A Summary of Actions Taken by the United States Supreme Court on a Variety of Matters

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WASHINGTON, Nov. 17— The Supreme Court took the following actions today:

ABORTION

It agreed to decide whether states may forbid single women under the age of 18 to get abortions without the consent of both parents or, if one parent refuses consent, without getting a court order permitting the abortion. In the cases the Court agreed to review, Belloti v. Baird, No. 75-73, and Hunerwadel v. Baird, No. 75-109, a three-Judge Federal court ruled 2 to 1 that the Massachusetts abortion law requiring such consent was unconstitutional.

The cases arose when a young woman, given the name "Mary Moe" for the litigation, asked the court to allow her to have an abortion without the required consent. The two-judge majority noted, "Her father had told her, in connection with the pregnancy of a contemporary friend, that if that happened to her he would evict her and kill her boy friend." The state is appealing the court's decision in favor of the girl, arguing that the law accommodates both the rights of young women and the rights of parents.

ARMED FORCES

Following the suggestion of Solicitor General Robert H. Bork, the Court declined to review a ruling by the Court of Claims dismissing a suit seeking damages for the death of a 17-year-old serviceman in iVetnam. The youth's parents had brought the case, arguing that the reason they consented to their son's elistment — consent that was required because of his age — was that they believed he was protected by a Defense Department minimum-age limit on the assignment of a soldier to a combat zone.

The Court of Claims said that the suit raised a tort claim rather than a contract claim, and that it had no jurisdiction over such torts. Mr. Bork argued: "The regulation involved here merely provides that individuals who have not attained their 18th birthday are not eligible for assignment to a hostile fire zone. It in no way gives an individual under 18 who is sent to a combat zone in violation of the regulation a right to compensation for the Army's failure to follow the regulation." (Bibbs v. United States, No. 75-274.)

CRIMINAL

Over the angry dissent of Justices William J. Brennan Jr. and Thurgood Marshall, and a separate dissent by Justice Potter Stewart, the Court reversed a lower Federal court ruling on the question of the test of unconstitutional vagueness. The lower court had found that Tennessee's "crimes against nature" statute did not give adequate notice that it applied to the act of cunnilingus and had thus reversed a conviction based on that act (Rose v. Locke, No. 74-1451).

News Article Page 20

The Court also reversed a holding by the New York Court of Appeals that a defendant waives his double jeopardy claim, of being prosecuted twice for the same offense, when he pleads guilty to the charges in the second prosecution (Menna v. New York, No. 75-5401).

The Court sent the case back to the New York court for a determination of the double jeopardy claim on the merits. Justice Brennan stated that he would have reversed the conviction "outright," without remand. Chief Justice Warren E. Burger and Justice William H. Rehnquist would have heard argument on the case.

At the urging of the Solicitor General, the Court agreed to consider a question involving a prosecutor's duty to provide the defense with exculpatory material: Whether the defendant is deprived of due process when the prosecutor fails to hand over possible exculpatory evidence when he believes it immaterial and where fhe defense, while aware of th possibility that such evidence exists, has not requested it (United States v. Agur, No. 75-491).

DOCTORS

The court affirmed without comment a lower Federal court ruling that upheld as constitutional the system of a nationwide "medical utilization review" created to monitor doctors' and hospitals' treatment of Medicare and Medicaid patients (Association of American Physicians and Surgeons v. Mathews, No. 75-361).

News Article Page 1

ELECTIONS

The Court affirmed without comment two lower Federal court rulings, each by a three-judge court, regarding requirements for candidates.

In one. the lower court upheld the Arkansas requirement that candidates for city director, in cities that have a city-manager form of government, be at least 30 years old. The state has no such requirement for candidates for city councilmen, in cities that have a mayor-council form of government. Two youthful would-be candidates challenged the age requirement as a denial of equal protection of the laws (Whitehead v. Westbrook, No. 75-168.)

In Bush v. Sebesta, No. 75-497, the lower court had sustained certain Florida provisions regarding getting a place on the ballot. These were a single 21-day period in which to gather nominating petitions; a requirement that the candidate get signatures equal to 5 percent of the registered voters of his or her party in the district, whether it is a single member district or a multimember district; and a filing feel equal to 5 percent of the salary of the office sought, most of it to be given to the party.

The court declined to review a case in which a Federal court had struck down the Illinois requirement that to get on the ballot a "new party"—one that got less than 5 percent of the vote in the preceding election—must get 25,000 signatures, a total that may not include more than 13,000 per county (State Board of Elections of Illinois v. Communist Party of Illinois, No. 75-474).

OBSCENITY

Over the dissents of Justices Brennan, Stewart and Marshall, the Court vacated a lower Federal court ruling that had struck down as unconstitutional a new Indiana obscenity law. The Court remanded the case for "further consideration" by the Federal court of an earlier Supreme Court ruling that limited the power of the Federal courts to interfere with state proceedings (Sendak v. Nihiser, No. 74-1165).

SCHOOL DESEGREGATION

Over the dissents of Justice Rehnquist, Chief Justice Burger and Justice Lewis F. Powell Jr., the Court affirmed without comment a lower Federal court ruling that could ultimately lead to busing children between the City of Wilmington Del., and its suburbs. (Buchanan v. Evans, No. 74-1418).

News Article Page 17

The Court declined to review a Federal appeals court ruling that required the development of a more extensive desegregation plan for the schools of Montgomery, Ala., than a Federal district court had agreed to (Carr v. Montgomery County board of Education, No. 75-476).

SEX DISCRIMINATION

The Court ruled that states may not refuse to provide unemployment compensation to all women in the third trimester of pregnancy, and the first six weeks after birth, on the presumption that all such women are unable to work (Turner v Dept. of Employment Security, NO. 74-312). Justice Rehnquist dissented; Chief Justice Burger and Justi Blackmun would have heard oral arguments on the case.

News Article Page 1