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## 68/06/11 Police Won't Abuse Frisk Power Upheld by High Court, says Blackwell

Cleveland Press

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# Police Won't Abuse Frisk Power Upheld

PRESS JUN 11 '68

Police Chief Michael J. Blackwell said today that police will not abuse their authority, sanctioned yesterday by the U. S. Supreme Court, to stop and search persons for dangerous weapons if they are acting suspiciously.

Blackwell—and other law-enforcement agents—praised the court for its 8 to 1 decision. It upheld the convictions for carrying concealed

weapons of John W. Terry and Richard D. Chilton, who were arrested in 1963 at E. 14th St. and Euclid Ave. by Detective Martin J. McFadden.

"The court rendered a great service to the country by this decision," Blackwell said.

"IF THE COURT had ruled

otherwise, it would have been a signal for criminal elements that they could arm themselves with immunity from search and seizure.

"We are not going to use this privilege indiscriminately or abuse it. It will depend on the individual officer to make the decision whether the circumstances warrant a stop and search."

The ruling also was praised by Chief Police Prosecutor James Carnes and County Prosecutor John T. Corrigan.

Carnes said: "I am sure experienced officers know their job and will recognize suspicious circumstances that will justify a stop and search."

COMMON PLEAS Court Judge Bernard Friedmar,

# held by High Court, Says Blackwell

who presided at Terry's trial, said: "I'm very pleased. The court's decision gives police a vehicle through which to properly stop and search a suspicious person.

"In the trial, I limited this right to stopping and searching for weapons. This is necessary for the protection of the officer when he is acting on the basis of his experience and there is strong suspicion of wrong-doing.

"I don't believe there should be indiscriminate frisking for other contraband and I so indicated in this case."

McFadden, a policeman for 40 years, said: "The court couldn't have made any other ruling. I watched Terry and Chilton about 15 minutes. They made 14 or 15 trips back and forth in front of a jewelry store window. I

stopped and searched them because I suspected they were looking it over in preparation for a robbery."

**CHILTON WAS** killed last year in a Columbus holdup.

Louis Stokes, Terry's attorney, said: "My primary concern in this case was that individual privacy on the street not be jeopardized. I can certainly understand the concern of the court with refer-

ence to the need for policemen to protect themselves and others."

Bernard A. Berkman, Cleveland representative of the American Civil Liberties Union, disagreed with the decision.

"I think to rumage a person for evidence and to convict him without probable cause is offensive to the Constitution."