High Court Raps Transom-Peepers

Custody of Child Won by Divorce

Eugene E. Ward, of 93 Alexander Ave., Catonsville, obtained a divorce from Mrs. Arlene M. Ward, of Washington, on grounds of desertion, in Baltimore County Court, this week.

Mr. Ward charged that his wife left him on Dec. 12, 1945, after their marriage in 1942, though he had been a model husband.

The court, however, awarded the custody of their four-year-old daughter, Barbara Ann, to the mother, and granted her $35 per month for the support of the child until she becomes of age.

Mr. Ward was represented by Roy S. Bond, Baltimore attorney, and Mrs. Ward by the firm of Harrison, Benham and Thomas, of Winchester, Va.

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Vet, 23, Denies Burnie Murders

ANNAPOLIS — Thomas A. Edwards, 23, a war veteran who lives in the Marley Community, pleaded not guilty, Monday, to the Glen Burnie lovers' lane murders, when he was arraigned on two indictments charging him with shooting Mary C. Kline, 18, and her friend, John H. Mahlan, 25.

The 23-year-old defendant was arraigned before Judges James Clark and Benjamin Michaelson in Anne Arundel County Circuit Court.

William J. McWilliams, defense attorney, said he would decide in 10 days the next few days whether to demand a jury trial and ask for a court order removing the trial to another county.

Abuse of Police Power Scored

2 Justices' Opinions Condemn Illegal Entry

WASHINGTON, D.C. (NNPA)—It not only is "ungentlemanly" to acquire evidence in police cases by peeping through transoms after entering homes without obtaining search warrants, but it also is "unlawful" to do so, 12th U.S. Supreme Court ruled, in effect, Monday.

Splitting 6 to 3, the high court reversed a decision of the U.S. Court of Appeals for the District of Columbia, upholding the conviction of Earl H. McDonald, sportsman, and Joseph F. Washington, allegedly one of his lieutenants in the numbers racket, on charges of conducting a lottery.

In appeals court decision, upholding McDonald's conviction by the District Court, one of the judges in delivering the court's ruling held that while transom-peeping might be "ungentlemanly," if it were resorted to in an effort to apprehend criminals in the conduct of crime, it was "permissible."

No Compelling Reason

In reversing the Appeals Court, the Supreme Court said "there is not be compelling reasons to justify the absence of a search warrant."

The high tribunal ruled that money, adding machines and numbers slips seized in a room McDonald was renting, without a warrant for arrest or a search warrant, should have been suppressed as evidence.

If the unlawfully-seized evidence had been returned to McDonald, the court said, it would not have been available for use against Washington, who was tried jointly with him."

"Liberals" Return Decision

Justice William O. Douglas delivered the majority opinion, in which Justices Felix Frankfurter and Frank Murphy concurred. Justice Hugo L. Black concurred in the result.

Justice Wiley Rutledge concurred also in the result, and in the opinion insofar as it related to McDonald, but stated, with respect to Washington, that the evidence having been illegally obtained, was inadmissible.

Justice Robert H. Jackson wrote a separate concurring opinion in which he bitterly denounced the methods used by the police in this case as well as the numbers game itself.

Dissenters Overlook Abuse

Chief Justice Fred M. Vinson and Associate Justice Stanley F. Reed joined Justice Harold H. Burton in dissenting.

The dissenting opinion held that the constitutional right of McDonald and Washington were not violated because the two men were arrested while engaged in a violation of the law in the presence of police officers, who seized proprty being used in conducting a lottery in their sight.

Douglas Raps Police

Discussing the refusal of the U.S. Commissioner to issue a search warrant against McDonald earlier, Justice Douglas pointed out that all the circumstances bearing upon the necessity of making the search "without a warrant" are absent from the record.

At the scene of the crime, "the reason for the absence of a search warrant is even less obvious," he declared, adding that when the officers heard the adding machine and when they peeped over the transom into McDonald's room, "they certainly had adequate grounds for seeking a search warrant."

The only reason for the failure to seek it, Justice Douglas said, was the "inconvenience of the officers and delay in preparing papers and getting before a magistrate. But these reasons are no justification for by-passing the constitutional requirement."

"Power Heady Thing"

"Power is a heady thing," said Justice Douglas, "and history shows that the police acting on their own cannot be trusted."

In his separate concurring opinion, in which Justice Frankfurter also joined, Justice Jackson said it seemed to him that:

"Each tenant of a building, while he has no right to exclude from the common hallways those who enter lawfully does have a personal and constitutionally protected interest in the integrity and security of the entire building against unlawful breaking and entry.

"Here the police gained access to their peeking post by means that were not merely unauthorized, but by means that were forbidden by law and denounced as criminal.

Officers Commit Felony

"In prying up the porch window and climbing into the landlady's bedroom, they were guilty of breaking and entering—a felony in law and a crime far more serious than the one they were engaged in suppressing.

"Having forced an entry without a search warrant or an arrest warrant to justify it, the felonious character of their entry, it seems to me, followed every step of their journey inside the house and tainted all the fruits with illegality."

Treatise on Numbers

Calling the numbers game a "shabby swindle," Justice Jackson said:

"The real difficulty is that it is so little condemned by otherwise law-abiding people that it flourishes widely and involves multitudes of people.

"While the enterprise of parting fools from their money by the 'numbers' lottery is one that ought to be supressed, I do not think its supression is more important to society than the security of the people against unreasonable searches and seizures."

Grave Dangers Threatened

Pointing out that the method of law enforcement used by the police in this case "not only violates the legal rights of defendant, but is certain to involve the police in grave troubles if continued," Justice Jackson added:

"That it did not f ous on this occasion was due to luck more than to foresight. Many homeowners in this crime-beset city doubtless are armed.

"When a woman sees a strange man, in plain clothes, prying up her bedroom window and climbing in, her natural impulse would be to shoot. A plea of justifiable homicide might result awkwardly for enforcement officers.

Recently Condemns Practice

"But an officer seeing a gun being drawn on him might shoot first. Under the circumstances of this case, I should not want the task of convincing a jury that it was not murder.

"I have no reluctance in condemning as unconstitutional a method of law enforcement so reckless and so fraught with danger and discredit to the law enforcement agencies themselves."

Detectives Sneak In

McDonald had been under police observation for several months prior to his arrest. During this period, and while he was maintaining a home elsewhere, he rented a room in a rooming house operated by Mrs. Barbara Terry.

On the day of his arrest, Det. Sgt. Howard E. Ogle climbed into a window of Mrs. Terry's bedroom. Mrs. Terry screamed and Ogle brushed past her, went to the front door, unlocked it and admitted Lt. Roy E. Block, head of the vice squad.

Ogle then went to the back door, unlocked it and admitted Det. Sgt. Paul H. Clarke.

Peeps in Transom

The three officers then searched the rooms on the first floor and went upstairs to second floor. They searched the bedrooms and closets on the second floor.

Noticing the rear room on the second floor was locked, Ogle got a chair from the middle bedroom and looked over the transom. He then ordered McDonald to open the door. McDonald did so, and the officers seized adding machines, numbers slips and money.

McDonald and Washington were tried without a jury in the District Court on an indictment on four counts, charging offenses in conducting a numbers game. They were found guilty on all four counts.

Charles E. Ford and John Lewis Smith Jr., attorneys, represented McDonald and Washington.

19 Cases Cleared in 2 Hours by Police Magistrate Sunday

Two hours after Magistrate Fitzpatrick walked into Northwestern police court, Sunday morning, he had disposed of 19 cases ranging from ordinary intoxication to robberies and serious fights.

Two defendants received jail terms totaling 6 months; $140 in fines were doled out to seven other persons; four cases were dismissed; suspended sentences were meted out in a like number of cases, and $5,000 aggregate bail was levied against six more persons.

Ice Pick Carrier Jailed

Anderson Cobb, 38, 1221 Etting St., drew two 30-day jail sentences for acting disorderly in a Pennsylvania Ave. tavern and for the possession of an ice pick.

Floyd Blair, 22, en route to Aberdeen from Cleveland, was fined $11.45 for using the open doorway of a lunchroom for a toilet.

Chased into an empty house where he was arrested by a cordon of police with drawn revolvers, Preston Boyd, 21, 225 Jasper St., was placed under $1000 bail to face grand jury action on a holdup count.

George Cord, 1027 N. Carey St., accused Boyd of snatching his wallet containing $10 while standing at the intersection of Pennsylvania Ave. and Hoffman St.

Emerson on Prowl

Vice Captain Alexander Emerson also made his regular weekend visit to Pennsylvania Ave. taverns, arresting five persons in a spot in the 1900 block.

Robert Mitchell Sr., 52, the proprietor of a tavern at 1915 Pennsylvania Ave., and his waiter, Edward Smith, 46, 530 Robert St., were placed under $1000 bail on the charge of selling beer to a minor.

The bartender, Mitchell's son, Robert Jr., was dismissed. The minor, Mrs. Shirley White, 19, 718 Rutland Ave., was fined $21 for drinking beer as a minor.

Mrs. Virginia Hamilton, 30, 1807 E. Madison St., arrested for inviting the minor into the tavern, was dismissed with a warning.

Fine Discourages Frequenters

For persistently ignoring orders to stay away from a Lafayette Ave. tavern, Kenneth Robinson, 29, 1701 W. Lafayette Ave., was fined $25 and costs.

Special Officer Joe Hall said Robinson became quite abusive during the arrest which was affected only through assistance from Patrolman Louis Hammond.

Unprovoked Assault?

James Lyons, 34, a chauffeur of 1509 Mosher St., was fined $25 and costs for assaulting Mrs. Ella Flowers, 1017 N. Stricker St., several times.

The matron said that for no reason, Lyons knocked her to the ground, Friday evening, then chased her to the vestibule of her home where he struck her in the eye. She said the man was a stranger to her.

Lyons said he had seen the woman repeatedly but offered no counter argument to the assault charges.

Eternal Triangle Again

Flashing a loaded revolver to settle a difference with another man over the affections of a young woman brought John Holland, 37, 917 Hatem Ave., the heaviest penalty of the morning. He was given 4 months in jail.

Holland was accused of pointing the revolver at and threatening Marvin Carter, 114 N. Popplton St., while in the 1000 block Myrtle Ave.

The incident was said to have stemmed from an argument between the two men over Mrs. Nellie Belle Gilmore, 1041 Myrtle Ave.

Holland's story of carrying the gun for protection while making a trip to visit his mother living in the country failed to impress the magistrate.

Two cases later, Carter found himself in the prisoner's pen, facing charges of assaulting Mrs. Gilmore and cutting up her clothes.

Mrs. Gilmore accused Carter of taking the above stated action when she asked him for support for his two children, one of whom, she said, he deserted when the tot was one month old.

Magistrate Fitzpatrick dismissed the assault charges with a warning to Carter and advised the mother to appeal to the State's Attorney's office for help on getting support for the two children.

2 Held in Burglary Attempt

Two young men believed to have participated in the attempted burglary of a Lanvale St. dry cleaners shop, early Friday, were placed under $1000 bail, each, pending the arrest of their two accomplices.

The two were identified as Leroy Allen, 22, 913 N. Parrish St., and Eugene Eley, 22, 804 N. Gilmor St.

According to police, the foursome attempted to burglarize the High Hat Cleaners, at 1808 Lanvale St.

Truman Denies Waring Will Get New Post

WASHINGTON, D.C. (NNPA)—Federal District Judge J. Waties Waring of Charleston, S. C., who in July, 1947, declared illegal South Carolina's system of white Democratic primaries, is not being considered for another appointment at this time, President Truman told his press conference last Thursday.

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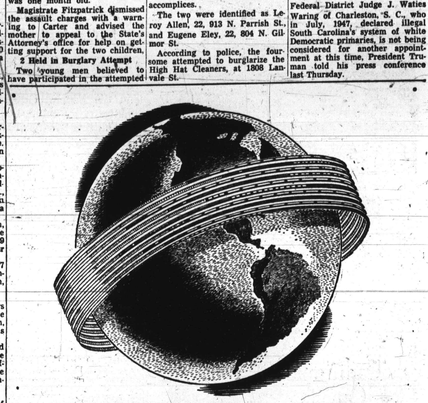

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Council Studies Zone Change Plan

Redevelopment Proposal to Aid Slum Clearance

A City Council committee on Monday took under advisement a bill which would make residential the Redevelopment Area No. 12, which is a mixed neighborhood.

The area involved runs from Lanvale St. to John St., to Brevard to Biddle to McCulloh to Madison Ave. to Dolphin St.

This is one of 12 areas selected for slum clearance and for which voters approved $5,000,000 on the ballot.

Speaking for supporters of the ordinance, Douglass Gordon, secretary of the Mt. Vernon Protective Association, said that three things are necessary to make the redevelopment plan effective:

1. Rezoning of the area as residential so that no additional commercial enterprises may come in;

Re-Housing a Problem

2. Some provision must be made to re-house the families who might be forced to move.

Here, Mr. Gordon suggested that adequate housing for these people might be found in Area 11, where St. Mary Seminary is now located at Paca St. and Druid Hill Ave;

3. The City Plan and Redevelopment Commissions should draw up specifications to a modern and healthy level so that an attractive community can be developed.

Cheap homes for people who cannot afford to live in the suburbs would be provided in this area, he said.

Councilman Bonnett, chairman of the Council committee, said that the area will be inspected before the ordinance is voted out of committee.

Attending the hearing was an Urban League spokesman, including A. J. Allen Jr., executive secretary; Joseph Neal and Edgar M. Ewing.

Mr. Allen pointed out that the Urban League is interested in finding out what forms of consideration and protection will be given the affected families as the redevelopment plans are carried out.

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