



Your Rights to Demonstrate and Protest

The City of St. Paul

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Your Rights to Demonstrate and Protest

Can my free speech rights be restricted because of what I want to say—even if it’s controversial?

No. The First Amendment prohibits Restrictions based on the content of speech. Police and government officials are allowed to place non-discriminatory and narrowly drawn “time, place and manner” restrictions on the exercise of First Amendment Rights.

Where can I engage in free speech activity?

Generally, all types of expression are constitutionally protected in traditional “public forums” such as public sidewalks and parks. Public streets can be used for marches subject to compliance with the City of St. Paul’s permitting process.

Do I need a permit before I engage in free speech activity?

Certain types of events require permits. Generally, these events include:

- (1) a march, parade or stationary event which causes an interruption in the normal use of the public streets or sidewalks (i.e., blocking pedestrian or vehicle traffic or partial/full street

- closures), or comprises more than 24 persons;
- (2) marches, parades or rallies at City parks, or certain designated non-City parks or plazas, such as federal property managed by the General Services Administration.

The City permit scheme allows for the imposition of certain conditions on permits granted for these events, such as changes to the route of a march or limitations on the sound levels of amplified sound

A permit cannot be denied because the event is controversial or will express unpopular views.

If organizers have not obtained a permit, where can a march take place?

If marchers stay on the sidewalk and obey traffic and pedestrian signals their activity is constitutionally protected even without a permit. Marchers may be required to allow enough space on the sidewalk for normal pedestrian traffic and not unreasonably obstruct or detain passers-by.

Can a speaker be silenced for provoking a crowd?

Generally, no. Even the most inflammatory speaker cannot be punished for merely arousing the audience. A speaker can be arrested and convicted for incitement if he or she specifically advocates violence or illegal actions and where those illegalities are imminently likely to occur. (§ 363A.14)

Do counter-demonstrators have free speech rights?

Yes. Police are permitted to keep two antagonistic groups separated but should allow them to be within the general vicinity of one another.

What other types of free speech activity are constitutionally protected?

The First Amendment can, under certain circumstances, protect communication such as theater, music, film and dance. Symbolic acts and civil disobedience that involve illegal conduct may be outside the realm of constitutional protection and may lead to arrest.

What should you do in an unlawful assembly is declared and a dispersal order is given?

Listen carefully to any police order to disperse. Even if you are not engaged in unlawful activity, you are subject to arrest if you do not leave the area defined by the police in their order to disperse. For example, where some individuals are walking on the sidewalk, the police may order everyone to leave the area.

Am I able to carry signs to hold up during a demonstration?

St. Paul Municipal Code Section 336A.14 makes it unlawful to possess during a parade, race or public assembly any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is ¼ inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed ¾ inch in its thickest dimension.

Can I be arrested during a demonstration?

Yes, if you engage in unlawful behavior. Additionally, the SPPD may treat “non-cooperation” with the arrest process as a separate offense such as Obstructing Legal Process (§ 609.50), Unlawful Assembly (§ 609.705), or Presence at Unlawful Assembly (§ 609.715) among others.

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