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Panel IV Discussion (Part2): The Future of 1st Amendment Protections: Examining the Use of Brutality on those Fighting Against Violence

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Panel IV Discussion (Part2): The Future of 1st Amendment Protections: Examining the Use of Brutality on those Fighting Against Violence

Authors

Serbino Sandifer-Walker, Halycon Sadberry Watkins, Chris Colbert, Nikeyla Johnson, Jessica Brown, Yasmeen Davila, Becky Selle, Larry Taylor, and Sarah Guidry

PANEL IV (Part 2): Discussion

THE Future of 1st Amendment Protests Protections: Examining the Use of Brutality on Those Fighting Against Violence

Serbino Sandifer Walker, Texas Southern University, Professor and Journalist

Dr. Halycon Sadberry Watkins, 60s Sit-In Protestors

& America's 11th Female Veterinarian

Attorney Nikeyla Johnson, The Cochran Firm

Jessica Brown, Protestor

Yasmeen Davila, Protestor

Becky Selle, Protestor & West Street Recovery

Chris Colbert, Executive Producer of the "Say Their Name" Podcast

Attorney Larry Taylor, The Cochran Firm, Moderator

Hyperlink to presentation: https://www.youtube.com/watch?v=6gG4yPzG_Fs

TRANSCRIPTION:

Larry Taylor

Once again, my name is Larry Taylor. I'm the managing partner for the Johnnie Cochran Law Firm here in Texas. And welcome to our second segment, dealing with the First Amendment. We have a great, panel for you today. I am going to remind you that after this session, if you will hit the next session, we'll conclude with some remarks about this particular event and some important information that you don't want to miss. And so, at this point, I will turn it over to my good friend and probably the smartest person that I've ever met my entire life, Sarah Guidry.

Sarah Guidry

I thought you were about to say Nikeyla Johnson. So, we're going to have you kick things off. And we're so pleased that you would take the time to be here with us. Miss, Attorney Johnson is legal counsel to The Cochran Firm Texas and Houston law group. Her areas of practice include civil litigation, employment discrimination, criminal law, police brutality and excessive force. And

when I was looking to find the perfect person to be able to explain the rights of protestors and kind of give us some know-your-rights guide and tips, this was the name I come across as the expert. So, I'll turn it over to you, attorney.

Nikeyla Johnson

Thank you, Sarah. I appreciate that. I'm very happy to be here today. I just want to mention that I'm a proud graduate of TSU Thurgood Marshall School of Law. I graduated in 2008. It's kind of hard to believe I've already been practicing for almost 13 years now. The time really did go by pretty fast. I also want to thank Larry Taylor for having me. He and I were actually classmates in law school. And, also, a special hello to Dean Weedon. Mr. Weedon was my torts professor and I also worked as his research assistant when I was a student there at Thurgood Marshall School of Law. I'm going to go ahead and get started on-- with my presentation today because I only have about-- well, actually, I think they changed that. I have a little bit more time than I thought before. But what I've done is I've prepared a slideshow that I want to share with you all because I think the best way to talk about and to demonstrate the disparate treatment of minority protestors is through pictures. You know, we've all been sitting at home working, for the most part, due to the COVID pandemic. And we've seen what's been happening in the news for the past year or so with the protests, primarily sparked by the, the murder - what I-- what I consider murder - of George Floyd. And so, I'm going to start with my slideshow. And then I'll go into some tips on protestors and your rights and what you need to know about protesting. Oh, sorry about that. Let me turn this phone off. Okay. As Miss Guidry stated, I am an attorney. I practice civil rights. I practice civil litigation, criminal law, and some other areas. I just wanted to mention that I do have offices in Los Angeles and also in Houston and that I am an advisory board member for Equal Justice Now, which is an organization that prides itself on pushing forward police reform and criminal justice reform. And our spokesperson is Mr. Benjamin Crump who was the attorney for Trayvon Martin and other families of victims of police brutality and excessive force. This is a quick study of disparate treatment of minority protestors throughout US history.

First Amendment protest rights are granted by the First Amendment of the US Constitution. And this amendment basically prevents the government from abridging the rights to freedom of speech, freedom of press, the right of people to peacefully assemble and to petition the government for redress of their grievances. Also, the Texas Constitution provides for protest rights and freedom of speech rights as well. And that-- those rights can be found in the Article I section 8 and 27 of the Texas Constitution. Typically, the right to protest and the rights to freedom of speech go hand in hand because when people are protesting or petitioning the government for grievances, they're speaking those, those grievances verbally. And so those two rights typically go hand in hand. The government does have a right to restrict those rights under certain circumstances when there's a threat to public safety. When they feel that someone's going to be injured, when they feel that people are going to start damaging property, when they feel that people are going to block highways or traffic and become a threat or danger to other citizens, they can implement certain restrictions on those rights. One of the most famous civil rights leaders of our time, of course, is Dr. Martin Luther King Jr. And you know he came to the forefront during the civil rights movements of the 1960s. Here's a picture of him being, basically, beat up by the police. During those times in the '60s, of course, black people were dealing with discrimination, where they

weren't able to eat at restaurants. They weren't able to drink out of the same water fountains as white people. They weren't able to get jobs. There were a lot of different civil liberties that black people were not afforded. But they were basically looking for the right to be recognized as a human being, as indicated by this photo. Historically, black protestors were attacked by dogs, water hoses, Billy clubs, and other forms of violence at the hands of police officers. There was always a large police or military presence, as indicated by these photos here.

So, historically, black protestors were attacked by dogs, water hoses, Billy clubs, and other forms of violence at the hands of police, as indicated in these pictures. Another popular protest that occurred during those times or back in the '50s, of course, everyone is familiar with the Montgomery, Alabama bus boycott, which started due to Rosa Parks being arrested after she refused to give up her seat to a white man on the bus. Okay. This sparked outrage all across the country. Black people had just had enough, and they were tired. So, they decided to organize and to protest the Montgomery Transit System. This protest was also led by Dr. Martin Luther King Jr. And, you know, these peaceful protests actually are beneficial. And an example of that is the result of Rosa Parks and her courage on that day refusing to give up her seat. It resulted in the Supreme Court ruling of *Browder v. Gayle* in which the court held that forcing segregation on a city transit system was a violation of the Equal Protection Clause of the 14th Amendment. I want to move up to a little more recent times. We're all familiar with the Rodney King beating that happened back on March 3rd of 1991. He was beat by the LAPD, and it was actually caught on camera. At the time, I was 11 years old. I was in middle school and I remember participating in a walkout at my middle school because I was outraged as a child with what I had seen on the news with this black man being beat up by the police.

The four officers who beat Rodney King were acquitted. And it caused riots in LA. And it caused protests all over the country. Here's the aftermath of those riots on April 29th, 1992. And we can see, during that time, there was a strong military presence there to try to contain the protests and/or riots that occurred during that time. Now I want to start talking about this modern-day Black Lives Matter movement that we've all seen. I personally believe that that movement was sparked by the death of Trayvon Martin. And, you know, everyone knows he was killed by a racist vigilante on February 26, 2012 in Sanford, Florida. He was a teenager walking to the store to go get some [tea and?] Skittles for his brother. And, unfortunately, some racist guy spotted him walking down the sidewalk and decided that he wanted to go and confront him. Although he was advised by the 911 dispatch not to go outside, he approached Trayvon Martin and, of course, was carrying a gun. Trayvon Martin fought for his life and, unfortunately, he was no match for a violent racist man with a gun. Following that, we had the issue with Eric Garner being killed by the NYPD. He was held in a(n) illegal chokehold on July 17th, 2014. During the time that he was apprehended, he complained several times about not being able to breathe. And onlookers begged the police to release the chokehold because Eric could not breathe. However, NYPD continued this illegal activity until they killed Eric Garner. So, this sparked protests all over the country, once again, where people were just tired of seeing black men being abused and killed by police officers.

So, following that, we had another incident on August 10th, 2014 when protests started in Missouri - Ferguson, Missouri - after the fatal shooting of Michael Brown by police officers. This is where the slogan "Hands up, don't shoot" came from because, at the time that Mike Brown was shot by

police officers, he had his hands up and was no threat to the police officers. There was a strong military presence and a strong police presence in Ferguson, Missouri during the time that black protestors were there protesting the Black Lives Matter issue. Police used teargas against these protestors. They used Billy clubs. They arrested people, which of course, is typical and has historically been done to black protestors. And the results of those protests eventually turned into riots because of the rage and the fury that people were feeling in that town of, of not being heard and not being recognized as a human being or, you know, being treated equally. Moving forward, last year, on February 23rd, 2020, we all learned about Ahmaud Arbery being brutally murdered by vigilantes while jogging near Brunswick, Georgia. And this kind of started an uproar and a boiling in everyone. Of course, protests occurred. And then I think the camel that broke the straw's back was when people witnessed George Floyd being murdered on national television, when we all witnessed Derek Chauvin there with his knee on his neck. And I know this, this photo may trigger some people. It triggers me. But I think it's important for us to address these issues head on.

We all watched as he was killed, as an officer had his knee on his neck for eight minutes. And as one of the presenters earlier today mentioned, he looked into the camera of the onlookers and stared right at them and basically was like, "What are you going to do?" You know, again, the onlookers begged the police officer, Derek Chauvin, and his three counterparts to get up, you know, to let Floyd go. Floyd also said, "I can't breathe. I can't breathe, man." He begged for his life. He pleaded for his life for eight minutes. And we all watched that on national TV. And, of course, you know, allegedly, he used a \$20 bill while trying to purchase some goods at a convenience store. There have been some reports that that \$20 bill was indeed a real \$20 bill and wasn't even fake to begin with. For some reason that story, it just kind of was buried after the, the protests and everything took off. But, again, Floyd was murdered by this police officer who is now out on bail. This started a bunch of protests all across the country. I mean, droves and droves of people came out, even during a pandemic, risking their lives and their safety to protest the importance of recognizing black people as human beings and not killing black people for minor infractions. So, you know, people had had enough. And people of all backgrounds came together to protest this, this murder of George Floyd: black people, white people, old people, young people.

I think for the first time, the general population, America realized that there's a(n) issue with police brutality against black people in this country. And I think people were forced to pay attention because everybody was at home, because, of course, this has been going on since black people got to this country. You know, but, of course, now with the invention of the cell phone and with the camera, we now have more evidence of how police officers treat black people and also Latino people who are abused and beaten by police on the regular. So, you know, this infuriated a lot of white people too, who this doesn't ordinarily affect, because you can't be human and not be affected when you see something like that happen. But the country came together to protest what's been happening all across the country with police brutality and excessive force. Just want to talk a little bit about the Black Lives Matter movement/slogan. And when I touch on this, I'm not speaking about the organization itself. I'm speaking about what Black Lives Matter means. A lot of people are offended by the slogan because they feel that it excludes certain people. But the purpose of this movement is not exclude anyone. It's just to bring to the attention of the rest of the country that

black people are not treated equally under the law here and that we want people to know, "Hey, we're human just like you. We matter just as much as you matter."

These are all, you know, a part of being black in America. A lot of us who are black have been stopped. I know myself personally I've been stopped by police for no reason. I've been accused of having guns and drugs in my car. And I'm an attorney who's been practicing for years. You know, I was racially profiled. And it wasn't until I pulled out my bar card that the officer let up on me. And I told him, "I'm lawyer. I'm a law-abiding citizen. Why am I being accused of transporting drugs and guns? It's ridiculous," so-- and I know a lot of us have these same stories. You know, I have a black father. I have a black brother. My mother, my sister, all of us have been harassed by police, multiple times. It's a common occurrence. It's something that you just prepare yourself for when you walk out of the door and you hope that when you know-- that you do get a chance to come home at the end of the day, because when you're out there, keep in mind, you're at the mercy of whatever police officer you may encounter that day.

The article that I wrote basically just addressed protestors' rights and what protestors need to know about their rights to protest. Number one, the right to protest is not unlimited. So, you do have restrictions on where you can protest, meaning you have to protest in public places because the US Constitution and the government's prevention of being restricted, as far as those rights are concerned, only applies to the government. It does not apply to private citizens. So, you can't go and protest on someone's private property. You can't go, you know, uh, to your neighbor's yard and protest. You have to somewhere in a public space like a park, uh, public road, a public street, places of that nature. Sometimes you are allowed to go and actually protest at universities as well because those have been designated as places where people can exercise free speech as well in certain circumstances. But when you protest at a university, you're only subject to an intermediate level of protection. You don't have the full protection that you would have if you were in a genuinely public space, like a public park or a public sidewalk. The other restrictions are the, the government can impose curfew restrictions if they feel that protestors are being out, being rowdy and they can become a threat to public safety. So, they are allowed to say, "Hey, you know, you have to leave at sundown."

And if they are going to impose those ty-- those type of restrictions, they have to alert the protestors, give them reasonable notice that, "Hey, at 6 or 7 o'clock, you guys have to leave." They have to give them an open route for leaving and give them a reasonable amount of time to exit the place before arresting or approaching them in that sense or in that manner. Also, when it comes to the content of what the protestors are protesting about, the government cannot limit the content of that speech, unless it's a nearly-tailored limitation, or ordinance that meets a compelling government interest. So, they can't tell you, "Hey, you can't protest about this or that because I don't agree with your viewpoint." They have to give both sides an opportunity to voice their concerns or whatever, you know, the issue may be. The other thing that protestors need to know is that if you're approached by a police officer, try your best to comply with the police officer. Don't become combative. They can pat you down if they feel like you have a weapon or something on your body. So just remain calm and let them pat you down. They can't do a full search. If you have any concern about whether or not you're being detained or arrested, you do have the right to ask the officer, "Am I understand arrest?" And if you're not, then you let them know that your First

Amendment right protects you in that you should be free to go. They don't let you go, then you tell them you would like to have an attorney present before you speak or answer any questions.

Again, don't become combative. Don't lash out at the officer or anything like that because then you may find yourself finding a charge of disorderly conduct, of assaulting a police officer, those types of charges. And you don't want to collect those type of charges. So, the best thing to do is just be patient. Listen to the officer. If they tell you to leave, leave, disperse. And then if you feel like your rights have been violated, contact your attorney, or contact the ACLU, the American Civil Liberties Union. They have a very good article on their website that I recommend everyone go look at if you have any questions about what your rights are as a protestor. Other than that, I mean, you can pass out pamphlets. You can do all of those types of things as a part of your freedom of speech and your right to protest. Now, if you are going to be meeting in a large, large group that requires some assistance from the city, you may have to apply for a permit. And the city is allowed to charge you a fee for that permit. It can't be an excessive fee that's going to prevent you from protesting if you're someone who's indigent. But they can charge you a reasonable fee for having to send staff out there to monitor the protest. The other thing is, when you do apply, they can't make you wait for 10 or 15 days before they give you the permit. They have to give it to you within a reasonable time so that they don't abridge your right to protest or to organize. I think that's pretty much it as far as, like, the basic, rights that protestors need to be aware of.

Also, one other thing, they can't set up buffer zones during protests to prevent counter protestors and protestors from clashing just to make sure that the public is protected. One other thing to note is that if you're a non-citizen, you do not have the same protection that a citizen has due to the Patriot Act that was enacted after September 11th. So, you do have to be careful with your activities because you can be monitored and surveilled. And also, if you're seen engaging in some type of conduct or activity that may be seen as a, a domestic terrorist act, then you will be penalized to a much larger extent than a US citizen. That's pretty much it on those basic rights. I want to get back to my slide real quick, if you don't mind, and I can [crosstalk].

Larry Taylor

Well, Nikeyla, before you do that, what we want to do is, because we have so many speakers today, I'm going to turn it back over to Sarah, and then we'll come back if time permits.

Sarah Guidry

I wanted to go ahead and introduce Professor Serbino Sandifer-Walker. Professor Walker has done some incredible work, in terms of documenting the student movement here in Houston during the Civil Rights Movement. And Professor Walker has with her one of the protestors from that time. I'm going to allow you to go ahead and introduce her, and I'm just going to say welcome, Dr. Watkins.

Serbino Sandifer Walker

Thank you. Thank you. It, it is an incredible honor for us to be here and for me to sit next to this pioneer, this icon that many people really don't know her story. And about 20 years ago, I was determined to start telling this story because it is an under told story. And it is a story that really deserved to be told. But I'm going to-- first of all, I just want to pull up this photo. And I want you

to really pay attention to this photo. This photo right here. I want you to pay attention to it. This photo is very important to what we're going to talk about today. And, fact, the icon who's sitting next to me, Dr. Halcyon Sadberry Watkins didn't see the photo herself until 1979. This photo is actually a photo of her on March 4th, 1960. TSU students led Houston's first sit-in. And that sit-in was at the Weingarten's grocery store lunch counter, which is located at 4110 Almeda Road. These students, what they did is they fought Houston's segregation laws and, ultimately, what they did by holding that sit-in, it held Houston accountable, and this city started to desegregate. The Houston sit-in is not chronicled in history books or national publications with clarity or very thoroughly at all. And the Houston case is very unique because women had an invaluable and equal role in this battle to address Houston's segregated laws. They had a leader. His name was Eldrewey Joseph Stearns¹. But the women served as the face of the movement. They strategized. They planned and they executed with precision, standing side by side by the men in the movement. And what I want to do, I want to bring in Dr. Watkins, who was there. She planned, she executed, she worked with the entire team, and they decided that it was time to make a change in Houston. And what we want to focus on is the impact of what they did, the legacy of what they did and what today's protestors can actually learn from this heroic sit-in that they held on March 4th, 1960. So, Dr. Watkins is going to join in. And I just want her to just jump right in and talk to us about March 4th, 1960. And when you look at this photo, this is this young 21-year-old that's here that didn't see this photo until 1979, right? She didn't know someone had--actually taken photo of her. And we want to be able to share what was the important of that sit-in in Houston on March 4th, 1960.

Halycon Sadberry Watkins

That picture right there and that movement, it opened the doors. And what it did, it made us stop and dared to have those dreams. The dream that we can make a difference and, but we-- you know, you didn't feel intimidated because, we were always, if you can notice, those kids, all of us, were courageous. And we all had, we knew that something had to be done. When we-- after Eldrewey had had an impact with the police, and then it got to the campus of what was going on. And we realized that if we don't organize and we don't make some changes, uh, that this will keep going on. We, we couldn't go downtown, and we couldn't go to the bus station. We couldn't go anywhere without, uh, seeing, uh, "Colored, go here" and "White, go this direction." So, this movement and this, what we're doing right here at this counter was just the beginning of what, we knew had to be changed. And I like to iterate with you that we even had a separate baseball field, baseball group, that wasn't the Astros. And we had the Negro League. And then we had the white leagues of baseball. And so, we sat in separate, everything was segregated, everything. And I went to segregated schools. Texas Southern was designed so that we would stay out of the white school's law school, and so the-- Texas Southern started because, we had Sweatt that wanted to attend the University of Texas. So, this school was started-- the law school was started just to avoid that, that integration. And so-- and then NASA was in the making. There was talk of this. So, our math department became very popular because, we had some strong-- very, strong math, students. And they were recruited for this program that they were developing for the research that was going to be needed and the mathematicians.

¹ See *Eldrewey Joseph Stearns (1931-)*, Merline Pitre, Black Past (November 14, 2007); <https://www.blackpast.org/african-american-history/stearns-eldrewey-joseph-1931/>.

So, our students were being recruited, not just Texas Southern. But they were finding out that these students, they had the math skills that were needed to work in those labs at NASA. And so-- but we didn't have any clue that we could even apply for those positions. But it was through these protests-- and it started at the lunch counter. We decided-- we started at a lunch counter. And then we moved on. And from there, we went downtown. So, we became, we wanted to go to the movie theater. So, we protested on Sunday afternoons. We dressed up and went downtown, stood in line, and we got tickets to go to the movie. We didn't go upstairs like we usually do. We went downstairs and took a seat. And we would, I mean, these are the things that we did. We went to Walgreens down on Main Street. And then we were told that we were not to come-- we could only come in and pick up, toiletry or whatever, aspirin, you know. But we could not come in there and eat at the little counter. Later on, we found out that all the stools were removed and even the little, small tables that they had a--, so that everybody had to stand if they did get served. We recognize that it was no longer going to be the thing of the day that you go in the back door and you drink from a separate water fountain or you could not eat. You could serve the food, but you could not eat the food in the restaurants.

Serbino Sandifer Walker

And an incredible legacy of that movement, what it did it instilled confidence in you that you could become a veterinarian.

Halycon Sadberry Watkins

Oh, yes.

Serbino Sandifer Walker

And so, you became the nation's 11th black veterinarian.

Halycon Sadberry Watkins

That's very correct. And black woman veterinarian because women were not being admitted to veterinary schools. Texas A&M did not have any women at the veterinary school. From the courage and the, the feeling that I had accomplished something and that we could move on what I did, I went to Texas A&M to apply for veterinary school. I had gotten my degree from Texas Southern in biology major. And I felt that, -- now I felt that, hey let me go ahead and see if I can go to veterinary school. I'm from Bryan, Texas and College Station's right there. And I was told-- I was ushered out of the dean's office and told that I would not be the first woman nor the first-- not a black person was going to go to that A&M veterinary school. So, I was ushered on around to Kansas State University. One of the faculty at A&M got wind of my trying to get in. And he called my parents and recommended that I go to Kansas State and take premed courses. And then Tuskegee, they called me and said, "Did you want to come to Tuskegee?" And that's where I got my veterinary degree. And I'm the 11th black woman to become a veterinarian. And I'm very proud of the route that I had to take to get there.

Serbino Sandifer Walker

And, finally, what we want to be able to share with you is what today's protestors can learn from what they did on March 4th, 1960.

Halycon Sadberry Watkins

The best I can recommend is to make sure that you have a passion for what you're doing, and you understand why you are protesting. Don't just join the group because they're marching down the avenue or marching in the park or somewhere. Don't just join it. Be sure that you know why you are joining. And why the people that are leading these protests, let's organize. Let's, make sure that as the-- it, it was stated earlier. There are some rights that you have. So, make sure that you know what those rights are. And if you are marching as a group, then you will recognize when the hecklers are some of the people that are just there to try to join in. So, you can have people that kinda screen them out, so that they don't re-resort to those violences that take place, the destroying of property and what have you. The real protestors are not there for that reason. So, let's be sure that we are organized, and we know why we're there and we stand within the guidelines of a true protestor.

Serbino Sandifer Walker

And, finally, I'd like to say, one of the greatest legacies was the Civil Rights Act of 1964. Collectively, Texas Southern University students and students at HBCUs played a major role in that particular act being passed. Thank you.

Halycon Sadberry Watkins

Thank you.

Sarah Guidry

Thank you, both of you. Thank you so much. And, I really want to say thank you, for sharing the comments about not just being part of the people out there marching but knowing why you're marching. I would like to now go ahead and, I'm going to introduce each person individually. But we're going to hear from three protestors and an executive producer for Say Their Name podcast, who has interviewed multiple families who have suffered the loss of a loved one or had a loved one injured through interactions with the police. So, I'm going to start with Chris Colbert. And Chris, please share some of the things that you've learned by meeting with families.

Chris Colbert

No problem. And, you know, thank you for having me. Thank you for allowing me to speak on these families' behalf. You know, I'm humbled to be on this stage with everybody here as well as the other panelists today. I'm going to share my screen here. All right. So yes, we worked on this podcast series called Say Their Name, which I'm executive producer for. It's all around highlighting stories around unarmed black people who have been killed by police or assaulted by police, and really looking around the country, at, you know, what has happened to these families but also, first and foremost, who were these individuals? You know, what was their life like? What was their sense of humor like? What was their life trajectory before their life was either taken away, or, you know, was put on this different path because of what happened with, with an officer?

And all of these individuals being unarmed, when they were assaulted and/or killed. And so, you know, as we did this series, hang on a second. You know, as we did this series, we thought it was important to talk directly to the families because they're the ones who truly know these individuals. They're the ones who are going to give us a different perspective than we hear within the current media landscape where we just take the police narrative. So, I really want to touch on a few different families here. But you can also go to the gallery and check out some of the other material that we've presented for you today to just give you an abridged version of what these families have been through. But at the same time, I do encourage you to go check out our podcast, Say Their Name, because it also gives a more full breadth of who these individuals were and what these families are facing.

But I wanted to highlight, Kaldrick Donald here who, was killed in Gretna, Florida, a small town outside of Tallahassee, Florida. He was experiencing a mental health situation when his mother called police just to come and help him take his medication. And that then resulted in the police chasing him into the home, escalating the situation, chasing him into the home and killing him in the bathroom. And that family not only has to, you know, understand that their loved one was killed by the police, but they still live in the same home where Kaldrick was killed and have to see that same bathroom every single day. So, they are being revictimized every day knowing what had happened to their loved one and having to see that, that same location. And, meanwhile, the officer, who was never fired, never indicted, still works in that very small town, and continues to revictimize them, by intimidation. This is an officer who had a track record in the community of harassing people physically and also verbally. And that officer is still on the force in that town. So, you know, these are situations that continue to haunt these families, even after their loved one is killed. I also want to touch on Sean Monterrosa, who isn't actually someone that we covered in our series. But we have actually gone out from behind the, the series and now created a community where we are basically crowdsourcing ideas, resources, networks, to help impact these families. We're doing so on Clubhouse, the new social media platform. And we're bringing some of these families on to talk directly to individuals. So, you can then ask them questions about what they're going through and, and actually find out from them how you can support them.

Sean was killed, just this past year, um, as he was, just getting done peacefully protesting on behalf of George Floyd. He's from San Francisco but he was in Vallejo, uh, California protesting. And, afterwards, he was killed by police. He was actually, you know, hands up on his knees when police shot him and killed him. And in the months that followed, his sisters were actually arrested protesting on his behalf. So that family now gets revictimized because now they're being put into the same system that killed their, their loved one. Then you look at this story of Robbie Tolan who's been touched on earlier today. And I won't go as in-depth there because I know a lot of people have touched on it there. But, you know, Robbie was mistaken for stealing his own car and was then shot in his own driveway, in front of his mother, his father, his cousin. And that officer was never fired. He actually was given a promotion. And, you know, that's a situation where they're continuing to still deal with things, even though they got a Supreme Court victory.

There's that of Artie Elliott, who, if you check out the gallery, there's some more information there. But he was handcuffed, hands behind his back, had a seatbelt on him, in the front seat of a police cruiser when they opened up fire into their own car claiming that he was pointing a gun at them.

They had already patted him down. Again, his hands were cuffed behind his back. And they shot him I believe about 19 times. And yet that family still fights till this day to try to get that case reopened. And, you know, he was only stopped for a DUI. You look at Miriam Carey, which I think is important to bring up-- we didn't touch on her in our series. But we are in communication with her sister. And we're going to be bringing her to Clubhouse, Valerie Carey. And many of you know this story, especially now, because she was killed outside the Capitol after making a U-turn in front of the White House. And the force that she was met with was nowhere close to force that, that the protestors, I said protestors. The people, uh, mobbing the capital were m-much-- met with much less force than Miriam Carey was. And I apologize. I'm trying to run through quickly. I know I'm time. I have one last slide for you. I don't want to shortchange these families. So, then there's also Jamar Burns-Hill, also known as Jamar Clark. Uh, Jamar was killed in Minneapolis, Minnesota before Philando Castile, before George Floyd. And he was killed when he was just trying to help a friend into an ambulance. And the media, running with the police narrative that they put out immediately after, ran with this narrative that he was, involved in a domestic dispute. And even after the woman came out to say that that didn't happen and, actually, the prosecutors never spoke to her and, hence, "Why would they run with this story?", the media stories already out there. And so now this family is not only fighting for their loved one. They're actually, you know, fighting to get justice and fighting to clear his name. And the media never talked about the fact that Jamar actually had a lawsuit against the same police department that killed him. So, you know, that's why it's important to understand and talk to these families and know their stories. And as was just said, you know, you have to understand why you're protesting. And so, this is exactly why.

Sarah Guidry

Thank you, Chris. Now I'm going to introduce, Jessica Brown, followed by Becky Seal and Yasmine Davila. I had the opportunity to meet with them and, actually, they spoke to some of our students, right after the murder of George Floyd at the protest here in Houston. And what they had to say about their experience was, was so moving to our students. A lot of us don't think that today after everything that's happened and strides that we believe we made. Somebody said, you know, we had a black president and vice president. We're still getting treated the same way. So, Jessica, I invite you to go ahead and get started. And I remind everybody, please stay at under five minutes. And just to let the people who are in the audience know, you can actually see the full-length video of these, young women in the exhibit hall, and you can hear the longer portion of their story. So, I would like for you to give your story of your treatment and just what that impact has been on your life.

Jessica Brown

Thank you so much, Attorney Guidry. So, what we were really focused on as far as, you know, being a part of this project, and we're grateful to be a part of, is not just kind of telling our stories because, as you know, Mrs. Guiry said, we already have our stories out. But we wanted to kind of just let you guys understand the impact of our stories. You see so many countless interviews and documentaries about people who are going out, protesting, trying to make progression in the recent millennium when it comes to police brutality Black Lives Matter, and, and just the disparaging treatment of minorities. But what a lot of times we don't know is those personal stories of the

people who are out there doing the footwork and, and what's really happening, while we're out doing some of this work with protests. And as has been alluded to is we have not progressed very far. Of course, none of us, being as young as we are, can even fathom some of the travesties that happened pre-civil rights when people were fighting for equal rights. People were fighting for equal treatment and the generalization of those rights. We can't fathom that. But what we found out in our recent generation was that, again, progression is not too close. We haven't progressed far from the treatment of certain protestors because they are fighting for injustice in minority communities.

What we saw at the Capitol was a very big highlight of that and not only just highlighting but solidifying that people are treated differently. Our experience personally was more than a travesty. It was eye-opening and it was shocking to see, some of the things we saw and experience some of the things that we experience. But what it did solidify to us personally was that we were not the same because of our fight. And so that was also disheartening for a lot of us, but it was eye-opening that we have a lot of work to do. I can just personally attest, for most of the protestors and myself, that we were not only just harassed and mistreated, we were talked to inappropriately. Our rights were violated. We were unconstitutionally treated. We were beaten and there was no regard for us. So, what we have to understand is the community of people because we all have to live in this thing called America. This is all our country. We are all citizens working towards the goal of having a community that supports those in it. What we have to understand is when there's something happening that is going against the communal goal, we have to change it. Just to close, I liken it to-- I'm a licensed psychologist. I liken it to what I might recommend to a client who's being abused by an abuser, how long do you let your abuser continue to hold force over you? When do you finally stand up and say enough is enough? As a community and as people, we've been abused so often and for so long that what the protest from Black Lives Matters and other people like us are trying to say is that we are tired of being abused as citizens in our country. And the-- and there's progression that still needs to, to happen.

Sarah Guidry

Okay. Thank you so much. Yasmine.

Yasmine Davila

Hi. Thank you for having me. So, I guess I just wanted to touch on, like, the impacts. So, I've been to various protests and I think-- this is my first time getting arrested. So, what I saw inside, being in jail, I think it just affirmed that there's no way of reforming anything. I don't believe that the police can be trained to deal with people. That's not what they're for. They're there to protect property. And as protestors, I think we, even this whole idea of, like, peaceful protesting and, like, you know, rioters and stuff, like, again, it goes back to property. I think the whole idea goes back to, "You're hurting this building. You're hurting these values," rather than, like, looking at, the reason why we were out there, which was that black lives do matter and trying to put that message out there. And I think I realized, after not having slept over 48 hours-- because they kind of threatened us by telling us that if we slept, we would be in the back of the line, which, you know, you don't want to be there. And just the way that they were treating me and stuff. But, yeah, I realized that all of it is kind of psychological warfare. Just on how they treated us, how they

kidnapped us, and how we were deprived of everything and just being inside there, just seeing how they -- you know, all of this is in the society. In the bigger society, we feel all these microaggressions. But, like, enclosed, it's just even more chaotic. Like, in one instance, we were inside waiting to go see a judge or whatever, and somebody started shouting. And based off of this one person shouting and, like, this very aggravated officer, everybody-- like, all of the policemen inside got their guns. And mind you, we don't have anything. We're already under arrest. We don't have-- we've been, like, through the whole process. Like, this is like one of the last steps. We have no weapons with us. And they just escalate every kind of situation. So, yeah, I don't know. I think I just came out kind of, like, realizing that this is much deeper than, you know, like, these laws and, like, everything that we're fighting is a lot more in the spiritual realm. And, yeah, I don't know, that's all I'll share about that. But thank you for having me.

Sarah Guidry

Thank you. And finally, want to welcome, Becky Selle. And thank you, Becky, for being here today.

Becky Seal

Hey, everyone. Thanks so much for having us and everyone who shared. Yeah, I think, people hit on so much. The main thing I'd add -- as a takeaway from the protest is how hard it is to get the message out of what's actually happening, which I think we all knew when we went to the protest, that that's been a pattern in American history to hide the reality of, how the people not in-- how people in power are treating, people not in power, especially black people. But being at the protest, I was just,-- and being arrested illuminated in a new way. So, while we were being-- so we were all arrested on the night of the biggest march in Houston. And so that morning, our police chief was walking hand in hand with George Floyd's family and other people. And that was our protest, right? That was the protest against police violence, but our police chief was leading. And so that was acceptable. But when we stayed out after, even though it was totally peaceful, that became unacceptable. So, I was arrested in a big group. But we were all standing on the sidewalk. There was no warning to disperse. And then we were kettled in from both sides, about 50 to 100 people. And, as we were being like, pushed into this tight circle, police out, beating people on the edges, slamming people against a brick wall, we were sending videos, right? Everyone being arrested was sending videos to our friends. And at the same time, the police chief and mayor were on CNN talking about how peaceful Houston was and how it's so different.

And that narrative just continued. And once they put that narrative out there, I don't think it ever-- like, I don't think most of Houston still knows what happened during those protests. And, to call it a peaceful protest, yeah, well, there's like clear physical violence against the protestors. And then, they arrested hundreds of people in the middle of a pandemic and brought us all to, the jail, which was one of the known COVID hotspots, so and then as Yasmine explained, so much mental abuse. Uh, we weren't allowed to sleep or eat or drink. People weren't allowed their medications. Everyone was arrested for minimum of like 20 hours. Some people in there-- I think, Jessica, you were there for three days, and yeah. And we were all arrested. And then later, after a lot of, uh, pressure, all the charges were dropped. And they were dropped because they said there was no actual grounds for arrest. And the response to that was everyone, like, patting the DA on the back

and the police chief on the back and mayor on the back, rather than the public or media questioning, like well, why did that ever happen in the first place? Like by dropping the charges that the whole thing was erased. But everyone, you know, still went through that trauma, missed work, missed paying their rent, and so on. So, yeah. I think that's all. Thank you.

Sarah Guidry

Thank you. When I first met these ladies, the reason for our meeting was because we realized that our laws here in Texas, all of them, had an arrest record. And some of them expressed concern about being able to get housing. I think somebody was trying to move into an apartment shortly. I think, somebody was looking at getting a professional license. So, it's a real concern. I mean, your record isn't automatically clear just because they drop the charges. So, the impact, the DA's, you know, as far as patting on the back, for dropping those charges, it still hasn't erased everything that's impacting the protestors. So, we have to think about that. They faced the height of COVID and were with people without masks. And it's just very telling and, and I think this kind of wraps up the session. And I'm going to start out with the Q&A. But I think this emphasizes the whole reason for this particular panel was to talk about how police use brutality against people when we're fighting against brutality. Something about that is just not right. So, we need to look at changing the protections on the First Amendment and other things. So, Larry, I'm going to get out my soapbox before I go any further. I'm going to ask a, a question too, and we'll start working on the wrap-up. We have a question here that says, the bulk of the information provided in reform effort awareness often includes a disproportionate level of content which identifies the plight of oppression. In light of such, to what extent should reform effort awareness include information that highlights the use of effective remedial strategies? And I don't know if anybody wants to take a shot at that or what your thoughts are about--

Nikeyla Johnson

Earlier, I was watching the panel and what was said was, in order to address a problem, you first have to admit that it exists. You have to recognize that problem. And the problem in America has been that America has failed to recognize the problem with racism in this country. The problem with white supremacy, which is embedded in the fabric of this nation. And so, because this system has existed for so long, people have been disenfranchised for so long, it's going to take a long time to restructure and rebuild that system. You can't talk about prison reform without talking about providing jobs. You can't talk about prison reform without talking about providing equal education, equal opportunity. You can't talk about prison reform without talking about providing housing, vending opportunities, business opportunities to people who have historically been disenfranchised by this nation. So, you know, I think that it starts in each community with us coming together and trying to bring awareness to what's going on and trying to work as a group to have some of these laws change that affect us disproportionately. For instance, earlier, Larry Taylor was saying, "Hey, you need to reach out to your senators. You need to reach out to your representatives. You need to write them. You need to address the issues that are going on and demand that they get involved with changing some of this legislation," because these, these congressmen and women are sitting there in DC getting paid to do nothing.

I mean, we all saw, earlier this year, they left and went on Christmas vacation while people were losing their homes. People had lost jobs, couldn't feed their children. We have to hold them accountable, number one. As far as this criminal justice system, I mean, we need to dismantle this thing completely and build it back up. That's one of the issues that we're talking about right now with this police brutality, these protestors rights. There are cases across the country that demonstrate that the KKK has infiltrated several police forces across the nation. The KKK has infiltrated the military. So, when you have a white supremacist, a racist vigilante with a gun and a badge, a regular citizen is no match for that. We have to start where the problem lies and it's with the fabric of this country and with dismantling prejudice, racism one by one. And I think it's something we can start to do on a(n) individual level where we encourage those around us to-- "Hey, like, if somebody is around you and they're, they're treating someone badly due to their race or whatever, you confront them and tell them, 'Hey, that's not cool.'" Each one teach one.

Sarah Guidry

Thank you. And I would just add, we talked about some effective remedial, strategies, starting with eliminating qualified immunity, holding other police officers responsible for behavior of, of their colleagues. We talked about cite and release policies to reduce the interactions between the police and citizens where they can't have the discretion to arrest them after they stop them, for a traffic ticket and they're smoking a cigarette in their own car. So, there are a lot of things that are being worked on. There's a lot of things that are being done or looked at on a national level as well as localities across the country. So, with that, we are at the end -- the remainder is a Q&A. If anyone has any additional questions--

Larry Taylor

Yes. I do have a question. And then, also it's going to be directed towards, Chris because Chris talked a little bit about, Say Their Names and the-- not just the podcast but, Chris also has a program on one of the new technology platforms. And I'm a little older, so, Chris, if you could, educate us on those. And then, also, talk about the, the issues and how some of your callers-- your families span past African Americans or black people. Can you talk a little bit about all the spectrums that you've had on your platform?

Chris Colbert

Sure. Yeah. Thank you for that. And, yeah, our Say Their Name series, the podcast, was focused on all black individuals. And now, Clubhouse, the new social media app - and I'll, I'll give a little bit more information on that in a second - is where we've now been able to expand that conversation to, you know, bring in our Latino brothers and sisters and other marginalized communities that are facing these same situations. And so, with Clubhouse, Clubhouse is this new social media platform that essentially is kind of like being in a convention hall, audio only. There's no video. There's no chat mechanism. It's just people on a stage like we're doing here, but we don't have that visual. And then, as a moderator, you can then allow people to come up and speak and bring them back down. And so, we've been using that platform to allow families to come and speak directly to audiences and let them tell their story, let them talk about who their loved one was, because it's very important for us to understand who these people are as human beings, but then for them to literally tell the audience, like, "This is what I need." Not all these families need money. Some of

them need a petition signed. Some need--, we were talking to a family this past Tuesday, all about how they just need someone to go to the train station where their, their loved one was killed and make sure the memorial doesn't get taken down. So there's little things that you don't think about where, if you don't talk directly to the family, you don't know how to support them. And so, what we're doing with this Clubhouse platform, this community that we're creating called, the Say Their Name Club, we're creating a community that is there to support them. And, literally, every time we, we host one of these rooms, there's people in the audience who say, "Hey, I live in the community. I'm willing to help. Hey, I have this resource. I have this network person. Let me help out." And so, this is where we've now taken this fight. I think social media has given us a new ability to connect around the world and help solve problems.

Larry Taylor

Thank you, Chris. Now, there was a mention earlier on about the, the difference between how the protestors in the months of the Black Lives Matter protest after George Floyd were treated and how the members -- or the individuals that stormed the Capitol were treated. And I would love to hear Dr. Brown talk about how she felt when she marched and then looking at the disparity of-- or the, the difference between those who, who went or sieged-- put siege onto the Capitol. Dr. Brown. Jessica.

Jessica Brown

I'm sorry. Well, personally, we weren't too-- well, myself particularly, I wasn't too shocked or alarmed because, as we've talked about and, and had mentioned from, you know, participants here, like, it has been so systematic that protestors of any type of, um, resistance against systemology that k-keeps certain things in place that have run our country for so long, anybody that goes against any type of traditional Western systemology, which Western really equates to white supremacy and not just white, elite white supremacy, anyone who goes against that type of ideal is always going to be met with extreme force. We saw it from the reconstruction era when you had black townships who were thriving more than any other times or any other type of person, at that time who had their townships raided and the first true rights were created. From that moment on, from the civil rights to Black Panthers to any group-- I mean, you can look at even hippies in the Vietnam War. If it is something against the systemology of white elite progression, you are going to be met with force. And that means we don't care about you. You don't matter and you're going against my agenda. And I think a lot of the problem is the fact that we don't highlight that ideal like Attorney Johnson was saying. With us putting so much emphasis on the plight of oppression when we're talking about reform effort awareness, it is because the plight of the oppression is wrapped up in that reform effort. The reform effort has to come because you have to stop oppressing us through your laws, your legislation, through your leaders, through ways that have been used to keep minorities and other different disenfranchised people down. You have to stop coming against us and we need the highlight on that oppression because, systematically, that is why we are continuing to have the practices that we're having in our country like what you saw on Capitol-- with the Capitol Hill, invasion. Those people were not going against the white elite supremacist systemology. So, of course, they're not going to be attacked or met with the force that others who are going against that systemology are met with. You are going to continue to see what we saw back in the '60s because we're still living in the same systematic oppression. I mean, we really are. The only

difference is they are now enforcing laws that they were really supposed to enforce back in the '60s. I mean, Brown v. Board happened in 19-- what? '54? But you still had children even in our own city, in Houston, who weren't able to integrate into Houston schools because we weren't enforcing laws. They were there but they weren't being enforced. So the problem is, how much more different is what we are living in today? We have laws in all kinds of things enforced to protect us as citizens. We thought our constitutional right protected us as citizens to protest that day. But we were still met with unconstitutional force. Our families still didn't know where we were for the past 24 hours after arrest. We didn't know where we were.

So, I mean, again, if we don't highlight the facts that that systematic protection for elite persons is why and how our country is run in all kinds of systems, from education to legal processes to assistance from government agencies, all kinds-- immigrations, if we don't look at and, and start coming to terms with the fact that our country has been built to protect elitism, we're not going to protect the two people-- or not the two people. We're not going to be protecting all citizens. That is why you have citizens who feel so emboldened and feel so entitled to go off and do what they did because they know as long as I'm supporting this elitist idea or ideal, I'm protected. It is the same thing with that blue badge of silence. That is why black bodies still lay in the street, because I am protected under this shield of elite supremacy that created me, 'cause let's not forget, in the slave codes, that is why you created these slave patrols, i.e., police officers, who are still taking us away in paddy wagons. That was why they were created. So, I am still operating in my systematic function. I'm just now doing it in 2020.

Larry Taylor

Dr. Brown, thank you very much. And I want to make sure that we give an opportunity, to my friend Sarah Guidry, to talk about the Earl Carl Institute and ECI and what they do and how they work with individuals like Miss Selle, Miss Davila, and Miss Brown and making sure that we make changes. And I want everyone to understand, that the comments that Ms. Brown has just made is the exact reason why we're here. This is not a platform where we will just be talking, and it will be words in the wind. This is actually a symposium, to put together action that is taking place. If you continue to stay in contact with this platform, you'll be updated as fast that's concerned. And before Miss Guidry speaks, I'll be coming back - so don't go away - to talk about the CLE credits and how you can get credit for being on today's, uh, webinar. Miss Guidry.

Sarah Guidry

Thank you, Larry. And I want to thank Larry for giving us the privilege of being able to work on producing this particular very important discussion and conference. The Earl Carl Institute, as I said earlier, is a research writing and advocacy think tank at Thurgood Marshall School of Law Texas Southern University. We work on bringing about systemic change through legal representation, community education, policy advocacy, and research and writing. And we've been very much invested in looking at transformation. We talk about things, about a lot of times, I'm in meetings and they talk about training. Let's get all the police to have implicit bias training. I think that we've learned over a few years that that racism is real, that racism is loud, and that we saw it come back the moment a black person took leadership of this entire country. So, it's not going to just be training and trying to change people's hearts and minds. We need to do that. But it's going

to be working on real reforms. Reforms not only for the people out protesting, reforms not only for the criminal justice system or adult system, but I work on a lot of reforms as it relates to children. I had a(n) elementary school child sent to the police for a counterfeit bill that turned out to be real. Thank God it was elementary school, or she may have gone the same way as the gentleman we heard about today.

So, we're very passionate about the work that we do on trying to create reform. We try to address everything where there's a disproportionate, ratio, either over or under in terms of African American representation in certain systems, as well as disparate outcomes. And our work also helps to educate new attorneys, young attorneys, law school students about public interest and civil rights and how important that is for us to all engage in that. And like Attorney Johnson, I have been profiled by the police. I have been pulled over twice, for no reason. But, uh, a bar card helps. A bar card didn't help my son though. He actually ended up in jail. So, I would encourage anyone, if you've enjoyed this seminar, please reach out to the Earl Carl Institute if you would like more information, if you would like to volunteer your time, if you would like to be involved in things like this, in this movement in this moment, you can reach us at earlcarlinstitute.org. As part of this conference, we're also going to be publishing a journal to be used to promote policy change on a federal, state, and local level. We'll be publishing multiple articles. We want to not just have academia, which we will, but we'll accept essays. We'll accept other position papers or white papers. And we want to use those because the time is now.

Larry Taylor

Thank you, Sarah. And thank you all who participated and assisted in getting this program started. We're going to wrap it up with some brief comments between myself, and Dean Bullock. And, once again, thank you all. And for all of you guys listening, remember, whether you're a lawyer, whether you're young you're seasoned like myself, you have a voice and you have an opportunity to make a difference. What are you going to do in order to do so? And so, I also want to thank, the American Association for Justice, uh, AAJ. You can learn more about AAJ at www.justice.org. For you young attorneys, it is a wonderful resource, uh, to sharpen your knives and to also grow yourself as a lawyer and grow your practice. It's been a tremendous benefit to me, as a young lawyer and as I continue in my practice. So, I encourage you to do that. I also want to go back and thank, the AAJ, uh, Robert L. Habush Endowment for sponsoring this particular program. Mr. Habush was a Wisconsin attorney who believed that every voice should be heard, and the courtroom should be open to all. And that's what we all really want here is to have access to justice, through the courtroom and have our peers make the decisions as far as the harm that has proceeded or has happened to us or our family members. So, saying that, please go ahead and click over to the next session. I look forward to seeing everyone there. And thank you to our, our presenters today. I was encouraged by all the words, that all of you women and you young man, have stated today. So, thank you and have a blessed day.

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Guide To Protesting In Texas: What You Need To Know





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If ever there was a time Americans are exercising their rights as citizens, this is it. 2020 has seen thousands of protests across the country with individuals joining forces to advocate for civil rights, public health and economic equality.

At the end of May, the nation watched cell phone video of a police officer kneeling on the neck of George Floyd, for eight minutes, until he was dead. Floyd's death, one in a string of deaths of African Americans connected to **police brutality** in recent months, was the last straw. It set off protests across the country that are still ongoing.

This spring and summer, because of the frustration over the national stay-at-home orders and the failing economy during the pandemic, small business owners stepped out in unison demanding leaders "reopen" the economy so they could save their livelihood.

In August, teachers from coast-to-coast, took to the streets and through digital platforms, voicing their fear and frustrations of the government's decision to reopen schools while the COVID-19 virus is still not under control.

Young people carry the torch when it comes to demanding change. Historically, college-aged young adults led movements to change the status quo, dismantling the oppression of disenfranchised people, i.e., the civil rights movement and protests of the Vietnam war. The demands for change by young adults are still happening today. In Texas, earlier this month, Southern Methodist University (SMU) students and

members of the Highland Park community joined forces in **protest over inequities** facing African Americans in the Dallas area. SMU students asked administrators to look into racism reports on campus and create more funding for black students.

It is indeed every Americans' and every Texans' right to protest. For proof, just look at the Texas Constitution, Article I, Section 27, where it states, "The citizens shall have the right, in a peaceable manner, to assemble together for their common good."

However, it is important protestors stay safe and within the law. So before you mask up and hit the street, here are some guidelines for protesting in Texas.

Who can protest?

Every American citizen has the right to assemble peacefully and air their grievances, but these rights are not unconditional. Because government officials need to maintain public safety and order, protest activities may be restricted.

For non-citizens, it could be more challenging to engage in protests. Due to the September 11 terrorist attacks and the subsequent creation of the Patriot Act, non-citizens are subject to police scrutiny. The act allows surveillance and investigation of those who are not permanent residents concerning "domestic terrorism." Therefore immigrants who engage in protests should be aware of law enforcement's increased authority.

What if my views are controversial?

No matter how controversial your opinions are, even critical views of the government, citizens always have a right to express themselves. They can express them through writing, art or verbally, including with others at group protests. However, if the views incite imminent lawless action and violence during a protest, law enforcement can

act.

Where can you protest?

Citizens can hold protests at what are traditionally called “public forums.” These include public streets, sidewalks and parks. You can also protest on public plazas found at government buildings.

It is essential to understand the different regulations associated with government properties before organizing a protest. For example, many government-owned properties are leased by private groups (think museums, foundations and historical societies). To protest on these types of public/private properties, you must have permission from the person or entity leasing it. If they grant permission, remember, they are allowed to set rules for the speech given on the property.

Do I need a permit?

If you know your event will draw a crowd, make sure you understand the location’s restrictions. You don’t need a permit to march in the streets and sidewalks if traffic is not obstructed but be prepared for police officers to ask you to move to the side to let others pass.

If your event is a march, parade or rally requiring a street closure or requires blocking traffic, a **permit will be necessary**. Also, if you need large audio equipment, you can expect to file the required paperwork.

Remember, this is your government. A permit cannot be denied because of the controversial subject matter or the expression of unpopular views. If a fee is required, the governmental entity should work with you if you can’t afford it.

The more planning you do, and communicating with your local government on the specific requirements, the more successful the protest will be.

Have you heard the term dispersal order?

As long as you are protesting on public property, not interfering with traffic, and have public safety in mind, law enforcement should work with you. A dispersal order comes into play when the protestors are deemed hazardous.

Police do have the right to issue a dispersal order if the gathering is holding a public safety and present danger of a riot, interference with traffic or a threat to the physical safety of those in the area. Yet, at the same time, shutting down a protest through a dispersal order should be law enforcement's last resort.

If the police tell you that the protest must disperse, they must provide a detailed notice of the dispersal order and allow a reasonable and clear amount of time for participants to comply. They must also give the protestors an exit path with no blockage by law enforcement.

Other protesting tips to consider

Counter-protesters also have the right to free speech. Police must treat protesters and counter-protesters equally. Police are permitted to keep antagonistic groups separated but should allow them to be within sight and sound of one another.

When you are lawfully present in any public space, you can photograph anything in plain view, including federal buildings and the police. On private property, the owner may set rules related to photography or video.

Be conscientious about your actions. Don't argue. Anything you say or do can be used

against you. Arguing or fighting may give police an excuse to arrest you.

If you are stopped on foot and have not been detained, you don't have to answer officers' questions. The police may pat down your clothing if they suspect that you are concealing a weapon. Don't resist or touch the officer, but clarify that you don't consent to any further searches.

If the police detain you, you may be required to provide your name. Ask if you are under arrest. If so, **ask to see a lawyer**. If not, ask if you are free to leave.

If you think the police have acted outside their authority, don't protest or resist on the scene. Write down officers' names, badge numbers, and patrol car numbers. **File a written complaint** with the police and the American Civil Liberties Union (ACLU).

At the Cochran Firm Texas, we care about you having the voice you deserve. **Contact us here**, via our online chat or at 800-843-3476 for a free review and initial discussion of your issue.



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Nikeyla is an attorney with the Cochran Firm and is licensed to practice in Texas and California. She focuses her practice on civil litigation in the areas of personal injury, employment discrimination, police brutality/excessive force, and business and entertainment matters.

Comments for this article are closed, but you may still **contact the author privately**.

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