

who will hold public office. Implied in the freedom of assembly is the right to associate by joining with like-minded individuals to pursue common goals. The freedoms of speech, press, and assembly would be nearly meaningless if one had to exercise them alone.

## Freedom of Assembly

Freedom to peaceably assemble is critical for the survival of a democratic political system. Yet this does not mean that people can assemble to advance their own political agenda whenever and wherever they please. The government may have competing interests that override such freedoms, such as keeping the peace, maintaining order, and protecting the flow of commerce. As a result, governments have the authority to impose “time, place, and manner restrictions” on the conditions of a political gathering.

The freedom of assembly cases that come before the Court typically reflect debate about the significant controversies of the day. During the 1960s, such cases arose from the often emotionally charged civil rights demonstrations in southern cities. In one case, police arrested nearly two hundred African American student demonstrators in South Carolina for refusing orders to disperse after an hour of peaceful protest at the state capitol building. The Supreme Court reversed the conviction, holding that a peaceful demonstration at the seat of state government was the proper way “to petition government for a redress of grievances.”<sup>69</sup> In later cases, however, the Court ruled that political assemblies in front of courthouses and jails were not constitutionally protected. The justices feared that protests in front of a courthouse to advocate a certain outcome for a trial could adversely affect the administration of justice and perceptions of the judicial system.<sup>70</sup> The Court ruled out peaceful demonstrations at a jail because jails, unlike state capitol buildings, are not typically open to the public because of security concerns.<sup>71</sup>

In the 1980s, the Court dealt with several cases stemming from confrontations between antiabortion protesters and supporters of a woman’s constitutional right to have an abortion. Many states and communities have passed laws to regulate demonstrations outside abortion clinics. The Court upheld the enforcement of noise restrictions and buffer zones around the clinics’ entrances and driveways, but not restrictions on signs or buffer zones to the backs and sides of the clinics.<sup>72</sup> The Court has also upheld a Colorado statute in 2000 that prohibited any person from approaching closer than eight feet to a clinic patient for the purpose of distributing literature, displaying a sign,<sup>73</sup> or engaging in oral protest, without the patient’s consent. But the 2014 *McCullen v. Coakley* decision held that a 35-foot buffer zone around an abortion clinic bars traditional public forum communication and face-to-face communication in situations where there is no threat of violence or congestion.

## Freedom of Association

The U.S. Supreme Court first recognized the implied right of freedom of association when southern states began to restrict the associational rights of civil rights groups. In the 1958 case of *NAACP v. Alabama*, the civil rights group appealed an Alabama law that mandated that the group turn its membership list over to a state agency. The Court struck down the law, arguing that disclosure of the group’s membership list in Alabama could lead to economic reprisal, loss of employment, physical coercion, and public hostility against the individual members. Later, the Court recognized the right of the NAACP to use litigation to further its goals by stressing that the First Amendment supports the vigorous advocacy of a group’s views.<sup>74</sup>

More recently, private organizations such as business clubs, fraternal organizations, and civic groups have tested their freedom to restrict membership on the basis of race, sex, or sexual orientation. Does freedom of association allow private groups to discriminate? Yes and no. In *Roberts v. United States Jaycees* (1984), the Court found that freedom of association is not an absolute right, nor does it pertain equally to all private organizations. It afforded smaller and more intimate groups—such as a married couple and families—as well as organizations espousing clear political and ideological views, the most protection. It ruled that the First Amendment’s protection of larger national organizations such as the