

# High Court Won't Weigh HUAC Case

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The Supreme Court, which last week took on the whole House of Representatives in the Adam Clayton Powell case, passed up a chance yesterday to consider a challenge to the House Un-American Activities Committee.

In a brief, cryptic order, the Court dismissed an appeal by Dr. Jeremiah Stamler, noted Chicago heart specialist, and two colleagues who tried to limit HUAC's power even as HUAC was pressing for their prosecution.

Legal experts, admittedly puzzled by the unexplained action, took the view that the Justices, rather than shrinking from a confrontation with HUAC, probably were more concerned with a procedural snarl that cast doubt on whether the case was properly before the Court.

Indicted for contempt for refusing to answer HUAC questions in 1965, Dr. Stamler sought an injunction against criminal prosecution on grounds that the Committee was exceeding its legal authority and was violating the constitutional rights of witnesses. HUAC was investigating alleged Communist activities in the Chicago area.

A three-judge Federal court dismissed the suit and Dr. Stamler appealed directly to the high court. At the last minute, the Justice Department argued that the appeal should be dismissed because Dr. Stamler had taken the wrong route to the Supreme Court.

According to the Government, the House rule under which HUAC operates was not an "act of Congress" subject to attack in a three-judge court with a direct appeal to

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## COURT, From A1

Washington. Instead, the Government said a single judge should have handled the case and Dr. Stamler should have appealed by way of the 7th U.S. Circuit Court of Appeals in Chicago.

The Justice Department, noting that it was too late to appeal to the 7th Circuit, suggested a special order to accompany the dismissal that would keep the case alive. The Court rejected the suggestion, stirring speculation that a majority thought a civil injunction suit was no way to test HUAC's powers.

The lower court ruled that HUAC's members were immune from suit. Congressional immunity is one of the issues in the legal dispute over the ouster of Adam Clayton Powell, which the Court agreed to consider last week.

Dr. Stamler and his associates, Yolanda Hall and Milton M. Cohen, have raised similar challenges to HUAC in their criminal case, which is several months away from trial.

The Supreme Court's order was unsigned. Three Justices, Hugo L. Black, William O. Douglas and John M. Harlan, voted to hear the case in spite of the question about proper appeal procedure. Justice Thurgood Marshall did not vote.

In other action:

### Riot Liability

The Court agreed to decide whether the Government can be required to pay property owners for damage inflicted during peacetime confrontations between U.S. military forces and private citizens.

Owners and insurers of two Panama Canal Zone buildings failed to persuade the Court of Claims that they were entitled to \$245,192 to compensate for destruction that resulted when American troops took refuge from rioters while putting down the civil disturbance of January, 1964.

Lawyers for the property owners asked the Court to re-examine a World War II decision that wartime destruction is not compensable. Justices Hugo L. Black and William O. Douglas dissented from that decision and they are the only members of that Court still sitting.

### Evidence

The Court agreed to review a Louisiana law that enables prosecutors to tell jurors

about a defendant's criminal record. The law requires the reading of the accused's entire confession, but Philip Cardinale Jr., under a death sentence for murder, wanted parts of his confession excluded because they mentioned a prior conviction and his search for a woman he had once wanted to kill.

### Searches

In the past the Court has sustained some wide-ranging searches by police as "incidental" to a lawful arrest. Yesterday the Justices agreed to decide whether a man's garage was properly searched by police in Santa Ana, Calif., who lacked a valid warrant to arrest Ted Steven Chimel, a suspected coin thief, at his home.

### Religion

The Court, which said last week that non-denominational courses in the Bible as literature did not run afoul of religious freedoms, refused to hear a challenge to such a course at the University of Washington. The challenge was filed by Presbyterian ministers in Tacoma and Seattle.

### Antitrust

The Court ruled, 6 to 2, that members of trade associations are forbidden by the antitrust laws to agree on a price to bid on foreign aid transactions financed by the Agency for International Development despite a 1918 law designed to encourage export associations to compete with manufacturers abroad.