

USA Constitution

First Amendment: freedom of speech, freedom of assembly

Fourth Amendment: freedom from unreasonable search and seizure

Fifth Amendment: freedom from self incrimination

Sixth Amendment: right to counsel

Constitutional protections



WA Constitution

Article I, Section 4: right of peaceable assemblage

Article I, Section 5: freedom of Speech

Article I, Section 7: invasion of Private Affairs or Home Prohibited

Article I, Section 9: rights of Accused Person

Article I, Section 22: right to counsel

What speech *isn't* protected

True threats:

Communicating an intention to inflict imminent bodily harm against someone else, AND a reasonable person would believe the threat was likely to be carried out

Incitement to riot:

Encouraging immediate acts of violence under circumstances where the encouragement goes beyond strong rhetoric AND rhetoric is intended to actually cause a riot or violence AND rhetoric is likely to cause serious harm through a riot or violence

Defamation:

False statement about a private individual made with actual malice that harms the other person's reputation

Where speech *isn't* protected

No person has right to protest on military bases, per Supreme Court

Government can make/impose reasonable restrictions on time, place and manner of speech

If not blocking traffic, creating a risk to public safety, or competing with others' use, permits cannot be required for protesting, leafletting, or signature gathering on public sidewalks

Private property

Marching in the streets is allowed, but may require a permit if it will block traffic

City council meetings: Silent/quiet speech that does not impede the meeting is allowed



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Protesters' Rights: Legal Considerations

Arrest, Search, Seizure

General rule is that a warrant is needed for search or **seizure**

Seizure: under all circumstances, person would not feel free to leave or decline a request due to officer's use of force or display of authority

Exceptions to warrant requirement

Probable cause: based on facts and circumstances know to officer at time of arrest person of reasonable caution would believe crime has been/is being committed

Community care taking

Investigative detention: Officer needs: reasonable suspicion that person has been or is about to be involved in a crime

Social contact (Non-investigative by nature)

Crime committed in officer's presence

Self Incrimination & Right to Counsel

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.

Arrestee has right to speak with counsel before answering questions

During criminal proceeding, based on financial need, defendant has right to counsel at all stages of the proceeding, including arraignment

If you don't know a lawyer to call, ask to speak with public defender/on call defender.

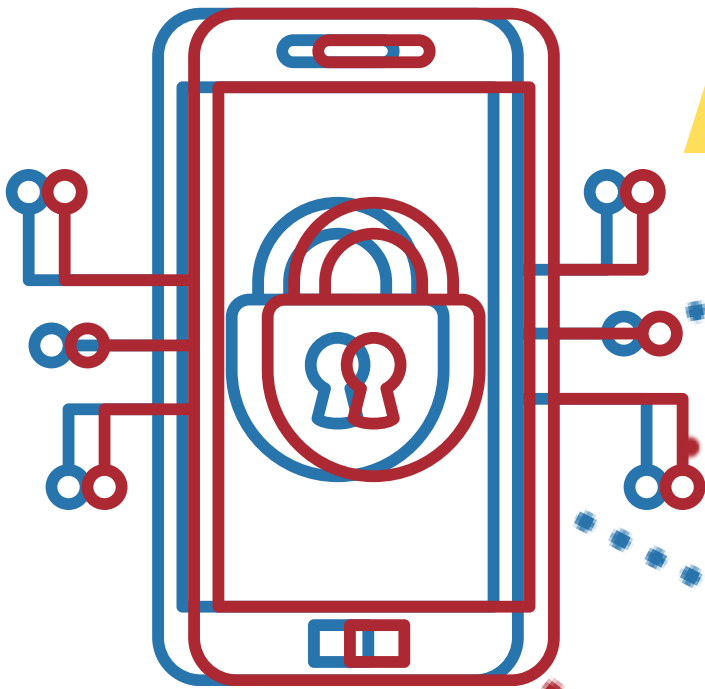


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Device security



Use a strong password to make it harder for authorities attempting access

Turn off Face/Touch-ID so you can't be compelled to unlock

Take screenshots and delete original photos, so traceable metadata isn't linked

Use airplane mode so location tracking is off

Be mindful of posting photos identifying others

Being an ally

Consider that organizers of protests have a specific message in mind, and they might not appreciate you trying to change the message into something else

(Something to keep in mind when considering what signs to bring, things to wear, chants)

You may learn a lot by just listening to the message at a protest.

Stay involved after the protest!

Donate to bail funds

Donate to organizations that fight for justice

Contact legislators

Contact ACLU-WA if you witness police misconduct at a protest