

applied to your free speech activities.

that the law is unconstitutional and unenforceable as like a law prohibiting “excessive noise,” tell the police law is unreasonable or so vague as to be meaningless. And if the that the police stick to the letter of the law. And if the restrictions during certain hours of the day. Visit bulletin boards or by chanting or that apply special number of decibels that you can produce with some cities have noise ordinances that limit the restrictions during certain hours of the day. Visit bulletin boards or by chanting or that apply special

Check to see if the local government has adopted any restrictions on the size of the stick to which a picket sign is attached, as Los Angeles has.

any law, who does not do so. Check to see if the local government has adopted any laws that anyone, even if they are not violating the area and arrest anyone, even if they are not violating on the sidewalk, the police may order everyone to leave on the sidewalk, the police may order everyone to leave are blocking a street and some individuals are watching in their order to disperse. For example, if some police to arrest if you do not leave the area defined by the police you are engaged in no unlawful activity, you are subject Listen carefully to any police order to disperse. Even if

Noise ordinances

Sticks

Unlawful Assembly

you prefer to remain standing in one place. far apart from other picketers or compel you to march if center and exit a facility, they cannot require that you stay require that you let members of the public or other workers sidewalk. Those rules have to be reasonable: while they can you are trying to reach you may be limited to that

**SPEAK
YOUR
MIND.
DON'T
BACK
DOWN.**

-MUHAMMAD ALI

8 Don't say walk. Stand in the street while waiting to cross intersections. If you want to avoid citations, obey all traffic laws. Don't

who honked their car horns in support of protesters. Some police officers will aggressively enforce traffic and pedestrian laws. Police have, for example, cited motorists

Traffic laws

WHERE, WHEN & HOW

ruled shoes at every picketing event. Bring your cell phones, and wear suitable clothing and

Be prepared.

people not to pass the picket line. Train and encourage all picketers to take turns persuading picnickers than others. Don't let the burden rest with them.

Some picnickers are more comfortable with militiamen

Share responsibilities.

Avoid physical contact. Keeping a distance of a few feet may help thwart any

Avoid physical contact.

accusations. Avoid physical contact with others and don't block their

Avoid physical contact.

special rules that may apply. Talk to your union to get instructions about any

the site. Limit your picnicking to the times when they are

some workers come here every now and then you may

location. And if you are only picnicking a job site because

you are trying to reach you may be limited to that

If the employer has set up a special gate for the workers

have to limit your picnicking to the times when they are

**(& TO REMAIN SILENT
WHEN YOU WANT TO)**

A know-your-rights guide for workers who are organizing, speaking out and demonstrating in the workplace and public places

**LABOR & EMPLOYMENT COMMITTEE
NATIONAL LAWYERS GUILD**

***** But different rules may apply at construction sites or where the company you're picketing is only there occasionally, for example, when its employees are delivering goods there.

Pickets should be stationed at all vehicle entrances and, where possible, march on public sidewalks that cross such entrances. Your picketers may cause entrapment if they and encourage them to turn around.

Picket at every vehicle entrance.
Having idle picketers ruins the morale of the picketers and engages them in persuading customers not to pass the picket line. Having idle picketers looks sloppy and disorganized to these customers and any media, and therefore encourages corporate management to continue insisting on pushing its demands. The time to socialize is after the picket. During these entrances, march on public sidewalks that cross such entrances. Your picketers may cause entrapment if they and encourage them to turn around.

Picket with purpose.
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GUIDELINES ON HOW TO PICKET

WHAT RIGHTS DO I HAVE?

All of us—citizens and non-citizens, documented and undocumented—have rights under the Constitution. The First Amendment gives you the right to speak freely and to advocate for social change and economic justice. The Fourth Amendment restricts the government's power to arrest you without probable cause. The Fifth Amendment gives you the right to remain silent when questioned by the police about matters that might incriminate you. And all persons in this country, including undocumented immigrants, have the right under the Fourteenth Amendment to due process (hearing or trial, proper rules followed, right to an attorney, etc.) before they can be deported, convicted of a crime or stripped of their property.

You also have the right to join with your coworkers, whether as part of a union or some other type of organization, to support each other and protect your rights. You have the right to organize around and speak out about your common interests without retaliation, either from your employer or the government.

But having these rights is not enough—you have to use them to make them meaningful. This booklet offers some guidance for workers who want to get the most out of these rights, both in the workplace and outside it.

This booklet is not a substitute, however, for legal advice. You should consult an attorney if you expect to be questioned by the police or retaliated against by your boss and obtain legal representation if you are arrested. Please see the last page for resources you can use.

If they did not know about the warrant when they were arrested, they may be held in custody on that charge if arrested for your conduct at the CD. And it might even give the police an excuse for arresting you even if they were not aware of the warrant.

Don't risk arrest if you have any outstanding warrants.

You can ask for an attorney and make a phone call after you get arrested unless you are willing to let the police have you arrested. But don't have your own cell phone on you when you arrest.

Keep a list of phone numbers to call when arrested.

If you don't have ID you may be taken to jail for a minor offense that would otherwise only call for a citation. But don't carry other information that you would not want the police to see.

Most demonstrators do not face arrest for peacefully picketing, marching or handing out leaflets. But people engaged in civil disobedience, such as blocking streets, should expect to be arrested. That requires some additional steps to prepare for that sort of action.

Carry current identification.

If you don't have ID you may be taken to jail for a minor offense that would otherwise only call for a citation. But don't carry other information that you would not want the police to see.

SPECIAL RULES FOR ACTIONS INVOLVING CIVIL DISOBEDIENCE

Seek protection from ICE enforcement

Workers involved in a labor dispute—which can mean a union organizing drive or a strike or a large scale wage and hour claim—may be able to keep ICE from conducting raids or I-9 audits at their workplace. The Department of Labor, the Equal Employment Opportunity Commission and the NLRB have an agreement with the DHS that should help keep ICE away while the dispute is going on. If this applies to you have your union or other organization look into this protection as soon as possible.

RESOURCES

The local chapters of the National Lawyers Guild attempt to provide legal observers for demonstrations, such as major rallies, that are likely to draw a police presence. While the Chapter may not be able to provide observers for much labor picketing, particularly picketing that will extend for more than one day, contact the Chapter in your area to ask for observers as far ahead of your event as practicable.

If you need help finding a lawyer please consult the following websites:

National Lawyers Guild Referral Directory:
nlg.org/referral_directory

National Police Accountability Project Referral Directory: Nlg-npap.org/find-an-attorney

Again, this booklet is not a substitute for legal advice. You should consult an attorney if you expect to be questioned by the police or retaliated against by your boss and obtain legal representation if you are arrested.

The police need more to arrest you or to search your possessions. They broken the law to arrest you or to search you. You have broken the law to draw you into a conversation. The police search you or your backpack or your car. Do not give them permission if they ask to search you or give away this protection, however, if you agree to let the police search you or your backpack or your car.

Your Fourth Amendment rights

If you change your mind and start answering questions again, then you can still change your mind again and refuse to answer more questions. It is safer, however, not to answer any questions, other than your name and address, in the first place. Don't be fooled by that friendly police officer who tells you that you have nothing to worry about or who says to answer questions, it is enough to tell the police that you do not want to answer questions.

You have the right to remain silent. Use it. You must give the police your name and address, but don't say anything else. You do not have to use any special formula to invoke your rights; it is enough to tell the police that you do not want to answer questions.

Your Fifth Amendment rights

IF YOU ARE QUESTIONED

This is particularly true if you are undocumented but it applies to green card holders and others, too. If you aren't sure this applies to you talk to an immigration attorney before the action, not after it.

If you're a non-citizen, the government may inform ICE about your arrest, which could have an impact on your immigration status.

If you are questioned

You have the right to remain silent. Do not answer questions about your immigration status and do not respond if law enforcement or ICE asks you for a green card, work authorization, or other immigration documents. Presenting false or expired papers to DHS may lead to deportation or criminal prosecution. If law enforcement asks everyone to line up in two lines, one for those who have work authorization and one for those who don't, do not join either line.

You do not have to use any particular formula to invoke your rights, but the following will suffice:

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my Fifth Amendment rights under the United States Constitution.

Do not sign anything

Never sign anything without reading, understanding and knowing the consequences of signing it. This is particularly true when dealing with ICE or DHS.

Talk to a lawyer.

If possible, carry with you the name and telephone number of an immigration lawyer who will take your calls. The immigration laws are hard to understand and there have been many recent changes. DHS will not explain your options to you. As soon as you encounter a DHS agent, call your attorney. If you can't do it right away, keep trying.

A permit cannot be denied because the event is controversial. And a city cannot pick and choose when it will enforce these requirements on an arbitrary basis, or because it merely suspends that there will be property damage done during your protest. The government has no right, as part of the permitting process, to make you take out liability insurance or sign a permit application that says that you will be liable for damage done during your protest.

- However, you do not need, and should not request, a permit to ticket on a public sidewalk so long as your ticket line does not unreasonably prevent the general public who wish to walk past your ticket line on the sidewalk from doing so.
- However, you do not need, and should not request, a permit to ticket managed non-city parks or plazas, such as certain designated non-city parks or plazas, or marathons, parades or rallies at City parks, or federal property managed by the General Services Administration.
- A march, parade or stationary event which causes an interruption in the normal use of the public streets or sidewalks, such as blocking pedestrian or vehicle traffic or partial/full street closures, or impediment in the stationary event which causes an interference with the action, not after it.
- Certain types of events require permits:

DO WE NEED A PERMIT TO TICKET?

RIGHTS INSIDE THE WORKPLACE

All workers have the right to organize for mutual support and protection around workplace issues. As an example, you have the right to

- make a delegation to the boss about workplace conditions,
- talk to your coworkers about workplace issues, or
- help organize a union

without suffering retaliation by the employer.

It is illegal for the employer to discipline you for engaging in these activities, or to cut your hours or give you a worse job assignment for that reason, or to threaten to call immigration on "troublemakers." Standing together with other workers not only makes you stronger but gives you greater legal protections, too.

You may also have the right to walk off the job to demand better conditions. That right will depend on a number of questions: Are you acting alone or with others? Are you covered by a union contract that may prohibit strikes? Are there serious safety risks if you keep working? Can your boss replace you before you return to work? This booklet does not try to answer these questions—there are too many complexities involved. You should check with your union before walking out; if you do not have a union, think about organizing one so that your walkout has a greater chance of success.

- If the employer is only a tenant and does not own the underlying property, then it may not have the right to get you from an area it does not own. Demand that it supply you with a copy of the lease if claims gives it that right, and to the police before it tries to eject you.
- And even if it owns the land outright, the NLRB has held that some private areas, such as the sidewalks around a castle, should be treated as if they were public property.
- There are other areas that are historically open to the public, such as the cafeterias in a hospital. The employer may be able to impose limits on what you can say or do there, but it cannot exclude you entirely.
- And there are some times that the law requires you to go onto private property. If you are picketing a business located on a particular floor in a high-rise building then you should try to picket as close to that business as possible. Similarly, if you are picketing a shopkeeper then you should go onto the property where the driver is making a delivery and picket as the business you are picketing is on the site.

Private property

RIGHTS OUTSIDE THE WORKPLACE

You have these same rights to band together with other workers to improve your situation outside the workplace too. This includes

- filing a wage and hour claim or a health and safety complaint that affects more than just yourself;
- supporting or testifying in support of another worker's claim,
- speaking out to the press or at a public hearing about bad conditions at the workplace, or
- picketing or distributing handbills in front of your workplace.

Your boss has no right to interrogate you about your "concerted activities"—group activities seeking to improve your and your coworkers' wages and working conditions—either in the workplace or outside it or to engage in surveillance of your union activities away from work.

THE RIGHT TO PICKET

Public spaces

There are some areas, such as publicly owned sidewalks and city parks, where free speech activities, such as picketing and handbilling, have historically been allowed. While the police or a property owner may be able to impose reasonable restrictions on what we do in those areas, such as requiring that we do not block entrances or exits, they cannot prevent us from using those areas.

Bail

It is impossible to predict what the police will do. In some circumstances, individuals are arrested, booked, and only released prior to their first promise to appear. In other circumstances, persons are taken to the police facility, booked, and released on a written court appearance by posting bail. In some circumstances, individuals are arrested, taken to the police facility, booked, and released in some jurisdictions.

Resisting Arrest

The police often treat any noncooperation with the arrest as resisting arrest. In some jurisdictions, you will be treated as resisting arrest in some jurisdictions. They will often charge you with "felony resisting arrest," which may prevent your release on bail. If the police believe that you have used force or threat of force to resist arrest, they will often charge you with "felony resisting arrest," which may prevent your release on bail. And if protesters charge an even more serious charge. And if protesters charge "resisting arrest," which may prevent your release on bail. The police often treat a separate offense of interfering or resisting a police officer. For example, if you "go limp," some law enforcement agencies will add the additional charge of "resisting arrest," which may prevent your release on bail. If the police believe that you have used force or threat of force to resist arrest, they will often charge you with "felony resisting arrest," which may prevent your release on bail. And if protesters charge an even more serious charge. And if protesters charge "resisting arrest," which may prevent your release on bail. The police often treat any noncooperation with the arrest as resisting arrest. In some jurisdictions, you will be treated as resisting arrest in some jurisdictions.

Arrests

It is impossible to predict what charges the police will use when they make arrests. Likewise, it is impossible to use what general rules to keep in mind in the unlikely event that you are arrested. Here are some general rules to keep in mind in the unlikely event that you are arrested.

If you remain in custody a judge will review your case within 48 hours and you must be taken to court within two business days. But you do not have to wait for the police to take you to court; call the magistrate to ask to be released on your own recognizance, meaning "without bail," which will get you out of jail faster without having to pay the premium on a bond.

If you are released on bail, try to post the amount of the bail rather than posting a bail bond. If you are exonerated of the charges against you, your bail will be returned. If you cannot post the bail you can purchase a bond, usually at ten percent of the amount of the bail. You cannot recover the cost of a bond, however, even if the charges against you are dismissed.

Your right to an attorney

You have the right to legal counsel. Ask for an attorney. Don't discuss your case with the police without consulting your attorney.

You also have the right to make free local phone calls after being booked. A parent with childcare responsibilities should be allowed to make two additional calls to arrange for childcare.

IMMIGRATION ISSUES

Avoid arrests if you are a non-citizen

If you're a non-citizen then the government may communicate your arrest to ICE, which could have repercussions for your immigration status.