



**PROTECTING
YOURSELF**

as a

**POLITICAL
DISSIDENT**

**A RIGHT-WING ACTIVIST'S GUIDE
TO AVOIDING LEGAL TROUBLE**

PROTECTING YOU

POLICE AT YOUR HOME

Never allow law enforcement (LE) into your home. They have no right to entrance unless they have an arrest warrant or search warrant.

Do not be goaded onto the porch. There are pretexts LE can use to then arrest you. For example, if you have been drinking you can then be picked up for intoxication in public. Ordinarily this would not be a successful prosecution as you were drawn into public; however, assume pretexts will always be used against political activists.

Never answer any questions (aside from identifying information—see below). You are under no obligation to answer any questions from LE. If you do say something, do not lie. This could be obstruction of justice or similar charges.

Do not leave anything in plain sight, for example, weapons, substances that appear to be drugs, or any other contraband that could lead to a search warrant or immediate arrest. Seek to end the engagement peacefully and quickly as soon as you have identified the lack of a search warrant or emergency situation: "I have nothing to say to you, and I am going to close my door now. Please leave."

POLICE TRAFFIC STOP

If you are stopped by police, do not refuse or argue about being asked to produce license, registration, and insurance. LE have a right to ask for the information, as it is required to operate a motor vehicle. There is no winning an argument about the legality of the stop in this situation.

If you are asked to allow a search of the car, say no. However, this may not prevent a search. In certain situations, LE can search your car without your permission although often a pretext, for example, if LE have probable cause to believe evidence of crime or contraband is in the car. Remember, LE determines if there is probable cause at the scene. You cannot prevent the search. Doing so would be obstruction of justice or other charges. **DO NOT CARRY FIREARMS IN YOUR CAR. MINIMIZE POLITICAL MATERIALS IN YOUR CAR.**

YOURSELF *as a* POLITICIAN

ARREST

If you are arrested, do not resist. This is a separate charge from the original charge. Also do not fail to identify yourself. Most jurisdictions have laws requiring you identify yourself. You can tell them your name and address. Do not give a false name. Again, this is a new crime.

Do not carry weapons especially concealed from plain sight. States have varying definitions on what a weapon is. Even if you have a concealed carry license, do not carry a firearm when involved in activism. The license will not stop an arrest. The existence of a permit would be a defense at trial and would not prevent the original arrest.

Ask to speak to a lawyer immediately. Say nothing more. Once arrested, do not speak to LE. Say you "wish to be silent." LEOs are under no obligation to tell you the truth. LE can lawfully lie in order to further their investigation.

Assume if LE is questioning you, truth is mixed with lies or what they are saying is an outright lie. The use of lies or half-truths is a strategy to get you to react and talk. Nothing you could say or ask will improve your situation at this point. Wait silently for your attorney.

Shut up! Shut up! Shut up! You have the right to remain silent – don't squander it over the urge to say something witty. It's true, we have the best arguments and some of the best debaters of our time. However, engaging law enforcement with banter or righteous indignation is a fool's errand: you can only lose that game. You won't look cool and smart for bantzing them; you will look foolish and reckless. Shut up – remain silent.

SECURING AN ATTORNEY

Always request an attorney. If you are indigent, you have an absolute right to legal representation. The determination of indigency is often determined at arraignment (when charges are formally read before the court). There will be an evaluation of your income, employment, assets, etc. Ordinarily you qualify for a public defender or court appointed attorney if you are below 150% of the federally determined poverty level. The Sixth Amendment does not necessarily grant an absolute right to representation if the

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defendant is not indigent and in some states for minor crimes/misdemeanors.

The best plan is to have a plan. Your supporter group may have a list of sympathetic attorneys. Carry their contact information in your wallet.

SEARCH WARRANTS

A search warrant (SW) allows the legal search of any place where there is probable cause to believe the evidence of an enumerated crime exists, including your body. Most often a SW is issued for a home. However, the search of a place that stores or keeps records, such as a phone or computer, is often the target of a SW. As a side note, police or FBI may attempt to compel you to provide your password, fingerprint, or other biometric data for access; however, this is an open question of law and your attorney may be able to intervene. The crime forming the basis of the SW does not have to be a felony or serious crime; search warrants are easy for LE to obtain.

Law enforcement DOES NOT have an obligation to prosecute you if a crime is discovered. They may choose to compel you to become a confidential informant in exchange for "leniency" or agreement not to prosecute.

CONFIDENTIAL INFORMANTS

CIs are often used when LE is investigating a crime. Often CIs are taken from vulnerable populations such as addicts and sex workers, but they could even be drawn from our community if an unsuspecting dissident makes a wrong move when dealing with LE. It is critical to understand that the constitutional rights afforded by the Fourth, Fifth, and Sixth Amendments do not apply to CIs. The importance of retaining an attorney early cannot be understated; sometimes "the best deal" is going to trial. Not only does this protect those around you, it protects YOUR RIGHTS. Don't be the fool that takes a "deal" from the police.

ESSENTIAL VIEWING

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DON'T BE A VICTIM!



THE FOLLOWING ARE SOME BASIC STEPS AND GUIDANCE TO TAKE WHEN INTERACTING WITH POLICE OR FEDERAL AGENTS AT HOME OR IN PUBLIC.

THE RULES ARE SIMPLE. STAY CALM. SAY AS LITTLE AS POSSIBLE. GET THROUGH THE PROCESS PEACEFULLY. IF POSSIBLE, END THE INTERACTION AS SOON AS POSSIBLE. SAVE YOUR QUESTIONS FOR YOUR ATTORNEY.

ALWAYS ASSUME THE POLICE ARE ATTEMPTING TO EXTRACT INFORMATION FROM YOU, GET YOU TALKING, AND KEEP YOU TALKING TO BUILD A CASE AGAINST YOU OR SOMEONE YOU KNOW.


THINGS TO REMEMBER

- 1. You don't have to speak to cops.**
- 2. Without a search warrant you should never let a cop into your house.**
- 3. Search warrants are easy to obtain if there is suspicion of a crime (no matter how minor) and enable law enforcement officers to lawfully search your home, car, phone, etc.**
- 4. The evidence does not have to be used to prosecute.**
- 5. Cops from another state (or feds) can search property in another state if probable cause exists for evidence of a crime (even if a law from another state).**
- 6. You want to request a lawyer immediately if arrested. Even if you don't qualify for a public defender, the financial analysis has to be presented in court.**
- 5. If arrested and you have a first bail hearing, say as little as possible. Just respectfully answer the questions. None of the questions will go to gullt. Do not make a statement at this time.**
- 6. If stickering, do not bring a phone. Geofencing is used by cops.**
- 7. If picked up by feds say even less. Feds have different laws for obstruction.**
- 8. You have the right to record your interactions with law enforcement. Be careful not to antagonize them by doing so.**

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