



Young Woman Goes to Jail for Not Carrying Driver's License

Police stopped the couple, and the two were given tickets for trespassing. Fischer was able to produce this driver's license as identification, but Samantha had left her driver's license in her hotel room a couple of blocks away. She asked if a friend could retrieve the driver's licenses from her room, but, Ms. Zucker relates: "He said it was too late for that, I should have thought of it earlier."



The officer then arrested Zucker, handcuffed the young woman, and took her to the 26th Precinct Station House. She was then transported to central booking in Manhattan, and because one of the officers was ending his shift before Zucker could be photographed, the young woman was moved back to the 26th Precinct Station House. Then Samantha Zucker was taken by two officers who had just started their shifts back to central booking where she spent a second night in jail.

During this ordeal, according to Zucker, the arresting officer walked by her cell and taunted her: "He was telling me that I needed to get a new boyfriend, that I should get a guy who takes me out to dinner. He mocked me for being from Westchester." Samantha said that other police officers were shocked that she had not been allowed to retrieve her driver's license, and she said these officers related that the policeman who arrested her "had an incredibly short fuse," but she adds: "While it may have been one out-of-control officer that began the process, no other officer had the courage to stand up against what they knew was a poor decision." Samantha finally saw a magistrate, after 36 hours in police custody. Within a minute of being brought before this judge, all charges were dismissed.

What was this young woman's supposed "crime"? Surely it was not strolling through a park in early morning hours. Although there was a closing time for the park, unless the couple were engaged in destructive or suspicious behavior, which no one, including the arresting officer, suggested, then a simple direction to leave the park was all the law required — Fischer and Zucker were perfectly willing to do that, and there was not even the allegation of any resistance to police directions on that point.

Was Zucker's "crime" being from Westchester? Was it having a boyfriend who was took her for a walk in the park instead of out to dinner? One hopes not, but given the behavior of the arresting officer, and his apparent reputation in the department, that cannot be ruled completely out. Even if Samantha Zucker was charged with a crime, why did she need to go through the ordeal of being arrested, handcuffed, taken to a police precinct, then transported to central booking, and then brought back to



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the precinct? Was she, in any way, a threat to public safety or a flight risk?

The different treatment given to Fischer and to Zucker rested on her failure to produce a state identification card, in this case a driver's license. What authority does the state have to require that people walking through a public park carry such an identification card? Liberty means something very different than Americans have understood it under our constitutional system if the failure to carry a government identification card can lead to arrest and jailing of an apparently peaceful citizen, but as Zucker has learned, we may be living today in an America with much more constricted rights and liberties than our forefathers intended.



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