

WE'RE ALL GUILTY

BY LARRY DUDLEY HIIBEL

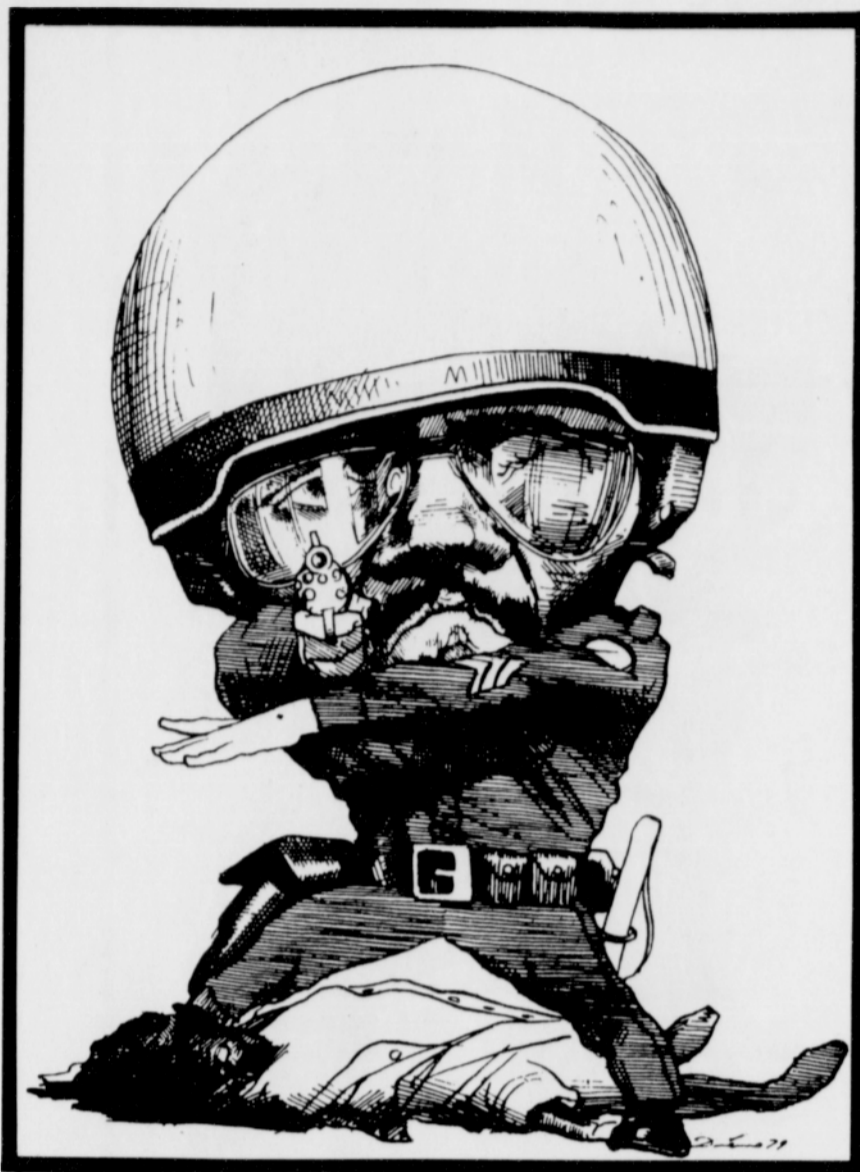
A lot of people want to know why I went all the way to the Supreme Court rather than give my name to a policeman. "What's so important about that?" they ask. "What's the big principle at stake?" When the Supreme Court ruled against me (in June), maybe some thought I was foolish to have done it. But I still think I did the right thing and that there were some issues that had to be decided.

The story began May 21, 2000, when I was on a rural road near my ranch in Winnemucca, Nevada. My daughter and I had gotten into an argument. She was driving, and I was the passenger. We stopped by the side of the road, parked legally, and we continued our argument. I figured we would finish it out and then cool off for a moment.

That's when I heard sirens, and all of a sudden a police car drove up. A deputy walked up to me and demanded my "papers." I asked him what the problem was. "Why do you guys have me surrounded?" I asked, because by now there were two or three more police cars. He refused to explain why he was there or why he wanted my papers. Eleven times he demanded my identification. I refused to give it to him each time, and he finally handcuffed me and took me to jail. The cops threw my daughter on the ground, cuffed her hands behind her, and demanded her name as well, but by that time I was on my way to the county jail. I got there at midafternoon and stayed overnight.

I hadn't been argumentative; I wasn't picking a fight. Basically, when the deputy demanded my papers — and he didn't ask for them, he demanded them — I didn't say, "Hey cop, I'm not going to give you nothing." I just asked why he wanted them. "What have I done?" I asked. If he had explained what he was doing there, perhaps it could have been settled on the spot. But his position was that he wanted the papers first.

Here's why this was so important to me: I don't believe that the authorities in the United States of America are supposed to walk up to you and ask for



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your papers. I thought that wasn't lawful. Apparently, I was wrong; but I thought that that was part of what we were guaranteed under the Constitution. We are supposed to be free men and women, able to walk freely in our own country — not hampered, not stopped at checkpoints. That's part of what makes this country different from other places. That's what I was taught.

And it's not just because it's in the Constitution. It's something that you just kind of know. It's kind of obvious. If you haven't committed a crime, you should not be harassed by the police. If they suspect you of something, I don't see why they shouldn't explain it. I wasn't violent. And it was proved later in court that I hadn't committed any crimes.

These days, it's as if we're all guilty until proved innocent. You can walk into an airport and everybody's a suspect. Like the way people were treated in Soviet Russia, in Red China, in Castro's Cuba.

We don't want the United States to become that. I don't have a super-clear understanding of the Constitution. I'm not an attorney. I've never even read the whole thing. I only went through 8th grade. But I remember what I learned, and it seems to me that the whole idea of "your papers please" goes completely against the grain of the American people.

It's not that I'm anti-law enforcement. Criminals should be apprehended. But I don't think we've got to take everybody's rights away just so that we can be safe. If you do that, you've defeated your purpose. I don't think people want to be protected to the extent that they become slaves.

I'm very disappointed by this decision. I think a basic freedom has been lost. What bothers me the most is that my children and grandchildren are going to have to live with this law. It moves us a step closer to control of the people by the government, and I don't think that's a step forward.

Larry Dudley Hiibel, a cattle rancher, was the plaintiff in *Hiibel v. Nevada*, which was recently decided against his case by the U.S. Supreme Court. He wrote this article for the *Los Angeles Times*.

WHAT TO DO WHEN STOPPED BY THE POLICE

The Black United Front in Portland published a fact sheet in 1980 to inform citizens of their rights when arrested. *What To Do When Stopped By The Police* was widely distributed among both blacks and whites who taped the bright yellow handbill to refrigerators, telephone poles and dashboards. The advice is bold, decisive and detailed, and especially since police shot and killed Douglas Pollard in Astoria in June, is useful anywhere at anytime for any reason police stop anyone.

Beginning with the statement, "Remain calm and polite: remember the police are armed and may be nervous," the main points of what to do when stopped by police are:

1. Pull over as soon as safely possible. Do so in a well-lighted area.
2. Remain calm. Make no quick or sudden movements. Roll your window down.
3. Place both of your hands in plain view on top of your steering wheel.
4. Wait for the officer's instructions.
5. Identify the officer by name and badge number.
6. Do not consent to any search.
7. If you have youngsters in the car, try to get out of the car to transact your business with the officer.
8. Remain polite, no matter how difficult it may be.
9. Identify yourself, name and address; produce a valid driver's license and explain why you are in the area. Do not volunteer any additional information.
10. Don't let derogatory name calling provoke you. Don't be intimidated by the officer.
11. Don't argue with the officer.
12. Be sure to bend your head when being put in the police car.
13. If arrested request an attorney.
14. If arrested call a relative or a friend.
15. As soon as you are away from the police, write down everything that happened.

~MPMc



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