

## **BURNIE THOMPSON: Your papers, please!**

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*The writer hosts The Burnie Thompson Show on Talk Radio 101.1 FM weekdays from 6-9 a.m.  
E-mail him at [burnie@talkradio101.com](mailto:burnie@talkradio101.com).*

### **By Burnie Thompson**

Twice recently the Florida Highway Patrol asked me to show my driver license. Well, they didn't exactly ask me. They seized me.

Not just me - they're setting up roadblocks all over Florida and demanding you show your papers. They call them driver license and vehicle inspection checkpoints. They say it keeps us safer. It's for our own good.

Here's how it went Aug. 2 on Lisenby Avenue near Grace Presbyterian Church at 3:30 p.m. I'm on my way to get groceries when a trooper standing in the road directs me to stop and tells me to show my license.

Sure, I say, but first I ask if he's familiar with the Fourth Amendment to the Constitution. He looks perplexed. I tell him it protects us from unreasonable seizures of our persons. He tells me I haven't been seized.

Really? I ask, "If I prefer not to show my driver license, am I free to go?"

His demeanor changes. He's no longer waving at children in the backseat as he did to the car ahead of me. Instead, he says, "Absolutely not. You will relinquish your driver license right now!"

He's clearly ticked.

I hand him my license. He walks to the front of my car and tells me to honk my horn. He says, "I know my rights very well."

I reply, "It's not yours I'm talking about; it's ours."

He walks to the back of my car and eyes my license plate. When he returns he slaps my driver license on my car door for me to pick up, and says, "Remember, driving is a privilege, not a right."

Actually, that's up for debate. After we've demonstrated our competence to drive, we've earned a state-granted right, which can't be revoked unless we do something wrong. A privilege can be given or taken on a whim.

After a couple minutes, I was a free man again. But why was I seized in the first place? Just governments exist to protect our God-given rights to life, liberty and property so we can pursue happiness.

If our Creator grants us freedom - as our Declaration of Independence insists - then nobody has the just power to make us unfree even for a few moments. Troopers who take an oath to support and defend the Constitution should protect and serve within constitutional guidelines.

It's always wrong to begin a dialogue with someone who has done nothing wrong by initiating force against them. And let's be honest: Preventing people from making their way around public roads they supposedly own is an initiation of force.

The Fourth Amendment protects our right from unreasonable searches and seizures; it specifically requires "probable cause."

Think about it: If seizing us for doing nothing wrong (no probable cause) is reasonable, what would be an unreasonable seizure?

The FHP says it can "temporarily detain" us in order to keep the roads safer. They say there are nearly 8,000 out of almost 153,000 drivers in Bay County with suspended or revoked driver licenses. Why do the irresponsible 5 percent justify creating a police state for the rest of us?

The FHP claims it has state statute and case law on its side. But since when did lawmakers in Tallahassee and Florida judges supersede the U.S. Constitution?

Ben Franklin warned that those who would trade essential liberties for temporary security deserve neither. I argue those who make that trade will end up with neither.

I wonder how much safer we would be if those three highway patrolmen standing around Lisenby Avenue were out catching red-light runners and reckless drivers rather than detaining people for no probable cause.

The trooper was angry that I questioned his authority. He was close to showing me who was boss. I may have been moments away from being arrested for failure to exhibit my license even though I showed it to him within a few seconds.

I was presumed guilty until I proved my innocence.

Many argue it's a minor inconvenience for the public good. But doesn't the Constitution already settle the matter? Perhaps government is conditioning us to be good subjects rather than empowered citizens.

If you find yourself ensnared in an FHP roadblock, you can show your papers without question and the trooper might smile and wave at your children. Or you can read him the Fourth Amendment as I did before relinquishing your license. Even troopers need to be reminded of our liberty and the supreme law of the land.