

Little Chats

On Public Notice

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By JAMES E. POLLARD

UNCLE SAM, TOO
(No. 19 in a Series)

Much has been made in this series of Little Chats on public notice, or legal advertising, of the fact that the 50 states have thousands of such requirements. But so does Uncle Sam, too, in a great variety of ways. This is particularly true of government contracts.

Some time ago, for example, a Boston newspaper carried a notice advertising that sealed bids would be received by the "Engineering and Construction Director, Panama Canal Company, Balboa Heights, Canal Zone." This was for the "excavation in the dry of approximately 250,000 of L. F. of material, and the drilling of approximately 200,000 of L. F. of blast holes,

and the use of approximately 400,000 pounds of explosives to break up material which will be excavated and disposed of by the Panama Canal Co."

The Panama Canal Co., of course, is not the U. S. government. But the canal and the company that operates it are under government control and the canal, in effect, is government property.

Here, in short, was an advertisement appearing five times in a newspaper several thousand miles from the scene of the large scale excavation project for an arm of the federal government. The principle of notice is the same whether for a local or even a personal matter or for the national government. And the newspaper of paid general circulation renders a public leg-notice.

England's Spy Conviction Could Not Have Happened in California

Russian espionage ring members recently convicted in England would have been turned loose if California court rules of evidence had applied to their case, District Attorney William B. McKesson declared today.

"A national magazine reports members of the spy ring were kept under surveillance for six months," McKesson explained.

"Finally, one suspect was seen to hand another a shopping bag and arresting officers moved in. Opening the bag, officers found microfilm of 230 pages of a secret document."

McKESSON declared that upon the facts published in the case, had the same situation occurred in California and been tried under California rules of evidence the spy suspects would have been turned loose because "looking into that shopping bag constituted an illegal search."

"The suspects," he said, "would have been turned loose — spies or no spies — because California rules of evidence now tend to protect the criminal more than they do the Society upon which the criminal preys."

IT IS AN absolute absurdity, McKesson angrily declared, that it is the arresting officer who is found to be at fault in many arrest situations rather than the criminal who the arresting officer catches red-handed with evidence of a crime being committed.

"Are we now interested more in technical form than we are in Justice?" he demanded.

McKESSON went on to say that Los Angeles County peace officers face ridiculous case dismissals almost every day because of the unrealistic rules of evidence being applied in favor of the criminal.

Some typical "horrible examples:"

ARRESTING officers were observing a known narcotics violator in an "active" area where there was considerable traffic in narcotics. Suspect was seen touching hands with various persons as he walked

and the persons touched stopped walking.

Suspect was arrested when officer saw him place his hand to his mouth and swallow an object. A cursory search for weapons disclosed the suspect was carrying a bulky object in his waistband. Officers removed object and found it to be a packet of 10 marijuana cigarettes which suspect admitted were his. Rules of evidence required suspect be set free because search of waistband was an illegal search.

OFFICERS received anonymous call that a certain house was being used for narcotics activities. Officers go to house and from window hear occupants make such remarks as "How do you cut this stuff up?" and "Do you ever smoke any of this stuff?"

Officers knock on door and suspects run out back until stopped by one officer. One drops paper bag on ground which subsequent lab analysis discloses contained marijuana, second, and benzedrine. Rules of evidence force defendants to be set free because arresting officers "had no probable cause for the arrest and search and seizure in this case."

McKESSON emphasised he and other law enforcement officials were in no way trying to disturb or undermine Constitutional guarantees which protect society from harassment.

"We have some individuals, however," he said, "who charge we are trying to eliminate personal liberties just so we can get arrests and convictions. This is a monstrous inaccuracy and the men who make those charges against us know it."

"All we are after is a realistic change by legislative means of rules of evidence so that the public will start to get the same protection that now seems to be almost the exclusive right of the criminal."

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