



Opinion

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# Asserting your rights when you're stopped by the cops

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Now that you can conceivably go to jail for refusing to buy health insurance, it might be a good time to bone up on the Bill of Rights – that remarkable addendum to the Constitution that restrains the power of government over the individual. But you can't assert your rights if you don't know what they are.

On Wednesday, the [CATO](#) Institute unveiled a 38-minute film, "Ten Rules for Dealing With the Police," to an overflow crowd of civil libertarians, conservatives, drug legalization advocates and others concerned about the growing size of the state. Clips of the film are posted on [YouTube](#).

D.C. Police Chief Cathy Lanier was invited to the premier and the panel discussion afterwards but declined, according to Tim Lynch, director of CATO's Project on Criminal Justice.

Narrated by noted Baltimore criminal defense lawyer William "Billy" Murphy, Jr. (who played himself on HBO's acclaimed "The Wire") the film traces several hypothetical scenarios in which ordinary people who have done nothing illegal inadvertently waive their Fourth, Fifth and Sixth Amendment rights before they even have a chance to ask for a lawyer.

The film is an eye-opener. "The police are trained in techniques to get you to waive your constitutional rights," Murphy told audience, warning. "Even the nicest cop will use your mistakes against you."

Sure enough, the film demonstrates how easy it is to waive your constitutional protections during a police encounter – even when you've done nothing wrong. For instance, to demonstrate that he wasn't a gun runner to the police officer who stopped him for "illegal lane changes," a college student in the film allowed his car to be searched without a warrant.

In another scene, an elderly woman let the two nice police officers who said they were doing a "safety check" into her home. She wound up in handcuffs after they found a small bag of pot supposedly belonging to her granddaughter or one of her friends stashed in her sofa.

Lest you think that this sort of thing only happens in poor urban areas, Murphy pointed out that Robert

Stanford, chief of the Stanford Financial Group, was charged with fraud, arrested in his Houston office, and then stripped of his \$8 billion fortune – before being tried or found guilty in court. “He was left with \$300 and the clothes on his back,” Murphy said, and now has to have a court-appointed lawyer represent him.

Here are the ten rules, which you might want to memorize:

- 1. Always remain calm, collected and respectful.** “A police encounter is the worst time and place to vent your frustration with the police,” Murphy warned.
- 2. You have the right to remain silent. Exercise it.** Not talking is the smartest way to exercise your Fifth Amendment right against self-incrimination.
- 3. You have the right to refuse any searches of your person or property** without a court-ordered search warrant. Murphy told the audience to memorize these lines: “I don’t consent to searches.”
- 4. Don’t be fooled.** The police are allowed to lie to you, make threats they know to be false, or promise things they have no intention of delivering.
- 5. Ask if you’re being detained or are free to go.** The police need probable cause to detain you against your will.
- 6. Don’t do anything to help the police find probable cause so they can detain you.**
- 7. Don’t run.** That automatically gives them probable cause.
- 8. Never touch a cop.** That’s a no-brainer.
- 9. Be a good witness** so if you have to make a complaint about police misconduct, you will have a good recall of what took place. But don’t tell the officer.
- 10. Don’t let anybody from the government inside your house** without a court-ordered, signed search warrant.

“You gotta love that film. “Get a copy and show it to everybody you know. We can do our job effectively by respecting your rights,” said Neil Franklin, a 32-year veteran of the Maryland State Police and Baltimore City Police Department who is now the executive director of Law Enforcement Against Prohibition. [www.leap.cc/cms/index.php](http://www.leap.cc/cms/index.php)

Tough-on-crime conservatives may be more open to the film’s message now that federal power has expanded into their doctor’s office. “I have a lot in common with CATO,” Murphy – who sister runs the Washington office of the American Civil Liberties Union – added. “I don’t trust the government.”

Neither did the Founding Fathers. Neither should you.

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