

COMMUNISTIC NAZI CHECKPOINTS & ROAD BLOCKS TO CONDUCT DRIVERS LICENSE STATUS CHECKS ARE UNCONSTITUTIONAL & ILLEGAL IN AMERICA!

The Washington State Supreme Court in 1922 stated:

“We note that the case before us does not involve a search or seizure of whiskey in the home of the appellant; **but manifestly the constitutional guaranty that “no person shall be disturbed in his private affairs, or his home invaded, without authority of law,” protected the person of appellant, and the possession of his AUTOMOBILE AND ALL THAT WAS IN IT, while upon a public street of Ritzville, against arrest and search without authority of a warrant of arrest, or a search warrant**, as fully as he would have been so protected had he and his possession been actually inside his own dwelling; that is, his “private affairs” were under the protection of this guaranty of the constitution, **WHETHER HE WAS WITHIN HIS DWELLING, UPON THE PUBLIC HIGHWAYS, OR WHEREVER HE HAD THE RIGHT TO BE.” STATE v. GIBBONS, 118 Wash. 171, 187, 188 (Jan. 6, 1922)**. See also State v. Hughlett, 124 Wash. 366, at 369 (April 19, 1923) and Olmstead v. United States, 277 U.S. 438, 478 (1928).

“Under the rationale of the holding in Seattle v. Mesiani, 110 Wn.2d 454, 755 P.2d 775 (1988), **AGO 88 (1959) IS STILL VALID AND CORRECT**. The authority to request an individual’s driver’s license comes from the cause of the stop not the constrained and unfettered discretion of the police. See State v. Marchand, 104 Wn.2d 434, 706 P.2d 225 (1985); Delaware v. Prouse, 440 U.S. 648, 59 L.Ed.2d 660, 99 S.Ct. 1391 (1979).” **State v. Smits, 58 Wn.App. 333, at 340-341, 792 P.2d 565 (June 25, 1990)**. See also United States v. Brignoni-Ponce, 422 U.S. 873, 882-883 (1975).

The 1959 Washington State Attorney General John J. O’Connel stated:

“STATE OF WASHINGTON ATTORNEY GENERAL OPINION FROM OLYMPIA written by ATTORNEY GENERAL JOHN J. O’CONNEL on December 10, 1959. **THIS OPINION CONCLUDES THAT POLICE OFFICERS DO NOT HAVE STATUTORY AUTHORITY TO STOP MOTORISTS SOLELY FOR THE PURPOSE OF EXAMINING THEIR DRIVER’S LICENSES.**” **AGO No. 59-60 No. 88.**

“We agree with the observations of the United States Supreme Court in Delaware v. Prouse, 440 U.S. 648, 59 L.Ed. 2d 660, 99 S. Ct. 1391 (1979): An individual operating or traveling in an automobile does not lose all reasonable expectation of privacy simply because the automobile and its use are subject to government regulation. Automobile travel is a basic, pervasive, and often necessary mode of transportation to and from one’s home, workplace and leisure activities. Many people spend more hours each day traveling in cars than walking on the streets. Undoubtedly, many find a greater sense of security and privacy in traveling in an automobile than they do in exposing themselves by pedestrian or other modes of travel. Were the individual subject to unfettered governmental intrusion every time he entered an automobile, the security guaranteed by the Fourth Amendment would be seriously circumscribed. ... (Footnotes omitted.) Prouse, at 662-63. Sobriety checkpoint stops are searches and seizures under article 1, section 7. [3] Because sobriety check points involve seizures, they are valid only if there is “authority of law.” Article 1, section 7 “unlike any provision in the federal constitution, explicitly protects the privacy rights of Washington citizens, State v. White, 97 Wn.2d 92, 110, 640 P.2d 1061 (1982), and these privacy rights include the freedom from warrantless searches absent special circumstances.” Stroud, at 148. This court recognizes only narrow exceptions to the warrant requirement. Jacobsen v. Seattle, 98 Wn.2d 668, 672, 658, P.2d 653 (1983). ...See State v. Coe, 101 Wn.2d 364, 679 P.2d 353 (1984). We believe the federal constitution does not allow roadblocks

based upon the evidence presented to the trial courts in these cases. In *State v. Marchand*, 104 Wn.2d 434, 706 P.2d 225 (1985), this court found a “spot check” for drivers’ license, auto registration and equipment to violate the Fourth Amendment, in part because there was no statutory constraint on the discretion of the police. The sobriety checkpoints here not only lack statutory constraints, but the invasion of the privacy interests of drivers was substantially greater than in *Marchand*. A seizure to discover evidence of crimes is more “hostile” than an administrative search. *Camara v. Municipal Court*, 387 U.S. 523, 530, 18 L.Ed. 2d 930, 87 S. Ct. 1727 (1967). ...CONCLUSION The sobriety checkpoints violated the right to not be disturbed in one’s private affairs guaranteed by article 1, section 7 and the fourth amendment to the United States Constitution.” ***Seattle v. Mesiani*, 110 Wn.2d 454, , 755 P.2d 775 (May 12, 1988); *United States v. Mallides*, 473 F.2d 859 (1973).**

It is an undisputed that the Washington State Supreme Court has ruled in *State v. Marchand* that **DRIVERS LICENSE & REGISTRATION CHECKS** are **ILLEGAL**. See *State v. Marchand* to wit:

“...stopping an automobile and detaining the driver in order to check his driver’s license and the registration of the automobile are unreasonable under the Fourth Amendment. *Prouse*, 440 U.S. at 663. ...Likewise, we must answer in the negative. There is nothing in the record that indicates that the spot check is a sufficiently productive mechanism to justify the intrusion. The assertion that the practice contributes to highway safety is completely unsupported. . . . There simply is no guidance as to why, how or when an officer can infringe upon the constitutional right of a motorist to use the public highways, free of intrusion of the government and free of detention for no known reason. Under this statute a citizen can be stopped for any reason satisfactory to a state patrol trooper. . . . We hold that these statutes impose no constraints on a state patrolman’s discretion in making such stops and, thus, do not meet the dictates of *Prouse*. . . . It seems to us from this record that the State Patrol Procedural policy offers exactly the kind of unconstrained and unfettered discretion that *Prouse* condemns. We believe that neither these procedures nor RCW 46.64.070 meet Fourth Amendment standards, we need not reach Const. art. 1, section 7 arguments. We reverse the conviction of the defendant for possession of cocaine. ***State v. Marchand*, 104 Wn.2d 434, , 706 P.2d 225 [No. 50754-6. En Banc. September 12, 1985.]; *State v. Shoemaker*, 11 Wn.App. 187, 190, 191, 192, 193, 522 P.2d 203 (May 9, 1974); *Delaware v. Prouse*, 440 U.S. 648, 59 L.Ed.2d 660 (1979).**

“The trooper’s conclusory testimony is the only evidence that the stop was in accordance with State Patrol procedures. The procedures, presumably in writing, were not in evidence. We do not know when they were adopted, by whom, under what authority or what they contain. . . . There is no evidence of who decides to implement spot checks or of the required neutral criteria governing selection and conduct of checks. Constitutional requirements cannot be met by such inadequate proof.” ***Guffey v. State*, 103 Wn.2d 144, 690 P.2d 1163 [No. 49875-0. En Banc. November 15, 1984.]; *Adams v. Williams*, 407 U.S. 143, 32 L.Ed.2d 612, 92 S.Ct. 1921 (1972).**

The police officers must still first have probable cause for a seizure to be judged reasonable. *Dunaway v. New York*, 442 U.S. 200 (1979); *See v. City of Seattle*, 387 U.S. 541, 543 (1967); *Camera v. Municipal Court*, 387 U.S. 523 (1967); *Marshall v. Barlow’s, Inc.*, 436 U.S. 307 (May 23, 1978). – For help with traffic tickets or drug possession charges, contact Tribal Court Lawyer Luis Ewing at (253) 226-3741 or <rcwcodebuster@gmail.com> or <rcwcodebuster@aol.com> or <rcwcodebuster@live.com> or <rcwcodebuster@yahoo.com> or <rcwcodebuster@mail.com>