

# On the Street? Know Your Rights

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*Pay attention.*

Read this article carefully and then commit it to memory. It will save your enormous trouble for the rest of your life. Your authors—two attorneys—are about to advise you on how to deal with THEM: the fuzz. Never again will you run the risk of a knee in your left ball, unless it is your own.

In the past five years the courts have clarified and expanded the rights of citizens in their dealings with the police. When a policeman accosts you it is important to know in detail what he can do under the law and what your rights are. First, some basic principles.

**BASIC PRINCIPLE NUMBER ONE:** If stopped by a cop, immediately determine whether you are under arrest. The easiest way is to ask the fuzz, “Am I under arrest?”, or “Why are you detaining me?” If he answers “no” to the first question, ask him the second question and add, “May I go on?”

If he answers the last question “yes,” walk away. If he answers the last question “no”, YOU ARE UNDER ARREST. Once you have been arrested, the police must perform a number of services for you which will be grossly irritating to them.

NOTE: Be sure to record the badge number of the arresting officer. This is extremely important.

**BASIC PRINCIPLE NUMBER TWO:** If arrested, YOU HAVE A RIGHT TO REMAIN SILENT. The police are required by law to inform you of this right.

You are not required to tell the police anything, not even your name. The law can impose no penalties because of your silence. Of course, if you clam up completely you will incur the wrath of your incarcerators because they will be forced to conduct the entire investigation without your help. The ready cooperation of suspects in confessing, in leading the police to murder weapons, in dredging up the grass tossed down the toilet, etc., is what is meant by the slogan, “Support your local police.” Let the police demonstrate how clever they are by solving the crime entirely unaided by human intervention.

NOTE: Remaining silent is not a simple matter. What to do to occupy your time? Suggestions:

- (1) Count the number of stolen television sets that the officers take home from the station;
- (2) Ask the officers if you could touch their badges.

**BASIC PRINCIPLE NUMBER THREE:** If arrested, YOU HAVE A RIGHT TO A LAWYER. In fact, the police are required by law to inform you of this right, and furnish an attorney if you don't have one. Refuse to say anything, or co-operate in any way with the police until your attorney arrives. **BASIC PRINCIPLE NUMBER FOUR:** You have a right to bail. Your attorney will advise you that you can be released on bail, often very shortly after your arrest.

NOTE: Judges will sometimes set bail at exorbitant amounts, particularly when they take a personal dislike to the accused. Refrain from throwing flowers at judges when they are setting bail, unless they are pansies. Perhaps the finest comment on the bail system was made by H. Rapp Brown who recently said, “Twenty-five thousand dollars. That's not bail, that's ransom. Lyndon wouldn't pay that much to get Luci back.” So much for basic prin-

ciples concerning arrest and detention. Of equal importance is the subject of search and seizure: Under what circumstances may the police search you, or your living quarters, and seize various objects which might excite their passion?

As most of you know, federal and/or state law makes the sale, use, or possession of narcotics (including pot, LSD) a crime. Thus the police are rather manic in their desire to seize these items as their principle evidence of your violation of the narcotics statutes.

The police may only search a person or his premises under two circumstances: (1) if they have a search warrant authorized by a judge and describing with specificity the objects of the search; (2) Incident to a lawful arrest. A search may always be made at the time of a valid arrest and thus the legality of the search often depends upon the legality of the arrest. The legality of an arrest, in turn, depends upon whether the police have "probable cause" to believe a crime has been committed and that the person arrested committed the crime.

If the police have a search warrant, you should let them in. However, do not let them seize any items not described in the search warrant. If the police do not have a search warrant, do not let them in (call the police if they threaten to knock down the door).

The fuzz outside your door may break in anyway, which they are authorized to do only if they have probable cause to believe a crime is being committed. It has been suggested that the only distinction between letting the fuzz in without a warrant and letting them break down the door becomes a question of how highly you value your door. This is often answered by cynics who point out that making the cops break down the door gives you an additional thirty seconds to flush incriminating matter through the mouth of your porcelain fixture as well as giving the fuzz chafed elbows.

The more significant point, however, is that to open your door voluntarily to police who wish to search will raise the inference that you consented to the search. The basic principle to remember is that if the search is not based upon probable cause the evidence is not admissible in a trial unless you had consented to the search.

NOTE: Destroying evidence is often messy and time-consuming. People have died attempting to eat evidence. One murderer, who attempted to eat an ice pick, bled for 79 hours, a fact which excited only the Red Cross, and Andy Warhol who attempted to film the event. A more effective and subtle approach is to hide the relevant evidence. One subscriber reports great success in concealing evidence by placing it under large tufts of public hair.

**Editor's Note:** One point that the preceding article left out is what to do if you are brought before a judge and you have not been able to secure an attorney. When asked how do you plead to the charges respond by saying "I stand mute."

If you plead "guilty" you will be immediately sentenced. If you plead "not guilty" it is possible that the judge could begin your trial right there without legal defense. The mute plea means you will have to be bound over for trial at a later date, thus giving you time to prepare a defense. Do not agree to waive any rights such as pre-trial examinations or trial by jury. Tell the judge you must have legal counsel before answering any questions.

Finally, there may be some difficulties at times actually securing all of your legal rights. Many of the men who make up our police forces are freaked out violent psychopaths (dig D. C., Oakland, Madison, etc.) so you may wind up on the ground when you protest some police infraction of your guarantees. So, be cool.

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