**THE SKEPTIC ARENA.COM**

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**LAPD Protective League says**

**Cops can too Demand Your ID!**

**by Frank Vyan Walton**

**(note: This essay is about Danielle Watts, the actress who was detained in Los Angeles after police received complaints about two people having sex in a parked car visible to the public.**

**If you tried to print out this guy's essay, you would have had to replace your printer cartridge at least 3 times. So to save you all the drudgery and agony of suffering through his attempt to rewrite "War and Peace," I have deleted most of it and replied to only a few pertinent parts).**

***The Supreme Court of the United States has upheld the requirement to provide identification to an officer during a detention. In 2004, in Hiibel v. Sixth Judicial District of Humboldt County, the court ruled on the case of a man detained by the police who “refused to identify himself only because he thought his name was none of the officer’s business.” The Supreme Court disagreed, ruling a police officer has a right to request identification during a valid detention.***

***As a California Appellate Court summed up, “where there is a right to detain, there is a companion right to request and obtain the detainee’s identification.”***

***Prosecutors at the Alameda County District Attorney’s Office have opined that when you are detained by a police officer, you must provide identification when asked to do so, or face arrest for obstructing or delaying a police officer.***

**(In his first essay, Vyan must have challenged those laws because he has been forced to write a second essay, responding to a bunch of angry commenters who saw a need to set him straight on his misinterpretation of those laws. Here are a few examples of how Vyan responded to his "ass whoopin") ...**

***Having gone through a pretty lengthy discussion of this the other day on my original diary on Daniela* [sic] *Watts detainment, my understanding is considerably improved***

**Vyan, I take that to mean that you got schooled by people who actually understand what they are talking about.**

***and this is simply a read out of that understanding***

**Vyan, no it's not. You didn't change or learn anything. This is just a pathetic attempt to rationalize away the facts that commenters tried to beat into you.**

***if any practicing attorneys see something I've said that's wrong, feel free to chime in. I'll fix it.***

**Vyan, this essay is proof ... that you won't. Like all irrational thinkers, you have proven yourself incapable of admitting when you have been proven wrong.**

**But this essay of yours provides an excellent training tool for rational thinkers. Kind of in the same way that the "Darwin Awards" teaches people how to think rationally by providing them examples of how ... not to think.**

***Firstly on Hiibel, yes, the court upheld the right of an Officer to obtain personal ID during the course of investigating of a possible crime, but they also ruled that this decision was dependent on that state having a "Papers Please" ID law on the books.***

**Vyan, links please. I have been unable to find any evidence to support that claim. In fact, papers are not required to fulfill compliance under Hiibel.**

[**http://en.wikipedia.org/wiki/Hiibel\_v.\_Sixth\_Judicial\_District\_Court\_of\_Nevada**](http://en.wikipedia.org/wiki/Hiibel_v._Sixth_Judicial_District_Court_of_Nevada)

***Notice that the Protective League press release says that Hiibel was a case against the "Sixth Judicial District of Humbolt County". They left something out there. It was the Sixth Judicial District of Humbolt County, Nevada - not Humbolt County, California, and that makes a difference because they, again, were ruling on the Constitutionality of a "Papers Please/ID Law" - and California doesn't have one of those anymore.***

**Vyan, still waiting for you to back up your claim. Links please.**

***Such a law might be Constitutional if we had one in California, but we don't so in many respects Hiibel is a moot point here. It doesn't apply in this state.***

**Vyan, provide the proof that Hiibel states what you claim it does, and I will concede the point that the Protective League got that one wrong.**

***If a person is being detained because they are under "reasonable suspicion" of being involved in a crime, a police officer may ask for your ID, but whether you're required to provide it isn't so simple.***

**Vyan, that's the paragraph that proves that you refuse to admit that you screwed up. Go back to the beginning and reread the Supreme Court's ruling. Where there is reasonable suspicion that a crime has been committed, the power to detain and identify is simple for everyone ... but you, Vyan.**

**(now Vyan lists a series of red herring cases. The purpose of which, is to bury his screw up under a pile of unrelated bullshit. I will spare you the spectacle, as we've all seen this tactic many times before. Let's just skip ahead to his next major fail).**

***Cal Penal Code 148. (a) (1) Every person who willfully resists, delays, or obstructs any public officer, peace officer ... shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.***

***LAPD seems to be trying to slide by this portion of Hiibel in order to threaten arrest to force compliance, and since their* [sic.1] *isn't a California ID law their* [sic.2] *doing it under Penal Code 148(a)(1).***

**Vyan, what makes you think that officers used section 148 because they couldn't use an unconstitutional section? Why couldn't they have used section 148 because that was the section that applied to this case? See where your logic misfired Vyan?**

**Vyan, [sic.1] should be "there" and [sic.2] should be "they're." Dude ... either you need to calm down and think before you type, or else enroll in a good ESL class.**

***The Protective League refers to Hiibel as justification, which isn't valid in to* [sic] *this jurisdiction,***

**Vyan, that's only true if you can supply the links requested earlier.**

***then quotes from an* [sic] *County Prosecutor that directly contradicts Hiibel on whether people can be punitively arrested for asserting their rights.***

**Vyan, reread the Supreme Court ruling. Watts didn't have the right to refuse to identify herself.**

***Despite what the Protective League say,* [sic] *there are other authorities on this matter besides them and Prosecutors - such as the ACLU.***

**(skipping to the ACLU summary):**

***“In California,” said Bibring, “an officer cannot arrest someone for refusing to provide identification, even if you are being investigated for a crime.”***

**Vyan, when Bibring gets appointed to the Supreme Court then he can attempt to interpret the law the way he sees it. Until then ... his opinion walks.**

***I think, as some attorney's* [sic] *like shanikka have said, the presumptions made by LAPD over Long are ripe to be directly challenged to resolve the Appellate Conflict in the California Supreme Court. The fact that Police are using an Obstruction charge in lieu of having an ID Law, as a means to create a de facto ID Law after the one we used to have was struck down by Kolender, then repealed, is troubling.***

**Vyan, so since you can't think of any legitimate way to attack the use of section 148, the best you can come up with is ... "troubling"**

**(well, at least he spelled that one right)**

***They seem to be directly defying not just the will of the Supreme Court, but of the people as well.***

**Actually Vyan, the only one who is defying the Supreme Court ... would be you.**

**(Here I must congratulate Vyan for doing what Conservatives rarely do - present opposing views):**

***Contrary to what your diary seems to suggest, neither Brown nor Kolender address this issue***

**(This commenter supports my earlier accusation. With Vyan's collection of Red Herring arguments, he could operate his own commercial fishing boat). The commenter continues:**

***Hiibel ruled that non vague stop and identify statutes that require identification upon lawful detention are constitutional. Dicta (not binding authority) in the case suggests that absent a stop and identify statute, identification is not required. Long and Loudermilk are two california cases (from the eighties, so quite stale) that suggest that you can be lawfully arrested for not identifying yourself, once lawfully detained. In California, unlike the federal system, it makes no difference whatsoever which appellate district the decision comes from, the decisions are equally binding across the state. There are no splits of opinion in California appellate courts (contrary to what Shanikka says without citing any case that disagrees with Ling or Loudermilk). The most recent appellate case supersedes a prior one from any district if the facts are not distinguishable. Your inquiry re: San Jose vs. Los Angeles is misguided for that reason.***

***It is a common misconception that the Fifth Amendment protects your right to remain silent. The Supreme Court has ruled over and over that it only protects your right to not incriminate yourself and that identification is not incriminating, except under a hypothetical situation where your name itself is evidence that you are guilty of a crime.***

***As I said, in practice, you will normally be arrested (for a 148), fingerprinted, and eventually identified (or given an alias) if you fail to identify yourself to an officer while detained. While no appellate court has ruled in either direction on whether this actually constitutes a 148, in practice, police (and trial courts) act as if it does.***

**(now Vyan responds to the commenter):**

***Well that's thoroughly a downer.***

**(now Vyan goes into denial/red herring mode, which is his normal response when reality doesn't match his imaginary world)**

***It seems to me, we need a test case to challenge and straighten all this out, particularly at the appellate level.***

**Vyan, we've already had tons of cases. You mentioned some yourself. What you are actually saying is "let's keep going and going until I finally get the result I want."**

**(now Vyan drops his day's catch of red herrings):**

***The world has changed, particular* [sic] *with ongoing NSA surveillance and completely non-illegal information being fed from people's private email, and personal web traffic into fusion centers which can be accessed by the JTTF. You can give you* [sic] *name, and how are you to know that someone with that name isn't wanted? That's what happened to the guy the Ferguson cops beat up while handcuffed then charged him with "property damage" for bleeding on their uniforms. More and more giving your name actually is potentially incriminating, even if the SCOTUS hasn't yet realized it.***

**Vyan, thanks for the concession to reality. When they do realize it, then at least you'll have something on your side of the argument.**

***And then again there's this which was posted in response to the above.***

**(now Vyan grasps for a buoy floating by, by quoting a commenter who is no smarter than Vyan. This commenter is addressing the previous commenter):**

***Did your research include the case of People v Quiroga 16 CA 4th 961 which holds specifically that until you reach the booking stage refusal to give your name can not be charged under penal code section 148 in California? That case holds that prior to detention, upon detention, after arrest in the car on the way to the police station, it is not resisting or obstruction to refuse to give your name.***

**(So where did Vyan's savior go off the rails?**

**He failed to take into account this statement from the opinion in People v. Quiroga:**

**"We find nothing in appellant's conduct before his arrest that might justify a charge of violating Penal Code section 148."**

**That quote proves that People v. Quiroga is irrelevant to this debate).**

**Sorry Vyan, but you should have researched your buddy's comment before posting it as fact.**

[**http://scholar.google.com/scholar\_case?case=7301307581218989644&q=People+v.+Quiroga+(1993)+16+Cal.App.4th+961&hl=en&as\_sdt=2006&as\_vis=1**](http://scholar.google.com/scholar_case?case=7301307581218989644&q=People+v.+Quiroga+(1993)+16+Cal.App.4th+961&hl=en&as_sdt=2006&as_vis=1)

***This sounds like the other appellate case that Shanikka indicated has split the California courts. [Was looking for this] So - I think - if your* [sic] *in a case and the prosecutor asserts Long, you or your attorney should bring up Quiroga. That should make for some interesting fireworks.***

**Vyan, only if the judge is too mentally lazy to read the opinion.**

***And also this in response to the Alameda County Prosecutor's view and seems to be closing a significant loophole.***

***"The California Peace Officers Legal Sourcebook written by the office of the California Attorney General maintains that failure to identify oneself does not constitute a violation of California Penal Code §148(a)(1), resisting, delaying, or obstructing a peace officer: Unlike Nevada and 20 other states, California does not have a statute mandating that a detainee identify himself, and that obligation cannot be read into Penal Code Section 148."***

**Vyan, thanks for the excellent example of selective thinking. You reject the Supreme Court's ruling by offering a multitude of specious arguments, but, "The Peace Officers Source Book" ... better than the Constitution.**

***Police are essentially alleging they have the authority to demand ID when "reasonable suspicion" exists on the basis of Hiibel at the Federal level and Long and the State Appellate level.***

**Vyan, the federal level is sufficient. It overrides state law. Didn't they teach you that in law school?**

**(now Vyan gives a long-winded summary in which he tries to convince the audience that he was right in the beginning, and that it is the judicial system that has it all wrong, by simply repeating all his earlier misconceptions. I'll save you the snooze and skip ahead):**

***Now, does this give someone like Daniele* [sic] *Watts an actionable case based on what she experienced? Again, IANAL (yet), but I think not.***

**Vyan, after reading your semi-literate essays, we are all hoping we can remove forever, that qualifier "yet" from your admission "IANAL" (I am not a lawyer).**

***Officers did not cross the line drawn by Quiroga and charge her with obstruction or interference under 148(a)(i)* [SIC] *for her initial refusal to provide ID. They might not have done that because her boyfriend eventually provided the ID, but be that as it may they did not in this case cross a Constitutional Line. They ran up and did a River Dance on the line with their passive aggressive humiliation and intimidation tactics, but they didn't technically cross it.***

**Vyan, for those of us who listened to the tape, we are stunned that you could hear the same tape and accuse the officers of all those things. Even prominent African-American individuals and organizations disagree with you; even they asked Watts to apologize; even they admitted that the officers acted politely and professionally; even they criticized Watts for trying to play the race card.**

**Just the thought that people as biased and racist as you could someday become lawyers, worries me far more than officers who attempt to enforce a law which you do not understand.**

[**http://www.dailymail.co.uk/news/article-2760169/EXCLUSIVE-I-know-rights-I-played-cop-TV-New-audio-moment-Django-Unchained-actress-handcuffed-LAPD-MailOnline-reveals-officers-showed-female-Hispanic-openly-gay.html**](http://www.dailymail.co.uk/news/article-2760169/EXCLUSIVE-I-know-rights-I-played-cop-TV-New-audio-moment-Django-Unchained-actress-handcuffed-LAPD-MailOnline-reveals-officers-showed-female-Hispanic-openly-gay.html)

***In my non-expert opinion, Daniele* [sic] *may have a better case not on the ID issue, but on the detention issue. She verbally made it clear that she intended to leave and Sgt Parker didn't make it clear that she was being detained as part of an investigation and was required to stay.***

**Vyan, I think she may have figured that part out when she found herself in handcuffs.**

***Last point, TMZ now has pictures that they say confirm that Daniele was having sex in public. I think this changes nothing.***

**Vyan, thanks for destroying your entire argument, and with it, any pretense of objectivity that went with it. The report of public lewdness was the reason for the whole incident. But because that proves Watts was guilty, and that the police not only had reason to suspect a crime had been committed, but that in fact, a crime had occurred, and therefore, requiring ID was appropriate, you desperately try to dismiss it and quickly change the subject.**

**You irrationals never change. When you lose, instead of having the integrity to admit it - you try to weasel out; proving to everyone that** **without dishonesty, you would have no character traits at all.**

***If these people, who were so brave as to sell their voyeur pictures to TMZ - who make their living on being voyeurs***

**Nice one Vyan. Just when I didn't think you could sink any lower, you prove me wrong by attacking the witnesses who dared to produce the evidence that Watts was guilty. Absolutely pathetic, Dude.**

**I've changed my mind. I now believe that you are excellent ... lawyer material.**

***had instead provided this information to police in the first place, the question of requiring Daniele's ID would have changed nothing in terms of the "investigation" of this incident. Who she is, has no bearing on what she did or didn't do.***

**Vyan, you need to reread the laws on why identification is required ... hopefully before your next law school exam.**

***LAPD's continued insistence that they need information that isn't relevant to any real investigation,***

**Vyan, that investigation was real, and as the evidence showed, a crime actually happened. Trying to bury the facts by distracting your audience is really the only option you have left, isn't it?**

***and their reliance on the threat of obstruction to compel compliance is really a problem.***

**Vyan, the threat of obstruction to compel compliance is why the law was passed. Vyan, I hope you give serious consideration to specializing in a field of law ... other than criminal.**

[**http://www.dailykos.com/story/2014/09/17/1330341/-LAPD-Protective-League-says-Cops-can-too-Demand-Your-ID?detail=email5**](http://www.dailykos.com/story/2014/09/17/1330341/-LAPD-Protective-League-says-Cops-can-too-Demand-Your-ID?detail=email5)

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**THE SCIENCE SEGMENT**

**First Neandertal rock engraving found in Gibraltar:**

**Abstract art may be older than we thought**

**The first example of a rock engraving attributed to Neandertals has been discovered in Gorham's Cave, Gibraltar. Dated at over 39,000 years old, it consists of a deeply impressed cross-hatching, carved into rock. Its analysis calls into question the view that the production of representational and abstract depictions on cave walls, seen as a key stage in the development of human cultures, was a cultural innovation introduced into Europe by modern humans. On the contrary, the findings support the hypothesis that Neandertals had a symbolic material culture.**

**It has also frequently been used to suggest that there were marked cognitive differences between modern humans and the Neandertals who preceded them, and who did not express themselves in this way. The recent discovery in Gorham's Cave changes the picture.**

**It consists of an abstract engraving in the form of a deeply impressed cross-hatching carved into the bedrock at the back of the cave. At the time it was identified it was covered by a layer of sediment shown by radiocarbon dating to be 39,000 years old. Since the engraving lies beneath this layer it is therefore older. This dating, together with the presence of Mousterian tools characteristic of Neandertals, in the sediments covering the engraving, shows that it was made by Neandertals, who still populated the south of the Iberian peninsula at that time.**

**Researchers undertook a microscopic analysis of the engraving, produced a 3-D reconstruction of it, and carried out an experimental study, which demonstrated its human origin. The work also showed that the engraved lines are not the result of utilitarian activity, such as the cutting of meat or skins, but rather that of repeatedly and intentionally passing a robust pointed tool made of stone into the rock to carve deep grooves. The lines were skillfully carved, and the researchers calculated that between 188 and 317 strokes of the engraving tool were necessary to achieve this result.**

**The discovery supports the view that graphic expression was not exclusive to modern humans, and that some Neandertal cultures produced abstract engravings.**

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**FAMOUS QUOTES**

**H.L. Mencken (no biography - previously quoted)**

**"For every complex problem**

**there is an answer that is clear, simple,**

**and wrong.”**