

Wallet Card: Know Your Protest & Demonstration Rights

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Can controversial speech be restricted?

No. However, officials can impose restrictions such as requiring permits for large groups or limiting the loudness of amplifiers. Any restrictions must apply to all speech regardless of viewpoint.

Is all speech protected?

No. Speech that promotes the use of force or breaking the law is not protected speech. Additionally, speech which communicates a serious threat to commit acts of violence against a particular individual or group is not protected.

Where can protests take place?

Generally, you may protest in “public forums” such as streets, sidewalks, and parks. Private property owners can set rules for speech on their property. If you disobey those rules, the owners can order you off their property or have you arrested.

Do we need a permit to hold a protest?

It depends. If you stay on the sidewalks, obey traffic signals, and do not block normal pedestrian movement, you should not need a permit. Examples of events that may require permits include a march that will block traffic or close streets, a rally that uses amplifiers, and group demonstrations at certain parks or plazas. You may need to apply for a permit several weeks in advance. The exception is that this requirement cannot be used to prevent protests in response to breaking news.

Am I responsible for the actions of other people at the same protest?

It depends. In Washington, you are only responsible for the violent actions of others at your protest if you direct them to commit a violent act and you intend for the violent act to be carried out. The law may be different in other states.

May I distribute literature without a permit?

Yes. You may approach pedestrians on public sidewalks with leaflets, newspapers, petitions, and solicitations for donations without a permit as long as you do not physically block entrances or passersby. A permit may be required to set up tables or other physical structures.

Can I picket on public sidewalks?

Yes. Picketing must be orderly and non-disruptive so that pedestrians can pass and entrances are not blocked.

Can the government charge fees to protestors?

Perhaps. Some local governments charge permit application fees, security deposits for clean-up, or fees to cover overtime police costs for permitted events. Check with

the government entity that oversees the protest venue.

Can counter-demonstrators also protest?

Yes, but they cannot physically disrupt the event where you are protesting. Police can keep antagonistic groups separated.

May I photograph or videotape during protests?

Yes. When you are lawfully in an outdoor public space, you may photograph anything in plain view, including federal buildings, transportation facilities, and police activity. On private property, the owner may limit the taking of photographs or videos. Generally, police may not confiscate or demand to view your photographs or videos without a warrant, nor may they delete your images. However, they may order you to cease activities that interfere with law enforcement.

What happens if law enforcement tells protestors to leave?

Law enforcement may break up a protest that becomes violent, but when they do tell protestors to disperse, they must give clear warnings and allow time for protestors to exit.

This information is not intended as legal advice.

For more information, visit our website: www.aclu-wa.org.