

Dozen Major Cases Face

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The Supreme Court seems certain to go out with a bang if it ends its term on schedule Monday.

A dozen major cases remain to be disposed of before the Justices quit for the summer. Half of them rank among the most difficult, controversial and far-reaching of the busy session.

Most anxiously awaited by lawyers, police, prosecutors and the public is the case of

Ralph Berger v. New York, which involves the constitutionality of court-approved electronic eavesdropping or "bugging."

The case is not just a matter of whether Berger, a public relations man convicted of bribery on the basis of "bugged" and recorded conversations, wins or loses.

Conceivably the Court could disapprove New York's bugging procedure and reverse Berger's conviction, yet leave room for the States and Con-

gress to draft eavesdropping rules that meet the Constitution's standards for "reasonable" searches.

Vitally concerned are President Johnson, who has offered legislation to outlaw microphone eavesdropping, and conservative Congressmen, who have countered with bills to permit it. The National Crime Commission held off making concrete proposals because the Berger case was pending. Sen. Robert F. Kennedy (D-N.Y.), whose Justice Department

once let bugging go on, promised legislation of his own months ago.

Supreme Court pronouncements so far this term lend support to both sides of the question.

Prosecutors were encouraged when the Court upheld the use of planted, deceptive informants, one of them equipped with concealed tape recorder, in the cases of James R. Hoffa and his lawyer, Z. T. Osborn.

Again two weeks ago the Court encouraged prosecutors

Supreme Court at Term's End

by eliminating a 46-year-old restriction on the use of "mere evidence" of crime as opposed to seized weapons, contraband or loot. Since microphone "bugs" seize all the words they can overhear, their users considered relaxation of this seizure rule indispensable to their cause.

Decision Reserved

At the same time, however, the Court specifically reserved decision on the seizure of things "testimonial or communicative in nature," suggesting that some evidence can't be used because it would amount to compelling a defendant to be a witness against himself.

And the Court emphasized that the Bill of Rights is aimed at safeguarding an individual's privacy and not just his property rights when it prohibits unreasonable searches.

These are some of the other top cases awaiting the Court's announcement:

Three cases — two brutal

murders and a bank robbery — raise the question whether a suspect is entitled to counsel at a pretrial identification stage.

Two dozen gambling cases will turn on the scope of the 5th Amendment's privilege against self-incrimination. The gamblers complain that Federal gambling tax and registration requirements, backed up by Federal prosecution for disregarding them, amount to coercion to confess crimes, setting them up for State prosecution as well. They say they rate the same safeguards the Court has established in striking down registration laws aimed at subversives.

Free Speech and Press

Three years ago the Court sought to foster lively political debate by requiring public officials to meet the heavy burden of proving "actual malice" when suing their detractors for libel.

Now the Court is being

asked to extend the principle to prominent public personalities, those who write and speak about them, and the issues of public importance that swirl about them.

The cases involve former Army Gen. Edwin Walker, who is trying to collect millions of dollars from the Associated Press for accounts of his role in the 1962 University of Mississippi rioting, and Wally Butts, former Georgia University athletic director

who won a \$460,000 judgment from the Saturday Evening Post for a feature story charging him with fixing a football game.

Civil Rights

The laws of 16 states against racial intermarriage have never been so close to extinction. The death blow could come in the case of Richard and Mildred Loving, forbid-

den by a Virginia court from living in the State as man and wife because he is white and she is part-Negro, part-Indian.

In another major case the Rev. Dr. Martin Luther King, who won a Nobel prize for his work in Birmingham, may receive a five-day jail term from Alabama for the same activity if the Court finds that he should have obeyed an anti-demonstration injunction first and tested it later.

King said the court order against his group was unjust and the Justice Department says it was unconstitutional. By defying it, King provoked police dogs and cattle prods and the public revulsion that triggered the 1964 Civil Rights Act—a law that gave the Supreme Court a breather from many rights controversies.

The Court also must decide:

- Whether a union can fine

members who break ranks and cross picket lines.

- Whether the antitrust laws forbid the Sealy mattress company's regional restrictions on price competitions or

the Schwinn bicycle firm's franchising system.

- How much preferential treatment a firm can give to nonstrikers after a labor shut-down.
- Whether contract dis-

putes between firms from different states should be governed by Federal law, which encourages arbitration, or state law that channels disputes to the courts.