

Always be cool

anon.

1969

Editors' note: This article is being printed so that we can stop brothers and sisters from being needlessly busted. It was written by a Detroit lawyer who wants to remain anonymous. Don't be careless! Learn from the way the man is dealing with John Sinclair.

The drug laws are enforced very selectively in this country. Everybody smokes pot, but it is the blacks, the long-hairs, the political movement people, the students, the underground press and the army organizers who get busted for it.

IN THE HOUSE

Generally cops are supposed to have a search warrant and to knock and announce themselves and explain what they want before they can come into your house. However, as a practical matter, police generally enter either with an arrest warrant for someone in the house and with the full intent to search the house or by using some ploy such as looking for a little girl, or simply by barging in and lying about it in Court.

Generally the cop will say that you invited him in, or that once the door was open he smelled marijuana and accordingly entered to make a search for what appeared to be an illegal activity taking place in his presence.

To minimize the chances of this happening, or at least to minimize the opportunities you give the cop to lie, take these simple precautions:

If you have drugs in the house, keep your door locked and ask who it is before you open it. If they say it is the police, ask them if they have a warrant. If they say no, don't open the door. If they say yes, ask them to skip the warrant under the door.

They may slip it under or they may just bust down the door. They might bust it in even if they don't have a warrant, but the harder you make it for them to get in, the more time you have to get rid of the dope, and the more difficult it will be in Court for the police to say that you invited them in. Do not throw dope out of the window, since there are very likely police officers outside.

If you're holding the dope when the cop breaks in you're guilty of possession, but in Michigan one is guilty of possession or control, so simply being in the room is close enough to dope is enough to sustain a conviction. However, your best bet is to not have any in your immediate possession and to develop the habit of keeping the ash trays clean of roaches.

Never under any circumstances acknowledge that the dope is yours. As soon as it is apparent that you are under arrest, do not leave the room to get clothing or other items, because this will allow the police to search the area around your clothing and perhaps turn up dope there and moreover there might be forgotten quantities of dope in the pockets of your coat. No matter what, simply go with the officer from the room in which he has arrested you and do not go anywhere else in the house.

When you are taken to the police station, do not acknowledge that you have ever used dope, and simply profess to know absolutely nothing about any dope which may have been found in the house. If you appear to be a neophyte you are more apt to be let off than if you are a known user.

ON THE STREET

Legally a cop can stop you on the street and search you only if he has some grounds to suspect that you may be dangerous or preparing to commit a crime, but as a practical matter, if a cop chooses to search you on the street he's going to do just that and make up a reason later on.

Additionally, Michigan has a peculiar clause in its Constitution which permits the use at trial of narcotics even though they were obtained by way of an illegal search and seizure. While the provision is almost certainly unconstitutional under the Federal Constitution, it remains on the books and most judges will still permit narcotics to be used in evidence even though they were obtained by clearly unconstitutional search and seizure.

Accordingly, when you venture out on the street with dope in your possession you have virtually waived your constitutional rights to be free from illegal searches and seizures.

Thus, carry dope on the street only with great circumspection. If you are going to carry it, the best place is in your underpants; as the cops will not generally search you there on the street. Just get into the habit of putting it there. If several persons are walking or traveling together, it may be best to let one person carry it, as the others will not be charged if it is in the possession of only one person.

Whatever you do never discard the dope if the police stop you. If the police are going to turn up the dope, let them do so by way of an illegal search and hope that you wind up in front of a judge who does not enforce the Michigan Constitution. Once you discarded it however, there is no longer any search and seizure protection and if the police find it, you are out of luck.

IN A CAR

If a cop pulls you over, immediately get out with your registration and license in hand. Be careful however and not appear too anxious and get yourself shot by hurriedly fumbling in your pockets for a driver's license. A cop has a right to request your registration and license at any time without any suspicion.

It is always best that the car windows are closed and all the doors are locked, but if you attempt to close the windows and lock the doors once the police officers pull you over, this is apt to be enough to touch them off and they will search the car.

The major thing is to be calm and do not panic, if the dope is in the car, it should be in someone's underpants, preferably a girl because in order to search her, the police would have to take everybody down to the police station and summon a matron. In many of the smaller police stations, matrons are not readily available and it causes many problems.

Remember also that when a police officer approaches the drivers side to ask for the license and registration, in all likelihood, his partner is approaching the right hand side of the car watching all the occupants in the car. Thus, if someone panics and attempts to throw dope out of the window, he will be waiting for it. Moreover, he is in a position to observe any hurried or frightened looking movements inside the car so just sit tight.

Legally a cop cannot enter your car and search it for a mere traffic violation but it is difficult to keep them out. The officer may ask your permission to search the car, and you should politely but firmly tell him that he does not have such permission and you are in a hurry to be going somewhere.

Do not under any circumstances grant permission to enter your car. If he does enter the car and search it, there's always a chance that the search will be declared illegal despite the Michigan Constitution, and under the circumstances this is the best you can hope for.

Remember also that if the cop spots anything connected with dope smoking such as papers, pipes, etc., he will search the car surely as if he saw dope itself. These items must as carefully be concealed as the grass.

Get used to the idea of eating the roaches, and never leave them in the ash trays, because this is the first place the cops will look.

Generally the cops will ask to see identification and provide it if they do so. For this reason never keep dope in your wallet, because it is apt to be visible when you open it to show the cop your ID. If you are in a car which is stopped by the police and dope is found in it, much will depend upon the city or county you are in as to who is charged with possession.

Always the owner and/or driver of the car will be charged if dope is found or concealed somewhere in the car. Additionally, people who are sitting near the dope are apt to be charged with it as well. Thus, if there are roaches found in the front ash tray, everybody sitting in the front seat will probably be charged.

CROSSING THE BORDER

Be extremely careful in crossing borders, because the border guards can search a car or person thoroughly with no reason and there are virtually no search and seizure protections at the border. If these guys choose to do a thorough search it may include even body cavities, so be very careful.

Above all else, never give anyone any quantity of dope unless you know him like your brother. The narcs infiltrate demonstrations and other crowds often disguised as freaks with shoulder length hair.

In Michigan giving one joint to a person is regarded as more serious than second degree murder and carries a minimum mandatory twenty years in prison. Thus, if the police can even make a half ass case on you, it becomes necessary to plead guilty to some crime less than sale or dispensing of dope to avoid the mandatory twenty years.

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