



# Your Rights: Demonstrations & Protest

June 2, 2020



**Aaron D. Ford**  
Attorney General

**Carson City Office:**  
100 North Carson Street  
Carson City, NV 89701  
Tel.: 775-684-1100  
Fax: 775-684-1108

**Reno Office:**  
5420 Kietzke Lane,  
Suite 202  
Reno, NV 89511  
Tel.: 775-687-2100  
Fax: 775-688-1822

**Las Vegas Office:**  
Grant Sawyer Building  
555 E. Washington  
Avenue, Suite 3900  
Las Vegas, NV 89101  
Tel.: 702-486-3420  
Fax: 702-486-3768

**Web:**  
<http://ag.nv.gov>

## Demonstrators and Protesters Have Rights

Every resident of Nevada has basic free speech rights and rights that protect you when you have contact with law enforcement. The material listed below will help you understand your free speech rights and provide tips when interacting with law enforcement.

## Where can I engage in protected free speech?



- Generally, the U.S. Constitution protects the exercise of all types of expression in traditional "public forums" such as streets, sidewalks and parks.
- Speech activity also may be permitted to take place at other public locations that the government has opened up to similar speech activities, such as the plazas in front of government buildings.
- On private property, the general rule is that the owners of that property may set rules limiting your free speech. If you disobey the property owner's rules, they can order you off their property (and have you arrested for trespassing if you do not comply).

## What types of speech events require a permit?



- Generally you do not need a permit to engage in free speech but you do need a permit for certain types of events that involve speech activity:
  - A march or parade that does not stay on the sidewalk, and other events that require blocking traffic or street closure
  - A large rally requiring the use of sound amplifying devices; or
  - A rally at certain designated parks or plazas.
- There may be a requirement to file an application in advance of an event but that requirement cannot be used to prevent rallies or demonstrations that are rapid responses to unforeseeable and recent events.
- A permit cannot be denied because the event is controversial or will express unpopular views.

## First Amendment of the U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### What if I am arrested?

Do not try to resist arrest. You have the right to request to speak with an attorney and the right to remain silent and do not have to say anything or answer any questions before speaking with an attorney.

### What should I do if I suspect my rights were being violated by a police officer?

If you suspect your rights were violated during an encounter with officers or agents, you should write down as much information about the encounter as possible in case you choose to file a complaint.

## If we don't have a permit, can we march, picket, and hand out literature on the sidewalk?



- Yes, if organizers have not obtained a permit, you may march on the sidewalks.
- For a march on a sidewalk without a permit to be constitutionally protected, marchers must stay on the sidewalks and obey traffic and pedestrian signals.
- Marchers on a sidewalk may be required to allow enough space on the sidewalk for normal pedestrian traffic and may not maliciously obstruct or detain passers-by.
- You may approach pedestrians on public sidewalks with leaflets, newspapers, petitions, and solicitations for donations without a permit. However, you may not block entrances to buildings or physically detain passers-by. Tables may also be set up on sidewalks for these purposes if sufficient room is left for pedestrians to pass but a permit may be required.
- You may picket on the sidewalk and a permit is not required. However, picketing must be done in an orderly, non-disruptive fashion so that pedestrians can pass by and entrances to buildings are not blocked.

## What other speech activity is protected?



- The First Amendment covers all forms of communication including music, theater, film and dance. Actions that symbolically express a viewpoint are also protected. Examples of these symbolic forms of speech include wearing masks and costumes or holding a candlelight vigil.
- However, symbolic acts and civil disobedience that involve illegal conduct may be outside the realm of constitutional protections and can sometimes lead to arrest and conviction. Therefore, while sitting in a road may be expressing a political opinion, the act of blocking traffic may lead to criminal punishment.

## What if others want to speak at the same place?

- Counter-demonstrators have free speech rights. Counter-demonstrators should not be allowed to physically disrupt the event they are protesting, but they do have the right to be present and to voice their displeasure
- Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.