

Supreme Court To Open New Term Monday

By John P. MacKenzie
Washington Post Staff Writer

When the Supreme Court opens its new term on Monday, Chief Justice Earl Warren will look down at a lawyer for George C. Wallace, the presidential candidate who hates everything the Warren Court stands for.

The lawyer will look up at Warren and ask for a ruling that Wallace is entitled to a place on the ballot in Ohio along with Richard M. Nixon, who says Court decisions are helping criminals, and Hubert H. Humphrey, who defends the Court.

At the ends of the bench will be Justice Abe Fortas, who was to have been installed in the center seat of the Chief Justice, and Justice Thurgood Marshall, a Negro who fought for the civil rights breakthroughs that are anathema to Wallace.

Six Others

In between will be six other members of an institution that has seen a long, bitter summer when Congress passed "anti-crime" legislation aimed at the Court, and the Senate filibustered to death Fortas' nomination as Chief Justice.

Wallace, who has vowed to put the Supreme Court "in its place" if he ever gets to the White House, contends that Ohio has no constitutional right to freeze the two-party system into law.

Ohio will take the States Rights position that the way a State chooses its presidential electors is the sole business of the State, beyond the reach of the Federal judiciary. Ohio's barriers to third parties, the strongest of any state, include the denial of ballot status to parties that have failed to poll 10 per cent of the vote in the last statewide election.

The Court has promised a

quick answer in what could prove the term's most important case, but the decision will be far from the last on major political rights, because the calendar is loaded with cases just like it.

Common among the cases are the demands from new groups of people for participation in the Nation's political and social life, demands encouraged by the civil rights and reapportionment rulings of the Warren Court.

Groups of Negro voters in Mississippi are challenging that state's barriers to independent candidates. They charge also that by swamping from election of county supervisors by districts to at large elections, and by letting some county superintendents be appointed rather than elected officials, the State is trickily trying to dilute the Negro vote.

Not Voter Rights

Mississippi argues that its new election laws are legitimate responses to the Court's reapportionment rulings and deal with officeholder qualifications, not voter rights. They are bucking the Justice Department's Civil Rights Division, which says the election changes can't be made without the Attorney General's approval under the 1965 Voting Rights Act.

The Federal Government also is supporting a group of illiterate Negro voters in Virginia who want the right to paste in the name of their independent candidate rather than have state election judges write the name in for them.

Inmates of the Cook County Jail, represented by a war-on-poverty lawyer, argue that the right to vote is so basic that they're entitled to vote in Chicago by absentee ballot when they can't get out on pretrial bail.

Another downtrodden class, bachelors who do not own real estate, may win new political rights if the Court hears the case of a New York man who wants to vote for his local school board. New York says he lacks a sufficient stake in the board election, or, for that matter, the school budget.

The duly elected Adam Clayton Powell and some of his constituents are still trying to get the Court to overturn the House of Representatives' refusal to seat him in the 90th Congress.

A reapportionment case from Missouri will test how far a State may deviate from "one man, one vote" in congressional districting. A New York voter wants the Court to sink its teeth into the question of congressional gerrymandering.

The Court is being asked to review the Birmingham parade ordinance that the late Dr. Martin Luther King Jr. and others violated when they tried to help Negroes join the political process with a voting rights demonstration on the Easter weekend of 1963.

But there are thornier questions involving political expression on the docket, one of them coming right from the doorstep of Chicago Mayor Richard J. Daley.

Entertainer Dick Gregory and three dozen other demonstrators say they shouldn't have been convicted of "breaching the peace" when they picketed the Mayor's home in 1965 despite police orders to go home. They argue that the only threat of disorder came from a hostile crowd.

Enjoins Gatherings

In contrast, the National States Rights Party in Maryland held a rally marked by "fighting words" and racial epithets which caused the state courts to enjoin further mass gatherings. The Supreme Court must decide how far to let demonstrators and law authorities go in each case.

A petition by the Port of New York authorities asks the Court to restore its power to keep antiwar demonstrators out of its bus terminal, a power that was curbed by a lower court under the First Amendment. Taxpayers seek reversal of decision by Federal Judge (formerly Supreme Court nominee) Homer Thornberry striking down a breach of the peace law used against anti-Vietnam protesters.

If speech is free, what about the right to wear black arm-bands in mourning over Vietnam when the arms belong to high school students? Is there any protection for a man

who burns the American flag in reaction to news of the shooting of Negro leader James Ray? These issues are for newsworthy in the Court from Little Rock, Ark., a teacher who claims the constitutional right to teach evolution.

The Vietnam war has produced an array of disputes for the high court. The Justices must quickly decide what to do with temporary orders by Justice William O. Douglas blocking overseas duty for hundreds of reservists who claim Uncle Sam has reneged on their contract.

Of major concern to draftees and Selective Service Director Lewis B. Hershey are cases involving pre-induction court review of draft classifications. Some of the draftees say they're being punished merely for dissenting on Vietnam. The criminal case against a famous draftee and petitioner, Muhammad Ali, alias Cassius Clay, has been snarled by the disclosure of an electronic bug in the woodwork.

In some of the other major cases:

- The Court, apparently sharply divided on the subject last term, will hear further argument on the constitutionality of State welfare residency requirements. The cases, typical of several others across the country, are from Connecticut, Pennsylvania and the District of Columbia.

- Another round of arguments is slated on electronic "bugging" issues. Two cases will determine how much a criminal defendant must be told when he finds out he's been overheard by a secret microphone — and whether he's entitled to learn less if his is a "national security" case.

- Dr. Timothy Leary raises a troubling challenge to the continuing validity of Federal marijuana laws, since their registration requirement are similar to the gambling tax laws the Court voided last year for violating the privilege against compulsory self-incrimination.