

Picketing and Leafletting, continued)

You also have the right to canvass and leaflet door-to-door at private residences. Nevertheless, there are some restrictions to this practice. For example, one cannot leaflet at a residence with “no trespassing” or “no soliciting” signs. Additionally, if an individual does not leave private property after being asked to do so, he or she can be arrested for trespassing. It is also illegal to put material on which no postage has been paid in residential mailboxes. Some additional restrictions may apply if you are soliciting donations.

Marches and Parades

Marches on public sidewalks do not require permits. As with speeches and picketing, marches on sidewalks can go as far as they like as long as demonstrators observe traffic laws and leave room for other pedestrian traffic. However, marches or parades that take place in the street and that would stop or slow traffic will likely require a permit.

Sound Equipment

A city can restrict the volume of sound or specify that the use of sound equipment be confined to certain times or areas. However, some noise ordinances can be legally challenged if they are unduly vague or give police broad discretion to determine what constitutes a violation of the ordinance. If you are planning to use sound equipment, you should inquire whether a permit is required. Large rallies that require the use of sound equipment generally require a permit.

Civil Disobedience

Civil disobedience is violating the law through a non-violent form of protest. While engaging in civil disobedience may prove a point or gain support for a movement, no one is legally entitled to break the law no matter how small the infraction. If someone chooses to engage in civil disobedience, they should prepare to be arrested.

Permits

For information on how to obtain a permit when one may be necessary, contact the city or town clerk in advance of the event. However, the First Amendment prohibits an advance notice requirement from being

used to prevent rallies or demonstrations that are responses to unforeseeable current events.

Additionally, a permit cannot be denied because the event is controversial or will express unpopular views. Some government offices may charge a filing fee to pay for the administrative costs of processing the permit. The fee cannot be unreasonably large, and may need to be waived for indigent protesters. Insurance bonds also cannot be required.

Do I have the right to engage in a counter-protest?

Yes. Although counter-protesters should not be allowed to physically disrupt the event they are protesting, they do have the right to be present and to voice their opinions. Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.



For over ninety years, the American Civil Liberties Union (ACLU) has been working in the courts, legislatures, and communities to defend and preserve the rights and liberties guaranteed to everyone in this country by the U.S. Constitution and laws.

Rhode Island residents who believe their rights have been violated are encouraged to report these concerns to:

ACLU OF RHODE ISLAND

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**ACLU FOUNDATION
OF RHODE ISLAND**



**KNOW YOUR
RIGHTS:
PROTESTS AND
DEMONSTRATIONS**

Frequently asked questions relating to
protests and demonstrations
in Rhode Island.



This brochure is designed to address some frequently asked questions about protests and demonstrations. However, this pamphlet is only a general outline of the law. Not every issue of protest rights is covered, and this publication should not be taken as specific legal advice. If you have additional questions or need legal assistance, you should speak with an attorney or contact the ACLU.

Can my speech be restricted just because it is unpopular or controversial?

No. You cannot be barred from speaking simply because others may disagree with what you have to say. However, there are some restrictions on the types of speech the Constitution protects. For example, the First Amendment generally does not protect speech that incites imminent violence or is threatening. There are some other narrow exceptions as well.

Where can I hold a protest or demonstration?

In most cases, all types of expression are constitutionally protected in traditional “public forums” such as streets, sidewalks and parks. These are places where people have a reasonable expectation of being able to freely communicate their opinions with the fewest possible government limitations. Nevertheless, officials do have the authority to place reasonable time, place and manner restrictions on demonstrations. Your general rights at various locations are described below.

Sidewalks

Picketing, marching, or speaking on a public sidewalk is generally allowable, but should be done in a non-disruptive fashion so that pedestrians can pass by and entrances to buildings are not blocked. You do not need a permit for small gatherings or to approach pedestrians with leaflets, newspapers, and petitions.

Parks

Public parks are the most traditional public forums. Like the other locations listed in this pamphlet, the government can place reasonable time, place, and manner restrictions on demonstrations in public parks. Certain areas may require a permit for large rallies or demonstrations.

Government Buildings

Free speech activity may also take place at other public locations that the government has opened up for First Amendment use, such as the plazas in front of government buildings. Nevertheless, not every property owned by the government is a traditional public forum. For example, a government office building may keep out persons not conducting business there, so that employees are able to do their work. The degree of public access depends on the type of building and the history of past use at the particular building.

Public Schools

During the school day, school administrators and officials have the right to restrict access to school property in order to ensure that the school is a safe and orderly place for students. As a result, schools generally do not allow non-students to hand out literature or engage in other forms of communication on school property during the school day. However, it is legal to picket or leaflet near school grounds, such as on a public sidewalk.

At other times, if school officials have allowed any non-student group to use school facilities, they must allow access to other groups on a comparable basis. This means that a school cannot keep certain groups out simply because of their views.

Post Offices

Free speech relating to partisan political activity is prohibited at post offices. It is also illegal to post handbills or flyers on postal property.

Polling Places

When a public building is being used as a polling place, partisan political speech and activity, including campaign signs, are barred within 50 feet of a polling place entrance. However, state law gives you the right to wear political shirts, buttons, or stickers when you are voting.

Can the police establish “protest zones” at events that are expected to draw large groups of demonstrators?

Probably. “Protest zones” at events like presidential speeches or political conventions are becoming more common, but they do raise some constitutional questions. It is probably permitted for law enforcement to place

reasonable time, place and manner restrictions on a demonstration, such as keeping a large group of protesters across the street from the event they are protesting. However, it is questionable for law enforcement to place unreasonable restrictions on a protest, such as instituting a protest zone several blocks away and out of sight of the event in question.

What about free speech activity on private property?

Owners of private property, ranging from shopping malls to private residences, may set rules limiting your free speech. If you disobey the property owner's rules, they can order you off their property, and you may be arrested for trespassing if you refuse to comply. There may also be limits on your ability to picket directly in front of a private residence, even if on the sidewalk.

Are there restrictions to the format of my protest?

Restrictions vary depending on the place and manner of your demonstration. Information about some of the more common protest formats are listed below.

Speeches

You do not need a permit when delivering a speech on a public sidewalk or at similar public forums, even if a large crowd gathers. The presence of hecklers or counter-demonstrators is not, by itself, enough to justify an order to disperse the crowd or arrest the speaker, nor can a person be stopped from speaking because opponents engage in disorderly or illegal conduct.

Picketing and Leafleting

Picketing or handing out literature on a public sidewalk is legal as long as the activity does not cause traffic problems or hinder pedestrian travel. However, protesters cannot force people to accept their pamphlets or otherwise coerce passers-by to engage with them. You do not need a permit to picket or leaflet on a public sidewalk.

The First Amendment also protects your right to sell religious or political literature, but this activity may be subject to some “time, place and manner” restrictions as outlined elsewhere in this pamphlet.