

KNOW YOUR RIGHTS: PROTESTING IN PUBLIC

Protests are a time-honored way for Americans to make their voices heard and demand change. When people gather peacefully to speak out, they're protected by the First Amendment. Here's an overview of your rights when protesting:

YOUR RIGHTS

- Your right to protest is strongest in public spaces long used for speech and assembly, like public sidewalks, parks, and plazas. It is more limited on government property not ordinarily open for public expression, such as airport terminals or courtrooms.
- The First Amendment protects expressive activity in many different forms: holding signs, chanting slogans, giving speeches, handing out leaflets, and wearing clothing or costumes that convey a message are all protected speech.
- The government cannot ban or impose extra burdens on your protest because officials dislike your message or fear it will provoke anger or hostility from others. Even speech that many find provocative, hateful, or offensive is protected.
- If you're lawfully in a public space like a street, sidewalk, or park, you generally have the right to film or take photos of what's happening around you. You may record law enforcement officers performing their duties, as long as you do not physically interfere.

LAWFUL LIMITS

- The government can set reasonable rules about when, where, and how you protest, but those rules cannot target your message or viewpoint. They also must be applied evenly, serve important public interests like traffic safety or residential privacy, and leave you with meaningful ways to get your message out.
- For larger demonstrations or events requiring street closures or other special accommodations, local rules may require a permit. But the decision to grant or deny a permit must follow clear, objective standards, and cannot give officials unchecked power to decide who gets to speak.
- The First Amendment does not protect certain narrow categories of speech, including true threats (serious expressions of intent to commit violence against a specific person or group) and incitement (speech intended and likely to produce imminent unlawful action). Nor does it protect vandalism, violence, trespassing, physically obstructing law enforcement, or blocking building entrances or traffic without permission.
- In limited circumstances involving genuine public safety threats, such as when a riot breaks out, police may issue a lawful dispersal order. Officers must give people a reasonable opportunity to leave the area before making arrests.

BOTTOM LINE: Peaceful protest is a constitutional right and a democratic tradition. **Government officials cannot restrict your protest because they don't like what you have to say.** The First Amendment protects our right to speak freely, even when that speech is unpopular or critical of those in power.

