

# A Summary of Supreme Court Actions

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WASHINGTON, Oct. 10 — The Supreme Court took the following actions today:

## AIRPORT NOISE

Agreed to decide if a community may pass a local ordinance outlawing the use of the local airport by jet aircraft during the nighttime hours (No. 71-1637, City of Burbank v. Lockheed Air Terminal, Inc.).

## APPORTIONMENT

Agreed to rule on the constitutionality of the new Connecticut Assembly reapportionment plan, in which the districts were drawn specifically to make it impossible for the Democrats to repeat their earlier feat of winning a majority of the seats without carrying a popular majority (No. 71-1476, Gaffney v. Cummings).

Granted Texas' petition for review of a lower court decision that declared its legislative redistricting unconstitutional because of excessive disparity between the populations of large and small districts and because the election of legislators at-large in San Antonio diluted the representation of Mexican-Americans. (No. 72-147, Bullock v. Regester).

Summarily affirmed a lower court's holding that the system of electing trial court judges in North Carolina, which makes it difficult for Republicans to elect any judges, does not violate the one-man, one-vote doctrine (No. 71-1416, Holshouser v. Scott).

## CRIMINAL LAW

Agreed to rule on the constitutionality of the District of Columbia and placed some felony trials in newly formed superior courts rather than the district courts, where Federal felonies are tried in the 50 states (No. 72-11, *Palmore v. United States*).

Agreed to decide if a convicted person may raise for the first time in a habeas corpus petition filed after his trial the assertion that Negroes were systematically excluded from the grand jury that indicated him (No. 71-6481, *Davis v. United States*).

Agreed to decide if persons held in jail as material witnesses in a Federal case must be paid the usual \$21-a-day witness fee for each day of incarceration (No. 71-6742, *Hertardo v. United States*).

## ELECTIONS

Overtaken on mootness grounds decisions issued in July by the United States Court of Appeals for the District of Columbia—but quickly stayed by the Supreme Court—that would have required the Democratic National Convention to follow its new reform rules in seating disputed delegations (No. 72-34, *O'Brien v. Brown*; No. 72-35, *Keane v. national Democratic party*).

## HOMOSEXUALS

Let stand a Minnesota court's ruling that it was not unconstitutional for the state to refuse to issue license for a marriage between two men (No. 71-1027, *Baker v. Nelson*).

## JURIES

Agreed to decide if juries of less than 12 members are constitutional in Federal civil cases, in view of the Seventh Amendment's guarantee of a jury trial in all suits involving more than \$20 (No. 71-1442, *Colgrove v. Battin*).

## LABOR

Agreed to decide if large real estate management concerns are excused from paying the legal minimum wages to janitorial workers in individual buildings that are each too small to be covered by the minimum wage laws (No. 1598, *Hodgson v. Arnheim and Neely, Inc.*).

## LAND

Agreed to decide if Louisiana can constitutionally strip the United States of ownership in mineral rights beneath land previously obtained by the Federal Government for a bird refuge (No. 71-1459, *United States v. Little Lake Misere Land Co., Inc.*).

## POLICE

Agreed to decide if persons who accuse the police of brutality may sue the city or county in Federal court for damages for violations of civil rights in states where the law permits suits against governmental units (No. 72-10, *Moor v. County of Alameda*).

## SCHOOLS

Summarily affirmed a lower court decision declaring unconstitutional a 1971 Ohio law that reimbursed parents \$90 a year for each child sent to a private or parochial school (No. 71-1664, *Essex v. Welman*).

Agreed to rule on the constitutionality of a Mississippi law that allows state-owned textbooks to be lent to the children in all-white private academies that were set up after the public schools were desegregated (No. 72-77, *Norwood v. Harrison*).

Let stand a court of appeals' refusal to review a trial judge's decision that the pub-

lic schools of Detroit are unlawfully segregated, on the ground that the trial judge has not yet issued a final busing order (No. 71-1463, *Miliken v. Bradley*).

## SEX DISCRIMINATION

Agreed to rule on the constitutionality of laws and regulations that deny the husbands of female members of the armed forces the same housing and medical benefits that the wives of servicemen receive (No. 17-1694, *Frontiere v. Laird*).

Let stand a lower court's holding that a female officer in the Salvation Army cannot invoke the Federal civil rights law's equal pay provisions because she is a volunteer "minister" and not an employe of the Salvation Army (No. 72-134, *McClure v. Salvation Army*).

## SOCIAL SECURITY

Agreed to decide if a person receiving Social Security disability payments who adopts a child may receive the additional benefits that would be paid for a natural-born child (No. 71-6698, *Morris v. Richardson*).

## TAXATION

Agreed to decide if the value of mutual funds for Federal estate tax purposes should be calculated according to the "asked" price or the "bid" price (No. 71-1665, *United States v. Cartwright*).

Granted the Government's appeal of a lower court ruling that would allow a defendant accused of the felony of willfully filing a false income tax return to be convicted only of a misdemeanor if the jury finds that he was only careless (No. 71-1698, *United States v. Bishop*).