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Saturday, March 27, 2004
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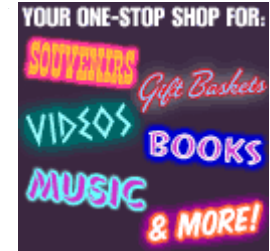
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EDITORIAL: The road to the police state

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Must Americans show their 'papers please'?



Some U.S. Supreme Court justices Monday appeared to scoff at a Nevada man's claim that he should not be required to give his name to police.

"I cannot imagine any responsible citizen objecting to giving his name," said law-and-order Justice Antonin Scalia.

CHANNEL DIRECTORY

"The exercise of a constitutional right should not be incriminating," replied Robert Dolan, a deputy state public defender from Winnemucca.

In 2000, Northern Nevada cattle rancher Larry Hiibel, standing beside his parked truck, was approached by a Humboldt County deputy. The officer asked Mr. Hiibel for proof of identification 11 separate times; in each instance Mr. Hiibel refused, saying he'd done nothing wrong. Finally, Mr. Hiibel was arrested and convicted of resisting and obstructing an officer in the performance of his duties.

By a 4-3 vote, the Nevada Supreme Court rejected Mr. Hiibel's appeal, ruling any privacy right guaranteed by the Fourth Amendment to the U.S. Constitution is "outweighed by the benefits to officers and community safety" by allowing police to force people to provide ID, anywhere.

But under that logic, what right could not be trumped by "police convenience"? Using his patrol car computer

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terminal, the modern American police officer can learn more about a citizen from today's government-issued photo ID than was contained in the infamous "travel papers" required of any citizen of the Third Reich.

Mr. Hiibel was not even in his motor vehicle. He was jailed for no more than stubbornness and silence. If police can demand our ID by the side of a public road, what about in our backyards ... or in our bedrooms?

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