

Know Your Rights!

**Defend your community against
the FBI's racist attacks on freedom.**



We just have a few questions...



Compiled by the Free Tarek! Support Committee

www.freetarek.com – E-mail: freetarek@gmail.com

If the FBI knocks on your door, call: 617-455-5495

Can agents search my home or workplace?

Agents can only search your home if they have a search warrant, or if they have your consent. If you are not home, that can get consent from a housemate or guest. **Do not ever consent to a search of your home, and make sure that the other people in your house know not to consent either.** If they proceed to search your home against your will, do not physically interfere. Continue stating loudly that you do not consent to the search and remember to take down the names, badge numbers and any other kind of identification you can get from all of the agents involved. **If possible, try to document the search with photos or a video camera, or write down everything you can.** Call a lawyer as soon as possible, and **DO NOT** answer any of their questions. Even if you are being searched, you are not required to answer any questions, and you still have a right to remain silent.

Agents can only search your workspace if they have a warrant or the consent of your employer. If your employer consents, officials can search your workspace, whether or not you consent.

What is a warrant? What if agents have a search/arrest warrant?

A warrant is a piece of paper, signed by a judge, giving the law enforcement officials permission to search a specified location (such as your house) or to arrest a certain individual. A **search warrant** gives the officials the permission to enter and search the specified location and look for/confiscate the objects identified in the warrant. The search warrant alone does not allow the officials to arrest you, unless they find enough evidence during the search to “justify” an arrest. An **arrest warrant** gives the officials permission to arrest the person whose name is identified in the warrant. The arrest warrant, without an additional search warrant, does not give the officials a right to search your home. However, they can enter any places you may be hiding, and can seize any evidence they find in plain sight during the arrest.

If the agents say they have a warrant, **ask to see it before letting them in your house.** Ask them to slide it under the door. Make sure that it has a judge’s name and signature. This is very important, because the warrant is not valid if it is not signed. It should also list your name and address, the date, place to be searched, a description of any items being searched for, and the name of the agency that is conducting the search or arrest.

If you find a mistake in the warrant inform them of it, and that you don’t consent to the search. Again, don’t interfere with the search if they proceed. Whether or not the warrant is valid, take down the name and badge numbers of the agents searching your space, and make notes of everything they go through and what they seize. Contact a lawyer immediately.

Do I have to answer questions if law enforcement officers have a search or arrest warrant?

No, search and arrest warrants are never warrants to force you to talk. You do not have to answer their questions, and still have the right to remain silent and to a lawyer!

Protect yourself. Defend your community.

If you need legal help, call: 617-455-5495

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Who is Tariq Mehanna?

Tariq Mehanna is a member of the Muslim community who for several years was harassed by the FBI and encouraged to become an informant against the Muslim community. When he refused to backstab his brothers and sisters, the FBI threatened and eventually arrested him. For more information about Tariq's case, visit www.freetarek.com

The FBI and Law Enforcement: A Legacy of Repression

The FBI and police have been leading attacks on Muslims, communities of color, queer and trans communities, and poor communities for years. While "law enforcement" agencies may have little respect for people's basic civil liberties and rights, knowing what rights you are supposed to have can protect you and your community from systematic assaults on freedom, privacy, and justice. Knowing what to do and being prepared during interactions with police, immigration agents, and FBI is the best way to keep yourself and those you love safe.

This pamphlet contains information compiled from various other "know your rights" guides. This is important! Read this over with your friends, family, house-mates, etc. Talk to each other about how you will react if the FBI or police show up at your house or try to question you. Remember, talking to law enforcement will never help you or the ones you love. The best thing to do is ALWAYS to remain silent and demand to speak to a lawyer.

Your Basic Rights

Whether or not you're a citizen, you are *supposed* to have rights under the United States Constitution. However, remember that law enforcement officers, such as the police, FBI, and ICE (Immigration and Customs Enforcement) frequently chose not to follow and honor these laws.

The **Fifth Amendment** gives every person the **right to remain silent**: not to answer questions asked by a police officer or government agent. The **Fourth Amendment** **restricts the government's power to enter and search your home or workplace**, although there are many exceptions and new laws have expanded the government's power to conduct surveillance. The **First Amendment** protects your **right to speak freely and to advocate for social change**.

Always remember that anything you say to a law enforcement officer can be used against you and others. Keep in mind that making false statements to a government official is a crime, but remaining silent until you consult with a lawyer is not. Also, that it is not a crime for a law enforcement official to lie to you during an interview.



****This is information about your basic rights. It is not a substitute for legal advice. You should contact an attorney if you have been arrested, visited by the FBI or other law enforcement or if you believe that your rights have been violated.****

Know Your Rights: Questions and Answers

Do I have to answer questions asked by law enforcement officers?

No. You have the right to remain silent, and it's best to do so. As they say, "anything you say can, and will, be used against you". You cannot be punished for refusing to answer a question. You generally do not have to talk to law enforcement officers, even if you are not free to walk away from the officer (are being detained), you are arrested, or you are in jail. You also have the right to an attorney. It is a good idea to always talk to a lawyer before agreeing to answer questions, and an even better idea to not agree to answer questions at all. In general, only a judge can order you to answer questions. Answering law enforcement's questions will not help you or anyone.

Are there any exceptions to the rule that I do not have to answer questions?

YES. In some states, you must provide your name to law enforcement officers if you are stopped and told to identify yourself. In Massachusetts you are not technically required to identify yourself to anyone except a judge (if you are driving this is not the case). However, the police have a tendency to not follow the law, so not identifying yourself may upset them, make them suspicious, and thus lead to your arrest. If you fear that your name may be incriminating, you can claim the right to remain silent. Use your judgment when deciding to, or not to, identify yourself. Do not give a false name. REMEMBER, even if you give your name, you are not required to answer other questions. If you are driving and are pulled over, you are required to show your license, vehicle registration and proof of insurance if told to (but you do not have to answer questions.)

What if I speak/have spoken to law enforcement officers anyway?

Even if you've already answered some questions, or engaged them in conversation, you can refuse to answer any further questions and end the conversation. Anything you say can be used against you, and while it is a crime for you to lie to a government official, they can lie to you. It's best to refrain from answering their questions and talking to them until you've spoken with your lawyer. State that you have the right to remain silent and want to speak to a lawyer.

Should I contact a lawyer?

You have the right to talk to a lawyer before deciding to answer questions, whether or not the police or FBI tells you about that right. State that you want to talk to a lawyer and officers should stop asking you questions. If they continue to ask questions, you still have the right to remain silent. Remember to get the name, agency and telephone number of any law enforcement officer who stops or visits you, and give that information to your lawyer. Many communities have resources for free legal council if you have been harassed by the police or FBI or if your rights have been violated. You should seek the advice of a lawyer even if you aren't sure you can afford one for the long-term.

What should I do if law enforcement or FBI come to my house?

If a law enforcement officer comes to your house DO NOT LET THEM IN without a warrant. Ask through the door, or step outside and close the door behind you, if they have a warrant. If they do not have a warrant you do not have to, and should not, let them into your house. Do not submit to any questioning or conversation with them. Simply tell them that you don't want to speak to them. You have the right to refuse to talk to them, and to speak with a lawyer. Tell your community that you have been approached. It's important to have their harassment of our communities out in the open, as well as to remind others to do the same if they are approached.