

Three Core Principles

CONDUCT, NOT CONTENT

It's not WHAT you say, it's the WAY you say it. Your right to express your opinion is protected no matter what beliefs you hold. What can be restricted to a degree is HOW you use that right. With very few exceptions, nobody can restrict your rights simply because they don't like what you say.

FREE SPEECH IS FOR EVERYONE

Young or old; anarchist or evangelical; pacifist or hawk; Mormon or Muslim: these rights apply to you. It doesn't matter if you're a U.S. citizen, whether you're voting age, or whether you speak English. Don't let anyone tell you otherwise.

WHEN, WHERE, AND HOW

Consider *when*, *where*, and *how* you use your free-speech rights. Every municipality has regulations, and it's your responsibility to understand them. You must observe reasonable regulations on *time*, *place*, and *manner* when you exercise your rights to demonstrate and protest.

STAND UP for Your RIGHT to PROTEST!

The right to join with fellow citizens in protest or peaceful assembly is critical to a functioning democracy. But it is also unfortunately true that governments and police can violate this right—through the use of mass arrests, illegal use of force, criminalization of protest, and other means intended to thwart free public expression.

Standing up for your right to protest can be challenging, especially when demonstrations are met with violence. But knowing your rights is the most powerful tool you have against police abuse.

Included in this small booklet are suggestions for exercising your right to protest. They do not constitute complete legal advice.

Be sure to consult a lawyer.



www.aclusandiego.org/YouHaveRights
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Protecting Your RIGHT to PROTEST

HIGHLIGHTS of your RIGHTS
when engaging in free speech activities,
planning a demonstration, and leafleting.



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Basic Free Speech Rights

- **The First Amendment prohibits restrictions on the content of speech.** Your rights cannot be restricted because of what you want to say—even if it's controversial. But police and government officials can place certain non-discriminatory and narrowly drawn "time, place, and manner" restrictions on the exercise of First Amendment rights.
- **All types of expression are constitutionally protected in traditional "public forums"** such as streets, sidewalks, parks, and plazas, and may be allowed in certain other government-owned places like public universities or colleges. In California, certain forms of expression may be allowed in certain types of shopping malls.
- **A permit is not usually necessary to engage in free speech activity.** Generally, only certain types of events require permits: 1) a march or parade that doesn't stay on the sidewalk or requires street closures; 2) a very large rally; 3) an activity that obstructs vehicle or pedestrian traffic.
- **Permits can be acquired on short notice.** Many permitting procedures require applications to be filed with the police department well in advance of the event but can be obtained on short notice or not required at all if inspired by unforeseeable or recent events.

- **Counter-demonstrators have free speech rights** with some restrictions. They are not allowed to physically disrupt the event they are protesting, but they can be present and voice their disagreement. Police can keep the groups separated, but should allow them to be in the same general vicinity.
- **If you don't get a permit, stay on the sidewalk!** Keep your group on the sidewalk and obey traffic signals, and your activity is protected. You may be required to allow enough space on the sidewalk for others to pass by, and can't detain passers-by.
- **"Free Speech Zones" must be reasonable** and are subject to time, place and manner rules. Restrictions must be reasonably related to legitimate goals such as reducing an identifiable security risk. Protesters should have the chance to effectively communicate their message to their intended audience.
- **You can distribute leaflets on public sidewalks.** Pedestrians may be approached with leaflets, newspapers, petitions, and solicitations for donations. These types of free speech are legal as long as entrances are not blocked and passers-by are not physically detained. No permits are required.
- **Hekling should be permitted** unless you are trying to

This guide is extremely abbreviated. For details, go to www.aclusandiego.org/YouHaveRights. It does not substitute for legal counsel. Consult an attorney.

Interactions with the Police

- **You cannot legally be arrested for refusing to identify yourself** to a police officer if the officer doesn't have reasonable suspicion or probable cause to believe you committed a crime or infraction.
- **You don't have to answer a police officer's questions except to identify yourself** if you have been stopped on reasonable suspicion or probable cause that you have committed a crime or infraction except in certain circumstances if you are on probation or parole.
- **Police may pat down your clothing for weapons** only if they reasonably suspect you are armed and presently dangerous. A patdown is not automatically justified just because you are stopped. Don't physically resist, but clearly state, **"I do not consent to be searched!"**
- **It is a crime to interfere with police action.** If you are witness to an incident, step back, record it with a camera or your phone, and try to assess specific information, like the officer's badge number, the license plate or car number of the police car, etc.
- **If you are arrested, do not talk about the incident.** Police are entitled to basic biographical information (your name and address). Do not give any excuses, explanations, or stories. Ask to see a lawyer immediately.