



## PROTEST & PERMIT GUIDE

The First Amendment protects your right to assemble and express your views through protest. However, police and other government officials may place some restrictions on your assembly.

### YOUR RIGHTS AT PROTESTS IN GEORGIA

#### MAKING AND CARRYING SIGNS

Signs are a great way to share the message that you are communicating during a protest. Political signs are core speech protected by the First Amendment. Governments may regulate the size, construction, and/or placement of signs to prevent signs from becoming a safety or traffic hazard, to prevent “electioneering” at voting sites, and for other narrow purposes. Governments may not, however, regulate the message that is written or drawn on the sign itself based on its content.

#### POLICE INTERACTIONS

The police are charged with safeguarding the public during a demonstration and can break up a protest if there is a "clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety[.]” *Cantwell v. Connecticut* U.S. 296, 308 (1940). If officers a dispersal order, they must provide actual notice of the order and allow a reasonable opportunity to comply, which includes sufficient time and a clear and unobstructed exit path.

You have the right to **photograph or video record police conduct**, but you must not obstruct or interfere with the ability of law enforcement officers to carry out their duties.

The police should not punish or retaliate against you for exercising your right to protest. But even if you view your activity as lawful, there's a chance that the police could still regard it as unlawful. If you disobey an order you believe is unconstitutional, you may still be arrested and charged (even if the officer is wrong).

**If you are approached by the police:** be conscientious about your actions. Don't argue, run, resist, or obstruct the police, even if you believe they are violating your rights: Anything you say or do can be used against you. Arguing or fighting may give police an excuse to arrest you.

**On foot:** If you are stopped while you are on foot and have not been detained, you are not required to answer officers' questions.

**Searches:** The police may pat down your clothing if they suspect that you are concealing a weapon. Don't resist or touch the officer but make it clear that you don't consent to any further searches. You never have to consent to a search of yourself or your belongings. If you do explicitly consent, it can affect you later in court.

**Being detained:** If the police detain you, you may be required to identify yourself. Ask if you are under arrest. If so, ask to see a lawyer and otherwise remain silent and do not say or sign anything without a lawyer. If not, ask if you are free to leave. If you are stopped while driving and do not provide a driver's license when a police officer asks for it, you will need to provide, if asked by the officer, your name, driver's license number, residence address, or date of birth.

If you believe a police officer or an officer's official order has unconstitutionally restricted your right to protest, or if you have been arrested in violation of your civil liberties:

- Write down everything you can remember as soon as you can, including the officers' badge and patrol car numbers and the agency they work for;
- Get contact information for witnesses;
- Take photographs of any injuries;
- Consider filing a written complaint with the agency's internal affairs division;
- Consult with an attorney;
- Consider sharing your story with the ACLU of Georgia here:  
**[www.acluga.org/legalhelp](http://www.acluga.org/legalhelp)**

## OBTAINING A PERMIT TO PROTEST IN GEORGIA

### PERMIT REQUIREMENTS

Most municipalities in Georgia require the submission of a permit application for organized protests that are over a certain size, would block traffic or close streets, or include sound amplification. Permit requirements must be specific, cannot distinguish between groups or speakers, and cannot be denied based on the content of the message. The government cannot deny a permit because an event is controversial or could attract counter-protestors. The government cannot require applications for spontaneous protests held in response to breaking news events.

There may be costs associated with submitting a permit application, but the government should allow a waiver for those who cannot afford the fee.

### INSURANCE REQUIREMENTS

In addition to permit application fees, governments may also require protest organizers to obtain reasonable insurance coverage. The government must apply uniform guidelines for obtaining the insurance, and the requirement cannot be based on the content expressed at the protest.

### NOTARIZATION REQUIREMENTS

A few municipalities in Georgia require the notarization of permit applications prior to submission. Notarization usually involves a nominal fee, and generally, governments may enforce this requirement.



## PROTESTING AS A NON-U.S. CITIZEN

First Amendment protections, including the right to participate in protest, apply to everyone in the United States regardless of immigration status. Section 215 of The Patriot Act, however, allows surveillance and investigation of people based on their First Amendment activities. Non-U.S. citizens who are not permanent residents are subject to harsher penalties if their First Amendment actions are labeled “domestic terrorism.” Immigrants who engage in protest should be aware of law enforcement’s increased authority and prepare accordingly.

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 guide 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](https://acluga.org/protestreadyga)** to see if we’re able to provide help to you.

