

Supreme Court Reverses Search Warrant Ruling

Health, Fire Inspectors
Must Obtain Permit

By BARRY SCHWEID
WASHINGTON (AP) — City

health, fire and building inspectors must obtain search warrants before they can enter a man's home over his objections, the Supreme Court ruled Monday.

"Except in certain carefully defined classes of cases," Justice Byron R. White said in the 6-3 decision, "a search of private property without proper consent is unreasonable unless it has been authorized by a valid search warrant."

In a companion 6-3 decision the court applied the warrant requirements to business establishments as well as private homes and apartments.

CLARK DISSENTS

Justice Tom C. Clark, in bitter dissent, said the majority struck down hundreds of city ordinances which permitted inspections without warrants, "jeopardizing thereby the health, welfare and safety of literally millions of people."

The ruling, Clark said, "prostitutes the command of the 4th Amendment that 'no warrants shall issue, but upon probable cause' and sets up in the health and safety codes area inspection a new fangled 'warrant' system that is entirely foreign to 4th Amendment standards."

The ruling reversed a 1959 Supreme Court decision that had sanctioned health and safety inspections of private residences without warrants.

The twin rulings served to strengthen the right of privacy that stems from the 4th Amendment to the U.S. Constitution. The majority with White was formed by Chief Justice Earl Warren and Justices Hugo L. Black, William O. Douglas, Wil-

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liam J. Brennan Jr. and Abe Fortas. Justices John M. Harlan and Potter Stewart dissented with Clark.

White outlined the need for search warrants, issued by "a neutral magistrate," this way: "Under the present system, when the inspector demands entry, the occupant has no way of knowing whether enforcement of the municipal code involved requires inspection of his premises, no way of knowing the lawful limits of the inspector's power to search, and no way of knowing whether the inspector himself is acting under proper authorization."

SITUATIONS GIVEN

The emergency situations that would justify quick inspections without search warrants, White said, include seizure of unwholesome food, compulsory small-pox vaccination, health quarantine and destruction of tubercular cattle.

The court, heading toward probable adjournment next Monday, announced significant rulings in the power, labor and anti-unist areas.

—By a 6-2 vote it barred immediate construction by a private power group of a major dam on the Snake River between Idaho and Oregon.

The Federal Power Commission, which had awarded a 50-year license for construction of the dam at the High Mountain Sheep site to the Pacific Northwest Power Co. in 1964, was di-

rected to examine "neglected phases" of the case.

These include, Douglas said, future power demand and supply in the area, alternate sources of power, the public interest in preserving wild rivers and wilderness areas, the preservation of fish for commercial and recreational purposes and the protection of wildlife.

—By a 6-3 vote the court ruled labor unions may be sued for

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damages wherever they do business—rather than only in their headquarters cities.

—in a 7-2 decision the court told the Interstate Commerce

Commission to reconsider its 1965 action in allowing the Greyhound Co. to acquire 500,000 shares—20 per cent—of Railway

Express Agency Inc., with a 60- court said.

one million shares. The ICC must consider competitive factors of the deal, the court said.