

YOUR RIGHT TO PROTEST

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The right to protest is a fundamental right guaranteed by the First Amendment. However, the Constitution does not completely protect all types of free speech activity in every circumstance. Police and other government officials are allowed to place certain restrictions on the exercise of speech rights, and the constitutionality will depend on the specific context.

YOUR RIGHTS WHILE PROTESTING

| Public Property | Private Property |
|--|--|
| <ul style="list-style-type: none"> Your rights are strongest in “traditional public forums,” such as streets, sidewalks, and parks. You also likely have the right to speak out on other public property (e.g., plazas in front of government buildings), so long as you are not blocking access to the government building or interfering with the other purposes the property was designed for. When lawfully present in a public space, you have the right to photograph anything in plain view, including federal buildings and the police. | <ul style="list-style-type: none"> Property owners can set rules for speech on their property, including related to photography or video. If you disobey the property owner’s rules, they can order you off their property (and have you arrested for trespassing if you do not comply). The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner and is otherwise lawful. |

Permits

- You don’t need a permit to march in the streets/on sidewalks if car or pedestrian traffic is not obstructed, or in response to breaking news.
- Certain types of events may require permits:
 - A march or parade that requires blocking traffic or street closure
 - A large rally requiring the use of sound amplifying devices
 - A rally at certain designated parks or plazas
- A permit cannot be denied because the event is controversial or will express unpopular views.

Counterprotesters’ Rights

- Counterprotesters also have free speech rights. Police must treat protesters and counterprotesters equally.
- Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.

Protecting your privacy

- Turn off all biometric unlock functions (e.g., fingerprint or facial recognition technology).
- Communicate with others over encrypted messaging apps, like Signal, to prevent your communication from being surveilled.
- Put your phone on airplane mode so that the police cannot surveil and track your movement.

Photographing and Videotaping

- 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.
- The First Amendment typically protects the right to record images and video images. The legality of recording audio without consent may depend on the state.

INTERACTING WITH LAW ENFORCEMENT

If You're Stopped By Police

- Always **remain calm** and never physically resist a police officer. Keep your hands visible.
- If you are stopped, ask the officer if you are free to leave. If the answer is yes, calmly walk away.
- Police cannot detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.
- If you are detained, ask the officer what crime you are suspected of committing, and remind the officer that taking photographs is your right under the First Amendment and does not constitute reasonable suspicion of criminal activity.

If You're Arrested

- If you are under arrest, you have a right to ask why. Otherwise, **we suggest you say you wish to remain silent**, ask for a lawyer, and not say or sign anything without a lawyer present.
- You have the right to make a local phone call. Police are not allowed to listen if you're calling your lawyer.

- **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.

If You Witness Mass Arrests

- Shutting down a protest through a dispersal order must be law enforcement's last resort. Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.
- Individuals must receive clear and detailed notice of a dispersal order.
- If there is a dispersal order, write down the time you hear the warning, what exactly is said, how audible it is, how it is given, how to leave the area, and any other orders you hear.

BEFORE THE EVENT

- Know your rights!
- Invite others to join
- Find a protest buddy with a similar risk tolerance
- Decide on your emergency contact
- Download a secure messaging app like Signal to communicate
- Dress comfortably
- Use a permanent marker to write important phone numbers on your body

BRINGING ITEMS TO PROTESTS

| What to Bring | What NOT to Bring |
|--|---|
| <ul style="list-style-type: none">• If you bring a phone, be aware there is a risk of being tracked, even with biometrics turned off• Permanent marker, Pens & small notebook or a note app on your phone• U.S. Photo ID, if you have one• Any essential medications, Water, snacks, sunscreen, rain gear, etc.• A mask, if you'd like• A poster, if you'd like! | <ul style="list-style-type: none">• Do not wear contacts• Weapons or anything illegal• Anything you can't afford to lose or don't want the police to confiscate• If you are not a U.S. citizen, avoid bringing any forms of ID or government documents that could signal your immigration status to police |