

"TICKET ME, GODDAMN IT!"

A few weeks ago, I was driving on the Interstate with my girlfriend, heading for Covington to attend a friend's wedding. I was going at least 74 miles per hour. I wasn't late or anything like that; I was just driving fast. I noticed a shape up ahead, then, realized it was a police car parked on the shoulder. Just as I passed him, slamming on my brakes in a desperate attempt to slow down, he zapped me with his radar gun. (My Cobra radar detector started buzzing like a mad hornet—helluva lot of good it did me.)

So he took off after me, and flashed his lights at me when he caught up to me. We both pulled onto the shoulder. I sat in the car, waiting, with my window rolled down (I didn't want to get shot charging out of the car without a request). Finally, I did "please step outside" of the car when the officer asked me to. He looked at me, and said, "I clocked you going 74 miles per hour. Where are you headed to in such a hurry this evening, Sir?" I told him I was going to a wedding, which was to start in about an hour, which was true. I was also dressed very nice, tie and coat and all that, so evidently he believed me.

"Where's this wedding at?" he asked me. I told him Covington, which was about 40 minutes away (driving the speed limit); obviously, I wasn't late for the wedding; there was no real need to hurry. He asked me where I worked. I told him I was a student. Where? he wanted to know. At LSU Law School, I told him. He asked for my registration and insurance. Oh shit, I thought, because, although the car was currently insured, I didn't have the current papers with me; I only had the last, expired one. I showed it to him and told him the truth.

Then he said, "You're going to have to do better than that. Good day." And then got in his car, and I got in mine and drove away. He didn't give me a ticket.

Now I suppose most of you out there would ask, "aren't you grateful?" My answer is, Hell no, I'm not grateful. In fact, I resent it. I resent the fact that (part of) my fate lay in that officer's whims.

Consider what happened: A (white) policeman stopped a well-dressed, polite young white law student, in a nice car, heading for a wedding (a nice, traditional Judeo-Christian-type event). He decided to give me a 'break,' even though I was going 74 mph and didn't have valid proof of insurance with me (and even though I was resenting him the whole time—but he didn't know that). The problem with situations like this is that the government should not have the power to arbitrarily enforce laws. If I had been a driving a hopped-up Chevy with a loud muffler and obscene bumper stickers (like, "Police are Pigs!"), dressed in an Iron Maiden T-shirt and tattered blue jeans, with a long hippie-haircut and an upside-down crucifix earring, *and with no insurance*, I think it's pretty safe to say that I would have probably gotten a ticket.

When the police have the discretion to enforce the laws only on the "undesirables" that they don't (and the majority don't) like, our cherished freedoms are jeopardized. Just as a laws may not constitutionally discriminate on the basis of race, or religion, or personal taste in music, or car- or hair-style, laws should not be able to be *enforced* in this way. Even though a law may be "neutral" on its face, if it is routinely enforced against, say, only poor or blacks or teenagers, it is just as bad as if the law were written that way. (For example, Soviet Russia's laws ostensibly (and absurdly) guarantee individual rights.) Obviously, it is how the laws are actually executed which affects individuals and which matters.

The phenomenon of "fixing tickets" is also a manifestation of the arbitrary nature of some laws. Many of my friends in law school know or are related to lawyers, policemen, politicians or judges, and thus can get tickets "fixed" for them. Since the politically powerful—who (unfortunately) have the power to change laws—rarely feel the full brunt of (unfair) laws, there is little incentive for them to get rid of unfair laws.

When the government has too much arbitrary, subjective discretion in deciding whether or not to enforce laws (against certain individuals), "bad" or "unfair" or "unjust" laws have a greater chance of surviving. Imagine that speeding tickets were \$1000 each. If this unjust law were enforced uniformly on everyone who is caught speeding (poor & rich, white & black, welders & politicians, young & old), there would be a massive outcry that would probably cause the law's demise. However, if the police impose this fine only on the "undesirables" in society, such as "trashy" types in loud, "trashy" cars, who don't show "proper respect" to the police or have a "proper excuse" for speeding, there would not be much of an outcry. In this way, the arbitrary, discretionary enforcement of laws allows (and even encourages) unjust laws to flourish. In this way, minorities become persecuted, and remain persecuted, as their complaints are too faint to spur the bureaucrats into action.

But such persecution of minorities threatens each of us, since the individual is the smallest minority that exists.

The police ought not be allowed to "go easier" on individuals just because they dress nice, or speak "right." In short, laws ought to be objective, non-discretionary, and just.

-- N. Stephan Kinsella

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EDITOR
P.O. Box 20794
Baton Rouge, LA 70894