

is void because its effect would be to impede the dismantling of the dual school system by affording a refuge to white students fleeing desegregation.

671. *Furman v. Georgia*, 408 U.S. 238 (1972).

Statutory imposition of capital punishment upon criminal conviction either at discretion of jury or of the trial judge may not be carried out. Georgia's statute in the view of two Justices is unconstitutional because the death penalty is cruel and unusual punishment per se, in violation of the Eighth and Fourteenth Amendments, while in the view of three Justices the statute is unconstitutional as applied because of the discriminatory or arbitrary manner in which death is imposed upon convicted defendants in violation of the Eighth and Fourteenth Amendments.

Justices concurring specially: Douglas, Brennan, Stewart, White, Marshall  
Justices dissenting: Burger, C.J., Blackmun, Powell, Rehnquist

672. *Texas Bd. of Barber Examiners v. Bolton*, 409 U.S. 807 (1972).

A district court decision holding invalid under the Equal Protection Clause Texas statutes prohibiting licensed cosmetologists from working with male customers and prohibiting licensed barbers from working with female customers is summarily affirmed.

673. *Essex v. Wolman*, 409 U.S. 808 (1972).

A district court decision holding void under the Establishment Clause of the First Amendment an Ohio statute providing a reimbursement grant to parents of children attending nonpublic schools is summarily affirmed.

674. *Robinson v. Hanrahan*, 409 U.S. 38 (1972).

An Illinois statute providing for mailing of vehicle forfeiture proceeding notification to the home address of a vehicle owner is unconstitutional as applied to person known to the state to be incarcerated and not at home.

675. *Amos v. Sims*, 409 U.S. 942 (1972).

A district court decision holding unconstitutional an Alabama legislative apportionment law is summarily affirmed.

676. *Fugate v. Potomac Electric Power Co.*, 409 U.S. 942 (1972).

A district court decision holding invalid under the Equal Protection Clause a Virginia statute allowing reimbursement to utilities required by interstate highway construction to relocate their lines in cit-