

Know Your Protest Rights

YOUR RIGHTS TO FREE SPEECH AND PROTEST

- You have a right to protest peacefully in public spaces like streets, sidewalks, and parks.
- The government may place certain “time, place, and manner” restrictions on public speech. These restrictions must be reasonable and may not be based on message content.
- You may need a permit to protest even in public spaces. Be sure to check local ordinances regarding permit requirements, when possible or practical.
- You have a right to distribute literature, hold signs, collect petition signatures, sing, chant, etc., so long as you do not disrupt other people or obstruct traffic.

LIMITATIONS ON YOUR RIGHTS TO FREE SPEECH AND PROTEST

- Your right to free speech may be limited if you are trespassing, or disobeying or interfering with a lawful order by the police.
- Speakers at protests may not be punished for arousing a crowd, but may be arrested for inciting violence or provoking others to violate the law.
- False or obscene statements about public officials are not protected by the First Amendment.
- Civil disobedience – i.e., peaceful but otherwise unlawful protest activity – may be prosecuted.
- You do not have a right to block building entrances, physically harass people, or endanger others.
- You do not have a right to engage in protest activity on private property without the consent of the property owner.
- Protests that block traffic are illegal without a permit.

IF YOU ARE STOPPED BY POLICE

- Keep calm and remember that anything you say can be used against you in court.
- Keep your hands visible at all times. Make sure to inform officers if you need to retrieve something from a pocket or bag.
- Ask if you are being detained or if you are free to leave. If you are being arrested, you have a right to know why. If you are not suspected of any crime, law enforcement may not stop or detain you.
- Do not argue with, run from, or physically resist a police officer, even if you believe you are innocent.
- Unless you are suspected of a crime, law enforcement may not require you to identify yourself. However, know that refusal may lead to an arrest, even if it is unjustified.
- Law enforcement may not engage in mass searches of personal belongings like bags or purses absent a threat to public safety. However, if you wish not to have your belongings searched, you should be allowed to leave the area.
- If law enforcement asks to search your person, do not physically resist but make it clear that you do not consent to the search.

IF YOU ARE ARRESTED

- Before participating in a protest, memorize the contact information for a family member and a lawyer, and ensure you have made plans for medication and child care responsibilities.
- Demand to speak to a lawyer. Do not talk to law enforcement without first consulting your lawyer.
- Ask law enforcement to contact a family member or friend you trust. Anything you say on a precinct phone may be recorded, so do not discuss your arrest or anything that may have led to your arrest.

General Disclaimer: This information is not meant as legal advice. You should consult with legal counsel about your particular situation.

Special Considerations for Minnesota Lawyers and Law Students:

FOR LICENSED ATTORNEYS

- Rule 8.4 of the Minnesota Rules of Professional Conduct prohibits attorneys from committing criminal acts that “reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.”
- Rule 8.4 also prohibits attorneys from engaging “in conduct that is prejudicial to the administration of justice.”
- Follow the general advice on protesting. Resisting arrest, blocking traffic without a permit, and other instances of civil disobedience could subject you to discipline.
- Even if you are protesting in other states, the Minnesota Professional Responsibility Board has jurisdiction to discipline you. See Rule 8.5.

FOR LAW STUDENTS

- To become a licensed attorney, law students must have “good character and fitness” and a good “current record of conduct.” Law students are required to candidly disclose misconduct.
- Obtaining a criminal record from protesting may be a barrier to bar admission. Disclose any criminal record to the bar and be prepared to explain your conduct and any efforts of rehabilitation.
- Even without a criminal record, be prepared to disclose protesting activity if there are other records, such as pictures on social media.
- Although rare, the Board may conduct an interview of any reported conduct.

OTHER WAYS TO SUPPORT PROTESTS

- Organizations in Minnesota that accept volunteers to help protestors or other support include:
 - National Lawyers Guild
 - Minnesota Freedom Fund
 - Legal Rights Center

ADDITIONAL RESOURCES

- For permit requirements, see the [Minnesota Department of Public Works Parade Permit](https://bit.ly/2WLXOAB).
<https://bit.ly/2WLXOAB>
- For licensed attorneys, see the [Minnesota Rules of Professional Conduct](https://bit.ly/3fRJH4f).
<https://bit.ly/3fRJH4f>
- For law students, see the [FAQ on character and fitness](https://bit.ly/2OMSqbN) from the Minnesota State Board of Law Examiners.
<https://bit.ly/2OMSqbN>

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