

THE PUBLIC SERVANT QUESTIONNAIRE

Key Points

- An American does not have to speak with a government agent unless the citizen has been arrested.
- Americans have a right to privacy, to be left alone.
- The PRIVACY ACT OF 1974 (Public Law 93-579), empowers citizens to require full, written disclosure from a government official who seeks information.
- You may insist on complete disclosure as a precondition to speaking with any government official.

The Limits On Federal Power

1. Law-abiding citizens are sometimes visited by agents of the Federal government for no apparent reason. It is helpful, at the time of these visits, to recall that unless a citizen has been placed under arrest (either because a law enforcement officer has probable cause to believe the citizen has committed a crime or because the officer has in his possession an arrest warrant issued by a judge who believes there is probable cause the citizen has committed a crime, a citizen does not have to entertain the company of government agents.
2. Citizens also have the right, guaranteed by the Fifth Amendment to the United States Constitution, not to testify against themselves. Thus, when "the government" comes knocking on one's door, you have the right to simply say, "Please go away." Unless the government officer places you under arrest (there must be probable cause, or an arrest warrant based on probable cause), the officer must obey your wishes.

Be Helpful... On Your Terms

- Of course, citizens also have a vested interest in assisting "the government" in its role of crime-solver. Most of us understand the need to help "the government" to apprehend criminals. But it is also helpful, when "the government" arrives at your place of employment or at your home, to know how to find out why government agents have appeared on YOUR doorstep.
- A handy little questionnaire that I came across years ago will do the trick. It's called the "Public Servant Questionnaire." A version accompanies this article. The "PSQ" was developed by Lynn Johnston, author of *Who's Afraid of the IRS?* (Libertarian Review Foundation: 1983, ISBN 0-930073-03-7).
- The PSQ is based on the requirements placed upon the government by the Privacy Act of 1974 (Public Law 93-579), an amending law to Title 5, United States Code, Section 552, and is included as Section 552a.
- If a citizen chooses to cooperate with government officials who are seeking information, BEFORE questioning begins, the citizen should politely inform the government agent or agents that a prerequisite for the citizen's cooperation with "the government" is the agent's cooperation with the citizen.

Do It Right, The First Time

1. The questions should then be put to each agent, and the citizen should enter the answers onto the questionnaire. Copies should be provided to each agent, either at the time of the questioning or by mail to the agent after the visit. The questionnaire informs the government agent that the citizen knows his rights and knows which limited powers the government agent has been granted by the people.
2. Most probably some government agents will not want to fill out or sign the PSQ. That's fine. They can then be sent on their merry way. They may need to explain to their superiors, and a court of law, and a jury, on another day, why they refused to cooperate with the reasonable questions of the highest officeholder in the land, a citizen.

PUBLIC SERVANT'S QUESTIONNAIRE

Public Law 93-579 states in part: "The purpose of this Act is to provide certain safeguards for an individual against invasion of personal privacy requiring Federal agencies... to permit an individual to determine what records pertaining to him are collected, maintained, used or disseminated by such agencies...."

The following questions are based upon that act and are necessary for this individual to make a reasonable determination concerning divulgence of information to this agency.

1. Name of public servant: _____

2. Residence address: _____
City _____ State _____ Zip _____

3. Name of department of government, bureau, or agency by which public servant is employed: _____
Supervisor's name: _____

4. Office mailing address: _____
City _____ State _____ Zip _____

5. Will public servant uphold the Constitution of the United States of America? Yes _____ No _____

6. Did public servant furnish proof of identity? Yes _____ No _____

7. What was the nature of proof?
ID No. _____ Badge No. _____ Driver's License No. _____

8. Will public servant furnish a copy of the law or regulation which authorizes this investigation?
Yes _____ No _____

9. Will the public servant read aloud that portion of the law authorizing the questions he will ask?
Yes _____ No _____

10. Are the citizen's answers voluntary? _____ Or Mandatory? _____

11. Are the questions to be asked based upon a specific law or regulation? _____
or are they being used as a discovery process? _____

12. What other uses may be made of this information?

13. What other agencies may have access to this information?

14. What will be the effect upon me if I should choose to not answer any part of these questions?

15. Name of person in government requesting that this investigation be made?

16. Is this investigation "general?" _____ or is it "special?" _____

Note: By "general" is meant any kind of blanket investigation in which a number of persons are involved because of geography, type of business, sex, religion, race, schooling, income, etc. By "special" is meant any investigation of an individual nature in which others are not involved.

17. Have you consulted, questioned, interviewed, or received information from any third party relative to this investigation?

Yes _____ No _____

18. If yes, the identity of all such third parties?

19. Do you reasonably anticipate either a civil or criminal action to be initiated or pursued based upon any of the information which you seek? Yes _____ No _____

20. Is there a file of records, information, or correspondence relating to me being maintained by this agency?

Yes _____ No _____

21. Is this agency using any information pertaining to me which was supplied by another agency or government source?

Yes _____ No _____ If yes, which agencies and/or sources?

22. Will the public servant guarantee that the information in these files will not be used by any other department other than the one by whom he is employed? Yes _____ No _____

AFFIRMATION BY PUBLIC SERVANT

I, _____, swear (or affirm) that the answers I have given to the foregoing questions are complete and correct in every particular.

_____ Date: ____/____/____

(Must be signed & dated in ink. This signature should be witnessed by two people, if possible. Citizen may administer an oath if he or she so desires.)

Witness _____ Date: ____/____/____

Witness _____ Date: ____/____/____