

Your Personal Legal Rights as a U.S. Citizen

Disclaimers : Nothing in this document should be taken as legal advice!

Do not act on any information in this document without first checking with a lawyer!

This document was written to inform the average, innocent citizen what their rights are should they ever find themselves having to deal with the police (other than for traffic violations), so they know what their options are, and so they know what the police legally can and cannot do.

Constitutional Rights

Only a few rights are guaranteed by the Constitution itself. In Article 1, Sections 9 and 10 of the Constitution, there are three key individual rights that are protected at the federal and state level :

“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” *Habeas Corpus* requires an authority (such as the police) to prove to a court why they have reason to hold someone.

“No Bill of Attainder shall be passed.” A *Bill Of Attainder* is a bill written to punish one person or group of people.

“No Ex Post Facto Law shall be passed.” An *Ex Post Facto Law* is one which retroactively makes an act a crime.

The Bill of Rights (the first ten amendments to the Constitution) lists many rights of individuals. It is important to note that the Bill of Rights does not grant people these rights; it guarantees that the government will not infringe upon these rights, which are assumed to already exist.

1st Amendment : Freedom of (or from) religion. Freedom of speech. Freedom to assemble. Freedom to petition the government.

2nd Amendment : Right to bear arms in order to protect the country.

3rd Amendment : Freedom from having to house soldiers in your home.

4th Amendment : Freedom from unreasonable searches and seizures (discussed below) in order to find evidence. Warrants must only be issued upon probable cause (also below), and shall be specific.

5th Amendment : Criminal *indictments* (written documents made under oath charging a person with some crime) must be made by a grand jury. Freedom from *double jeopardy*, which is being tried twice for the same crime by the same government agency (state or federal). Note - double jeopardy does not apply in the case of a mistrial, nor does it prevent a later civil suit (by private individuals). Freedom from testifying against oneself (“I refuse to answer on the grounds that I may incriminate myself”). Right to *due process of law* (a “fair trial”) before the government may deprive someone of life, liberty, or property. Right to just compensation if one’s private property is taken for public use (or public benefit) by the government.

6th Amendment : Right to a speedy trial. Right to an impartial jury. Right to be informed of the charges upon which the accused is held. Right to face one’s accusers. Right to produce witnesses for the accused. Right to legal counsel.

7th Amendment : Right to jury trial in civil cases. Verdicts found by a jury cannot be reexamined by another court. Note – this does not prevent “appeals”, which dispute the process by which the jury arrived at their decision. Nor does it apply if it wasn’t a fair trial (due to evidence or witness tampering, for example).

8th Amendment : Freedom from excessive bail or fines. Freedom from cruel or unusual punishment.

9th Amendment : The list of rights given in the Constitution are not the only rights that exist and that are protected by law.

Note that “trial by impartial jury” is guaranteed, not “trial by a jury of your peers”!

Later amendments guarantee other rights, such as the right to vote in any election so long as you are over the age of 18 (15th, 19th, 24th, and 26th Amendments), the right to not be held in slavery (13th Amendment), and the right to “due process” and “equal protection under the law” (freedom from discrimination) by state governments (14th Amendment). In recent years, the “equal protection” guarantee has become the single most important concept in the Constitution for the protection of individual rights. “Equal protection” under federal law is generally assumed to be guaranteed by the 5th Amendment.

The U.S. Supreme Court has long held that the Bill of Rights protects other rights and liberties that, although not explicitly listed, are “fundamental” to an individual’s ability to function in society. The Court has cited various constitutional bases for these liberties, including the 1st, 3rd, 4th, 5th, 9th, and 14th Amendments. The Court has also held that the government may not restrict these fundamental rights without a compelling reason. These rights generally fall under the right to personal autonomy and privacy (alho there is no explicit mention of the right to privacy in the Constitution or Amendments), which means that a person’s decisions regarding their personal life are none of the government’s business. And since these are constitutional rights, the states may not deny them. The right to autonomy and privacy gives you the right to :

- Marry whom you want (at least interracially)
- Have children (freedom from forced sterilization)
- Use contraceptives
- Terminate your own pregnancy (alho this is of course a subject of great debate)
- Refuse medical treatment for yourself
- Own (not publish/sell/distribute) obscene materials (but never ones that exploit children)
- Vote for whoever you want
- Have your own opinion and choose your friends
- Have any means of employment (that doesn’t break the law)
- Travel freely

So far, the right of privacy does not explicitly protect homosexual activity, nor same-sex marriages, at the federal level (but activities between consenting adults conducted in private *is* protected).

“Innocent until proven guilty” is mentioned nowhere in the Constitution or Amendments! It is such a basic assumption that it is considered “common law”. However, it is widely held to follow from the 5th, 6th and 14th amendments, and the U.S. Supreme Court has ruled that “the principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”

Terms and Definitions

“Police officer” as used here means any law enforcement agent of any local, state, or federal government.

You can be arrested for the violation of any criminal law :

An *infraction*, *petty offense*, or *civil offense* is a violation of an ordinance or regulation, such as traffic rules. Such offenses are typically handled on the date of the first appearance by the defendant in court. The defendant may be denied the right to a jury trial without violation of constitutional rights. The only penalty for such an offense is a (relatively) small fine.

A *misdemeanor*, or any crime not classified as a felony, is punishable by fines or short-term imprisonment. Examples include simple assault, driving under the influence, trespassing, or minor drug charges.

A *felony* is a serious crime such as murder, burglary, or robbery. Felonies may be punishable by higher fines, longer imprisonment or, in the case of capital murder, death (in some states).

What Is “Probable Cause” And “Reasonable Suspicion”?

Probable cause is defined as known facts or evidence, of a reasonably trustworthy nature, that are sufficient to support a reasonable belief that criminal activity probably has happened, is happening, or will happen, or indicating a fair probability that evidence of a crime will be found. Probable cause requires facts that link the accused with the crime. These facts can come from evidence, or from witnesses’ statements. It generally means the police suspect someone of a specific crime, and have discovered evidence to support that belief. Supreme Court rulings have indicated that rumor, suspicion, and even “strong reason to suspect” are not equivalent to probable cause.

Reasonable suspicion requires that there be specific, state-able facts leading a reasonable police officer to believe a crime might be occurring. It is not necessary for the officer to be able to state or identify the specific crime they think is being committed. It generally means the police have reason to believe someone is up to something, but they don’t know what it is. Reasonable suspicion requires less certainty than probable cause, but more than a mere “hunch” or “gut feeling”. Refusing to be searched or refusing to answer questions does not create reasonable suspicion, but lying, acting nervous, or answering questions inconsistently can.

What Is a Warrant?

The 4th Amendment gives people the right to be secure in their homes from unreasonable government searches or seizures in order to find evidence. The police generally cannot search a person or their home or property, nor arrest someone, nor confiscate property, without a warrant. Exceptions to being searched or arrested without a warrant are discussed in later sections.

A *warrant* is a court order issued by a judge that specifically describes the place to be searched, or the people or things that can be seized.

The warrant is issued based on an *affidavit* (a statement written under oath) showing probable cause that the subject of the warrant has probably committed a crime or contains evidence of a crime. The information may be supplied by law enforcement officers or any citizen. Yes, your property can be searched and you can be arrested just because someone tells the police you are doing something illegal (even if you’re not!). But if they are intentionally lying, then they are breaking the law, and can be punished.

What are “Exigent (emergency) Circumstances”?

A judge may uphold an officer’s warrantless search or arrest if “emergency circumstances” exist. These generally include situations requiring swift action to prevent endangering the lives of the police or other citizens, serious damage to property, the escape of a suspect, or destruction of evidence.

What Is the Difference Between “Detained”, “In Custody”, And “Under Arrest”?

Someone can be *detained* only for a relatively short time. Examples include being stopped for a traffic violation or a “stop and frisk” (described below), or when a witness to a crime makes their statement at the scene. In practice, the longest time you can be detained without being charged with a specific crime is usually about an hour, but by law the maximum is two days!

In custody usually means being taken to police station and not allowed to leave for a moderate length of time, such as being interrogated as a suspect, or being protected as a witness (“protective custody”). Some states may not differentiate between “in custody” and “under arrest”, nor have “protective custody”.

There are many ways to be put *under arrest*. If there is a warrant for your arrest, the officer must tell you this, give you a copy of the warrant, and tell you why you are being arrested. A police officer can make a warrantless arrest if a felony or misdemeanor is committed in the officer’s presence, if the officer has probable cause to believe that a felony has been (or is being) committed, or if there are emergency circumstances. Note that around 95% of all arrests are made due to probable cause, not because of a warrant!

The distinction between “in custody” and “under arrest” can be very vague. At some point the police usually inform a suspect who is in custody that they are under arrest. However, the police are not required by law to formally announce the arrest when it occurs, nor read a suspect their Miranda rights (see next section) at the time of arrest. So it is possible to be under arrest and not know it!

If a person is handcuffed, is locked in the back of a police car, kept at a police station, or otherwise physically restrained, they are generally considered to be under arrest. The problem is that the first two may also be used almost anytime as a safety precaution to protect officers under potentially hazardous conditions (which does not even require probable cause). But if the person is not allowed to leave for an extended period of time, they may be considered to be under arrest, even though those words are never used. The general definition is that an arrest has occurred when a reasonable person would believe they are not free to leave due to the actions of the police. It is the restraint, not the statement “you are under arrest,” which constitutes the arrest.

If you have been held longer than you like, ask if you are under arrest. If the officer says no, ask if you can leave. If not, you are probably being detained.

The Miranda Warning

The Miranda warning dates from a 1966 Supreme Court decision – sentences repeated so often on cop shows and movies that Americans assume they are an essential protection (the exact wording can vary from state to state, and even county to county!) :

- You have the right to remain silent.
- Anything you say can and will be used against you.
- You have the right to talk with a lawyer before being questioned, and to have a lawyer present during questioning.
- If you cannot afford a lawyer, one will be provided for you before questioning begins.
- If you choose to talk to the police, you have the right to stop the interview at any time (this part of the warning is usually omitted from shows, because it is not part of the Supreme Court’s requirement, and varies from state to state – including being omitted altogether).

The Miranda warning was developed to remind the individual of their 5th Amendment right against self-incrimination, and their 6th Amendment right to an attorney. The point of reading people their rights is to make sure the person is answering police questions because they want to, not because they feel they have to.

Many people believe that an officer must automatically read a person their Miranda rights either immediately before or immediately after an arrest is made, but this is not true. The only time an officer must read a person their Miranda rights is when the person is in custody or under arrest, and an officer is about to question them about the crime they are in custody or under arrest for. If no questions are asked (other than questions to determine basic biographical information such as name, birthdate, and address), the warning does not need to be given.

If the Miranda warning is not given before such questioning, or if police continue to question a suspect after they indicate (in any manner) a desire to consult with an attorney before speaking, statements made by the suspect are generally inadmissible at trial, which means they cannot be used against the suspect. But this does not mean a guilty suspect automatically escapes punishment – the case can still go to court.

However, be aware that **anything you have said to the police before you are taken into custody or put under arrest can also be used against you, even though the Miranda warning had not yet been given!**

What is a “Citizen’s Arrest”?

Anybody may make a “citizen’s arrest” if they witness a felony, or are asked to assist in the apprehension of a suspect by the police. Whether or not a citizen can make an arrest in the case of a misdemeanor, a felony not actually witnessed by the citizen, or a “breach of the peace” (someone making loud noises or trying to incite violence) varies from state to state. However, someone making a citizen’s arrest could be sued and/or brought up on criminal charges themselves if anything goes wrong.

When Talking with a Police Officer

THIS IS VERY IMPORTANT : *always be polite and respectful to the police*; they can make a bad situation much worse if you make them mad at you. *Do not debate, argue with, or talk back to officers, nor be disorderly* (shout, struggle, etc.). *If an officer gives you an order or command, obey it immediately until they tell you otherwise, because failure to do so is a crime. Never touch (in any way), verbally threaten, make threatening gestures, or throw anything at an officer* – that is “assaulting an officer”, which is a felony!

Searches

Police officers are legally allowed to search you, your home, or your property if they have a search warrant. However, even with a warrant, technically the police cannot search everywhere. Read the warrant carefully to see where it permits the police to search and what they are permitted to seek. For example, if the warrant says the police are permitted to search your home for weapons, they cannot open a ring box in the back of your sock drawer. The phrase used to explain this is : “the police cannot look for an elephant in a matchbox”.

Technically, searches conducted without a warrant are automatically unreasonable, and hence violate the 4th Amendment. But in fact, the vast majority of searches occur without warrants, because police take advantage of the many legal exceptions to the 4th Amendment :

Consent Searches : if the police ask your permission to search your home, purse, briefcase, car, etc., and you freely consent, their warrantless search automatically becomes reasonable and therefore legal. Consequently, anything an officer finds during a consent search can be used to convict you.

Note that **you never have to consent to a warrantless search**, but police officers are not required by law to inform you of your right to refuse a search. If an officer asks you to consent to a search, you should assume that they are not legally allowed to search you, and that their search will only be legal if you consent. Also, an officer does not need to get your consent in writing – verbal consent is completely

valid. However, if a police officer wrangles consent through trickery, coercion, or intimidation, the consent does not validate the search.

When police rely on consent to justify a search, the consent must be given by someone who has (or appears to have) the authority to do so. Contrary to what is done on many cops shows, *a landlord lacks authority to consent to a search of your apartment, and the same is true for hotel staff and your room.* In addition, consent can be revoked by any other person who is present and has (or appears to have) authority to allow (and therefore forbid) the police to search. Once John refuses consent to search his home, police cannot obtain consent from his wife Mary. Likewise, if John gives consent, but then Mary immediately forbids it, the police cannot search.

However, some people may not be aware of everything that's in their home, car, etc., or may not know everything that is considered illegal. A bottle of liquor in the car with just the seal broken is illegal. Knives or other items could be classified as illegal "concealed weapons". A parent may not know that their teenage kid dropped a marijuana cigarette in the car. Unless you are the only person with access to the area being searched, and you know for a fact that there is nothing illegal there, you may be in for a surprise if you grant permission for a search. It is probably a good idea to never allow a search of a car you have rented or borrowed!

If for any reason you don't want the officer going through your belongings, you should refuse to consent by saying something like, "Yes, I do mind. I have personal, private items in my [car, bag, etc.] and I don't want you looking through them." If the officer still proceeds to search you and finds any *contraband* (illegal materials) or evidence, your attorney can argue that it was discovered through an illegal search and hence should not be used against you.

Plain view rule : this is common sense – always keep any private items that you don't want others to see out of sight. Legally, police do not need a search warrant in order to confiscate any illegal items or gather evidence that is in plain view. This includes what's visible thru the windows of your car, what's in your garbage cans, your backyard (even if it's fenced), and anything you drop, leave, or throw away anywhere!

Emergency circumstances : this includes things like checking an unconscious victim for injuries – any illegal items found by an officer due to such a search may result in an arrest.

Searches made in connection with a legal arrest : police do not need a warrant to make a search "incident to an arrest." After an arrest, police can legally search the person and the immediate surroundings for weapons that might be used to harm the officer, for evidence which could be destroyed, or to prevent the escape of the suspect. Consequently, whatever an officer finds during such a search can be used to convict the person.

The police must have a warrant to enter your home (house, apartment, etc.) without your permission, unless there are emergency circumstances (like an officer sees a fleeing suspect or wanted criminal enter your home, or hears someone screaming inside your home). So it's possible that the police officer has information that you don't, which allows them to make a warrantless entry. If an officer announces their intention to enter without a warrant, you should not risk injury or arrest for "interfering with a police officer". Rather, you should stand aside, let the officer proceed, and allow a court to decide later whether the officer's actions were proper. And by the way, if you decide you do not want to let them in, you should also decline any offer to "step outside for a moment"!

The police generally cannot search your car without your permission when you are pulled over for a traffic violation, unless something illegal is in plain sight in the car. However, if the police officer has probable cause to believe that illegal activity is going on (such as seeing you throw a beer can out the window, or smelling

alcohol or marijuana, or seeing blood dripping out of the trunk), they can search your car without your permission or a warrant. This is because cars are easily moved and evidence may disappear while a warrant is being sought, and the courts have ruled that people driving a car should not have the same expectation of privacy in their car as they do in their home. If the police have probable cause to search the car, all compartments and packages that might contain the evidence or contraband being searched for are fair game.

The police generally cannot just stop people on the street and search them. An officer only has the right to stop people suspected of being involved in criminal activity and question them briefly (“temporary questioning”, “terry stop”, “field interview”, or “stop and frisk”).

The “stop” only has to be justified by reasonable suspicion, not probable cause. Just having long hair is not a good enough reason to be “stopped”, but walking back and forth in front of a bank with a large, bulky item under your coat is. A stop can be justified by any combination of the following circumstances :

- The suspect doesn’t seem to “fit” the time or place
- The suspect fits the description of a wanted person
- The suspect is acting strangely, emotional, angry, frightened, or intoxicated
- The suspect is loitering, looking out for something, or acting secretive
- The suspect is running away (especially upon seeing the police!)
- The suspect is present in a crime scene area

If stopped by an officer, you do not have the right to keep on walking, even if you are not guilty of anything illegal. If you try to leave at this point you could be arrested for “obstruction of justice”. As long as the officer has a good faith belief in your connection to some criminal activity, they are allowed to detain you. However, without further evidence of a crime, they may not take you to a police station.

It used to be that a limited search (a “frisk” or “pat down”) for weapons was justified at a “stop” only if the officer had reasonable suspicion that the person might be armed. It also used to be that such a search had to be confined to discovering objects capable of being used as weapons. They were not permitted to remove items from a person’s pockets that did not appear to be weapons, even if they believed that the items were illegal. However, lately officers have also been allowed to frisk for contraband, and if they feel packages or containers which could carry illegal drugs, they may have sufficient cause for a more thorough search of the person’s clothing. If a search produces an illegal item, it may result in an arrest.

During a stop, if the officer asks “What do you have in that bag?” or “May I look in your bag?”, and you don’t want to show them, just answer that it is private and state that they do not have your permission to search you.

Keep in mind, while you may have the right to refuse to have yourself, your bags, your car, or your home searched under certain circumstances, there may be consequences to refusing a search that you must be willing to accept. At the very least, the police officer will probably become more suspicious of you. Depending on the situation and the officer, you could be detained at the scene for a while longer, or even taken to the police station. If asked to do any of these things, do whatever the officer asks (remember, it was your choice to refuse the search!), and leave the legality of the situation for the courts to decide later.

You should also be aware of the following places where security guards (government or private) are permitted to search you without a warrant :

The Supreme Court has held that an officer does not need a warrant, probable cause, or even reasonable suspicion to search you, your car, or your belongings, at a border. Therefore, any time you cross a U.S. border, you are in effect consenting to a search.

Airport security personnel do not need a warrant, probable cause, or even reasonable suspicion to search you or your belongings before boarding any commercial airline. Again, any time you board a commercial airline, you are in effect consenting to a search.

Private security personnel have a right to search you as a condition of entry into private property. It is up to you to decide if a search is worth it. As long as you are free to walk away, the security personnel do not pose a threat to your constitutional liberties.

Illegal materials found by any of these scenarios may be turned over to a police officer. In such a case, the items are admissible as evidence. At the present time, none of your constitutional protections (including searches) apply to non-government employees like security guards.

Questioning

The police often ask questions of victims, suspects, or witnesses with the purpose of getting information about a crime.

During a “stop and frisk”, the police can only ask you to give proof of your name, birthdate, and address, which you are required to provide. It is possible to be arrested at a “stop and frisk”, or during a stop for a traffic violation, for refusing to give your name or show identification. Any other questions, such as justifying your presence and activity at the location, do not require an answer (but again, beware the consequences!). This enables officers, with minimal upset to public tranquility and intrusion into personal rights, to determine whether they should arrest you, investigate further, or take no action because their initial suspicion proved groundless.

Because an officer may forcibly detain someone who starts to leave the scene of an interview, it’s a good idea for someone who wants to walk away from a police officer to make sure that the officer does not intend to arrest or detain them. A question like, “Officer, I’m in a hurry, and I’d prefer not to talk to you right now. Am I free to go?” lets the officer know your intentions. If the officer replies that you are not free to leave, you should remain at the scene and leave the question of whether the detention is proper to the courts at a later time.

Unless you are arrested, you are under no obligation to go to the police station to answer questions. But if you refuse, they could come back with search warrants and/or a warrant for your arrest, which could be personally embarrassing and/or professionally costly.

If you feel that you are a suspect or could later be considered a suspect, you should speak with an attorney before speaking with police officers. What you say to your attorney is protected from disclosure to others by the attorney-client privilege. Also, anything you say to the police can be used against you (even before they read you your Miranda rights!), whether there is a physical record of the conversation (written or tape recorded) or not. What your attorney says to the police cannot be used against you.

Keep in mind, the police are not required by law to tell you the truth while questioning you! Nor can the police make deals; they can only tell the prosecutor to what extent you cooperated. A police officer has no legal authority to promise leniency or immunity – only the prosecutor can make a deal.

The main point to remember about interrogations is that **you never have to answer the police officers’ questions** (remember Miranda!), no matter what they promise nor how much they say it will help you to cooperate. Your constitutional right to remain silent also allows you to refuse to sign any statements or take any tests concerning a crime, without a court order. You may also refuse to answer any more questions at any time, even if you have already answered some questions. However, **never lie to the police** – it is far better to refuse

to answer rather than lie. Police authority increases if they catch you in a lie, but not if you refuse to answer questions.

When in doubt, it is best to say “Please talk to my attorney about that” and nothing more. Your attorney is better at negotiating with the police than you are, and your attorney can turn meaningless “promises” by the police into binding legal agreements with the prosecutor.

If you are in custody or under arrest, you can always inform the police officers that you wish to speak with an attorney before answering any (or any more) questions. At that point, the questioning must stop and you will be provided with the opportunity to speak with an attorney. After a reasonable amount of time, the police may return and begin to ask you questions again. If you have not spoken with an attorney, you may continue to refuse to answer questions until you have obtained legal assistance.

A person who has been charged with a crime can be forced to give bodily samples such as blood, DNA swabs, hair, or fingernail clippings. You might think that this is a violation of 5th Amendment’s protection against self-incrimination, but the U.S. Supreme Court has ruled that the 5th Amendment protects communications only, and that bodily samples are physical evidence and therefore not covered.

If You Are Arrested

Never resist arrest. This includes the obvious like fighting or running away, but also little things like backing away from the officer, or swatting their hands away from you (which becomes a felony assault because you touched them!). Even if you are innocent, or it is an “unlawful arrest” (without proper legal authority or probable cause), it is still a crime to “resist arrest”. If you do resist, the officer may use any necessary force to arrest you, including damaging your property and manhandling or beating you. However, after you have been restrained, the officer cannot continue to use force (in theory).

If you decide not to co-operate, request a lawyer and say nothing before talking to a lawyer, except to refuse consent to any searches.

You have the right to make a local phone call within a reasonable time after your arrest, and are generally allowed up to three phone calls to notify family, friends, and a lawyer.

Make sure your attorney is present during questioning, lineups or any administration of tests (such as drawing a blood or DNA sample).

You have the right to a hearing within a reasonable amount of time (usually a few days) to set bail. It is a crime to “skip bail”.

Although the right to trial is mentioned in the Declaration of Independence, three Amendments and numerous Supreme Court decisions, more than 90% of all defendants plead guilty to the crime(s) they are charged with (usually as part of a “plea bargain”), thereby avoiding a trial. Even if innocent, many people accept the plea bargain because if they go to trial and lose, the penalties (such as jail time) are much worse.

Even if you believe that the police are violating your constitutional rights, don’t resist them. As soon as you can, write everything down about the incident including witnesses’ names and contact information, and the officers’ names and badge numbers. File a police misconduct report immediately afterwards and consult your local ACLU chapter for advice.

You cannot sue for “false arrest” just because you are innocent. A false arrest consists of unlawful restraint of a person’s liberty without proper legal authority. The burden is on you, the person claiming they have been

falsely arrested, to persuade a court or jury that the officer acted without legal authority, and this can be difficult to prove. The typical example is being arrested not because of probable cause, but because of your looks (skin color, hair length, style of clothes, etc.).

The Bottom Line

Deciding how to deal with the police can be tricky. On the one hand : if you co-operate fully, things will generally go easier for you, and if you're innocent, your encounter with them *should* be brief and painless.

But even if you're innocent, by co-operating you run the risk of having something (evidence from a search, statements you make, etc.) being misunderstood or misconstrued as an indication of guilt. Or, truly illegal evidence may be found that you were unaware of. And if you *are* later charged with a crime, anything you have said to the police up to that point may be used against you.

On the other hand : if you're innocent, refusing a search or refusing to talk with the police will make them unnecessarily more suspicious of you, and could result in more hassles for you – deeper investigation into your personal life, being taken to the police station, more questioning, being detained, warrants for searches, a warrant for your arrest to force you to talk to them (thru your attorney, if nothing else), etc.

Your Responsibilities Under The Constitution

With all the rights guaranteed by the Constitution, many people believe that the Constitution imposes a great number of responsibilities upon the individual as well. This is not the case – nowhere will you find an explicit list of responsibilities that the Constitution requires. However, the Constitution assumes some implied civil duties :

- The Constitution presumes lawfulness. It is a responsibility, then, to obey the law.
- The Constitution presumes loyalty to the United States. It is a responsibility, then, to be loyal to the United States.
- The Constitution presumes juries, particularly impartial ones. It is a responsibility, then, to serve as an impartial juror when called.
- The Constitution presumes an army and a navy, and provides the Congress with the power to raise armies. Service during war is also mentioned. It is a responsibility, then, to serve in the armed forces when called.
- The Constitution has many amendments that expanded the right to vote – many people, over the last 200 years, have worked hard to bring the vote to as many people as possible (with few exceptions, all people 18 or older can vote in any public election). It is a responsibility, then, to vote.

References

This was originally compiled from various web sites around 2004, many of which are no longer available (to the best of my knowledge). However, some of this material came from <http://www.usconstitution.net/> and <http://criminal-law.freeadvice.com/criminal-law/>.