

The Delray Democrat

What Are Your Rights at a Protest?¹

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Now that wannabe dictator Donald Trump is extralegally dismantling the federal government, ignoring congressional decisions, and allowing an unelected billionaire egomaniac to destroy programs essential to the American people, Democrats must fight back using the tools that have proven successful, particularly non-violent protests.

In recent years, citizens weren't afraid to gather in protest of an immoral or illegal policy because, in most cases, their Constitutional rights were protected. Now, many are intimidated. They see their government trampling on laws and established policies and fear the consequences of lawful rallies. According to the ACLU, "Knowing your rights ahead of time—especially when it comes to interacting with law enforcement—can help keep you safe."

Quoted below is the [ACLU](#)'s summary of your rights to protest.

- Your rights are strongest in what are known as "traditional public forums," such as streets, sidewalks, and parks. You also likely have the right to speak out on other public property, like plazas in front of government buildings, as long as you are not blocking access to the government building or interfering with other purposes the property was designed for.
- Private property owners can set rules for speech on their property. The government may not restrict your speech if it is taking place on your own property or with the consent of the property owner.
- Counterprotesters also have free speech rights. Police must treat protesters and counterprotesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.
- When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video.
- You don't need a permit to march in the streets or on sidewalks, as long as marchers don't obstruct car or pedestrian traffic. If you don't have a permit, police officers can ask you to move to the side of a street or sidewalk to let others pass or for safety reasons.

What to do if you believe your rights have been violated

- When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.

¹ [The Delray Democrat](#), March 2025, page 7.

- Get contact information for witnesses.
- Take photographs of any injuries.
- Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.

What happens if the police issue an order to disperse the protest?

- Shutting down a protest through a dispersal order must be law enforcement's last resort. Police may not break up a gathering unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.
- If officers issue a dispersal order, they must provide a reasonable opportunity to comply, including sufficient time and a clear, unobstructed exit path.
- Individuals must receive clear and detailed notice of a dispersal order, including how much time they have to disperse, the consequences of failing to disperse, and what clear exit route they can follow, before they may be arrested or charged with any crime.



1963 March on Washington. Front row: Whitney Young, Roy Wilkins, A. Philip Randolph, Walter Reuther, and Arnold Aronson.