

'Bugging' Suit Lost By Couple

By Raymond Smith

Special to The Washington Post

LACONIA, N.H., Feb. 4 —

A jury today threw out a \$125,000 damage suit by a young couple who claimed their bedroom had been bugged by their landlord-neighbor.

Instead, the jury of ten men and two women allowed a \$1125 counter-claim for back rent filed by the landlord against Carl and Mae Hamberger, who now live in Barrington, R.I.

The decision, reached after three hours of deliberation, was in accord with public sentiment in this New England town, where Clifford C. Eastman, the landlord, is regarded as an upright family man, good poultry farmer, and valued member of the Married Farmers Club. Even Mrs. Hamberger's father testified as a character witness for Eastman.

In his charge to the jury, Belknap County Superior Court Justice William W. Keller defined the right of privacy as "the right to be let alone" and a part of the "right to liberty and the pursuit of

happiness."

A wrongful intrusion on a person's solitude and seclusion, he said, would be one that would "outrage or embarrass a person of ordinary sensitivity."

In his instructions to the jury, Justice Keller listed four elements that had to be proved by the Hambergers for their suit: (1) that they found a speaker-mike beneath the hot-air register of their bedroom; (2) that Eastman placed it without their knowledge and consent; (3) that Eastman put it in that location for the purpose of hearing noises in the bedroom, and (4) that the device was capable of transmitting conversation.

He said it was not necessary to prove that anybody actually heard conversations from the bedroom.

The jurors were told that if they accepted Eastman's contention that the speaker was to monitor a water pump, then they had to allow the landlord's counter-claim for back rent against the Hambergers.

Peter Makris, attorney for the Hambergers, said he hadn't made up his mind whether to appeal the verdict.