

# U.S. Supreme Court

**Brown v. Texas, 443 U.S. 47 (1979)**

**Brown v. Texas**

**No. 77-6673**

**Argued February 21, 1979**

**Decided June 25, 1979**

**443 U.S. 47**

**Held:** *The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct.* Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable." Cf. *Terry v. Ohio*, 392 U. S. 1; *United States v. Brignoni-Ponce*, 422 U. S. 873. The Fourth Amendment requires that such a seizure be based on specific, objective facts indicating that society's legitimate interests require such action, or that the seizure be carried out pursuant to a plan embodying explicit, neutral limitations on the conduct of individual officers. *Delaware v. Prouse*, 440 U. S. 648. Here, the State does not contend that appellant was stopped pursuant to a practice embodying neutral criteria, and *the officers' actions were not justified on the ground that they had a reasonable suspicion, based on objective facts, that he was involved in criminal activity.* Absent any basis for suspecting appellant of misconduct, the balance between the public interest in crime prevention and appellant's right to personal security and privacy tilts in favor of freedom from police interference.

Reversed.

BURGER, C.J., delivered the opinion for a unanimous Court.

## CASE TEXT EXCERPTS

### II

When the officers detained appellant for the purpose of requiring him to identify himself, they performed a seizure of his person subject to the requirements of the Fourth Amendment.

The Fourth Amendment, of course, “applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest.” --*Davis v. Mississippi*, 394 U. S. 721 (1969); *Terry v. Ohio*, 392 U. S. 1, 392 U. S. 16-19 (1968).” [W]henver a police officer accosts an individual and restrains his freedom to walk away, he has seized “that person,” id. at 392 U. S. 16, and the Fourth Amendment requires that the seizure be “reasonable.” --*United States v. Brignoni-Ponce*, 422 U. S. 873, 422 U. S. 878 (1975).

. . . we have required the officers to have a reasonable suspicion, based on objective facts, that the individual is involved in criminal activity. --*Delaware v. Prouse*, supra at 440 U. S. 663; *United States v. Brignoni-Ponce*, supra at 422 U. S. 882-883; see also *Lanzetta v. New Jersey*, 306 U. S. 451 (1939).

In the absence of any basis for suspecting appellant of [criminal] misconduct, the balance between the public interest and appellant's right to personal security and privacy tilts in favor of freedom from police interference.

. . . even assuming that purpose is served to some degree by stopping and demanding identification from an individual without any specific basis for believing he is involved in criminal activity, the guarantees of the Fourth Amendment do not allow it. When such a stop is not based on objective criteria, the risk of arbitrary and abusive police practices exceeds tolerable limits. See *Delaware v. Prouse*, supra, at 440 U. S. 661.

The application of Tex.Penal Code Ann., Tit. 8, § 38.02 (1974), to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe appellant was engaged or had engaged in criminal conduct. Accordingly, appellant may not be punished for refusing to identify himself, and the conviction is

*Reversed.*

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