

Court Voids Warrant Texas Used To Seize Alleged Pro-Red Books

The Supreme Court yesterday struck down a warrant under which Texas authorities seized about 2000 asserted pro-Communist books and pamphlets from the residence of John W. Stamford Jr. in San Antonio. The action was unanimous.

Justice Potter Stewart, writing the Court's opinion, said the warrant was invalid because it did not comply with the requirement by the Federal Constitution that things to be seized must be described with particularity.

Stamford, in appealing to the Supreme Court, raised a number of questions, but the tribunal confined its decision to the issue of the validity of the warrant.

Stewart said, "The constitutional impossibility of leaving the protection of those freedoms (guaranteed by the First Amendment) to the whim of the officers charged with executing the warrant is dramatically underscored by what the officers saw fit to seize under the warrant in this case."

Stewart added that the Constitution "guarantees to John Stamford that no official of the State shall ransack his home and seize his books and papers under the unbridled authority of a general warrant."

In addition to the books and pamphlets, Texas officials seized a mailing list and other papers on Dec. 27, 1963. The day before, Stamford had been served with a Federal order to register as a member of the Communist Party as required by the Subversive Activities Control Act of 1950.

FAIR TRIAL

The Supreme Court set aside a Louisiana murder conviction because two deputy sheriffs who were principal prosecution witnesses were also in charge of handling the trial jury.

Justice Stewart delivered the 8-to-1 decision.

Justice Tom C. Clark wrote a dissenting opinion.

The decision was given on an appeal by Wayne Turner, who is under death sentence in the holdup killing of Albert Young, an attendant at a gasoline service station near Hammond, La. Young was shot Oct. 7, 1960.

Counsel for Turner contended that the condemned man did not have a fair trial because Deputy Sheriffs Hulon Simmons and Vincent Rispono had given vital testimony for the prosecution and had also taken the jury into custody, "sleeping, eating and associating with the jury during the course of the trial."

Counsel for Turner in the appeal said he signed a confession and "no one doubts that Albert Young died at the hand of Wayne Turner."

Stewart's opinion said that the role that Simmons and Rispono played as deputies made their association in the case prejudicial.

Clark's dissenting opinion said, "If I were sitting on the Supreme Court of Louisiana, I would vote to reverse it (the everything possible to put a stop to the practice of permitting an officer who testifies in a case also to be in charge of the jury.

"However, I cannot say that where no prejudice whatever is shown—as is the case here—the practice reaches Federal due process proportions."

The case was sent back to the Louisiana courts "for further proceedings." The State apparently can put Turner on trial again if it so desires.

RED PROPAGANDA

The Supreme Court refused to examine a New York case testing the validity of a 1962 law restricting mail delivery of "Communist political propaganda" from other countries.

The Court already has accepted for review a challenge to the statute by Corliss Lamont, who does business in

New York under the name Basic Pamphlets.

Yesterday's case was started by David McReynolds and a Cambridge, Mass., sociologist, Fritz Pappenheim.

The law provides that unsealed mail from certain countries will not be delivered unless the addressee returns a card signifying his desire to receive it.

McReynolds received a notice from the post office about a publication addressed to him entitled "The Crusaders." Pappenheim's problem stemmed from a collection of books and pamphlets he bought at a New York bookstore. They were mailed to his home in December, 1963.

He did not return the card but addressed two letters of inquiry to the post office and finally received the package on March 6, 1964.

The fact that the package was mailed in this country makes the case differ from Lamont's. There is also an additional new detail. McReynolds says he has another copy of "The Crusaders" that he wishes to send to someone, but is restrained from doing so because he does not wish to subject the addressee to the procedure required under the law.

A Federal district court in New York dismissed the case on the basis of the earlier Lamont decision there.