Supreme Court's Actions

NYTimes Special to The New York Times DEC 2 1975

WASHINGTON, Dec. 1—The Supreme Court took the following actions today:

ABORTION

Over the dissents of Justice Byron R. White and Chief Justice Warren E. Burger, the Court declined to review a case raising the issue of whether a private hospital that is largely Government-funded may refuse to let a doctor perform abortions there. The lower court had ruled that there was no constitutional bar to the hospital's refusal. (Greco v. Orange Memorial Hospital Corp., No. 75-432).

News article, Page 33

CRIMINAL

The Court turned down two opportunities to define further the extent of a defendant's right to be represented by a lawyer in a criminal case.

In one case, Harris v. Virginia, No. 75-205, the Court refused without comment to review a lower court ruling upholding the designation of a Virginia man as a "habitual offender" of the motor vehicle laws — a designation based on three earlier convictions of violating those laws. Two of those convictions had come in cases in which the defendant was not represented by counsel. The defendant had argued that since he had no counsel, and since those two cases had each involved a possible jail term, the convictions were void under the Supreme Court's earlier right-to-counsel rulings.

In the second case, Ohio v. Tymcio, No. 75-172, the lower court had ruled that defendants in cases involving possible jail terms must be given court-appointed counsel when "an accused is financially able, in whole or in part, to obtain the assistance o counself, but is unable to do so for whatever reason." The Ohio court had based its ruling in part on previous Supreme Court right-to-counsel rulings; the Supreme Court declined to review it, however, saying that the decision appeared to rest "on adequate state grounds."

The Court did, however, further define the extent of another constitutional right —the right to a speedy trial. Last year the Court ruled that this right comes into play as soon as a defendant is indicted. Today, in Dillingham v. U.S., No. 74-6738, the Court ruled as it implied in last year's case—that the right also comes into play when someone is arrested. So, in measuring a defendant's claim that he or she has been denied the right to a speedy trial, the time period to be considered is the period between trial and either arrest or indictment, whichever comes first. Chief Justice Burger dissented from today's ruling.

EQUAL EMPLOYMENT

Following the suggestion of Solicitor General Robert H. Bork, the Court declined to review a decision by the United States Court of Appeals for the Fifth Circuit that ordered the merging of racialy segregated union locals for longshoremen in Texas Gulf Coast ports. (International Longshoremen's Assn. v. Equal Employment Opportunity Commission, No. 75-356.)

A Federal District Court had found that the racial segregation deprived blacks and in some cases Mexican-Americans of equal employment opportunities because of their race but had ordered only that hiring halls be racially merged. The appeals court had said that the merger of the locals themselves was necessary. Thirty-seven locals were involved — 16 white, 19 black, two predominantly Mexican-American.

REGULATORY AGENCIES

The Court declined to hear two challenges to a lower court ruling that upheld a Federal Power Commission action involving a curtailment plan for customers of natural gas. (Pacific Lighting Service Co. v. Federal Power Commission, No. 75-350; Calif. .and Pub. Utilities Commission of Calif. v. Federal Power Commission, No. 75-359).

News article, Page 57

SCHOOL DESEGREGATION

The Court declined to review—and thus left in effect —an appeals court ruling that could lead to extensive busing of students in Dayton, Ohio. The case was Dayton Bd. of Education v. Brinkman, No. 75-403. A Federal District Court had found that segregation existed in the schools and had ordered certain desegregation steps. The United States Court of Appeals for the Sixth Circuit then affirmed the finding of segregation but ordered a more extensive remedy.

VOTING

The Court also refused to review a case involving three suburbs of New Haven, Conn., that raised the issue of whether the one person-one vote principle applied to selection of members of regional school boards. Both the Federal District Court and the United States Court of Appeals for the Second Circuit found that the principle did apply and thus struck down the system in which the regional board for the three towns—Orange, Bethany and Woodbridge—was made up of three members from each town, despite differences in sizes of the town.

The appeals court reasoned: "Here we have school districts in which those towns which are paying the most for the districts' support have to accept a diluted vote in the running of the schools." (Regional High School Dist. No. 5 v. Baker, 75-496).

WATERGATE

Without comment, the Court declined to review the unsuccessful effort of a Vermont voter to have the 1972 Presidential election results invalidated because of the way the campaign was waged. (Griffith v. Nixon, No. 75-417).

ZONING

The Court declined to review the New York Court of Appeals decision that municipalities can use the zoning power to provide for housing for the elderly. (Maildini v. Ambro, No. 75-378.)