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How to Flex Your Rights at Protests

Whether you like to Occupy, Tea Party, or [Bikini Flash Mob](#) — the First Amendment protects your right to peacefully protest.

Courts have tended to support a strong and vibrant First Amendment. Its protections are far-reaching and give you great freedom to express your views loudly and publicly.



The First Amendment can help

But before you make your voice heard, you want to be prepared in case your peaceful protest turns confrontational.

Limitless Possibilities of Free Expression

Government authorities cannot limit speech based on the content of your ideas. So even if others are offended by your viewpoint, you'll have the Constitution on your side when speaking your mind.

You are free to choose the medium of your message. In addition to your voice, you are free to make signs, costumes, artwork, and handouts. You are also free to express yourself through music and performance. Your only limit is your imagination.

Remember that while provocative language is generally considered protected speech — obscene acts or threats of violence can get you in trouble. Police also have the authority to enforce reasonable noise restrictions in public areas.

Eli Skipp. Photo by [Joe Raedle/Getty Images](#)

Public vs. Private Space

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Any public space is available to protesters, as long you don't interfere with the ability of others to use it too. Sidewalks are fine, so long as you leave room for pedestrians to pass. Parks are acceptable, though permits may be required for larger events that could interfere with routine use of the space. On the street, protesters are subject to the same rules against jaywalking and blocking traffic. When protesting outside buildings, be mindful not to block entranceways.

In the case of private property, it's up to the property owner to decide what will be tolerated. So if you're protesting a private corporation, for example, you may assemble on public sidewalks surrounding the facility — but entering the corporation's grounds could lead to an arrest. The lines that separate public and private spaces aren't always clearly drawn. So pay attention to your surroundings, and don't assume something is okay just because others are doing it.

Also remember that police may have authority to set certain parameters for large events in the interest of maintaining order and protecting public safety. For example, specific areas may be declared off-limits and protesters may be directed in one direction or another to reduce crowding or clear a path for emergency response vehicles.

Police actions in such situations are [subject to review in court](#) to determine if protesters' constitutional rights were violated.

Protest Day Preparation

Before the protest, educate yourself about the event and make a checklist of things you might need to get home safely and comfortably. What you'll need depends a lot on the type of event, and you'll hopefully get some guidance from the organizers about what to expect.

If you're anticipating large crowds and a police presence, you might have a hard time getting to a store if a sudden need arises, so plan ahead. Here are a few suggestions:

- Comfortable shoes
- Clothing with removable layers
- Backpack
- Water
- Snacks
- Extra cash
- First aid/medications
- Map of the area
- Goggles/bandannas (in case of pepper spray or tear gas)

- [John Oliver's take on police accountability is the best thing ever](#)
- [3 Lessons After Our Week From Hell](#)
- [Volunteer to Improve Police Complaints Accessibility!](#)

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Also remember that extremely large crowds can even put a strain on cell phone towers and disrupt your service. Don't rely on your phone as a means of keeping in touch with companions. Establishing a meet-up spot away from the action is a good back-up plan in case things get chaotic.

How to Protect Your Rights (if you don't plan to get arrested)

If you didn't come to the protest intending to get arrested, then staying out of the way of police is a good plan. But if police can't be avoided, remember that your rights apply just as they would any other time.

Like most police encounters, some officers will be more professional than others. But inside a loud chaotic crowd, misunderstandings can quickly turn ugly. So remember these rules:

- **Always be calm & cool.** A bad attitude guarantees a bad outcome. If you keep your cool, chances are the officer will too.
- **Don't confess to wrongdoing.** Police aren't looking for an explanation; they're looking for evidence. Remain silent instead.
- **Don't lie to cops.** Cops may lie to you, but you can't lie to them. Remain silent instead.
- **Cops can lie; don't get tricked.** Don't let false threats or promises trick you into waiving your rights.
- **You can refuse searches.** Saying "no" to searches is your constitutional right and probably your best move. Agreeing to searches hurts your case, even if police find something that isn't yours.
- **Ask if you're being detained or are free to go.** Doing this shows that you're not agreeing to the police stop. This will protect you later if you end up in court.
- **Don't expose yourself.** Vandalizing property or doing illegal drugs in public are easy ways to find yourself in jail. "Safety in numbers" won't protect you.
- **Never touch a cop.** Keep your hands to yourself. Aggressive actions will only earn you a more aggressive response.
- **Don't argue; report misconduct later.** If you plan to sue or complain, don't tell the officer.

Dealing with Police Misconduct

While following these rules will lower your chances of having an encounter take a



turn for the worse, they don't eliminate risk entirely. If you're a victim or witness of police misconduct, try to do the following as soon as possible:



Arrest under review

- Identify witnesses and get their contact info.
- Write down or voice record everything that happened while your memory is fresh.
- Photograph any injuries while they are most visible.
- Use [cell phones or other video recording devices to document the incident](#).
- [Contact an attorney](#) before filing a complaint.

These steps are critical to preserving facts that can help the victim if they receive criminal charges or decide to file a lawsuit for excessive force or false arrest. In some cases, plaintiffs seeking damages for large-scale constitutional rights violations during protests have scored [major victories in court](#).

Remember that the matter isn't resolved until you've spoken with an attorney for advice on how to proceed with your case. Police abuses that occur during public protests are often well documented by other protesters and media, so be patient and explore your legal options once things settle down.

Photo by Stephanie Keith/AP

Thoughts on Civil Disobedience

Flex Your Rights' information primarily focuses on how to avoid getting arrested. But sometimes an important cause is helped when committed protesters engage in carefully planned non-violent [civil disobedience](#).

While the dos and don'ts of effective civil disobedience go well beyond the scope of this article, protesters who deliberately break the law should carefully consider the costs and benefits of their actions. While intelligent civil disobedience [shames your opposition and attracts new support to your cause](#). Dumb civil disobedience has the opposite effect, [emboldening your opposition and alienating your supporters](#).



Good show, Mr. Tobey

Remember that effective activism is about educating people and changing minds, not just venting your frustration. So before attempting

civil disobedience, please [consult with the experts](#).

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