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68/02/14 High Court Decision Awaited in Police "Stop and Frisk" Case

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High Court Decision Awaited in Police "Stop and Frisk" Case

Richard D. Chilton is dead now. John W. Terry is in Lima State Hospital as a narcotics user.

But the names of these two Clevelanders may live on in court annals in what may be another U.S. Supreme Court landmark decision defining and limiting police powers.

It was 2:30 p.m. on Oct. 31, 1963, when veteran Detective Martin J. McFadden of the department store detail was sauntering along Euclid Ave. and noticed two men arguing on the sidewalk.

He kept an eye on them and noticed they took turns walking past a Huron Rd. jewelry store, peering inside. Then they would confer again. A third man joined them and he, too, went past the same store and looked inside.

"I DIDN'T LIKE their actions," McFadden testified later. "I suspected them of casing a job. I felt they were going to pull a stickup."

McFadden moved in on the three, identified himself and searched them. He found loaded revolvers on Chilton

and Terry. The third man was cleared.

Chilton and Terry were convicted of carrying concealed weapons over protests of their attorney, Louis Stokes, that their being searched by McFadden was a violation of their constitutional rights.

THE CASE is now pending before the U.S. Supreme Court. At stake is the traditional police power to "stop and frisk" someone without arresting him when his behavior, while not in itself criminal, arouses strong suspicion of wrongdoing.

Sixteen states specifically authorize such procedures, and police in most other communities routinely resort to them.

But now in the Cleveland case and two similar cases from New York, "stop and frisk" is being challenged by the American Civil Liberties Union and the NAACP as an unconstitutional interference with personal liberty.

Police, prosecutors and others concerned with rising crime rates fear that the Supreme Court may ban or drastically curtail "stop and frisk," depriving police of a valuable investigative tool.

OPPONENTS OF "stop and frisk" complain that such

procedures are used primarily against slum-dwellers, heightening community tensions.

In its brief the NAACP states:

"The evidence is weighty and uncontradicted that stop-and-frisk power is employed by police more frequently against the inhabitants of our inner cities, racial minorities and the underprivileged."

In rebuttal, the newly founded Americans for Effective Law Enforcement says, "The decision is for the states to make . . . it is not a question for this (Supreme) Court."

BOTH CHILTON and Terry were paroled after serving brief terms for carrying concealed weapons.

Chilton was killed in a Columbus store robbery last June 16. Terry was arrested for possession of heroin in August, 1966, and was ordered to the penitentiary as a parole violator. But because he was a narcotics user he went to Lima State Hospital instead.

Whatever the high court decides is now of no importance to them. But the verdict could affect every law enforcement official in the land.