

# Exercise Your Right To Remain Silent With U.S. Customs Agents

Every time you re-enter the United States from a trip abroad you fill out the Customs Declaration, show your passport, and answer questions from a Customs agent. You might not know that **US citizens don't have to answer any of those questions.**

That's right, **you have the right to remain silent!** Most people don't know that this right applies to entering the country, but you are only required to give your name, passport and fill out the Customs Declaration, that's it.

Questioning everyone is not only a hassle to passengers, but it is a waste of Customs agent's time and scarce tax dollars. In this economy remaining silent frees up more time for agents to spend on people who are truly dangerous or suspicious. That reduces costs so that reduced budgets don't lead to reduced security.

But, **you must clearly invoke your right to remain silent.** That is why you need this handy guide. It is the perfect size to stick right in your passport. That way it will be there at the very moment you need it. **Simply smile and say what is on the card** or hand the card to your interrogator. It will be all you need to invoke your rights.

Plus, there are references to foundational cases that clearly explain your rights, just in case you are pressured. It is the next best thing to taking your attorney with you on vacation, although you are welcome to do that too ;)

They do, however, have the right to search you and your belongings very thoroughly. They may do this to intimidate you into waiving your rights. The more people invoke their rights, the less Customs will be able to do this. It might be a good idea to pass copies of this card out to all of the passengers on your plane. They will have a heck of a time searching everyone! Don't forget to send a copy to all of your friends and family as well.

So go ahead and be a patriotic American and exercise your right to remain silent!

"I am exercising my right to remain silent."

"Am I being detained, or am I free to leave?"

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A citizen has an **absolute right** to enter the country's borders. - *Nguyen v. INS*, 533 U.S. 53

"The only absolute and unqualified right of citizenship is ... a citizen **cannot be...denied reentry.**" - *US v. Valente*, 288 F. Supp. 957  
"[I]t is inherent in the concept of citizenship that the citizen... has a right to return..." - *Worthy v. US*, 328 F.2d 386

"[T]he privilege against self-incrimination... guarantees to the individual the **right to remain silent** unless he chooses to speak in the unfettered exercise of his own will..." - *Miranda v. Arizona*, 384 U.S. 436

A person is protected by their constitutional privilege to remain silent as soon as they specifically invoke it. - *Bergthuis v. Thompson*, 130 S.Ct. 2250 (2010)

"Any lawyer worth his salt will tell the [person] in no uncertain terms to **make no statement to police, or to any other government agent, under any circumstances.**" - *Watts v. Indiana*, 338 U.S. 49; *US v. Solomon*, 509 F.2d 863

"The privilege against self-incrimination... should be given a liberal application." - *Ullman v. US*, 350 U.S. 422

The most that any government agent may require of a person is to provide their name and to file mandatory documents. - *Hibel v. Sixth Judicial Dist. Court of Nev.*, 542 U.S. 177; *US v. Sullivan*, 274 U.S. 259

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**INSTRUCTIONS** - Print. Cut along the dotted line. Keep in your passport. When entering the country, give your name, passport, Customs Declaration, and use the phrase **"I am exercising my right to remain silent"** as needed. To help terminate any encounter sooner, ask **"Am I being detained, or am I free to leave?"** Refer them to the cases cited if they do not believe you have the right to remain silent.