

FREEDOM  
FORUM



# Freedom of Assembly

*Congress shall not  
respecting an  
religion, or pro  
exercise thereo*

# LESSON PLAN: FREEDOM OF ASSEMBLY

## Lesson question:

Can the government regulate when, where and how people assemble?

## Lesson summary

In this lesson, students will explore the First Amendment’s protection of freedom of assembly and the ways in which government officials can limit this right. Students begin by looking carefully at the language about assembly in the First Amendment and learning about the basic reasons for this freedom. Then, students learn about different kinds of assembly forums through summaries and images. Students then dig deeper by learning about time, place and manner regulations. Finally, students use U.S. Supreme Court cases to further their understanding before applying their learning to a series of scenarios related to limits on freedom of assembly. Students end by summarizing the key ideas and reflecting on the importance of freedom of assembly.

## Lesson objectives

### Students will be able to:

- Identify and define permissible limits on freedom of assembly, including forum types and time, place and manner limitations
- Explore and analyze court cases associated with freedom of assembly
- Apply their understanding of permissible limits on freedom of assembly to specific scenarios by determining how assembly is being limited and whether the limitation is constitutional
- Identify and explain the ways in which freedom of assembly can and cannot be limited
- Reflect on the importance of assembly in their own lives

## Lesson materials

- Student handouts for introduction, activities 1-3, and wrap-up
- Scissors

## Lesson sequence

1. Introduce students to the lesson question: “Can the government regulate when, where and how people assemble?”
2. Distribute the **introduction handout**. Have students identify and think about the key words in the text of the First Amendment associated with assembly. Then, read the introduction.
3. Distribute the **handouts for Activity 1**. Have students read the forum summaries and label each with the correct forum. Then, direct students to the images and ask them to match each image to a forum. Ask them to find evidence within the image or image summary to support the connection to the

specific forum. Write the forum down under the image. Use the sorting activity on Slide 6 to reinforce their understanding.

4. Distribute the **Let's learn more! handout** and **handouts for Activity 2**. Read about public forums and time, place and manner restrictions together. Then, have students read the Supreme Court case summaries. The teacher could complete the first case with students and have students complete the other three cases on their own. Instruct students to complete the "Check your understanding" section under the *Ward v. Rock Against Racism* case.
5. Distribute the **handout for Activity 3**. Have students apply their learning, using the forum definitions, time, place and manner chart, and court cases to analyze the provided scenarios. This should be done as a jigsaw, having student groups do one or two scenarios each.
6. Distribute the **wrap-up activity**. Have students identify two constitutionally permitted ways to limit assembly and two methods that would be unconstitutional. Have students end by reflecting on the importance of assembly and association in their own lives.

## Introduction: Freedom of Assembly

### Lesson question:

Can the government regulate when, where and how people assemble?

### WHAT DOES THE FIRST AMENDMENT SAY ABOUT FREEDOM OF ASSEMBLY?



**Circle** important words in the text.

What do those words say about the freedom to assemble?

\_\_\_\_\_

What does “peaceably” mean? \_\_\_\_\_

Why would people want to assemble? \_\_\_\_\_

\_\_\_\_\_

Congress shall  
make no law ...  
abridging ...  
the right of  
the people  
peaceably to  
assemble.

### Introduction to freedom of assembly

The First Amendment to the U.S. Constitution guarantees the right to peacefully assemble. This right is foundational to democracy, empowering people to come together to collaborate, express dissent, celebrate and seek accountability from the government. However, this right is not absolute. Many Supreme Court cases have focused on how to balance the freedom to assemble with public safety and other considerations.

Freedom of assembly ensures that people can gather peacefully to express their opinions on any issue, even if some may find their views unpopular or controversial. This right is closely connected to other First Amendment freedoms, including speech, press and the right to petition the government.

Unlike other First Amendment rights, the collective nature of assembly requires people to come together. Courts have interpreted this freedom to include freedom of association, meaning the right to organize as a group.

<b>Why is freedom of assembly important?</b>	<b>Can it be limited?</b>
<p><b>Purpose:</b> The right to assemble protects people’s ability to gather to express dissent or support for a cause.</p> <p><b>Scope:</b> It applies to all peaceful assemblies, including protests, demonstrations, and public or private meetings.</p> <p><b>Historical significance:</b> This right has been instrumental in movements such as women’s suffrage and the Civil Rights Movement, where marches, sit-ins and protests led to significant legal and social changes.</p>	<p>Governments can impose reasonable regulations to balance freedom of assembly with public safety and order.</p> <p>The government cannot infringe on the right to assemble in private settings.</p>

## Activity 1: Defining and visualizing freedom of assembly

### Directions:

1. Cut or tear the three different explanations of the types of forums.
2. Review the explanations of the types of forums. Label them correctly.
3. Match them to the correct images and provide evidence to support your answer.

### Types of public forums

1. Traditional public forums
2. Designated public forums
3. Nonpublic forums

### Forum explanations

\_\_\_\_\_ Places like public parks and sidewalks where you naturally expect speech and expression to occur. Speech and expression are highly protected. The government can restrict only the content of speech or expression if it has a compelling interest in doing so, and the restriction is narrowly tailored to achieve that interest. The government can also set content-neutral restrictions on the time, place and manner of expression.

-----

\_\_\_\_\_ Places like public streets, the areas in front of government buildings, public events like state fairs and specific areas on public university campuses opened by the government for public expression. When opened to everyone, the rules applied in a traditional public forum also apply here.

Sometimes the space is opened to a particular group or for a particular purpose. This is called a “limited-purpose public forum” and most often involves meeting rooms in government buildings, including K-12 facilities and public university classrooms. The government has more control over speech here and can limit the topics discussed consistent with that purpose but still cannot discriminate based on viewpoint or message. It can also impose content-neutral time, place and manner restrictions.

-----

\_\_\_\_\_ Places like airport terminals, train stations, military bases, jails, and parts of government buildings and public classrooms that are not open for expressive activities. The government can restrict speech and expression here if the restriction is reasonable and viewpoint-neutral. It can also impose content-neutral time, place and manner restrictions.

## Activity I: Defining and visualizing freedom of assembly



(AP Photo/Seth Wenig)

**Summary:** A small group protests on the steps of New York City Hall, 2018.

Forum type:

Describe evidence:

## Activity 1: Defining and visualizing freedom of assembly



(AP Photo/Jeff Roberson, File)

**Summary:** Residents pack the council chambers for a City Council meeting in Ferguson, Missouri, 2016.

Forum type:

Describe evidence:

## Activity 1: Defining and visualizing freedom of assembly



(AP Photo/Michael Dwyer)

**Summary:** A group protests in Christopher Columbus Park in Boston, 2022.

Forum type:

Describe evidence:

## Let's learn more!

**Lesson question:** Can the government regulate when, where and how people assemble?



(AP Photo/J. Walter Green)

People protest the nation's role in the Vietnam War outside Fort Devens, Massachusetts, 1965.



(Marion S. Trikosko, photographer)

A large crowd of anti-Vietnam War protesters and military police gather in front of the Pentagon, 1967.

### How can the government regulate when, where and how people assemble?

The public forum doctrine is used to decide if speech restrictions implemented on different types of government property are constitutional under the First Amendment.

Traditional public forums are places like parks and sidewalks where speech and expression are highly protected.

Designated forums are areas – like public streets, the areas in front of government buildings, public events like state fairs and specific areas of public university campuses – opened by the government for public expression. In both traditional and designated public forums, officials can impose content-neutral time, place and manner restrictions. The government generally cannot restrict the content of protected speech or expression unless it has a compelling interest for doing so, and the restriction is narrowly tailored to achieve that interest.

Some designated public forums – often government meeting rooms and classrooms in K-12 and public university buildings – are opened for a specific purpose, speaker or topic only. In these areas, known as “limited-purpose public forums,” the government can limit the topics discussed to those related to the purpose of the event or meeting and impose other reasonable restrictions on speech but cannot discriminate based on viewpoint. The government can also impose content-neutral time, place and manner restrictions.

Nonpublic forums – like airport terminals, train stations, military bases, jails, and spaces in government buildings that are not open for expressive activities – are places where protest is not generally allowed. The government can restrict speech and expression here if the restriction is reasonable and viewpoint-neutral. It also can impose content-neutral time, place and manner restrictions here.

In practice, the distinctions between forum types are not always clear, and there can be overlap. When a case calls for reviewing forum types, courts review in detail the space, its history and its usage to determine where in the forum framework the specific space in question fits.

In *Hague v. Committee for Industrial Organization* (1939), the Supreme Court recognized that streets, parks and other public places have long been open for public assembly and the discussion of public issues. Two years later, in *Cox v. New Hampshire* (1941), the court held that the government may require permits and set reasonable rules to ensure order and safety, as long as it does not silence speech because of its message.

Known as the public forum doctrine, this framework is used by courts to decide whether groups should have access to engage in expressive activities on government property.

When the government sets rules on how public spaces are used for gatherings or protests, it must treat all viewpoints fairly. Regulations known as time, place and manner restrictions are the most common form of regulating gatherings. They allow the government to reasonably limit when, where and how people can exercise their rights, even in public forums. For example, a peaceful protest on a public sidewalk near a residential area may nonetheless be subject to time, place and manner regulations, such as prohibiting the use of loudspeakers or prohibiting protesting after 10 p.m.

## Time, place and manner restrictions

Time	Place	Manner
<p>Restrictions regulate <b>when</b> people can express themselves.</p> <p>For instance, protests on public streets might be limited during commuting hours while protests in residential areas might not be allowed to occur overnight.</p>	<p>Restrictions regulate <b>where</b> the expression can occur.</p> <p>For example, the government might restrict crowds that block traffic or sidewalks or reasonably regulate protests that disrupt critical institutions like hospitals, schools, houses of worship or national parks.</p>	<p>Restrictions regulate <b>how</b> people can express their views.</p> <p>This might include limiting the use of loudspeakers, regulating crowd sizes, or prohibiting certain items like large signs or banners for safety purposes.</p>

Note that it is rare for a government restriction to be based on only time, place OR manner; it will usually involve two or three of these characteristics.

## Types of public forums

Traditional public forums	Designated public forums	Nonpublic forums
<p>Places like public parks and sidewalks where you naturally expect speech and expression to occur. Speech and expression are highly protected. The government can restrict only the content of speech or expression if it has a compelling interest in doing so, and the restriction is narrowly tailored to achieve that interest. It can also set content-neutral restrictions on the time, place and manner of the expression.</p>	<p>Places like public streets, the areas in front of government buildings, public events like state fairs and specific areas on public university campuses opened by the government for public expression. When opened to everyone, the rules applied in a traditional public forum also apply here.</p> <p>Sometimes the space is opened to a particular group or for a specific purpose. This is called a "limited-purpose public forum" and most often involves meeting rooms in government buildings, including K-12 facilities and public university classrooms. The government has more control over speech here and can limit the topics discussed consistent with that purpose but still cannot discriminate based on viewpoint or message. It can also impose content-neutral time, place and manner restrictions.</p>	<p>Places like airport terminals, train stations, military bases, jails, and parts of government buildings and public classrooms that are not open for expressive activities. The government can restrict speech and expression here if the restriction is reasonable and viewpoint-neutral. It can also impose content-neutral time, place and manner restrictions.</p>

## Activity 2: Using Supreme Court cases to understand freedom of assembly

**Directions:** Read each of the case summaries. Highlight the key ideas. Determine why this case is important for freedom of assembly and write down your reason in the provided space.



(AP Photo/Gene Herrick)

### Court case #1: NAACP v. Alabama (1958)

**Facts of the case:** In the 1950s, Alabama sought to stop the NAACP from operating in the state, claiming it had not complied with a business registration law. After the state disagreed with some of the Alabama NAACP's actions, such as petitioning courts to ensure admission of African American student Autherine Lucy (at left) to the University of Alabama, the state demanded the organization submit information about its members. Turning over the membership list would have exposed its supporters to threats and retaliation.

**Legal question:** Did Alabama's demand for the NAACP's membership lists violate the group's First Amendment right to freedom of association?

**Outcome:** The Supreme Court unanimously ruled in favor of the NAACP, finding that forcing the organization to disclose its members would discourage free association and expose people to potential harm.

**Impact:** The decision strengthened privacy protections for advocacy groups, ensuring that the government cannot require disclosure of membership lists in a way that suppresses speech or association. This case was critical in protecting civil rights activists from harassment and intimidation.

Write down a key idea about freedom of assembly from NAACP v. Alabama:

---



---



(Cecil Williams/Claflin University via Getty Images)

## Court case #2

# Edwards v. South Carolina (1963)

**Facts of the case:** In 1961 during the Civil Rights Movement, 187 African American students organized a peaceful protest against racial segregation in South Carolina. They marched to the statehouse, singing hymns and carrying signs, before being arrested for "breach of the peace."

Attorneys Matthew J. Perry and James Nabrit III (front row, second from left and second from right) defended student protesters in the case.

**Legal question:** Did the arrests violate the students' First Amendment rights to freedom of speech and assembly?

**Outcome:** The Supreme Court ruled in favor of the students, stating that their arrests were unconstitutional. Justice Potter Stewart, writing for the majority, emphasized that the First Amendment protects the peaceful expression of all views, even those that some might find unpopular.

**Impact:** This case set a crucial precedent, affirming peaceful protesters cannot be punished for expressing unpopular or controversial messages. It reinforced the principle that the government cannot silence dissenting voices to maintain social order.

Write down a key idea about freedom of assembly from Edwards v. South Carolina:

---



---



---



---



(Photo by Bettmann/Getty Images)

## Court case #3

# Shuttlesworth v. City of Birmingham (1969)

**Facts of the case:** The Rev. Fred Shuttlesworth planned a civil rights march through Birmingham, Alabama. A city ordinance required anyone organizing parades or processions to obtain a permit. Shuttlesworth applied for a permit, but the city denied his request. Despite not having a permit, Shuttlesworth led a march with 52 others without violating traffic laws. Shuttlesworth was arrested, tried, convicted, fined and sentenced to hard labor.

**Legal question:** Was the Birmingham permit ordinance that afforded the city virtually unlimited discretion for issuing permits unconstitutional because it was overly broad? Was the city engaging in viewpoint discrimination that violated Shuttlesworth's First Amendment rights when it denied his permit request?

**Outcome:** The Supreme Court held that the criteria in the city's permit ordinance were overly broad and unrelated to the city's regulation of public streets and sidewalks. It held that picketing and parading may involve First Amendment-protected forms of expression and therefore cannot be "wholly denied." Quoting an earlier case, *Hague v. Committee for Industrial Organization*, Justice Potter Stewart wrote, "Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." The court also noted that time, place and manner regulations were necessary for public safety, but that government officials must enforce them in a nondiscriminatory manner.

**Impact:** This case set an important precedent that the government cannot deny protesters permits based on their message or viewpoint and that it cannot wholly deny picketing and parade permits since these activities involve First Amendment-protected forms of expression.

Write down a key idea about freedom of assembly from *Shuttlesworth v. City of Birmingham*:

---

---



(Photo by Evening Standard/Hulton Archive/Getty Images)

## Court case #4 Ward v. Rock Against Racism (1989)

**What happened?** The Rock Against Racism concert series sued New York City after the city set a rule requiring concerts in Central Park to use the city's sound and amplification equipment. The people living near or using the park complained that Rock Against Racism's music was too loud.

In **Ward v. Rock Against Racism**, the Supreme Court held that the city's rules were reasonable. The court created a test to make sure time, place and manner restrictions are allowed under the First Amendment:

1. The rules must be **fair** and **neutral**. They cannot be enforced based on someone's words or opinions.
2. The rules must **protect an important public interest**, like keeping people safe or protecting others' rights.
3. The rules **cannot limit speech more than necessary** and must allow other ways for the same message to be expressed.

## Check your understanding! Which are acceptable limits on assembly?

**Directions:** Read the limit to decide whether it is an acceptable limit on assembly. Circle the right answer.

1. Discriminating based on viewpoint (e.g., allowing one group to protest but denying a group with the opposite perspective to protest)	Unacceptable OR acceptable
2. Requiring permits for large demonstrations	Unacceptable OR acceptable
3. Imposing excessive fees or vague permit requirements to discourage assemblies	Unacceptable OR acceptable
4. Limiting protests near sensitive areas, such as schools or hospitals, during operating hours	Unacceptable OR acceptable
5. Restricting the use of loudspeakers in residential neighborhoods at night	Unacceptable OR acceptable
6. Arbitrarily banning protests without a legitimate reason	Unacceptable OR acceptable

## Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums, and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

Freedom of assembly scenario #1	Circle ONE
<p><b>1.</b> A local government bans protests in residential neighborhoods between 10 p.m. and 6 a.m. to prevent noise disturbances during sleeping hours. Protesters argue this restriction violates their First Amendment rights.</p> <p><b>Question:</b> Is this restriction acceptable under the First Amendment?</p>	<p><b>Unacceptable</b></p> <p>OR</p> <p><b>acceptable</b></p>
<p><b>Explain your reasoning using your resources.</b></p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/>	

## Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

Freedom of assembly scenario #2	Circle ONE
<p>2. A city council prohibits protests that are close enough to hospital entrances that they disturb patients and staff. Protesters argue that this unfairly limits their ability to express their views.</p> <p><b>Question:</b> Is this restriction acceptable under the First Amendment?</p>	<p><b>Unacceptable</b></p> <p>OR</p> <p><b>acceptable</b></p>

**Explain your reasoning using your resources.**

---



---



---



---



---

### Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

#### Freedom of assembly scenario #3

Circle ONE

**3.** A protest group wants to use large loudspeakers to amplify their message at noon near a school, but a local ordinance prohibits amplification devices loud enough to disrupt classes within a certain distance of schools during the day.

**Question:** Is this restriction acceptable under the First Amendment?

Unacceptable  
OR  
acceptable

**Explain your reasoning using your resources.**

---



---



---



---



---

## Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

Freedom of assembly scenario #4	Circle ONE
<p><b>4.</b> A city allows pro-environmental protection protests in public parks but denies a permit for a group protesting environmental regulations, citing "controversial content."</p> <p><b>Question:</b> Is this restriction acceptable under the First Amendment?</p>	<p><b>Unacceptable</b> OR <b>acceptable</b></p>

**Explain your reasoning using your resources.**

---



---



---



---



---

### Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

#### Freedom of assembly scenario #5

Circle ONE

5. A city bans protests on one specific bridge due to safety concerns about blocking traffic but allows protests in nearby public spaces.

**Question:** Is this restriction acceptable under the First Amendment?

Unacceptable  
OR  
acceptable

**Explain your reasoning using your resources.**

---



---



---



---



---

## Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

Freedom of assembly scenario #6	Circle ONE
<p><b>6.</b> A city indefinitely bans all protests in public parks, citing the need to clean and maintain these spaces.</p> <p><b>Question:</b> Is this restriction acceptable under the First Amendment?</p>	<p><b>Unacceptable</b></p> <p>OR</p> <p><b>acceptable</b></p>

**Explain your reasoning using your resources.**

---



---



---



---



---

### Activity 3: Acceptable limits on freedom of assembly

Can the government regulate when, where and how people assemble?

**Directions:** In this lesson, you have learned about the restrictions that can be placed on the right to assemble, including the types of forums and about time, place and manner restrictions. You also learned about the impacts of *Edwards v. South Carolina*; *Shuttlesworth v. City of Birmingham*; *NAACP v. Alabama*; and *Ward v. Rock Against Racism*. Now apply your learning!

1. Read the scenario.
2. Review your resources.
3. Decide if the limitation is acceptable under the First Amendment.
4. Explain your reasoning based on your resources.

#### Freedom of assembly scenario #7

Circle ONE

**7.** A city imposes a \$5,000 permit fee for a protest, claiming it is needed to cover potential police presence and cleanup costs. The fee applies to all groups equally.

**Question:** Is this restriction acceptable under the First Amendment?

Unacceptable  
OR  
acceptable

**Explain your reasoning using your resources.**

---



---



---



---

## Wrap-up

### Lesson question:

Can the government regulate when, where and how people assemble?

**Directions:** Answer the lesson question by briefly explaining two ways that government officials MAY limit assembly. Then briefly explain two government limits that would NOT be permissible. Then reflect on the importance of freedom of assembly.

In what ways may the government regulate when, where and how people assemble?

Government officials **may** limit freedom of assembly by:

Government officials **may not** limit freedom of assembly by:

### Freedom of assembly and me!

The rights to assemble and associate help people socialize, organize and find common interests. They help us solve community problems and pursue our own happiness. Write down one group you belong to: \_\_\_\_\_

How would it change your life if a government official said you could no longer have this group?