

The Bill of Rights in Action: Landmark Supreme Court Cases
Document Set E
Hiibel v. Sixth Judicial District of Nevada (2004)



Facts of the Case

Larry Hiibel was arrested and convicted in Nevada state court for failing to identify himself to a police officer who was investigating an assault. Nevada, and many other states, has a law that requires a person to tell an officer his name if asked. Hiibel challenged the conviction, claiming it violated his Fifth Amendment right not to incriminate himself and his Fourth Amendment right to be free from unreasonable searches. The state intermediate court and Supreme Court rejected his argument in affirming the conviction.

Question

Did Hiibel's arrest and conviction for not telling a police officer his name violate his Fifth Amendment right not to incriminate himself and his Fourth Amendment right to be free from an unreasonable search?

Conclusion

No. In a 5-to-4 opinion written by Justice Anthony Kennedy, the Court ruled that the search did not violate the Fourth Amendment because it was based on reasonable suspicion (the police officer was investigating the assault, and Hiibel was nearby) and involved only a minimally intrusive question (his name). It also did not violate the Fifth Amendment because Hiibel never argued that telling the officer his name would actually incriminate him of any crime. Justice Kennedy wrote, "While we recognize petitioner's strong belief that he should not have to disclose his identity, the Fifth Amendment does not override the Nevada Legislature's judgment to the contrary absent a reasonable belief that the disclosure would tend to incriminate him."

Source: The Oyez Project, *Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County*, 542 U.S. 177 (2004), available at: http://www.oyez.org/cases/2000-2009/2003/2003_03_5554/

Syllabus

SUPREME COURT OF THE UNITED STATES

HIIBEL v. SIXTH JUDICIAL DISTRICT COURT OF
NEVADA, HUMBOLDT COUNTY, et al.

CERTIORARI TO THE SUPREME COURT OF NEVADA

No. 03—5554. Argued March 22, 2004—Decided June 21, 2004

Petitioner Hiibel was arrested and convicted in a Nevada court for refusing to identify himself to a police officer during an investigative stop involving a reported assault. Nevada’s “stop and identify” statute requires a person detained by an officer under suspicious circumstances to identify himself. The state intermediate appellate court affirmed, rejecting Hiibel’s argument that the state law’s application to his case violated the Fourth and Fifth Amendments. The Nevada Supreme Court affirmed.

Held: Petitioner’s conviction does not violate his Fourth Amendment rights or the Fifth Amendment’s prohibition on self-incrimination. Pp. 3–13.

(a) State stop and identify statutes often combine elements of traditional vagrancy laws with provisions intended to regulate police behavior in the course of investigatory stops. They vary from State to State, but all permit an officer to ask or require a suspect to disclose his identity. . . the Nevada Supreme Court has interpreted the instant statute to require only that a suspect disclose his name. It apparently does not require him to produce a driver’s license or any other document. If he chooses either to state his name or communicate it to the officer by other means, the statute is satisfied and no violation occurs. Pp. 3–6.

(b) The officer’s conduct did not violate Hiibel’s Fourth Amendment rights. Ordinarily, an investigating officer is free to ask a person for identification without implicating the Amendment. . . The stop, the request, and the State’s requirement of a response did not contravene the Fourth Amendment. Pp. 6–10.

(c) Hiibel’s contention that his conviction violates the Fifth Amendment’s prohibition on self-incrimination fails because disclosure of his name and identity presented no reasonable danger of incrimination. The Fifth Amendment prohibits only compelled testimony that is incriminating. . . and protects only against disclosures that the witness reasonably believes could be used in a criminal prosecution or could lead to other evidence that might be so use. If a case arises where there is a substantial allegation that furnishing identity at the time of a stop would have given the police a link in the chain of evidence needed to convict the individual of a separate offense, the court can then consider whether the Fifth Amendment privilege applies, whether it has been violated, and what remedy must follow. Those questions need not be resolved here. 10–13.

Source: 118 Nev. 868, 59 P.2d 1201, affirmed.