COURT TO REVIEW MIRANDA RULING

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Philadelphia Seeks to Upset Ban on Confessions When Suspect Is Not Warned

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WASHINGTON, March 20—The Supreme Court agreed today to review the Warren Court's controversial Miranda v. Arizona decision on confessions. It will be the first review of the decision since President Nixon's four nominees joined the Court.

The 1966 Miranda ruling held that suspects must be advised of their rights before interrogation or their confessions may not be used in court. The decision has often been cited by Mr. Nixon as one that should be overturned because it unduly favors the "criminal forces" in society.

Today the Burger Court granted an appeal that the Justices could use as a vehicle for a thorough reconsideration of the Miranda case, but the posture of the lower court decision makes it most likely that the case will be decided on a narrow interpretation of one aspect of the Miranda ruling.

Philadelphia Murder Case

Only two Justices who joined the 5-to-4 Miranda decision, William J. Brennan Jr. and William O. Douglas, are still on the Supreme Court. Two dissenters, Potter Stewart and Byron R. White, remain on the Court, and President Nixon has added Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell Jr. and William H. Rehnquist—all of whom are considered law-and-order conservatives.

The appeal granted today was brought by prosecutors in Philadelphia, objecting to a decision of the Pennsylvania Su-

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preme Court in favor of Paul D. Ware, who confessed to four murders in 1963.

His trial was delayed for years by mental incompetency, and when he recovered sufficiently to stand trial in 1970, the State Supreme Court held that the Miranda decision precluded the use of his confessions.

The prosecutors' narrow assertion is that the Miranda rule should not be applied to invalidate voluntary confessions given long before the rule was announced but not used until later because of "fortuitous" circumstances.

As a second argument, they contended that the Miranda rule should be abandoned because Congress declared in the Omnibus Crime Control Act of 1968 that voluntary confessions should be admitted as evidence in Federal trials, whether a "Miranda" warning was given or not.

Because the Ware prosecution is in state court, this argument was rejected by the state high court. The prosecutors urged the Supreme Court to hol that the law expresses Congress's intentthat the "Miranda" warnings are not necessary to protect the constitutional rights of suspects.

In another case, Justice Rehnauist issued his first long opinion and bolsters the impression that he may prove to be one of the most conservative members of the Court. He was the lone dissenter as the Court ruled, 8 to 1, that Fred A. Cruz, a Buddhist prison inmate in Texas, was entitled to a Federal court hearing on his contention that prison officials denied him the same right as Christian and Jewish prisoners to practice his religion.

Justice Rehnquist said that the framers of the 14th Amendment "would doubtless be surprised to know" that convicts were included in the guarantee of equal protection of the laws. He urged that the Federal courts should give prison officials wide discretion to treat prisoners differently for reasons of discipline and administration.

In another action today, Justice Rehnquist did not disqualify himself as the Court denied Senator Sam J. Ervin Jr.'s request to argue as a Jr.'s request to argue as a "friend of the court" in support of plaintiffs who are challenging the constitutionality of the Army's surveillance of civilian political activities.

Some observers had thought that Justice Rehnquist might not take part in deciding the surveillance case. When he was an Assistant Attorney General ht testified on the subject in strong terms before Senator Ervin's Constitutional Rights Subcommittee, declaring "I do not believe it raises a constitutional question."

Magazine Sales Plea

In a unanimous decision to day, the Court ruled that d in, theater owners ma punished for s movies that sidered o unl

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