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Supreme Court Hears City Stop-Frisk Case

By Press Washington Bureau

WASHINGTON—Cleveland attorney Louis Stokes argued before the U. S. Supreme Court today that upholding the frisking of a man on a downtown street would signal the relaxing of the Fourth Amendment's protection against illegal search and seizure.

Reuben Payne, assistant Cuyahoga County prosecutor, contended that the Cleveland policeman had the right to search the man whom he suspected was planning a robbery and probably was armed.

The Constitutional issue before the court grew out of the arrest four years ago of John W. Terry Jr. and two other men by Cleveland Detective ~~Martin McFadden~~ at E. 14th St. and Euclid Ave. In frisking them, he found guns on both Terry and another man.

After 30-minute arguments by Payne and Stokes, the brother of the Cleveland mayor, Associate Justice Abe Fortas asked: "There was nothing in the trial record to indicate that the policeman observed anything indicating harm to himself?"

STOKES SAID, "That's right, McFadden said all he had was an intuitive sense that these men were planning a holdup."

Associate Justice Potter Stewart observed, "But if the detective felt they were planning a robbery, he also would think that they were armed."

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