My name: ______ My address: _____ My date of birth: _____

To: LAW-ENFORCEMENT OFFICERS: [print clearly]

FORMAL LEGAL NOTICE UNDER THE UNITED STATES CONSTITUTION, per ACLU:

- 1) I do not wish to answer any questions without first speaking to an Attorney.
- 2) I do not consent to any search whatsoever; including but not limited to a search of my home, my car, my baggage or my person.
- 3) I do not consent to being in a line-up or a show-up, or any display of any type.
- 4) I do not and will not waive any of my Constitutional Rights whatsoever.

 (cut))	

Cut out or copy "rights" card, above. Fill in name, address and date of birth; fold and put in wallet. If stopped, present card to police, and then **make no other statements.**

WHAT TO DO WHEN STOPPED BY THE POLICE:

- Stay calm and keep your hands where the police can see them.
- Don't argue, complain, bad-mouth or resist arrest, even if the police are unreasonable; it will only make your situation worse.
- Hand them the "Rights" card, above. Otherwise say, "I have nothing to say"; then make no statements or comments.
- Remember anything you say can and will be used against you, even if officers have not read you the "Miranda Rights"!
- Remember police badge numbers and patrol car numbers. Ask to see police identification.
- If not in custody, write down everything that happened, ASAP.
- Keep a small tape recorder handy to record any conversations with the police. This keeps the police honest in court.
- Try to find witnesses, get their names and phone numbers.
- If you are injured, seek medical attention, but also get photographs of the injuries, ASAP.
- If arrested, ask for a lawyer immediately.
- 1) You don't have to answer a police officer's questions, but you must show your license, registration and insurance when stopped in a car. In other situations, you can't legally be arrested for refusing to identify yourself to an officer.
- 2) You don't have to consent to any search of your person, your car or your house— and therefore you should not consent. If the police say they have a warrant, ask to see it. Still; do not consent to a search even if they have a warrant, make them rely on the warrant; warrants can be defective.
- 3) You can be arrested for obstructing or interfering w/police.

IF YOU ARE STOPPED FOR QUESTIONING:

- 1) It's not a crime to refuse to answer questions. You can't be arrested merely for refusing to identify yourself on the street. You can hand them your "Rights" card and say nothing. If in a car you must supply license, registration and proof of insurance.
- 2) Police may stop and detain you only if they have a reasonable suspicion that you have committed, are committing or are about to commit a crime.
- 3) If police have a reasonable suspicion to believe you have a weapon they may perform a frisk and pat down your clothing. Don't physically resist, but you can make it clear you don't consent to such a search or any further search.
- 4) You can ask if you are under arrest. If you are, you have a right to know, and a right to know why.

IF YOU ARE STOPPED IN YOUR CAR:

- 1) Upon request, show driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself, you should make it clear that you do not consent to any search. It is not legal for the police to arrest you simply for refusing to consent to a search.
- 2) If you're given a ticket, you can be arrested for refusing to sign it. If you sign, you can still fight the charge in court.
- 3) If you're suspected of drunk driving and refuse to take a breath, urine or blood test, your license may be suspended and your car taken away. If possible, insist on a blood test; it is harder to tamper with, it is easier to challenge in court, and usually takes longer to administer— sometimes you must go to a hospital and wait hours for a doctor or nurse.

IF THE POLICE COME TO YOUR HOME:

- 1) Don't admit the police without a warrant signed by a judge. Block the door and don't let them squeeze past.
- 2) However, in emergency situations (e.g., person screaming, chasing a suspect) police are allowed to enter and search your home without a warrant.
- 3) If you are arrested in your home or office, police can search you and the area within your reach, and can also search any criminal items or activity in plain view.

IF ARRESTED OR TAKEN TO A POLICE STATION:

- 1) You have the right to remain silent and/or to talk to a lawyer before you talk to the police. Tell the police you will not answer any questions or that you will not answer questions without a lawyer. Then don't answer questions!
- 2) If you have a lawyer, ask to see him immediately. If you can't afford a lawyer, you have a right to a free one once your case goes to court. You can ask the police how a lawyer can be contacted. Don't say anything else about your case without a lawyer.
- 3) Within a reasonable time after your arrest or booking, you can ask the police to contact a family member or friend. If you are permitted to make a phone call, be aware anything you say may be recorded or listened to! Be very careful of what you say and never talk about the facts of your case over the phone.
- 4) Sometimes you can be released without bail, or have bail lowered. You must be taken before the judge within 24 hours after your arrest.

The Right To Distribute Our Literature

Guaranteed by the U.S. Constitution

The U.S. Constitution is by definition the basic law of the land: no federal, state, county, city or community law can contradict any of the basic principles of the Constitution. In fact, all policemen and judges are supposed to abide by the Constitution.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

As you can see from the above quotation, the First Amendment of the U.S. Constitution guarantees every citizen, among other things, freedom of speech. In regard to leafleting, the Supreme Court has interpreted this to mean that a state or municipality may not ban the distribution of leaflets on streets, sidewalks or public places. <u>Jamison v. Texas 318 US 413</u> (1943) and Marsh v. Alabama 326 US 501 (1946). The Supreme Court applied this rule to universities both state and private, in <u>Papish v. University of Missouri 410 US 667 (1973)</u>. Furthermore, leafleting cannot be prohibited on a military base in areas of public access, <u>Flower v. U.S. 407 US 197 (1972)</u>.

The Supreme Court has also found that door to door solicitations for the purpose distributing information may not be banned regardless of the wishes of the householder to receive such information in this manner, <u>Martin v. Struthers 319 US 141 (1943)</u>. Furthermore, a state or municipality may not tax or license the distribution or sale of political or religious material door to door, <u>Opelika v. Jones 319 US 105 (1943)</u>.

In shopping center cases the Supreme Court has said that privately owned property may be treated as if it is publicly held where it is held open to the public, <u>Amalgamated Food</u>

<u>Employees Union v. Logan Valley Plaza 391 US 308 (1968)</u>. In Amalgamated the union was allowed to picket a business inside the shopping mall. However, a shopping center may ban leafleting in the shopping mall walkways as this interferes with the business of the center, <u>Lloyd Corp. V. Tanner 407 US 551 (1972)</u>. As yet there has been no case decided on the question of leafleting in the parking lot of a shopping center, but a leading treatise of the First Amendment says this on the subject: "The First Amendment interest should not be defeated because the property owner either disapproves of the message conveyed or simply wants to censor all speech activities. Whether outside of a freestanding store or in the common areas of a shopping center, a bare property interest does not justify the subordination of First Amendment speech rights." Nimmer on Freedom of Speech, Section 4.09, Page 4-121.

In light of the above, we recommend that in the event of arrest while leafleting in one of the above areas, the individual arrested should file a civil suit for false imprisonment, malprosecution and the intentional deprivation of constitutional rights and that the parties sued should include the municipality, the police department, the arresting officer and the private property owner (in a shopping center case). In such a case, punitive as well as compensatory damages will be awarded.