

The Invocation of Rights: A Whitepaper on Standardized Civilian Legal Language in Police Encounters

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1 Executive Summary

The Invocation of Rights is a concise, four-line script that offers students, educators, activists, and ordinary citizens a uniform, court-recognized way to assert their Fourth, Fifth, and Sixth Amendment protections during police encounters. It targets a long-standing weakness in U.S. practice: constitutional rights remain technically available but often go unused because clear wording is rarely taught, mentally taxing to improvise, and easily disrupted by stress, cognitive overload, or social pressure.

Supreme Court rulings such as *Salinas v. Texas* (2013) illustrate the stakes: silence may be treated as guilt, and vague or hesitant speech can waive protections, leading to coerced confessions or lost defenses. Behavioral science shows why: under pressure, people default to familiar phrases, not legal reasoning. The Invocation supplies that familiar language—engineered for instinctive recall, much like “stop, drop, and roll.”

The project isolates a single, tractable element of rights education—what to say—so that civilians need not diagnose legal context in the moment. Its four lines respectively assert (1) the right to remain silent, (2) the right to counsel,¹ (3) refusal of consent to search, and (4) a freedom-to-leave test. Spoken together they create a clear legal record whether the encounter is consensual, detained, or custodial. Modeled on Miranda’s clarity for police, the script is sufficient—though never exclusive—for invoking these core protections.

Uniform wording yields system-wide benefits. Judges and prosecutors gain cleaner records and fewer suppression disputes; officers receive familiar cues that aid de-escalation and reduce liability; civilians gain an immediate, rehearsed safeguard. Consistent phrasing also opens a future path for empirical study (e.g., automated body-cam review) by making invocations detectable in principle, even if large-scale audio analytics remain a research challenge today.

This whitepaper details the Invocation’s legal foundation, behavioral design, and implementation pathways—from wallet cards and classroom role-play to social-media challenges and lock-screen prompts. It treats the script as an evidence-preserver, not a force field: officers may still detain, search, or ignore the statement, and civilians must continue to comply with lawful commands such as providing ID or exiting a vehicle. What the Invocation does guarantee is a clear, contemporaneous record of asserted rights—turning a personal shield into a public standard that can be taught, rehearsed, and measured over time.

¹Requesting counsel carries formal legal force only after custody attaches; before that point its value is primarily evidentiary and psychological.

2 The Problem: Rights Beyond Reach

The U.S. Constitution promises civilians the right to remain silent, refuse searches, request legal counsel, and walk away when not lawfully detained. But in practice, the system demands that civilians activate these rights with legal precision—under pressure, without training, and at the moment they are least equipped to do so. This failure risks coerced confessions for civilians and ambiguity for officers, rendering rights inaccessible.

Courts have steadily shifted the burden of rights invocation onto civilians. In *Salinas v. Texas* (2013) the Supreme Court ruled that silence before arrest could count as evidence of guilt—because the speaker failed to explicitly invoke the Fifth Amendment. In *Berghuis v. Thompson* (2010) a suspect who remained silent for nearly three hours was found to have waived the right to remain silent—simply by answering one question without asserting that right first. In *Doyle v. Ohio* (1976) even post-Miranda silence gains protection only after an explicit invocation. Miranda promises civilians they “have the right to remain silent”—but omits that explicit invocation is required, misleading civilians. The law offers protection only if the speaker already knows the court-recognized language—and says it aloud.

Stress turns this legal trap into a human one. People under pressure don’t summon legal formulations; they freeze, err, or speak vaguely—responses courts routinely misread as waiver, guilt, or consent. As cognitive scientist Daniel Willingham explains: “Thinking is slow, effortful, and uncertain.” And as Daniel Kahneman warns, “Even in the absence of time pressure, maintaining a coherent train of thought requires discipline.” Without a memorized phrase to fall back on, civilians default to silence or improvisation. In a high-stakes interaction, no one summons legal clarity, and that failure costs them protection.

Existing rights education offers no fix. Current materials rarely provide exact wording, and where example wording is provided, it varies across sources. No single, repeatable script exists—nothing like the clarity Miranda provides to police. Most guides interleave guidance on what to do alongside what to say, and when they address language, they offer multiple suggestions without clarifying what courts actually recognize as invocation. Without a standard phrase to rely on, civilians improvise—and courts treat that as a waiver.

The cost is measurable. A 2004 study of wrongful convictions overturned by DNA evidence found that 29% involved false confessions—many extracted without legal counsel, amid coercive questioning, or after failed invocations (Drizin & Leo, *North Carolina Law Review*). Police also must guess whether vague language constitutes invocation. A muttered protest may sound like consent; silence may be misread as defiance. This fuels distrust, undermining safety for all. The lack of shared verbal boundaries makes every encounter harder, tenser, and more dangerous than it needs to be.

The courts demand clarity. But stress, poor education, and legal ambiguity all but guarantee failure—especially for the young, the untrained, and the overpoliced. Constitutional rights remain technically available but functionally unreachable.

3 The Invocation: A Standardized Script for Rights Assertion

In light of the burden on civilians to invoke their rights with precise language, the Invocation of Rights offers a concise, repeatable script designed to eliminate ambiguity and prevent accidental waivers. Rather than expecting individuals to tailor their wording to each circumstance, the Invocation provides one cohesive tool that asserts the key constitutional protections most often forfeited. It consists of four lines, spoken as a whole:

“I invoke my right to remain silent.”

“I invoke my right to a lawyer.”

“I don’t consent to any searches.”

“I want to leave. Am I free to go?”

Legal-Compliance Reminder

Invoking these rights does not override lawful commands. Civilians remain required to

- provide identification where state “stop-and-identify” laws apply (see *Hiibel v. Sixth Judicial District* (2004));
- produce a driver’s license, registration, and/or proof of insurance during traffic stops;
- exit a vehicle or relocate if lawfully directed; and
- comply with implied-consent procedures (e.g., DUI chemical tests) mandated by state law.

The Invocation preserves constitutional protections; it does not confer immunity from compliance obligations.

Outside custody, the second line serves two purposes: it preserves a clear record of intent and keeps the Invocation atomic, sparing civilians the burden of choosing between multiple versions. Its compulsory power—forcing officers to stop questioning—arises only when the request is voiced after custody begins; that protection can be triggered only by reiterating the script once custody has attached (see *Edwards v. Arizona* (1981)). Appendix A’s usage notes detail when and why to repeat the four-line script if circumstances escalate.

Each line protects a distinct but interconnected right, covering the points where civilians most commonly lose legal safeguards—sometimes without realizing it. The script’s uniform phrasing applies across varied encounters—whether a consensual stop, a brief detention, or a formal arrest—ensuring clarity regardless of context. Even if a particular line seems irrelevant (for instance, if no search is imminent), stating all four carries no legal downside. In a system that scrutinizes invocation language, a standardized script keeps the speaker’s intent unmistakable.

At its core, the Invocation is a practical floor, not a comprehensive legal strategy. It cannot guarantee release or prevent every form of misconduct; rather, it establishes a baseline of clear, intelligible assertions for both officers and courts. This clarity helps avert misunderstandings that arise when civilians under stress struggle to articulate their rights. By capturing explicit requests in a single utterance, the Invocation creates a strong evidentiary record—an invaluable asset if legal disputes follow.

In the next section, we examine how each line aligns with established case law and why a single, cohesive script addresses the pitfalls courts routinely identify in ambiguous or partial invocations.

4 Legal Foundations and Rationale

Courts require civilians to invoke their constitutional protections clearly and precisely. Vague, hesitant, or incomplete speech can be interpreted as consent or waiver, leading to coerced statements or lost defenses. The Invocation of Rights addresses this vulnerability through a standardized, four-line script, each line grounded in constitutional doctrine and Supreme Court precedent. Although the legal effect of each line varies by context, their collective function is to assert core rights across the three common encounter types—consensual, detained, and arrested—throughout all jurisdictions.

“I invoke my right to remain silent.”

This line activates the Fifth Amendment’s protection against self-incrimination. In *Berghuis v. Thompkins* (2010) the Supreme Court found that a suspect who stayed silent for nearly three hours post-Mirandization, then answered one question, had waived the right—because silence alone did not clearly invoke it. In *Salinas v. Texas* (2013) a plurality held that pre-custodial silence could be treated as evidence of guilt unless the right was explicitly invoked. Clear phrasing eliminates ambiguity, ensuring that courts recognize the speaker’s intent before or after custody attaches.

“I invoke my right to a lawyer.”

This line invokes the right to counsel during custodial interrogation (Fifth Amendment) and after formal charges (Sixth). In *Davis v. United States* (1994) the Court ruled that “Maybe I should talk to a lawyer” was too equivocal to require police to stop questioning. *Edwards v. Arizona* (1981) held that once a clear request for counsel is made, police must cease interrogation unless the suspect re-initiates. While the line does not compel police to stop questioning before custody attaches, it creates a record of intent that courts weigh when assessing voluntariness.

“I don’t consent to any searches.”

This line asserts the Fourth Amendment’s protection against unreasonable searches and seizures. *Schneekloth v. Bustamonte* (1973) ruled that police need not inform individuals of the right to refuse consent, and *Florida v. Bostick* (1991) showed passive behavior can be construed as consent. An explicit refusal prevents claims of implied or voluntary consent.

“I want to leave. Am I free to go?”

This line engages Fourth-Amendment safeguards against unlawful detention. In *Florida v. Royer* (1983) officers escalated a consensual conversation into an unlawful seizure without probable cause. *Terry v. Ohio* (1968) permits brief investigative stops based on reasonable suspicion, but they must be limited in scope and duration. Saying “I want to leave” signals withdrawal of consent, while “Am I free to go?” forces clarification. Officers must then articulate reasonable suspicion to justify continued detention.

Each line is narrowly tailored for a discrete legal purpose—either a protection needing affirmative assertion or a clear evidentiary marker. Add-ons like “I reserve all rights” have no clear legal effect and risk muddying the record; the Invocation includes only lines with functional weight in common encounters.

The script applies across all custody statuses and jurisdictions. Civilians need not diagnose encounter type in real time; the four lines work whether an interaction is consensual, detained, or arrested, drawing on cases such as *Salinas* (pre-custody), *Berghuis* (post-custody), *Bostick* (consent searches), *Schneekloth* (custodial consent), *Royer* (consensual stops), and *Terry* (brief detentions). States may expand protections but cannot diminish them, so the Invocation functions uniformly in all fifty states and territories.

Beyond immediate clarity, standardization lets courts and advocates assess effectiveness. If rulings reveal ambiguous phrasing, the script can be refined centrally and redistributed—a

feedback loop impossible with improvised language. Officers also gain recognizable cues, simplifying proceedings by reducing disputes over intent.

The script respects legal limits. *Hiibel v. Sixth Judicial District Court* (2004) upheld stop-and-identify statutes in some states, and traffic stops may require compliance with commands such as providing a license. Invocation documents intent; it does not override lawful orders.

The next section explains why memorized scripts survive stress and how behavioral science supports instinctive recall of legal language.

5 Cognitive and Behavioral Foundations

Clear legal language matters only if it can be recalled and spoken when needed most. Yet police encounters—marked by acute stress, uncertainty, and perceived threat—trigger neurobiological changes that impair civilians’ ability to think clearly or articulate rights precisely. As Arnsten (2009) shows, stress rapidly degrades the functioning of the prefrontal cortex—the brain’s center for verbal fluency, working memory, and self-regulation. Courts demand clarity, but stress biochemically disrupts the faculties needed to produce it.

The Invocation of Rights offers an alternative grounded in behavioral design: a pre-rehearsed, fully verbalized fallback. Unlike strategies that depend on real-time judgment or situational parsing, it replaces improvisation with a standardized script engineered for automaticity and recall.

Stress research confirms why this matters. During high-stakes interactions with authority—such as a traffic stop or street detention—the brain defaults to rigid, habitual responses rather than flexible reasoning. Schwabe and Wolf (2013) show that stress shifts memory retrieval away from the hippocampus toward habit-based systems. Kahneman (2011) frames this as a shift from System 2 (deliberative reasoning) to System 1 (automatic response). Sweller’s (1988) cognitive-load theory confirms that under pressure, working memory is easily overloaded—leaving even informed civilians unable to construct or deliver legal language in the moment. Hesitation, rambling, or silence—common stress responses—risk being misread by courts as waiver or consent. A rehearsed script doesn’t just help—it becomes the only realistic fallback.

Memorized scripts succeed under these conditions by reducing cognitive load and enabling automaticity—what Bargh and Chartrand (1999) describe as behavior that runs without conscious deliberation. Like aviation checklists or “stop, drop, and roll,” the Invocation functions as a proceduralized response: a short, repeatable action that survives stress. Driskell and Johnston (1998) show that practiced protocols can be reliably performed even when decision-

making faculties fail. The Invocation’s four lines follow this evidence-based model: they are not invented on the spot—they are recalled.

The script’s structure is deliberately optimized for memory. Each line is chunked—an arrangement Sweller identifies as ideal for cognitive retention. The phrasing uses one idea per line, first-person language, and direct verbs. The repetition of “I” creates rhythm; “invoke” echoes the name of the script itself, reinforcing memory through semantic priming. “Right to remain silent” taps into the cultural familiarity of Miranda warnings. These features—brevity, rhythm, semantic resonance—are engineered for retention and recall under pressure.

But cognition is only part of the challenge. Emotional barriers pose a second threat to invocation. Assertiveness toward authority often triggers what psychologists call *approach-avoidance conflict*: knowing one should speak up to assert one’s rights, while fearing the consequences of doing so. Stress intensifies this conflict, diverting attention from task execution toward threat monitoring. LeDoux (1996) shows that fear activates subcortical circuits that bypass higher reasoning, while Eysenck et al. (2007) demonstrate that anxiety impairs attention and verbal performance by overloading threat-detection systems. In such moments, even knowing what to say may not be enough.

The Invocation lowers this emotional threshold through standardization and framing. Bandura’s (1977) social-learning theory shows that modeled behavior, when practiced, builds both competence and permission. When a behavior is perceived as culturally taught and normatively endorsed, it becomes easier to perform. Because the Invocation is universal and repeatable, civilians can present it not as resistance, but as formality. A speaker might even preface it aloud: “I was taught to say this.” In that moment, the words become performance, not protest—offering a neutral, practiced script instead of improvised defiance. Brown and Levinson’s Politeness Theory (1987) classifies such disclaimers as a negative-politeness strategy: by attributing the forthcoming speech to external instruction, the speaker acknowledges the officer’s social power and mitigates the face-threat inherent in asserting rights. Empirically, face-saving formulations lower perceived hostility without diluting the legal clarity of the invocation.

Finally, the Invocation lifts a key cognitive burden: the need to evaluate legal context mid-encounter and improvise a compliant response. Civilians are not expected to diagnose whether they’re free to leave, legally detained, or under arrest—and they shouldn’t have to. The script replaces that analysis with action. It is always spoken in full, regardless of setting. Cognitive theorists describe this design as balancing germane load (what matters) with intrinsic load (what overwhelms). The speaker need not interpret the law. They need only recall what they’ve practiced.

This is the power of behavioral design. A person need not understand the case law behind each line; they need only say it as rehearsed. When rights hinge on precise language—and that language must survive stress—structure becomes strategy. A script this short, this rehearsable, and this legally effective is not just a legal tool. It is a cognitive shield.

The next section explores how this language becomes not only learnable but lived—embedded in classrooms, communities, and public life.

6 Implementation and Cultural Impact

A right unvoiced is a right unclaimed. The Invocation of Rights, designed for recall under pressure, holds no power unless spoken. Its clarity and modeled legal strength depend on practice, not just intent. This section outlines how the Invocation becomes a civic ritual: through accessible dissemination, deliberate internalization, and widespread normalization.

The script must be available wherever civilians are. Wallet-sized cards, downloadable phone lock-screens, posters with QR codes, and shareable videos can distribute it through schools, libraries, legal clinics, and community centers. Social media campaigns—featuring recitation challenges or safety reels—extend reach online. These formats, physical and digital, ensure the script is at hand when needed, delivering a consistent message: this is a shared language that anyone can use.

Distribution is only the first step. Rehearsal builds reflex, as Section 5 demonstrated. Classroom role-play, community safety workshops, and peer-to-peer repetition help internalize the script through structured practice. Civics curricula can teach it alongside CPR or fire safety, framing invocation as essential civic knowledge. This approach draws on Bandura’s theory of self-efficacy: structured rehearsal fosters not only knowledge, but the belief that one can act effectively under pressure—and that doing so is valid and appropriate.

Many civilians hesitate to assert rights, viewing it as impolite or risky. Practicing soft delivery techniques—such as beginning with “I was told to say this first”—lowers the perceived social cost of invocation, making it feel procedural rather than defiant. Repetition turns hesitation into habit. Bandura’s model explains how confidence in one’s ability to act builds through exposure and practice, particularly in non-threatening environments that simulate real stakes.

Normalization makes invocation expected, not exceptional. Like “stop, drop, and roll” or “just say no,” the script gains legitimacy through repetition and visibility. Early adopters benefit first—asserting their rights with clarity and receiving clearer legal protection. But their deeper role is social: they model a behavior that others can observe, evaluate, and imitate. Over time—much like voting, where individual acts shape public norms—invocation

becomes not just strategic, but expected. This reflects Rogers (2003) model of innovation diffusion: as early adopters demonstrate the script’s simplicity and civic value, visibility builds trust, and consistency accelerates uptake.

As invocation becomes routine, its institutional effects deepen. Prosecutors face fewer ambiguities and cleaner invocation records, reducing reversals on appeal. Judges encounter clearer evidentiary boundaries, streamlining suppression hearings and strengthening procedural review. Officers gain a safeguard: standardized phrasing clarifies civilian intent, shielding them from perjury traps, coercion claims, or escalation caused by improvised speech. Supervisors benefit as well: standardized civilian language creates consistent training objectives and offers an observable benchmark in body-worn footage, making compliance easier to evaluate and misconduct harder to excuse. Over time, invocation shifts incentives—from relying on unguarded speech to building lawful cases through procedural skill. This elevates the role of the officer and aligns investigative practice with long-term professional resilience. Tyler (2006) shows that when legal processes are perceived as fair, neutral, and predictable, public trust improves—even when outcomes are unfavorable. The Invocation fosters exactly that perception: it signals to all parties that the encounter is governed by shared procedural rules, not improvisation or discretion. In time, conviction rates may drop—but conviction quality will rise. Like the Bill of Rights, the Invocation prioritizes legitimacy over volume.

Each recitation—even by those who rarely expect to need it—strengthens the Invocation’s place as a routine civic behavior. Cultural tools like this diffuse not through legal compulsion, but through visible, repeatable action. This is how law becomes part of everyday life—not just imposed from courts, but enacted through ordinary people asserting rights aloud. As Ewick and Silbey (1998) describe, legal meaning is shaped not only by institutions, but by how people perform and reproduce law in their daily interactions.

Many civilians currently hesitate to assert their rights—not from ignorance, but because doing so feels abnormal. In some communities, it is viewed as unnecessary or impolite; in others, as dangerous or adversarial. The Invocation seeks to shift that perception. By providing a structured, repeatable phrase, it repositions rights assertion as standard practice—something learned, rehearsed, and spoken with clarity. A widely shared script gives people not only the words, but a sense of legitimacy in saying them. This shift echoes Ewick and Silbey’s (1998) concept of legal consciousness: law is not only imposed from above, but enacted from below through repeatable acts of civic behavior.

Universal repetition also enhances safety. When invocation becomes common across demographics, regions, and contexts, it no longer signals defiance or suspicion. Officers begin to recognize it as a procedural norm; civilians become more willing to invoke their rights. As Tyler (2006) has shown, procedural justice improves when people believe they are treated

according to known, fair, and neutral standards. The Invocation builds that shared structure: a recognizable form of speech that fosters mutual understanding and reduces the chance of escalation. Like jury service or voting, its power emerges not from any single instance, but from widespread adoption. Even those who rarely expect to need its protection contribute to its legitimacy by using it. As invocation becomes routine, it sheds stigma, reduces perceived risk, and builds a civic habit—simple in form, profound in effect.

A script becomes powerful when habitual, and habitual when shared. When widely shared, it can do more than protect—it can define expectations. That is the promise of a civic standard.

7 Conclusion: A Civic Standard

The American promise grants us rights—but only we can give them voice. The Invocation of Rights—legally precise, cognitively reliable, and culturally adaptable—offers a path toward making those protections practically assertable. This project has shown how legal precedent, behavioral design, and shared repetition can restore the usability of liberties won through generations of struggle—while quietly reshaping the expectations of legal actors who operate within that system.

Precise phrasing guards against ambiguity. Language designed for recall enables delivery under stress. Rehearsal builds confidence, reduces emotional strain, and transforms confrontation into shared routine. And for police, prosecutors, and courts, the Invocation clarifies intent at the source. Officers face fewer perjury traps or coercion claims. Judges see fewer suppression hearings and sharper invocation records. Prosecutors gain cases more likely to survive review. What protects the speaker also protects the process.

For one civilian, the script delivers immediate protection. Like a single vote, each recitation counts—setting boundaries, clarifying intent, and ensuring rights are activated. At a first traffic stop, a nervous student recites, “I invoke my right to remain silent.” The officer pauses, recognizes the phrasing, and proceeds with caution. A tense moment defuses—not by accident, but by design. What began as a private defense becomes part of a collective shift: where rights are not assumed, but spoken aloud—and where officers are trained to hear them clearly.

This standard benefits all. Civilians feel entitled to their protections. Officers who value constitutional clarity see invocation not as resistance, but as routine. Supervisors inherit a rights-respecting training benchmark. Courts and juries receive cleaner records. And prosecutors rely less on ambiguity and more on lawful evidence. As invocation becomes familiar, it reduces escalation, improves legitimacy, and refines the institutional tools of

justice. It becomes a litmus: those who support it affirm procedural fairness; those who resist it reveal dependence on ambiguity, coercion, or confusion. Like Miranda before it, the Invocation defines which actors embrace clarity—and which rely on its absence.

These gains are not only tactical. Over time, invocation reshapes incentives and redefines expectations. Officers shift from extracting speech to conducting resilient investigations. Prosecutors bring cases less vulnerable to appeal. The weakest, most contested convictions—the ones most likely to violate rights—fall away. Stronger, cleaner convictions remain. As with the Bill of Rights, the trade-off is deliberate: fewer convictions, but more justice. In time, new tools and techniques will emerge to fill the gap left by coerced speech. A fairer system does not fail; it evolves.

The path forward relies on practice, not mandate. Civilians can rehearse. Educators can teach. Policymakers can promote. Each time the script is spoken, its clarity grows—and so does its power. And when that expectation is shared across communities, encounters, and generations, invocation no longer just protects—it defines the culture of rights itself.

The Invocation is not a protest. It is not legal advice. It is a civic standard.

A simple statement.

A public act.

A freedom reclaimed.

A Invocation Script Reference

This appendix provides the four-line Invocation of Rights in English and Spanish, along with concise usage guidance. The script is spoken exactly as written—short for rehearsal, clear for protection. It is a civic tool, not individualized legal advice.

Invocation of Rights (English)

“I invoke my right to remain silent.”

“I invoke my right to a lawyer.”

“I don’t consent to any searches.”

“I want to leave. Am I free to go?”

Invocación de Derechos (Español)

“Invoco mi derecho a guardar silencio.”

“Invoco mi derecho a un abogado.”

“No doy permiso para que me registren.”

“Quiero irme. ¿Estoy libre para irme?”

How to use the script

1. Speak calmly and clearly.

Volume and composure help ensure the words are audible on body-worn cameras.

2. Recite all four lines together.

Do not add, omit, or remix wording; consistency preserves clarity.

3. Repeat if circumstances change.

If you are formally taken into custody—handcuffed, told you are under arrest, or moved to an interrogation room—recite the same four lines again. The renewed request for a lawyer then triggers the rule that police must stop questioning (*Edwards v. Arizona* (1981)).

4. Remain silent afterward.

Answer no questions until counsel is present, unless required to state identifying information by local law.

Delivery tip (optional)

“Hello, officer. I was taught to say this:”

Some trainers find that opening with this brief preface lowers perceived hostility. It frames the script as a civic routine rather than a personal challenge. The preface is optional and carries no legal effect; it must be followed immediately by the four mandatory lines.

Printable resources & translations

- Wallet cards (PDF) and phone-lock-screen images in English, Spanish, Mandarin, and Arabic
- Animated explainer (60 s) accessible via QR code
- Trainer packet with role-play prompts and rehearsal drills

Download at <https://invocationofrights.org/resources>.

B Legal Foundations

This appendix summarizes the key Supreme Court decisions that informed the Invocation of Rights. Each case reflects a specific vulnerability in civilian–police encounters—where silence, hesitation, or ambiguous language has been held insufficient to preserve constitutional protections. The cases listed below support the legal design of the script’s four lines, as detailed in Section 4.

Case (Year)	Holding	Script Relevance
<i>Berghuis v. Thompson</i> (2010)	Remaining silent is not enough to invoke the Fifth Amendment; it must be clearly stated.	Justifies: “I invoke my right to remain silent.”
<i>Salinas v. Texas</i> (2013)	Pre-custodial silence can be used against a suspect unless the Fifth Amendment is explicitly invoked.	Reinforces the need for clear invocation even before arrest.
<i>Davis v. United States</i> (1994)	An ambiguous reference to counsel (“Maybe I should. . .”) does not require police to stop questioning.	Justifies: “I invoke my right to a lawyer.”
<i>Edwards v. Arizona</i> (1981)	Once a suspect clearly requests a lawyer, police must stop questioning unless the suspect re-initiates.	Reinforces legal force of an explicit lawyer request.
<i>Schneckloth v. Bustamonte</i> (1973)	Police are not required to inform civilians they can refuse a search; unclear responses may count as consent.	Supports: “I don’t consent to any searches.”
<i>Florida v. Bostick</i> (1991)	Passive agreement or compliance can be treated as valid consent during police questioning.	Reinforces the need for clear verbal refusal.
<i>Florida v. Royer</i> (1983)	Officers turned a consensual encounter into an unlawful detention without cause.	Justifies: “I want to leave. Am I free to go?”
<i>Terry v. Ohio</i> (1968)	Police may conduct brief investigative stops with reasonable suspicion, but not without limits.	Clarifies the boundary this line seeks to test.
<i>Hübel v. Sixth Judicial District</i> (2004)	States may require individuals to provide identification during lawful stops.	Notes the Invocation’s compatibility with stop-and-identify statutes.

Note: The cases listed reflect federal constitutional standards. While state law may expand protections, the rights asserted in the script—grounded in Supreme Court precedent—are recognized nationwide. The Invocation is designed to function regardless of custody status or jurisdiction, offering civilians a consistent legal foundation across encounters.

C Cognitive, Emotional, and Social Foundations of Script Design

This appendix presents academic foundations supporting the design and implementation of the Invocation of Rights, as discussed in Sections 5 and 6. Sources are organized thematically: cognitive performance under stress; emotional and behavioral factors; and social and legal behavior. Together they show that under stress people recall rather than reason, and that normalized civic behaviors enhance rights assertion.

Table 1 – Cognitive performance under stress

Author	Title	Relevance
Arnsten (2009)	Stress Signaling Pathways That Impair Prefrontal Cortex Structure and Function	Details how stress impairs working memory, attention, and verbal control—faculties needed to assert rights.
Sweller (1988)	Cognitive Load During Problem Solving: Effects on Learning	Shows that working memory collapses under complexity, validating the script’s chunked design for recall.
Schwabe & Wolf (2013)	Stress Modulates the Engagement of Multiple Memory Systems in Classification Learning	Explains that stress defaults to procedural memory, supporting practiced scripts over reasoning.
Kahneman (2011)	Thinking, Fast and Slow	Distinguishes deliberate and automatic cognition, explaining why stressed civilians rely on scripted speech.
Bargh & Chartrand (1999)	The Unbearable Automaticity of Being	Describes how repetition builds unconscious recall, supporting automatic performance under pressure.
Driskell & Johnston (1998)	Stress Exposure Training	Shows that practiced verbal protocols remain accessible when higher cognition falters.

Table 2 – Emotional and behavioral factors

Author	Title	Relevance
LeDoux (1996)	The Emotional Brain: The Mysterious Underpinnings of Emotional Life	Shows how fear impairs speech and reasoning, reinforcing the need for automatic scripts.
Eysenck <i>et al.</i> (2007)	Anxiety and Cognitive Performance: Attentional Control Theory	Explains how anxiety impairs verbal clarity, justifying simplified, rehearsed speech.
Bandura (1977)	Self-Efficacy: Toward a Unifying Theory of Behavioral Change	Shows that modeled behavior builds confidence, supporting civic framing of the script.
Ajzen (1991)	The Theory of Planned Behavior	Explains how norms and perceived difficulty shape action, supporting normalization and rehearsal.
Ericsson (2008)	Deliberate Practice and the Acquisition and Maintenance of Expert Performance	Supports rehearsal strategies, showing how structured practice builds reliable performance under pressure.
Brown & Levinson (1987)	Politeness: Some Universals in Language Usage	Analyzes face-saving strategies; supports the optional “I was taught to say this” preface that mitigates confrontation.

Table 3 – Social and legal behavior

Author	Title	Relevance
Rogers (2003)	Diffusion of Innovations	Explains how early adopters drive uptake of civic behaviors, supporting normalization of the script.
Ewick & Silbey (1998)	The Common Place of Law: Stories from Everyday Life	Frames rights assertion as civic behavior enacted through repeatable acts, consistent with legal consciousness research.

Continued on next page

Author	Title	Relevance
Tyler (2006)	Why People Obey the Law	Shows that procedural justice improves with fair, neutral standards, supporting the script’s role in reducing escalation.

Table 4 – Design principles reflected in the script

Concept	Explanation	Supporting source(s)
Cognitive load	Stress impairs working memory. The script reduces demand through chunked phrasing.	Sweller (1988)
Automaticity	Repetition makes speech instinctive, bypassing conscious control.	Bargh & Chartrand (1999)
Procedural memory	Stress favors habits over reasoning. The script functions as a procedural fallback.	Schwabe & Wolf (2013); Driskell & Johnston (1998)
Semantic priming	Phrases such as “invoke” echo legal language, aiding recall.	Kahneman (2011)
Approach-avoidance conflict	Assertiveness feels risky. Framing the script as routine lowers emotional cost.	Bandura (1977); LeDoux (1996); Eysenck <i>et al.</i> (2007)
Normative activation	Perceived legitimacy and cultural modeling increase use.	Bandura (1977); Ajzen (1991); Rogers (2003)
Legal consciousness	Rights assertion becomes civic through repeatable acts.	Ewick & Silbey (1998)
Procedural justice	Shared scripts foster mutual understanding and reduce escalation.	Tyler (2006)

References

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Note: These sources form the primary behavioral and social foundations for the claims made in Sections 5 and 6. A full research bibliography is available upon request.

D Scenario Analyses and Stakeholder Impact

Flagship scenario – Terry stop

Context. Evening patrol on a commercial strip. Officer pulls over a driver for a broken taillight, requests conversation beside the vehicle, and begins casual questioning.

Micro-transcript.

Civilian: “I invoke my right to remain silent. I invoke my right to a lawyer. I don’t consent to any searches. I want to leave. Am I free to go?”

Officer: “Understood. Please wait here while I verify your license and registration.”

(License check clears; officer issues fix-it ticket and releases driver.)

Outcomes.

Actor	Immediate effect	Down-stream benefit
Officer	Maintains procedural clarity; avoids unrecorded questioning.	Lower liability exposure; no suppression risk if citation contested.
Civilian	Rights asserted without escalation.	Clear evidence trail if dispute arises.
Supervisor	Body-cam shows textbook compliance.	Easier performance review; supports training benchmarks.
Prosecutor	(If case later filed) invocation time-stamp defines questioning window.	Reduced suppression-motion workload.

Failure-mode variant. Officer ignores the Invocation and continues questioning. Court later suppresses statements; Internal Affairs opens review for policy breach. Administrative cost \approx new training session + IA hours; suppression cost = dismissed charge.

Stakeholder impact matrix

Stakeholder	Primary benefit	Trade-off / cost	Training / resource need
Civilians	Clarity of rights; reduced stress during stops.	None if trained; confusion if untrained.	Community outreach; pocket cards.
Front-line officers	Shield from perjury claims; clear stop boundaries.	Less reliance on spontaneous admissions.	Roll-call briefing; updated policy memo.
Supervisors	Objective body-cam benchmark for compliance.	Must track invocation-adherence metrics.	Audit-template updates.
Prosecutors	Cleaner evidentiary record; fewer suppression fights.	Some cases require additional corroboration.	Charging-decision checklist tweak.
Judges	Narrower procedural disputes; faster hearings.	Potential docket shift (fewer plea bargains).	None.
Elected officials	Greater institutional legitimacy; reduced settlement payouts.	Short-term dip in conviction-volume statistics.	Public-messaging toolkit.

Compatibility sidebar – stop-and-identify laws

Line 4 (“I want to leave. Am I free to go?”) addresses detention status; it does not relieve statutory duties to provide identification where required. Courts treat ID requirements as distinct from speech-based invocation (see *Hiibel v. Sixth Judicial District Court* (2004)).

Transition-cost box – items to budget once pilots begin

- Officer in-service module (≈ 30 min)
- Wallet-card printing / digital download host
- Policy-memo revision and distribution

- Body-cam audit-rubric adjustment

Dollar values depend on jurisdictional scale and will be estimated after pilot design.

Evidence gap & research agenda

- What proportion of body-cam footage already contains partial or failed invocations?
- Does standardized invocation reduce the average number of suppression-motion hearings per 1 000 arrests?
- What is the cost-to-savings ratio of officer training versus civil-liability payouts over a three-year horizon?

Researchers, agencies, or unions interested in collaborating on pilot studies are invited to make contact at info@invocationofrights.org.

Pilot concept (draft). A two-arm mock-stop study will measure (a) recall accuracy of the four-line script after a single 20-minute training session, (b) officer perception of cooperation, and (c) suppression-motion outcomes in simulated hearings. A 2-page protocol is available at <https://invocationofrights.org/pilot>; prospective partners are invited to review and co-design field trials.

Appendix D reflects preliminary analysis; quantitative validation will follow field trials.

E Resistance & Risk

While the *Invocation of Rights* rests on solid constitutional doctrine and behavioral science, successful adoption hinges on cultural readiness, institutional trust, and statutory boundaries. This appendix summarizes the leading objections, clarifies legal constraints, and outlines mitigation strategies.

I. Common objections and misconceptions

Objection	Response
“This sounds like sovereign-citizen stuff.”	Sovereign-citizen rhetoric rejects court authority; the Invocation <i>affirms</i> it. The script relies on mainstream constitutional doctrine to clarify procedural boundaries.
“It will escalate stops.”	Escalation usually follows non-compliance, not calm verbal invocation. The script encourages compliance and offers an optional polite preface to lower perceived hostility.
“You’re giving legal advice without a license.”	The script is a general civic tool, not case-specific advice. Its public-education framing and non-commercial distribution fall outside most UPL restrictions.
“There’s no proof this script performs better.”	Correct—that is why pilot testing (see Appendix D) is planned. The design rests on behavioral theory but still requires empirical validation.
“Officers will just ignore it.”	Some may. Invocation cannot compel behavior; it documents rights assertion for later review. That record can influence suppression rulings and internal accountability.

II. Known constraints and legal caveats

- **Invocation does not compel officer behavior.** Police may lawfully continue detention, search, or arrest even after the script is spoken.
- Civilians must still comply with lawful commands (provide ID when required, exit a vehicle if ordered, submit to implied-consent testing, etc.).

- **Miranda violations are not civilly compensable.** *Vega v. Tekoh* (2022) limits remedies to evidentiary suppression.
- No “magic words” are required. Courts accept any clear, unequivocal invocation; the script is a standardized fallback, not the only path to protection.
- Some police unions and prosecutor associations may resist standardized invocation, citing case-load impacts. Early dialogue and pilot data will be needed to demonstrate procedural benefits and liability reduction.

III. Mitigation strategies

- *Tone and framing.* Encourage civilians to present invocation as procedural, not confrontational (“I was taught to say this”).
- *Officer engagement.* Training materials should differentiate the Invocation from pseudo-legal tactics and emphasize its aid to clarity.
- *Compliance emphasis.* Outreach reiterates that invocation does not relieve civilians of lawful duties; it clarifies intent, not immunity.
- *Jurisdictional vetting.* Pilot programs will work with local bar associations to confirm language, disclaimers, and materials comply with state UPL and recording laws.
- *Cost benchmarking.* Pilot budgets will be compared with average civil-liability payouts and training costs to ensure resources flow where empirical payoff is highest.

IV. Stakeholder engagement

The initiative’s success depends on transparent collaboration. We welcome input from law-enforcement trainers, bar associations, civil-rights organizations, and public defenders. Feedback on implementation, framing, and legal tailoring will strengthen the Invocation’s public value and help ensure it meets the needs of all participants in the justice system.