

**Adams v. Williams (USSC, 1972) (J Rehnquist)**

**Case History.** Williams was convicted in a CT state court of illegal possession of a handgun found by police during a “stop and frisk” and wrongful possession of heroin found during a full search conducted incident to his weapons arrest. The CT Supreme Court affirmed the convictions. Initially, the USSC denied certiorari review to Williams. Williams then filed a petition for a writ of habeas corpus which was denied by the USDC, but then was granted by the USCA 2. The USCA held that evidence produced at William’s trial had been obtained by an unlawful search of his person and car, and thus the state court convictions should be set aside.

**Facts.** While patrolling a high-crime area of Bridgeport, CT, in the early hours of the morning, an officer was approached by an informant who had provided him with reliable information in the past. The informant told the officer that Williams, in a nearby automobile, was carrying narcotics and had a handgun in his waistband. The officer proceeded to the car pointed out by the informant, tapped on the window, and asked Williams to open the door. When Williams instead rolled down the window, the officer reached inside the car and removed a revolver from William’s waistband, the precise place the informant had said it would be (although it was not visible to the officer when he initially reached for it). Williams was then arrested for unlawful possession of a weapon. A search incident to that weapons arrest revealed a second revolver and a machete hidden in the automobile and substantial quantities of heroin on Williams’s person. At trial, Williams contended that the initial seizure of his pistol, upon which rested the legality of the later search and seizure of other weapons and narcotics, was not

justified by the informant's tip to the officer. He claims that absent a more reliable informant, or some corroboration of the tip, the police officer's actions were unreasonable under the standards set forth by the USSC in the case of Terry v. OH (USSC, 1968).

**Issues.** (1) Was the "stop and frisk" of Williams reasonable under the circumstances? YES (2) May a police officer conduct a stop and frisk under the rule announced in Terry v. OH based on information provided by an informant? YES

**Applicable Law.** (1) 4A, 14A, US Constitution (2) Case Precedent. Under Terry v. OH, a stop and frisk based on "reasonable suspicion" is valid. So long as a police officer is entitled to make a forcible stop and has reason to believe that the suspect is armed and dangerous, he may conduct a weapons search limited to what is necessary to preserve the officer's safety.

**Result.** The USSC reversed the USCA 2. Held: Reasonable grounds for a stop and frisk need not rest solely on an officer's personal observations -- rather, they may be based on reliable information provided by another individual (such as an informant).

**Rationale.** (1) The 4A does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. On the contrary, Terry v. OH recognizes that it may be the essence of good police work to adopt an intermediate response. (2)

Under the circumstances of this case, the officer's investigatory stop of Williams was justified on the basis of the informant's tip, even though it was not based on probable cause. (3) The officer's seizure of the weapons, under the circumstances, was also justified as a reasonable limited intrusion designed to protect his own safety. (4) Williams's subsequent arrest on the weapons charge thus was justified by probable cause, and the evidence seized incident to that lawful arrest was admissible at Williams's trial.

**Dissenting (J Douglas).** Terry v. OH should be extended, if at all, to possessory offenses only where "observation by the officer himself or well authenticated information shows that criminal activity may be afoot."

**Dissenting (J Brennan).** J Brennan quotes J Friendly of the USCA 2, who stated essentially that the Terry rule should not be applied at all to mere possessory offenses. Terry itself, J Friendly wrote, dealt with an imminent crime of violence, not a possessory offense such as wrongful possession of narcotics. If Terry is to be extended to such offenses at all, the decision should be limited to cases where the officer makes personal observation or well authenticated information shows that criminal activity may be afoot. J Friendly ended by expressing his fear that allowing a broader interpretation of the Terry rule "will have opened the sluice gates for serious and unintended erosion of the protection of the Fourth Amendment."

**Dissenting (J Marshall).** Terry stands only for the proposition that police officers have a "narrowly drawn authority to...search for weapons" without a warrant. Today's decision

unduly expands Terry's narrow exception to the warrant requirement of the 4A. "As a result of today's decision, the balance struck in Terry is now heavily weighted in favor of the government."