

# Court overrules de facto segregation

WASHINGTON—The Supreme Court Monday ruled unconstitutional New York's law barring desegregation efforts by state education officials and appointed school boards. It was seen as the court's first move against de facto neighborhood segregation.

Following a ruling two weeks ago that school busing for desegregation purposes was constitutional, the court took four actions toward a stronger stand on integration.

The court refused to review a school desegregation order for suburban Cook County, Ill., that was the first won by the Justice Department in the North; a Florida case in which an appeals court ordered a "clustering" method of integrating elementary schools; and a lower court ruling that Newark,

N.J., officials could promote black teachers partly on the basis of their race.

In other actions, the court: Ruled that in death penalty cases a jury may decide both guilt and punishment at a single setting, and that states do not necessarily have to establish guidelines for juries to follow in deciding whether a defendant ought to be put to death. The court did not rule on the merits of the death penalty itself.

Decided to hear cases involving abortion laws in Texas and Georgia. The Texas case involves enforcement of a law that already has been found unconstitutional vague and broad; the Georgia case involves a lower court ruling that the main body of the law is unconstitutional.

Agreed to hear three cases involving whether a newsman

may refuse to appear before a grand jury that wants information made available to him by a news source in confidence.

Upheld federal laws prohibiting the importation of obscene material and making it a criminal offense to mail such material.

In the New York school case, the court said the state legislature passed the law "to bring to an end New York's strong pro-integration policy."

The lower court had noted that at the time of passage, appointed education officials were involved in planning improved racial balance. The state law took away the power of appointed officials to make desegregation plans, and put it in the hands of only elected officials who would be less likely to move toward desegregation.

The court issued its school decisions in brief orders that carried no comment.

The Cook County lawsuit was started April 25, 1968, by then Attorney General Ramsey Clark. It applied to Elementary School District 151, a short distance south of Chicago near the Indiana border. The area includes all of Phoenix and parts of South Holland and Harvey.

The 1954 Civil Rights Act permitted the attorney general to follow up a school discrimination complaint when an individual citizen is financially unable to carry on the litigation.

The appeals court split over whether the black-white school attendance ratio was the result of housing patterns de facto segregation or of governmental action de jure segregation.

## Troop pullout passes halfway, more fighting

SAIGON—President Nixon's withdrawal of American troops from South Vietnam has passed the halfway point and is running ahead of schedule, military sources said Monday. U.S. troop strength is down to less than 271,700 from a peak of 543,000 in the war zone in May, 1969, the sources said.

Only one battlefield incident involving American ground troops—a brief Communist rocket barrage—was reported Monday, and the U.S. command listed no American deaths in Indochina for the second consecutive day.

But B52 bombers flew two missions inside South Vietnam and struck again at the Ho Chi Minh Trail in Laos.

South Vietnamese and South Korean troops reported heavy fighting in three separate battles Sunday in which they said 159 Communists were killed. Fifteen South Vietnamese died and 53 were wounded, while Korean troops had one dead and seven wounded.

The disclosure that the halfway mark had been reached in sending Americans home was made three days after the start of Phase VII of Nixon's withdrawal program, which will leave no more than 184,000 servicemen in Vietnam by Dec. 1.

The U.S. command announced Monday military strength as of last Thursday was 273,400, a drop of 8,000 from the previous week. The cutback to the latest figure meant pullouts exceeded by 10,600 men—the greatest margin in any of the redeployment increments—Nixon's deadline for a maximum of 284,000 troops in Vietnam by the end of last month.



## Court agrees to hear 3 newsmen's appeals

WASHINGTON—The Supreme Court agreed Monday to decide next term whether a newsman may refuse to appear before a grand jury that wants information made available to him in confidence by a news source.

The court will tackle this subject in three appeals coming from state courts in Massachusetts and Kentucky and a federal court in San Francisco. Arguments will be held next fall or winter.

The Massachusetts case arose when Paul Pappas, 46, a newsman-cameraman for WTEV-TV in New Bedford, refused to answer questions for a grand jury investigating racial disturbances in New Bedford. He was asked what he was and heard, while at a Black Panther headquarters on July 30, 1970, when trouble was occurring.

The Kentucky case deals with the refusal of a Louisville Courier-Journal reporter, Paul Branzburg, to appear before two grand juries—in Franklin County Frankfort and Jefferson County Louisville—to give information about hashish and pot—the subject matter of two stories written for the paper.

In the third case, New York Times reporter Earl Caldwell, a black, refused to appear before a San Francisco federal grand jury investigating Black Panther activities. Branzburg and Pappas lost appeals in their states' highest courts. But Caldwell won in the 9th U.S. Circuit Court of Appeals.

The 9th circuit said: "where it has been shown that the public's first amendment right to be informed would be jeopardized by requiring a journalist to submit to secret grand jury interrogation the government must respond by demonstrating a compelling need for the witness' presence before judicial process properly can issue to require attendance."

"To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them... this where it has not been shown to be essential to the grand jury inquiry simply cannot be justified in the public interest."

## Hundreds protest Rogers, Hussein talk

BEIRUT—Secretary of State William P. Rogers discussed the Middle East crisis for 2½ hours Monday with King Hussein of Jordan, then flew to Lebanon where authorities took the toughest security precautions ever seen here.

Between 15 and 20 armored cars patrolled the airport buildings when his white Air Force plane touched down at Beirut airport at 4:27 p.m. 10:27 a.m. EDT on the short flight from Amman. Hundreds of security men milled round the area.

In downtown Beirut, hundreds of pro-Palestinian sympathizers gathered for an anti-American demonstration.

Two busloads of police, about 50 in all, stood guard as men, women and youths gathered in the downtown Basta area with microphones and with placards reading "The Rogers peace plan is a stab in the back."

PHNOM PENH—Marshal Lon Nol accepted Cambodia's premiership again Monday under a compromise in which actual power was delegated to his former deputy, Gen. Sisowath Sirik Matak.

The apparent solution to the two-week-old crisis was announced Monday after Brig. Gen. In Tam, president of the national assembly, became the latest candidate to refuse to become prime minister. Sirik Matak accepted the designation "premier delegate" and will preside over three nearly autonomous vice premiers, each of whom will run a group of

Rogers arrived in bright sunshine from his one-day visit to Amman, which he left clapping hands enthusiastically with King Hussein. In a departure from protocol, the 26-year-old Hussein accompanied Rogers to the airport to say farewell.

Hussein earlier had lent Rogers a helicopter for a 2½ hour tour of Jordan, passing sometimes close to the Israeli border. After the 200-mile trip Rogers said, "The most dramatic conclusion one can draw is how senseless the continuation of hostilities would be."

In Beirut, hundreds of steel-helmeted troops with rifles and submachineguns welcomed Rogers. Newsmen at the airport's military section went through metal-detecting devices before being permitted to enter. Travelers were refused entrance.

Troops with submachineguns guarded

hills and high ground around the airport. Officers, perched in the turrets of armored cars, gazed through binoculars at nearby refugee camps. Security sources said it was the most widespread operation ever undertaken here.

All leave has been cancelled since Saturday and security men have been ordered to take tough measures against any persons seeking to disrupt Rogers' visit.

Official Beirut radio broke its complete silence on the visit to report 30 minutes before he arrived that Rogers was due and that he was being met by Foreign Minister Khalil Abou Hanad and high-ranking Foreign Affairs and Information Ministry officials.

Rogers was having separate meetings with President Suleiman Franjeh, Premier Saeb Salam and Abou Hamad before flying to Cairo.

## Former premier regains post

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ministries. Last week he refused to become premier, as did Choup Hell, an adviser to chief of state Cheng Heng.

They had been nominated after Lon Nol resigned and refused April 29 to accept reappointment.

Lon Nol has been the key figure in Cambodia since he and Sirik Matak ousted Prince Norodom Sihanouk on March 18, 1970. He was commander of the army and sometime prime minister under Sihanouk and had built a powerful base of prestige and personal loyalties during the 15-year period.

He suffered a stroke Feb. 8 that left him paralyzed on his left side and hospitalized for two months. He returned April 12, but his bad health and a feud between his brother, Col. Lon Non, and Sirik Matak weakened him. He could work only about one hour a day.

In Tam said Monday he met with assembly delegates while weighing the decision, and conferred Monday with Lon Nol, Sirik Matak, Cheng Heng and Senate President Ong Sim.

The general said it was Lon Nol himself who proposed the formula to settle the 15-day-old cabinet crisis.

## Israel, U.S. differ on opening of Suez Canal

Israeli Ambassador Yitzhak Rabin flew home from Washington Monday and said "differences of opinion" still existed between Israel and the United States on reopening the Suez Canal—the main purpose of U.S. Secretary of State William P. Rogers' mission to the Middle East.

Rogers arrived in Beirut from Amman a few hours later on the third leg of his peace-seeking tour which will be climaxed by two days of talks in Cairo, starting Tuesday, followed by two days of discussions in Jerusalem.

In Cairo, authoritative sources said the firing Sunday of Alwisabry as vice president was purely an internal matter and had no connection with President Anwar Sadat's policies either toward the United States or the Soviet Union.

The Cairo sources said the pro-Soviet Sabry was dismissed by Sadat because of his opposition to the proposed federation

of Arab states, which would link Egypt, Syria and Libya. They said the fact he was fired shortly before Rogers' arrival was "mere coincidence."

In London, diplomatic sources said Sabry's ouster is not likely to cause the Kremlin sleepless nights because Moscow had already written him off. While Sabry had been the Kremlin's confidante and one of the key figures at one stage of the Soviet penetration concept, the sources said he had recently been losing support among the politicians and the military.

It was an obvious reference to reported efforts by Washington to get Israel to ease its plan for reopening the Suez Canal under a partial peace agreement with Egypt.

Rogers was said to be pushing for such an agreement as a possible first step toward an overall settlement of the years-long Arab-Israeli conflict.

Israeli officials said Sadat wrecked any chances of agreement on reopening the canal, blocked since the 1967 war, by his May Day speech in which he said Egyptian troops must cross the waterway if Israeli troops pull back.

## Court upholds dual jury role

WASHINGTON—The Supreme Court ruled Monday that in death penalty cases a jury may constitutionally decide both guilt and punishment at a single sitting.

Of 41 states which have capital punishment, six have separate trials for guilt and punishment. They are

California, Pennsylvania, Connecticut, New York, Texas and Georgia.

The court's 6-3 decision came on an appeal of James Edward Crampton, convicted in 1967 of murder in the death of his wife Wilma in Toledo, Ohio.

At the same time the justices refused also by 6 to 3, to establish guidelines for juries which must decide whether a convicted person is to get a prison sentence or whether he is to be hanged, electrocuted or put to death in a gas chamber.

States have various types of capital punishment but none has been carried out since June 2, 1967. About 624 inmates of death row have been awaiting the opinions.

The court was asked in the Ohio case and in another one from California to fashion standards for determining when the death sentence is applicable, such as an individual's susceptibility to reform and the harm done to the victim.

## Journal wins Pulitzer prize

WINSTON-SALEM, N.C.—On Christmas Eve, 1969, the Winston-Salem Journal disclosed on its front page that a New York company was quietly obtaining options on land for strip mining.

"For the first few days, reaction was fairly apathetic," said Arlene Edwards, the staff reporter who broke the story. "But it was the start of a year of concentrated reporting on strip mining and other environmental issues around the state that Monday won the Pulitzer Prize for the Journal and the Evening Twin-Cities Sentinel."

The stories tried to tell the population of the four counties affected in North Carolina and two in Virginia just what the

mining operation would do to the natural beauty of the region.

Opposition to the project in the area finally became so heated that in April of 1970, the company announced it was abandoning its strip mining plans, and the Journal heralded the decision on its front page.

The staff was jubilant about the prize announcement Monday, and one staff member said for a period "everybody was just sitting around grinning at each other" before they went to work on Tuesday's edition.

Editor Wallace Carroll, under whose direction the two newspapers placed heavy emphasis on environmental coverage, said in addition to the strip mining stories, there were numerous other environmental stories that figured in the Pulitzer entry, including stream pollution and a controversy over development of coastal Bald Head Island.

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