

Know Your Rights When the FBI Comes to Your Door

The FBI has a long history of targeting, disrupting and criminalizing progressive social movements and oppressed communities. With any upsurge in social justice organizing in the U.S. there will be a corollary upsurge of FBI intervention against activists and organizers.

If the FBI comes to your door, you may feel scared, anxious, or pressured to answer their questions about your activities or those of your friends or neighbors. This is a short, quick reference guide to responding in that situation.

It is important to keep some very basic principles in mind – and practice carrying them out with your friends. Awkward as that may be, it is better not to be caught off guard.

Please note: This is an abbreviated document about FBI interactions. This is not intended as legal advice. You should consult an attorney directly if you have legal questions or concerns.

You have the right

- To not answer questions.
- To consult with counsel.
- To remain silent.

You have the constitutional right to remain silent. You can calmly and politely assert that right: Be calm, clear and polite.

“I’d like to consult with a lawyer and do not want to speak now. Please leave your card. If we want to speak later, my lawyer will call you.”

If you have to say this several times, that’s fine. Again, don’t worry about it being awkward. It’s in your best interest to assert your rights as often as you need to without wavering.

“What is your name and agency?”

Ask for the name, telephone number, and the agency the officer is from. Write the information down if you can, or get a card slipped under your door (see “you don’t have to open your door” below). You have the right to confirm their identity.

“Do you have a warrant?”

If law enforcement has a valid search warrant or arrest warrant, you cannot interfere with the execution of the warrant. If the warrant is for your arrest, you can go outside, lock your door behind you, and calmly present yourself. Shutting the door prevents a visual search of your home. Do not consent to a search. Do not physically resist law enforcement, however.

You don't have to open your door or let law enforcement inside without a warrant.

If you open your door, the agent will be able to look in, conduct a visual search for anything that can be used against you or justify a further search.

Social norms may seem to require that you open the door, or even let the agent enter a few feet into your home. Unless they have a warrant, you do not need to let them in or even open your door. You can be polite and communicate through a closed door. Or you can step outside and close the door behind you, if you wish. Just remember, this is not a normal social interaction. You need to protect your rights, and you can do so firmly and politely.

“I'd like to speak with a lawyer before I speak with you.”

You have the right to be silent, to not answer questions.

If the agent is asking you questions, you can politely state that you would like to speak with a lawyer before speaking with the agent and that a lawyer will get back in touch with the agent at another time. That way you can have the benefit of legal advice to inform your decision if you want or do not want to speak with the agent and also arrange to have a lawyer present in any discussion if needed. Again, this is not a normal social interaction, be firm but polite. *Note: If you are not a U.S. citizen, you must present your papers to an immigration officer on demand.*

There are risks to speaking with an agent.

If you speak, anything you say can be used against you or someone else. If you make a false statement or certain omissions, even by accident, you could be charged with making a false statement to a federal law enforcement agent, which is a crime in itself. An attorney's role is to protect you and inform you of your rights. They can be a go-between and talk to the FBI agent for you to get information on what is going on.

You can always stop answering questions.

If you do start answering questions, it may feel hard to draw a line and stop. If you've started talking but then feel you shouldn't have, it's never too late to take control, put a period on the end of your sentence, simply stop answering questions and state "I'd like to speak with a lawyer before speaking with you further."

The agents may pressure you, but it is your right to remain silent.

An agent may suggest that you have something to hide if you won't speak to them or that they only have a few quick questions. And you may well think that you have "nothing to hide," that you haven't done anything wrong, and that if you talk to the FBI you will get the situation over with. But remember, you don't really know what information they are after and if they are trying to set you or someone else up, even if you know you haven't broken any laws. Your best protection is to assert your right to remain silent.

Don't be swayed to give up your rights by threat of a subpoena.

An agent may also say that if you don't talk to them they will subpoena you. If they are going to subpoena you then they will, and in that process you will have the right to have counsel object and to protect your rights. Don't waive your rights because they are pressuring you. Your best protection is to assert your rights and contact a lawyer.

Stay calm.