

Illegal Search Ruling Reduces Dope Arrests

Application of a recent State Supreme Court ruling against illegal search and seizure has cut arrests of dope addicts and peddlers by State agents by nearly two-thirds, Chief Walter Creighton of the State Bureau of Narcotics Enforcement said yesterday.

Creighton said the court decision has given dope rings new ways to evade the law.

At the same time Alameda County Dist. Atty. J. Frank Coakley said that the ruling has created "considerable confusion" among all those charged with law enforcement. "Guilty defendants are going to go free and this miscarriage of justice will happen through no fault of the police, district attorneys or the trial courts," he said.

COURT RULING

The State's highest court ruled by a four-to-three margin late in April that constitutional guarantees of privacy apply equally to all citizens, innocent and guilty. "California courts have been constantly required to participate in, and in effect, condone lawless activities of law enforcement officers," the majority opinion said.

While the Supreme Court decision was rendered in a case involving a Los Angeles bookmaker and in a case involving a San Francisco grand theft conviction, its immediate application has been in narcotics cases.

Arrests by State Bureau of Narcotics agents averaged 181 a month in the seven months before April, Chief Creighton said. In May, this figure dropped to 65.

Vice Squad Lt. Arthur McQuillan of the Oakland Police said that his officers have found it difficult "to continue to operate." This is because, he reported, they are no longer able to stop persons on the street for search "even if we have fairly good information that they are carrying narcotics."

"The time consumed in obtaining a search warrant, the officer said, is often long enough to forestall any chance of arrest.

Creighton's officers seized an average of 60 automobiles a month before April. Cars used in the transportation of narcotics are subject to confiscation under California law. Since the State Supreme Court decision, however, the number of cars seized has fallen to 10.

McQuillan had no figures comparing the before and after months. Arrests have been "greatly cut down," he said.

Coakley says that he expects to lose more cases in the courts as the new rule is applied. "This was a case of court-made law," he says, "and was a case of the courts usurping the power of the legislature."

"The historic California rule," he explains, "provided that any evidence that was competent, relevant and material was admissible no matter how it was obtained. The court has changed this precedent—and peace officers are going to have a very difficult time doing their jobs."

Oakland police have already had charges dismissed against a man they said was arrested with two bindles of heroin secreted on his person. Municipal Judge Edward J. Smith threw the case out of court because the officers

EMERYVILLE, June 11. — Emery Junior High School will graduate its largest class in the history of the school at the 28th annual promotional exercises at 5 p.m. Tuesday in the school auditorium.

Raymond Fitzgerald, school trustee, will award certificates to 65 pupils. One scholarship will be presented by Tom Conlan, principal.

Donella Ann Dunphy and Ramon Del Vittori will be student speakers and Mary Lou Donovan will recite a poem, "Contentment," by Edgar Guest.

U.C. Researchist Will Give Talk on TB Developments

Dr. Maurice Tarshis, research fellow in the department of bacteriology at the University of California, will address the East Bay Chapter of the California Association of Medical Technicians Thursday at 8 p.m. in Merritt Hospital.

He will discuss "Recent Developments in T.B. Research."

Other new officers are: Mrs. Voss, president-elect; Mrs. Virginia Randolph, Alameda Hospital, recording secretary; Miss Catherine Powers, State Division of Laboratories, corresponding secretary, and Miss Helen Kearney of Solano Laboratories, treasurer.

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School District Sued for \$31,000

Charging that construction work on a Berkeley kindergarten project has caused extensive damage to his residence, from settling, Hollis C. Tietjen, 724 Euclid Ave., has sued the school district and contractors for \$31,500.

The suit has been filed in Alameda County Superior Court by Atty. Desmond N. Bonnington and is directed against Berkeley Unified School District, F. P. Lathrop Construction Co., O. C. Jones & Co.

Also named in the suit are Lee Field and Barton Parker, owners of property to the north of the Tietjen lot, on which earth excavated in the construction was deposited. The suit also asks a court order requiring removal of the deposited earth.

Bethel Talk on Today's Challenge

Miss Maxine Mitchell, director of religious education at Bethel Temple in Sacramento will be the speaker for the East Bay sectional meeting of the teachers' and officers' fellowship of the Assemblies of God tomorrow at 7:45 p.m. at the First Assemblies of God Church, 10th Ave. and 14th St.

She will speak on "Today's Greatest Challenge." The new Moody film, "No Vacant Chairs," will be shown.

Redwood Heights Dads Install

Jim Biles is the new president of the Redwood Heights School Dads' Club. He was installed to office by Dr. Forrest Michell, assistant superintendent of Oakland Public Schools.

Other officers who will serve during the 1955-56 school term are: Jerry Lewis, 1st vice president; Cliff De Lauer, 2nd vice president; Les Taylor, secretary, and Sanford Harris, treasurer.