

27 Jan 74

Additional note on memo sent you two mailings back (10 Jan?), beginning "April, 1971, was the month in which the Supreme Court ruled that it was legal to record conversations when one party to the conversation had given consent to be recorded." This is to straighten it out, in case I jumped too fast to a conclusion and misled you (and ourselves). ~~It~~ After the memo was mailed I thought we should have something on this ruling in the file, checked and found a little on it. Now I'm not sure whether it applies only to narc and police use of information obtained in this way.

The ruling was handed down 5 Apr 71, in the case of James White, convicted in 1966 of narcotics violations.

"The Supreme Court upheld 6 to 3 today [cq] the rigging of undercover agents with hidden radio transmitters to snare unsuspecting narcotics violators. The decision ... gives electronic surveillance a major legal thrust forward. .... The ruling authorizes this eavesdropping without search warrants. All that the Constitution requires, [Justice Byron] White said, is that the informer give his consent to police to have the conversation used."

SF Examiner 5 Apr 71, AP

From story by ~~xxx~~ Fred P. Graham on Supreme Court rulings 5 Apr 71: "Among the rulings were the following: That the Constitution does not forbid electronic eavesdropping by the police when it is carried out with the consent of one party to a 'bugged' conversation. In a 5-to-4 [cq] ruling the Court held that the Fourth Amendment was not violated when Government agents planted a hidden transmitter on an informer, listened to a conversation between the informer and a suspected narcotics peddler, and then testified against the peddler in court. The decision reaffirmed a 1952 holding that the subject of such a police tactic suffers because of his misplaced trust in the informer, not because of electronic eavesdropping."

NYTimes 6 Apr 71, Fred P. Graham

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