



KNOW YOUR PROTEST RIGHTS

Both the Georgia Constitution and the First Amendment of the United States Constitution protect the right to protest. This right is contained both in the freedom of speech and in the freedom to assemble, which protect not only the ability to verbalize protests and engage in symbolic acts but to arrange peaceful marches and protests on certain public lands.

FIRST AMENDMENT

What's Protected: Generally, activities such as making speeches, handing out leaflets, holding or attending rallies, carrying posters, and peacefully demonstrating are protected by the First Amendment. The First Amendment covers all forms of communication, including spoken words, music, theatre, film, print, and dance. It also protects symbolic acts that are intended to express an idea or viewpoint: for example, wearing a particular piece of clothing, carrying a flag, or holding a candlelight vigil.

Not Protected: The First Amendment does not protect all types of speech in every circumstance. For example, speech that is intended and likely to incite or produce imminent unlawful action is not protected.

Counter-Protestors: The activities of counter-demonstrators are also protected by the First Amendment. Counter-protesters are generally not allowed to physically disrupt the event that they are protesting, but they typically have the right to be present and to voice opposing views. The government cannot treat protestors and counter-protesters differently based on the content of their message.

WHEN, WHERE, AND HOW YOU CAN PROTEST

Restrictions: Government authorities can sometimes restrict when, where, and how protests happen (known as time, place, and manner [TPM] restrictions), but such restrictions must be narrowly tailored to serve a significant government interest, cannot be dependent on the content of the speech, and must leave open ample alternative channels of communication.

- Common TPM restrictions include: light and noise amplification restrictions; permit applications; insurance requirements; march route modifications.

Constitutional Protections: Vary depending on...

Traditional Public Forum

Your rights are strongest in what's called a "traditional public forum." Government authorities have very limited abilities to regulate speech in these areas that have been traditionally open to public assembly and expression.

Examples: streets, sidewalks, parks, plaza of government buildings

Designated Public Forum

These are locations that were not traditionally designated for speech, but the government has opened them for some public discourse. Government ability to restrict speech in these areas is also limited.

Examples: public meetings and certain areas of public universities and schools

Non-Public Government Property

This includes all other government property that has not historically been a place of public expression and has not specifically been designated as such. Although technically public property, it does not qualify as a public forum. Governments may restrict speech here so long as the restrictions are reasonable and not viewpoint-based.

Examples: military bases or government offices

Private Property

With limited exceptions, you do not have the right to protest on the private property of others without the consent of the property owner.

These rights are not unconditional. Because the government has an interest in maintaining peace and public order, it may restrict some protest activities in certain ways. Knowing your rights can help keep your protest safe for everyone involved.

This information does not cover every nuance of the law surrounding protest rights and should not be taken as legal advice. If you have specific questions about your rights, consult an attorney or contact the Protest Ready GA team at acluga.org/protestreadyga to see if we're able to provide help to you.

