

KNOW YOUR RIGHTS: PROTESTS



Where can I engage in free speech activity?

Your rights are strongest in “traditional public forums,” such as streets, sidewalks, and parks. And you likely have the right to speak out on other public property, like plazas in front of government buildings, as long as you are not disrupting the purpose that property was designed for, like access to the government building.

Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.

Do I need a permit before I engage in free speech activity?

Not usually. You don’t need a permit to march in the streets or on sidewalks as long as marchers stay on the sidewalks, obey traffic and pedestrian signals, and refrain from obstructing passersby.

However, certain types of events require permits. For example:

- A march or parade that require blocking traffic or street closure
- A large rally requiring the use of sound amplifying devices
- A rally at certain designated parks or plazas.

If a local government requires a fee for permits, such as a security deposit or a charge to cover overtime police costs, it should allow a waiver for those that cannot afford the charge.

Can the government restrict my speech rights because of what I say?

No. Generally, the First Amendment prohibits restrictions based on the content of speech. However, police and other government officials are allowed to place certain narrow restrictions on the exercise of speech rights — for example, by requiring permits for large groups using public

parks. Any such restrictions must apply equally to all speech regardless of its point of view.

This means that counter-demonstrators also have free speech rights. They have the right to be present and to voice their opposition. But they should not be allowed to physically disrupt the event they are protesting. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.

Do I have the right to photograph or videotape during protests?

Yes. When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules about photography or video. Police officers may not confiscate or demand to view your photographs or video without a warrant, nor may they delete data under any circumstances. However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.

What do I do if I get stopped by the police?

Stay calm. Don't argue, resist, or obstruct the police, even if you believe they are violating your rights. In some states, you must give your name if asked to identify yourself, but you do not have to provide an ID or other paperwork. Make sure to keep your hands visible. Point out that you are not disrupting anyone else's activity and that the First Amendment protects your actions.

Ask if you are free to leave. If the officer says yes, calmly walk away.

If you are under arrest, you have a right to ask why. Otherwise, say you wish to remain silent and ask for a lawyer immediately. Don't say anything or sign anything without a lawyer. You have the right to make a local phone call, and if you're calling your lawyer, police are not allowed to listen.

Can I be searched?

You never have to consent to a search of yourself or your belongings. If you do explicitly consent, it can affect you later in court. Police may "pat down" your clothing if they suspect you have a weapon and may search you after an arrest.

What do I do if my rights have been violated?

When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for. Get contact information for witnesses. Take photographs of any injuries. Once you have this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.