

DISCLAIMER:

This zine is an amalgamation of information sourced from the Cornell Law library, the Frank Law encyclopedia, and the official website of the American Supreme Court. The contents of this zine are intended to convey general information only, and not to provide legal advice or opinions. For more in-depth information or information relating specifically to your case, please contact an attorney.

THE FIRST AMMENDMENT AND YOU

A short zine on knowing your rights (for whatever!)
 brought to you by halie and peter your **NON-LAWYER** comrades in the struggle

*Undocumented citizens have the same rights under the Constitution. They also have the same rights in criminal court with regard to the right to due process and right against unlawful search and seizure. In the 1982 Supreme Court case Plyler v. Doe it was established that "...under the Equal Protection clause one's immigration status is not a sufficient reason for denying benefits denied to other residents."

And who is protected under the First Amendment?
All citizens of the United States, documented or otherwise! *

A REFRESHER ON THE FIRST AMMENDMENT...
 Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
 - from the American Bill of Rights

Q: What if I'm arrested while peacefully protesting?
A: Before this ever happens to try to memorize phone numbers of family and your lawyer (or, if you don't have a lawyer, the number of your local ACLU office)
 When being confronted by the police, say you wish to remain silent and ask for a lawyer immediately. Don't answer any questions, give any explanations, or excuses. If you can't pay a lawyer you have the right to a free one. Don't say anything, sign anything, or make any decisions AT ALL without a lawyer.
 You have the right to make a local phone call. You don't need a lawyer, but they can advise you. If you're being held in a jail, you have the right to call a family member or a friend to get someone to pick you up.
 Do NOT resist arrest, even if you believe the police officers' commands and talk to a lawyer afterwards if you want to. (Committee)

THIS ZINE IS MEANT AS A QUICK PRIMER ON YOUR RIGHTS UNDER THE US FIRST AMMENDMENT, ESPECIALLY WITH REGARDS TO PEACEFUL CIVIL DISOBEDIENCE. PLEASE FIND THE FULL NOTES SHEET/DRAFT THAT ACCOMPANIES THIS ZINE AT linktr.ee/shortisms
(please feel free to print, copy, and share at your own risk)

"The most basic component of freedom of expression is the right to freedom of speech."
 "Freedom of speech is recognized as a human right under article 19 of the Universal Declaration of Human Rights."

A QUICK BREAKDOWN OF THE FIRST AMMENDMENT'S TEXT:
 "The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference. It prohibits any laws that establish a national religion, impede the free exercise of religion, abridge the freedom of speech, infringe upon the freedom of the press, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances."

WHAT KIND OF RIGHTS DO YOU HAVE WITH COPS WHEN EXERCISING YOUR RIGHT TO ASSEMBLY (OR EVER)
Q: Am I ever allowed to film the police?
A: Yes. Even if you are doing an act of civil disobedience, you still have rights when it comes to interacting with the cops." (S.P.I.R.I.T. Block Awareness Committee)
 *Taking photographs and videos of things that are plainly visible from public spaces is your constitutional right.
 *When you are on private property, however, the property owner sets the rules for what can and cannot be recorded.
 *If you're recording someone interfere with legitimate police business, the police are permitted to order you to stop recording. What counts as interfering with police business is mainly up to the officer.
 *If a police officer tells you that they will arrest you if you keep recording, it is best to stop and call the ACLU for help if possible. The ACLU's PA number is 877-79H-ACLU (412) 681-7736. (Western Office) or 877-4H-ACLU. The ACLU's main office number is 443-524-2588.
 *Police cannot confiscate your phone without a warrant.
 *A police officer is not allowed to order you to delete photos or videos under any circumstances.
 *You can videotape a cop performing official or public duties and this is not a violation of the PA, wiretap law. You cannot, however, record a phone call or private conversation without consent from all parties.
 *If police attempt to take your phone, do not resist in any way.
 *If you are detained, politely state that you believe that you have the right to record or take photos. Repeat this, but do not resist!"

Q: Am I ever allowed to film the police?
A: Yes. Even if you are doing an act of civil disobedience, you still have rights when it comes to interacting with the cops." (S.P.I.R.I.T. Block Awareness Committee)
 *Taking photographs and videos of things that are plainly visible from public spaces is your constitutional right.
 *When you are on private property, however, the property owner sets the rules for what can and cannot be recorded.
 *If you're recording someone interfere with legitimate police business, the police are permitted to order you to stop recording. What counts as interfering with police business is mainly up to the officer.
 *If a police officer tells you that they will arrest you if you keep recording, it is best to stop and call the ACLU for help if possible. The ACLU's PA number is 877-79H-ACLU (412) 681-7736. (Western Office) or 877-4H-ACLU. The ACLU's main office number is 443-524-2588.
 *Police cannot confiscate your phone without a warrant.
 *A police officer is not allowed to order you to delete photos or videos under any circumstances.
 *You can videotape a cop performing official or public duties and this is not a violation of the PA, wiretap law. You cannot, however, record a phone call or private conversation without consent from all parties.
 *If police attempt to take your phone, do not resist in any way.
 *If you are detained, politely state that you believe that you have the right to record or take photos. Repeat this, but do not resist!"

LANDMARK DECISIONS
 Thornhill v. Alabama, 310 U.S. 88 (1940) The Supreme Court held that orderly union picketing that informs the public of issues is protected by the constitutional freedom of speech of the press and the right of peaceable assembly and cannot be proscribed under state loitering and picketing laws.
 Edwards v. South Carolina, 372 U.S. 229 (1963). In an 8-to-1 decision, the Supreme Court overturned the bench of peace convictions of 180 black students who had peacefully marched to the state capitol to protest discrimination.

FAQ
 "The right to assemble allows people to gather for peaceful and lawful purposes... Freedom of assembly is recognized as a human right under article 20 of the Universal Declaration of Human Rights."
(www.law.cornell.edu/uvic/first Amendment)

FREEDOM TO ASSEMBLE
 Hague v. C.I.O., 307 U.S. 496 (1939). The Supreme Court ruled that peaceful demonstrators may not be prosecuted for "disorderly conduct." This case also secured streets and sidewalks as public forums.
 Civil disobedience is: "A symbolic, non-violent violation of the law, done deliberately in protest against some form of perceived injustice. Here dissent, protest, or disobedience of the law does not qualify. The act must be nonviolent, open and visible, illegal, performed for the moral purpose of protesting an injustice, and done with the expectation of being punished."

BUT...
 Civil disobedience is not protected under the First Amendment by the virtue of being classed as disobedience, as in "the refusal to comply with a law as a form of peaceful protest..."
 Demonstrations that engage in civil disobedience are not protected under the First Amendment." (ACLU)
 "The Supreme Court's consistent position has been that just and non-violent unlawful action as a form of protest is not within the area of constitutionally protected speech or press. *Roth v. United States*, 354 U.S. 476 (1957). Nevertheless, there has been substantial discussion about empirical evidence justifying this conclusion." (Cornell Law School)
 Nonetheless, civil disobedience as a form of protest has a long history both in the United States and internationally.
(See our notes sheet for more detail than can fit in this zine.)