UPHOLDS BUSING, HOLDS PUBLIC HAS NO RIGHT TO ATTEND CRIME TRIALS

By Pat Bryant

WASHINGTON, D.C. The U.S. Supreme Court handed down key decisions this week that may be remembered for some time. The nation's top court backed school busing plans for two Ohio cities, affirmed a lower court's ruling that members of the public have no constitutional right to attend criminal trials, struck down a Massachusetts law requiring a parental consent for minors to obtain an abortion, and refused to hear challenges by the AFL-CIO to President Carter's so-called anti-inflation program

Busing Upheld

Upholding sweeping Federal busing orders in Dayton and Columbus Ohio, the court dispelled widespread beliefs that its course was a retrenchment from a committment to end segregation in Northern School systems.

The court reaffirmed prior holdings that if a school board can be shown to have segregated in a substantial portion of its system intentionally then the rest of the system is presumed to be segregated.

Associated Justice Byron White, writing for court's majority, asserted a school board has the "affirmative duty" to eliminate the effects of past discrimination even if it no longer discriminates.

"Whatever the board's current purpose," Justice White wrote in the Columbus case, "it knowingly continued its failure to eliminate the consequences of its past intentionally segregative policies."

The 7-2 and 5-4 votes on the Columbus and Dayton cases cleared the way for a plan that would involve busing 37,000 pupils in Columbus and leave intact Dayton's three-year old plan. White reactionaries have already announced they will obstruct the Dayton segregation order.

No Constitutional Right For Public Trials

The Supreme Court was closely divided, 5-4, when it ruled that members of the public have "no constitutional right "to attend criminal trials.

Writing the majority opinion, Justice Potter Stewart ruled that the sixth amendment guarantee to a "public trail" is for the benefit of the accused alone.

The ruling affirmed a ruling of the New York Court of Appeals which had upheld the power of a trial judge to close a pre-trial hearing if he found a "reasonable probability" that pre-trial publicity would hurt the defendants chance for a fair trial.

The majority court's decision written by Justice Potter Stewart made no requirement that a judge make a preliminary finding that an open proceeding will be harmful to the defendant. Further, the court's majority opinion indicates that all criminal trials may be closed if the defense, prosecution and judge all agree.

Civil rights leaders blasted the ruling as a retrenchment from public trials. Lawyers and members of the media were also upset over the ruling.

Durham attorney George Brown, a criminal lawyer, expressed widespread belief that the ruling would make it difficult for defendants in controversial cases to obtain fair trials.

"A lot of times it (public attendance at criminal trials) has an effect upon a jury if they see a crowd supporting a particular defendant in a criminal case, as opposed from being isolated," said Brown. "it's kind of like the defendant going to court without a family...Sometimes it makes the jury at think twice before rendering a decision," Brown continued. "Hopefully they would search their consciences and look at the evidence a little more closely because the people are going to be scrutinizing their decision if it seems that the evidence does not support their verdict."

Trials that he mentioned as controversial in which attendance made a difference were the Joanne Little and Angela Davis trials.

Parental Consent Law On Abortion Struck Down

Through an 8-1 ruling the Supreme Court declared unconstitutional a Massachusetts law which required unmarried minor girls to get the approval of their parants or a judge before being able to obtain a legal abortion.

The Massachusetts law was a blanket consent law which the justices indicated might be constitutional if it created exceptions for the mature minors.

Justice Powell wrote, "Every minor must have the opportunity—if she so desires — to go directly to a court without first consulting or notifying her parents."

DR. GEORGE

NCCU Prof Gets Post Doctoral Fellowship

Dr. Charles R. George, professor of biology at North Carolina Central University, has been awarded a National Institutes of Health Faculty Fellowship under its Minority Access to Research Careers Program (MARC), to conduct post-doctoral research in neuropharmacology at the Duke University Medical Center, beginning September 1, 1979. His sponsor will be Dr. James N. Davis, staff neurologist at Duke. The research will investigate neurotransmission in insect brains and nerves, with the hope that it might serve as a model for the study of human systems.

Dr. George is a graduate of North Carolina A&T University, received his Master's degree at Oklahoma State University, and the Ph.D. degree at Cornell University, Ithaca, New York.

Since joining the NCCU faculty in 1970, Dr. George has been actively engaged in biological research. He has been the recipient of research grants from the National Institutes of Health's Minority Biological Support Program, the North Carolina Science and Technology Committee, and the North Carolina Academy of Science. His research findings have been published in American, English and French scientific journals.

Dr. George is the son of Noah and the late Mrs. Lucile George of Faison, N.C. He is married to the former Miss Willia J. Robinson of Dunn and they are the parents of two daughters, Sonia Valita and Yvette Andree.