

# OFFICE OF THE AMARILLO CITY ATTORNEY

## RULES FOR A LAWFUL PICKET, PROTEST, ETC. IN AMARILLO, TEXAS

This sheet explains the City of Amarillo's position on common questions asked when citizens engage in a protest, picket, street preaching, or other speech assembly. (For convenience, the words "protest" or "activity" will be used to refer to *all forms* of assembly or speech.) This sheet does not replace either your obligation to know the law or your right to obtain legal advice from a private attorney.

**1. YOU CAN DO IT:** You DO have the right to protest, assured by both the U.S. and Texas Constitutions. However, like other rights, this one has boundaries. The U.S. Supreme Court allows the City to set reasonable time, place, and manner restrictions. So long as you exercise your rights in a lawful manner (one which does not violate the legal rights of others to go about their business), then you should not have any legal difficulties with the City during your activity.

**2. DO NOT TRESPASS:** The First Amendment does NOT allow you to trespass.

a. If the site you want to protest is private property, then you must remain on the public sidewalk or if no walk, then in the public right-of-way. The City Attorney's Office, City Engineer, and Police Department will gladly assist you in locating the right-of-way. If a landowner next door to the site consents for you to use his/her land, then you may be there also.

b. If the site you protest is a publicly owned facility (example: library, park, city hall, etc.), then you must remain on the publicly owned property (sidewalk, parking lot, lawn, right-of-way, etc.), and not use private property without consent of the owner. You cannot demonstrate inside a public building because that disrupts workers and citizens who are there for normal business. The City cannot give consent for you to use land owned by the County, school district, college or any other governmental entity.

c. Generally, you do not need a permit from the City for speech or assembly activity, unless you want to close a street or have a parade, in which case you do must obtain the appropriate permits and safety plan.

**3. DO NOT OBSTRUCT OTHERS:** The First Amendment does NOT allow you to obstruct others who desire to use the sidewalk, driveway, parking lot, street, or right-of-way. You have to share the sidewalks with others. You cannot block a street or driveway, unless the City has issued you a street closure permit. It is a crime to obstruct access to a public building, street, or sidewalk without a permit.

**4. DO NOT INTERRUPT OTHERS:** The First Amendment does NOT allow you to interrupt or obstruct a meeting of a governmental body, a hospital, a court, or a religious service. It is a crime to do so. If complaints are received from these institutions, then you will be warned to continue your activity at a lower volume or at a different location.

**5. DO NOT BREACH THE PEACE:** The First Amendment does NOT allow you to break the law or engage in disorderly conduct (examples: excessive noise, cursing, offensive gesture, threats, fighting, etc., which tend to incite a breach of the peace). It is a crime to do so; therefore, constrain yourself and express your message in a lawful manner.

**6. COORDINATION:** It is NOT required that you give the City advance notice of an activity. However, if you will let the City Attorney's Office know the date, time, and location of the activity, then we will inform APD that there will be an activity and, that you intend to abide by these guidelines. Do not be surprised if a police officer comes by. This is as much for your protection as it is in the general interest of the public. If the officer asks about your activity, please patiently explain it (he/she may not have gotten the word about it). There is a city attorney on-call at all times to assist the APD if legal questions arise concerning your protest or other speech activity.

Observing these 6 points will help balance your rights, the rights of the party you are picketing and, the general public's rights, so that everyone can enjoy their freedoms. THANK YOU.