

Court sets rules for IRS activities

Associated Press
WASHINGTON — Taxpayers seeking constitutional protection from Internal Revenue Service agents suffered a double-barreled defeat in the Supreme Court Wednesday.

The court ruled 7 to 1 that a taxpayer under investigation is not entitled to the complete statement of constitutional rights that must be given to a criminal suspect already in custody.

In a separate decision, the justices ruled 5 to 4 that a taxpayer or his lawyer may be required to surrender tax return papers prepared by the taxpayer's accountant. They said this does not violate the constitutional privilege against self-incrimination.

In another decision with tax implications, the court ruled 6 to 2 that it is constitutional to subpoena an individual's bank records for use as evidence against him in his trial. The case arose out of "moonshining" charges involving whiskey on which taxes had not been paid.

On an unrelated issue, the justices ruled 5 to 3 that government personnel files are not protected under the Freedom of Information Act unless disclosure would be "a clearly unwarranted invasion of personal privacy."

The Freedom of Information Act case involved efforts of law review writers at New York University to obtain records of proceedings under the Air Force Academy honor and ethics codes.

The U.S. Circuit Court in New York ordered the records handed over to a federal judge for editing so that they would not identify individual cadets. They were not to be made available to the writers unless the judge was satisfied that they did not invade privacy.

The Supreme Court said this was a workable compromise "between individual privacy and the right of access to government information."

Justice John Paul Stevens took part only in the moonshine whisky case, which was the first on which he heard arguments after his appointment in December. The other cases were argued before he became a member of the court.

Senator turns stocks into coins

Associated Press
WASHINGTON — Sen. John V. Tunney, D-Calif., has converted most of his stock holdings into old Roman coins to avoid any conflicts of interest, a spokeswoman says.

Tunney majored in anthropology in college and has long been interested in antiquities. He bought 60 to 70 Roman coins.

The coins were struck in the republican period, which predated the Roman Empire, and represent a "significant investment," she said.

The spokeswoman declined to put a value on the coins.

IRS not bound by privacy law Bank records can be seized

Associated Press
WASHINGTON — The government has the right to seize or study the records of your bank account and you don't have a constitutional right to know that federal agents are doing so, the Supreme Court says.

And in another privacy case, the court handed down a decision that could mean millions of government personnel and medical files will now be open to limited public scrutiny.

In a 7 to 2 decision on Wednesday, the court said bank customers have no right to contest government subpoenas of their records because the records belong to the bank.

A bank's customers, the justices said, have "no legitimate expectation of privacy" in bank transactions that naturally involve bank employees who might tell the government what the records contain.

Since the customer should not think his account is private, the court said, he has no right to expect that the bank or the government will tell him if his account records have been seized or examined.

Justice Lewis F. Powell, writing the decision for the majority, said the bank's failure to notify the customer constitutes "a neglect without legal consequences, however unattractive it may be."

Checks, deposit slips and other records the government requires banks to keep "are not confidential communications but negotiable instruments to be used in commercial transactions," Powell wrote. He said the documents only contain information the customer has voluntarily allowed to be exposed to banks and their employees.

"The depositor takes the risk, in revealing his affairs to another, that the information will be conveyed by that person to the government," the majority decision said.

The ruling reversed a decision by the 5th U.S. Circuit Court of Appeals, which suppressed bank records of Mitchell Miller of Macon, Ga., tried for operating an illegal whiskey still and other charges.

In the other case involving personal privacy, the court ruled that records of honor code enforcement by military academies may not be withheld from the public on the grounds that the privacy of cadets or former cadets may be infringed.

In a 5 to 3 ruling that could open millions of government personnel and medical files, the court said federal law protecting secrecy of such files applies only if the government can prove disclosure would be a "clearly unwarranted invasion of personal privacy."

The decision broadened the Freedom of Information Act.

Justice Harry A. Blackmun said in his dissent "it is almost inconceivable" that the court appeared willing to allow public disclosure of medical files "and thereby open to the public what has been recognized as almost the essence of ultimate privacy."

Justice John Paul Stevens, who had not been appointed when the court heard arguments on the case in October, did not vote.

In other decisions Wednesday, the Court ruled 7 to 1 that a person who is suspected of tax evasion but is not under arrest is not entitled to be advised of his constitutional rights before Internal Revenue Service Agents can question him. And the justices voted 8 to 0 that targets of federal criminal probes cannot escape subpoenas for financial records by giving the data to their lawyers.

Robber really wanted to go to jail

Associated Press
ORLANDO, Fla. — It wasn't that Wilbur John Hunter wanted to rob the bank when he passed a teller a note demanding money. He simply wanted to go to jail where he could get a meal and shelter.

Hunter's court-appointed attorney explained to the court Thursday that the gray-haired, homeless wanderer from Spring Lake Heights, N.J., had told about seeking help earlier this year from several agencies in Daytona Beach.

"But they told him he was too old or too young, not a drug addict, not an alcoholic . . . and couldn't qualify," the lawyer, James Shepard said.

"It seems that with all the programs available, he would fall into some category."

When the Landmark Bank met the 52-year-old Hunter's written demand for money Tuesday, he politely took the envelope with \$1,800 and then took a seat in the bank lobby to await police.

Before police arrived, he returned the envelope and money to teller Madelyn Weston saying, "You ought to keep this. It will mess up your accounting."

It wasn't the first time Hunter, unarmed, has pulled an alleged robbery and then waited for police to escort him to jail where he knew a bed and food awaited, officers said.

He did it April 8 in Osceola County, but the state attorney's office ordered the charge dismissed because the specific elements of the crime of robbery were missing.

That put Hunter back on the streets where he wandered about the area for almost a week without food, money or shelter, his lawyer said.

Hunter's caper Tuesday was successful — in a way. He is in the Orange County Jail because he couldn't put up a \$25,000 bond for the federal bank robbery charge.


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