

6-3 Ruling

NARCO Case Bugging OK

WASHINGTON — (AP) — The Supreme Court upheld 6 to 3 today the rigging of undercover agents with hidden radio transmitters to snare unsuspecting narcotics violators.

The decision, in a case that has troubled the court for almost two years, sustains the Justice Department and gives electronic surveillance a major legal thrust forward.

No one, said Justice Byron White, has a right to expect that a person with whom he is conversing will not tell the police all about it. By the same token, White said in the court's principal opinion, a defendant has no right to bar evidence obtained by police from an informer who carried hidden radio transmitters.

No Search Warrants

The ruling authorizes this eavesdropping without search warrants. All that the Constitution requires, White said, is that the informer give his consent to police to have the conversation used.

The case concerns James White, a Chicago man convicted in 1966 of narcotics violations and sentenced to 25 years in prison.

Concepts of Privacy

Harvey Jackson, an informer, had been outfitted with a concealed radio transmitter before White came to his home. Two concealed agents overheard several conversations between the two men. Jackson bought heroin from White.

Jackson did not testify at the trial.

The conviction had been upset by the U.S. Circuit Court in Chicago. The government appealed.

Justice Douglas' dissent said:

"The concepts of privacy

which the Founders enshrined in the Fourth Amendment vanish completely when we slavishly allow an all-powerful government, proclaiming law and order, efficiency, and other benign purposes, to penetrate all the walls and doors which men need to shield them from the pressures of a turbulent life around them and give them the health and strength to carry on."