

THE WESTERN RESERVE HISTORICAL SOCIETY
MANUSCRIPT COLLECTIONS

REGISTER: Martin McFadden Papers

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Martin McFadden (1901-1981) was a Cleveland police officer for thirty-eight years. His family claim ancestry to Achill Island, County Mayo, Ireland. His father, also named Martin, immigrated to Cleveland, Ohio, from Achill Island, in the late 1800s, when he was twelve years of age. As an adult, he worked as a laborer digging the tunnel to Five Mile Crib in Lake Erie.

The younger McFadden was renowned for catching pickpockets and he had many encounters with Louie “The Dip” Finkelstein, Cleveland’s best-known pickpocket. A well-respected police officer, his help as a bodyguard was requested from the Washington, D.C., Metropolitan Police Department for four presidential inaugurations. During an evening in 1963, McFadden spotted three individuals passing a store located at 1276 Euclid, near East 14th Street, convincing him they were planning a robbery. Not letting his age stand in his way – he was 62 years old – he confronted them, feeling two weapons while he frisked them. Single-handedly he maneuvered them into a shop, instructed the shopkeeper to call the police, while he arrested John W. Terry, Richard D. Chilton and Carl Katz. The case was turned down by several prosecutors, because they believed that the defendants’ 4th amendment rights relating to unreasonable searches had been violated.

The United States Supreme Court had ruled earlier that evidence obtained via an illegal search could not be used as evidence. However, Judge Bernard Friedman determined that McFadden did have reasonable cause to believe that the men were armed, and ruled that police officers should be allowed to stop and search suspects. Louis Stokes, who later ran for the U.S. Congress, representing Terry and Chilton, failed to convince the appellate court in 1966 that the guns should not have been admitted as evidence. Stokes appealed to the Supreme Court in 1968. On June 10, 1968, the Supreme Court affirmed Terry’s conviction. This result of this case gave police officers authority to stop and search citizens in the street. It is said that *Terry v. Ohio* is one of the most important cases in U.S. criminal law and is studied by every law student and police officer around the country.

The Martin McFadden Papers Papers, 1925-2003, consist of applications, appointments, assignments, citations, correspondence, drafts, fingerprints, handwritten notes, memoranda, newsletters, newspaper clippings, photographs, police records, programs, reports, a telegram, transcripts and reports.

The collection is arranged alphabetically by document type, and then chronologically.

This collection is of value to those seeking information about the Irish community in northeast Ohio. This collection will be of special interest to those seeking information about the life of a Cleveland police officer. Those seeking background information and transcripts regarding the *Terry v. Ohio* case, 1968, will find this collection to be of value. Individuals seeking information regarding the influence of the Irish in the American criminal justice system will find this collection useful.

Provenance: Judge Sean C. Gallagher, 2004.

Number of Containers: 1 Oversize Folders: 0 Oversize Volumes: 0

Size: 0.20 linear feet / 0.06 linear meters

Restrictions: None.

Container

- 1 Folder 1: Application, Blue Cross-Blue Shield, photocopy, undated.
- Folder 2: _____, The Police and Firemen’s Disability and Pension Fund, photocopy, 1970.
- Folder 3: Assignments, Martin McFadden, photocopy, 1928-1970.
- Folder 4: Certificate, Appointment, Martin McFadden to the 10th Precinct, Cleveland, Ohio, photocopy, 1925.
- Folder 5: Citations, Terry v. Ohio, photocopies, 1964-2001.
- Folder 6: Correspondence, photocopies, 1951-2003 and undated.
- Folder 7: Draft, “Detective Martin McFadden’s Impact on American Justice”, Judge Timothy J. McGinty, photocopy, undated.
- Folder 8: Fingerprints, Martin McFadden, photocopy, 1982.
- Folder 9: Handwritten notes, undated.
- Folder 10: Memoranda, photocopies, 1950-1981 and undated.
- Folder 11: Newsletter, “The Hot Sheet,” *The Cleveland Police Historical Society*, Spring 2002.
- Folder 12: Newspaper clippings, *The Plain Dealer*, June 11, 1968, The Associated Press, 1990, unidentified, undated, photocopies, undated.
- Folder 13: Newspaper magazine, *The Plain Dealer Sunday Magazine*, October 23, 2003.
- Folder 14: Photograph, Euclid Avenue and East 14th, Cleveland, Ohio, photocopy, undated.
- Folder 15: Photographs, Martin McFadden, photocopies, undated.

- Folder 16: Police Record, Felony Arrest, Richard Chilton, photocopy, 1964.
_____, Felony Arrest, Carl Katz, photocopy, 1965.
- Folder 17: Program, honoring Detective Martin McFadden, The Cleveland Police Historical Society, 2003.
- Folder 18: _____. Cleveland State University, Cleveland-Marshall College of Law 2003-2004 Criminal Justice Forum II “Terry v. Ohio: A Forty-Five Year Retrospective”, 2003.
- Folder 19: Report, Ballistic Laboratory Record, Richard D. Chilton, photocopy, 1963.
- Folder 20: _____, Supplementary report, Martin McFadden, photocopy, 1968.
- Folder 21: Reports, City of Cleveland, Supervisor’s Report of Employee Injured, 1961, 1965, 1968.
- Folder 22: _____, Cleveland Police Department, Supplementary Reports, photocopies, 1960-1968
- Folder 23: _____, Cleveland Police Department, Suspicious Person, photocopy, 1963.
- Folder 24: _____, Cleveland Police Department, Scientific Identification Bureau, Carl Katz, photocopies, 1936-1954
_____, Richard Chilton, photocopies, 1963-1967.
_____, John Terry, photocopies, 1956-1982.
- Folder 25: Telegram, R.G. Beattie to Cleveland Police Department, photocopy, 1963.
- Folder 26: Transcript, 72 St. John’s Law Review 1387 “State of Ohio v. Richard D. Chilton and State of Ohio v. John W. Terry: The Suppression Hearing and Trial Transcripts” edited by John Q. Barrett, photocopy, 1998.

- Folder 27: _____, 72 St. John's Law Review 749 "Stop and Frisk in 1968: Deciding the Stop and Frisk Cases: A Look Inside the Supreme Court's Conference" edited by John Q. Barrett, photocopy, 1998.
- Folder 28: _____, 72 St. John's Law Review 727 "Stop and Frisk in 1968: The Issue, the cases and the Supreme Court's Decisions in Terry v. Ohio, Sibron v. New York and New York v. Peters" Honorable Louis Stokes, photocopy, 1998.
- Folder 29: _____, 72 St. John's Law Review 733 "Stop and Frisk in 1968: The Prosecutor's Perspective on Terry: Detective McFadden had a right to protect himself" Reuben M. Payne, photocopy, 1998.
- Folder 30: _____, 72 St. John's Law Review 1053 "Terry and the Future of Constitutional Criminal Procedure: Into the 21st Century – Let's not bury Terry: A Call for Rejuvenation of the Proportionality Principle" Christopher Slobogin, photocopy, 1998.
- Folder 31: _____, Certiorari to the Supreme Court of Ohio No. 67 "Terry v. Ohio 392 U.S.1 (1968)," photocopy, 1968.
- Folder 32: _____, Court of Appeals, Eighth Appellate District, Cuyahoga County, "The State of Ohio, Appellee, v. Terry, Appellant No. 27180", photocopy, 1966,
- Folder 33: _____, Supreme Court of the United States, "Terry v. Ohio No. 67", photocopy, 1968.