

# Drug Wiretap Data Rejected for Trial

4/31/71

By Bart Barnes

Washington Post Staff Writer

A federal judge held yesterday that government agents had violated the rights of 14 suspects in a major narcotics conspiracy case here last year through "indiscriminate" use of wiretap procedures.

The ruling, by District Court Judge Joseph C. Waddy, blocks the government from using any evidence resulting from the wiretaps against the 14 defendants.

Assistant U.S. Attorney Donald T. Bucklin said the government's case against the 14 stems almost entirely from the wiretaps. He said an appeal is being considered.

Judge Waddy held that the suspects' rights had been violated when government agents failed to comply with rules that steps be taken to "minimize the interception" of conversations unrelated to narcotics transactions.

But he rejected defense contentions that the wiretap authorization section of the Safe Streets Act of 1968 should be declared an unconstitutional invasion of privacy.

The arrests on which yesterday's decision was based occurred Feb. 24, 1970, when more than 100 policemen raided 15 locations around the city. They seized a record \$500,000 worth of suspected heroin, five automobiles, two motorcycles and 12 firearms, including sawed-off shotguns and handguns.

Twenty-three persons were arrested, but nine of the cases, including juveniles and persons who were charged with being present in an illegal establishment, have been disposed of.

In a press conference at the time, U.S. Attorney Thomas A. Flannery announced the raids had "disrupted an entire network of narcotics distribution in Washington."

See WIRETAP, C9, Col. 1

## Judge Bars Wiretap Data In Drug Case

### WIRETAP, From C1

He called the wiretaps of "great usefulness . . . in smashing such interstate narcotics wholesale operations which cannot otherwise be detected."

Wiretaps had been installed by city and federal narcotics agents, with court approval, at two locations: an apartment at 1425 N. St. NW and a \$40,000 brick house at 5195 Linnean Ter., in the heart of Washington's affluent upper Northwest, authorities said.

### Unrelated Calls Cited

But in his decision yesterday, Judge Waddy noted that 60 per cent of the calls from the tapped telephones were unrelated to narcotics transactions and he said efforts should have been made to refrain from monitoring some of these calls.

In one instance, he noted, the government agents monitored calls from one defendant to the weather bureau to hear a recorded weather forecast.

In another case, several calls between another defendant and her mother were monitored, although the mother was never suspected of involvement in any narcotics conspiracy, he said.

Yesterday's decision contrasts with a ruling Sept. 21 by Judge Aubrey E. Robinson permitting use of wiretap evidence in another narcotics conspiracy-based trial stemming from arrests during the summer of 1969.

In that case, however, testimony indicated a larger percentage of the calls to and from the tapped telephones related to narcotics transactions.

The house at Linnean Terrace where one of the tapped telephones was located was lived in by Albert H. Lee, 37, and Teri A. Lee, 29. The telephone at the N Street apartment was listed to Geneva Jenkins, 25, and, the government contended, was used by Burnis Lee Thurmon, 37.

The other defendants in the case are Frank R. Scott, 39; Reginald C. Jackson, 43; Leroy Houston no age given, George Jenkins, 49; Alfred D. Spencer, 32; Bernard Smith, 29; Johnny Duval Williams, 34; Costello V. Williams, Chloe V. Daviage, 22; and Evelyn A. Abston, 38, all of Washington.