

# Educational Brief

## Guerrilla Assembly and Legal Protections for Religious Worship

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### Purpose

This educational document explains when protest activity—particularly activity directed at or near churches—may be classified as a *guerrilla assembly*, and how U.S. law balances the right to protest with the constitutional right to religious worship. It is intended for community leaders, churches, educators, and civic organizations seeking clarity, prevention, and lawful response.

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## I. Constitutional Framework

Two core constitutional protections intersect in this context:

- **Freedom of Religion** – protects the right to worship without interference, intimidation, or disruption.
- **Freedom of Speech and Assembly** – protects peaceful protest, subject to lawful limits.

U.S. courts consistently hold that **speech and assembly rights do not extend to conduct that disrupts or interferes with religious exercise.**

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## II. What Is a Guerrilla Assembly

“Guerrilla assembly” is a commonly used operational and legal term (though not always explicitly named in statutes) describing assemblies that are:

- Unpermitted or deliberately permit-evasive
- Strategically coordinated or surprise-based
- Designed to overwhelm, disrupt, or intimidate
- Targeted at a specific institution, event, or protected group
- Rapidly formed and dispersed to avoid enforcement

Such assemblies are often treated as **aggravated forms of unlawful assembly.**

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### III. When a Protest Near a Church May Qualify as a Guerrilla Assembly

A protest or gathering near a church may be classified as a guerrilla assembly when **multiple factors** are present, including:

#### 1. Intentional Disruption of Worship

- Timed to coincide with services or religious rites
- Noise, chanting, or conduct intended to interrupt prayer or ceremonies

#### 2. Lack of Required Permits

- Assemblies occurring without permits where permits are normally required
- Deliberate avoidance of permitting processes

#### 3. Targeted Intimidation or Harassment

- Focusing conduct on worshippers entering or leaving
- Filming, shouting at, surrounding, or singling out individuals

#### 4. Flash or Rapid Coordination

- Sudden appearance through online or messaging coordination
- Dispersal upon law enforcement arrival and reappearance later

#### 5. Obstruction of Access

- Blocking entrances, exits, sidewalks, parking areas, or emergency routes

#### 6. Defiance of Lawful Orders

- Ignoring lawful dispersal orders
- Repeated return after being removed or warned

When **two or more** of these factors are present, authorities often classify the conduct as: - Guerrilla assembly - Unlawful assembly - Disorderly conduct with aggravating factors - Interference with religious exercise

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### IV. Conduct That Is Generally *Not* a Guerrilla Assembly

A protest is less likely to be classified as a guerrilla assembly when it is:

- Properly permitted
- Conducted at a reasonable distance from the church
- Peaceful and non-disruptive
- Not timed to services
- Not targeting worshippers
- Compliant with time, place, and manner restrictions

Such activity is typically treated as **lawful protest**, even if unpopular or offensive.

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## V. Why Churches Receive Heightened Protection

Assemblies directed at churches receive heightened scrutiny because:

- Religious worship is a constitutionally protected activity
- Worshippers are considered a *captive audience*
- Many states criminalize disturbance of religious assemblies
- Intent to disrupt worship undermines First Amendment defenses

Courts consistently prioritize **the right to worship in peace** over disruptive protest tactics.

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## VI. Practical Classification Guide

Conduct	Likely Legal Classification
Surprise protest during services	Guerrilla assembly
Blocking entrances or exits	Unlawful / guerrilla assembly
Repeated flash protests timed to worship	Guerrilla assembly
Harassing or intimidating worshippers	Criminal conduct
Silent, distant sidewalk protest	Lawful assembly (case-specific)

## VII. Key Takeaway

A protest near a church **may legitimately be classified as a guerrilla assembly** when it is unpermitted, strategically coordinated, targeted, or designed to disrupt worship or intimidate congregants. Peaceful, distant, permitted, and non-disruptive protest generally remains protected.

Understanding these distinctions helps communities: - Protect religious freedom - Respond lawfully and proportionately - Prevent escalation - Document incidents accurately

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## Educational Notice

This document is for informational and educational purposes. It does not replace legal advice and should be supplemented with state and local law where applicable.