



LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

HIIBEL V. SIXTH JUDICIAL DISTRICT OF NEVADA (2003) MONDAY, APRIL 27, 2009

OVERVIEW

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This month's Landmark Supreme Court Cases and the Constitution eLesson focuses on the rights of the accused case *Hiibel v. Sixth Judicial District Court of Nevada* (2003). In this case, the Supreme Court upheld Nevada's "stop and identify" statute, holding that requiring individuals to identify themselves to police investigating crimes did not violate the Fourth Amendment prohibition on unreasonable searches, nor the Fifth Amendment right against self-incrimination.

RESOURCES

- http://www.oyez.org/cases/2000-2009/2003/2003_03_5554/
- <http://supct.law.cornell.edu/supct/html/03-5554.ZO.html>
- <http://constitutionbee.org/user/StudentGuide.aspx?id=793>
- <http://constitutionbee.org/user/StudentGuide.aspx?id=794>

ACTIVITY

Larry Hiibel looked up from where he was sitting on the side of Grass Valley Road and saw the police officer approaching. The officer parked his car and walked along the gravel shoulder towards him. Hiibel was sitting next to his truck, and a young woman was sitting inside it. The Sheriff's Department had received a call from a witness reporting that a man had assaulted a woman in a red and silver GMC truck on Grass Valley Road. Hiibel's truck fit that description. There were also skid marks in the gravel which made it appear the truck had stopped suddenly.

The officer told Hiibel that someone had reported a fight between a man and a woman, and asked Hiibel if he had any identification on him. Hiibel refused to show ID or give his name, saying he had done nothing wrong. He began to taunt the police officer. After asking for identification eleven times, the officer warned Hiibel that he would be arrested if he refused to identify himself. Hiibel continued to refuse, and was arrested. He was charged with violating Nevada's "stop and identify" statute. This law gave police the power to require a suspect to give his name. Hiibel was fined \$250.

Hiibel argued that his arrest and the Nevada law were unconstitutional violations of the Fourth and Fifth Amendments. The Fourth Amendment protects individuals' right to be "secure in their persons, papers and effects against unreasonable searches," and the Fifth Amendment affirms that no one can be compelled (forced) to be a witness against himself.

His case eventually went to the Supreme Court. The Court ruled (5-4) that Nevada did not violate Hiibel's Fourth and Fifth Amendment rights. "There is no question that the initial stop was based on reasonable suspicion, satisfying the Fourth Amendment," the Court held. Further, Hiibel's right against self-incrimination was not violated either. The Court reasoned, "disclosure of his name presented no reasonable danger of incrimination." His name alone could not possibly incriminate Hiibel (give evidence of his guilt). Therefore, it was not a violation of his rights to require him to reveal it.

COMPREHENSION AND CRITICAL THINKING QUESTIONS

1. What information did police ask Larry Hiibel, and why was he arrested?
2. On what grounds did Hiibel challenge his conviction?
3. How did the Supreme Court rule?
4. Dissenting in the case, Justice Stevens argued, "The [majority] reasons that we should not assume that the disclosure of petitioner's name would be used to incriminate him...But why else would an officer ask for it?... A name can provide the key to a broad array of information about the person, particularly in the hands of a police officer with access to a



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range of law enforcement databases.” Do you agree with his assessment of the case? Why or why not?

EXTENSIONS

A. Have students learn more about the recent Supreme Court case *Arizona v. Grant* (2009). How did the Supreme Court interpret the Fourth Amendment in this recent case?

Students can begin their research at:

http://www.oyez.org/cases/2000-2009/2008/2008_07_542

B. Have students analyze the evolution of the Court’s Fourth Amendment interpretation by studying a number of cases involving police power to search. Have students place cases in a T-chart—cases which increased police power on one side, and cases which limited police power on the other. Suggested cases:

Mapp v. Ohio (1961)

Escobedo v. Illinois (1964)

Miranda v. Arizona (1966)

Terry v. Ohio (1968)

Nix v. Williams (1984)

Knowles v. Iowa (1998)

Wyoming v. Houghton (1999)

Kyllo v. United States (2001)

Groh v. Ramirez (2004)

Georgia v. Randolph (2006)

Hudson v. Michigan (2006)

Arizona v. Grant (2009).

Students can begin their research at:

<http://www.billofrightsinstitute.org/teach/freeresources/landmarksupremecourtcases/#CrimPro>



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ANSWERS

1. his name; refusing to give his name
2. Hiibel argued that the Nevada's "stop and identify" law unconstitutionally violated the Fourth Amendment prohibition on unreasonable searches, as well as the Fifth Amendment right against self-incrimination.
3. The Court ruled for Nevada. The officer's question was clearly based on reasonable suspicion that a crime had been committed, so there was no Fourth Amendment violation. There was no Fifth Amendment violation either, because his name was not incriminating.
4. Accept reasoned answers.