

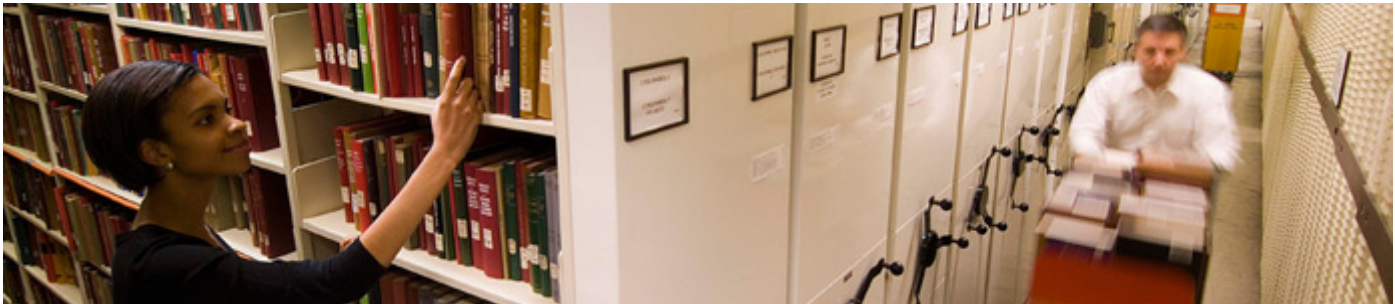
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Right to Peaceful Assembly: United States



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The First Amendment to the United States Constitution prohibits the United States Congress from enacting legislation that would abridge the right of the people to assemble peaceably.^[1] The Fourteenth Amendment to the United States Constitution makes this prohibition applicable to state governments.^[2]

The Supreme Court of the United States has held that the First Amendment protects the right to conduct a peaceful public assembly.^[3] The right to assemble is not, however, absolute. Government officials cannot simply prohibit a public assembly in their own discretion,^[4] but the government can impose restrictions on the time, place, and manner of peaceful assembly, provided that constitutional safeguards are met.^[5] Time, place, and manner restrictions are permissible so long as they “are justified without reference to the content of the regulated speech, . . . are narrowly tailored to serve a significant governmental interest, and . . . leave open ample alternative channels for communication of the information.”^[6]

Such time, place, and manner restrictions can take the form of requirements to obtain a permit for an assembly.^[7] The Supreme Court has held that it is constitutionally permissible for the government to require that a permit for an assembly be obtained in advance.^[8] The government can also make special regulations that impose additional requirements for assemblies that take place near major public events.^[9]

In the United States, the organizer of a public assembly must typically apply for and obtain a permit in advance from the local police department or other local governmental body.^[10] Applications for permits usually require, at a minimum, information about the specific date, time, and location of the proposed assembly, and may require a great deal more information.^[11] Localities can, within the boundaries established by Supreme Court decisions interpreting the First Amendment right to assemble peaceably, impose additional requirements for permit applications, such as information about the organizer of the assembly and specific details about how the assembly is to be conducted.^[12]

The First Amendment does not provide the right to conduct an assembly at which there is a clear and present danger of riot, disorder, or interference with traffic on public streets, or other immediate threat to public safety or order.^[13] Statutes that prohibit people from assembling and using force or violence to accomplish unlawful purposes are permissible under the First Amendment.^[14]

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^[1] The First Amendment states that “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*” U.S. Const. Amend. I (emphasis added), available at http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html.

[2] U.S. Const. Amend. XIV, § 1, available at http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html; see *Hague v. C.I.O.*, 307 U.S. 496, 512 (1939), available at <https://supreme.justia.com/cases/federal/us/307/496/case.html>. In addition to the protections afforded by the United States Constitution, nearly all of the fifty states include protections for the right of assembly in their state constitutions. See the state constitutions accessible through the Law Library of Congress' Guide to Law Online. *Guide to Law Online: U.S. States & Territories*, Law Libr. of Cong., <http://www.loc.gov/law/help/guide/states.php> (last visited Sept. 23, 2014).

[3] *Hague*, 307 U.S. 496.

[4] *Shuttlesworth v. City of Birmingham*, 394 U.S. 147, 150–51 (1969), available at <https://supreme.justia.com/cases/federal/us/394/147/case.html>.

[5] *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989) (quoting *Clark v. Cmty. For Creative Non-Violence*, 468 U.S. 288, 293 (1984)) (internal citations omitted), available at <https://supreme.justia.com/cases/federal/us/491/781/>.

[6] *Id.*

[7] *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 322 (2002), available at <https://supreme.justia.com/cases/federal/us/534/316/case.html>.

[8] *Cox v. New Hampshire*, 312 U.S. 569, 575–76 (1941), available at <https://supreme.justia.com/cases/federal/us/312/569/case.html>.

[9] Tabatha Abu El-Haj, *The Neglected Right of Assembly*, 56 UCLA L. Rev. 543, 551–52 (2009), <http://uclalawreview.org/pdf/56-3-1.pdf> (discussing temporary restrictions in the context of protests at political conventions and international conferences, such as requirements that protestors gather in specified areas and that they apply for permits six months in advance).

[10] *Id.* at 548 (describing the results of the author's survey of assembly permit requirements in twenty US cities).

[11] *Id.* at 548–49.

[12] For example, in Chicago, Illinois, an applicant for a permit for a public assembly must indicate (among other things) the date, time, and location of the proposed assembly; the name, address, and on-site manager of and twenty-four-hour contact information for the event organizer; and the estimated number of attendees and the basis for that estimate. Chicago Dep't of Transp., Notification of Public Assembly, http://www.cityofchicago.org/dam/city/depts/cdot/permit/Applications/Public_Assembly_Notification.pdf (last visited Sept. 19, 2014). In Los Angeles, California, an applicant for a permit must provide information about (among other things) the date, time, and location of the proposed assembly; the name, address, and telephone number of the sponsoring organization and an official of that organization; and a description of how the event is to be conducted, including public notification plans. *Special Event Permits Unit and Permit Application Information*, Los Angeles Police Department http://www.lapdonline.org/search_results/content_basic_view/6521 (last visited Sept. 19, 2014).

[13] *Jones v. Parmley*, 465 F.3d 46, 56–57 (2d Cir. 2006), available at <http://law.justia.com/cases/federal/appellate-courts/F3/465/46/544540/>.

[14] *Cole v. Arkansas*, 338 U.S. 345 (1949), available at <https://supreme.justia.com/cases/federal/us/338/345/case.html>.

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