

The Supreme Court yesterday broadened the rights of defendants to see transcripts of the grand jury testimony of key prosecution witnesses.

In a unanimous ruling, the Court reversed the convictions of six officers and former members of the International Union of Mine, Mill and Smelter Workers who sought the transcripts at their trial for filing false non-Communist oaths.

The Court broadened its definition of the kind of "need" defendants must demonstrate to see grand jury material used against them at trials.

Several cases raising the same issue were sent back to lower courts for possible retrial. They included the 1964 verdict against industrial spy John W. Leon, convicted in the "bugging" of a Mayflower Hotel suite here.

Other beneficiaries included the National Dairy Products Corp., which was convicted after a long anti-trust trial of conspiring to drive out competition in the Kansas City dairy market, and Jerome Worthy of Washington, convicted of illegal narcotics sales.

Yesterday's ruling is expected to inhibit the use of grand jury testimony as part of the prosecution's case. The Court said the ruling stemmed from a growing realization that one-sided access to secret information hinders the trial process's aim of pursuing truth.

Writing for the Court, Justice Abe Fortas said the case of Raymond Dennis and other Mine-Mill union members demonstrated the problem. They were among 14 men indicted in 1956 on the basis of relatively fresh grand jury testimony about events occurring back in 1948.

The officers were accused of conspiring to violate the Taft-Hartley Act's non-Communist oath requirement for union officials by filing false affidavits with the National Labor Relations Board. They were the last persons still accused under the old law, which was replaced in 1958 with a new oath provision that the Court struck down last year.

Fortas said the grand jury testimony was by key witnesses, including an informant. The question of guilt or innocence may have turned on exact words uttered long years ago, he added.

Some Federal courts auto-

matically inspect grand jury minutes at defense request, but Fortas said that was not enough. Only the defense can tell adequately whether a witness has testified differently at trial and judges should not be saddled with the work, he said.

The decision may close out a chapter in the Union's history. Over the weekend the Justice Department announced it was abandoning its long campaign to put the Union on the Attorney General's subversive list. In a concurring opinion, Justice Hugo L. Black and William O. Douglas branded the prosecution "a natural offspring of the McCarthy era."

In other action:

#### Privacy

The Court disclosed that it had been unable to decide before adjournment whether a Life Magazine article promoting the Broadway play "The Desperate Hours" was protected free speech or an invasion of the privacy of the James J. Hill family.

Hill won damages under a New York law that Time, Inc., contends is in conflict with the First Amendment. The law forbids unwanted commercialization of an individual's name.

The justices ordered the case restored to the calendar for reargument in the fall. They called for specific briefing on lower court interpretations of the privacy law and their constitutional ramifications.

#### Loyalty

The Court agreed to hear the contention of pacifist Julian Bond that he has a constitutional right to take his elected seat in the Georgia Legislature.

Bond, 26-year-old Negro and official of the Student Non-Violent Coordinating Committee, was barred from his seat when he refused to disavow a SNCC resolution questioning U.S. policy in Vietnam.

The justices also agreed to consider the constitutionality of New York's loyalty-oath Feinberg Law, which is being challenged by faculty members of the State University at Buffalo.

#### Juvenile Court

The Court agreed with officials of Washington State that it need not consider a challenge to juvenile court

procedures because State courts have complied with a recent Supreme Court decision granting broader rights to youths when they are transferred to adult court for criminal trial.

But the justices agreed to look more closely at the Arizona Juvenile Court Act, which is challenged by the American Civil Liberties Union.

#### Criminal Law

The Court agreed to hear the case of Isaac Sims Jr., whose death sentence for rape was upheld by the Georgia Supreme Court in defiance of a High Court mandate on the use of confessions. The case also involves the argument by the NAACP Defense Fund that Negroes are punished more severely than whites for capital offenses.

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# Court Widens Right to Grand

# Defense Jury File