

# Paupers' Rights to Transcripts Upheld

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The Supreme Court ruled yesterday, 7 to 0, that a state's duty to provide free trial transcripts to paupers appealing their convictions extends to so-called petty offenses carrying light sentences.

Rejecting a bid by the city of Chicago to re-examine its 16-year trend of cases expanding the appeal rights of indigents, the court said the right to a transcript or its equivalent does not depend on the type of criminal case involved.

"The state must provide a full verbatim record," said Justice William J. Brennan Jr., "where that is necessary to assure the indigent as effective an appeal as would be available to the defendant with resources to pay his own way."

In a companion case from North Carolina the court held, 5 to 2, that under certain "narrow circumstances" peculiar to a specific criminal case, a free verbatim transcript was not mandatory.

## Substitute Transcripts

Although the North Carolina case reaffirmed that a substitute for expensive transcripts would sometimes be deemed sufficient, the vote in the Chicago case indicated that current changes in personnel will not diminish the justices' concern over equal protection for accused persons

unable to pay their own way in court.

Newly confirmed Justices Lewis F. Powell Jr. and William H. Rehnquist, who will take their seats next month, would not have changed yesterday's results even if they had cast their votes for the city's plea that free trial records would prove too costly.

The issue was raised by Dr. Jack L. Mayer, who as a medical student joined with some violent demonstrators in September 1969, and was arrested by Chicago police when, according to Mayer, he merely rendered medical aid during the turbulence.

Mayer, who at the time was found indigent by the city courts, contended through counsel that an agreed statement of facts worked out with the prosecutor for the appeal was impractical in view of his claim that the prosecutor's misconduct deprived him of a fair trial. He was fined \$1,000 for disorderly conduct and interfering with a policeman.

## Blackmun's View

Concurring in the decision to require a new hearing on the transcript issue in Illinois courts, Justice Harry A. Blackmun said Mayer's subsequent graduation from medical school should be a factor bearing on his present financial status.

Chief Justice Warren E. Burger, in a separate concurrence, said alternatives to full transcripts are available "in the majority of cases." He said court-appointed counsel must not make "excessive demands" for printed records.

In other action:

## Seamen

Injured seamen and dock workers, who used to win most of their damage cases in the Supreme Court, have begun to lose since the departure of former justices of the Court. Yesterday the court ruled, 5 to 2, that Alabama and not the more federal maritime law

applied when a dock worker was hurt by a massive pier-based loader crane which was moved to a point where it was hoisted aboard a Mobile harbor.

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The court's decision in the case of the seamen was a reversal of a previous decision.

## London F Honors I

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