

# Demonstrators



**What are my rights in a protest, march or demonstration situation off campus?**

## **. Your Right to Protest**



- You have a constitutionally protected right to engage in peaceful protest in “traditional public forums” such as streets, sidewalks or parks. But in some cases the government can impose restrictions on this kind of activity by requiring permits. This is constitutional as long as the permit requirements are reasonable, and treat all groups the same no matter what the focus of the rally or protest.

- The government cannot impose permit restrictions or deny a permit simply because it does not like the message of a certain speaker or group.
- **Generally, you have the right to distribute literature, hold signs, collect petition signatures, and engage in other similar activities while on public sidewalks or in front of government buildings as long as you are not disrupting other people, forcing passerby to accept leaflets or causing traffic problems.**
- Under the USA Patriot Act, non-US citizens who are not permanent residents can be investigated solely because of their First Amendment activities. Immigrants who choose to engage in a protest, march, or a demonstration should carry with them the telephone numbers of friends and relatives, as well as the telephone numbers of an immigration attorney or an immigrant advocacy organization.
- **Limitations on Speech**  
**The First Amendment does not protect speech that is combined with the violation of established laws such as trespassing, disobeying or interfering with a lawful order by a police officer. Also unprotected are malicious statements about public officials and obscene speech.**
- Although an inflammatory speaker cannot be punished for merely arousing an audience, a speaker can be arrested for incitement if he/she advocates imminent violence or specifically provokes people to commit unlawful actions.

#### **Limitations on Action**

Demonstrators who engage in civil disobedience – defined as non-violent unlawful action as a form of protest – are not protected under the First Amendment. People who engage in civil disobedience should be prepared to be arrested or fined as part of their protest activity.

- If you endanger others while protesting, you can be arrested. A protest that blocks vehicular or pedestrian traffic is illegal without a permit.
- You do not have the right to block a building entrance or physically harass people. The general rule is that free speech activity cannot take place on private property, including shopping malls, without consent of the property owner. You do not have the right to remain on private property after being told to leave by the owner.

If you feel that your rights as a protester have been violated, you can [File a Complaint](#) with the ACLU of Louisiana or go to their website at <https://www.laclu.org/>

**Protest:** *a solemn declaration of opinion and usually of dissent*

**Dissent:** *to differ in opinion or feeling; disagree*

**First Amendment:** *Congress shall make no law abridging the freedom of speech ...or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

**What duties do police have during demonstrations?** Police officers have a sworn duty to preserve the peace, prevent offences, enforce the law, protect property, preserve life and protect against serious injury, among other duties. These duties have their basis in common law and both state, parish and city statutes.

**The objectives for state police, sheriff departments, university police, municipal police, and other law enforcement departments for protests, demonstrations and/or marches are to:**

- maintain public order and preserve the peace;
- remain neutral where possible and facilitate the building of trust between police, participants and the community;
- ensure the safety and security of the public and the emergency services personnel;
- minimize disruption for residents, businesses and visitors;
- identify and assess threat and risk and develop contingency plans to mitigate where required;
- provide security commensurate to the threat level, and;
- enforce laws and investigate offences where warranted while respecting the democratic freedoms of thought, belief, opinion, expression and peaceful assembly.
- The police remain committed to ensuring that your civil rights and freedoms are upheld, while ensuring that police officers carry out their sworn duties.

The following is a list of some of the relevant State *Criminal Codes* that limit certain activities:

- Processions, marches, parades, or demonstrations; permits; liability; bond; exemptions; penalties (R.S. 14:326)
- Inciting to riot (R.S.14:329.2)
- Command to disperse; who may give; failure to comply R.S. 14:329.3)
- Obstruction of a highway of commerce (R.S. 14:96-97)
- Disturbing the peace (R.S. 14:103)\*
- Criminal Trespass (R.S. 14.63)
- Criminal Mischief (R.S. 14:59)
- Resisting an officer (R.S. 14.108)

\*The purpose of an arrest for disturbing the peace is to restore order.

There are numerous other *Criminal Code* sections both in state and cities that may also apply to protest situations.

## **Planning to attend a demonstration, march or protest (d-m-p)?**

Safety Tips:

- Make certain that the event is focused on a peaceful assembly

- Make certain that you have someone or others with you that you can trust and who also share your intention for a peaceful assembly.
- Make sure you let someone else know of your intentions to participate in a **d-m-p** and the location, date and time that you plan to attend.
- Do not bring any weapons with you.
- Do not bring or expose large amounts of cash.
- Keep your purse zipped and secured as well as wallets with you at all times.
- Criminals are known to practice pickpocketing in large crowds such as **d-m-p**.
- Understand that a peaceful **d-m-p** could become disruptive and violent and that you should have a plan to escape to safety.
- Understand that you could be arrested even if you don't partake in illegal acts. Have someone you can call for help in case this happens.
- Register for the [RAVE app](#) where you can call your chosen guardians and/or police with just a click on your iPhone or Android.