in the opinion can properly be based only on the provisions of the Fifteenth Amendment. In all other respects, he fully subscribes to the opinion.

No. 73. United States, appellant, *v.* Mississippi et al. Appeal from the United States District Court for the Southern District of Mississippi. Judgment reversed and case remanded to the District Court for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Harlan considers that the constitutional conclusions reached in the opinion can properly be based only on the provisions of the Fifteenth Amendment. In all other respects, he fully subscribes to the opinion.

No. 443. Hughes Tool Company et al., petitioners, *v.* Trans World Airlines, Inc. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 501. Hughes Tool Company, petitioner, *v.* Trans World Airlines, Inc., et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren.

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The Chief Justice said :

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

#### OPINIONS PER CURIAM

No. 774. Charles G. Davis, etc., et al., appellants, *v.* James R. Mabry et al. Appeal from the United States District Court for the Western

District of Texas. The judgment is affirmed. Opinion *per curiam*. Mr. Justice Harlan would reverse the judgment of the District Court for the reasons stated in his dissenting opinion in *Carrington v. Rash*, No. 82, October Term, 1964, decided March 1, 1965.

No. 797. Giles W. Stadler et al., etc., appellants, *v.* State Board of Equalization of the State of California. Appeal from the District Court of Appeal of California, Second Appellate District. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 346, Misc. Wanda Jean Barnes, petitioner, *v.* Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Court of Criminal Appeals of Texas for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 465, Misc. Willie Seals, Jr., petitioner, *v.* Alabama. On petition for writ of certiorari to the Supreme Court of Alabama. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 486, Misc. Samuel Arthur, petitioner, *v.* Colorado. On petition for writ of certiorari to the Supreme Court of Colorado. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Colorado for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 848, Misc. Frederick Hall, appellant, *v.* Illinois. Appeal from the Supreme Court of Illinois. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 245. Waterman Steamship Corporation, petitioner, *v.* United States. The joint motion to remove this case from the summary calendar is granted and 15 additional minutes are allotted to each side for oral argument.

No. 300. Ben W. Fortson, Jr., as Secretary of State of Georgia, et al., appellants, *v.* Henry J. Toombs et al. The motion of the appellees to relax costs is granted and it is ordered that the judgment of this Court be amended to provide that the appellants shall recover one-half of their costs.

No. 345. Maryland for the use of Nadine Y. Levin, Sydney L. Johns, et al., petitioners, *v.* United States. The motion of the petitioners to remove this case from the summary calendar is denied.

No. 348. Marc D. Leh, etc., et al., petitioners, *v.* General Petroleum Corporation et al. Upon consideration of the motion of the petitioner, Leh, for leave to proceed further herein *in forma pauperis*, it is ordered that the case be heard on the typewritten record.

No. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. The motion of International Franchise Association, Inc., for leave to file a brief, as *amicus curiae*, is granted.

No. 422. Federal Trade Commission, petitioner, *v.* Consolidated Foods Corporation. The motion of Eaton Manufacturing Company for leave to file a brief, as *amicus curiae*, is granted.

No. 814. Alf M. Landon, petitioner, *v.* Northern Natural Gas Company;

No. 815. Comisaria General de Abastecimientos y Transportes, petitioner, *v.* Victory Transport Incorporated; and

No. 819. William C. Linn, petitioner, *v.* United Plant Guard Workers of America, Local 114, et al. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

#### APPEAL—JURISDICTION NOTED

No. 835. Annie E. Harper et al., appellants, *v.* Virginia State Board of Elections et al. Appeal from the United States District Court for the Eastern District of Virginia. The motion to advance is denied. In this case probable jurisdiction is noted.

#### CERTIORARI GRANTED

No. 632. Sgt. Jesse E. Snapp, petitioner, *v.* Honorable W. D. Neal, State Auditor, et al. Petition for writ of certiorari to the Supreme Court of Mississippi granted and case placed on the summary calendar.

No. 817. Gerald Segal, individually and d/b/a Segal Cotton Products, et al., petitioners, *v.* William J. Rochelle, Jr., Trustee. 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. 803. California, petitioner, *v.* Lyman E. Buzard. Petition for writ of certiorari to the Supreme Court of California granted. Case placed on the summary calendar and set for oral argument immediately following No. 632.

No. 671. The United Gas Improvement Company et al., petitioners, *v.* Callery Properties, Inc., et al.;

No. 678. Public Service Commission of the State of New York, petitioner, *v.* Callery Properties, Inc., et al.;

No. 714. Ocean Drilling & Exploration Company, petitioner, *v.* Federal Power Commission et al.; and

No. 756. Federal Power Commission, petitioner, *v.* Callery Properties, Inc., et al. The motion of Consolidated Edison Company of New York, Incorporated, et al., for leave to file a brief, as *amici curiae*, in No. 671, is granted. Petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit granted. Cases consolidated and a total of four hours allotted for oral argument.

#### CERTIORARI DENIED

No. 804. Transocean Air Lines et al., petitioners, *v.* Irving Ben Cooper, United States District Judge for the Southern District of New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 805. Richard A. Woodring, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 809. Peter Goldberg, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 811. Charles Wilson Tennant, etc., petitioner, *v.* John R. Shriver, Trustee. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 812. Billy Farrell Thomerson, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Middle Division, denied.

No. 813. Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 816. William F. Waite, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 818. Jack H. Scott et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 821. Richard F. Savelli, 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. 822. David Grossman, petitioner, *v.* Jeannette Stubbs & Harold Rugg. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 823. Llewellyn McGavic, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 824. Pan American-Grace Airways, 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. 827. Chase Capital Corporation, dba Quail Valley Country Club, petitioner, *v.* A. J. Bumb, Receiver-Trustee, etc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 828. M. S. Chambliss et al., petitioners, *v.* Coca Cola Bottling Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 830. Local 25, Marine Division, International Union of Operating Engineers, AFL-CIO, et al., petitioners, *v.* American Dredging Company. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 218, Misc. Walter Edwards, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 356, Misc. Clyde Johnson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 591, Misc. Murray Kirk, petitioner, *v.* Hon. Henry E. Santo, etc., et al. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 635, Misc. John W. Jackson, 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. 655, Misc. Jerry Erving, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the District Court of Lancaster County, Nebraska denied.

No. 757, Misc. Elmer Krepel, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 779, Misc. Herbert Boone, petitioner, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 788, Misc. Elias Cisneros, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 804, **Misc.** Dennis P. Kelly, petitioner, *v.* New Jersey et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 807, **Misc.** Sylvester Lockhart, Jr., petitioner, *v.* David N. Myers, Superintendent, State Correctional Institution. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 808, **Misc.** Banister J. Williams, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the Criminal Court of Cook County, Illinois, denied.

No. 811, **Misc.** Burton N. Pugach, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 815, **Misc.** John A. Geeter, petitioner, *v.* Walter Dunbar, Director of Corrections. Petition for writ of certiorari to the Supreme Court of California, denied.

No. 821, **Misc.** Eugene L. Sturges, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 823, **Misc.** Charles Minchella, petitioner, *v.* Honorable Theodore Levin, etc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 829, **Misc.** Victoria Fritz, petitioner, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 831, **Misc.** Samuel A. Thomas, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 837, **Misc.** Charles Joseph Luft, petitioner, *v.* George Kropp, Warden. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 841, **Misc.** Carl W. Lamborn, petitioner, *v.* Pennsylvania et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 844, **Misc.** Harry Mencher, petitioner, *v.* The Warden, Queens House of Detention for Men. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 850, **Misc.** William James Hensler, petitioner, *v.* Warden, Queens House of Detention. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 852, **Misc.** Roy "X" 9 Ross, Jr., petitioner, *v.* John S. Courtney, Postmaster, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 858, **Misc.** Foster Dash, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 864, **Misc.** Peter Corso, petitioner, *v.* Robert E. Murphy, Warden. Petitioner for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 879, **Misc.** William M. Miller, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 899, **Misc.** George P. Dobranski, petitioner, *v.* Long Island Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 904, **Misc.** William C. Rindgo, 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. 528, **Misc.** Earl LeRoy Blackburn, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 849, **Misc.** Donald Ray Carson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

#### REHEARINGS DENIED

No. 647. Robert Borum, petitioner, *v.* Wisconsin on the relation of American Motors Corporation et al.;

No. 674. Jacuzzi Bros., Inc., et al., petitioners, *v.* Landon, Inc.;

No. 378, **Misc.** Walter Otto, petitioner, *v.* Hon. Frank R. Somers, Mayor, etc., et al.;

No. 475, **Misc.** Bernard E. La Clair, petitioner, *v.* United States; and

No. 706, **Misc.** Edgar H. Smith, petitioner, *v.* New Jersey. Petitions for rehearing denied.

No. 588. C. E. Russ, petitioner, *v.* Southern Railway Company. Motion of The Railway Labor Executives' Association for leave to file a brief, as *amicus curiae*, denied. Petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from Monday, March 15, 1965, until Monday, March 29, 1965.

#### ORAL ARGUMENT

No. 148. Lester G. McKinnie et al., petitioners, *v.* Tennessee. Argued by Mr. James M. Nabrit III for the petitioners and by Mr. Thomas E. Fox for the respondent.



No. 134. Paragon Jewel Coal Company, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 237. Commissioner of Internal Revenue, petitioner, *v.* Robert Lee Merritt, et ux., et al. Argued by Mr. Frederick Bernays Wiener for the petitioner in No. 134, by Mr. Philip B. Heymann for the respondent in No. 134 and the petitioner in No. 237, and by Mr. John Y. Merrell for the respondents in No. 237.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 9, 1965, will be as follows: Nos. 347, 115, 149, 202, 313, and 352.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Chesterfield Harvey Smith, of Bartow, Fla., on motion of Mr. Spessard L. Holland; Ainarud Gelbond, of Clifton, N.J., on motion of Mr. Charles S. Joelson; William T. Plumb, Jr., of Washington, D.C., on motion of Mr. E. Barrett Prettyman, Jr.; Oscar B. Kleinfeld, of Stockton, Calif., on motion of Mr. Richard N. Little; Angelo T. Cometa, of New York, N.Y., on motion of Mr. Nathan Lewin; Charles Trynin, of New York, N.Y., on motion of Mr. Ernest Schein; Randal F. Dickey, Jr., of Oakland, Calif., on motion of Mr. Benjamin Louis Zelenko; Leo Patrick Ferris, of Fort Worth, Tex., on motion of Mr. W. Barton Boling; and Warren O. Smith, of Oakland, Calif., Joseph M. Palermo, of Chicago, Ill., John Edward Softcheck, of Joliet, Ill., Eugene Ensing Stevens III, of Rockville, Md., Arthur J. Caron, Jr., of New Bedford, Mass., Charles Francis Murphy, of Natick, Mass., Arthur J. O'Keefe, of Boston, Mass., John P. Trayers, of Canton, Mass., John Smith Crandell, of Oak Park, Mich., Allan McDowell Goodloe, of Webster Groves, Mo., Charles H. Haggerty, of Eatontown, N.J., Walter E. Schroeder, of Loch Arbour, N.J., Dorothy G. Postver, of Watervliet, N.Y., John Lenker Tuckerman, of Cleveland, Ohio, Charles Clyde Allshouse, Jr., of Arlington, Va., Morton W. Bachrach, of Alexandria, Va., Robert Paul Gibson, of Fairfax, Va., John H. Glowacki, of Arlington, Va., and Eugene C. Gott, Jr., of Washington, D.C., on motion of Mr. S. Stewart Wilson, were admitted to practice.

### ORAL ARGUMENT

No. 347. Max Jaben, petitioner, *v.* United States. Argued by Mr. Morris A. Shenker for the petitioner and by Mr. Nathan Lewin for the respondent.

No. 115. Warren Trading Post Company, appellant, *v.* Arizona State Tax Commission et al. Argued by Mr. Edward Jacobson for the appellant and by Mr. Philip M. Haggerty for the appellees.

No. 149. R. Wright Armstrong, Jr., petitioner, *v.* Salvatore E. Manzo et ux. Argued by Mr. Ewell Lee Smith, Jr., for the petitioner and by Mr. William Duncan for the respondents.

No. 202. Eddie Dean Griffin, petitioner, *v.* California. Argued by Mr. Morris Lavine for the petitioner and by Mr. Albert W. Harris, Jr., for the respondent.

No. 313. Jesse Elliott Douglas, petitioner, *v.* Alabama. Argument commenced by Mr. Charles Cleveland for the petitioner and continued by Mr. Paul T. Gish, Jr., for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 10, 1965, will be as follows:  
Nos. 313, 352, 363, 365, and 422.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

John F. O'Mara, of Tempe, Ariz., on motion of Mr. Morris K. Udall; Ross L. Jones, of Seymour, Tex., on motion of Mr. Roy Dale Adcock; Sherman K. Levine, of New Castle, Pa., and Morton A. Lewis, of Dallas, Tex., on motion of Mr. Nathan Lewin; Frederic L. Ballard, Jr., of Philadelphia, Pa., Tyson W. Coughlin, of Philadelphia, Pa., and Harry W. Gill, Jr., of Philadelphia, Pa., on motion of Mr. Charles I. Thompson, Jr.; Jerome K. Walsh, Jr., of New York, N.Y., on motion of Mr. Norris Darrell; Harry Heher, Jr., of Princeton, N.J., on motion of Mr. John Hurford Sharon; John Leslie White, of Falls Church, Va., on motion of Mr. M. Ted Raptas; Douglas G. Cole, of Cincinnati, Ohio, on motion of Mr. Melvin C. Garbow; and Jack H. Kaufman, of San Antonio, Tex., on motion of Mr. Charles M. Johnston, were admitted to practice.

## ORAL ARGUMENT

No. 313. Jesse Elliott Douglas, petitioner, *v.* Alabama. Argument continued by Mr. Paul T. Gish, Jr., for the respondent and concluded by Mr. Charles Cleveland for the petitioner.

No. 352. General Motors Corporation, petitioner, *v.* District of Columbia. Argued by Mr. Donald K. Barnes for the petitioner and by Mr. Henry E. Wixon for the respondent.

No. 363. Lucy C. Simons, petitioner, *v.* Miami Beach First National Bank, etc. Argued by Mr. Robert C. Ward for the petitioner and by Mr. Marion E. Sibley for the respondent.

No. 365. Michael C. Sansone, petitioner, *v.* United States. Leave granted Mr. Paul Bender to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Solicitor General Cox. Argued by Mr. Merle L. Silverstein for the petitioner and by Mr. Paul Bender for the respondent, *pro hac vice*, by special leave of Court.

No. 422. Federal Trade Commission, petitioner, *v.* Consolidated Foods Corporation. Argument commenced by Mr. Solicitor General Cox for the petitioner.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, March 11, 1965, will be as follows: Nos. 422, 437, 95, and 578.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Grady Nelson Forrester, of Tullahoma, Tenn., on motion of Mr. Joe L. Evins; Samuel L. Devine, of Columbus, Ohio, on motion of Mr. James Francis Reilly; Betty D. Friedlander, of Waverly, N.Y., on motion of Mr. Gray Thoron; Euel A. Screws, Jr., of Montgomery, Ala., on motion of Mr. Donald Joseph Cronin; T. E. Drucker, of Rockville, Md., on motion of Mr. Joseph A. Nacrelli; D. Ted Farrell, of Los Angeles, Calif., on motion of Mr. Richard N. Little; Thomas G. Shack, Jr., of Boston, Mass., on motion of Mr. E. Stratford Smith; Harper Laimbeer Abbot, of Pueblo, Colo., on motion of Mr. Warren G. Elliott; Bernard F. Ashe, of Detroit, Mich., on motion of Mr. Victor J. Ashe; Robert Hillard Doyle, of Washington, D.C., on motion of Mr. Michael F. X. Dolan; Clement L. MaHale, of Pittsburgh, Pa., on motion of Mr. Gordon S. Parker; and Ronald J. Offenkrantz, of New York, N.Y., and Gerald Zuckerman, of New York, N.Y., on motion of Mr. Leon B. Polsky, were admitted to practice.

## ORAL ARGUMENT

No. 422. Federal Trade Commission, petitioner, *v.* Consolidated Foods Corporation. Argument continued by Mr. Solicitor General Cox for the petitioner, by Mr. Daniel Walker for the respondent, and concluded by Mr. Solicitor General Cox for the petitioner.

No. 437. Otto V. Burnett, petitioner, *v.* New York Central Railroad Company. Argued by Mr. Douglas G. Cole for the petitioner and by Mr. Roy W. Short for the respondent.

No. 95. Victor Linkletter, petitioner, *v.* Victor G. Walker, Warden. Argued by Mr. Euel A. Screws, Jr., for the petitioner, by Mr. Teddy W. Airhart, Jr., for the respondent, and by Mr. H. Richard Uviller for the National District Attorneys' Association, as *amicus curiae*. Memorandum to come.

No. 578. George Angelet, petitioner, *v.* Edward M. Fay, Warden. Argued by Mr. Leon B. Polsky for the petitioner, by Mr. Gray Thoron for the respondent, and by Mr. Michael Juviler for the National District Attorneys' Association, as *amicus curiae*.

Adjourned until Monday, March 15, 1965, at 10 o'clock.

The day call for Monday, March 15, 1965, will be as follows: Nos. 345, 355, and 577.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Nicolaus Bruns, Jr., of Washington, D.C., James H. Walsh, of Jacksonville, Fla., Carl L. Campbell, of Dearborn Heights, Mich., Gerald Kadish, of Washington, D.C., and John F. Webster, of St. Albans, Vt., on motion of Mr. Solicitor General Archibald Cox; Clement Murphy Moss, Jr., of New Orleans, La., on motion of Mr. Hale Boggs; David N. Andrews, of Eugene Oreg., and Clifford D. Ouellette, of Eugene Oreg., on motion of Mr. Robert B. Duncan; Dan W. Duffy, of Cleveland Ohio, and Sydney A. Hesse, of Cleveland, Ohio, on motion of Mr. Michael V. DiSalle; Darrell F. Smith, of Mesa, Ariz., on motion of Mr. Edwin A. Mooers; William D. Matthews, of Washington, D.C., and Kenneth Eugene Scranton, of Chicago, Ill., on motion of Mr. Edward T. Tait; Hans Harnik, of New York, N.Y., on motion of Mr. Monroe Karasik; Ernest Maurice Shalowitz, of Washington, D.C., on motion of Mr. Jerry Z. Pruzansky; E. J. Spielman, of Los Angeles, Calif., on motion of Mr. Carl Frederick Paul, Jr.; Roger S. Borovoy, of San Francisco, Calif., on motion of Mr. J. Harold Kilcoyne; Doris Carroll, of New York, N.Y., on motion of Mr. Herbert F. Roth; Edwin Henry Nordlinger, of New York, N.Y., on motion of Mr. Arthur G. Kaplan; Haskell Edelstein, of New York, N.Y., on motion of Mr. Hanno D. Mott; Albert E. Seligman, of New York, N.Y., on motion of Mr. Harry Turner; John Wesley Benoit, Jr., of Augusta, Maine, on motion of Mr. Roland Rice; George William Gray III, of Austin, Tex., on motion of Mr. Frank P. Jones, Jr.; Joseph R. O'Connor, of Bloomington, Ill., and Gary L. Pauley, of Normal, Ill., on motion of Mr. Charles C. Collins; Charles Emmet Lucey, of Chevy Chase, Md., on motion of Mr. Perry S. Patterson; David V. Kahn, of Chicago, Ill., on motion of Mr. Sigmund Timberg; Everett L. Buckmaster, of Baltimore, Md., on motion of Mr. Richard W. Galiher; Paul C. Valentine, of Palo Alto, Calif., on motion of Mr. Leonard Niederlehner; Herman L. Weisman, of New York, N.Y., on motion of Mr. John A. Wilson; Louis Alfred Fuselier, of Jackson, Miss., John Hobart Hector, Jr., of Jackson, Miss., and John Calhoun Sullivan, of Jackson, Miss., on motion of Mr. C. Arthur Sullivan; and John J. Browne, of Houston, Tex., Bill Schlomann, of Houston, Tex.,



and Gilbert J. Pena, of Austin, Tex., on motion of Mr. Orville A. Harlan, were admitted to practice.

### OPINIONS

No. 61. Radio and Television Broadcast Technicians Local Union 1264, etc., et al., petitioners, *v.* Broadcast Service of Mobile, Inc. On writ of certiorari to the Supreme Court of Alabama. Judgment reversed and case remanded to the Supreme Court of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren.

No. 96. Reserve Life Insurance Company, appellant, *v.* Stanley J. Bowers, Tax Commissioner of Ohio. Appeal from the Supreme Court of Ohio. Judgment reversed and case remanded to the Court of Appeals of Ohio, First Appellate District, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black dissents. Mr. Justice Stewart took no part in the decision of this case.

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The Chief Justice said :

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

### OPINIONS PER CURIAM

No. 314. Trans-Lux Distributing Corp., appellant, *v.* The Board of Regents of the University of New York. Appeal from the Court of Appeals of New York. Judgment reversed and case remanded to the Court of Appeals of New York for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 849. Sam E. Baker and Frank W. Ford, d/b/a Baker and Ford, a partnership, appellant, *v.* Alaska. Appeal from the Supreme Court of Washington. The appeal is dismissed for want of a substantial federal question. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas are of the opinion that probable jurisdiction should be noted.

No. 340, Misc. Genevieve Florence Santos, petitioner, *v.* Texas. On petition for writ of certiorari to the Court of Criminal Appeals of Texas. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Criminal Appeals of Texas for further consideration in light of *Aguilar v. Texas*, 378 U.S. 108. Opinion *per curiam*.

No. 397, Misc. Ralph Martinez, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals

for the Ninth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Northern District of California with instructions to make findings with respect to petitioner's consent to the search. Opinion *per curiam*.

No. 476, Misc. Wayne Gilbert Marvel, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment vacated and case remanded to the United States District Court for the Middle District of Alabama for a hearing as to whether petitioner was misled by the trial judge as to the maximum sentence. Opinion *per curiam*.

No. 527, Misc. John Christopher Harrison, appellant, *v.* Robert S. McNamara, Secretary of Defense, et al. Appeal from the United States District Court for the District of Connecticut. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 794, Misc. Joseph Genovese, appellant, *v.* Ohio. Appeal from the Supreme Court of Ohio. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 292. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission; and

No. 296. The Goodyear Tire & Rubber Company, petitioner, *v.* Federal Trade Commission. The motion of the respondent to consolidate these cases for oral argument is granted.

No. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. The petitioners are ordered to show cause on or before Thursday, March 25, 1965, why the writ in this proceeding should not be dismissed for want of prosecution.

No. 496. Estelle T. Griswold et al., appellants, *v.* Connecticut. The motion of Dr. John M. Adams et al., for leave to file a brief, as *amici curiae*, is granted. The motion of The Catholic Council on Civil Liberties for leave to file a brief, as *amicus curiae*, is granted. The motion of Planned Parenthood Federation of America, Inc., for leave to file a brief, as *amicus curiae*, is granted. The motion of Planned Parenthood Federation of America, Inc., for leave to participate in oral argument, as *amicus curiae*, is denied.

No. 789. Raymond D. Howell, petitioner, *v.* Ohio. The motion of

the petitioner to consolidate for argument with No. 202, or for alternative relief, is denied.

No. 948. United States, appellant, *v.* Cecil Ray Price et al.; and

No. 949. United States, appellant, *v.* Cecil Ray Price et al. The motion of the United States as to consolidating these cases is deferred awaiting the timely filing of responses to the jurisdictional statement; in all other respects the motion is denied.

#### APPEAL—JURISDICTION NOTED

No. 820. United States, appellant, *v.* General Motors Corporation et al. Appeal from the United States District Court for the Southern District of California. In this case probable jurisdiction is noted.

#### CERTIORARI GRANTED

No. 172. United States, petitioner, *v.* Frank Romano et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar.

No. 527. The Hanna Mining Company et al., petitioners, *v.* District 2, Marine Engineers Beneficial Association, AFL-CIO, et al. Petition for writ of certiorari to the Supreme Court of Wisconsin granted and case placed on the summary calendar.

No. 780. Alfred D. Rosenblatt, petitioner, *v.* Frank P. Baer. Petition for writ of certiorari to the Supreme Court of New Hampshire granted and case placed on the summary calendar. Counsel are directed in addition to argue the question whether, at the time of respondent's employment as supervisor of the recreation area, he was a "public official" under the decisions of this Court in *New York Times Co. v. Sullivan*, 376 U.S. 254 and *Garrison v. Louisiana*, 379 U.S. 64.

#### CERTIORARI DENIED

No. 145. Honorable Michael L. Igoe, United States District Judge, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 193. Frank Romano et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 234. Harold Roth et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 286. L. Buford Hall et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 561. Dudley Dupleshin, petitioner, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 788. Minnesota *ex rel.* Roger W. Jenson, petitioner, *v.* Civil Service Commission of the City of Minneapolis et al. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 833. Lyon Tyler Matthew 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. 836. Doris M. Brown et al., petitioners, *v.* Ohio Power Company. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 839. Patricia R. Smith, petitioner, *v.* The Louisville Trust Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 840. Noble Drilling Corporation, petitioner, *v.* Eunick P. Saunier, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 841. Louisa Mariano, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 842. Pan-American Life Insurance Company, petitioner, *v.* Rolando Menendez Botana. Petition for writ of certiorari to the District Court of Appeal of Florida, Third Appellate District, denied.

No. 845. Northern Metal Company, petitioner, *v.* Pennsylvania Board of Finance and Revenue. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Middle District, denied.

No. 846. Matson Navigation Company, petitioner, *v.* Eddie Huff. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 850. Continental Grain Company, petitioner, *v.* City of Buffalo et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 800. Gate Film Club, petitioner, *v.* Louis M. Pesce. 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. 844. Floyd B. Harmon, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted.

No. 171, Misc. William Sorenson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 258, *Misc.* Robert McClure et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 348, *Misc.* John Scifo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 498, *Misc.* Oswald Godfrey Jordan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 547, *Misc.* Victor E. Stadter, petitioner, *v.* United States;

No. 555, *Misc.* Roy Ehlen, petitioner, *v.* United States; and

No. 644, *Misc.* Marvin Wright, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 631, *Misc.* Troy Lee Cochran, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 813, *Misc.* William D. Blue, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 816, *Misc.* Benjamin T. Guerrieri, petitioner, *v.* Ohio et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 822, *Misc.* Donald Arbuckle, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 828, *Misc.* Leroy Lemons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 830, *Misc.* Edward Christopher Borse, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 866, *Misc.* Nasser Haghghi and Mansour Haghghi, petitioners, *v.* Arizona et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 867, *Misc.* Detluf L. Schlueter, petitioner, *v.* Frank A. Eyman et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 868, *Misc.* David D. Taylor, petitioner, *v.* J. Edwin LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 907, *Misc.* Booker T. Hillery, Jr., petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 910, *Misc.* Ralph Leon Gandy, petitioner, *v.* John C. Watkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 920, *Misc.* Theodore C. Ruark, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

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

No. 856, *Misc.* Perry Eugene Walker, petitioner, *v.* Frank J. Pate, Warden, et al.;

No. 871, *Misc.* Ernest Gibson, petitioner, *v.* E. L. Maxwell, Warden;

No. 919, *Misc.* Oliver Rae Schumann, petitioner. *v.* United States;

No. 921, *Misc.* Howard Leon Pennington, petitioner, *v.* Warden, United States Penitentiary, Terre Haute, Indiana; and

No. 969, *Misc.* In the Matter of Guy Auguste Duval, petitioner. Motions for leave to file petitions for writs of habeas corpus denied.

No. 857, *Misc.* Henry Bowens, petitioner, *v.* Frank J. Pate, Warden;

No. 922, *Misc.* Ben Hitchcock, petitioner, *v.* Frank A. Eyman, Warden; and

No. 952, *Misc.* William A. Tarpley, petitioner, *v.* Walter H. Wilkins, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

#### REHEARINGS DENIED

No. 548. Jasper Lee Robinson, by his father and next friend, Willie Robinson, petitioner, *v.* Illinois High School Association et al.; and

No. 564. Carmen Tisone, appellant, *v.* Ohio. Petitions for rehearing denied.

No. 104, *Misc.* Arthur D. Jack, petitioner, *v.* Washington. Motion for leave to file petition for rehearing denied.

#### ORAL ARGUMENT

No. 345. Maryland for the use of Nadine Y. Levin, Sydney L. Johns et al., petitioners, *v.* United States. Argued by Mr. Theodore E. Wolcott for the petitioners and by Mr. David Rose for the respondent.

No. 577. Bob Granville Pointer, petitioner, *v.* Texas. Argued by Mr. Orville A. Harlan for the petitioner and by Mr. Gilbert J. Pena for the respondent. Memorandum to come.

Adjourned until Monday, March 29, 1965, at 10 o'clock.

The day call for Monday, March 29, 1965, will be as follows: Nos. 399, 496, and 292 (and 296).

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

George W. Grider, of Memphis, Tenn., James Elliott Bondurant, of Hodgenville, Ky., Lawrence A. Klinger, of Arlington, Va., Daniel Edward Leach, of Alexandria, Va., Alvin B. Lebar, of Perth Amboy, N.J., Arthur H. Maslansky, of New York, N.Y., Forrest B. Ashcraft, of Newark, Ohio, Donald M. Byrd, of Alexandria, Ohio, and Rupert J. Groh, Jr., of Alexandria, Va., on motion of Mr. Solicitor General Archibald Cox; Jack L. Ferguson, of Napa, Calif., on motion of Mr. Robert L. Leggett; William R. Mitchell, of Modesto, Calif., on motion of Mr. John J. McFall; Owen Calvin Neff, of Cleveland, Ohio, on motion of Mr. William E. Minshall; Phill Silver, of Hollywood, Calif., on motion of Mr. Richard T. Hanna; William Jefferson Marshall, Jr., of Chicago, Ill., and Charles Louis Michod, Jr., of Chicago, Ill., on motion of Judge Craig S. Atkins; Edgar G. Merson, of Madison, Wisc., and Rex Howard Reed, of Washington, D.C., on motion of Mr. Roy Dale Adcock; Thomas J. Singleton, of Mount Kisco, N.Y., on motion of Mr. Charles Sylvanus Rhyne; Robert Graham Sullivan, of San Diego, Calif., and Raymond A. Koltys, of Detroit, Mich., on motion of Mr. Richard N. Little; Thomas Michael Foglietta, of Philadelphia, Pa., R. Anthony Toto, of Philadelphia, Pa., and Joseph S. Ziccardi, of Philadelphia, Pa., on motion of Mr. Robert Lowe Kunzig; Dixon L. Pyles, of Jackson, Miss., on motion of Mr. Louis Sherman; Arden E. Firestone, of Akron Ohio, on motion of Mr. Robert Crafts; Gordon F. Basler, of Cleveland, Ohio, and Craig Spangenberg, of Chagrin Falls, Ohio, on motion of Mr. Oliver W. Hasenflue; Charles L. Bucy, of Alexandria, Va., on motion of Mr. Jerome Powell; Eleanor M. Fox, of New York, N.Y., on motion of Mr. Thomas I. Emerson; Joseph P. Nigon, of Silver Spring, Md., on motion of Mr. George R. Douglas, Jr.; George R. Kucik, of Washington, D.C., on motion of Mr. Robert B. Hummel; Theodore Cecil Brown, Jr., of Raleigh, N.C., on motion of Mr. Jerome O. Hendrickson; Theodore M. Garver, of Cleveland, Ohio, on motion of Mr. Theodore R. Colborn; Robert Franklin Custard, of Hyattsville, Md., and Thomas Ira Davenport, of Lower Gwynedd, Pa., on motion of Thomas J. Greer, Jr.; and Julius Marez, of New Haven, Conn.,



Albert R. Annunziata, of New Haven, Conn., and George J. Jaser, of Milford, Conn., on motion of Mr. Joseph B. Clark, were admitted to practice.

#### OPINIONS

No. 365. Michael C. Sansone, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed. Opinion by Mr. Justice Goldberg. Mr. Justice Black and Mr. Justice Douglas dissent.

No. 255. The American Ship Building Company, petitioner, *v.* National Labor Relations Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for further consideration in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Opinion by Mr. Justice White concurring in the result. Opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren joins concurring in the result.

No. 7. National Labor Relations Board, petitioner, *v.* John Brown et al. On writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren joins. Dissenting opinion by Mr. Justice White.

No. 37. Textile Workers Union of America, petitioner, *v.* Darlington Manufacturing Company et al.; and

No. 41. National Labor Relations Board, petitioner, *v.* Darlington Manufacturing Company et al. On writs of certiorari to the United States Court of Appeals for the Fourth Circuit. Judgments vacated and cases remanded to the Court of Appeals with instructions to remand to the National Labor Relations Board for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Mr. Justice Stewart took no part in the decision of these cases. Mr. Justice Goldberg took no part in the consideration or decision of these cases.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 89. Aaron E. Henry, petitioner, *v.* Benford C. Collins; and

No. 90. Aaron E. Henry, petitioner, *v.* Thomas H. Pearson. On petitions for writs of certiorari to the Supreme Court of Mississippi. Petitions for writs of certiorari granted, judgments reversed, and

cases remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Goldberg concur in the reversal of these judgments.

No. 307. William M. O'Keeffe, Deputy Commissioner, Bureau of Employees' Compensation, United States Department of Labor, petitioner *v.* Smith, Hinchman & Grylls Associates, Inc., et al. On petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Middle District of Florida for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice White join. Opinion by Mr. Justice Douglas, *dubitante*.

No. 770. Chicago, Rock Island and Pacific R. Co., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Missouri. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 291. Minnesota Mining and Manufacturing Company, petitioner *v.* New Jersey Wood Finishing Company. The motion of respondent to advance is granted and the case is set for argument during the week of April 26th.

No. 292. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission. The motion of Automotive Service Industry Association for leave to file a brief, as *amicus curiae*, is granted.

No. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. The rule to show cause is discharged. The case is returned to the argument calendar and set for argument on Thursday, April 29, 1965.

No. 496. Estelle T. Griswold et al., appellants, *v.* Connecticut. The motion of The American Civil Liberties Union, et al., for leave to file a brief, as *amici curiae*, is granted.

No. 657. Carnation Company, petitioner, *v.* Pacific Westbound Conference et al. The motion of Herman Goldman for leave to withdraw his appearance as counsel for the respondents is granted.

No. 1139, Misc. In the Matter of the Disbarment of Eldon C. Harris. It is ordered that Eldon C. Harris of West Yellowstone, Montana, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

No. 1140, Misc. In the Matter of the Disbarment of Bernard J. Hammett. It is ordered that Bernard J. Hammett of Washington, District of Columbia, be suspended from the practice of the law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

## CERTIORARI GRANTED

No. 778. Calmar, Inc., petitioner, *v.* Cook Chemical Company; and No. 810. Colgate-Palmolive Company, petitioner, *v.* Cook Chemical Company. Petitions for writs of certiorari to the United States Court of Appeals for the Eighth Circuit granted. Cases consolidated and one hour allotted for oral argument for both cases. Cases set for argument immediately following No. 580.

No. 883. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 133, UAW, AFL-CIO, petitioner, *v.* The Fafnir Bearing Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit granted and case placed on the summary calendar. Case set for oral argument immediately following No. 650.

No. 906. United States, petitioner, *v.* Bert N. Adams et al. Petition for writ of certiorari to the United States Court of Claims granted and case placed on the summary calendar. Case set for oral argument immediately following Nos. 778 and 810.

No. 909. United States et al., petitioners, *v.* Wilson & Co., Inc., 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.

## CERTIORARI DENIED

No. 474. Pan-American World Airways, Incorporated, et al., petitioners, *v.* Stephen O'Hearne, Deputy Commissioner, Fifth Compensation District, U.S. Department of Labor, Bureau of Employees' Compensation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 765. Wilson & Co., Inc., et al., petitioners, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 825. Eber Bros. Wine & Liquor Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 851. E. M. Piper, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 852. Pan American World Airways, Inc., et al., petitioners, *v.* William M. O'Keeffe, Deputy Commissioner, United States Department of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 853. Thomas Sterger et al., petitioners, *v.* Wisconsin. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 854. Lorene M. Swain, as Executrix of the Last Will and Testament of William T. Swain, Deceased, et al., petitioners, *v.* Boeing Airplan Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 855. Humble Oil and Refining Company, petitioner, *v.* Independent Industrial Workers' Union. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 857. Seneca Nation of Indians, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 860. Woodmar Realty Company, petitioner, *v.* Walter A. McLean, Trustee, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 861. Albert J. Minichello, Nicholas Mauriello and Ygnatz Yuchnis, etc., petitioners, *v.* James J. Saxon, Comptroller of Currency for the United States, et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 863. Mercury Metalcraft Company, petitioner, *v.* Joseph O. McCarty. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 865. Athanasios Patsis a/k/a Thomas Nickas, petitioner, *v.* Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 866. John Walsh, Trustee in Bankruptcy for Basic Mining, Inc., etc., petitioner, *v.* Lockhart Associates. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 868. Jamy Corporation, petitioner, *v.* Robert A. Riddell, Individually and as District Director of Internal Revenue, Los Angeles, California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 871. Karoline Cauet et al., etc., petitioners, *v.* Edward J. Brenner, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 874. Ralph R. Benson, petitioner, *v.* California et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 875. Michael C. Mays, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 876. Athenian Realty Corporation, petitioner, *v.* Southwestern Bell Telephone Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 878. J. Minor Sullivan, III, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 880. Morton Lifshutz, petitioner, *v.* Maryland. Petition for writ of certiorari to the court of Appeals of Maryland denied.

No. 881. Eugene Alexander Graham, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 884. In the Matter of Miguel Vega Andrada, petitioner. Petition for writ of certiorari to the Supreme Court of California denied.

No. 885. Coro, Inc., petitioner, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 887. The New York Central Railroad Company, petitioner, *v.* Southern Railway Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 888. Crawford Transport Company, Incorporated, petitioner, *v.* Chrysler Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 889. Zim Israel Navigation Co., Ltd., as Owner of Steamship Israel, petitioner, *v.* United States Lines Company. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 890. Village on the Hill, Inc., petitioner, *v.* Massachusetts Turnpike Authority et al. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 892. Heavenly Creations, Inc., et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 895. Michaels Enterprises, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 896. Frank D'Angiolillo, a/k/a Frank Buick, and Louis D'Angiolillo, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 897. James M. Casida et al., petitioners, *v.* International Union of Operating Engineers, AFL-CIO, et al. Petition for writ of cer-

tiorari to the Court of Civil Appeals of Texas, Seventh Supreme Judicial District, denied.

No. 898. John Alan Appleman et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 643. Pioche Mines Consolidated, Inc., et al., petitioners, *v.* Helen Dolman et al.; and

No. 808. Helen Dolman et al., petitioners *v.* Pioche Mines Consolidated, Inc., et al. Motions of Katherine Hansbrough and Lawrence Rust Lee to strike unauthorized appearances and for other relief are denied. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 140, **Misc.** Ernest John Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 443, **Misc.** Preston R. Tucker, petitioner, *v.* California Department of Corrections et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 500, **Misc.** Sidoro Agnello, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 504, **Misc.** Robert L. Ferrario, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the Supreme Court of Nebraska denied.

No. 536, **Misc.** Morris Stalvey, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 679, **Misc.** Stanley B. Parker, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 709, **Misc.** John Willard Blann, petitioner, *v.* Director of Patuxent Institution. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 724, **Misc.** Comer Blocker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 727, **Misc.** Frank Beuf, petitioner, *v.* New York. Petition for writ of certiorari to the Appellant Division of the Supreme Court of New York, Second Judicial Department, denied.

No. 765, **Misc.** Miguel Cura, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 818, **Misc.** Pedro E. Sanchez Tapia, petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 862, **Misc.** Edward Charles Curtis, petitioner, *v.* John E. Bennett, Warden, et al. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 863, **Misc.** Philip M. Cali, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 870, **Misc.** R. R. Thompson, petitioner, *v.* Norfolk & Western Railway Company. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 880, **Misc.** Emmett J. Stebbins, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 881, **Misc.** Charles Hampton, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 898, **Misc.** Palmer Giles, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 902, **Misc.** Roger Williams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 903, **Misc.** Charles Elwood Hipp, petitioner, *v.* Franklin K. Brough, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 905, **Misc.** Robert William Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 913, **Misc.** Leroy Baker, petitioner, *v.* Ward Lane, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 915, **Misc.** Victor Ardelean, petitioner, *v.* Ruan Transport Company of Lemont, Illinois, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 917, **Misc.** David Berry, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 925, **Misc.** Bernard Rohrlich, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 929, **Misc.** Frank Doran Huizar, petitioner, *v.* United States. Petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

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

No. 643, **Misc.** Albert Junior Ledford, petitioner, *v.* North Carolina; and

No. 974, **Misc.** Joseph A. Blake, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Motions for leave to file petitions for writs of habeas corpus denied.

No. 519, **Misc.** Mulford H. Meadows, petitioner, *v.* Otto C. Boles, Warden; and

No. 938, **Misc.** L. V. Bowens, petitioner, *v.* California Department of Corrections. 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. 627, **Misc.** Herman Jackson, Jr., petitioner, *v.* DeWitt Sinclair, Superintendent, Florida State Prison. Motion for leave to file petition for writ of injunction denied.

## LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 521, **Misc.** Mervin A. Gajewski, petitioner, *v.* U.S. Court of Appeals for the Eighth Circuit;

No. 605, **Misc.** James Emory Cline, petitioner, *v.* United States District Court for the Southern District of Ohio, Eastern Division; and

No. 786, **Misc.** Ralph Keene, petitioner, *v.* Alabama. Motions for leave to file petitions for writs of mandamus denied.

## REHEARINGS DENIED

No. 585. Federal Power Commission, petitioner, *v.* Amerada Petroleum Corporation et al.;

No. 32, **Misc.** Bernard Cyril Meaton, petitioner, *v.* United States;

No. 640, **Misc.** Joseph W. Di Silvestro, petitioner, *v.* United States; and

No. 701, **Misc.** Arthur Herbert Browne, petitioner, *v.* Wisconsin. Petitions for rehearing denied.

## RECESS ORDER

The Court will take a recess from Monday, April 5, 1965, until Monday, April 26, 1965.



## ORAL ARGUMENT

No. 399. United States, petitioner, *v.* Archie Brown. Argued by Mr. Solicitor General Cox for the petitioner and by Mr. Richard Gladstein for the respondent.

No. 496. Estelle T. Griswold et al., appellants, *v.* Connecticut. Argument commenced by Mr. Thomas I. Emerson for the appellants and continued by Mr. Joseph B. Clark for the appellee.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, March 30, 1965, will be as follows: Nos. 496, 292 (and 296), 486, 628, and 489.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Andrew James Zafis, of Oconomowoc, Wis., on motion of Miss Nancy Murry; Philip L. Charles, of Washington, D.C., on motion of Mr. Eugene J. Kaplan; William Ford, of Salisbury, Conn., on motion of Miss Catherine G. Roraback; Charles F. Nichols, of San Antonio, Tex., on motion of Mr. Kenneth H. Burns; Howard L. Hyde, of Akron, Ohio, on motion of Mr. Robert Crafts; John Loomis Peterson, of Aurora, Ill., on motion of Mr. William Joseph Delany; William W. Sturges, of Charlotte, N.C., on motion of Mr. E. Riley Casey; Cyril F. Hetsko, of New York, N.Y., on motion of Mr. Abe Krash; Macdonald Flinn, of New York, N.Y., on motion of Mr. Thomas S. Markey; John Stuart Riedel, of New York, N.Y., on motion of Mr. Harold Leventhal; Brian D. Forrow, of Greenwich, Conn., on motion of Mr. Henry Roemer McPhee; Ernest Constant Raskauskas, of Washington, D.C., on motion of Mr. Edward John Skeens, David Teschner, of Norristown, Pa., on motion of Mr. James D. Stokes, Jr.; Charles Buchanan Smith, of New York, N.Y., on motion of Mr. George W. Porter and Philip S. Day, of Washington, D.C., on motion of Mr. Walter A. Slowinski, were admitted to practice.

### ORAL ARGUMENT

No. 496. Estelle T. Griswold et al., appellants, *v.* Connecticut. Argument continued by Mr. Joseph B. Clark for the appellee and concluded by Mr. Thomas I. Emerson for the appellants.

No. 292. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission; and

No. 296. The Goodyear Tire & Rubber Company, petitioner, *v.* Federal Trade Commission. Argued by Mr. Frederic L. Ballard, Jr., and Mr. John F. Sonnett for the petitioners and by Mr. Daniel M. Friedman for the respondent.

No. 486. W. Palmer Dixon et al., petitioners, *v.* United States. Argument commenced by Mr. Bernard E. Brandes for the petitioners and continued by Mr. Frank I. Goodman for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, March 31, 1965, will be as follows:  
Nos. 486, 628, 489, 294, and 503.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Bayard Harry Friedman, of Fort Worth, Tex., Fred Lane, of Chicago, Ill., and Bernard Goldstein, of Milwaukee, Wis., on motion of Mr. Solicitor General Archibald Cox; Edwin Lloyd Meeds, of Everett Wash., on motion of Mr. Henry M. Jackson; Meyer M. Ueoka, of Wailuku, Hawaii, on motion of Mr. Daniel K. Inouye; Paul Patrick Boyle, of Sullivan, Ind., on motion of Mr. Vance Hartke; John Garber Bookout, of Montgomery, Ala., Robert Winston Huddleston, of Montgomery, Ala., and Charles G. Reynolds, of Alexander City, Ala., on motion of Mr. Armistead Selden; Lucius E. Burch, Jr., of Memphis, Tenn., on motion of Mr. George W. Grider; John Thomas Montag, of Pittsburgh, Pa., on motion of Mr. Marx Leva; Samuel Saliterman, of Minneapolis, Minn., on motion of Mr. Charles Tignor Duncan; Sam L. Darden, of Bandera, Tex., on motion of Mr. Robert M. Perry; Mitchell Brock, of New York, N.Y., Norris W. Darrell, of New York, N.Y., Kendyl Kurth Monroe, of New York, N.Y., and Dickson M. Saunders, of Tulsa, Okla., on motion of Mr. Norris Darrell; Hardy B. Jackson, Jr., of Arab, Ala., on motion of Mr. S. Stuart Wilson; Thomas J. Schwab, of Washington, D.C., on motion of Mr. Bernard K. Shapiro; William Milne Holton, of Washington, D.C., on motion of Mr. Thaddeus Good Holt, Jr.; Louis Lipschitz, of Philadelphia, Pa., on motion of Mr. Stanford Shmukler; Albert B. Gins, of New York, N.Y., on motion of Mr. Barney Joseph Karen; James L. Fox, of Chicago, Ill., and Robert Cameron Williams, of Chicago, Ill., on motion of Mr. Jack Y. Dinsmore; David Peter Simerman, of New York, N.Y., on motion of Mr. Joel E. Hoffman; George E. Wright, of Des Moines, Iowa, on motion of Mr. David Kammerman; and Philip Shinberg, of Washington, D.C., on motion of Mr. Leon M. Shinberg, were admitted to practice.

## ORAL ARGUMENT

No. 486. *W. Palmer Dixon et al., petitioners, v. United States.* Argument continued by Mr. Frank I. Goodman for the respondent and concluded by Mr. Bernard E. Brandes for the petitioners.

No. 628. United States, petitioner, *v.* Midland-Ross Corporation. Argued by Mr. Frank I. Goodman for the petitioner and by Mr. Theodore R. Colborn for the respondent.

No. 489. United States, petitioner, *v.* Atlas Life Insurance Company. Argued by Mr. Solicitor General Cox for the petitioner, by Mr. Norris Darrell for the respondent, and by Mr. Daniel B. Goldberg for the Attorney General of Louisiana, et al., as *amici curiae*.

No. 294. One 1958 Plymouth Sedan, petitioner, *v.* Pennsylvania. Argued by Mr. Stanford Shmukler for the petitioner and by Mr. Thomas J. Shannon for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 1, 1965, will be as follows: Nos. 503, 256, and 761.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSION TO THE BAR

Harry K. Schwartz, of Philadelphia, Pa., on motion of Mr. Joseph S. Clark; Carl I. Klekers, of Omaha, Nebr., on motion of Mr. Carl T. Curtis; Grady F. Smith, of Chamblee, Ga., on motion of Mr. Charles Longstreet Weltner; Ronald H. Bevins, of Anaheim, Calif., on motion of Mr. Richard T. Hanna; Henry O. Lienhard, of San Leandro, Calif., on motion of Mr. Don Edwards; Thomas Alfred Shannon, of San Diego, Calif., on motion of Mr. Richard N. Little; Ruth August Bard, of Beverly Hills, Calif., on motion of Mr. William H. Allen; Karl S. Hay, of Akron, Ohio, Malcolm M. Gaynor, of Wilmette, Ill., and Jeremiah S. Jeremiah, Jr., of Cranston, R.I., on motion of Mr. John B. Jones, Jr.; Ronald A. Jacks, of Washington, D.C., and Rolland R. O'Hare, of Detroit, Mich., on motion of Mr. Lawrence Speiser; Alton F. Curry, of Houston, Tex., and Howard Martin Fender, of Austin, Tex., on motion of Mr. Leon Jaworski; H. Donald Busch, of Philadelphia, Pa., on motion of Mr. Harry Norman Ball; Lawrence Bilder, of East Orange, N.J., on motion of Mr. Richard Bruce Bilder; Edward Thayer Clary, of Washington, D.C., on motion of Mr. Thomas Francis Quinn, Jr.; Thomas E. Kellett, of Los Angeles, Calif., on motion of Mr. John Whyte; Merrill Kerr Gee, of Pocatello, Idaho, on motion of Mr. John A. Carver, Jr.; William D. Lynch, of San Antonio, Tex., on motion of Mr. Donald M. Murtha; and George E. Hamilton III, of Washington, D.C., and Stephen Asbury Trimble, of Washington, D.C., on motion of Mr. Thomas A. Flannery, were admitted to practice.

## ORAL ARGUMENT

No. 503. Commissioner of Internal Revenue, petitioner, *v.* Estate of Marshal L. Noel, Deceased, William H. Frantz and Ruth M. Noel, Executors. Argued by Mr. John B. Jones for the petitioner and by Mr. Harry Norman Ball for the respondents.

No. 256. Billie Sol Estes, petitioner, *v.* Texas. Argued by Mr. John D. Cofer and Mr. Hume Cofer for the petitioner and by Mr.

Waggoner Carr and Mr. Leon Jaworski for the respondent.  
Memorandum to come.

No. 761. Melvin C. Jenkins, petitioner, *v.* United States. Argued  
by Mr. H. Thomas Sisk for the petitioner and by Mr. Philip B.  
Heymann for the respondent.

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Adjourned until Monday, April 5, 1965, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Martin N. Whyman, of New York, N.Y., William F. Sondericker, of New York, N.Y. Mervyn Hamburg, of Philadelphia, Pa., and Edmund J. Dunning, of Oakland, Calif., on motion of Mr. Solicitor General Archibald Cox; Charles Arthur Jens, of Salem, Oreg., on motion of Mr. Wayne Lyman Morse; James E. Canaris, of Cleveland, Ohio, on motion of Mr. Charles A. Vanik; Richard H. Goetz, of Tucson, Ariz., on motion of Mr. Morris K. Udall; Lloyd G. Hendry, of Fort Myers, Fla., Robert Tinsley Shafer, Jr., of Fort Myers, Fla., Frank A. Pavese, of Fort Myers, Fla., and Douglas L. Waldorf, of Fort Myers, Fla., on motion of Mr. Paul G. Rogers; Robert Temple Keeler, of Cincinnati, Ohio, on motion of Mr. Robert Taft, Jr.; Ryan Mark Polstra, of Sacramento, Calif., on motion of Mr. Roy Dale Adcock; C. Peter R. Gossels, of Wayland, Mass., on motion of Mr. J. William Doolittle, Jr.; John Quincy Brown, Jr., of Sacramento, Calif., and Robert G. Gyger, of Los Angeles, Calif., on motion of Mr. Richard N. Little; Joseph Allen Cook, of Washington, D.C., on motion of Mr. Forrest Johnston Prettyman; S. John Insalata, of Chicago, Ill., on motion of Mr. Thomas P. Kerester; Pauline R. Moore, of Washington, D.C., on motion of Mr. Richard Edward Streeter; Irving Achtenberg, of Kansas City, Mo., on motion of Mr. Bernard Fensterwald; Phillip Dean Bostwick, of Washington, D.C., on motion of Mr. Murdaugh Stuart Madden; Francis Joseph Steiner, Jr., of Nashville, Tenn., on motion of Mr. William H. Allen; Eugene B. Shapiro, of Beverly Hills, Calif., on motion of Mr. Robert C. Garber; William Taylor Sutphin, of Princeton, N.J., on motion of Mr. John R. Benney; Paul H. Buchanan, Jr., of Indianapolis, Ind., on motion of Mr. Robert Thomas Ainslie Molloy; Cloyd Lee Arney, of Nashville, Tenn., on motion of Mr. Richard L. Mitchell; Walter D. Ames, of Chappaqua, N.Y., on motion of Mr. Thomas J. Greer, Jr.; Richard Leon Bonello, of Monmouth Beach, N.J., and John J. Theiler, of New Orleans, La., on motion of Mr. John Richard DeBarr; Arline Rossi, of San Diego, Calif., Robert E. Woodward, of Sacramento, Calif., Edwin D. Breland, of Decatur, Ala., Hugh M. Caldwell, of

Tucson, Ariz., Vincent D. Maggiore, of Tempe, Ariz., W. Homer Drake, Jr., of Newnan, Ga., Charles H. McCraine, Jr., of Houston, Miss., Raymond J. Pellman, of Cincinnati, Ohio, William E. Rutledge, of Tulsa, Okla., Robert K. Rodibaugh, of South Bend, Ind., William B. Washabaugh, Jr., of Erie, Pa., and J. Edward Houston, of Fort Lauderdale, Fla., on motion of Mr. Royal E. Jackson; and Charles J. Weaver, of North Bergen, N.J., Scipio L. Africano, of Union City, N.J., Joseph N. Falbo, of Union City, N.J., Robert S. Feder, of Union City, N.J., Frank G. Hahn, of Union City, N.J., George P. Moser, Jr., of Union City, N.J., William V. Roveto, of Union City, N.J., Bernard A. Schwarz, of Union City, N.J., Richard Frank Simeone, of Union City, N.J., John C. Stritehoff, Jr., of Union City, N.J., Louis L. Cronson, of West New York, N.J., D. Jas. Orlando, of West New York, N.J., and Sydney Isadore Turtz, of West New York, N.J., on motion of Mr. Dominick V. Daniels, were admitted to practice.

## OPINIONS

No. 437. Otto V. Burnett, petitioner, *v.* New York Central Railroad Company. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black joins.

No. 98. National Labor Relations Board, petitioner, *v.* Metropolitan Life Insurance Company. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment vacated and case remanded to the Court of Appeals with instructions to remand the case to the National Labor Relations Board for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Goldberg. Dissenting opinion by Mr. Justice Douglas.

No. 313. Jesse Elliott Douglas, petitioner, *v.* Alabama. On writ of certiorari to the Court of Appeals of Alabama. Judgment reversed and case remanded to the Court of Appeals of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Stewart.

No. 577. Bob Granville Pointer, 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 Black. Opinion by Mr. Justice Harlan con-



curing in the result. Concurring opinion by Mr. Justice Stewart. Concurring opinion by Mr. Justice Goldberg.

No. 62. Federal Trade Commission, petitioner, *v.* Colgate-Palmolive Company et al. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the Court of Appeals for the entry of a judgment enforcing the order of the Federal Trade Commission. Opinion by Mr. Chief Justice Warren. Opinion by Mr. Justice Harlan, with whom Mr. Justice Stewart joins, dissenting in part.

No. 9. Ralph D. Abernathy et al., petitioners, *v.* Alabama. On writ of certiorari to the Court of Appeals of Alabama. Judgment reversed and case remanded to the Court of Appeals of Alabama for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Black and Mr. Justice White took no part in the consideration or decision of this case.

No. 21. Chicago and North Western Railway Company, appellant, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company, et al. Appeal from the United States District Court for the Eastern District of Wisconsin. 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* announced by Mr. Chief Justice Warren.

No. 761. Melvin C. Jenkins, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the United States District Court for the District of Columbia for a new trial. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Clark and Mr. Justice Harlan dissent.

No. 148. Lester G. McKinnie et al., petitioners, *v.* Tennessee. On writ of certiorari to the Supreme Court of Tennessee, Middle Division. Judgment reversed and case remanded to the Supreme Court of Tennessee, Middle Division, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Stewart would vacate the judgment and remand the case to the Supreme Court of Tennessee for reconsideration in light of supervening federal legislation, in accordance with the views expressed in his dissenting opinion in *Hamm v. City of Rock Hill*, 379 U.S. 306, 326. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White would affirm the judgment of the Supreme Court of Tennessee for the reasons stated in their dissenting opinion in *Hamm v. City of Rock Hill*, 379 U.S. 306.

The Chief Justice said:

"The Court announces that commencing the week of Monday, April 26, 1965, it will no longer adhere to the practice of reporting its decisions only at Monday sessions, and that in the future they will be reported as they become ready for decision at any session of the Court. As in the past, no announcement of decisions to be reported will be made prior to their rendition in open Court.

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The Chief Justice said:

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

#### OPINION PER CURIAM

No. 856. U.S.A.C. Transport, Inc., appellant, *v.* United States et al. Appeal from the United States District Court for the District of Delaware. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. —. In the Matter of Greenberry Simmons. Greenberry Simmons, Esquire, of Louisville, Kentucky, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

No. 202. Eddie Dean Griffin, petitioner, *v.* California. The motion of the petitioner to file a supplemental brief, after argument, is granted. The Chief Justice took no part in the consideration or decision of this motion.

#### APPEAL—JURISDICTION NOTED

No. 858. Edward Mishkin, appellant, *v.* New York. Appeal from the Court of Appeals of New York. In this case probable jurisdiction is noted. Case placed on the summary calendar and set for oral argument immediately following No. 807.

#### CERTIORARI GRANTED

No. 807. Ralph Ginzburg et al., petitioners, *v.* United States. The motion of Lillian Maxine Serett for leave to file a brief, as *amicus curiae*, is granted. 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. 919. Hazeltine Research, Inc., et al., petitioners, *v.* David L. Ladd, Commissioner of Patents. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 829. George Neff Rowe, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 859. William D. Frazell et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 872. Earline Allen, Individually and as Administratrix of the Estate of Jessie Delton Allen, Deceased, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 873. China Liquor Distributing Co., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 894. Robert Hartgraves, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 900. Keller & Goetz, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 903. Ross Biggers et al., petitioners, *v.* City of Houston. Petition for writ of certiorari to the Court of Civil Appeals of Texas, First Supreme Judicial District, denied.

No. 905. United States, petitioner, *v.* National Presto Industries, Inc. Petition for writ of certiorari to the United States Court of Claims denied.

No. 907. Abraham Dobkin, petitioner, *v.* District of Columbia. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 908. Joseph A. Gargano, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 911. Hylas N. Hastings, petitioner, *v.* Carl D. Mann, t/a Mann's Harbor Marina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 912. Olympic Finance Co., petitioner, *v.* Thomas R. Thyret, Trustee in Bankruptcy for Azure Hills Club, Inc., Bankrupt. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 913. Anthony Roma, Individually, etc., et al., petitioners, *v.* Municipal Civil Service Commission, City of New York, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 915. Ruth Louise Scovile, petitioner, *v.* Richard Watson et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 916. Lucian J. Rossi, petitioner, *v.* Peter L. Malkin et al., etc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 917. Paul Pauling, by Arthur Pauling, his brother and next friend, petitioner, *v.* Gabriel Misevic, Superintendent, Kankakee State Hospital. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 920. Gennaro J. Angiulo, petitioner, *v.* Patrick J. Mullins, Special Agent, Internal Revenue Service. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 928. D. Gordon Rupe and Sylvan Lang, etc., et al., petitioners, *v.* Helen G. Wallace et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 931. State Corporation Commission of Kansas et al., petitioners, *v.* Bartlett and Company, Grain. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 936. James F. Bird et al., petitioners, *v.* Estelle S. McCord et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 944. F. & W. Corporation, petitioner, *v.* Charles M. Lokey, Trustee in Bankruptcy for Capitol Tobacco Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 945. States Steamship Company, petitioner, *v.* American Smelting & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1030. Covey Oil Company et al., petitioners, *v.* Continental Oil Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 910. Burton Mercantile and Gin Company, Inc., petitioner, *v.* W. Willard Wirtz, Secretary of Labor. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 921. Curtis B. Dall, petitioner, *v.* Drew Pearson et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 99, Misc. J. P. Chastain et al., petitioners, *v.* Vulcan Material Company et al. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 523, Misc. Donald E. Lowder, petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 572, Misc. Robert C. Rhoads, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the Circuit Court of Randolph County, Illinois, denied.

No. 573, Misc. Floyd W. Sitton, petitioner, *v.* Eunice M. Sitton. Petition for writ of certiorari to the Supreme Court of California denied.

No. 589, Misc. Howard Dee Hassell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 632, Misc. Arthur J. Watson, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 825, Misc. Earl Guy, petitioner, *v.* Ralph H. Tahash et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 861, Misc. Richard C. Brown, petitioner, *v.* Superior Court of the County of Los Angeles. Petition for writ of certiorari to the Supreme Court of California denied.

No. 874, Misc. Louis Jackson, petitioner, *v.* Frank J. Pate, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 876, Misc. Joseph Samuel Griffin, Jr., petitioner, *v.* Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 882, Misc. Alfred Glen Symons, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 883, Misc. Walter Clyde Davis, Jr., petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 886, Misc. Richard M. James, petitioner, *v.* S. A. Anderson, Superintendent, District of Columbia Jail, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 888, *Misc.* Joseph Nastasio, etc., petitioner, *v.* Illinois. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 893, *Misc.* James Edward Graves, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 895, *Misc.* James Jedby, petitioner, *v.* Col. James D. Carter, etc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 896, *Misc.* Horace Lee Yarbrough, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 909, *Misc.* Sidney J. Stamper, petitioner, *v.* Dr. Edward F. Schubert, Superintendent, Central State Hospital. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

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

No. 939, *Misc.* Delmar E. Lee, petitioner, *v.* Ross V. Randolph, Warden. Motion for leave to file petition for writ of habeas corpus denied.

No. 953, *Misc.* Joseph J. Welsh, petitioner, *v.* George A. Kropp, 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.

#### REHEARINGS DENIED

No. 553. George H. Winkle, appellant, *v.* William H. Bannan, Warden;

No. 743. George Levine, petitioner, *v.* United States;

No. 759, *Misc.* Alfredo Ray Bryan, Jr., petitioner, *v.* United States; and

No. 823, *Misc.* Charles Minchella, petitioner, *v.* Honorable Theodore Levin, etc. Petitions for rehearing denied.

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Adjourned until Monday, April 26, 1965, at 10 o'clock.

The day call for Monday, April 26, 1965, will be as follows: Nos. 491, 848, 245, and 482.

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Barber B. Conable, Jr., of Alexander, N.Y., Samuel A. Chaitovitz, of Kensington, Md., V. Frank Cline, of Middletown, N.Y., William K. Condrell, of Bethesda, Md., Paul F. Eaton, of Walton, N.Y., Pierre Lee Stewart, of Winter Park, Fla., George Kaye, of Chicago, Ill., Frank Joseph Schumacher, Jr., of Chicago, Ill., James H. Jeffries III, of Lexington, Ky., Bernard E. Bradley, Jr., of Watertown, Mass., J. Shane Creamer, of Philadelphia, Pa., Leonard Clifton Staisey, of Duquesne, Pa., Paul A. Village, of Duquesne, Pa., and Ronald J. Chisholm, of Boston, Mass., on motion of Mr. Solicitor General Archibald Cox; William Clarence Thornton, of Reno, Nev., on motion of Mr. Howard W. Cannon; John Joseph McFadden, of Kansas City, Mo., on motion of Mr. Edward V. Long; William D. Hathaway, of Auburn, Maine, Fred F. Wolf, of Washington, D.C., and Donald T. Brackett, of Wiscasset, Maine, on motion of Mr. Stanley R. Tupper; Jerome L. Jager, of Seattle, Wash., on motion of Mr. Thomas Stephen Foley; James Tharp Flynt, of Mineola, Tex., on motion of Mr. Lindley G. Beckworth; Donald E. Prevallet, of Blytheville, Ark., and Richard A. Reid, of Blytheville, Ark., on motion of Mr. E. C. Gathings; David J. Pree, of Anchorage, Alaska, on motion of Mr. Ralph J. Rivers; Thomas L. Mui, of Honolulu, Hawaii, and David S. Nahm, of Bethesda, Md., on motion of Mr. Spark M. Matsunaga; Howard W. Harper, of Junction City, Kans., on motion of Mr. Garner E. Shriver; Robert L. Loesch, of Detroit, Mich., on motion of Mr. John D. Dingel; Jeffrey L. Nagin, of Beverly Hills, Calif., and Allen E. Susman, of Beverly Hills, Calif., on motion of Mr. Frank Ira Goodman; Paul S. Berger, of Washington, D.C., on motion of Mr. Thurman Arnold; James H. Pilkinton, Sr., of Hope, Ark., on motion of Mr. Floyd Lee Williams; Burton T. Gans, of Perth Amboy, N.J., and Francis J. Lutz, of Perth Amboy, N.J., on motion of Mr. Glenn A. Mitchell; Norman Lewis Paul, of San Antonio, Tex., Charles Edward French, of Belton, Mo., Milford H. Knutson, of Portland, Oreg., Richard Underwood Lea, of Orange Tex., Paul Kibler Lewis, Jr., of Pocahontas, Ark., and Richard None Joseph Cleary, of Boston, Mass., on motion of Mr. David Leib; William F. McAleer, of Washington, D.C.,

on motion of Mr. James H. Shelton; Dean Gardner Ostrum, of Cleveland, Ohio, and William C. Pryor, of Washington, D.C., on motion of Mr. Samuel D. McIlwain; H. Stewart Dunn, Jr., of Washington, D.C., and Thomas A. Frazier, Jr., of Washington, D.C., on motion of Mr. Joseph E. McAndrews; Louis Fox, of Boston, Mass., on motion of Mr. William H. Collins; John E. Terzis, of New York, N.Y., on motion of Mr. Thomas G. Carney; Lee G. Williams, of Austin, Tex., on motion of Mr. J. Fielding Jones; Barry Sidman, of Washington, D.C., on motion of Mr. Martin S. Thaler; Presley E. Werlein, Jr., of Houston, Tex., on motion of Mr. G. Kibby Munson; George Basye, of Sacramento, Calif., on motion of Mr. Timothy V. A. Dillon; Lonnie C. McGuire, Jr., of Dallas, Tex., on motion of Mr. Warren Woods; Phillip Steve Dandos, of Sioux City, Iowa, on motion of Mr. Bernard Gordon; Richard E. Wray III, of Brooklyn, N.Y., on motion of Mr. John Richard DeBarr; Robert Maurice Phipps, of Lewiston, N.Y., on motion of Mr. Theodore J. Criares; William Randolph Klein, of Brookline, Mass., on motion of Mr. William E. Neely; William J. Sullivan, of North Providence, R.I., on motion of Mr. Gordon F. Harrison; John G. Gent, of Erie, Pa., on motion of Mr. Gilbert Hahn, Jr.; Jack Berman, of New York, N.Y., on motion of Mr. Ernest Allen Cohen; Marvin Moses Karpatkin, of New York, N.Y., and Rhoda Hendrick Karpatkin, of New York, N.Y., on motion of Mr. Harry N. Rosenfield; G. Weldon Johnson, of Indianapolis, Ind., on motion of Mr. Larry A. Conrad; Richard H. Zahm, Jr., of Los Angeles, Calif., on motion of Mr. Francis J. Robinson; Clinton W. Chapman, of Washington, D.C., Erich Reisch, of New York, N.Y., Eugene A. Tomei, of Brooklyn, N.Y., Donald P. McCullum, of Oakland, Calif., and Richard A. Bancroft, of San Francisco, Calif., on motion of Mr. Belford V. Lawson, Jr.; James F. Birmingham, of Rockville Centre, N.Y., and Cornelius J. Coughlan, of New York, N.Y., on motion of Mr. George E. McMurray, Jr.; William H. Armbrecht, of Mobile, Ala., on motion of Mr. John W. McConnell, Jr.; Joseph Goldberg, of New York, N.Y., Sol A. Dann, of Detroit, Mich., and Marshall Warren Krause, of San Francisco, Calif., on motion of Mr. Lawrence Speiser; Richard Louis Unis, of Portland, Oreg., on motion of Mr. Charles Sylvanus Rhyne; Louise Carp Gelber, of El Monte, Calif., Milton Gelber, of El Monte, Calif., Andrew Castellano, of Orange, Calif., Marlin W. Haley, of Hayward, Calif., Robert Oscar Wilhelm, of Woodside, Calif., Dennis L. Woodman, of Redwood City, Calif., and Leslie Mann, Jr., of Pomona, Calif., on motion of Mr. Richard N. Little; Ivan J. Potts, of Washington, D.C., on motion of Mr. Dominick Manoli; Henry A. Babcock, of Hyattsville, Md., and Irving B. Ribstein, of Chicago, Ill., on motion of Mr. Charles Aubrey Dukes, Jr.; and Simon Liberman, of New Rochelle, N.Y., on motion of Mr. Max O. Truitt, Jr., were admitted to practice.



## OPINIONS

No. 52. James A. Dombrowski et al., appellants, *v.* James H. Pfister, etc., et al. Appeal from the United States District Court for the Eastern District of Louisiana. Judgment reversed and case remanded to the United States District Court for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan. Dissenting opinion by Mr. Justice Harlan with whom Mr. Justice Clark joins. Mr. Justice Black took no part in the consideration or decision of this case. Mr. Justice Stewart took no part in the decision of this case.

No. 19. The American Oil Company, appellant, *v.* P. G. Neill et al. Appeal from the Supreme Court of Idaho. Judgment reversed and case remanded to the Supreme Court of Idaho for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Chief Justice Warren. Mr. Justice Black dissents.

No. 171. Eddie V. Hanna, petitioner, *v.* Edward M. Plumer, Jr., Executor. On writ of certiorari to the United States Court of Appeals for the First Circuit. Judgment reversed and case remanded to the United States District Court for the District of Massachusetts for further proceedings in conformity with the opinion of this court. Opinion by Mr. Chief Justice Warren. Mr. Justice Black concurs in the result. Concurring opinion by Mr. Justice Harlan.

No. 44. American Committee for Protection of Foreign Born, petitioner, *v.* Subversive Activities Control Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment vacated and case remanded to the ~~United States~~ Court of Appeals 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 with whom Mr. Justice Black and Mr. Justice Harlan join. Dissenting opinion by Mr. Justice Black in this case and in No. 65, *infra*. Mr. Justice White took no part in the decision of this case.

No. 65. Veterans of the Abraham Lincoln Brigade, petitioner, *v.* Subversive Activities Control Board. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment vacated and case remanded to the ~~United States District~~ Court of Appeals 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 with whom Mr. Justice Black and Mr. Justice Harlan join. Dissenting opinion by Mr. Justice Black in this case and in No. 44, *supra*. Mr. Justice White took no part in the decision of this case.

The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 56. Metropolitan Life Insurance Company, petitioner *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand to the National Labor Relations Board for further proceedings consistent with the opinion of this Court in *Labor Board v. Metropolitan Ins. Co.*, 380 U.S. 438. The judgment shall issue forthwith. Opinion *per curiam*.

No. 58. Herbert E. Callender et al., petitioners, *v.* Florida. On petition for writ of certiorari to the Supreme Court of Florida. Petition for writ of certiorari granted, judgments reversed, and case remanded to the Supreme Court of Florida for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 91. The Western and Southern Life Insurance Company, petitioner, *v.* National Labor Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand to the National Labor Relations Board for further proceedings consistent with the opinion of this Court in *Labor Board v. Metropolitan Ins. Co.*, 380 U.S. 438. The judgment shall issue forthwith. Opinion *per curiam*.

No. 181. Henry J. Thomas et al., petitioners, *v.* Mississippi. On petition for writ of certiorari to the Supreme Court of Mississippi. Petition for writ of certiorari granted, judgments 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 White took no part in the consideration or decision of this case.

No. 229. Metropolitan Life Insurance Company, petitioner, *v.* National Relations Board. On petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand to the National Labor Relations Board for further proceedings consistent with the opinion of this Court in *Labor Board v. Metropolitan Ins. Co.*, 380 U.S. 438. The judgment shall issue forthwith. Opinion *per curiam*.

No. 838. Carolina & Northwestern Railway Company et al., appellants, *v.* United States et al. Appeal from the United States District

Court for the Western District of North Carolina. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 901. Joey Gold et al., appellants, *v.* Joseph C. DiCarlo, as Commissioner of Licenses 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*.

No. 904. Cumberland Farms Northern, Inc., appellant, *v.* Maine Milk Commission. Appeal from the Supreme Judicial Court of Maine. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 934. Robert Corpora, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 194, Misc. Jimmy Lee Brown, 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. 260, Misc. Willie B. Murray, petitioner, *v.* United States. On petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit. Motion for leave to proceed in forma pauperis and petition for writ of certiorari granted. Judgment vacated and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. On complaint. Decree entered.

No. 17, Original. State of Nebraska, plaintiff, *v.* State of Iowa.

IT IS ORDERED that the Honorable Walter L. Pope, Senior Judge of the United States Court of Appeals for the Ninth Circuit, be, and he is hereby appointed Special Master in this case in the place of the Honorable J. Warren Madden, 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 they 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. 18, Original.** State of Illinois, plaintiff, *v.* State of Missouri. The motion for leave to file the bill of complaint is granted and the State of Missouri is allowed sixty days to answer.

**No. 644.** The United Gas Improvement Company, petitioner, *v.* Continental Oil Company et al.; and

**No. 693.** Federal Power Commission, petitioner, *v.* M. H. Marr et al. The motion of The Southern California Gas Company, et al., for leave to file a brief, as *amici curiae*, is granted.

**No. 693.** Federal Power Commission, petitioner, *v.* M. H. Marr et al. The motion of the People of the State of California, et al., for leave to file a brief, as *amici curiae*, is granted.

**No. 1023.** United States, appellant, *v.* Herbert Guest et al. The motion of appellee, Lackey, for the appointment of counsel is granted and Charles J. Bloch, Esquire, of Macon, Georgia, a member of the Bar of this Court, is appointed to serve as counsel for the appellee, Lackey, in this case.

#### APPEALS—JURISDICTION POSTPONED

**No. 948.** United States, appellant, *v.* Cecil Ray Price et al.; and

**No. 949.** United States, appellant, *v.* Cecil Ray Price et al. Appeals from the United States District Court for the Southern District of Mississippi. Further consideration of the question of jurisdiction is postponed to the hearing of these cases on the merits. The motion to consolidate is granted and a total of two hours allotted for oral argument.

#### CERTIORARI GRANTED

**No. 932.** Edward J. Brenner, Commissioner of Patents, petitioner, *v.* Andrew John Manson. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals granted.

**No. 959.** E. S. Evans et al., petitioners, *v.* Charles E. Newton et al. Petition for writ of certiorari to the Supreme Court of Georgia granted.

**No. 742.** Louis Katchen, petitioner, *v.* Hyman D. Landy, Trustee in Bankruptcy, etc. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit granted and case placed on the summary calendar.

## CERTIORARI DENIED

No. 397. Cyril T. Faneca, Jr., petitioner, *v.* United States et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 726. Anthony Marderosian, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 801. Edward Ward et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana denied.

No. 847. Brotherhood of Railroad Trainmen et al., petitioners, *v.* The Denver and Rio Grande Western Railroad Company; and

No. 993. The Denver and Rio Grande Western Railroad Company, petitioner, *v.* Brotherhood of Railroad Trainmen et al. Petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 869. In the Matter of the Application of Homer G. Thomson, petitioner. Petition for writ of certiorari to the United States Court of Customs and Patent Appeals denied.

No. 870. Mary E. Seebach, petitioner, *v.* Joseph M. Cullen, District Director of Internal Revenue, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 879. Mamie Bishop et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 882. Joseph B. White et al., petitioners, *v.* Stephen O'Hearne, Deputy Commissioner, Bureau of Employees' Compensation, Fourth Compensation District, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 886. The Boeing Company, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 893. Arthur Hoffman, petitioner, *v.* Chrysler Corporation et al.; and

No. 954. Erwin H. Ezzes, petitioner, *v.* Sol A. Dann et al. Petitions for writs of certiorari to the Supreme Court of Delaware denied.

No. 929. Gulfport Shipbuilding Corporation et al., petitioners, *v.* Maxime Vallot et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 930. Paulyne B. McCall, etc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 937. Arthur Bennett, petitioner, *v.* Co-ordinating Committee of Discipline. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 939. Carlos M. Aulet, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 940. Local 780, International Alliance of Theatrical Stage Employees, etc., et al., petitioners, *v.* Radio Corporation of America. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District, denied.

No. 942. Gilvin-Terrill, 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. 943. Leroy Cooks et al., petitioners, *v.* Brotherhood of Railway Carmen of America, Local No. 991 and Local No. 783, et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 947. William Sams et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 952. John P. Spomar, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 953. Earl Hunter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 955. Henry J. Larkin d/b/a Larkin Company, petitioner, *v.* United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of United States and Canada, AFL-CIO, Local 53, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 956. United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Wilson & Co., Inc. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 960. Pennco Engineering Company, petitioner, *v.* Allied Chemical Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 961. Calvin Kovens et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 962. Edward J. Donovan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 963. International Brotherhood of Pulp, Sulphite and Paper Mill Workers, AFL-CIO, et al., petitioners, *v.* Solo Cup Company. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 964. Welfare Finance Corporation et al., petitioners, *v.* Tanenbaum Textile Co., Inc. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 965. John T. Clark and Son, petitioner, *v.* The Cunard Steamship Company Limited, et al.; and

No. 970. David Crystal, Inc., petitioner, *v.* The Cunard Steamship Company, Limited, et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 966. Everett S. Hamman et ux., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 969. Edith R. Reynolds, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 973. Allan W. Bath, petitioner, *v.* Massachusetts. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 974. James J. D'Elia, Jr., petitioner, *v.* New York, New Haven & Hartford Railroad, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 976. Joseph Scaduto, petitioner, *v.* Anthony J. Orlando, d/b/a A. J. Orlando Contracting Co. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 977. Mary Bendelari, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 980. Robert Hall Lewis, Jr., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 985. Walter Ely et al., petitioners, *v.* The Official Creditors' Committee of Fox Markets, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 990. Milton A. Galamison et al., petitioners, *v.* New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 996. Gregory Comulada, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1020. Chryssoula Giannakouros, etc., et al., petitioners, *v.* Oriental Tankers Corporation, S. A., etc. et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 891. Austin L. Wyman, Jr., Court-Appointed Counsel for Richard Zuniga, petitioner, *v. Illinois*. Motion to dispense with printing the petition for writ of certiorari granted. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 922. Peter T. Siopes, 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. 941. Myles Stewart, Trustee of the Estate of Arthur Peabody and Olive Peabody, petitioner, *v. Phoenix Title & Trust Company*. 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 Ninth Circuit denied.

No. 899. Murphy Oil Corporation, petitioner, *v. United States*. Motions of Ashland Oil & Refining Company and Richard A. Freling for leave to file briefs, as *amicus curiae*, are granted. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 914. Matt M. Kotula, d/b/a Albany Motor Sales, petitioner, *v. Ford Motor Company*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied. Mr. Justice Black is of the opinion that certiorari should be granted.

No. 975. Mary W. Coy, petitioner, *v. United States*. Motions to dispense with printing the petition for writ of certiorari and petitioner's reply brief granted. Petition for writ of certiorari to the United States Court of Claims denied.

No. 979. Dyke Water Company et al., petitioners, *v. Public Utilities Commission of California et al.* Petition for writ of certiorari to the Supreme Court of California denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted.

No. 35, Misc. Newberry Truman, petitioner, *v. Otto C. Boles, Warden*. Petition for writ of certiorari to the Supreme Court of Appeals of West Virginia denied.

No. 237, Misc. Wendell Odell Stephens, petitioner, *v. Texas*. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 240, Misc. Raymond Ralph Roberts, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 278, Misc. Theodore Green, petitioner, *v. United States*. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 320, Misc. Peter Macon, petitioner, *v. Indiana*. Petition for writ of certiorari to the Supreme Court of Indiana denied.



No. 359, *Misc.* Virgil Norton, James Chapman, and Virgil Wesley, petitioners, *v.* James P. McShane et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 375, *Misc.* Burton Junior Post, petitioner, *v.* Otto C. Boles, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 420, *Misc.* Sam Miller, petitioner, *v.* Dr. Joseph R. Blalock, Superintendent, Southwestern State Hospital. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 428, *Misc.* Henry Thomas, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of Supreme Court of New York, Third Judicial Department, denied.

No. 444, *Misc.* Richard Mora Gonzalez, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 514, *Misc.* John Joseph Boyle, petitioner, *v.* New York. Petition for writ of certiorari to the Appellate Division of Supreme Court of New York, Second Judicial Department, denied.

No. 574, *Misc.* Clark B. Huber, Jr., petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 575, *Misc.* Eugene McCormick, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 616, *Misc.* John F. McBride, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 650, *Misc.* Ernest "Duke" Arnold, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 668, *Misc.* Albert Vanleeward, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 682, *Misc.* Voris P. Connor, petitioner, *v.* Sam A. Anderson, et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 714, *Misc.* William E. Baker, alias Jake Gray, petitioner, *v.* United States Board of Parole. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 723, *Misc.* Chauncey W. Whitt, petitioner, *v.* Kermit A. Weakley. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 744, *Misc.* Clarence S. Cox, petitioner, *v.* Kansas. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 745, **Misc.** Jesse James Conklin, petitioner, *v.* J. E. LaVallee, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 792, **Misc.** Freeman Ray Stanford, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 832, **Misc.** Richard Robert Mitchell, petitioner, *v.* Minnesota. Petition for writ of certiorari to the Supreme Court of Minnesota denied.

No. 836, **Misc.** Carnie Simmons, a/k/a Harold, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 842, **Misc.** John Halasz, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 854, **Misc.** Daniel Jackson Oliver Wendel Holmes Morgan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 887, **Misc.** Clyde L. Hardy and Lee Roy Ferguson, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 900, **Misc.** Leroy Lemons, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 906, **Misc.** Benjamin Prostok, petitioner, *v.* John C. Burke, Warden. Petition for writ of certiorari to the Supreme Court of Wisconsin denied.

No. 908, **Misc.** Luke Burton, petitioner, *v.* R. C. Tartar, Judge. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 911, **Misc.** Jim Fair, petitioner, *v.* District Court of Appeal of Florida, Second District. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 916, **Misc.** William Caldwell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 918, **Misc.** Albert J. Kostal, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 923, **Misc.** Willmore Knight, petitioner, *v.* Joseph E. Ragen, Director of Public Safety, et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 926, **Misc.** John P. O'Keefe, petitioner, *v.* North Carolina. Petition for writ of certiorari to the Supreme Court of North Carolina denied.

No. 935, **Misc.** Edwin Johnson, petitioner, *v.* California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 936, **Misc.** Willis Levi Stanmore, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 937, **Misc.** Donald R. Head, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 940, **Misc.** Gene Streeter, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 943, **Misc.** Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 944, **Misc.** In the Matter of George L. Ginger, petitioner. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 945, **Misc.** Carleton Chandler Wood, petitioner, *v.* Maine et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 956, **Misc.** George Warren Holmes, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 958, **Misc.** Americo Lluveras, 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. 959, **Misc.** Frank George Rose, petitioner, *v.* California. Petition for writ of certiorari to the Appellate Department of the Superior Court of California, County of Los Angeles, denied.

No. 962, **Misc.** Jerome Jess Regalado, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied.

No. 963, **Misc.** Randolph P. McCoy, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 970, **Misc.** Joseph A. Peel, Jr., petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District, denied.

No. 971, **Misc.** Joseph A. Peel, Jr., petitioner, *v.* Florida. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District, denied.

No. 973, Misc. Claude Herman Morphew, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 978, Misc. Richard O. Tyson, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 980, Misc. Louis Van Duyne, petitioner, *v.* New Jersey. Petition for writ of certiorari to the Supreme Court of New Jersey denied.

No. 985, Misc. Rudolfo Prieto Vejar, petitioner, *v.* Walter Dunbar, Director of Corrections, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 987, Misc. Lillian Horney and James G. Horney, petitioners, *v.* World Island Estates, Inc. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 988, Misc. Edward James, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1004, Misc. James Douglas Latham and George Ronald York, petitioners, *v.* Sherman Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1006, Misc. Stanford Yates, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1010, Misc. Douglas L. Champagne, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1011, Misc. Jim Fair, petitioner, *v.* Olivia Fair. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1013, Misc. William V. Ficek, petitioner, *v.* Southern Pacific Company. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1014, Misc. Allen Glynn Peoples, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1018, Misc. Jerry Zane Nelson, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 1019, Misc. Theodore Thalís, petitioner, *v.* Anneliese Thalís and Amos G. Ewers. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1024, **Misc.** Voris Patrick Connor, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1027, **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. 843, **Misc.** Clarence E. Whaley, petitioner, *v.* Superior Court of the City and County of San Francisco, et al. Petition for writ of certiorari to the District Court of Appeal of California, First Appellate District, denied. The Chief Justice took no part in the consideration or decision of this petition.

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

No. 722, **Misc.** Richard E. Crawford, petitioner, *v.* United States. Motion for leave to file petition for writ of certiorari denied.

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

No. 981, **Misc.** William B. Sullivan, petitioner, *v.* Robert A. Heinze, Warden;

No. 1002, **Misc.** Honorio Adorno Lorenzana, petitioner, *v.* Victor M. Garcia Rodriguez, Warden;

No. 1020, **Misc.** Alphonso Morgan, petitioner, *v.* United States;

No. 1022, **Misc.** Marion Bush, petitioner, *v.* E. L. Maxwell, Warden; and

No. 1029, **Misc.** Carlos Lee Gibson, petitioner, *v.* Florida et al. Motions for leave to file petitions for writs of habeas corpus denied.

No. 120, **Misc.** Tommy Albert Sheffield, petitioner, *v.* Frank A. Eyman 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. 948, **Misc.** Lee E. Weissenborn, petitioner, *v.* Warren L. Jones et al.; and

No. 955, **Misc.** Lloyd Brulotte et al., petitioners, *v.* Hon. Charles L. Powell, Judge, etc. Motions for leave to file petitions for writs of mandamus denied.

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

No. 525, **Misc.** Dr. Karel Duda, etc., petitioner, *v.* United States District Court for the District of Maryland. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

## REHEARINGS DENIED

No. 145. Honorable Michael L. Igoe, United States District Judge, etc., petitioner, *v.* United States;

No. 796. Aware, Inc., et al., petitioners, *v.* John Henry Faulk;

No. 813. Edythe Rice Dyer, petitioner, *v.* Edward P. Murray, etc., et al.;

No. 822. David Grossman, petitioner, *v.* Jeannette Stubbs & Harold Rugg;

No. 844. Floyd B. Harmon, petitioner, *v.* United States;

No. 677, Misc. Lloyd Odin Lawson, petitioner, *v.* United States;

No. 728, Misc. Peter Bonanno, appellant, *v.* Louisiana;

No. 782, Misc. L. Gilbert Cohen, petitioner, *v.* Curtis Publishing Company et al.;

No. 822, Misc. Donald Arbuckle, petitioner, *v.* Illinois; and

No. 840, Misc. William L. Marion et al., petitioners, *v.* City of Lander, Wyoming, et al. Petitions for rehearing denied.

No. 34. Stewart L. Udall, Secretary of the Interior, petitioner, *v.* James K. Tallman et al. Petition for rehearing denied. Mr. Justice Douglas and Mr. Justice Harlan took not part in the consideration or decision of this petition.

No. 585. Federal Power Commission, petitioner, *v.* Amerada Petroleum Corporation et al. Motion for leave to file a second petition for rehearing denied.

No. 827. Chase Capital Corporation, d/b/a Quail Valley Country Club, petitioner, *v.* A. J. Bumb, Receiver-Trustee, etc. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 642, Misc. Claudia Walker, petitioner, *v.* Internal Revenue Service et al. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

## ORDER

It is ordered that the call of the calendar, except for special assignments, be suspended for the term upon the conclusion of the arguments in the cases listed for hearing this week.

## RECESS ORDER

The Court will take a recess from Monday, May 3, 1965, until Monday, May 17, 1965.

## ORAL ARGUMENT

No. 491. Corliss Lamont, doing business as Basic Pamphlets, appellant, *v.* Postmaster General of the United States; and

No. 848. John F. Fixa, Individually and as Postmaster, San Francisco, California, et al., appellants, *v.* Leif Heilberg. Two hours allowed for oral argument. Argued by Mr. Leonard B. Boudin for the appellant in No. 491, by Mr. Solicitor General Cox for the appellee in No. 491 and the appellants in No. 848 and by Mr. Marshall W. Krause for the appellee in No. 848.

No. 245. Waterman Steamship Corporation, petitioner, *v.* United States. One and one-half hours allowed for oral argument. Leave granted Paul Bender to appear and present oral argument for the respondent, *pro hac vice*, on motion of Mr. Solicitor General Cox. Argument commenced by Mr. John W. McConnell, Jr., for the petitioner and continued by Mr. Paul Bender for the respondent, *pro hac vice*, by special leave of Court.

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Adjourned until tomorrow at 10 o'clock.

The day call for Tuesday, April 27, 1965, will be as follows: Nos. 245, 482, 179, and 464.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Walter Wible Faner, of Los Angeles, Calif., Erwin M. Pearl, of Chicago, Ill., John E. Purdy, Jr., of Cleveland, Ohio, Ernest C. T. Santora, of Cleveland, Ohio, and James R. Bakker, of Littleton, Mass., on motion of Mr. Solicitor General Archibald Cox; Kelley D. Robinson, of Auburn, Calif., and Charles Edward Wiggins, of El Monte, Calif., on motion of Mr. Thomas H. Kuchel; Philip Michael Bagley, of Portland, Oreg., on motion of Mr. Wayne Lyman Morse; Alfred Reese Crisp, of Lenoir, N.C., on motion of Mr. Samuel J. Ervin, Jr.; David Thomas Price, of Fort Lauderdale, Fla., on motion of Mr. Paul G. Rogers; Earl B. Mitchell, Jr., of Enid, Okla., and Jack A. Forsbach, of Tulsa, Okla., on motion of Mr. Page Belcher; James Walter Stenglein, of Saginaw, Mich., and Harvey D. Walker, of Saginaw, Mich., on motion of Mr. Russell James Harvey; R. J. Ellis, of Phoenix, Ariz., on motion of Mr. Morris K. Udall; Byron M. Knoblauch, of El Monte, Calif., on motion of Mr. Howard W. Cannon; John A. Young, of Fort Wayne, Ind., on motion of Mr. Robert B. Harmon; Richard Harding Shaw, of Denver, Colo., on motion of Mr. John W. Cragun; Lloyd F. Thanhouser, of Houston, Tex., on motion of Mr. David T. Searls; Norman Bristol, of Battle Creek, Mich., on motion of Mr. Harold D. Beaton; Lawrence B. Smith, of Phoenix, Ariz., on motion of Mr. Jerome C. Muys; James D. King, Jr., of Atlanta, Ga., on motion of Mr. James R. Golden; David I. Granger, of Washington, D.C., on motion of Mr. John B. Jones, Jr.; H. T. Herrick, of New York, N.Y., on motion of Mr. Arnold Ordman; Donley C. Wertz, of Dallas, Tex., on motion of Mr. Robert E. May; Robert R. Eidsmoe, of Sioux City, Iowa, on motion of Mr. George S. Porikos; Robert L. Kay, of Bethesda, Md., and Harry Protas, of Bethesda, Md., on motion of Mr. Harvey L. Zuckerman; David W. Hays, of Boston, Mass., on motion of Mr. Harold B. Putnam, Jr.; Paul H. Leonard III, of Duncan, Okla., on motion of Mr. Leo A. Rosetta; Robert J. Mack, of Hammond, La., and Thomas J. Malik, of Laplace, La., on motion of Mr. Will E. Leonard; Peter Hearn, of Philadelphia, Pa., on motion of Mr. William T. Coleman, Jr.; Donald R. Lackey, of Export, Pa., on motion of Mr. Gordon S. Parker; Finton J. Phelan, Jr., of Agana,



Guam, on motion of Mr. Paul M. Rhodes; Richard M. Halsey, of Rochester, N.Y., on motion of Mr. John P. Lacy; Alan Levenson, of Long Beach, N.Y., on motion of Mr. Frederick Moss; and Thomas Whitney Kroetz, of Fort Lauderdale, Fla., James Daniel McDade, of Topeka, Kans., Frank Howard Weston, of Miami, Fla., Earl E. Weathersby, of San Angelo, Tex., and Thomas William diZerega, of Leesburg, Va., on motion of Mr. Roy Dale Adcock, were admitted to practice.

#### OPINIONS

No. 63. Commissioner of Internal Revenue, petitioner, *v.* Clay B. Brown et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgments affirmed. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren and Mr. Justice Black join.

No. 149. R. Wright Armstrong, Jr., petitioner, *v.* Salvatore E. Manzo et ux. On writ of certiorari to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District. Judgment reversed and case remanded to the Court of Civil Appeals of Texas, Eighth Supreme Judicial District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Stewart.

No. 352. General Motors Corporation, petitioner, *v.* District of Columbia. On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgment reversed and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Stewart. Mr. Justice Black and Mr. Justice Douglas, agreeing with the Court of Appeals that the tax here is authorized by the controlling statute, would affirm the judgment.

No. 360. A. M. Harman, Jr., et al., appellants, *v.* Lars Forssenius et al. Appeal from the United States District Court for the Eastern District of Virginia. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Mr. Justice Harlan agrees with the opinion insofar as it rests on the proposition that the Twenty-fourth Amendment forbids the use of a state poll tax for any purpose whatever in determining voter qualifications in all elections for federal office. He also agrees that this is not a case for application of the abstention doctrine.

#### ORAL ARGUMENT

No. 245. Waterman Steamship Corporation, petitioner, *v.* United States. Argument continued by Mr. Paul Bender for the respondent, *pro hac vice*, by special leave of Court, and concluded by Mr. John W. McConnell, Jr., for the petitioner.

No. 482. Federal Communications Commission, petitioner, *v.* Taft B. Schreiber et al. One and one-half hours allowed for oral argument. Argued by Mr. John W. Douglas for the petitioner and by Mr. Allen E. Susman for the respondents.

No. 179. Stanley M. Corbett, Guardian of the Property of Constantine Neonakis, a minor, appellant, *v.* Viola Stergios, etc. Argued by Mr. Robert R. Eidsmoe for the appellant and by Mr. Phillip S. Dandos for the appellee.

No. 464. L. W. Holt et al., petitioners, *v.* Virginia. Argument commenced by Mr. Marvin M. Karpatkin for the petitioners.

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Adjourned until tomorrow at 10 o'clock.

The day call for Wednesday, April 28, 1965, will be as follows: Nos. 464, 644 (and 693), 843, and 291.

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Wednesday, April 28, 1965

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

James French Hoge, Jr., of Fort Worth, Tex., Mitchell L. Flint, of Los Angeles, Calif., Elliott Leighton, of San Francisco, Calif., and Joseph Harold Radensky, of Anaheim, Calif., on motion of Mr. Solicitor General Archibald Cox; James Armstrong Mackay, of Decatur, Ga., on motion of Mr. Robert Grier Stephens, Jr.; Sandra Kay Stalcup, of Lubbock, Tex., on motion of Mr. George H. Mahon; Lloyd H. Butterfield, of Brockport, N.Y., on motion of Mr. Barber B. Conable, Jr.; Emmett Colvin, Jr., of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders, Jr.; Ira H. Holley, of New York, N.Y., on motion of Mr. Eugene Gressman; Robert M. Diggs, of Olean, N.Y., on motion of Mr. Charles E. Pledger, Jr.; Robert Gordon Smith, of Atlanta, Ga., Jerome Simone Ventra, of North Valley Stream, N.Y., and Kenneth Anthony Pels, of Sarasota, Fla., on motion of Mr. Roy Dale Adcock, De Witt W. Clinton, of Los Angeles, Calif., on motion of Mr. Lee F. Dante; Jack F. C. Gillard, of Albert Lea, Minn., on motion of Mr. John J. Flynn; William G. Line, of Fremont, Nebr., on motion of Mr. Melvin Kammerlohr; Wm. Francis Corson, of New York, N.Y., on motion of Mr. Edwin F. X. Silk; and Erwin G. Krasnow, of Washington, D.C., on motion of Mr. Thomas P. Kerester, were admitted to practice.

### OPINIONS

No. 134. Paragon Jewel Coal Company, Inc., petitioner, *v.* Commissioner of Internal Revenue; and

No. 237. Commissioner of Internal Revenue, petitioner, *v.* Robert Lee Merritt, et ux., et al. On writs of certiorari to the United States Court of Appeals for the Fourth 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 Clark. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Black joins.

No. 138. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, petitioner, *v.* Association for the Benefit of Non-Contract Employees;

No. **139**. United Air Lines, Inc., petitioner, *v.* National Mediation Board et al.; and

No. **369**. National Mediation Board et al., petitioners, *v.* Association for the Benefit of Non-Contract Employees. On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Judgments in Nos. **138** and **369** reversed and cases remanded to the United States District Court for the District of Columbia for further proceedings in conformity with the opinion of this Court. Judgment in No. **139** affirmed. Opinion by Mr. Justice Clark. Mr. Justice Black concurs in the result. Dissenting opinion by Mr. Justice Stewart.

No. **422**. Federal Trade Commission, petitioner, *v.* Consolidated Foods 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. Justice Douglas. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Stewart.

No. **202**. Eddie Dean Griffin, 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 Douglas. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice White joins. Mr. Chief Justice Warren took no part in the decision of this case.

#### ORAL ARGUMENT

No. **464**. L. W. Holt et al., petitioners, *v.* Virginia. Argument continued by Mr. Marvin M. Karpatkin for the petitioners, by Mr. Francis C. Lee for the respondent, and concluded by Mr. Marvin M. Karpatkin for the petitioners.

No. **644**. The United Gas Improvement Company, petitioner, *v.* Continental Oil Company et al.; and

No. **693**. Federal Power Commission, petitioner, *v.* M. H. Marr et al. Argued by Mr. Solicitor General Cox and Mr. William T. Coleman, Jr., for the petitioners and by Mr. David T. Searls for the respondents.

No. **843**. Paul V. Case, petitioner, *v.* Nebraska. Argued by Mr. Daniel J. Meador for the petitioner and by Mr. Melvin Kent Kammerlohr for the respondent.

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Adjourned until tomorrow at 10 o'clock.

The day call for Thursday, April 29, 1965, will be as follows: Nos. **291** and **355**.

## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

William John Nellis, of Chicago, Ill., John P. Ryan, Jr., of Chicago, Ill., Alan S. Gratch, of Chicago, Ill., and Charles T. Emmett, Jr., of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Daniel C. Kuzman, of Gary, Ind., on motion of Mr. Birch Bayh; Richard A. Case, of Sacramento, Calif., and Douglas R. Greer, of Sacramento, Calif., on motion of Mr. Robert L. Leggett; James M. Fullan, Jr., of Birmingham, Ala., on motion of Mr. Wiley Messick; Donald Richard Jolliffe, of Washington, D.C., and Michael Joseph, of Washington, D.C., on motion of Mr. David Ferber; Paul Francis McArdle, of Washington, D.C., on motion of Mr. Hugh Baker Cox; James David Williams, of Meridian, Miss., on motion of Mr. William Ephriam Cresswell; John Howard Bickley, Jr., of Chicago, Ill., Edward A. Bogucki, of Chicago, Ill., and Richard F. Peterson, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Scott Heuer, Jr., of Washington, D.C., on motion of Mr. Harry Tyson Carter; John Alton Boyer, of Washington, D.C., Harrison Darden Hutson, of Washington, D.C., and Benjamin W. Yancey, of New Orleans, La., on motion of Mr. Robert S. Hope; Herman W. Lutz, of Alexandria, Va., and Dikran V. Kavaljian, Jr., of Alexandria, Va., on motion of Mr. Henry C. Boling; William Thomas Kvetkas, Jr., of Washington, D.C., on motion of Mr. William D. Roberson; Winn Irving Newman, of Washington, D.C., on motion of Mr. Benjamin C. Sigal; Norman S. Isko, of Mount Vernon, N.Y., and Leonard Toboroff, of Jeffersonville, N.Y., on motion of Mr. Lester G. Renard; Robert Gene Levy, of Baltimore, Md., on motion of Mr. Arnold Fleischmann; Albert Saint Clair Millar, Jr., of Jacksonville, Fla., on motion of Mr. William Trueman McInarnay; Alan Litchfield Hyde, of Cleveland, Ohio, on motion of Mr. Richard Edward Streeter; Edward Earl McAmis, of New York, N.Y., on motion of Mr. Sidney P. Howell, Jr.; Robert E. Staed, of St. Louis, Mo., on motion of Mr. Thomas A. Ziebarth; Eser Paul Rustin, of Chicago, Ill., on motion of Mr. David Parson; George H. Carley, of Decatur, Ga., James Vining Malcolm, Jr., of Decatur, Ga., Henry Raiford Hodges, Jr., of Decatur, Ga., Walter P. McCurdy, Jr., of Decatur, Ga., Charles A. Pemberton, of Decatur, Ga., Richard Allen Thibadeau, of

Decatur, Ga., and Kelsey D. Howington, of Lithonia, Ga., on motion of Mr. James Armstrong Mackay; and Charles Herbert Kahn, of Beverly Hills, Calif., Mayer Chapman, of Los Angeles, Calif., Patrick Eugene Hughes, of Los Angeles, Calif., William R. Pardee, of Los Angeles, Calif., Seymour J. Gaynes, of Chicago, Ill., Glenn Greenwood, of Chicago, Ill., Harry George Mann, of Chicago, Ill., Richard Peter Micun, of Chicago, Ill., Charles Orlove, of Chicago, Ill., Richard Samuel Weinberg, of Chicago, Ill., Harland W. Downard, of Louisville, Ky., James F. Kemp, of Louisville, Ky., Howard D. Barger, of Holyoke, Mass., Richard S. Moskow, of Boston, Mass., Philip A. Brine, Jr., of Boston, Mass., Erwin Elling Cooper, of Newton, Mass., Richard P. King, of Newton, Mass., Lawrence A. Wright, of Concord, Mass., Robert Widman Appleford, of Birmingham, Mich., Jacquelson A. Jennewein, of Cincinnati, Ohio, William Walter Beuhler, Jr., of San Antonio, Tex., Richard W. Harris, of San Antonio, Tex., William Stern Fields, of Madison, Wis., James W. Moll, of Milwaukee, Wis., and Edward D. Schneiderman, of Milwaukee, Wis., on motion of Mr. William S. Fulton, Jr., were admitted to practice.

#### OPINIONS

No. 294. One 1958 Plymouth Sedan, petitioner, *v.* Pennsylvania. On writ of certiorari to the Supreme Court of Pennsylvania, Eastern District. Judgment reversed and case remanded to the Supreme Court of Pennsylvania, Eastern District, for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Goldberg. Concurring opinion by Mr. Justice Black.

No. 503. Commissioner of Internal Revenue, petitioner, *v.* Estate of Marshal L. Noel, Deceased, William H. Frantz and Ruth M. Noel, Executors. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment of the Court of Appeals reversed and judgment of the United States Tax Court affirmed. Case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Black. Mr. Justice Douglas dissents.

No. 115. Warren Trading Post Company, appellant, *v.* Arizona State Tax Commission et al. 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 Black.

#### ORAL ARGUMENT

No. 291. Minnesota Mining and Manufacturing Company, petitioner, *v.* New Jersey Wood Finishing Company. Argued by Mr.

Sidney P. Howell, Jr., for the petitioner and by Mr. Albert G. Besser for the respondent.

No. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. Argued by Mr. Arnold Fleischmann for the petitioners and by Mr. Herman L. Weisman and Mr. John A. Wilson for the respondents.

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Adjourned until Monday, May 3, 1965, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

## ADMISSIONS TO THE BAR

Dennis Charles DeBerry, of Denver, Colo., Bernard Isaac Kaplan, of Boston, Mass., John F. Reilly, of New York, N.Y., Samuel Theodore Reiner, of Southampton, Pa., Ronald A. Hoverson, of Lafayette, La., Arnold Miller, of Newark, N.J., Frederick Clifford Cohen, of Boston, Mass., Willy Nordwind, Jr., of Lynn, Mass., Howard J. Bueche, of Flint, Mich., and Samuel Locke Highleyman, of New York, N.Y., on motion of Mr. Solicitor General Archibald Cox; Jack Richard Hall, of Des Moines, Iowa, on motion of Mr. Jack R. Miller; Donald E. Campbell, of Pueblo, Colo., and Weldon Murphy Tarter, of Colorado Springs, Colo., on motion of Mr. Gordon Allott; Deanl Tooker, of Stuart, Fla., William Frederick Crary, of Stuart, Fla., and Lawrence Evans Crary, Jr., of Stuart, Fla., on motion of Mr. Paul G. Rogers; Charles W. Arnason, of Minneapolis, Minn., on motion of Mr. Carlton J. King; Robert Shearer Zimmerman, of Glenwood Springs, Colo., on motion of Mr. G. Mennen Williams; Carl A. Skibell, of Dallas, Tex., on motion of Mr. Harold Barefoot Sanders; Jack Irwin Orlove, of Silver Spring, Md., on motion of Mr. Charles Donahue; Janet Calvert Brown, of New York, N.Y., on motion of Mr. Abraham Krash; Marshall Patner, of Chicago, Ill., on motion of Mr. Barry Sidman; Albert Averbach, of Seneca Falls, N.Y., on motion of Mr. Frederick Bernays Wiener; Claude Daniel Carter, of Roanoke, Va., and Thomas F. Call, of Los Angeles, Calif., on motion of Mr. Asa V. Call; Marian Mayer Berkett, of New Orleans, La., on motion of Mrs. Carolyn Royall Just; Bascom T. Perkins, of Mt. Pleasant, Tex., on motion of Mr. John L. Barr, Jr.; Robert Lee Milby, of London, Ky., on motion of Mr. George F. Galland; Wilford R. Young, of New York, N.Y., on motion of Mr. George E. McMurray; Charles Augustus Robinson, Jr., of Vienna, Va., on motion of Mr. S. David Freeman; Donald P. Lay, of Omaha, Neb., on motion of Mr. Stanley E. Siegel; Woodward Lee Carter, Jr., of New York, N.Y., George Henry Henderson, of Brooklyn, N.Y., Peter Joseph Lumia, of Matawan, N.J., and Robert Yaeger Peters, of Washington, D.C., on motion of Mr. Robert Coe; William D. Stokes, of Washington, D.C., on motion of Mr. Charles Fellows Wheatley, Jr.; Thomas H. Crush, of Cincinnati,



Ohio, on motion of Mr. Harry J. Boyles; Thomas Burch Moorhead, of New York, N.Y., on motion of Mr. Harry A. Inman; Jay L. Cooper, of Beverly Hills, Calif., on motion of Mr. Leo A. Rosetta; George S. Barnard, of Ozark, Ala., on motion Mr. Philip Ershler; Elias D. Rees, of Arlington, Va., on motion of Mr. Frederick C. Heiken; Roscoe B. Hogan, of Birmingham, Ala., William Richard Bremer, of San Francisco, Calif., Jerome Berg, of San Francisco, Calif., Franklin J. Potter, of Los Angeles, Calif., James G. Butler, of Los Angeles, Calif., Bennet Olan, of Los Angeles, Calif., Ralph Nader, of Winsted, Conn., William G. Applestein, of Washington, D.C., Anival J. Grillo, of Washington, D.C., Irwin B. Lipman, of Washington, D.C., William McKamey, of Washington, D.C., William A. Mann, of Washington, D.C., John Joseph Leahy, of Washington, D.C., Warren M. Goodrich, of Bradenton, Fla., Al. J. Cone, of West Palm Beach, Fla., Philip H. Corboy, of Chicago, Ill., William E. Gainer, of Chicago, Ill., Alvin George Brooks, of Evanston, Ill., Leonard J. Dunn, of West Frankfort, Ill., Carl L. Compton, of Indianapolis, Ind., Hyman Harold Soshnick, of Shelbyville, Ind., Richard Chrisler Ver Wiebe, of Fort Wayne, Ind., Benjamin C. Piser, of South Bend, Ind., W. T. Barnes, of Ottumwa, Iowa, Lex Hawkins, of Des Moines, Iowa, John C. Frank, of Wichita, Kans., Manny H. Frockt, of Louisville, Ky., Anthony R. Hellmann, of Louisville, Ky., Michael M. Hellmann, of Louisville, Ky., Harold J. Lamy, of New Orleans, La., John P. Godfrey, of Many, La., Peter N. Kyros, of Portland, Maine, Norman S. Reef, of Portland, Maine, Herbert H. Bennett, of Portland, Maine, E. K. Collins, of Laurel, Miss., Thomas Jefferson Stephens, Jr., of Grant City, Ohio, Howard A. Goldberger, of Newark, N.J., Jerry M. Finn, of Newark, N.J., Shelley J. Lashkowitz, of Fargo, N. Dak., Raymond J. Finley, of Akron, Ohio, Joseph C. DaPore, of Lima, Ohio, Moran B. Jenkins, of Lima, Ohio, Jefferson G. Greer, of Tulsa, Okla., Michael F. Morrissey, of Denver, Colo., Julius Bronstein, of Baltimore, Md. James D. Laudeman, Jr., of Glyndon, Md., Irving M. Einbinder, of Hagerstown, Md., Maurice J. Pressman, of Baltimore, Md., John Victor Calabrese, of Baltimore, Md., William Sinsky, of Baltimore, Md., Sidney Waldman, of Baltimore, Md., J. Mayer Willen, of Baltimore, Md., Melvin S. Bernstein, of Baltimore, Md., Fred Ginsberg, of Baltimore, Md., Eugene Victor Chircus, of Baltimore, Md., David Lewis Saltzman, of Baltimore, Md., Gordon H. Levy, of Baltimore, Md., Norman Harold Katz, of Baltimore, Md., Herman Shapiro, of Baltimore, Md., Jack H. Bindes, of Detroit, Mich., Carl Gussin, of Detroit, Mich., Irving Kroll, of Detroit, Mich., Harry M. Philo, of Detroit, Mich., Sherman E. Fein, of Springfield, Mass., Paul R. Sugarman, of Boston, Mass., Abner R. Sisson, of Boston, Mass., L. Barry Tinkoff, of Fall River, Mass., Seymour A. Sikov, of Pittsburgh, Pa., Albert Walter Buford, Jr., of

Memphis, Tenn., Richard Ray Ford, of Knoxville, Tenn., Marion Foy McDavid, of Harriman, Tenn., David S. Kunz, of Ogden, Utah, J. Westwood Smithers, of Richmond, Va., Hudson Branham, of Richmond, Va., Willard James Moody, of Portsmouth, Va., Lois H. Miller, of Vienna, Va., Bryan Bailey Palmer, of Newport News, Va., Bernard Lisman, of Burlington, Vt., Maurice Schmerling, of Kenosha, Wis., Donald M. Gorectke, of Milwaukee, Wis., Joseph Abner Morgan, Jr., of El Paso, Tex., Bob Huff, of Lubbock, Tex., Howard C. Sadler, of Port Arthur, Tex., John Guest Patterson, of Houston, Tex., and James Jackson Hultgren, of Dallas, Tex., on motion of Mr. William Ramsey Clark; Anthony J. Brosco, of Johnston, R.I., Daniel R. Brenna, of Trenton, N.J., Charles J. D'Arrigo, of Staten Island, N.Y., Donald P. Muccigrosso, of Mamaroneck, N.Y., Gerald J. Muccigrosso, of Mamaroneck, N.Y., Peter A. Piscitelli, of Bronx, N.Y., Cesar F. Sena, of Bronx, N.Y., Remo J. Acito, of New York, N.Y., Joseph J. Barbera, of New York, N.Y., Fred Baroni, of New York, N.Y., Louis C. Benza, of New York, N.Y., John J. Bower, of New York, N.Y., Nicholas A. Bruckner, of New York, N.Y., James A. Cardiello, of New York, N.Y., Joseph A. Cascione, of New York, N.Y., Mary E. Cerbone, of New York, N.Y., Joseph A. Cerbone, of New York, N.Y., Daniel K. Ettinger, of New York, N.Y., Eugene P. Frasca, of New York, N.Y., Francis X. Galdi, of New York, N.Y., Paul A. Liggio, of New York, N.Y., Philip T. Lombardo, of New York, N.Y., Thomas J. Mazza, of New York, N.Y., Richard F. Mele, of New York, N.Y., Saverio Perri, of New York, N.Y., Anthony J. Stella, of New York, N.Y., Julius Stern, of New York, N.Y., Mark A. Varrichio, of New York, N.Y., Louis S. Zappulla, Jr., of New York, N.Y., and Neil Ira Zipkin, of New York, N.Y., on motion of Mr. Alfred E. Santangelo; John D. Adams, of Enfield, Conn., Joseph B. Buckley, of Ansonia, Conn., Robert T. Casey, of Southington, Conn., James G. Englis, of Fairfield, Conn., Ivan A. Hirsch, of Bridgeport, Conn., Robert L. Hurney, of Middletown, Conn., Charles G. Iosco, of Newington, Conn., Bernard F. Joy, of Milford, Conn., Louis Kiefer, of Simsbury, Conn., JoAnne Marie Kiely, of Ansonia, Conn., Robert L. Krechevsky, of West Hartford, Conn., Joseph Levinson, of Westport, Conn., William I. Mark, of Meriden, Conn., Robert H. Montgomery, of Madison, Conn., Albert Raymond Moquet, of Orange, Conn., John F. Mulcahy, Jr., of West Hartford, Conn., Frederick Pope, Jr., of Fairfield, Conn., Robert E. Quish, of Milford, Conn., Stephen Edmund Ronai, of Milford Conn., Jerome Allen Rosen, of Willimantic, Conn., Robert P. Scholl, of Westport, Conn., James Warren Sherman, of Somers, Conn., James Hart Talcott, of Greenwich, Conn., Richard Aquinas Walsh, of West Hartford, Conn., Jack Waltuch, of Norwalk, Conn., Robert Morris Zeisler, of Fairfield, Conn., William A. Bader, of Bridgeport, Conn., Sidney

Leonard Dworkin, of Bridgeport, Conn., Burton J. Jacobson, of Bridgeport, Conn., Robert K. Lesser, of Bridgeport, Conn., Jordan R. Lustig, of Bridgeport, Conn., Noel R. Newman, of Bridgeport, Conn., Edmund Joseph Ramos, of Bridgeport, Conn., James F. Stapleton, of Bridgeport, Conn., Lucian E. Baldwin, of Hartford, Conn., Samuel S. Goldstein, of Hartford, Conn., Fannie Himmelstein, of Hartford, Conn., Donald Lee Rome, of Hartford, Conn., Donald George Rosenberg, of Hartford, Conn., Ronald G. Tormey, of Hartford, Conn., Irving Milton Widem, of Hartford, Conn., Anthony P. DeLio II, of Hamden, Conn., Morris Gamm, of Hamden, Conn., William L. Hadden, Jr., of Hamden, Conn., Malcolm L. Rashba, of Hamden, Conn., Anthony G. Apicella, of New Haven, Conn., Morris Berkowitz, of New Haven, Conn., John J. Buckley, of New Haven, Conn., Stanley H. Burdick, of New Haven, Conn., Milton I. Caplan, of New Haven, Conn., Robert S. Evans, of New Haven, Conn., Gary R. Ginsberg, of West Haven, Conn., Irving Groob, of New Haven, Conn., Stephen L. Hilcoff, of New Haven, Conn., Morton D. Kaplan, of New Haven, Conn., John Vernon Leffingwell, of New Haven, Conn., Howard R. Moskof, of New Haven, Conn., Richard Joseph Parrett, of New Haven, Conn., Irving Smirnoff, of New Haven, Conn., Gerald Maxwell Still, of New Haven, Conn., Joseph Fred Trotta, of New Haven, Conn., Sherman A. Zitomer, of New Haven, Conn., M. Lewis Chaplowe, of Stratford, Conn., Leonard E. Cookney, of Stamford, Conn., Gordon R. Erickson, of Stamford, Conn., John E. Hanrahan, of Stamford, Conn., John S. McGeeney, of Stamford, Conn., Richard Paul McGrath, of Stamford, Conn., Alfred E. Munrow III, of Stamford, Conn., Samuel V. Schoonmaker III, of Stamford, Conn., Everett P. Sherwood, of Stamford, Conn., Richard Anthony Silver, of Stamford, Conn., and John E. Smyth, of Stamford, Conn., on motion of Mr. Donald J. Irwin; and Alfred J. Anastasi, of Jackson Heights, N.Y., Anthony F. Bellucci, of Corona, N.Y., Harold F. Berg, of Westbury, N.Y., Stanley J. Beyer of Island Park, N.Y., Irving Raymond Bykofsky, of Bayside, N.Y., Emanuel J. Caiati, of East Meadow, N.Y., Burton Citak, of Whitestone, N.Y., Edward C. Clarke, of Jackson Heights, N.Y., Peter J. Conza, of Rosedale, N.Y., Luther Vaughn Dye, of Hollis, N.Y., Harry P. Emery, of Maspeth, N.Y., Thomas Francis Fallon, of Astoria, N.Y., Timothy J. Flaherty, of Astoria, N.Y., Leonard Gordon, of Far Rockaway, N.Y., Horatio K. Hawkins, of Corona, N.Y., Stuart Kessler, of Ardsley, N.Y., Armin John Kikel, of Ridgewood, N.Y., Harold Jerome Klein, of Valley Stream, N.Y., Melvin M. Lebetkin, of Kew Gardens, N.Y., Herbert Lichterman, of Far Rockaway, N.Y., Joseph F. Lisa, of Corona, N.Y., Jerrold I. Lupoff, of Roslyn, N.Y., Eugene T. Matthews, of Maspeth, N.Y., Anthony Matturro, of Woodside, N.Y., Edward C.

Montell, of Long Island City, N.Y., Joseph P. Muscarella, of Elmont, N.Y., Anthony D. Pistone, of Roslyn Heights, N.Y., James D. Robertson, of Ridgewood, N.Y., Ralph Rubel, of Mineola, N.Y., J. Bernard Slutsky, of South Hempstead, N.Y., Guy R. Vitacco, of Elmhurst, N.Y., Maurice Weingold, of Cedarhurst, N.Y., Louis J. Bacotti, of Brooklyn, N.Y., Benjamin A. Demos, of Brooklyn, N.Y., Samuel D. Duke, of Brooklyn, N.Y., Morris Greenstein, of Brooklyn, N.Y., Sheldon G. Rappaport, of Brooklyn, N.Y., Leonard E. Ruisi, of Brooklyn, N.Y., Harry S. Taubenfeld, of Brooklyn, N.Y., Louis R. Teig, of Brooklyn, N.Y., Harold I. Venokur, of Brooklyn, N.Y., Francis Gerald Creamer, of Flushing, N.Y., John Gentile, of Flushing, N.Y., Fredric Scheinfeld, of Flushing, N.Y., Sanford David Silverstein, of Flushing, N.Y., Joseph Albanese, of Jamaica, N.Y., Gerald Alan Bloomgarden, of Jamaica, N.Y., Leonard Bloomgarden, of Jamaica, N.Y., Anthony Michael Dattoma, of Jamaica, N.Y., Leo Dikman, of Jamaica, N.Y., Michael Dikman, of Jamaica, N.Y., Joseph A. Fiore, of Jamaica, N.Y., Irwin E. Goldwein, of Jamaica, N.Y., Irving Jerome Klein, of Jamaica, N.Y., Albert J. Magioncalda, of Jamaica, N.Y., Gerald Murray, of Jamaica, N.Y., Herman C. Rosenberg, of Jamaica, N.Y., Sigmond F. Sarnowski, of Jamaica, N.Y., Michael Bruce Solomon, of Jamaica, N.Y., Anthony S. Bottitta, of Queens, N.Y., Bernard I. Scherer, of Queens, N.Y., Michael R. Silberstein, of Queens, N.Y., Melvin Jonathan Slade, of Queens, N.Y., Peter F. Vallone, of Queens, N.Y., Elliot Wohl, of Queens, N.Y., Michael Angelo Buonora, of New York, N.Y., Dominic J. Calabrese, of New York, N.Y., Joseph P. Dorsa, of New York, N.Y., Andrew Fontanetta, of New York, N.Y., Joseph Adrian Fontanetta, of New York, N.Y., James D. Gabler, of New York, N.Y., Anthony V. Gazzara, of New York, N.Y., Marvin E. Goldberg, of New York, N.Y., Joseph Hausman, of New York, N.Y., Daniel King, of New York, N.Y., Monroe J. Korn, of New York, N.Y., Nicholas S. Maltese, of New York, N.Y., Jordan Mandel, of New York, N.Y., Alfonse George Marano, of New York, N.Y., David George Mendelsohn, of New York, N.Y., James J. Power, of New York, N.Y., Malcolm Rosenberg, of New York, N.Y., Stephen Ross, of New York, N.Y., Emil J. Rucigay, of New York, N.Y., Jay S. Watnick, of New York, N.Y., Saul Israel Weinstein, of New York, N.Y., Leonard Weinstock, of New York, N.Y., Milton G. Winston, of New York, N.Y., and Robert M. Yates, of New York, N.Y., on motion of Mr. John J. Scileppi, were admitted to practice.

#### OPINIONS

No. 123. Federal Power Commission, petitioner, *v.* Union Electric Company. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment reversed and case remanded

to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Dissenting opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan and Mr. Justice Stewart join.

No. 628. United States, petitioner, *v.* Midland-Ross Corporation. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Brennan.

No. 486. W. Palmer Dixon et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Brennan.

No. 363. Lucy C. Simons, petitioner, *v.* Miami Beach First National Bank, etc. On writ of certiorari to the District Court of Appeal of Florida, Third District. Judgment affirmed. Opinion by Mr. Justice Brennan. Concurring opinion by Mr. Justice Harlan. Concurring opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Dissenting opinion by Mr. Stewart with whom Mr. Justice Goldberg joins.

No. 345. Maryland, for the use of Nadine Y. Levin, Sydney L. Johns, et al., petitioners, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Mr. Justice Douglas dissents.

No. 86. Louis Zemel, appellant, *v.* Dean Rusk, Secretary of State, et al. Appeal from the United States District Court for the District of Connecticut. Judgment affirmed. Opinion by Mr. Chief Justice Warren. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Goldberg joins. Dissenting opinion by Mr. Justice Goldberg.

No. 179. Stanley M. Corbett, Guardian of the Property of Constantine Neonakis, a minor, appellant, *v.* Viola Stergios, etc. Appeal from 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. 355. Bernard Susser et al., petitioners, *v.* Carvel Corporation et al. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Writ of certiorari dismissed as improvidently granted. Opinion *per curiam* announced by Mr. Chief Justice Warren. Mr. Justice Goldberg 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. 923. James A. Watts et al., petitioners, *v.* Seward School Board et al. On petition for writ of certiorari to the Supreme Court of Alaska. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Supreme Court of Alaska for further consideration not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 958. John Parrot et al., petitioners, *v.* City of Tallahassee, Florida. On petition for writ of certiorari to the Circuit Court of the Second Judicial Circuit of Florida, Leon County. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Second Judicial Circuit of Florida, Leon County, for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

No. 994. Robert McClellan, appellant, *v.* Chesapeake & Ohio Railway Company. Appeal from the Court of Appeals of Ohio, Cuyahoga County. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

#### CERTIORARI GRANTED

No. 806. Henry Brown et al., petitioners, *v.* Louisiana. Petition for writ of certiorari to the Supreme Court of Louisiana granted and case placed on the summary calendar.

No. 824, Misc. Morris A. Kent, Jr., petitioner, *v.* United States. Motion of Elyce Zenoff Ferster, et al., for leave to file brief, as *amici curiae*, granted. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit granted. Case transferred to the appellate docket and placed on the summary calendar.

#### CERTIORARI DENIED

No. 688. Baldo M. Kristovich, Public Administrator, petitioner, *v.* Shu Tong Ng. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 981. Loring J. Whiteside, petitioner, *v.* Connecticut. Petition for writ of certiorari to the Supreme Court of Errors of Connecticut denied.

No. 982. Nicholas A. Stirone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 984. Felix Ferina, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 986. Aaron Rosenzweig, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 988. Allied Central Stores, 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. 989. Albert N. Shahadi, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 991. Jerry G. Summerlin, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 998. Teamsters, Chauffeurs, Warehousemen & Helpers, Local Union 612, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 999. Julius Godeny et ux., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1001. Frederick Moynihan, petitioner, *v.* New York Central Railroad Company. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1005. Wade McNeil, petitioner, *v.* Stewart Udall, etc. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1007. Robert V. Ferry et al., petitioners, *v.* Stewart L. Udall, Secretary of the Interior, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1013. Louis J. Schwartz, petitioner, *v.* Rubenia Tanner. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1014. Cities Service Oil Company, etc., petitioner, *v.* The Arundel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 971. Susie Ann Graham, petitioner, *v.* The Pennsylvania Railroad et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied. Mr. Justice

Black and Mr. Justice Goldberg are of the opinion that certiorari should be granted and the judgment reversed based on the dissenting opinion below of Judge J. Skelly Wright.

**No. 481, Misc.** James D. Brady, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

**No. 686, Misc.** Edward J. Kern, 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. 860, Misc.** John Dean, petitioner, *v.* L. Green, Superintendent, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

**No. 932, Misc.** Billy Ferguson, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied.

**No. 942, Misc.** Howard Ogletree, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

**No. 946, Misc.** Leroy Boaz Dorton, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

**No. 950, Misc.** Charles A. Armstrong, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

**No. 951, Misc.** Donald W. Paul, petitioner, *v.* Anthony J. Celebrezze, Secretary of the Department of Health, Education and Welfare. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 984, Misc.** Sally Jean Rood, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

**No. 991, Misc.** Eugene A. Williams, petitioner, *v.* Thomas J. MacBride, Judge, United States District Court, Northern District of California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 1000, Misc.** James Leo Kirby, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

**No. 1003, Misc.** William H. Jackson, petitioner, *v.* Warden, Maryland Penitentiary. Petition for writ for certiorari to the United States Court of Appeals for the Fourth Circuit denied.



No. 1035, **Misc.** Thomas Goins, petitioner, *v.* Victor G. Walker, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1069, **Misc.** Gordon Fink, petitioner, *v.* New York. Petition for writ for certiorari to the Court of Appeals of New York denied.

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

No. 1044, **Misc.** Arnold T. Foster, petitioner, *v.* Otto C. Boles, Warden;

No. 1072, **Misc.** Louis Hayward White, petitioner, *v.* Robert A. Heinze, Warden;

No. 1087, **Misc.** Douglas Stiltner, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al.; and

No. 1104, **Misc.** Iva Kroeger, petitioner, *v.* California. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1054, **Misc.** Charles Arthur Gonzales, petitioner, *v.* California;

No. 1089, **Misc.** Chester L. Edgerton, petitioner, *v.* North Carolina;

No. 1090, **Misc.** Harvey Robert Downer, petitioner, *v.* California; and

No. 1108, **Misc.** Ray C. Stevenson, petitioner, *v.* Richard A. Chappell, Chairman of the Board of Paroles, 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 MANDAMUS DENIED

No. 941, **Misc.** Sherman H. Skolnick, petitioner, *v.* John S. Hastings et al. Motion for leave to file petition for a writ of mandamus and/or prohibition and for other relief denied.

#### REHEARINGS DENIED

No. 21. Chicago and North Western Railway Company, appellant, *v.* Chicago, Milwaukee, St. Paul & Pacific Railroad Company, et al.;

No. 887. The New York Central Railroad Company, petitioner, *v.* Southern Railway Company; and

No. 504, **Misc.** Robert L. Ferrario, petitioner, *v.* Maurice H. Sigler, Warden. Petitions for rehearing denied.

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Adjourned until Monday, May 17, 1965, at 10 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Earl Levy, of Springfield, Va., John D. Schuyler, of Los Angeles, Calif., Herbert Ashley Bernhard, of Los Angeles, Calif., Frederick J. Whisman, of San Francisco, Calif., Eugene L. Wilpon, of Miami, Fla., Rolfe D. Duggar, of St. Petersburg, Fla., James Louis Kelley, of Washington, D.C., Joseph S. Mangano, of Delran, N.J., Louis Bindell, of New York, N.Y., Jack B. Ehrich, of New York, N.Y., Edward Webb Keane, of New York, N.Y., Raymond S. Troubh, of New York, N.Y., Martin S. Wagner, of New York, N.Y., Robert M. Draper, of Columbus, Ohio, Herbert L. Moody, Jr., of Florence, S.C., Leon M. Kerry, of New York, N.Y., and Lee A. Kamp, of Spokane, Wash., on motion of Mr. Solicitor General Archibald Cox; William R. Butler, of Little Rock, Ark., and Omar Fairley Greene, of Little Rock, Ark., on motion of Mr. John L. McClellan; William O. E. Henry, of Bartow, Fla., on motion of Mr. Spessard L. Holland; Laurier T. Raymond, Jr., of Lewiston, Maine, on motion of Mr. William D. Hathaway; Jerome C. Gropman, of Detroit, Mich., and George Gregory Mantho, of Detroit, Mich., on motion of Mr. John D. Dingell; Edward J. Eng, of Los Angeles, Calif., on motion of Mr. H. Allen Smith; John R. Lee, of Kermit, Tex., on motion of Mr. Richard C. White; Lewis C. Carter, of Holton, Kans., Robert D. Hecht, of Topeka, Kans., and George D. Wagstaff, of Tecumseh, Kans., on motion of Mr. Joseph Skubitz; Reynolds C. Seitz, of Milwaukee, Wis., on motion of Judge Oscar H. Davis; John A. Mmahat, of Metairie, La., on motion of Mr. Gillis W. Long; John Whitney Pettit, of Washington, D.C., on motion of Mr. Gerald D. Morgan; Michael L. Clements, of Louisville, Ky., on motion of Mr. Frank J. Whalen, Jr.; Alfonso A. Aliberti, of Portland, Maine, on motion of Mr. Edward G. Hudon; Ronald H. Bonaparte, of Los Angeles, Calif., and Jerome H. Rhodes, of Los Angeles, Calif., on motion of Mr. Robert Jordan Wager; John L. Crawford, of Kensington, Md., on motion of Mr. Paul E. Treusch; Oakley Webster Melton, Jr., of Montgomery, Ala., on motion of Mr. Wiley Messick; Grover B. Cobb, Jr., of Houston, Tex., on motion of Mr. James D. McKinney, Jr.; Walter Werner, of Redding, Conn., on motion of Mr. Bennett Boskey; Abraham Nemrow, of Boston, Mass., and Jack Norton, of

Miami, Fla., on motion of Mr. Talmadge L. Bartelle; Michael Jon Basford, of Detroit, Mich., Robert Winthrop Culver, of Detroit, Mich., Robert G. Cutler, of Birmingham, Mich., Eugene L. Hartwig, of Detroit, Mich., and Stuart D. Willson, of Detroit, Mich., on motion of Mr. Harry S. Benjamin, Jr.; Nathalie V. Black, of Los Angeles, Calif., on motion of Mr. Harold A. Black; Charles B. Roscoff, of Helena, Ark., and David Solomon, of Helena, Ark., on motion of Mr. Floyd Lee Williams; Richard L. Everson, of Viroqua, Wis., on motion of Mr. Eugene J. Kaplan; Bruce David Patner, of Chicago, Ill., on motion of Mr. Victor A. Altman; Ralph H. Eisendrath, of Chicago, Ill., on motion of Mr. Bernard Joseph Waters; Bruce W. Kauffman, of Philadelphia, Pa., on motion of Mr. Joseph B. Kauffman; Elias Abelson, of Princeton, N.J., on motion of Mr. Daniel Goldstein; Raymond K. McKenzie, of Florence, S.C., on motion of Mr. George R. Douglas, Jr.; David R. Cole, of Nashville, Tenn., on motion of Mr. Stephen D. Potts; William Landau, of Boston, Mass., and Robert B. Milgroom, of Boston, Mass., on motion of Mr. Daniel T. Coughlin; Victor Myer, of Chicago, Ill., on motion of Mr. Frank L. Neuhauser; James Dewey Evans, of Birmingham, Ala., on motion of Mr. Jess Larson; Carlton Glen Conkey, of Walla Walla, Wash., George Gordon Dowd, of Bellingham, Wash., Kenneth Wayne Drew, of Corsicana, Tex., Frank A. Nelson, of Louisville, Ky., and Richard Leonard Wilkins, of Providence, R.I., on motion of Mr. Anthony J. DeVico; Leo Waldman, of Youngstown, Ohio, on motion of Mr. Earl H. Davis; Glendon Bruce Boothe, of Bellevue, Wash., on motion of Mr. Stanley Sender; Joseph Goldberg, of Bethesda, Md., and James R. Beard, of Alexandria, Va., on motion of Mr. Charles Donahue; John Palmer Arness, of Washington, D.C., on motion of Mr. Frank F. Roberson; Seymour Kanter, of Philadelphia, Pa., on motion of Mr. A. Fred Freedman; John F. Kelly, of Chicago, Ill., on motion of Mr. Fuller Holloway; Mason Lillard Hampton, Jr., of Lynbrook, N.Y., and James Michael Marrin, of Floral Park, N.Y., on motion of Mr. Berton V. Kramer; Thomas M. Macioce, of New York, N.Y., on motion of Mr. John Hurford Sharon; I. Joseph Berger, of Cleveland, Ohio, David Kirschenbaum, of Cleveland, Ohio, and Charles S. Tricarichi, of Cleveland, Ohio, on motion of Mr. Frederic J. Ball; David Earl Seidelson, of Washington, D.C., Samuel Y. Stroh, of Pittsburgh, Pa., and Charles R. Whitehill, of Lewistown, Pa., on motion of Mr. Monroe H. Freedman; Charles B. Thies, of St. Louis, Mo., on motion of Mr. John H. Zentay; Donald C. Simpson, of Washington, D.C., on motion of Mr. William Wade Beckett; Thomas Francis Molanphy, of New York, N.Y., and John Joseph Hearn, of New York, N.Y., on motion of Mr. George H. Hearn; F. John Karr, of Fresno, Calif., on motion of Mr. Timothy V. A. Dillon; Walter M.

Nicholson, Jr., of Washington, D.C., on motion of Mr. Louis Fenner Claiborne; Saul Blau, of Atlanta, Ga., Nancy S. Cheves, of Atlanta, Ga., Carl E. Cone, of Atlanta, Ga., John H. David, Jr., of Atlanta, Ga., James R. Dollar, Jr., of Atlanta, Ga., Frazer Durrett, Jr., of Atlanta, Ga., Jack Paul Etheridge, of Atlanta, Ga., David Henry Gambrell, of Atlanta, Ga., George H. Kasper, Jr., of Atlanta, Ga., John Somerville Knox, Jr., of Atlanta, Ga., Marie Leachman, of Atlanta, Ga., Robert J. Lipshutz, of Atlanta, Ga., Kirk M. McAlpin, of Atlanta, Ga., John Preston McKinley, of Atlanta, Ga., John H. Mobley, II, of Atlanta, Ga., John J. O'Connor, of Atlanta, Ga., Edward C. Ownby, of Atlanta, Ga., Vester M. Ownby, of Atlanta, Ga., Walter M. Rodgers, Jr., of Atlanta, Ga., Clifford N. Sears, of Atlanta, Ga., Roland P. Smith, of Atlanta, Ga., Virgil H. Smith, of Atlanta, Ga., Ted D. Spears, of Atlanta, Ga., Walter L. Susong, of Atlanta, Ga., Robert G. Young, of Atlanta, Ga., Charles Thomas Bass, Jr., of Avondale Estates, Ga., and R. Hopkins Kidd, of Decatur, Ga., on motion of Mr. Charles Longstreet Weltner; Robert E. Fulton, Jr., of Glenshaw, Pa., David R. Gold of Jeannette, Pa., John S. Wellington, of Meadville, Pa., Richard P. Anton, of Pittsburgh, Pa., Lorraine L. Bieno, of Pittsburgh, Pa., Cyril D. Brain, of Pittsburgh, Pa., Alan Louis Ackerman, of Pittsburgh, Pa., Marvin J. Apple, of Pittsburgh, Pa., David J. Armstrong, of Pittsburgh, Pa., Anton W. Bigman, of Pittsburgh, Pa., Abraham A. Bluestone, of Pittsburgh, Pa., William G. Boyle, of Pittsburgh, Pa., Thomas H. Cauley, of Pittsburgh, Pa., John J. Cohen, of Pittsburgh, Pa., Robert Earl Dauer, of Pittsburgh, Pa., Samuel P. Delisi, of Pittsburgh, Pa., A. Ralph Ellis, of Pittsburgh, Pa., William L. Dornenburg, of Pittsburgh, Pa., John A. DeMay, of Pittsburgh, Pa., William J. Fahey, of Pittsburgh, Pa., Andrew Newell Farley, of Pittsburgh, Pa., David B. Fawcett, Jr., of Pittsburgh, Pa., Abraham S. Fingold, of Pittsburgh, Pa., Reuben Fingold, of Pittsburgh, Pa., John R. Gavin, of Pittsburgh, Pa., Harold H. Goldman, of Pittsburgh, Pa., Morris B. Greenberg, of Pittsburgh, Pa., Robert S. Grigsby of Pittsburgh, Pa., Joseph Kline, of Pittsburgh, Pa., Nathan Lipson, of Pittsburgh, Pa., Joseph Mark Maurizi, of Pittsburgh, Pa., Charles F. McKenna, of Pittsburgh, Pa., Robert McKenzie, of Pittsburgh, Pa., William W. McVay, of Pittsburgh, Pa., Gordon E. Neuenschwander, of Pittsburgh, Pa., Clarence B. Nixon, Jr., of Pittsburgh, Pa., David McNeil Olds, of Pittsburgh, Pa., Robert T. Randig, of Pittsburgh, Pa., Sidney J. Sable, of Pittsburgh, Pa., Bessie K. Sack, of Pittsburgh, Pa., Harton S. Semple, of Pittsburgh, Pa., Leo Ira Shapiro, of Pittsburgh, Pa., Herbert G. Sheinberg, of Pittsburgh, Pa., Silvestri Silvestri, of Pittsburgh, Pa., J. Leonard Smith, Jr., of Pittsburgh, Pa., Thomas L. Snyder, of Pittsburgh, Pa., Thomas D. Thomson, of Pitts-

burgh, Pa., Richard L. Thornburgh, of Pittsburgh, Pa., Frank Fleisher Troup, of Pittsburgh, Pa., John M. Webb, of Pittsburgh, Pa., Andrew L. Weil, of Pittsburgh, Pa., and I. Martin Wekselman, of Pittsburgh, Pa., on motion of Mr. Solicitor General Archibald Cox; James M. Mulligan, Jr., of Wilmington, Del., Brereton Sturtevant, of Wilmington, Del., Bernard Hessler, Jr., of Wilmington, Del., Arthur J. Sullivan, of Wilmington, Del., Gerald Z. Berkowitz, of Wilmington, Del., H. Alfred Tarrant, Jr., of Wilmington, Del., Donald C. Taylor, of Wilmington, Del.; James J. Walsh, of Wilmington, Del., Robert M. High, of Wilmington, Del., Peter Warren Green, of Wilmington, Del., E. D. Griffenberg, Jr., of Wilmington, Del., B. Wilson Redfearn, III, of Wilmington, Del., Henry Newton Herndon, Jr., of Wilmington, Del., Edward W. Cooch, Jr., of Wilmington, Del., John Edward Wilson, Sr., of Wilmington, Del., Clarence W. Taylor, of Wilmington, Del., William F. Lynch, II, of Wilmington, Del., William D. Bailey, Jr., of Wilmington, Del., David Nicol Williams, of Wilmington, Del., F. L. Peter Stone, of Wilmington, Del., William F. Taylor, of Wilmington, Del., Richard H. May, of Wilmington, Del., O. V. Suddard, of Wilmington, Del., Eugene H. Ballard, of Wilmington, Del., George L. Sands, of Wilmington, Del., Harvey Porter, of Wilmington, Del., Ottavio F. Biondi, of Wilmington, Del., James T. McKinstry, of Wilmington, Del., Howard M. Berg, of Wilmington, Del., Russell J. Willard, Jr., of Wilmington, Del., Robert W. Wakefield, of Wilmington, Del., Frederick Knecht, Jr., of Wilmington, Del., Robert V. Huber, of Wilmington, Del., Douglas W. Troll, of Wilmington, Del., Donald W. Booker, of Wilmington, Del., Thomas S. Lodge, of Wilmington, Del., Jacob Balick, of Wilmington, Del., George C. Hering, III, of Wilmington, Del., Morton E. Evans, of Wilmington, Del., Max S. Bell, Jr., of Wilmington, Del., Philip Cohen, of Wilmington, Del., Joseph M. Kwiatkowski, of Wilmington, Del., Alfred M. Isaacs, of Wilmington, Del., John F. Hyde, of Wilmington, Del., Joseph A. Rosenthal, of Wilmington, Del., Edward J. Wilson, of Wilmington, Del., Clyde M. England, Jr., of Wilmington, Del., James F. Kelleher, of Wilmington, Del., Edward R. Kimmel, of Wilmington, Del., Albert F. Bower, of Wilmington, Del., Courtney H. Cummings, Jr., of Wilmington, Del., Warren B. Burt, of Wilmington, Del., Howard T. Ennis, Jr., of Rehoboth, Del., and A. Dean Betts, of Seaford, Del., on motion of Mr. James Caleb Boggs; and William Patrick Doyle, of Fort Lauderdale, Fla., Raymond I. Bruttomesso, of Park Ridge, Ill., Albert W. Frost, of West Hartford, Conn., Frederick T. Finigan, of Riverside, Conn., Victor W. Dahar, of Manchester, N.H., Earl F. Gage, of Berlin, N.H., William D. Tribble, of Jaffrey, N.H., Kenneth M. Curtis, of Cape Elizabeth, Maine, John V. Keaney, of Portland, Maine,

Frank A. Carter, Jr., of Lincoln, R.I., Abraham Goldstein, of Cranston, R.I., Earl F. Pasbach, of Providence, R.I., Irwin Norman Alberts, of Woodside, N.Y., Edw. John Roder, of Rochester, N.Y., L. John Cain, of Burlington, Vt., Clarke A. Gravel, of Burlington, Vt., Charles A. Regan, of Washington, D.C., Vincent Henry Walker, of Bethesda, Md., Charles A. Tobin, of Bethesda, Md., George Gomes, of Alexandria, Va., Richard A. Francis, Jr., of Philadelphia, Pa., Paul K. Duffey, of Philadelphia, Pa., Julian J. D'Agostine, Jr., of Acton, Mass., John F. J. Reardon, of Arlington, Mass., Albert E. Boyle, of Bedford, Mass., William F. Chisholm, of Belmont, Mass., Jeanne M. Maloney, of Boston, Mass., Augustine P. Turnbull, of Boston, Mass., James J. Doherty, of Boston, Mass., Benjamin S. Freeman, of Boston, Mass., Edward I. Masterman, of Boston, Mass., Joseph J. Hurley, of Boston, Mass., Ronald Robert Popeo, of Boston, Mass., Francis J. DiMento, of Boston, Mass., Paul J. Burns, of Boston, Mass., Robert S. Lappin, of Boston, Mass., John F. Glynn, of Boston, Mass., Joseph J. Galligan, of Boston, Mass., Anna M. Di Genio, of Boston, Mass., James T. Grady, of Boston, Mass., John F. X. Gaquin, of Boston, Mass., Frederick W. Roche, of Boston, Mass., Francis X. Moran, of Boston, Mass., Colin W. Gillis, of Boston, Mass., Maurice W. Silber, of Brookline, Mass., Cornelius F. Daly, Jr., of Brookline, Mass., Donald N. Sleeper, Jr., of Burlington, Mass., Andrew T. Trodden, of Cambridge, Mass., John M. Furlong, of Charlestown, Mass., Richard D. Fountain, of Chelmsford, Mass., Robert P. Sullivan, of Chelmsford, Mass., Francis T. O'Malley, of Clinton, Mass., Francis C. Reynolds, of Everett, Mass., Neil J. Roche, of Franklin, Mass., Irving L. Greenbaum, of Framingham, Mass., Richard T. Hall, of Lowell, Mass., Robert G. Phelan, of Lynn, Mass., Bruce N. Sachar, of Lynn, Mass., Shirley A. Phelan, of Lynn, Mass., Anthony R. DiPietro, of Malden, Mass., Robert C. Currivan, of Mansfield, Mass., Robert A. Donovan, of Medford, Mass., Harold Felix Bertolucci, of Medford, Mass., Anthony P. Mondello, of Medford, Mass., Elwynn J. Miller, of Medford, Mass., James H. Noonan, of Needham, Mass., Francis W. Murthur, of Newton, Mass., Melvin Norris, of Newton, Mass., James P. D. Waters, of Newton Centre, Mass., Martin J. Dolan, Jr., of Newtonville, Mass., Harold Katz, of Newtonville, Mass., Grace M. Kendrigan, of Norwood, Mass., Ronald E. Oliveira, of Pittsfield, Mass., Francis X. Bellotti, of Quincy, Mass., Joseph A. Lombardi, of Randolph, Mass., Thomas M. Sullivan, of Randolph, Mass., Richard E. Daly, of Salem, Mass., Anthony J. DiPerna, of Somerville, Mass., Margaret J. Haney, of South Weymouth, Mass., Robert M. Casey, of Waltham, Mass., Margaret M. Heckler, of Wellesley Hills, Mass., Eugene X. Giroux, of Weston, Mass., John Warren Heffernan, of Weymouth, Mass., William H. McBain, of

Winchester, Mass., and Darald R. Libby, of Worcester, Mass., on motion of Mr. Robert F. Drinan, were admitted to practice.

## OPINIONS

No. 245. Waterman Steamship Corporation, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Goldberg.

No. 489. United States, petitioner, *v.* Atlas Life Insurance Company. 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 Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White.

No. 5, **Original.** The United States of America, plaintiff, *v.* The State of California. Bill in equity. The report of the Special Master is approved with the modifications set out in the opinion of this Court. The parties, or either of them, may, before September 1, 1965, submit a proposed decree to carry the opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next Term of Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins. Mr. Chief Justice Warren and Mr. Justice Clark took no part in the consideration or decision of this case.

No. 347. Max Jaben, petitioner, *v.* United States. On writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Judgment affirmed. Opinion by Mr. Justice Harlan. Opinion by Mr. Justice White with whom Mr. Justice Black joins concurring the judgment. Opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren and Mr. Justice Douglas join concurring in part and dissenting in part.

No. 464. L. W. Holt et al., petitioners, *v.* Virginia. On writ of certiorari to the Supreme Court of Appeals of Virginia. Judgments reversed and case remanded to the Supreme Court of Appeals of Virginia for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Harlan.

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The Chief Justice said:

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

## OPINIONS PER CURIAM

No. 262. Commissioner of Internal Revenue, petitioner, *v.* Raymond E. Cooper et al. On petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Goldberg dissent for the reasons stated in Mr. Justice Goldberg's dissenting opinion in *Paragon Jewel Coal Co. et al. v. Comm'r Internal Revenue et al.*, Nos. 134 and 237, October Term, 1964, decided April 28, 1965.

No. 454. Nicholas J. O'Connell, Jr., etc., et al., petitioners, *v.* Joseph V. Manning, etc., et al.; and

No. 455. American Airlines, Inc., petitioner, *v.* Joseph V. Manning, etc., et al. On writs of certiorari to the United States Court of Appeals for the Second Circuit. Motions of petitioners to vacate granted. Judgment vacated and cases remanded to the United States District Court for the Southern District of New York with directions to dismiss the complaint as moot. Opinion *per curiam*. Mr. Justice Goldberg took no part in the consideration or decision of these cases.

No. 789. Raymond D. Howell, petitioner, *v.* Ohio. On petition for writ of certiorari to the Supreme Court of Ohio. Petition for writ of certiorari granted, judgment vacated and case remanded to the Supreme Court of Ohio for further consideration in light of *Griffin v. California*, No. 202, October Term, 1964, decided April 28, 1965. Opinion *per curiam*. Mr. Chief Justice Warren took no part in the consideration or decision of this case.

No. 967. Henry Turney, 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. 1000. Clarence H. McKinley, appellant, *v.* Chris A. Reilly et al., etc. Appeal from the Supreme Court of Arizona. The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. Opinion *per curiam*.

No. 363, Misc. James Lanyon Killgore, petitioner, *v.* Olin G. Blackwell, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. Motion 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 Middle District of Pennsylvania for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.



No. 994, Misc. Richard Allen, appellant, *v.* Stuart Hoffius et al. Appeal from the United States Court of Appeals for the Sixth Circuit. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1031, Misc. George Watson, appellant, *v.* Missouri. Appeal from the Supreme Court of Missouri. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

#### ORDERS IN PENDING CASES

No. 919, October Term, 1961. Jeanette E. Gondeck, petitioner, *v.* Pan American World Airways, Inc., et al.; and

No. 543, October Term, 1963. United States, petitioner, *v.* Maryland, for the use of Mary Jane Meyer et al. The respondents are requested to file responses to the petitions for rehearing in these cases within 30 days.

No. 6. Aaron Henry, petitioner, *v.* Mississippi. The motion of the respondent to retax costs is denied.

No. 1015. United States, appellant, *v.* Lewis Food Company, Inc. The motion to transfer this case to the United States Court of Appeals for the Ninth Circuit is granted and the case is remanded to that court pursuant to 18 U.S.C. 3731.

No. 1016. Eastern Air Lines, Inc., petitioner, *v.* Flight Engineers' International Association et al.; and

No. 1027. Albert A. List, petitioner, *v.* Louis C. Lerner, etc., et al. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 1152. William J. Scott, Treasurer of the State of Illinois and member of the Illinois Electoral Board, et al., appellants, *v.* Joseph Germano et al. The motion of the appellants for accelerated consideration of this appeal is granted and the appellees are allowed seven days to file responses to the statement as to jurisdiction. Mr. Justice Goldberg took no part in the consideration or decision of this motion.

#### APPEALS—JURISDICTION NOTED

No. 750. United States, appellant, *v.* Clarence Ewell and Ronald K. Dennis. Appeal from the United States District Court for the Southern District of Indiana. The motion of the appellees for leave to proceed *in forma pauperis* is granted. In this case probable jurisdiction noted and case placed on the summary calendar.

- No. 1081. United States, appellant, *v.* Grinnell Corporation et al.;  
No. 1083. Grinnell Corporation, appellant, *v.* United States;  
No. 1084. American District Telegraph Company, appellant, *v.*  
United States;  
No. 1085. Holmes Electric Protective Company, appellant, *v.*  
United States; and  
No. 1086. Automatic Fire Alarm Company of Delaware, appellant,  
*v.* United States. Appeals from the United States District Court for  
the District of Rhode Island. In these cases probable jurisdiction  
noted. Cases consolidated and a total of two hours allowed for oral  
argument.

## CERTIORARI GRANTED

No. 265. William Albertson et al., petitioners, *v.* Subversive Activ-  
ities Control Board. Petition for writ of certiorari to the United  
States Court of Appeals for the District of Columbia Circuit granted.  
Mr. Justice White took no part in the consideration or decision of  
this petition.

## CERTIORARI DENIED

No. 620. Real Estate Investment Trust of America et al., peti-  
tioners, *v.* Commissioner of Internal Revenue. Petition for writ of  
certiorari to the United States Court of Appeals for the First Circuit  
denied.

No. 864. Nels Irwin, petitioner, *v.* United States. Petition for  
writ of certiorari to the United States Court of Appeals for the Ninth  
Circuit denied.

No. 924. James Allegretti, petitioner, *v.* United States;

No. 925. Louis Darlak, petitioner, *v.* United States; and

No. 926. David Falzone, petitioner, *v.* United States. Petitions  
for writs of certiorari to the United States Court of Appeals for the  
Seventh Circuit denied.

No. 927. Jack E. Fore, petitioner, *v.* United States. Petition for  
writ of certiorari to the United States Court of Appeals for the Fifth  
Circuit denied.

No. 933. Andrew J. Easter 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. 946. AAA Con Drivers Exchange, Inc., et al., petitioners, *v.*  
Interstate Commerce Commission. Petition for writ of certiorari to  
the United States Court of Appeals for the Second Circuit denied.

No. 978. B. Ray Robbins Co., Inc., petitioner, *v.* Valley National  
Bank of Arizona. Petition for writ of certiorari to the United States  
Court of Appeals for the Ninth Circuit denied.

No. 997. Lenine Strollo, petitioner, *v.* United States; and  
No. 1011. Vincent Serman, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1003. Lois Betty Boundy, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied.

No. 1008. Amil A. Dinsio, petitioner, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1018. A. G. V. Associates, Inc, petitioner, *v.* Jeremiah F. Cross, etc. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1019. John Kent Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1021. Haney Mims, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1022. Brotherhood of Railroad Trainmen Insurance Department, Inc., petitioner, *v.* William Charles Ellgass. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1029. Pacific National Insurance Company, petitioner, *v.* Transport Insurance Company. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1031. Capitol Airways, Inc., petitioner, *v.* The Airline Pilots Association, International. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1036. Allan Herschell Co., Inc., et al., petitioners, *v.* United States Fidelity and Guaranty Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1037. Janaf, Incorporated, petitioner, *v.* Victor J. Orsinger. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1038. Plaza Liquor Store, Inc., petitioner, *v.* City of Atlanta. Petition for writ of certiorari to the Supreme Court of Georgia denied.

No. 1051. District Council of Painters, No. 48, etc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1058. H. M. Harrington, Jr., petitioner, *v.* Texaco, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1064. Regine Irene Calef, petitioner, *v.* George K. Rosenberg, District Director, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 814. Alf M. Landon, petitioner, *v.* Northern Natural Gas Company. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 938. Monolith Portland Cement Co., petitioner, *v.* R. A. Riddell, District Director of Internal Revenue, Los Angeles District. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied. Mr. Justice White took no part in the consideration or decision of this petition.

No. 834. Frank Nick Zizzo et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice White took no part in the consideration or decision of this petition.

No. 1006. T. B. Harms Company, petitioner, *v.* Edward Eliscu et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Goldberg took no part in the consideration or decision of this petition.

No. 1028. Melvin Jones et al., petitioners, *v.* United States. Motion to dispense with printing petition for certiorari granted. 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. 388, *Misc.* Joseph Marchese, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 440, *Misc.* Roland Spencer, 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. 692, *Misc.* Benny Peoples, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 749, *Misc.* Mike Romanello, petitioner, *v.* Florida; and

No. 750, *Misc.* John Aaron Peacock, petitioner, *v.* Florida. Petitions for writs of certiorari to the Supreme Court of Florida denied.

No. 755, **Misc.** Ralph Michael Lepiscopo, petitioner, *v.* Donald A. MacGrath. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 791, **Misc.** Robert William Losieau, petitioner, *v.* Maurice H. Sigler, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 802, **Misc.** Alexander Henry Smith, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 865, **Misc.** Jimmie W. Sullivan, petitioner, *v.* J. C. Taylor, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 869, **Misc.** Frank Cook, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 875, **Misc.** Clarence Tucker, petitioner, *v.* Indiana. Petition for writ of certiorari to the Supreme Court of Indiana denied.

No. 889, **Misc.** Earl A. Leyde, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 891, **Misc.** Francis Haines, petitioner, *v.* Ross V. Randolph, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 954, **Misc.** Oscar Bjornsen, 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. 961, **Misc.** George E. Dunford, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 964, **Misc.** Ernest F. Boruski, Jr., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 977, **Misc.** Manuel Lee Matysek, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 986, **Misc.** Kenneth Basha, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 999, **Misc.** Robert Middleton, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1001, **Misc.** Clarence Reeves, petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1005, **Misc.** Otis Loper, petitioner, *v.* John Connally et al. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1012, **Misc.** William Leon Wallace, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1017, **Misc.** Lewis O. Dutton, petitioner, *v.* Warden, Tennessee State Prison. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1028, **Misc.** Jesse B. Ellis, petitioner, *v.* Supreme Court of California. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1030, **Misc.** Luis Manuel Rosario, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1032, **Misc.** Salvador Gallegos, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1034, **Misc.** John F. Kerns, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1036, **Misc.** Milton Carl Justus, petitioner, *v.* New Mexico. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 1039, **Misc.** Robert S. Watts, 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. 1041, **Misc.** Eddie B. Parker, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1042, **Misc.** Benjamin Thomas Guerrieri, petitioner, *v.* E. L. Maxwell, Warden, et al. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1049, **Misc.** John Robert Ballay, petitioner, *v.* Harry C. Tinsley, Warden. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1050, **Misc.** Eddie B. Santos, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1081, **Misc.** Robert E. Greene, Jr., petitioner, *v.* Michigan Department of Corrections et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1092, **Misc.** Henry Valles Borbon, petitioner, *v.* Clerk, Superior Court, County of Kings, Hanford, California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1111, **Misc.** Harold Konigsberg, petitioner, *v.* Warden Koson, Bellevue Hospital Prison Ward, New York, New York. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1131, **Misc.** Audry Mack Lane, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 198, **Misc.** Thomas Kling, 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. 298, **Misc.** Joel Smith, 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. 785, **Misc.** Joseph E. Lewis, 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. 665, **Misc.** Rudolph Jerome Austin, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court.

No. 982, **Misc.** Joseph Edward Evans, petitioner, *v.* Nicholas deB. Katzenbach, etc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit and for other relief denied.

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

No. 608, **Misc.** Wilber E. Farrington, petitioner, *v.* Ralph H. Tahash, Warden;

No. 1123, **Misc.** James Fisher, alias James Mueller, petitioner, *v.* Illinois; and

No. 1143, **Misc.** Walter Eugene Joseph, petitioner, *v.* Joseph C. Vitek, Warden. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1162, **Misc.** Larry Gunter, petitioner, *v.* George A. Kropp, Warden; and

No. 1166, **Misc.** Samuel J. Dixon, petitioner, *v.* Lawrence E. Wilson, Warden. Motions for leave to file petitions for writs of habeas corpus denied. Treating the papers submitted as petitions for writs of certiorari, certiorari is denied.

#### LEAVE TO FILE PETITIONS FOR WRITS OF MANDAMUS DENIED

No. 1023, **Misc.** Gerald L. Stone, petitioner, *v.* United States Court of Appeals for the Ninth Circuit; and

No. 1045, **Misc.** Frank Chase, petitioner, *v.* Superior Court for Grays Harbor County, Washington, et al. Motions for leave to file petitions for writs of mandamus denied.

#### REHEARINGS DENIED

No. 113. Joseph M. Thomas et ux., petitioners, *v.* United States;

No. 193. Frank Romano et al., petitioners, *v.* United States;

No. 865. Athanasios Patsis a/k/a Thomas Nickas, petitioner, *v.* Immigration and Naturalization Service;

No. 897. James M. Casida et al., petitioners, *v.* International Union of Operating Engineers, AFL-CIO, et al.;

No. 886, **Misc.** Richard M. James, petitioner, *v.* S. A. Anderson, Superintendent, District of Columbia Jail, et al.; and

No. 893, **Misc.** James Edward Graves, petitioner, *v.* Texas. Petitions for rehearing denied.

No. 64. Robert Swain, petitioner, *v.* Alabama. Motion of the American Civil Liberties Union for leave to file a brief, as *amicus curiae*, in support of rehearing, granted. Petition for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Monday, May 24, 1965.

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Adjourned until Monday, May 24, 1965, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Frank J. Huckaba, of Mountain Home, Ark., Joseph William Goss, of Oxnard Beach, Calif., George Zucker, of Beverly Hills, Calif., Jerome Pastor, of Beverly Hills, Calif., James L. Allen, of Springfield, Mass., Tatum R. Stacy, of Jackson, Miss., Bedros Odian, of Buffalo, N.Y., John F. Skahen, of Stony Point, N.Y., Phillip A. Thielman, of Buffalo, N.Y., Keith W. Brannock, of Columbus, Ohio, Robert N. Gygi, of Portland, Oreg., Jack B. Peden, of San Antonio, Tex., I. Daniel Stewart, Jr., of Washington, D.C., John F. Keeley, of Chicago, Ill., and Loyd M. Starrett, of Boston, Mass., on motion of Mr. Ralph Simon Spritzer; Ross D. Copenhaver, of Powell, Wyo., on motion of Mr. Milward L. Simpson; Adam M. Duncan, of Salt Lake City, Utah, on motion of Mr. Frank E. Moss; Frances Catherine Royce, of Mount St. Joseph, Ohio, on motion of Mr. Philip A. Hart; Kathleen Handley Sauerbrunn, of McKinney, Tex., on motion of Mr. Graham Purcell; Andrew A. Semmelman, of Lake Forest, Ill., and Bruno W. Stanczak, of Libertyville, Ill., on motion of Mr. Robert McClory; Seabury Hurd Ford, of Ravenna, Ohio, on motion of Mr. William E. Minshall; Ida E. Campbell, of Fresno, Calif., and Louis Lee Abbott, of Los Angeles, Calif., on motion of Mr. John J. McFall; Winston Mills Fisk, of Claremont, Calif., on motion of Mr. John W. Cragun; Portia F. Schaefer, of Covington, Ky., and Frank Dana Emerson, of Cincinnati, Ohio, on motion of Mr. Manuel F. Cohen; Craig Lee Austin, of San Antonio, Tex., on motion of Mr. William S. Fulton, Jr.; Joseph Charles Daley, of Matawan, N.J., on motion of Mr. David Ferber; James Andrew Mitchell, of Washington, D.C., on motion of Mr. Bernard Fensterwald, Jr.; Patrick Neil McTeague, of Brunswick, Maine, on motion of Mr. William R. Newsome; Charles J. Zaloudek, of Champaign, Ill., Arthur L. Roule, Jr., of LaPorte, Ind., and Thomas Leonidas White, of Miami, Fla., on motion of Mr. David Leib; John Eugene Walheim, of Philadelphia, Pa., George Ronald Specter, of Pittsburgh, Pa., Robert W. Cunliffe, of Lansford, Pa., Edward Cohen, of Philadelphia, Pa., and Robert H. Knight, of New York, N.Y., on motion of Mr. Francis P. Cadran; Anthony G. Amsterdam, of Philadelphia, Pa., on motion of Mr. Philip Benjamin Heymann; Alvin John Savinell, of Steubenville, Ohio, on motion of

Mr. Philip B. Billings; William Jackson Garber, of Washington, D.C., on motion of Mr. James J. Laughlin; William L. Guilfoyle, of San Francisco, Calif., on motion of Mr. Jerome C. Muys; John William Colleran, of New Haven, Conn., on motion of Mr. George A. Avery; Teresa Cecelia Campbell, of New York, N.Y., and Wallace R. Baker, of Chicago, Ill., on motion of Mr. Walter Slowinski; William E. Gray, of Houston, Tex., on motion of Mr. Bernard J. Waters; Clyde L. Griffith, of Arlington, Va., on motion of Mr. Edward S. Whitaker; Lester L. Bates, Jr., of Columbia, S.C., on motion of Mr. Frank Slatinshek; John F. McGrath, of Duluth, Minn., on motion of Mr. Samuel K. Abrams; Edward Stehl III, of Bowling Green, Va., on motion of Mr. Quinlan H. Hancock; William M. Lewers, of Notre Dame, Ind., on motion of Mr. Vincent T. Wasilewski; Paul A. Nalty, of New Orleans, La., on motion of Mr. Will Ernest Leonard, Jr.; James Edward Harvey, Jr., of Herndon, Va., on motion of Mr. Albert Raby, Jr.; Robert Allen Eastman, of Costa Mesa, Calif., on motion of Mr. Herbert J. Jacobi, Sr.; Newman Thorbus Halvorson, Jr., of Washington, D.C., and Richard Alan Brady, of Washington, D.C., on motion of Mr. John T. Sapienza; John James Geraghty, of Raleigh, N.C., on motion of Mr. William McWhorter Cochrane; Morton Brumley Stewart, of Richmond, Va., on motion of Mr. Marion Maxwell Caskie, Jr.; George N. Van Fleet, of Syracuse, N.Y., on motion of Mr. Courtney E. Whitney, Jr.; Jeffrey Peter Kuklin, of New York, N.Y., and Anthony Bennett Kuklin, of New York, N.Y., on motion of Mr. Norman Bennett Kuklin; Francis M. Cooper, of Chicago, Ill., on motion of Mr. Edwin G. Schuck; John Robert Cohan, of Beverly Hills, Calif., on motion of Mr. William C. Golden; Stephen M. Schwebel, of New York, N.Y., on motion of Mr. Herbert K. Reis; George Alexander Bartlett, of Jefferson City, Mo., and Robert W. Letendre, of Ithaca, N.Y., on motion of Mr. Albert J. Esgain; Narcisse A. Brown, of Chicago, Ill., and Richard B. Sobol, of New York, N.Y., on motion of Mr. Frederick M. Rowe; Raymond E. Gallagher, Jr., of Brooklyn, N.Y., on motion of Mr. A. Kenneth Pye; Cade Lee Austin, of Greensboro, N.C., on motion of Mr. Alfred W. Trueax; James E. Hogan, of Rockville, Md., on motion of Mr. Arthur J. Hilland; Robert J. Carson, of Havre de Grace, Md., Benjamin R. Civiletti, of Baltimore, Md., J. Edward Davis, of Baltimore, Md., Robert W. Kernan, of Berwyn Heights, Md., J. Hardin Marion, of Baltimore, Md., Daniel F. McMullen, Jr., of Baltimore, Md., Daniel W. Moylan, of Hagerstown, Md., Arthur G. Murphy, Sr., of Baltimore, Md., and Stephen H. Sachs, of Baltimore, Md., on motion of Mr. Joseph Davies Tydings; H. Hayden Morgan, of Adrian, W. Va., Robert Wesley Hite, of Denver, Colo., Maitland Guy Freed, of Greensboro, N.C., Dan Donato, Jr., of Springfield, Va., Thomas Fleetwood Hairston, of Stuart, Va., Edward Allen Rote, of Los Angeles, Calif.,

and Manley Burt Wade, of Waimea, Kauai, Hawaii, on motion of Mr. Anthony J. DeVico; Bruce G. Booth, of Bloomfield Hills, Mich., George Cherpelis, of Detroit, Mich., Donald A. Knapp, of Dearborn, Mich., John Patrick Raleigh, of Detroit, Mich., Julius L. Russu, of Detroit, Mich., John K. Schuesler, of Dearborn, Mich., and Charles R. Sharp, of Detroit, Mich., on motion of Mr. Edward J. McGratty, Jr.; Carl Knute Carlsen, of Taylor, Mich., Patrick G. Casey, of Lincoln Park, Mich., Roy B. Cicotte, of Allen Park, Mich., Raymond P. Franks, of Franklin, Mich., Arthur J. Heidt, Jr., of Dearborn Heights, Mich., William R. Kliber, of Taylor, Mich., John H. McCartney, of Inkster, Mich., Roy A. McGinty, of Melvindale, Mich., Walter LeRoy Morrison, of Melvindale, Mich., John A. Mowatt, of Allen Park, Mich., Ralph F. Pagnucco, of Allen Park, Mich., George R. Perry, of Inkster, Mich., Theodore J. Sura, of Beverly Hills, Mich., Bruce R. Tamsen, of Allen Park, Mich., Victor Targonski, of Wyandotte, Mich., Michael W. Bradley, of Wayne, Mich., Douglas W. Craig, of Wayne, Mich., Adam J. Dadaou, of Wayne, Mich., Murray J. Millar, of Wayne, Mich., William K. Necker, of Wayne, Mich., and Richard B. Weinberg, of Wayne, Mich., on motion of Mr. William David Ford; Joseph A. Bongiorno, of New York, N.Y., Bernard N. Del Bello, Jr., of Garden City, N.Y., John Gardner, of Riverdale, N.Y., Richard M. Sussman, of Tarrytown, N.Y., Alfred B. Del Bello, of Yonkers, N.Y., Bernard N. Del Bello, of Yonkers, N.Y., Nicholas M. Di Costanzo, of Yonkers, N.Y., M. Victor Di Fede, of Yonkers, N.Y., James Lloyd Gifford, of Yonkers, N.Y., Charles A. Glick, of Yonkers, N.Y., Robert Greenwald, of Yonkers, N.Y., Robert G. Hayduk, of Yonkers, N.Y., Gerald Joseph Hurwitz, of Yonkers, N.Y., Charles J. Macellaro, of Yonkers, N.Y., Nazareth Magarian, of Yonkers, N.Y., Peter P. Rosato, of Yonkers, N.Y., Daniel Sunshine, of Yonkers, N.Y., and James J. Tubridy, of Yonkers, N.Y., on motion of Mr. Richard Lawrence Ottinger; Robert Alan Kelly, of Jersey City, N.J., George H. Larned, of Ridgewood, N.J., Robert C. Johnston, of New York, N.Y., Donald F. McCarthy, of New York, N.Y., John O'Callahan, of New York, N.Y., Judson A. Parsons, Jr., of New York, N.Y., Benjamin T. Richards, Jr., of New York, N.Y., Edward N. Sherry, of New York, N.Y., Robert W. Wilson, of New York, N.Y., Leonard P. Larrabee, Jr., of New Rochelle, N.Y., and Walter W. Kocher, of Tarrytown, N.Y., on motion of Mr. Charles C. MacLean, Jr.; and William Newton Bower, of Swarthmore, Pa., Reese A. Davis, of Wayne, Pa., Francis Patrick Desmond, of Wallingford, Pa., F. Martin Duus, of Swarthmore, Pa., F. D. Hennessy, Jr., of Lansdowne, Pa., Alphonsus R. Romeika, of Philadelphia, Pa., Ione T. Romeika, of Rosemont, Pa., Gerald I. Roth, of Allentown, Pa., Robert M. Seibert, of Lansdowne, Pa., Donald J. Swanick, of Havertown, Pa., Albert M. Weitzmann, of

Broomall, Pa., James C. Brennan, of Chester, Pa., Esther F. Clark, of Chester, Pa., John H. Clark, Jr., of Chester, Pa., Joseph W. deFuria, of Chester, Pa., Murray S. Eckell, of Chester, Pa., Donald Snyder Guthrie, of Chester, Pa., Edward Kassab, of Chester, Pa., Charles C. Keeler, of Chester, Pa., Charles P. Larkin, Jr., of Chester, Pa., Clement J. McGovern, Jr., of Chester, Pa., Francis Gabriel Pileggi, of Chester, Pa., Morris Smith, of Chester, Pa., William Donald Sparks, of Chester, Pa., Anna Iwachiw Vadino, of Chester, Pa., Francis P. Connors, of Media, Pa., John P. Currie, of Media, Pa., Joseph T. Doyle, of Media, Pa., Harry F. Dunn, Jr., of Media, Pa., Charles F. Knapp, of Media, Pa., Robert J. Levis, of Media, Pa., John J. Maffei, of Media, Pa., George J. McConchie, of Media, Pa., James Nelson Robertson, of Media, Pa., Edward Rocard, of Media, Pa., Arnold E. Rubin, of Media, Pa., Ivan B. Sinclair, of Media, Pa., William Howard Turner, of Media, Pa., Bernard P. Carey, Jr., of Upper Darby, Pa., John J. Crane, of Upper Darby, Pa., Thomas C. Dick, of Upper Darby, Pa., Thomas J. Feeney, Jr., of Upper Darby, Pa., James B. Frederick, of Upper Darby, Pa., Ernest Thomas Kardas, of Upper Darby, Pa., John B. Lynch, of Upper Darby, Pa., Stephen McEwen, Jr., of Upper Darby, Pa., John T. Mulligan, of Upper Darby, Pa., Littleton Waller Roberts, Jr., of Wayne, Pa., Douglas D. Royal, of Wayne, Pa., and Henry L. Smaltz, of Wayne, Pa., on motion of Mr. Mervyn Russell Turk, were admitted to practice.

#### OPINIONS

No. 291. Minnesota Mining and Manufacturing Company, petitioner, *v.* New Jersey Wood Finishing Company. On writ of certiorari to the United States Court of Appeals for the Third Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black. Dissenting opinion by Mr. Justice Goldberg. Mr. Justice Harlan and Mr. Justice Stewart took no part in the decision of this case.

No. 491. Corliss Lamont, doing business as Basic Pamphlets, appellant, *v.* Postmaster General of the United States. Appeal from the United States District Court for the Southern District of New York; and

No. 848. John F. Fixa, individually and as Postmaster, San Francisco, California, et al., appellants, *v.* Leif Heilberg. Appeal from the United States District Court for the Northern District of California. Judgment in No. 491 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. Judgment in No. 848 affirmed. Opinion by Mr. Justice Douglas. Concurring

opinion by Mr. Justice Brennan with whom Mr. Justice Goldberg joins. Mr. Justice Harlan concurs in the judgment of the Court on the grounds set forth in the concurring opinion. Mr. Justice White took no part in the consideration or decision of these cases.

No. 482. Federal Communications Commission, petitioner, *v.* Taft B. Schreiber et al. On writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Judgment of Court of Appeals modified so as to strike paragraph 2 of the order of the United States District Court for the Southern District of California and case remanded to the District Court with directions to enforce the orders of the Federal Communications Commission and subpoena without qualification. Opinion by Mr. Chief Justice Warren.

No. 843. Paul V. Case, petitioner, *v.* Nebraska. On writ of certiorari to the Supreme Court of Nebraska. Judgment vacated and case remanded to the Supreme Court of Nebraska for reconsideration in light of the supervening statute. Opinion *per curiam* announced by Mr. Chief Justice Warren. Concurring opinion by Mr. Justice Clark. Concurring opinion by Mr. Justice Brennan.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 775. Columbia Artists Management et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Dissenting: Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice Goldberg. Mr. Justice Douglas took no part in the consideration or decision of this case.

No. 957. James Fred Baxa 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 Southern District of Illinois for a new trial. Opinion *per curiam*.

No. 1002. J. G. Samara et al., appellants, *v.* The Oklahoma Capitol Improvement Authority. Appeal from the Supreme Court of Oklahoma. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1034. Haskell Billy, appellant, *v.* Oklahoma. Appeal from the Court of Criminal Appeals of Oklahoma. 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. 1072. Mardon R. Walker, petitioner, *v.* Georgia. On petition for writ of certiorari to the Supreme Court of Georgia. Petition for writ of certiorari granted, judgment reversed, and case remanded to the Supreme Court of Georgia for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Stewart would vacate judgment and remand case to the Supreme Court of Georgia for reconsideration in the light of supervening federal legislation, in accordance with the views expressed in his dissenting opinion in *Hamm v. City of Rock Hill*, 379 U.S. 306, 326. Mr. Justice Black, Mr. Justice Harlan, and Mr. Justice White would affirm the judgment of the Supreme Court of Georgia for the reasons stated in their dissenting opinions in *Hamm v. City of Rock Hill*, 379 U.S. 306.

No. 363, Misc. James Lanyon Killgore, petitioner, *v.* Olin G. Blackwell, Warden. On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit. The *per curiam* opinion heretofore issued in this case on May 17, 1965, is hereby amended to read as follows: "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 Middle District of Pennsylvania with instructions to reinstate petitioner's adult sentence of October 19, 1962, and release him in accordance with the terms of that sentence." Opinion *per curiam*.

No. 1117, Misc. Joseph T. McLeod, petitioner, *v.* Ohio. On petition for writ of certiorari to the Supreme Court of Ohio. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari granted. Judgment reversed and case remanded to the Supreme Court of Ohio for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*.

#### ORDER IN PENDING CASE

No. 1140, Misc. In the Matter of the Disbarment of Bernard J. Hammett.

It having been reported to the Court that Bernard J. Hammett of Silver Spring, State of Maryland, has been disbarred from the practice of the law by judgment of the United States Court of Appeals for the District of Columbia Circuit, duly entered on the 12th day of March 1965, and this Court by order of March 29, 1965, having sus-

pended the said Bernard J. Hammett from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

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

It is ordered that the said Bernard J. Hammett be, and he is hereby, disbarred and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

#### APPEAL—JURISDICTION NOTED

No. 831. Jay Giaccio, appellant, *v.* Pennsylvania. Appeal from the Supreme Court of Pennsylvania, Eastern District. In this case probable jurisdiction is noted and the case is placed on the summary calendar.

#### CERTIORARI GRANTED

No. 819. William C. Linn, petitioner, *v.* United Plant Guard Workers of America, Local 114, et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar.

No. 877. Dan Tehan, Sheriff of Hamilton County, Ohio, petitioner, *v.* United States ex rel. Edgar I. Shott, Jr. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit granted and case placed on the summary calendar. The parties are requested to brief and argue the question of the retroactivity of the doctrine announced in *Griffin v. California*, No. 202, October Term, 1964, decided by this Court on April 28, 1965. Mr. Justice Douglas dissents, being of the view that the case should be remanded to the District Court for a finding on allegation that the respondent at the trial waived any objection to the comment made on his failure to testify. The Chief Justice took no part in the consideration or decision of this petition.

#### CERTIORARI DENIED

No. 832. Pete Avgikos, petitioner, *v.* Louisiana. Petition for writ of certiorari to to Supreme Court of Louisiana, denied.

No. 972. Holland Furnace Company, petitioner, *v.* Elmer J. Schnackenberg et al. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1026. Ahtanum Irrigation District et al., petitioners, *v.* United States; and

No. 1035. United States, petitioner, *v.* Ahtanum Irrigation District et al. Petitions for writs of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1041. Abraham F. Zimmerman, petitioner, *v.* John M. Lehmann, District Director, Immigration and Naturalization Service. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1042. Allied Air Freight, Inc., et al., petitioners, *v.* Pan American World Airways, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1045. William Leighton, etc., petitioner, *v.* Paramount Pictures Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1048. Joseph L. Poresky, petitioner, *v.* Carl E. Wahlstrom et al. Petition for writ of certiorari to the Supreme Judicial Court of Massachusetts denied.

No. 1049. Oman Construction Co., Inc., petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1052. Norma Mooney, petitioner, *v.* Stainless, Inc., et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1056. Emilius August Tjonaman, 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. 1065. Nicholas A. Stirone, petitioner, *v.* W. C. Hurtt, Trustee, etc. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Western District, denied.

No. 1069. Sherman H. Skolnick, petitioner, *v.* Charles T. Martin et al. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1094. Edwin K. Atwood et al., petitioners, *v.* Humble Oil & Refining Company. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1100. Southwestern Life Insurance Company et al., petitioners, *v.* Pan American Petroleum Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.



No. 1046. Evertt W. Thompson, petitioner, *v.* United States. Motion for writ of certiorari to be added as a party petitioner denied. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 657, Misc. Robert Gray, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 730, Misc. Marcos Valcarcel, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 778, Misc. James F. O'Callahan, petitioner, *v.* The Attorney General of the United States et al. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 912, Misc. Francisco Salinas, a/k/a Frank Salinas, petitioner, *v.* Harold A. Cox, Warden. Petition for writ of certiorari to the Supreme Court of New Mexico denied.

No. 947, Misc. Louis Y. Wilson, petitioner, *v.* Sam A. Anderson. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 960, Misc. Orlando W. Hodge, petitioner, *v.* T. W. Markley, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 998, Misc. Frederick E. Wells, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1040, Misc. Albert Houston Carter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1046, Misc. George C. Carrington, petitioner, *v.* Civil Aeronautics Board et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1052, Misc. James T. Cunningham, 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. 1058, Misc. Ronald M. Halysyn, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1078, Misc. Clyde Douglas Goins, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1079, Misc. Clyde Douglas Goins, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1086, Misc. Ernest F. Boruski, Jr., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1093, Misc. Alfred Walker, petitioner, *v.* Lawrence E. Wilson, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1094, Misc. Leroy Jefferson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1095, Misc. Forrest Bronaugh, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1096, Misc. Vernal Frederick Seymour, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1097, Misc. Benito Saenz Firo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1100, 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. 1105, Misc. Nevin E. Lindenmuth, petitioner, *v.* Prothonotary, Chester County, Pennsylvania. Petition for writ of certiorari to the Court of Common Pleas of Pennsylvania, Chester County, denied.

No. 1113, Misc. Lee Linares, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1118, Misc. Leopold J. Gunston, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1119, Misc. Jacob Eugene Weinreich, petitioner, *v.* Warden, Missouri State Penitentiary. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1125, Misc. Kenneth J. Maddock, petitioner, *v.* Robert F. Lewis, et al., etc. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1127, Misc. Carl Junior Hackathorn, petitioner, *v.* Texas. Petition for writ of certiorari to the Court of Criminal Appeals of Texas denied.

No. 1137, Misc. Carleton Chandler Wood, petitioner, *v.* Maine et al. Petition for writ of certiorari to the Supreme Judicial Court of Maine denied.

No. 1152, Misc. Charles Glinton, petitioner, *v.* Wilfred L. Denno, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 580, Misc. Kenneth Hall, petitioner, *v.* Warren Pinto, Superintendent, New Jersey State Prison Farm. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied. The Chief Justice took no part in the consideration or decision of this petition.

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

No. 1163, Misc. Aileen Henig et al., petitioners, *v.* Paul Gesregan. Motion for leave to file petition for writ of habeas corpus denied.

No. 1167, Misc. Oliver Dwight Lishey, petitioner, *v.* California 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.

#### REHEARINGS DENIED

No. 784. Franklin L. Batten, petitioner, *v.* United States;

No. 900, Misc. Leroy Lemons, petitioner, *v.* United States;

No. 940, Misc. Gene Streeter, petitioner, *v.* Illinois; and

No. 1000, Misc. James Leo Kirby, petitioner, *v.* United States. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Tuesday, June 1, 1965.

Mr. Solicitor General Cox addressed the Court as follows:

“May it please the Court:

“At a meeting of the Members of the Bar of the Supreme Court held at 11:00 o'clock this morning, resolutions expressing their profound sorrow at the death of Justice Harold Hitz Burton were offered by a Committee, of which Dean Erwin N. Griswold was Chairman. Addresses on the resolutions were made by the Honorable Kingsley A. Taft, Chief Justice of the Supreme Court of Ohio; Raymond S. Troubh, Esquire, of New York, New York; and the Honorable Robert Hale, formerly U.S. Representative from the State of Maine.

“The resolutions unanimously adopted are as follows:

## "RESOLUTIONS

"On behalf of the Bar of the Supreme Court, we have met to record our regard for Harold Hitz Burton, Justice of the Supreme Court of the United States for thirteen active years from 1945 to 1958. He died October 28, 1964, and is mourned by members of the profession, his many friends, and citizens everywhere.

"Harold Hitz Burton was born in Jamaica Plain, Massachusetts, on June 22, 1888. His great-grandfather, John Hitz, was the first Swiss Consul General to the United States, and his home was within what is now the Capitol Plaza diagonally across the street from the present Supreme Court building.

"Harold Burton's early education was in Switzerland where his mother had returned for her health. As a result, he was bilingual in English and in French and this undoubtedly contributed to his broad outlook. His mother died when he was seven years old, and he returned to the United States. He attended the Newton High School, and then went on to Bowdoin College, where he received the A.B. degree in 1909. His roommate at Bowdoin was Owen Brewster, later Senator of the United States from the State of Maine. Both Brewster and Burton proceeded to the Harvard Law School, and received their LL. B. degrees in the class of 1912. Other members of that class included John G. Buchanan of the Pittsburgh bar, Charles Evans Hughes, Jr., formerly Solicitor General of the United States, and later of the New York bar, and Ivan Cleveland Rand, who became a Justice of the Supreme Court of Canada.

"Justice Burton was married on June 15, 1912, immediately after his graduation from Law School to Selma Florence Smith, of West Newton, Massachusetts, then a recent graduate of Wellesley College. This was a happy union, and Mrs. Burton was a constant support and a source of strength to the Justice. They had four children, two daughters and two sons. Both of the sons are graduates of the Harvard Law School, and members of the bar of this Court.

"After leaving Law School, Harold Burton headed west, and was in practice in Cleveland for two years. Then he went still farther west, and worked as a lawyer in Salt Lake City, and Boise, Idaho, from 1914 to 1917. With the outbreak of war, in 1917, he entered officers' training. He was commissioned a First Lieutenant, and eventually a Captain. From June 1918, he served in France, participating in the St. Mihiel offensive in September, in the Meuse-Argonne, and later in Belgium as operations officer of his regiment. His Colonel recorded that "much of the success of the operations of the regiment was due to his careful analysis of all situations as they arose, and thorough preparation of the command for whatever emergency was to be met." He was awarded the Belgian Croix de Guerre, and the

United States Army Meritorious Service citation. When the order of the Purple Heart was established in 1932, he received its medal.

“With the close of the war, he returned to Cleveland, and spent the next ten years in private practice. During this period, however, he carried on many other activities. He taught Corporation Law at the Western Reserve University Law School. He was President of the First Unitarian Church of Cleveland, and Chairman of the Research Committee of the Citizens Committee on Regional Government. He was also active in important posts in the American Legion.

“At the close of this period, his character, outlook, and standing are clearly shown by a perceptive passage in a letter written to him by a leading citizen of Cleveland, Newton D. Baker. Some members of the bar had advanced Harold Burton for appointment to the United States District Court. As things worked out, it was perhaps fortunate that this did not succeed. At any rate, when the appointment went elsewhere, Mr. Baker wrote to him: “My own mind leaned to you because you are young, studious, educated and have a desire to serve your day and generation measured by other standards than the mere monetary reward. There is a long career of fine usefulness ahead of you and I shall watch with delight the successful steps you take in accomplishing it.”

“In 1928, Harold Burton became a member of the Board of Education of East Cleveland. In November of that year, he was elected a member of the Ohio House of Representatives. On October 15, 1929, he was appointed Director of Law of the City of Cleveland, an office which he held until November 9, 1931. For a part of this time, he was Acting City Manager of Cleveland. On November 9, 1931, he became Acting Mayor of Cleveland, a post which he held until February 20 of the following year. For the next three years, he resumed private practice specializing in municipal law, but continued his active interest in public affairs. He was Associate Counsel for the City of Cleveland in its gas rate litigation. He was Chairman of the Intercity Committee of Lake Erie Ports. He was Chairman of the Cleveland Board of Education on Citizenship Training, a member of the Governor's Commission on County Government, and Chairman of the County Charter Commission of Cuyahoga County.

“In 1935, Harold Burton was elected Mayor of Cleveland. He was reelected in 1937 and 1939. Thus, he was Mayor of this great and complex city during one of its most difficult periods in history, a service which he performed with devotion and skill, and with the acclaim of all elements in the community.

“In November 1940, Harold Burton was elected United States Senator from Ohio, and he resigned as Mayor in December 1940. On his last day as Mayor, the Cleveland News wrote:

“ “We consider this to be the most unusual man in American politics, and the most unusual Mayor any city has had in these times. Other cities can take their LaGuardias, Kelleys, Hoans. We'll take you; the outstanding exponent of a city government that is honest, high minded, and right in step with all its people, common and uncommon.”

“ “He took office as Senator on January 3, 1941. As a Senator, he quickly made himself known as a quiet and effective worker for the public interest. He was a member of the Senate's Committee on the Conduct of the War, of which then Senator Truman was Chairman. During the same time, he was Moderator of the American Unitarian Association.

“ “In September 1945, President Truman appointed him as Associate Justice of the Supreme Court of the United States, and he took his seat on the bench on October 1, 1945.

“ “When Justice Burton was appointed to the Court, the Minister of his church in Cleveland, the Reverend Dilworth Lupton, summed up his qualities in a way which future events fulfilled. He said: “He will bring to the office a sportsmanship that will win him the respect of both adherents and opponents; a plodding intellectual penetration that will search out the heart of great issues; a faculty for creative listening that is a prime requisite of a judicial mind; and a sense of quiet humor that marks a matured man.

“ “And he will bring to the office a spirit of dedication to eternal principles—a dedication that few men possess.”

“ “In his work on the Court, he continued to show the qualities which had distinguished him in his earlier career. Few men, even among our greatest judges, have achieved the quality of disinterestedness so completely and effectively as Harold Burton did. He was quiet and thorough in his work, devoted to the Court and to the law, and wholly dispassionate in his reasoning and in his conclusions. He always had the warm respect of his colleagues, and the high regard of the members of the bar.

“ “His first opinion was a concurring opinion in the case of *Markham v. Cabell*, 325 U.S. 404, 413, involving the Trading with the Enemy Act. His final opinion was in *Ashdown v. Utah*, 357 U.S. 426, a first degree murder case. In between, were many notable opinions, including his opinion for the Court in *Henderson v. United States*, 339 U.S. 816 (1950), where in his characteristic logical and dispassionate way he reached the conclusion that all persons are entitled to be free of discrimination on racial or other grounds in the operation of a carrier regulated by Federal statute. Other opinions which may be mentioned are his concurring opinion in the Steel Seizure case (*Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579, 655), where he decided against the validity of President Truman's action, and his powerful dissenting opinion in *United States v. E. I. duPont de*

*Nemours & Co.*, 353 U.S. 586, 608. All of his opinions show great craftsmanship and thoroughness. They are simple, direct and unassuming, without verbal adornment or glittering phrase. They do not proceed by the broad sweep, or in generalities, but deal specifically with the case at hand. They are the work of a careful man whose mind penetrated deeply, step by step, and who reached his conclusions through painstaking effort. They reflect clearly the deep interest of Justice Burton in the viable administration of government in the interest of all the people. In this way, as well as in their professional skill, they are important contributions to our law.

"While on the Court, Harold Burton wrote a number of articles which expressed his point of view. He wrote about leading cases in the Court's history,<sup>1</sup> about John Marshall,<sup>2</sup> and about the Supreme Court and its independence.<sup>3</sup>

"In his work on the Court, as in his previous public career, Harold Burton could not be catalogued. He was never cynical, acid or vitriolic. He was always mild and unassuming. He was always hard-working and self-effacing. He proceeded through the force of his ideas, and not the strength of his words. As a commentator in the *New York Times* said at the time of his retirement: "He has never been found among those public figures who automatically seem to give off sparks. It has been a long time since the Justice created headlines; he has been too busy and too earnest for that."

"Just before his retirement in 1958, Justice Burton received the Bowdoin Prize, the highest award of his alma mater, made in recognition "of his distinctive contribution through his outstanding service to his nation and his fellow man." At that time, his eight colleagues on the Court wrote: "Justice Burton has regarded his position on the Court as a trusteeship, and has dedicated himself to it wholly and without stint. His indefatigable energies for keen analysis have earned the respect of those who served with him, as his gentle, understanding, and undemanding nature has earned their deep affection and esteem." And in the letter which the members of the Court wrote to Justice Burton at the time of his retirement, they said: "Without exception, we believe that of all the Justices who have sat on this Bench, not one has adhered more closely than you to the ideal for which we strive—'Equal Justice under Law.'" 358 U.S. x, xi.

<sup>1</sup>"The Cornerstone of Constitutional Law: The Extraordinary Case of *Marbury v. Madison*," 36 A.B.A.J. 805 (1950); "The Dartmouth College Case—A Dramatization," 38 A.B.A.J. 991 (1952); "Ex parte Mulligan and Ex Parte McCardle," 41 A.B.A.J. 121 (1955); and "The Legal Tender Cases," 42 A.B.A.J. 231 (1956).

<sup>2</sup>"John Marshall at the Trial of Aaron Burr," 37 A.B.A.J. 735 (1951); "John Marshall—The Man," 104 U. of Pa. L. Rev. 3 (1955).

<sup>3</sup>"The Supreme Court," 33 A.B.A.J. 645 (1947); "The Keystone of our Freedom—An Independent Judiciary," 39 A.B.A.J. 1067 (1953); "The Independence and Continuity of the Supreme Court of the United States," delivered in the National Convention of the Phi Alpha Delta Law Fraternity on June 22, 1956, at Cleveland, Ohio.

“With these words, which take on the character of *res judicata*, we close these remarks about the career of Justice Burton. Much of his contribution during his service on the Court was made in ways which will be fully appreciated only by those who are professionally the officers of the Court. His was a life of service, through which he made important contributions to the nation and to the law. It is accordingly fitting that we members of the bar of the Court should submit the following Resolutions.

“We do

“*Resolve* that we, the bar of the Supreme Court of the United States, express our profound sorrow at the death of Justice Harold Hitz Burton, and our deep appreciation for his contributions of public service, where he served with equal distinction and effectiveness in the Executive, Legislative and Judicial branches of the government, in the armed forces, and in civil life at all levels of our governmental system as an officer of his city, state, and nation, and as a Justice of the Supreme Court who was in all places unexcelled in his dispassionate search for light and truth:

“*It is further Resolved*

“That the Attorney General be asked to present these Resolutions to the Court, and to request that they be inscribed upon its permanent records, and that copies of these Resolutions be forwarded to the widow and children of Justice Burton.’”

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Mr. Attorney General Katzenbach addressed the Court as follows:

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

“The Bar of this Court met today to honor the memory of Harold Hitz Burton and to recall for posterity, as vividly as dry words permit, the many admirable qualities of the man, the distinguished capacities in which he served his community and his country, and, of particular importance to those assembled here, the contribution he made to the rule of law during his thirteen years as an Associate Justice of this Court.

“Those who knew him most intimately have already paid fitting tribute to the traits of mind and character which transformed Harold Burton’s acquaintances to friends and his friends to admirers. They have, in a sense, reaffirmed what was known by all who were ever affected by his public or private endeavors—that the private citizen, like the public servant, embodied qualities of courage, dedication and fairness which placed him in the front rank of men.

“As an infantry captain, Ohio state legislator, Mayor of Cleveland and Senator from Ohio, he was well served by these powerful personal attributes. On many different battlefields, his quiet fortitude enabled him to face hostile forces with equanimity.



“Coming to this Court from the rough-and-tumble of politics and legislative compromise, Harold Burton succeeded, swiftly and with remarkable ease, in channeling the talents which had contributed to his earlier success into the more contemplative cast required of members of this Court. During each of his many eventful terms on this Court, Mr. Justice Burton demonstrated anew the qualities of fairness, tenacity and devotion to principle which had marked his earlier career.

“His appointment to this Court was itself a tribute to his judicious and dispassionate temper. For his political affiliation was different from that of President Truman, who nominated Harold Burton for the first opening on the Court during his tenure in office. The President’s choice was particularly striking in the light of his own commitment to vigorous rivalry between our major political parties; it must have been influenced by the qualities of fairness and openmindedness which he saw demonstrated by Harold Burton during their association in the Senate of the United States and in their joint service upon its committees. Justice Burton’s nomination was, in every sense, a non-partisan one because it placed upon this Court a man who was singularly free of preconceptions, prejudices, or predilections.

“President Truman’s judgment of his fairness was by no means the first. From the outset men had appreciated in him a disarming simplicity, objectivity of judgment and directness of expression. In politics, as later on this Court, these qualities stood him in good stead. He was first elected Mayor of Cleveland in 1935 as an Independent-Republican candidate when the city was overwhelmingly Democratic. In the major battle of his administration four years later, Mayor Burton—then an avowed Republican—did not hesitate to take on the Republican governor of Ohio on the urgent question of relief.

“Again, repeatedly, as a Senator, Mr. Burton’s independent convictions led him against the current of his party’s leadership and what others read as popular opinion—most particularly in the Senate debate over Lend Lease and, in 1943 in a bipartisan resolution which he drafted calling for American leadership in forming a United Nations organization.

“From the inception of his judicial career, Justice Burton devoted to the business of deciding cases and writing opinions the same care and energy that had made him an outstanding legislator and administrator. His first opinion for the Court concerned the application of the Fair Labor Standards Act to a corporation engaged in electrical contracting and in the sale of motors and generators. In determining that the Act applied to the corporation’s employees, Justice Burton wove his way, in great detail, through the relevant history of the statute—including the debates on the floor of the Congress—and meticulously defining ambiguous statutory terms by reference to au-

thorities ranging from the unabridged dictionary and the Encyclopedia of Social Sciences to industrial manuals issued by the Bureau of the Budget and the Social Security Board.

"The precision manifested by this maiden effort emerged time and again in his opinions on questions of statutory construction. As a former legislator, he knew that legislative intent is a restless and shifting creature which almost never stands still long enough to be identified; but he persisted in the dominant concern of searching out the real wish of Congress by placing the statute in historical perspective and determining how Congress resolved the problem before it. He would then reconcile and align statutory provisions in a manner calculated to carry out that wish as applied to the facts of the case before him without intruding his own view of policy.

"Justice Burton left behind him in the legislative chambers all *a priori* notions of what statutes should say or what proper legislative policy might be. His judgment invariably rested upon an exhaustive examination of all available material casting light upon the meaning of legislation at hand. "He would not," as the poet said, "make his judgment blind." And yet, Justice Burton was wary lest finely drawn lines frustrate the purpose for which legislation was enacted. In his first Term on the Court, he alone dissented from the holding in *Commissioner v. Wilcox* that embezzled money did not constitute income within the meaning of the Internal Revenue Code; in his next-to-last Term, he wrote a majority opinion rejecting the argument that a certain federal criminal statute should be limited in its application to persons committing acts which would have been crimes under the common law. In each instance, it was his view that the very fine line sought to be drawn could not be harmonized with the will of Congress. And his dissent in *Wilcox* was, of course, vindicated by subsequent decisions.

"When, in his view, fine lines were warranted, Justice Burton could draw them with the adeptness of the most skillful attorney. His carefully limited opinion in *Joint Anti-Fascist Refugee Committee v. McGrath*, in which his vote was the necessary one for reversal, is proof enough of that. And the hallmark of his opinions for the Court—an introductory sentence beginning: "This case presents two questions \* \* \*" or "The issue here is whether \* \* \*" or "The question before us is \* \* \*"—epitomized his careful lawyerlike attitude towards the decision-making responsibility which resides with this Court. In Justice Burton's view, cases heard by this Court invariably narrowed themselves down to precise issues, and it was on the merits of those issues of law alone that they were to be decided. To him, who the parties were was irrelevant.

“Justice Burton enriched our law with opinions ranging over a wide range of subject matter. He was the author of seminal opinions in the field of labor law, as well as cases defining the scope of the pre-emption doctrine. He also wrote opinions for the Court in several major antitrust cases, and manifested his independent spirit in numerous forceful dissents.

“At the conclusion of the 1957 Term, a crippling illness which had struck Justice Burton became too severe to permit him to carry on the heavy day-to-day labors required of members of this Court. Upon his retirement, however, he offered and was assigned by the Chief Justice to serve on the Court of Appeals for the District of Columbia Circuit; he did so for the following five years to the extent that his health and energy permitted.

“His interest in the business of this Court never flagged. Despite the obvious incapacitating effect of his illness, Justice Burton would regularly attend session of the Court on Monday mornings to hear decisions rendered and would appear for the argument of important cases. His conduct on these occasions made observers of the Court marvel at his courage and dedication to the Court as an institution.

“May it please this Honorable Court: In the name of the lawyers of this Nation, and particularly of the Bar of this Court, I respectfully request that the resolution presented to you in memory of the late Justice Harold H. Burton be accepted by you, and that it, together with the chronicle of these proceedings, be ordered kept for all time in the records of this Court.”

The Chief Justice said:

“Mr. Attorney General:

“Your statement concerning our Brother Burton is music to our ears. In honoring him, you honor the Court. We agree with everything you have said, and need only add to it a few remarks from our hearts to indicate what he meant to us as individuals and to the Court as an institution through the years of intimate association we had with him.

“I think it is not beyond the spirit of our democratic institutions to say that Harold Burton was a nobleman, not in a patriarchal sense but in the sense that he was essentially a man of noble character, stamped by both integrity and humility. He was in all respects a friend of man, not of some men, but of all men. He was as free from animosity, prejudice and all other fetishes, which are a common fault of human nature, as any of us in our varied experiences have come in contact with. Because of these rare qualities, he was able to engage in the judging process with an equanimity that has been given to few men. Our feeling concerning him may be epitomized in our joint statement on the occasion of his retirement from the Court.

“In our letter of farewell to him, we said:

“We believe that all of the Justices who have sat on this Bench, not one has adhered more closely than you to the ideal for which we all strive—“Equal Justice Under Law.”’

“No higher praise could be given to any Justice by his colleagues, and I am sure that none of the ninety-four Justices of this Court could have been more worthy of it. In addition, I think it might as properly be said that no one who has ever sat on the Court was a more leavening influence than was he—gentle, kindly, self-effacing, but with complete dedication to the principles of justice, he strove diligently and understandingly always for that which he believed to be right. His one overwhelming desire was to be helpful to everyone, on and off the Court.

“He was the good Samaritan in every phase of his life—in public office, in his home, and on the streets. He made no show of this lovable trait of character, but occasionally his acts of kindness, which were so well known by his friends, came to the attention of the public through the press. I will read one article concerning an incident which never would have been told by him, but which was brought to public attention by the beneficiary of his good deed. It was thus reported:

“A crippled beggar was pushing his wheel chair along a rainy Washington street. The pavement was wet. Crossing the street, the rubber tires of the wheel chair slipped, finally stalled at the curb. The chair wouldn’t budge.

“A stranger hurrying through the drizzle, stepped over to the wheel chair and gave it a push.

“The cripple wiped his face with a soiled service cap and thanked the stranger, who asked where he was going. “To the Union Station,” was the reply, “to get out of the rain.”’

“The well-dressed stranger offered to push the wheel chair to the station. “We’ll go there together,” said the stranger pushing the wheel chair ahead of him.

““Work for the Government?” asked the cripple as they proceeded. “Yes.”

““Veterans Administration?” “No.”

““Where do you work?” persisted the wheel chair passenger. “Over in the court.”

““Which Court?” “The Supreme Court.”

“The beggar twisted his head around for a good look at the man who was pushing him through the rain.

““Which one are you?” he asked. The man who had rescued him was Justice Harold Burton.’

“Such acts of kindness were a way of life with Justice Burton. I am sure this way of life was natural to him, but it was also accentuated and made more meaningful by Selma, his wife of 52 years, whose

benefactions and service in behalf of good causes have been well known to the people of Washington throughout the 25 years of their residence here. Those facets of the lives of these two generous souls permeated their community, their church, and their family lives. With their four children, ten grandchildren and two great grandchildren, they made the ideal family.

“As a man of God, Justice Burton found the time to serve as National Moderator of his church.

“Justice Burton was one of the few Justices of the Supreme Court who served in all three Branches of the Government, thus bringing to the Court a profound understanding of the prerogatives of each of them and the relationships between them.

“As Mayor of the great City of Cleveland, as United State Senator from the State of Ohio, and as a Justice of this Court, he brought his rare qualities and broad experience to all the complex and emotion-packed issues which were presented to the Court in his time. In all of these important offices which he held, his acts were marked with the label of simple honesty.

“I shall never forget the statement of one of our colleagues who was endeavoring to give the strongest recommendation he was capable of for a man some of us did not know. He ended by saying he would trust this man as he would Harold Burton. We all realized what a recommendation that was.

“This common honesty was made more meaningful throughout his life by the calm courage which brought him distinction both as a soldier in France and Belgium during World War I, as a reform Mayor of his city, and as a member of the Senatorial Committee on the prosecution of the War.

“But, of course, he is best known to us by that same quiet, dignified courage as a Justice of this Court and during the long illness which necessitated his retirement. For this, he will always be remembered.

“About two weeks before our Brother Frankfurter passed away, he came to my chambers and told me he would like to have a few moments at this ceremony to express his feeling toward Justice Burton. He said he could best do this by merely reading a letter he had written to Justice Burton in 1964. I told him I was sure that all present would be happy to hear it. Unfortunately, Justice Frankfurter also went to his reward before these services could be held, but I now read his letter with the assurance that it expresses the sentiment we all have for Harold Burton:

“To you and to Selma and to many others I have often expressed my admiration to you as a member of the Supreme Court, for no member of the Supreme Court deserves admiration more

than you for exercising with exquisite and unqualified fidelity the judicial power entrusted to members of the Court.

“What I have just said I would be writing if I were writing a formal history of the Court, namely, that no one who knows the history and behavior of individual Justices during the whole history of the Court as well as I do could single out any Justice who has been more conscientious in his duties while on the Court than you. You were a Judge in all that the term implies for you have never allowed any considerations except those relevant to a conscientious decision of issues before the Court to determine how litigations that came before you should be determined. May all your remaining days give you the satisfaction of having been so conspicuously good a Justice of our highest tribunal and may you not merely live in the past but also may you find comfort and strength from all your past as well as from the happy blessings that the good Lord has showered upon you in your family life.

“This brings you the best wishes and the most respectful admiration of your old friend and colleague.”

“I will not discuss at this time the important decisions which Justice Burton wrote or participated in during his 13 years of service on the Court, but they are recorded in Volumes 326 through 357 of the United States Reports, and will always be a living part of our jurisprudence.

“Mr. Attorney General, on behalf of the Court, I desire to thank you for your generous words concerning our Brother, and we accept with pleasure the Resolutions of the Bar which you have presented to us. In return, may I ask you to communicate our appreciation to the Bar of this Court and express our thanks for the interest which prompts them to have their sentiments preserved in our records for all time.

“Let the Resolutions and your statement be spread upon the Minutes of this Court.”

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Adjourned until Tuesday, June 1, 1965, at 10 o'clock.

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## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

William Jones Bartle, of Washington, D.C., Ashbrook Parker Bryant, of Washington, D.C., Alan G. Marer, of Washington, D.C., James P. Timony, of Washington, D.C., Ernest W. Schmidt, of Palo Alto, Calif., William H. Adams III, of Jacksonville, Fla., Michael K. Cavanaugh, of Fort Dodge, Iowa, Ralph Joseph Carrigan, of Boston, Mass., Walter A. Hilgendorf, of St. Louis, Mo., Giora Ben-Horin, of New York, N.Y., James Dewey Cunningham, of Washington, D.C., Richard I. Chira, of New York, N.Y., Mercer David Distler, of Hempstead, N.Y., Simon Judah Eilenberg, of Chevy Chase, Md., George W. Masterton, Jr., of Washington, D.C., Richard N. Countiss, of Midland, Tex., William Albert Jackson, of Houston, Tex., Lawrence Gunnels, of Chicago, Ill., and Earl B. Hadlow, of Jacksonville, Fla., on motion of Mr. Solicitor General Archibald Cox; Hugh D. Brauer, of Gary, Ind., on motion of Mr. Birch E. Bayh, Jr.; James Tamio Funaki, of Honolulu, Hawaii, and Eugene Wing Iu Lau, of Honolulu, Hawaii, on motion of Mr. Spark M. Matsunaga; Joan Dempsey Klein, of Los Angeles, Calif., Conrad Lee Klein, of Los Angeles, Calif., and Richard T. Tosaw, of Modesto, Calif., on motion of Mr. John J. McFall; Tom King, of Dallas, Tex., and Ben D. Sudderth, of Comanche, Tex., on motion of Mr. Joe Richard Pool; Albert Edward Harum, of Miami, Fla., on motion of Mr. Claude Pepper; Frank H. Edwards, of Atlanta, Ga., and Charles E. Tidwell, of Atlanta, Ga., on motion of Mr. James Armstrong Mackay; Rourke J. Sheehan, of Rockville, Md., on motion of Judge Charles Fahy; Frank Randall Nye, Jr., of Rio Grande City, Tex., on motion of Mr. Arthur C. Perry; Edward G. Finnegan, of Chicago, Ill., on motion of Mr. Carl E. Bagge; Clifford L. Alexander, Jr., of New York, N.Y., on motion of Mr. Norbert A. Schlei; Charles Read Best, of San Francisco, Calif., Truman F. Campbell, of Fresno, Calif., and John T. McDonald, of San Jose, Calif., on motion of Mr. Richard N. Little; Sanford Lee Mervis, of Baltimore, Md., on motion of Mr. Floyd Lee Williams; Howard K. Berry, Jr., of Oklahoma City, Okla., and Thomas J. Kenan, of Washington, D.C., on motion of Mr. William Pitt Shattuck; Martin I. Bierman, of Detroit, Mich., on motion of Mr. Eugene J. Kaplan; Harry Lee Arkin,

of Denver, Colo., and Leslie G. Houston, of Meally, Ky., on motion of Mr. David Leib; Courtlandt Nicoll, of New York, N.Y., on motion of Mr. Rufus King; Neil D. Heily, of Oxnard, Calif., on motion of Mrs. Jessie Walton Karsted; Hanan Landau, of Boston, Mass., on motion of Mr. Daniel T. Coughlin; Charles Edgar Rice, Jr., of Birmingham, Ala., on motion of Mr. Gardiner M. Haight; George E. Helfers, of St. Louis, Mo., and William C. Myers, Jr., of Webb City, Mo., on motion of Mr. Bernard Fensterwald, Jr.; Robert Moore, of Harrisburg, Pa., and Thomas Atcheson Beckley, of Harrisburg, Pa., on motion of Mr. Richard B. Hutchinson; Donald Maxwell, of Scottsdale, Ariz., on motion of Mr. Charles Aubrey Dukes, Jr.; D. Pierre G. Cameron, Jr., of Riverside, Conn., on motion of Mr. John T. Miller, Jr.; James L. Harkins, Jr., of Cleveland, Ohio, on motion of Mr. Jacob Goldberg; Elwyn Loomis Cady, Jr., of Independence, Mo., on motion of Mr. Morris Tobin; W. Neal Writer, of Los Angeles, Calif., on motion of Mr. George Kaufmann; Arthur Aaron Karp, of Boston, Mass., on motion of Mr. Abraham Nemrow; Proctor Patterson Jones, of San Francisco, Calif., on motion of Mr. William H. Thomas; Solomon Weinstein, of New York, N.Y., Isidore Drimmer, of New York, N.Y., Marvin Margolis, of New York, N.Y., and Philip R. Edelbaum, of New York, N.Y., on motion of Mr. Daniel H. Greenberg; Kent V. Lukingbeal, of New York, N.Y., on motion of Mr. Franklin M. Schultz; Robert A. Gerlin, of New York, N.Y., and Arthur H. Miller, of Metuchen, N.J., on motion of Mr. Hugh Latimer; John Lattané Melnick, of Arlington, Va., on motion of Mr. Frank Livingston Ball; Edward L. Carlson, of Pikesville, Md., and James Carlton McGohan, of Baltimore, Md., on motion of Mr. Irwin H. Desser; William C. Hillman, of Barrington, R.I., on motion of Mr. John LeMoyné Ellicott; Thomas Francis Howder, of Washington, D.C., on motion of Mr. Gerald J. Thain; William H. Alper, of Baltimore, Md., on motion of Mr. Woodrow W. Storey; and Vernon C. Maulson, of Metuchen, N.J., on motion of Mr. Jerome Donald Meeker, were admitted to practice.

#### OPINIONS

No. 644. The United Gas Improvement Company, petitioner, *v.* Continental Oil Company et al.; and

No. 693. Federal Power Commission, petitioner, *v.* M. H. Marr et al. On writs of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgments reversed and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Douglas.

No. 292. The Atlantic Refining Company, petitioner, *v.* Federal Trade Commission; and



No. 296. The Goodyear Tire & Rubber Company, petitioner, *v.* Federal Trade Commission. On writs of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgments affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Harlan joins. Dissenting opinion by Mr. Justice Goldberg.

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The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 617. Walter R. Hearne et al., appellants, *v.* Robert E. Smylie, Governor of Idaho, et al. Appeal from the United States District Court for the District of Idaho. The motions to dismiss are granted and the appeal is dismissed. Opinion *per curiam*.

No. 935. Frank M. Jordan, as Secretary of State of California, et al., appellants, *v.* Phill Silver. Appeal from the United States District Court for the Southern District of California. The motion of the appellant, The Senate of the Legislature of California, to take judicial notice of official judicial records is denied. The motion to strike the motion to dismiss or affirm is also denied. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Concurring opinion by Mr. Justice Harlan with whom Mr. Justice Clark and Mr. Justice Stewart join.

No. 950. United States, petitioner, *v.* Leiter Minerals, Inc.; and

No. 951. California Company et al., petitioners, *v.* Leiter Minerals, Inc. On petitions for writs of certiorari to the United States Court of Appeals for the Fifth Circuit. The motion of Alma Buras et al. to be added as parties respondents is granted. Petitions for writs of certiorari granted, judgment vacated, and cases remanded to the United States District Court for the Eastern District of Louisiana with directions to dismiss the complaint as moot. Opinion *per curiam*.

No. 987. The Motor Convoy, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Northern District of Georgia. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 995. Kennecott Copper Corporation, appellant, *v.* United States. Appeal from the United States District Court for the Southern District of New York. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*. Dissenting: Mr. Justice Harlan and Mr. Justice Goldberg.

No. 1004. Air Dispatch, Inc., et al., appellants, *v.* United States et al. Appeal from the United States District Court for the Eastern District of Pennsylvania. The motions to affirm are granted and the judgment is affirmed. Opinion *per curiam*.

No. 1010. Dale H. Drews et al., appellants, *v.* Maryland. Appeal from the Court of Appeals of Maryland. The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*. Mr. Chief Justice Warren, with whom Mr. Justice Douglas joins, dissents from the denial of certiorari.

No. 1032. Mary Ethel Fox, appellant, *v.* United States. Appeal from the United States District Court for the Eastern District of Louisiana. The motion to affirm is granted and the judgment is affirmed. Opinion *per curiam*.

No. 1152. William J. Scott, Treasurer of the State of Illinois and member of the Illinois Electoral Board, et al., appellants, *v.* Joseph Germano et al. Appeal from the United States District Court for the Northern District of Illinois. The motion to dispense with printing of the jurisdictional statement is 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 Harlan concurs in the result. Mr. Justice Goldberg took no part in the consideration or decision of this case.

No. 1218. Anthony J. Travia et al., appellants, *v.* John P. Lomenzo, Secretary of State of the State of New York, et al. Appeal from the United States District Court for the Southern District of New York. The motion to accelerate the appeal is denied. The application for a stay, addressed to Mr. Justice Harlan as Circuit Justice and referred by him to the Court for consideration under Rule 50(6), is denied. Opinion *per curiam*. Dissenting opinion by Mr. Justice Harlan.

No. 934, Misc. Richard J. Smith, appellant, *v.* Warden, State Prison, Somers, Connecticut. Appeal from the Superior Court of Connecticut, Hartford County. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 1158, Misc. Theophilus Ward, appellant, *v.* New York. Appeal from the Court of Appeals of New York. The appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied. Opinion *per curiam*.

## ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. The motion for clarification and modifications of the opinion is denied.

No. 780. Alfred D. Rosenblatt, petitioner, *v.* Frank P. Baer. The motion of the petitioner for leave to proceed further herein *in forma pauperis* is denied. It is ordered that the case be heard on the type-written record.

No. 906. United States, petitioner, *v.* Bert N. Adams et al. Further consideration of the motion of the respondents to dismiss the writ of certiorari is postponed to the hearing of the case on the merits.

## APPEAL—JURISDICTION POSTPONED

No. 1023. United States, appellant, *v.* Herbert Guest et al. Appeal from the United States District Court for the Middle District of Georgia. Further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits. The case is set for argument immediately following Nos. 948 and 949.

## CERTIORARI GRANTED

No. 992. Philip R. Consolo, 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. Case placed on the summary calendar and set for argument immediately following No. 606.

No. 1157. Margaret L. Holt et al., petitioners, *v.* Alleghany Corporation et al.; and

No. 1158. Margaret L. Holt et al., petitioners, *v.* Allan P. Kirby et al. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit granted. Cases consolidated and a total of two hours allotted for oral argument.

## CERTIORARI DENIED

No. 246. National Bulk Carriers, Inc., petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 815. Comisaria General de Abastecimientos y Transportes, petitioner, *v.* Victory Transport Incorporated. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 918. Sunset Realty Corp., petitioner, *v.* Tax Assessor of Lee

County, Florida et al. Petition for writ of certiorari to the District Court of Appeal of Florida, Second Appellate District denied.

No. 968. William H. Simmons, petitioner, *v.* Washington. Petition for writ of certiorari to the Supreme Court of Washington denied.

No. 1009. Ronald W. Keiser, petitioner, *v.* Richard Hartman et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1017. The Interlake Steamship Company, petitioner, *v.* Marcella R. Nielsen et al. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1039. Jean Cobb Krum, petitioner, *v.* Michigan. Petition for writ of certiorari to the Supreme Court of Michigan denied.

No. 1040. James Alvin Baxter, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1047. Power Authority of the State of New York, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1050. Carleton D. Beh, petitioner, *v.* City of West Des Moines, Iowa. Petition for writ of certiorari to the Supreme Court of Iowa denied.

No. 1053. Donald D. Randall et ux., et al., petitioners, *v.* Commissioner of Internal Revenue. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1055. W. Harold Cox, United States District Judge of the United States District Court for the Southern District of Mississippi, petitioner, *v.* Robert E. Hauberg, United States Attorney for the Southern District of Mississippi. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1059. Alfred D. Laurence, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1060. District of Columbia for the use and benefit of Capital Lighting and Supply, Inc., petitioner, *v.* Merando, Inc. et al. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1061. William Grosh et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1063. H. Clay Espey, petitioner, *v.* James J. Laughlin. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1066. The Poster Exchange, Inc., petitioner, *v.* Paramount Film Distributing Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1067. W. M. R. Watch Case Corporation et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 1068. I-T-E Circuit Breaker Company, petitioner, *v.* City of Philadelphia et al. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1071. Bob G. Shupe, petitioner, *v.* New York Central System. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1074. Ralph E. McGregor, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1075. William J. Brucker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1076. Deane Hill Country Club, Inc., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1077. David M. Levy, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1078. S. B. Heininger, petitioner, *v.* Department of Registration and Education of Illinois et al. Petition for writ of certiorari to the Appellate Court of Illinois, First District, denied.

No. 1079. Western Radio Corporation et al., petitioners, *v.* Federal Trade Commission. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1080. Gerald M. Lukasik, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1088. John Joseph Lombardozzi et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1095. Robert Quagliato et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1106. David Ratke et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1156. United States for the use and benefit of The Robertson Lumber Co., petitioner, *v.* Continental Casualty Company et al. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1012. California, petitioner, *v.* Robert B. Dorado. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari to the Supreme Court of California denied.

No. 715, Misc. Rev. Lendell W. Chase et al., petitioners, *v.* Eugene G. McCain et al. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 790, Misc. Marion Stevenson, petitioner, *v.* Walter H. Wilkins, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 845 Misc. Robert G. Schuman, petitioner, *v.* California et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 927, Misc. Don B. Cook, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 967, Misc. Bernard R. Barkan, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 992, Misc. James V. Conlan, petitioner, *v.* E. B. Haskins, Superintendent, London Correctional Institution. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 993, Misc. Mathew Hairston, Jr., petitioner, *v.* Louie L. Wainwright, Director, Division of Corrections. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 995, Misc. Clyde Dewain Feyrer, petitioner, *v.* George A. Boldt, Judge, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 997, Misc. Joseph Murray and Ernest B. Wells, petitioners, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1009, Misc. Peter Di Palermo, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1047, Misc. Hyman Goldberg, petitioner, *v.* Office Employees International Union, Local 153, et al. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1048, Misc. Ruben Dario Sanchez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1055, **Misc.** Robert Dewey Hilbrich, petitioner, *v.* United States; and

No. 1159, **Misc.** Nicholas Jacop Uselding, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1060, **Misc.** Lawrence C. Pope, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1065, **Misc.** Larry C. Glouser and Raymond P. Gearhart, petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1067, **Misc.** Earl Vandyne Worley, petitioner, *v.* Edward E. Haynes, Superintendent, Moberly Medium Security Prison. Petition for writ of certiorari to the Supreme Court of Missouri denied.

No. 1068, **Misc.** Charles Henry Hall, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1073, **Misc.** Clifford Jefferson, petitioner, *v.* Richard A. McGee, Administrator, etc., et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1074, **Misc.** Tony Anthony James, petitioner, *v.* Tennessee. Petition for writ of certiorari to the Supreme Court of Tennessee, Eastern Division, denied.

No. 1084, **Misc.** Ralph M. Carbone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1098, **Misc.** John M. Douglas, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary. Petition for writ of certiorari to the Superior Court of Washington, Walla Walla County, denied.

No. 1103, **Misc.** In the Matter of Israel Schawartzberg, petitioner. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1110, **Misc.** Sam Bellitto et al., petitioners, *v.* Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1112, **Misc.** Servando Fernandez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1114, **Misc.** Karl L. Hoerler, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1116, *Misc.* James R. Evans, petitioner, *v.* Board of Embalmers and Funeral Directors of Ohio. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1120, *Misc.* Willis L. Ganger, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1122, *Misc.* Freda Clark, petitioner, *v.* Catherine Payne. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1126, *Misc.* Leonard R. Smith, petitioner, *v.* Crain Brothers, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1128, *Misc.* Ernest F. Boruski, Jr., petitioner, *v.* Securities and Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1129, *Misc.* Curtis Madison, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1130, *Misc.* Cora S. Nelms, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1133, *Misc.* Eugene Hairston, 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. 1135, *Misc.* Andrew R. Mallory, 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. 1136, *Misc.* Arnold C. Watson, petitioner, *v.* Commercial Credit Corporation et al. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1138, *Misc.* John Frank Azzone, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1144, *Misc.* Paul E. Francis, petitioner, *v.* Hon. Edmund G. Brown, Governor of California, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1145, *Misc.* Gilbert Salas Coronado, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1149, *Misc.* Paul D. O'Neill, petitioner, *v.* Alfred T. Rundle,



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

No. 1150, **Misc.** Philip C. Macfadden, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1153, **Misc.** Albert Houston Carter, petitioner, *v.* Jesse D. Harris, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1154, **Misc.** Ernest F. Boruski, Jr., petitioner, *v.* Securities & Exchange Commission. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1160, **Misc.** Clifford C. Carroll, petitioner, *v.* Frank A. Eyman, Warden, et al. Petition for writ of certiorari to the Supreme Court of Arizona denied.

No. 1161, **Misc.** James K. Herring, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1164, **Misc.** James Alvin Howard, petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1174, **Misc.** Richard E. Blake, petitioner, *v.* Robert A. Heinze, Warden, et al. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1176, **Misc.** C. L. Forester et ux., petitioners, *v.* Texas & Pacific Railway Co. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1177, **Misc.** Samuel Headrick, petitioner, *v.* Illinois. Petition for writ of certiorari to the Appellate Court of Illinois, Second District, denied.

No. 1186, **Misc.** Hoover Dewitt Heard, petitioner, *v.* Florida. Petition for writ of certiorari to the Supreme Court of Florida denied.

No. 1191, **Misc.** William Dunn, petitioner, *v.* United States; and No. 1256, **Misc.** Fiore John Luciano, petitioner, *v.* United States. Petitions for writs of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1193, **Misc.** Isaac Robinson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1196 **Misc.** Frank Finley, petitioner, *v.* Robert A. Heinze, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 1197, **Misc.** Virginia McMorris, petitioner, *v.* Superior Court of California, in and for the County of Sacramento, Appellate Department, et al. Petition for writ of certiorari to the District Court of Appeal of California, Third Appellate District, denied.

No. 1201, **Misc.** Robert Jewell Landman, petitioner, *v.* Elliott Marshall, Judge of the Circuit of Frederick County, et al. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 1203, **Misc.** Arthur Meyer, petitioner, *v.* John H. Klinger, Warden. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1205, **Misc.** Ernest F. Williams, petitioner, *v.* Edward M. Fay, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1206, **Misc.** Elmer Gonzales, Jr., petitioner, *v.* Colorado. Petition for writ of certiorari to the Supreme Court of Colorado denied.

No. 1207, **Misc.** James Newkirk, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1208, **Misc.** Charles Lawson, petitioner, *v.* Kentucky. Petition for writ of certiorari to the Court of Appeals of Kentucky denied.

No. 1213, **Misc.** Corinne Silverman, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1214, **Misc.** Charles Cooper, 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. 1219, **Misc.** James Pompey, petitioner, *v.* Illinois. Petition for writ of certiorari to the Supreme Court of Illinois denied.

No. 1230, **Misc.** John Campbell, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1251, **Misc.** Marion Johnson, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeal of California, Second Appellate District, denied."

No. 1252, **Misc.** Herbert Edward Bland, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 1253, **Misc.** Samuel Green, petitioner, *v.* A. T. Rundle, Superintendent, State Correctional Institution. Petition for writ of cer-

tiorari to the United States Court of Appeals for the Third Circuit denied.

No. 1255, **Misc.** Ira Raymond DeMoss, petitioner, *v.* Robert A. Heinze. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1258, **Misc.** Lenny Bruce, petitioner, *v.* Frank Hogan, District Attorney of New York County, et al. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1264, **Misc.** Robert B. Dorado, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 1303, **Misc.** Darrell Devere Poulson, petitioner, *v.* Utah. Petition for writ of certiorari to the Supreme Court of Utah denied.

No. 1106, **Misc.** Charles Lee McIntosh, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit and for other relief denied.

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

No. 1190, **Misc.** Arthur Michael Schruder, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary, et al.;

No. 1199, **Misc.** James Lawrence Caruth, petitioner, *v.* James Don Keller, District Attorney of San Diego County, California;

No. 1229, **Misc.** Charles Edward Dorsey, petitioner, *v.* Joe Kearney, Warden;

No. 1237, **Misc.** William W. Stewart, petitioner, *v.* Michigan et al.;

No. 1259, **Misc.** Robert Draper, petitioner, *v.* Washington et al.;

No. 1278, **Misc.** Felix G. Hernandez, petitioner, *v.* Frank A. Eyman, Warden;

No. 1288, **Misc.** Charles E. Horner, petitioner, *v.* Florida;

No. 1295, **Misc.** Grover Nelson Schwartz, petitioner, *v.* Kansas;

No. 1296, **Misc.** Gordon Shepherd, petitioner, *v.* George J. Beto, Director, Texas Department of Corrections, et al.; and

No. 1301, **Misc.** Albert Ross Brown, petitioner, *v.* L. L. Wainwright, Director, Division of Corrections. Motions for leave to file petitions for writs of habeas corpus denied.

No. 1224, **Misc.** Verne Merwin Cottom, petitioner, *v.* California et al.;

No. 1270, **Misc.** Ollie Patrick Johnson, petitioner, *v.* John C. Burke, Warden;

No. 1294, **Misc.** Jack T. Copestick, petitioner, *v.* B. J. Rhay, Superintendent, Washington State Penitentiary;

No. 1302, Misc. Frederick A. Hunter, petitioner, *v.* Arthur T. Prasse, Commissioner, etc., et al.; and

No. 1330, Misc. Ralph Jerome Selz, 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. 1134, Misc. Vernon E. Goodson, petitioner, *v.* United States Court of Appeals for the Fourth Circuit; and

No. 1227, Misc. Ex parte Earl Guy, petitioner. Motions for leave to file petitions for writs of mandamus denied.

No. 968, Misc. Claudia Walker, petitioner, *v.* Superior Court of California, City and County of San Francisco, et al. Motion for leave to file petition for writ of mandamus denied. The Chief Justice took no part in the consideration or decision of this motion.

No. 1147, Misc. John Ray, petitioner, *v.* United States District Court for the Northern District of California. Motion for leave to file petition for writ of mandamus and for other relief denied.

No. 1170, Misc. Eusebius James Biggs, petitioner, *v.* Justices of the Supreme Court of Illinois, et al. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

#### REHEARINGS DENIED

No. 839. Patricia R. Smith, petitioner, *v.* The Louisville Trust Company et al.;

No. 879. Mamie Bishop et al., petitioners, *v.* Ohio; and

No. 1027, Misc. Nathaniel Vincent, petitioner, *v.* United States. Petitions for rehearing denied.

#### RECESS ORDER

The Court will take a recess from today until Monday, June 7, 1965, upon which day it will adjourn for the term unless otherwise ordered.

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Adjourned until Monday, June 7, 1965, at 10 o'clock.

## SUPREME COURT OF THE UNITED STATES

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

### ADMISSIONS TO THE BAR

Philip Regis Sheridan, of Washington, D.C., Ernest Youle Sevier, of San Francisco, Calif., William T. Swigert, of Ocala, Fla., James Andrew Durkin, of Washington, D.C., Robert A. Maloney, of Chicago, Ill., Robert Lynn Beck, of Rochester, N.Y., Herbert Nelson Bernhardt, of Brooklyn, N.Y., Donald J. Cohn, of New York, N.Y., Paul A. Sciortino, of Bellerose, N.Y., Allan J. Weiss, of Washington, D.C., Donald Norton Krosin, of Cleveland, Ohio, Esther S. Weissman, of Cleveland, Ohio, Lawrence Robert Schneider, of Cleveland, Ohio, Jules N. Mazis, of Philadelphia, Pa., Victor Miguel Casal, of San Juan, P.R., John Thomas Jones, of Decherd, Tenn., James Blackburn Adams, of Mexia, Tex., Samuel Darke Engle, Jr., of Charles Town, W. Va., Clifford Burton Hearn, Jr., of Annandale, Va., John David Jackson, of Arlington, Va., Charles Laban Abernethy, Jr., of New Bern, N.C., Harry A. Johnston, Jr., of Shreveport, La., Jack S. Levin of Chicago, Ill., and Edward Haynes Hill, of Amarillo, Tex., on motion of Mr. Solicitor General Archibald Cox; William I. Byrd, of Alexander City, Ala., and Tom Radney, of Alexander City, Ala., on motion of Mr. John L. Sparkman; Thomas E. Towe, of Circle, Mont., on motion of Mr. Lee Metcalf; R. John Swanson, Jr., of Red Oak, Iowa, on motion of Mr. Jack R. Miller; Frederick Siegfried Geihs, of Omaha, Nebr., on motion of Mr. Carl T. Curtis; Charles Edgar Martin, of Kearney, Nebr., on motion of Mr. Roman L. Hruska; Elmer Benjamin Allmeroth, of Long Beach, Calif., John Victor Malouf, of Long Beach, Calif., and Victor Samuel Zahn, of Long Beach, Calif., on motion of Mr. Craig Hosmer; Thomas E. Ticen, of Bloomington, Minn., on motion of Mr. Clark MacGregor; Clifford R. Hope, Jr., of Garden City, Kans., on motion of Mr. Robert J. Dole; Sewell E. Allen, of Onawa, Iowa, and Michael Murray, of Logan, Iowa, on motion of Mr. Neal Smith; Sidney I. Hashimoto, of Honolulu, Hawaii, on motion of Mrs. Patsy Takemoto Mink; Thomas R. Kennedy, of Washington, D.C., on motion of Mr. Arnold H. Olsen; Frank W. Calhoun, of Abilene, Tex., on motion of Mr. George H. Mahon; Philip Saltz, of Los Angeles, Calif., and June Teecher, of Hollywood, Calif., on motion of Mr. James C. Corman; Bernard Arbuse, of Palm Beach, Fla., on motion of Mr. Paul G. Rogers; Dalton

G. Seymour, of Benton Harbor, Mich., on motion of Mr. J. Edward Hutchinson; Edward T. Conroy, of Bowie, Md., and Paul Walter, of Baltimore, Md., on motion of Mr. Joseph Davies Tydings; Irving C. Evers, of Hackensack, N.J., Patrick Raleigh Kelly, of San Francisco, Calif., and Walter T. Wittman, of Hackensack, N.J., on motion of Mr. Brice Wilson Rhyne; James S. Blaine, of Oakland, Calif., William C. Howard, of Oakland, Calif., James R. Kostoff, of Pomona, Calif., William Lorenzo White, of Long Beach, Calif., Hyman Gold, of Van Nuys, Calif., and William Poms, of Los Angeles, Calif., on motion of Mr. Richard N. Little; Lee H. Hamilton, of Columbus, Ind., on motion of Mr. Ray J. Madden; John I. Loy, of San Clemente, Calif., on motion of Mr. John R. DeBarr; Gordon D. Schmidt, of Kansas City, Mo., on motion of Mr. Carl George Love; Raymond E. LaPorte, of Tampa, Fla., on motion of Mr. Herbert S. Thatcher; Robert N. Kharasch, of Washington, D.C., on motion of Mr. George F. Galland; John Phillip Isaacs, of Gallup, N. Mex., on motion of Mr. Robert T. Reynolds; Austin Pendleton Frum, of Washington, D.C., and James Rintoul Treese, of Alexandria, Va., on motion of Mr. Thomas Searing Jackson; J. Cordell Moore, of Washington, D.C., on motion of Mrs. Pauline R. Moore; Raymond A. Brown, of Jersey City, N.J., and Irving I. Vogelmann, of Jersey City, N.J., on motion of Mr. Cornelius E. Gallagher; Gerald Arthur Alfveby, of St. Paul, Minn., on motion of Mr. Donald M. Fraser; Frank Payne Fullerton, of El Paso, Tex., on motion of Mr. Richard C. White; W. Risque Harper, of Washington, D.C., and Reginald Harrison Pledger, Jr., of Washington, D.C., on motion of Judge David Andrew Pine; Harriet R. Taylor, of Washington, D.C., and William L. Taylor, of Washington, D.C., on motion of Mr. Joseph L. Rauh, Jr., Jack E. Zagrans, of Elyria, Ohio, Kosma J. Glavas, of Elyria, Ohio, and Russell A. Sherman, of Elyria, Ohio, on motion of Mr. George T. Mobbille; William Oscar Green, Jr., of Austell, Ga., and Robert S. Dennis, of Atlanta, Ga., on motion of Mr. John W. Ellis; Benjamin Albert DiGiacomo, of River Forest, Ill., on motion of Mr. Peter N. Chumbris; Bernard Wells Gorman, of Tarkio, Mo., on motion of Mr. Royal E. Jackson; Benjamin A. Ritchie, of Charleston, W. Va., and Charles William Yeager, of Charleston, W. Va., on motion of Mr. I. Martin Leavitt; Frank Gervis Whalen, of Chicago, Ill., on motion of Judge Edward R. Finnegan; Edmond J. Dilworth, Jr., of Detroit, Mich., William A. Hayes, of Birmingham, Mich., Ralph I. Heikkinen, of Grosse Pointe Woods, Mich., R. Perry Innes, of Ann Arbor, Mich., Stuart McCallum, of Bloomfield Hills, Mich., Charles J. Pinto, of Livonia, Mich., and Joseph M. Rozek, of Detroit, Mich., on motion of Mr. Harry S. Benjamin, Jr.; James B. Clark, of Sumner, N.J., David Jerchower, of Irvington, N.J., Ned Kirsch, of Newark, N.J., Charles L. Marabondo, of Jersey City, N.J.,

Karl R. Meyertons, of South River, N.J., M. Marvin Soperstein, of East Orange, N.J., Clarence Talisman, of Millburn, N.J., Solomon Golat, of Newark, N.J., and Alfred A. Porro, Jr., of Lynhurst, N.J., on motion of Mr. Aristo Dallavalle; Jerome Balch, of New York, N.Y., on motion of Mr. James A. Travis; Joseph Elihu Frank, of Burlington, Vt., on motion of Mr. Milton A. Kallis; Robert N. Miser, of Arlington, Va., on motion of Mr. Donald J. Mulvihill; Neal R. Allen, of Amarillo, Tex., on motion of Mr. Donald W. Markham; J. Leonard Walker, of Louisville, Ky., on motion of Mr. John Mourer Bixler; Lorence L. Bravenec, of Houston, Tex., on motion of Mr. Robert V. Shirley; Amos Jenkins Peaslee, Jr., of New York, N.Y., on motion of Mr. Edwin R. Schneider; Warren B. Leach, Jr., of Houston, Tex., and Harry Allison Thompson, of Casper, Wyo., on motion of Mr. Harold L. Kennedy; Daniel Hartnett, of Accomac, Va., on motion of Mr. Frank J. Martell; Donald L. Young, of Green River, Wyo., on motion of Mr. Theodore French; Roy Masaru Miyamoto, of Honolulu, Hawaii, on motion of Mr. David S. Nahm; Edward Patrick Joseph McCarthy of Bridgeport, Conn., on motion of Mr. Paul H. Cullinan; John B. Goodrich, of Chicago, Ill., on motion of Mr. Andrew F. Oehmann; Raymond E. Porter, Jr., of Sheboygan, Wis., and Edward Albert Stierberger, of Sheboygan, Wis., on motion of Mr. Daniel LeRoy Monson; Stanley Dimock Clark, of San Marino, Calif., on motion of Mr. Calvin H. Cobb, Jr.; John William Myers Montgomery, of Malden, Mo., on motion of Mr. Thomas Hart Taylor; Richard Louis Pollay, of Chicago, Ill., on motion of Mr. Alan S. Ward; John Andrew Kennedy, Jr., of Washington, D.C., on motion of Mr. Nelson A. Stitt; Nicholas N. Kittrie, of Washington, D.C., Paul E. Clouser, of Harrisburg, Pa., Gerald Hillard Goldberg, of Harrisburg, Pa., Francis B. Haas, Jr., of Harrisburg, Pa., Joseph Nissley, of Harrisburg, Pa., and Leonard Tintner, of Harrisburg, Pa., on motion of Mr. Philip Bergson; Eugene Isaak Lambert, of Washington, D.C., on motion of Mr. Stanley L. Temko; Theodore S. Perry, of Logan, Utah, on motion of Mr. Keith Howard Jaques; Jan Alton Walker, of Salinas, Calif., on motion of Mr. Rufus Peckham; Jacob Joseph Edelman, of Baltimore, Md., on motion of Mr. Harry O. Levin; Augusto Burgos Mundo, of San Juan, P.R., on motion of Mr. Philip F. Herrick; Henry H. Bellinger, of New York, N.Y., on motion of Mr. Rimmel Dudley; Frederick T. Sadler, of Washington, D.C., on motion of Mr. Robert Yaeger Peters; James S. Dixon, of Peoria, Ill., on motion of Mr. Kinsley Thomas James; Cornelius P. Callahan, of Chicago, Ill., and Calvin Keith Hubbell, of Valparaiso, Ind., on motion of Mr. Robert P. McArdle; Alfred Perez Chasuk, of Mountain View, Calif., on motion of Mrs. LuVerne Conway; Harold Jay Siegel, of San Diego, Calif., on motion of Mr. Clyde L. Griffith; Donald F. Johnston, Jr., of New

York, N.Y., Charles McCauley Waygood, of New York, N.Y., and Harry F. Wehyer, of New York, N.Y., on motion of Mr. William F. Sondericker; Michael C. D'Amelio, of Frankfort, N.Y., and Philip Prior Leadbetter, of Chicago, Ill., on motion of Mr. Edwin A. Mooers; John F. Xaphes, of Biddeford, Maine, on motion of Mr. Edward G. Hudon; James E. Murray, of Washington, D.C., on motion of Mr. J. Bruce Kellison; Antonia Handler Chayes, of Washington, D.C., and Louise E. Sagalyn, of Washington, D.C., on motion of Mr. Abram Chayes; George Wayne Long, of San Antonio, Tex., on motion of Mr. David Leib; William A. Gibbs, of Salt Lake City, Utah, on motion of Mr. Paul Edmund McNulty; Harlan Hobart Grooms, Jr., of Birmingham, Ala., on motion of Mr. Mitchell Rogovin; and Sergius M. Boikan, of Chicago, Ill., on motion of Mr. David Ferber, were admitted to practice.

#### OPINIONS

No. 48. United Mine Workers of America, petitioner, *v.* James M. Pennington et al. On writ of certiorari to the United States Court of Appeals for the Sixth Circuit. Judgment reversed and case remanded to the United States District Court for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court. Opinion by Mr. Justice White. Concurring opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Clark join. Opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan and Mr. Justice Stewart join dissenting from the opinion but concurring in the reversal and concurring in the judgment of the Court in No. 240, *post*.

No. 240. Local Union No. 189, Amalgamated Meat Cutters, and Butcher Workmen of North America, AFL-CIO, et al., petitioners, *v.* Jewel Tea Company, Inc. On writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Judgment reversed and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the ~~opinion~~ <sup>gment</sup> of this Court. Mr. Justice White announced the judgment of the Court and delivered an opinion in which Mr. Chief Justice Warren and Mr. Justice Brennan join. Opinion by Mr. Justice Goldberg with whom Mr. Justice Harlan and Mr. Justice Stewart join dissenting from the opinion but concurring in the reversal in No. 48, *ante*, and concurring in the judgment of the Court in No. 240. Dissenting opinion by Mr. Justice Douglas with whom Mr. Justice Black and Mr. Justice Clark join.

No. 256. Billie Sol Estes, 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 Clark. Concurring opinion by Mr. Chief Justice Warren with whom Mr. Justice Douglas and Mr. Justice Goldberg join. Concurring opinion by Mr. Justice Harlan. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black, Mr. Justice Brennan, and Mr. Justice White join. Dissenting opinion by Mr. Justice White with whom Mr. Justice Brennan joins. Separate opinion by Mr. Justice Brennan.

No. 95. Victor Linkletter, petitioner, *v.* Victor G. Walker, Warden. On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Douglas joins.

No. 578. George Angelet, petitioner, *v.* Edward M. Fay, Warden. On writ of certiorari to the United States Court of Appeals for the Second Circuit. Judgment affirmed. Opinion by Mr. Justice Clark. Mr. Justice Black and Mr. Justice Douglas would reverse the judgment for the reasons stated in Mr. Justice Black's dissenting in Linkletter *v.* Walker, *ante*.

No. 496. Estelle T. Griswold et al., appellants, *v.* Connecticut. Appeal from the Supreme Court of Errors of Connecticut. Judgment reversed and case remanded to the Supreme Court of Errors of Connecticut for further proceedings not inconsistent with the opinion of this Court. Opinion by Mr. Justice Douglas. Concurring opinion by Mr. Justice Goldberg with whom Mr. Chief Justice Warren and Mr. Justice Brennan join. Opinion by Mr. Justice Harlan concurring in the judgment. Opinion by Mr. Justice White concurring in the judgment. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Stewart joins. Dissenting opinion by Mr. Justice Stewart with whom Mr. Justice Black joins.

No. 399. United States, petitioner, *v.* Archie Brown. 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 White with whom Mr. Justice Clark, Mr. Justice Harlan, and Mr. Justice Stewart join.

The Chief Justice said:

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

#### OPINIONS PER CURIAM

No. 45. California, petitioner, *v.* Arthur Lee Hurst. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari granted, judgment

reversed, and case remanded to the United States District Court for the Northern District of California for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Black and Mr. Justice Douglas dissent for the reasons stated in their dissenting opinion in *Linkletter v. Walker*, No. 95, **October Term, 1964**, decided this date.

No. 321. Associated Food Retailers of Greater Chicago, Inc., et al., petitioners, *v. Jewel Tea Company, Inc.* On petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit. Petition for writ of certiorari granted, judgment reversed, and case remanded to the United States District Court for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*. Mr. Justice Harlan, Mr. Justice Stewart, and Mr. Justice Goldberg concur in the judgment of this Court for the reasons stated in Mr. Justice Goldberg's opinion in *United Mine Workers of America v. Pennington*, No. 48, **October Term, 1964**, and *Local Union No. 189 v. Jewel Tea Co.*, No. 240, **October Term, 1964**, decided this date. Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Clark dissent.

No. 635. Federal Trade Commission, petitioner, *v. Texaco, Inc.*, et al. On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit. Petition for writ of certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand immediately to the Federal Trade Commission for further proceedings in conformity with the opinion of this Court. The judgment shall issue forthwith. Opinion *per curiam*. Mr. Justice Goldberg would vacate judgment and remand case for reconsideration by the Federal Trade Commission in accordance with the views expressed in his dissenting opinion in *Atlantic Refining Co. v. Federal Trade Comm'n*, No. 292, **October Term, 1964**, decided June 1, 1965. Mr. Justice Harlan and Mr. Justice Stewart would affirm the judgment for the reasons stated in Mr. Justice Stewart's dissenting opinion in *Atlantic Refining Co. v. Federal Trade Comm'n*, No. 292, **October Term, 1964**, decided June 1, 1965.

No. 1024. Federal Power Commission, petitioner, *v. Pan American Petroleum Corporation*; and

No. 1025. Pennsylvania Public Utility Commission, petitioner, *v. Pan American Petroleum Corporation*. On petitions for writs of certiorari to the United States Court of Appeals for the Tenth Circuit. Petitions for writs of certiorari granted, judgment reversed, and cases remanded to the Court of Appeals for further proceedings in conformity with the opinion of this Court. Opinion *per curiam*.

No. 1082. John Thomas Redmond, 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 a writ of certiorari, certiorari is denied. Opinion *per curiam*.

No. 587, Misc. Reverend John Earl Cameron et al., appellants, *v.* Paul Johnson, individually and as Governor of the State of Mississippi, et al. Appeal from the United States District Court for the Southern District of Mississippi. Motion for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded to the United States District Court for the Southern District of Mississippi for reconsideration in light of *Dombrowski v. Pfister*, 380 U.S. 479. Opinion *per curiam*. Dissenting opinion by Mr. Justice Black with whom Mr. Justice Harlan and Mr. Justice Stewart join. Dissenting opinion by Mr. Justice White.

No. 884, Misc. Walter Frank Knowles, petitioner, *v.* Florida. On petition for writ of certiorari to the Supreme Court of Florida. Petition for writ of certiorari granted, judgment dismissing the appeal reversed, and case remanded to the ~~Supreme Court of Florida~~ for further proceedings not inconsistent with the opinion of this Court. Opinion *per curiam*. Mr. Justice Stewart would deny certiorari. Mr. Justice Clark and Mr. Justice Harlan dissent.

District Court of Appeal of  
Florida, 1st Appellate District

#### ORDERS IN PENDING CASES

No. 13, Original. State of Texas, plaintiff, *v.* State of New Jersey et al. The motion of the State of New Jersey for modification of the final decree is denied.

No. 14, Original. State of Louisiana, plaintiff, *v.* State of Mississippi et al. The Report of the Special Master is received and ordered filed. Exceptions, if any, with supporting briefs, to the Report of the Special Master may be filed by the parties on or before August 25, 1965. Reply briefs, if any, to such exceptions may be filed on or before September 24, 1965.

No. 515, Misc. Edward H. Milne, petitioner, *v.* Elizabeth B. Milne. The Attorney General of the State of Maryland is invited to file a brief expressing the views of the State of Maryland.

#### APPEALS—JURISDICTION NOTED

No. 1054. Brotherhood of Locomotive Engineers et al., appellants, *v.* Chicago, Rock Island and Pacific Railroad Company et al.; and

No. 1070. Robert N. Hardin, Prosecuting Attorney for the Seventh Judicial Circuit of Arkansas, etc., et al., appellants *v.* Chicago, Rock Island and Pacific Railroad Company et al. Appeals from the United

States District Court for the Western District of Arkansas. In these cases probable jurisdiction is noted. Cases consolidated and a total of two hours allotted for oral argument.

## CERTIORARI GRANTED

No. 838, Misc. Johnnie K. Baxstrom, petitioner, *v.* R. E. Herold, Director, Dannemora State Hospital. Motion for leave to proceed *in forma pauperis* and petition for writ of certiorari to the Court of Appeals of New York granted. Case transferred to the appellate docket and placed on the summary calendar.

## CERTIORARI DENIED

No. 39. James M. Pennington et al., petitioners, *v.* John L. Lewis et al., as Trustees of the United Mine Workers of America Welfare and Retirement Fund. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1062. Marvin R. Cole et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1089. Ralston Steel Corporation, Assignee of Morgan Manufacturing Corporation, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Claims denied.

No. 1091. Jerrold K. Cook, petitioner, *v.* Republic Steel Corporation. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 1092. Jack Marrin Williamson, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1093. Tennessee Gas Transmission Company, petitioner, *v.* Federal Power Commission. Petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit denied.

No. 1096. Hair Industry, Ltd., et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 1097. Eastern Die Company, petitioner, *v.* National Labor Relations Board. Petition for writ of certiorari to the United States Court of Appeals for the First Circuit denied.

No. 1105. Abraham L. Koolish et al., petitioners, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit denied.

No. 1129. Diversified Development Corporation et al., petitioners, *v.* Security Trust Company. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 1131. The Airline Pilots Association, International, petitioner, *v.* Capitol Airways, Inc. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit denied.

No. 1184. Myron M. Sparber, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 442. J. Edwin LaVallee et al., petitioners, *v.* James P. Carafas et al. Motions of respondents, Wilson and West, for leave to proceed in *forma pauperis* granted. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied.

No. 180, Misc. Stanley Ford, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 400, Misc. Price J. Draper, petitioner, *v.* Maryland. Petition for writ of certiorari to the Court of Appeals of Maryland denied.

No. 678, Misc. Reginald J. Adams, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 743, Misc. Albert Lloyd, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 827, Misc. Eugene Wright, 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. 835, Misc. Vincent F. Hernandez, petitioner, *v.* California. Petition for writ of certiorari to the Supreme Court of California denied.

No. 853, Misc. Joseph John Randazzo, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 885, Misc. Tennison Madison, petitioner, *v.* North Carolina. Petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit denied.

No. 890, 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. 901, Misc. Ruben R. Cortez, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit denied.

No. 924, **Misc.** Elver Lawrence Hickok, petitioner, *v.* California. Petition for writ of certiorari to the District Court of Appeals of California, First Appellate District, denied.

No. 933, **Misc.** David J. Tucker, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit denied.

No. 966, **Misc.** James Gilbert Ware, petitioner, *v.* United States. Petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit denied.

No. 975, **Misc.** James Wilson Jones, petitioner, *v.* Virginia. Petition for writ of certiorari to the Supreme Court of Appeals of Virginia denied.

No. 979, **Misc.** Robert F. Smith, petitioner, *v.* United States; and

No. 990, **Misc.** J. B. Smith, petitioner, *v.* United States. Petition for writs of certiorari to the United States Court of Appeals for the Fifth Circuit denied.

No. 1071, **Misc.** Dennie Ray Murphy, petitioner, *v.* E. L. Maxwell, Warden. Petition for writ of certiorari to the Supreme Court of Ohio denied.

No. 1076, **Misc.** Joseph Sumpter, petitioner, *v.* New York. Petition for writ of certiorari to the Court of Appeals of New York denied.

No. 1121, **Misc.** Murl D. White, petitioner, *v.* Sherman H. Crouse, Warden. Petition for writ of certiorari to the Supreme Court of Kansas denied.

No. 1169, **Misc.** Louis Roberts, 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. 1183, **Misc.** George A. Mount, petitioner, *v.* Pennsylvania. Petition for writ of certiorari to the Supreme Court of Pennsylvania, Eastern District, denied.

No. 373, **Misc.** Matthew Carney, petitioner, *v.* J. E. LaVallee, Warden;

No. 415, **Misc.** Cuthbert Eastman, petitioner, *v.* Edward M. Fay, Warden; and

No. 612, **Misc.** Nathan Berman, petitioner, *v.* Edward M. Fay, Warden. Petitions for writs of certiorari to the United States Court of Appeals for the Second Circuit denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted and the judgments reversed for the reasons stated in their dissenting opinion in *Linkletter v. Walker*, No. 95, October Term, 1964, decided this date.

**No. 513, Misc.** Robert William Crawford, petitioner, *v.* William H. Bannan, Warden. Petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit and for other relief denied. Mr. Justice Black and Mr. Justice Douglas are of the opinion that certiorari should be granted and the judgment reversed for the reasons stated in their dissenting opinion in *Linkletter v. Walker*, No. 95, October Term, 1964, decided this date.

**No. 748, Misc.** Ralph William Southerland, petitioner, *v.* Georgia. Petition for writ of certiorari to the Supreme Court of Georgia denied without prejudice to an application for a writ of habeas corpus in the appropriate United States District Court.

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

**No. 147, Misc.** John F. Beltowski, petitioner, *v.* Ralph H. Tahash, 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. Mr. Justice Black and Mr. Justice Douglas dissent from the denial of certiorari for the reasons stated in their dissenting opinion in *Linkletter v. Walker*, No. 95, October Term, 1964, decided this date.

**No. 1038, Misc.** In the Matter of Tom James Blevins, petitioner. Motion for leave to file petition for writ of habeas corpus denied. Treating the papers submitted as petition for writ of certiorari, certiorari is denied.

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

**No. 1308, Misc.** Ike Leaf, on behalf of the Pit River Indians, petitioner, *v.* Indian Claims Commission. Motion for leave to file petition for writ of mandamus denied.

#### REHEARINGS DENIED

**No. 123.** Federal Power Commission, petitioner, *v.* Union Electric Company;

**No. 363.** Lucy C. Simons, petitioner, *v.* Miami Beach First National Bank, etc.;

**No. 871.** Karoline Cauer et al., etc., petitioners, *v.* Edward J. Brenner, Commissioner of Patents;

**No. 899.** Murphy Oil Corporation, petitioner, *v.* United States;

**No. 924.** James Allegretti, petitioner, *v.* United States; and

**No. 925.** Louis Darlak, petitioner, *v.* United States;

**No. 952.** John P. Spomar, petitioner, *v.* United States;

**No. 956.** United Packinghouse, Food and Allied Workers, AFL-CIO, petitioner, *v.* Wilson & Co., Inc.;

- No. 977. Mary Bendelari, petitioner, *v. United States*;
- No. 988. Allied Central Stores, Inc., petitioner, *v. Commissioner of Internal Revenue*;
- No. 991. Jerry G. Summerlin, petitioner, *v. United States*;
- No. 1013. Louis J. Schwartz, petitioner, *v. Rubenia Tanner*;
- No. 1094. Edwin K. Atwood et al., petitioners, *v. Humble Oil & Refining Company*;
- No. 237, Misc. Wendell Odell Stephens, petitioner, *v. Texas*;
- No. 481, Misc. James D. Brady, petitioner, *v. Ohio*;
- No. 932, Misc. Billy Ferguson, petitioner, *v. Georgia*;
- No. 982, Misc. Joseph Edward Evans, petitioner, *v. Nicholas deB. Katzenbach, etc., et al.*;
- No. 994, Misc. Richard Allen, appellant, *v. Stuart Hoffius et al.*; and
- No. 1050, Misc. Eddie B. Santos, petitioner, *v. California*. Petitions for rehearing denied.
- No. 202. Eddie Dean Griffin, petitioner, *v. California*. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.
- No. 677, Misc. Lloyd Odin Lawson, petitioner, *v. United States*. Motion for leave to file second petition for rehearing denied.

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The Chief Justice said:

“Before rising for the Term, the Court records with sadness the passing of Retired Justice Sherman Minton. He is the third of our Retired Justices to have gone to his reward during this 1964 Term of Court. The deaths of Mr. Justice Burton and Mr. Justice Frankfurter have already been recorded in our proceedings.

“Justice Minton died peacefully at his home in New Albany, Indiana, at the age of 74 on April 9, 1965, after a long debilitating illness that had caused his retirement from this Court on October 15, 1956. Prior to that date, he had devoted most of his adult life to the service of his native State and Nation.

“As a gallant combat officer in World War I, as public counselor for the Public Service Commission of Indiana, as United States Senator from that State, as Presidential Assistant, as Judge of the United States Court of Appeals for the Seventh Circuit, and for seven years before his retirement as an Associate Justice of this Court, he made important contributions in each of the offices he held to the history of our time. For this devoted public service, he will be long remembered.



“Those of us who had the privilege of serving with him on the Supreme Court mourn his loss as we would a brother.”

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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.”

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Adjourned to the time and place appointed by law.

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