

# Wiretapping Left in Confused Legal Status by Court Verdicts

Washington — (UPI) — Eavesdropping on private telephone conversations by tapping wires is a technique that law enforcement officers find extremely useful.

But is it legal? The way things stand now, it is all right under some circumstances and all wrong under others. A series of court decisions and legislative enactments have left wiretapping in a weird and confused legal status.

The legal confusion started more than 30 years ago with the conspiracy conviction of a Seattle, Wash., bootlegger named Roy Olmstead.

At his trial, the government introduced evidence obtained by tapping Olmstead's office telephone. His lawyer argued that this invasion of Olmstead's privacy violated the Fourth Amendment to the Constitution, which protects Americans against "unreasonable searches and seizures."

The amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects."

The Supreme Court in 1928 upheld Olmstead's conviction by a 5-4 vote. The majority said the Fourth Amendment refers to material things not to "evidence secured by the sense of hearing."

In cases similar to Olmstead's which have reached the high court in recent years, some justices have disputed the 1928 ruling. Among them were Felix Frankfurter and William O. Douglas, who are still on the bench.

Edward Bennett Williams, the famous defense lawyer, now is giving the issue another whirl. He is waiting for a decision by the U.S. Court of Appeals here in a big gambling case marked by government eavesdropping. The ruling can then be appealed to the Supreme Court.

A decision that wiretapping or eavesdropping is unconstitutional would relieve the confusion engendered by Congressional passage in 1934 of the Federal Communications Act. That law makes it a crime for anyone to tap telephone lines and divulge what is heard.

**Ruled Not Admissible**

In 1937, the Supreme Court ruled that the act applies to Federal agents and that wiretap evidence is not admissible in Federal courts. It reversed the convictions of some alcohol smugglers headed by Frank C. Nardone, against whom wiretap evidence had been used.

Later, the court expanded this concept to cover evidence

drawn indirectly from wiretapping as well as transcripts of intrastate messages.

Next came questions about state court practices. The Supreme Court ruled 8-1 in 1952 that wiretap evidence may be admitted in state courts despite its exclusion in Federal courts.

Meanwhile, some states passed laws permitting wiretapping by law enforcement officials. New York state amended its constitution to permit wiretapping by state and local officials.

In its last important ruling on the subject, the Supreme court in 1957 held 9-0 that wiretap evidence obtained by state officers may not be used in Federal criminal trials.

The ruling also made clear that local police are open to prosecution under the Federal Communications act if they divulge what they hear over a tapped wire.

**Prosecution Not Tried**

The Justice department, however, has never attempted to prosecute state officers who testify in state courts about wiretap evidence. The FBI, the department's own

investigative arm, does a good bit of wiretapping itself. It acts on specific, written authority of the U.S. Attorney General. A department spokesman said the practice has been in effect since World War II with the approval of the President, it is used only in kidnaping and national security cases such as espionage. Presumably, the material could legally be used for security purposes but not as evidence.

Former Attorney General Herbert Brownell asked Congress in 1952 to authorize introduction of wiretap evidence in Federal courts. But the legislation was never passed. Attorney General William P. Rogers has not repeated the request.

The Senate Constitutional Rights subcommittee recently held public hearings on the wiretap controversy. It heard sharply conflicting views.

Paul W. Williams, former U.S. attorney for southern New York, said the FBI, narcotics agents and other Federal law enforcement officials are "fighting with one hand tied behind their back" because they cannot use wiretap evidence in the Federal courts. He urged passage of a law similar to what Brownell recommended.

But Harris B. Steinberg, former New York state prosecutor, told the committee that electronic eavesdropping is "a dirty business" and the government should not allow representatives of the law to stoop to it.

# Executives Among Newcomers Here

More than 15,000 persons who are newcomers to Medford were contacted last year by the Newcomers Service, according to Mrs. Olive K. Lory, owner and operator of the Medford business.

Of these persons nearly 3,000 employed families who are now permanent residents were reviewed.

Mrs. Lory reported that of the permanent families contacted 24.4 per cent had executives or professional persons as head of the family; 10.3 per cent operated their own business, and 35.6 per cent were skilled workers.

There was a noted increase in retired families in which the head of the household was under 60 years of age. The retired group totaled 6 per cent, it was stated.

Of the new families contacted 21.4 per cent bought homes immediately; 17.6 per cent expressed plans to buy; and 4 per cent said that they planned to build and were looking for suitable sites.

These families had 474 preschool children and 550 children from 6 to 18 years of age. Making personal contacts for the Newcomers Service are Mrs. Douglas Roach, assisted by Mrs. Ronald Hall.

London — (UPI) — Soviet scientists have discovered a new drug which "completely cures the paralysis caused by polio," Radio Moscow said Sunday. The broadcast said the drug, known as Karantinin, was processed from a perennial herb found growing in central Asia.

# Private Investigator Relates Beatnik Life

San Francisco — (UPI) — A private investigator who gathered evidence for a major narcotics raid in the North Beach district here, estimated today that 75 per cent of the beatnik inhabitants of the area smoke marijuana at some time or another.

Robert A. Estes, 29, a former professional baseball player, lived as a beatnik with two state agents to gain evidence that resulted in 23 arrests in nightlong raids Friday.

He told of being forced to take part in robberies and witnessing sex orgies while gathering evidence.

Estes grew a beard, wrote poetry and sat on the sidewalk playing a harmonica while acting his Bohemian role. He admitted that his fellow beatniks did not like his poetry and found it "too square."

**Smoke Marijuana**

"I estimate that 75 per cent of the beatniks on the Beach smoke weed (marijuana) at some time or another," Estes said today. "I hate what dope does to people. I will for the rest of my life."

He said that he and state Agents Jack Sutton and Henry Lopez were forced to go

along on robberies or lose their status with the beatniks. In one case, he said, they managed to tip police so that their companions were arrested.

He said he attended a party at the house of a prostitute in the Fillmore District.

**30 at Party**

"There were about 30 people there. By midnight, there was weed all over the place," he said. "In the bedroom, there were six guys and one girl. We were in a fix. We were undercover, yet this girl was being raped. Finally we persuaded two of the other girls to help her."

"They started putting her clothes back on, but the hostess shouldered them aside. She took the girl to her car and drove her to a hotel. She sold the room key to a man and he stayed all night," Estes said.

What is Estes' opinion of the city's much-discussed beatnik population?

"For my money, they're dirty, they're lazy, they're bums and they're crooks," he said. "For the most part they have a deep inferiority complex that only disappears when they mix together."

Four separate makes of cars—each offering from 6 to 24 different series and models—were produced for the first time in 1959 by the major U. S. auto manufacturers.



**exciting mate with meat!**

## In the Day's News

By FRANK JENKINS

This is a strange world, and the news it produces every day is a strange mixture. There is the case, for instance, of little Vicki Pilgrim and her algae cookies.

**VICKI'S** father is the head of the BIOCHEMISTRY unit of the Boeing Airplane Company, in Seattle. What's his biochemistry? Webster tells us it is "the chemistry of plant and animal life."

That prompts another question: Why is Boeing, whose chief business is building airplanes (the bigger the better), and missiles, interested in biochemistry to the extent of maintaining a biochemical unit headed by a distinguished biochemist?

**IT'S A LONG** story. We'll merely brief it here.

Boeing is interested in missiles. Missiles (in addition to carrying warheads that can blow our enemies, if they get too brash, into Kingdom Come) are the vehicles by means of which space travelers hope eventually to reach the unknown worlds that spin in outer space.

This is the point: If mundane travelers (mundane meaning of or pertaining to THIS world) are to reach these other worlds that spin in outer space, THEY MUST HAVE SOMETHING MUNDANE TO EAT ON THE WAY THERE AND BACK.

**THAT'S WHERE** Dr. Pilgrim and his Boeing biochemical unit come in. He thinks that maybe ALGAE may be IT. Algae is not only a possible source of food for mundane beings. It is also a possible source of OXYGEN, which mundane creatures must also have if they are to go on living.

So he has been fooling around with it in his biochemical laboratory (we lowbrows call it fooling around; the scientists call it researching). Dr. Pilgrim's research has made one thing plain to him. Algae has a drawback. Its drawback is that it looks like scum and tastes like hay. If space travelers are to take to it willingly, it must be improved.

As nearly as one can gather from the souped-up story when a Seattle feature writer got through with it, Dr. Pilgrim blanched some of the green stuff under fluorescent lights, and it came out looking somewhat like ordinary white flour.

**THAT'S WHERE** Vicki comes in. She baked some of the green stuff and some of the white stuff into cookies. The green ones came out of the oven still looking like scum and tasting like hay, but the white stuff came out LOOKING LIKE COOKIES AND TASTING LIKE COOKIES.

So— You see— A long step forward in the conquest of outer space may have been taken—and all because of a little girl who liked to put on her apron and fool around in the kitchen. The next time YOUR little girl wants to fool around in the kitchen, don't discourage her. You never can tell what may come of it.

**IN CONCLUSION** a thought: Here in our State of Jefferson, this algae business interests us. In Upper Klamath Lake and the lakes down in California's Lake county we have enough of it, it sometimes seems to us, to feed all the space travelers that may ever take off into the far reaches of outer space.

## Eagle Point Girl Is State 4-H Winner

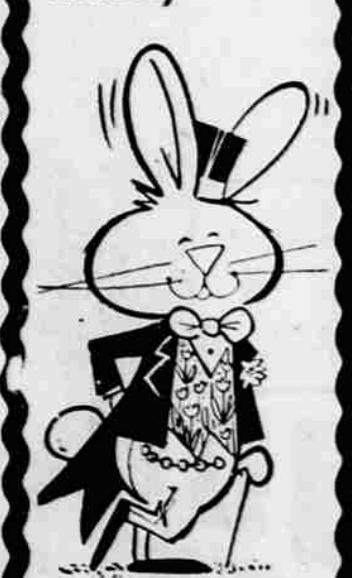
Two Oregon 4-H members are winners of state honors in the citizenship program, it has been announced.

Patsy Charley, Eagle Point, and David Schaad, La Grange, each received a certificate of honor awarded by the Cooperative Extension Service, Chicago, in memory of Thomas E. Wilson.

Miss Charley is an office holder and junior leader of local 4-H clubs. A senior at Crater High school, her award was based on her team work and assistance in Jackson county projects as well as at the state fair.

Schaad is a student at Oregon State college and has been active in 4-H work for 10 years.

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## Try and Stop Me

By BENNETT CERF

**GEORGE HOUDESH**, of York, Pa., turning 78 but spry as any rock 'n' roller, has been eavesdropping on some very old conversations, to hear him tell it:

1. The cowboy who entered a record shop and announced, "I want to get a long little doggie." He was told, "You're in the wrong store, son; go to that pet shop over there and ask for a dachshund."

2. The meeting between Mr. Stone and Mr. Wood. Said Wood, "How are Mrs. Stone and all the little Pebbles?" Answered Stone, "Fine. And how are Mrs. Wood and all the little Splinters?"

Mr. H's grandson had a friend who boasted, "My grandpa's 75 years old." "That's nothing at all," scoffed young Houdeshel. "My grandpa's an octogenarium."

Mama, who knew her young son very well, had one last instruction for him before he went off to a classmate's birthday party: "Now don't you forget. Before you come home, go up to your classmate's mama and apologize!"

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2 tablespoons butter  
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1 tablespoon instant minced onion  
1 clove garlic, minced  
1/2 pound mushrooms, sliced  
1/4 cup dry red wine

**JUICE 1 lemon**  
2 beef bouillon cubes  
1 cup water  
2 cups uncooked wide noodles  
Salt and pepper  
1 cup sour cream  
Paprika  
Chopped parsley

Melt butter; add beef, onion, garlic, and mushrooms. Cook until meat loses its red color, stirring with fork to break up meat. Add wine, lemon juice, bouillon cubes, and water. Simmer, uncovered, 10 minutes. Add noodles, cover, and simmer about 15 minutes, or until noodles are tender, adding more water if necessary. Season with salt and pepper. Stir in sour cream, and heat gently. Sprinkle with paprika and parsley. Makes 4 servings.

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