

'No-Knock' Repeal Pleases Him

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By Jerry Carroll
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Repeal of the controversial "no-knock" law reverses an ominous trend toward the erosion of constitutional guarantees against unlawful search and seizure, a leading defense attorney said yesterday.

John A. Burgess, 39, the head of the criminal law section of the Association of Trial Lawyers of America, said he was delighted by the vote in Congress on Monday.

He is in San Francisco for the association's week-long convention, being attended by more than 2000 trial lawyers.

The no-knock provision allowed federal judges to issue warrants permitting Justice Department lawmen to break into homes if they believe property being sought inside would be destroyed or if the agents would be endangered if they knocked before entering.

In the view of Burgess, the Fourth Amendment guarantees against unlawful search and seizure began being undermined in 1971.

At that time, the four justices President Nixon appointed to the Supreme Court said in a dissent that they would vote to overturn a 1954 high court ruling that prohibited state courts from admitting evidence that had been obtained illegally.

That prohibition, which



JOHN A. BURGESS
Defense attorney

had applied in federal courts for a century, has never been formally stricken, Burgess said, but has "been gutted" by a series of decisions that have followed.

Last year, in ten decisions reached on 5-to-4 votes, the court further weakened search and seizure protections. In two-cases, the court ruled that marijuana discovered on the person of two people stopped for minor traffic offenses was found in lawful searches.

"The policemen who can illegally break into the Mafia home today can illegally break into your home tomorrow," said Burgess, a former prosecutor from Montpelier, Vt.

He said that repeal of the no-knock law was part of a package the American Trial Lawyers offered by way of shoring up constitutional protections eroded by court decisions.

"But it is a said time when you have to have legislation passed to enforce the Constitution," he remarked.