Civil disobedience is not protected under the First Amendment by virtue of being classified as disobedience, as in "the refusal to comply with a law as a form of peaceful protest." Civil disobedience is a "symbolic, non-violent violation of the law, done deliberately in protest against some form of perceived injustice. It is a form of protest, or disobedience, of the law that 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." "Conformists who engage in civil disobedience -- defined as non-violent un-permitted actions as a form of protest -- are not protected under the First Amendment." "The Supreme Court's consistent position has been that "absent a clearly expressed public policy of state or political subdivision, or a clearly expressed public policy of political subdivision," disobedience may be an exercise of First Amendment rights."

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 box.)

**WHAT KIND OF RIGHTS DO YOU HAVE WHEN EXERCISING YOUR RIGHT TO ASSEMBLY (OR EVER)?**

The Civil Rights Act of 1968 is a federal statute, amended 42 U.S.C. § 1983, that allows people to sue the government for civil rights violations. It applies when someone acting under color of state or local law deprives a person of rights, privileges, or immunities secured by the Constitution or laws of the United States. ([University of Minnesota Law School](https://www.law.umn.edu/))

Q: Am I ever allowed to film the police?
A: Yes. If you are doing an act of civil disobedience, you still have rights when it comes to interacting with the cops. ([B.P.R.I.T.T Black Awareness Committee](https://www.bpritt.org/))

What if I'm arrested while peacefully protesting?

A: Before this ever happens, 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 stay calm, think about how you have the right to a free one. Don’t sign anything, or make any decisions AT ALL while in custody.

You also have the right to make a phone call. You will be register with the police later, if it’s the lawyer, but they can only do that at a certain time after.

Do NOT resist arrest; if you resist being arrested, the officer may take you to a hospital.

**THIS ZINE IS MEANT AS A QUICK PRIMER ON YOUR RIGHTS UNDER THE US FIRST AMENDMENT, ESPECIALLY WITH REGARDS TO PEACEFUL CIVIL DISOBEDIENCE, THAT ACCOMPANY THIS ZINE AT linktr.ee/shoriasms**

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