

Around the Nation

Court Overrules MIAs Death

NEW YORK—Death notices issued by the military services for servicemen listed as missing in action in Indochina were declared unconstitutional yesterday by a federal court.

A three-judge court ruled that such notices violate due process unless the next-of-kin are first provided the opportunity to be heard if they oppose the findings.

The court permanently blocked the secretaries of the Army, Navy and Air Force from issuing any such notices in the future without prior notice to the next of kin of a hearing into the matter.

The ruling was made in the suit brought in Manhattan federal court last July by the wives and mothers of five servicemen who were declared dead after being missing in action. The complaint alleged that such death findings often are made "arbitrarily and capriciously" and without adequate search for the remains.

There are an estimated 1,300 servicemen still listed as missing in action in Indochina.

The court said opposition by the three military services to the procedural safeguards is based solely on the financial burden of continuing by prolonging the proceedings. The services said the government would have to continue to make statutory payments to the next of kin beyond the time they would normally cease.

Pa. Recount

JOHNSTOWN, Pa. — Republican Harry Fox said Tuesday night he would file for a recount of the votes by which he lost to Democrat John Murtha in the special congressional election in Pennsylvania's 12th district Feb. 5.

A final, official count earlier Tuesday gave Murtha a 242-vote victory over Fox to fill the seat formerly held by the late Republican Rep. John P. Saylor.

Vets Complain

LOS ANGELES — Fifteen protesters, five of them

uniformed Vietnam veterans in wheelchairs who spent the night in Sen. Alan Cranston's office, complained to the senator yesterday about care at Veterans Administration hospitals.

In a low-key confrontation with Cranston and Dr. Marc J. Musser, national head of the VA hospital program, the protesters said treatment at the hospitals was an "outrage" and a "national disgrace."

Site Violence

LANSING, Mich.—Angry tradesmen smashed windows, slashed tires and ped over two flat tires on a nonunion

project yesterday and then invaded a restaurant owned by the contractor and "tore the place apart."

The violence started early in the day at a construction site where a trucker employed by a subcontractor drove his rig into picketers Tuesday, injuring nine persons.

A group of 50 men left the picket line yesterday and marched two blocks to Long's restaurant, tearing up the picketing line.

tain his party's traditional hold on Ohio's First Congressional District in a special election March 5 to fill the unexpired term of former Rep. William J. Kerley (R-Ohio).

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Notices