

'Mail Cover'

Ruling on Postal Surveillance

Washington

The Supreme Court refused yesterday to re-examine the constitutionality of a surveillance system under which the Postal Service gives law enforcement agents information from the outside of letters.

Courts in the past have upheld the use of such "mail cover" surveillance of letters to targeted addresses without requiring a search warrant.

But a federal judge in California ruled, in a case involving Dennis Roy Choate of Long Beach, that "mail covers" are subject to the warrant requirements of the Constitution's Fourth Amendment.

The judge held that the law on this subject was changed by a supreme court decision in 1967 extending the Fourth Amendment's guarantee against unreasonable search and seizure to such things as telephone calls and real property.

The U.S. Court of Appeals for

Freeway Driver A Gunshot Victim

Los Angeles

A motorist remained in serious condition yesterday after his car left the Golden State freeway and crashed into the dry bed of the Los Angeles river over the weekend.

Police said there was a possibility Randolph Mims, address unknown, may have been the victim of a sniper.

United Press

the Ninth Circuit reversed the judge 2 to 1, saying that — unlike a private talk or the contents of a sealed letter — there is no "reasonable expectation" that information on the outside of an envelope will go unobserved.

Circuit Judge Shirley Hufsteler was the dissenter, saying, "None of us can be secure from similar, unannounced governmental inva-

sions of areas in which we have a reasonable expectation of privacy."

The Supreme Court upheld the appeals court majority.

Postal inspectors may order "mail cover" surveillance at the request of a law enforcement agency that says it needs the information to protect national security, locate a fugitive or obtain evidence on commission of a crime.

Postal employees then record information from the outside of first class mail and sometimes check the contents of other classes of mail going to a targeted address.

Public interest lawyers representing Choate in this case argued that "mail covers" represent search and seizure, subject to the constitution's Fourth Amendment warrant requirement.

They said the case was of "enormous importance," noting that about 9130 mail covers were used during 1973-74 alone.

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