

Photocopy copyrights undecided

WASHINGTON (AP) — The Supreme Court deadlocked on the issue of library photocopying Tuesday, apparently leaving the issue to be settled by Congress, a presidential commission or negotiations.

In an unsigned order, the court upheld by a 4-4 vote a U.S. Court of Claims decision permitting two government libraries to give out free copies of medical journal articles without paying royalties. But the vote sets no precedent for similar cases.

The photocopying case was brought by the Williams & Wilkins Co., a small medical and scientific publisher in Baltimore. Williams & Wilkins challenged photocopying practices of the National Institutes of Health and National Library of Medicine. The agencies, like many libraries, fill requests of patrons by copying entire articles from journals.

Spokesmen for librarians and publishers, who had hoped the court would resolve a longstanding dispute over photocopying practices, expressed disappointment.

"All this does is decide the particular case before the court," said Philip B. Brown, attorney for a group of research libraries. "The question of photocopying now depends on what Congress does."

Arthur B. Hanson, attorney for the American Chemical Society which publishes scientific journals, called the decision "incredible."

A pending copyright revision bill would authorize libraries to make single copies of copyrighted works, but would bar "systematic reproduction or distribution" without payment of royalties.

The bill passed the Senate but not the House in the last Congress. Backers of the bill plan to press for early passage in the current Congress.

A separate bill, which passed both houses last year, called for President Ford to name a 13-member commission to study the question for three years. The White House said Tuesday it probably will be another month before Ford makes the appointments.

In other cases, the court: Ruled 5-4 that students can collect damages under certain circumstances when public school authorities violate their constitutional rights.

Spelled out guidelines governing a prosecutor's right to appeal trial court decisions dismissing criminal charges.

Justice Byron R. White spoke for the Supreme Court in the students' rights case, holding that "an act violating a student's constitutional rights can be no more justified by ignorance or disregard of settled, indisputable law on the part of one entrusted with the supervision of students' daily lives than by the presence of actual malice."

But White said a school official would be liable for damages only if he "acted with such an impermissible motivation or with disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith."

The case originated with the suspension of three 10th grade girls at the Mena, Ark., high school after they spiked the punch at a home economics class party in February 1972. The girls were suspended for the remainder of the school year.

A federal judge held that the school board was immune from damage suits brought on behalf of the girls. The U.S. circuit court in St. Louis disagreed and sent the case back for trial on the question of damages.

Corps weekend includes review, Elephant Bowl

Military Day will feature the Corps of Cadets here Saturday.

A formal review, dances, the Elephant Bowl and visit of Brig. Gen. George R. Harper representing the Texas Army National Guard are planned.

Company W-1, the women's ROTC unit, will be in the Memorial Student Center drill field review. Parsons Mounted Cavalry will conclude the line of march. The Fish Drill Team will be in Austin competition.

Dances at Duncan Hall Friday will begin the weekend. The dances featuring Country and Western music in one wing and rock in the other side of Duncan, will follow the Town Hall show of Olivia Newton-John and Albert Hammond.

Corps units assemble on the drill field shortly after noon. Corps Commander Rickey Gray of Dallas will present the corps to Gen. Harper, 1954 A&M graduate, at 1:30 p.m.

The Elephant Bowl, matching an Army-Navy-Marine team against Air Force cadets, kicks off at Kyle Field at 4 p.m. The formal Military Ball is planned for the MSC Ballroom area Saturday evening.

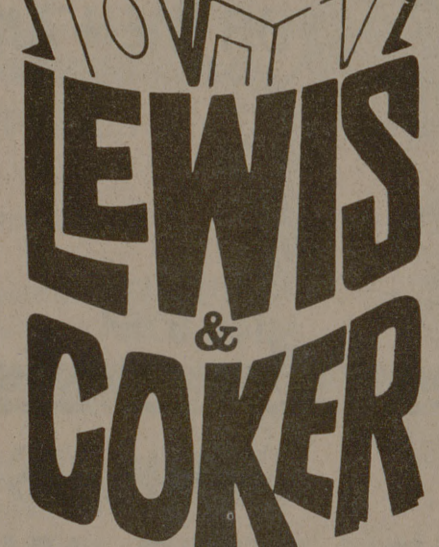
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