



## THE RIGHT TO PROTEST

The right to publicly protest government actions is protected by the First Amendment to the U.S. Constitution.

This right is not, however, absolute. Even peaceful, non-violent protestors leading a march or waving picket signs may be subject to arrest if they trespass, harass or hinder others in their own lawful activities. If your protest involves several people, it may require a permit (which the government may not make too expensive or deny discriminatorily). Unfortunately, it is not always easy to determine ahead of time whether your protest crosses the line into illegal activity. You may want to contact the ACLU of Hawai'i at the address below or go online to review our **First Amendment Toolkit** including our **Police Contact Card** (adult and youth versions) for more guidance.

How can you protect yourself from arrest? Consult an attorney or the government agency in charge of permits ahead of time if you are in doubt. Once the protest is underway, do not harm others or put them in danger, and obey the orders of the police. Never forget that attacking a law enforcement officer, even verbally, may itself be a crime.

What if you want to conduct your protest in a manner that violates the law or a police order because you feel that only such action will be effective? That is your decision and thousands of others – from Gandhi to Dr. Martin Luther King, Jr. – have done so in the past, but those who engage in such “civil disobedience” are still breaking the law, and must expect to be arrested and prosecuted. No lawyer or organization such as the ACLU can advocate a deliberate illegal act.

If you are arrested for protesting, consult with a private attorney or the Office of the Public Defender immediately. The ACLU does not generally handle criminal cases directly, but if your lawyer believes that you were wrongfully arrested, he or she may ask the ACLU to write a supporting brief to the court if the case raises an important constitutional issue. You can contact us directly by writing to ACLU of Hawaii, P.O. Box 3410, Honolulu, Hawaii 96801, emailing [office@acluhawaii.org](mailto:office@acluhawaii.org), or faxing us at 808/522-5909. Refer to the “Need Legal Help?” section of our website for details.

Please keep in mind that contacting us does not mean that we represent you. If your case presents a constitutional issue on which we think we can be of help, it will be presented to our litigation committee for a formal determination, and we will contact you or your lawyer if our involvement is appropriate.

Revised July, 2015

*The American Civil Liberties Union (“ACLU”) is our nation’s guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country. In Hawaii since 1965.*

*The ACLU works to ensure that the government does not violate fundamental constitutional rights including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. If the rights of society’s most vulnerable members are denied, everyone’s rights are imperiled.*

*The ACLU of Hawaii network of volunteers and staff deliver services statewide at no cost to the public. We are a private non-profit, non-partisan and do not accept government funds. Our advocacy is made possible primarily through individual donations.*

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