

# Know Your Rights Water Protectors

**You have a constitutionally protected right to engage in peaceful actions in “traditional public forums” such as streets, sidewalks or public parks.** The government can impose “time, place, and manner” restrictions on speech; for example, the government may require permits for large protests or prohibit unreasonably loud demonstrations that disturb others.

These restrictions are generally permissible as long as they are not based on content. The government cannot impose permit restrictions simply because it does not like the message of a certain speaker or group.

If, for example, you are planning a parade that involves closing down streets, a permit is almost always required. But a small march that stays on public sidewalks and obeys traffic signals often does not require a permit. Policies vary city by city, so be sure to check local regulations in advance.

Generally you have the right to distribute literature, hold signs, and collect petition signatures while on sidewalks or in front of government buildings as long as you are not disrupting other people or government proceedings, forcing passersby to accept leaflets or causing traffic problems.

Drumming, dancing, singing, and chanting are all protected First Amendment activities. Street performers, mimes, or puppeteers also have the right to express themselves in public, subject to reasonable conditions.

Federal, state, or tribal governments can limit setting up camps on public land. If the camp is on private land, any restrictions are subject to the landowner.

## Limitations on Speech

**The First Amendment does not protect speech that is combined with the violation of established laws** such as trespassing or disobeying a lawful order by a police officer.

Although inflammatory speakers cannot be punished for merely arousing an audience or advocating a violation of the law, a speaker can be arrested for inciting imminent violence or other criminal conduct. Malicious statements about public officials and obscene speech also lack protection.

## Limitations on Action

**Water protectors who engage in civil disobedience – peaceful but unlawful activities as a form of protest – are not protected under the First Amendment** and can be arrested.

If you endanger others while protesting, you can be arrested. An action that blocks vehicular or pedestrian traffic is illegal without a permit. You do not have the right to block a building entrance or physically harass people.

You generally do not have the right to engage in speech activities on private property without the consent of the property owner. You do not have the right to remain on private property after being told to leave.

## For Natives on Tribal Land

**Every tribe has its own laws that govern its members and conduct on tribal lands.** Every tribe can create partnerships with local or federal law enforcement agencies, who can be granted authority to arrest or cite people on tribal land.

**For example, the Fond du Lac Band has rules that apply to water protectors.**

- It is unlawful to refuse to comply with any lawful order or direction of any officer who has been authorized by the Fond du Lac reservation to enforce its laws.
- Fond du Lac has similar laws about impeding traffic, and you can be subject to a penalty for impeding traffic.
- Fond du Lac Tribal Court has exclusive jurisdiction over violations of any ordinance by enrolled members of the Fond du Lac Band or other enrolled members of the Minnesota Chippewa Tribe.
- Fond du Lac has cooperative law enforcement agreements with the City of Cloquet, Carleton County and St. Louis County that allows officers and deputies from those agencies to issue citations for violations of the Fond du Lac Traffic Code.