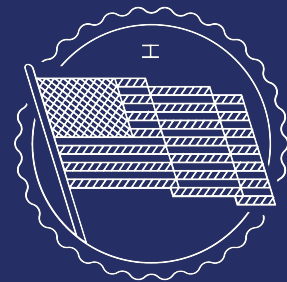


# FIRST AMENDMENT: ASSEMBLY AND PETITION



First Amendment:  
Assembly and Petition

We

THE  
People

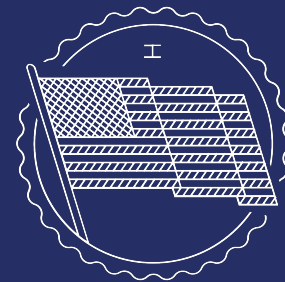
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# THE FIRST AMENDMENT AS A TOOL



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Assembly and Petition

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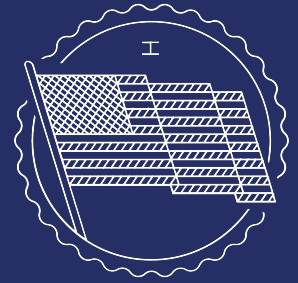
# THE FIRST AMENDMENT

The rights of conscience and opinion must be equally & completely exempted from government regulation.

CONGRESS SHALL MAKE NO LAW  
RESPECTING THE FREEDOM OF SPEECH,  
RELIGION, PRESS, ASSEMBLY, OR PETITION.



James Madison



First Amendment:  
Assembly and Petition

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# THE FIRST AMENDMENT



RELIGION

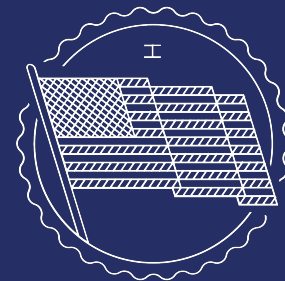
SPEECH AND  
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CLAUSE



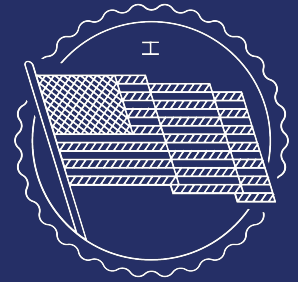
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# BIG QUESTIONS

- Why did the Founding generation include assembly and petition rights in the First Amendment?
- How did the Founding generation exercise their assembly and petition rights?
- How have constitutional movements throughout history used assembly and petition rights to push for constitutional change?
- How has the Supreme Court addressed assembly rights over time?
- What are some of the key constitutional debates over assembly and petition rights?
- How can you assert your rights to freedom of assembly and petition today?

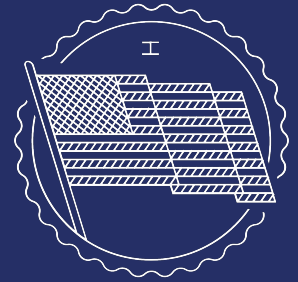


**First Amendment:  
Assembly and Petition**



# THE FIRST AMENDMENT

“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.””



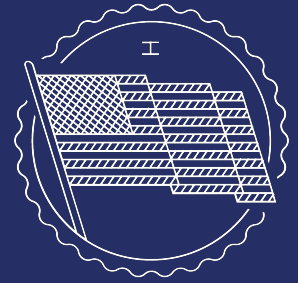
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# THE FIRST AMENDMENT

- First, the **freedom of assembly** protects our right to gather together with others in groups—whether as part of a political meeting, religious gathering, street protest, or parade.
- Second, the **right to petition** goes to our right to join together with others to share our collective views with the government—often by highlighting problems and suggesting ways of fixing them.



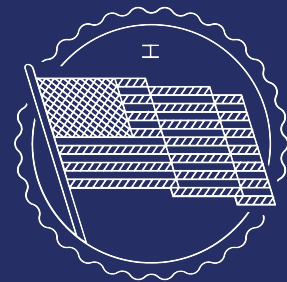
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# WILLIAM PENN



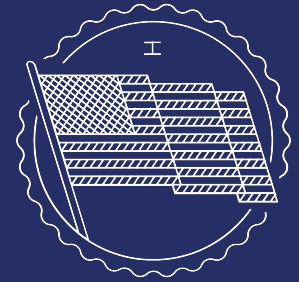
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# BUSHELL'S CASE — THE PENN/MEAD TRIAL (1670)



**First Amendment:  
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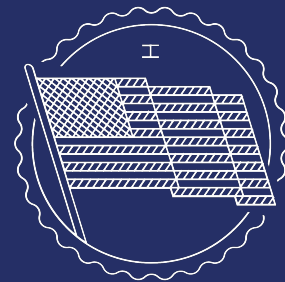


# BUSHELL'S CASE — THE PENN/MEAD TRIAL (1670)



William Penn, Age 22

“You are Englishmen;  
mind your privileges,  
give not away your  
right.”  
-William Penn



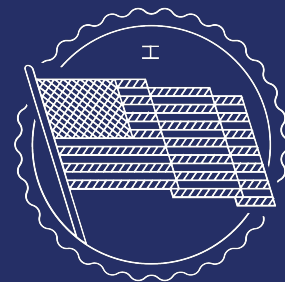
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# FREEDOM OF ASSEMBLY

The freedom of assembly protects our right to gather together with others in groups—whether as part of a political meeting, religious gathering, street protest, or parade.



**First Amendment:  
Assembly and Petition**

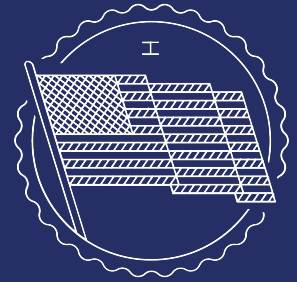
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# RIGHT OF ASSOCIATION



Bayard Rustin and Cleveland Robinson were key figures in planning the March on Washington.



First Amendment:  
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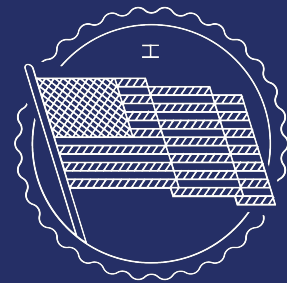
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# RIGHT OF ASSOCIATION

The assembly right is the only right in the First Amendment that requires more than a lone individual. You can speak alone. But you can't assemble alone. And while some assemblies occur spontaneously, most don't. For this reason, the assembly right extends to the prep work before the physical act of gathering.

In part to protect this work, the Supreme Court eventually recognized a “right of association.”



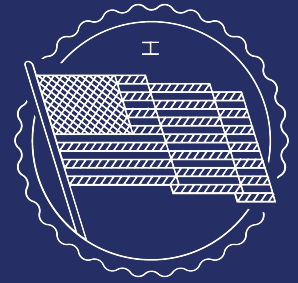
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# EXPRESSIVE ASSOCIATION

Groups are eligible for constitutional protection to the extent that their purposes and activities further some other First Amendment interest like speech, press, or religion.



**First Amendment:  
Assembly and Petition**

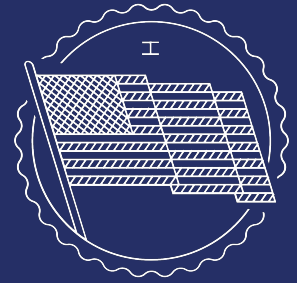
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# EXPRESSIVE ASSOCIATION

“Implicit in the right to engage in activities protected by the First Amendment” is “a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends.”

*Roberts v. United States Jaycees* (1984)



First Amendment:  
Assembly and Petition

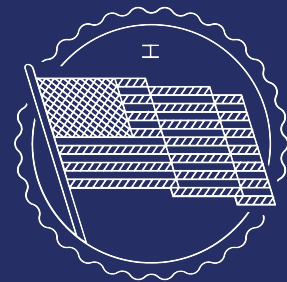
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## BIG IDEA

Protects dissenters and unpopular groups, all groups. E.g., religious minorities, unpopular groups, labor activists, civil rights groups, etc. This can even include the right to protest and picket a military funeral.



**First Amendment:  
Assembly and Petition**

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# DEMOCRATIC-REPUBLICAN SOCIETIES

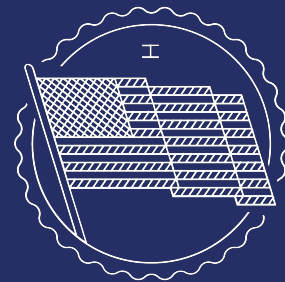


James Madison



Thomas Jefferson

Political organizations designed to build political opposition to the Federalist government.

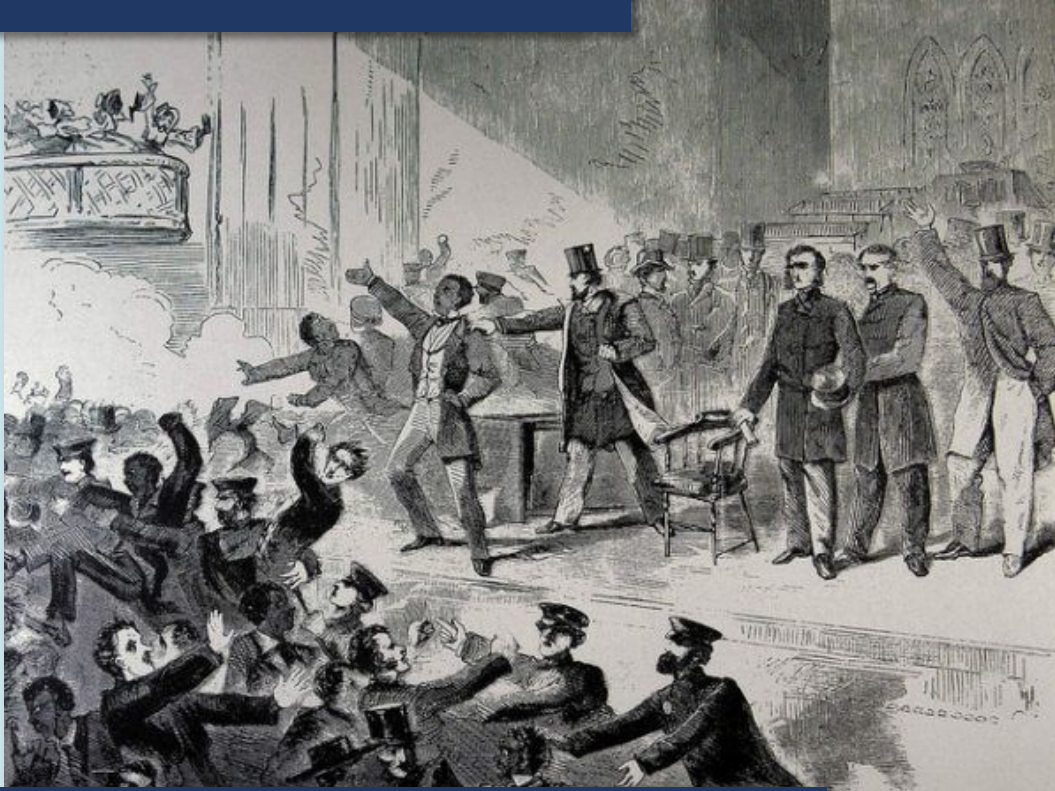


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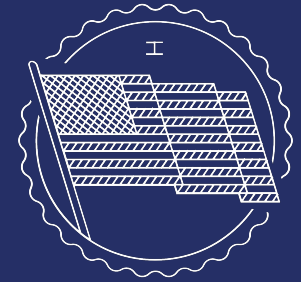
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# ABOLITIONISTS



A 1938 cartoon from Harper's Weekly depicts an Pre-Civil War abolitionist meeting being broken up in Boston.

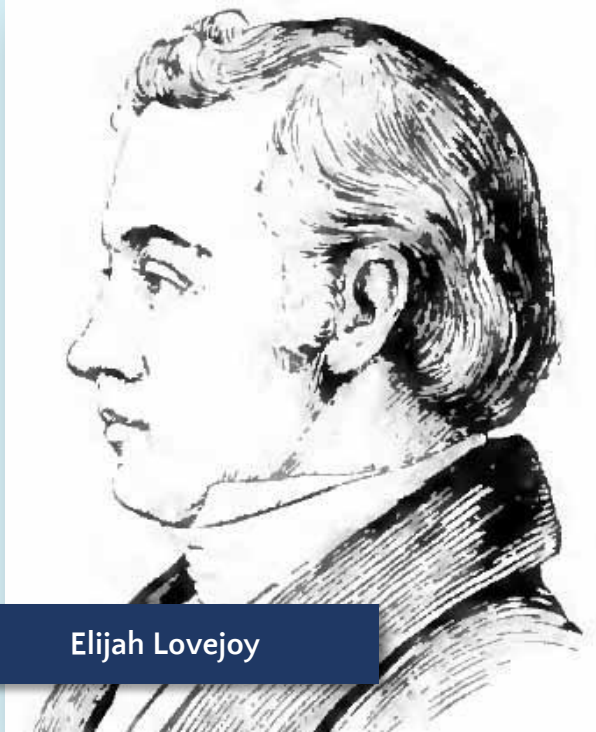


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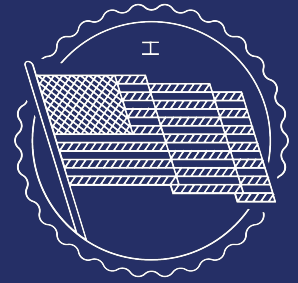


# ABOLITIONISTS



Elijah Lovejoy

Political and community leaders often organized mobs to suppress abolitionist meetings and expression—sometimes leading to violence and even death, perhaps most famously, that of Illinois printer Elijah Lovejoy in 1837



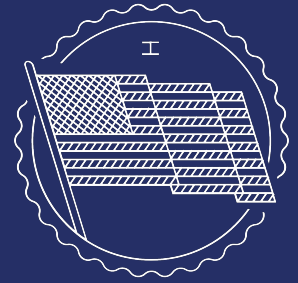
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# AFRICAN AMERICAN CONVENTIONS



First Amendment:  
Assembly and Petition



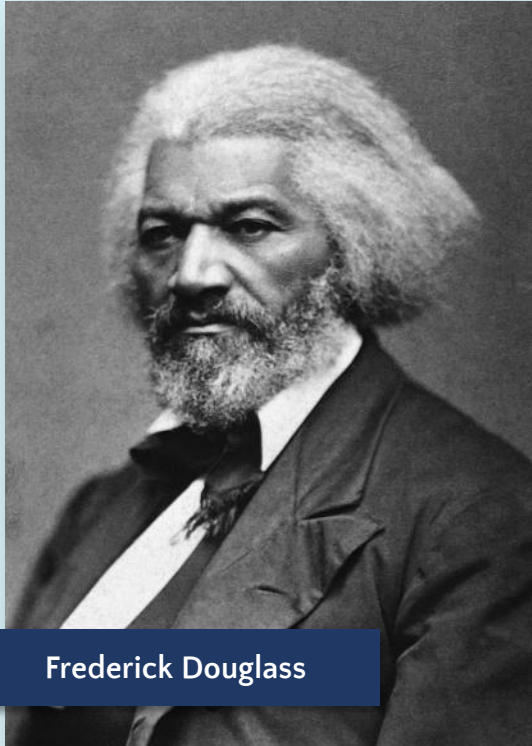
An engraving of a “colored national convention” in Nashville in 1876, printed in Frank Leslie’s Illustrated Newspaper.

THE NATIONAL COLORED CONVENTION IN SESSION AT WASHINGTON, D. C.—SKETCHED BY THEO. R. DAVIS.—[SEE FIRST PAGE.]

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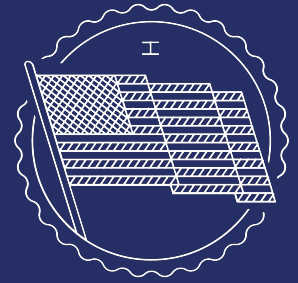
# AFRICAN AMERICAN CONVENTIONS



Frederick Douglass

Met before, during, and after the Civil War to offer a vision of freedom and equality for all Americans and demand these rights for African Americans.

For example, take Frederick Douglass's "A Plea for Free Speech" in Boston 1860. There, Douglass calls for respecting the right to speech and assembly against mob violence.



**First Amendment:  
Assembly and Petition**

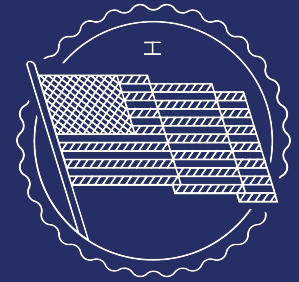
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# SUFFRAGISTS



Seneca Falls Convention, 1848



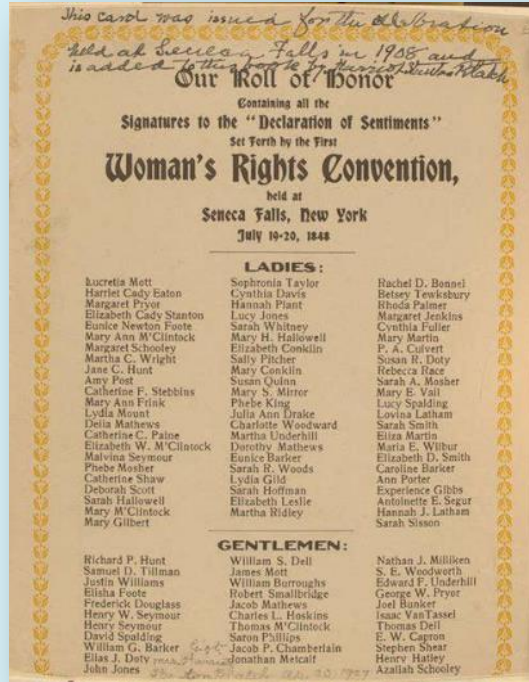
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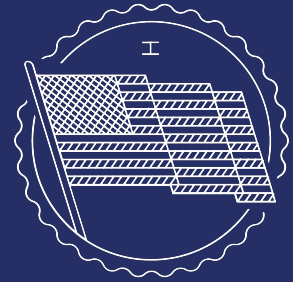




# SUFFRAGISTS



The Seneca Falls Convention in 1848 produced one of the most famous documents in American history—the **Declaration of Sentiments**. It used the Declaration of Independence as its model—explaining a series of wrongs against women and advancing a vision of an America in which men and women were treated equally.

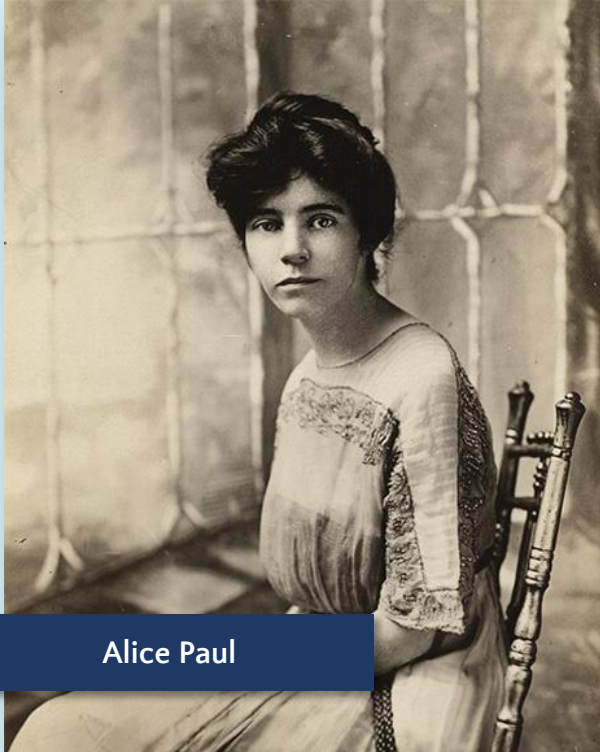


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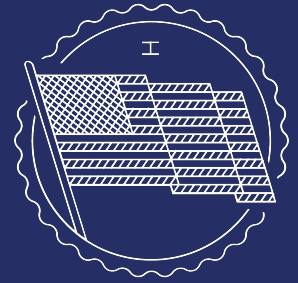


# SUFFRAGISTS



Alice Paul

After Woodrow Wilson's reelection, in 1916, Alice Paul called for members of the National Women's Party to picket the White House (this was the *first ever* protest at the White House) to put pressure on Democratic Senators to vote for the Nineteenth Amendment—protecting women's right to vote.

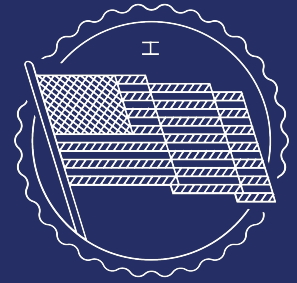


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# SUFFRAGISTS



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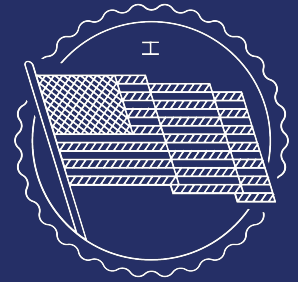
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# DE JONGE V. OREGON (1937)



Crowds and police wagon during the 1934 Portland general strike.



First Amendment:  
Assembly and Petition

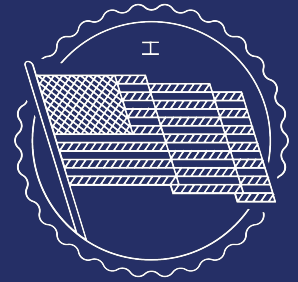
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## DE JONGE V. OREGON (1937)

The Supreme Court extended the right of assembly beyond the national government and applied it to state abuses—what lawyers call **incorporation**—in the unanimous 1937 decision—*De Jonge v. Oregon*.

The case involved a peaceful meeting of Communists in Oregon. The communists were arrested and tried for meeting as part of a group that sought to violently overthrow the government. The Supreme Court threw out the conviction and recognized that “the right of peaceable assembly is a right cognate to those of free speech and free press and is equally fundamental.”



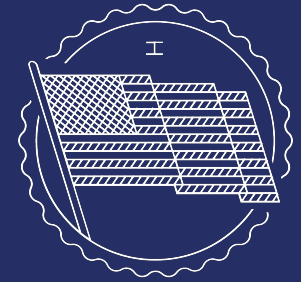
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# FREEDOM OF ASSEMBLY TODAY



First Amendment:  
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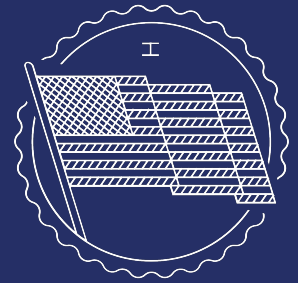
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# FREEDOM OF ASSEMBLY TODAY

Most public gatherings—like protests—are governed by (what the Supreme Court refers to as) **public forum doctrine**. The idea is pretty simple in theory. The government is allowed to regulate expressive activity in public spaces—like protests and parades—through (what the Court calls) reasonable “**time, place, and manner**” restrictions.

The idea is that the government can’t restrict the message, but it can sometimes regulate when you say it—or how loudly you say it—in order to maintain the public’s health, safety, and welfare.



**First Amendment:  
Assembly and Petition**

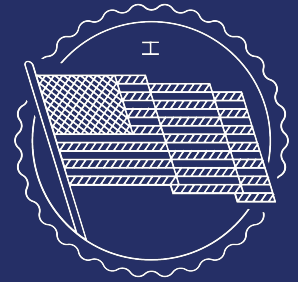
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# RIGHT TO PETITION

The petition right goes to our right to share our collective views with the government—often by highlighting problems and suggesting ways of fixing them.



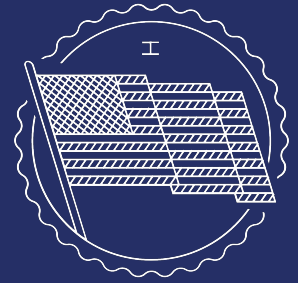
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## BIG IDEA

The petition right goes to our right to share our collective views with the government—often by highlighting problems and suggesting ways of fixing them. And while the right to petition hasn't played a large role at the Supreme Court, it has an important place in American constitutional history. The colonists used petitions to reach out to the British Crown in the colonial period, raising their complaints—with famous examples like John Dickinson's "Olive Branch" petition. We used it to justify our split from England, with the Declaration of Independence following years of ignored petitions by the colonists to King George III.



**First Amendment:  
Assembly and Petition**

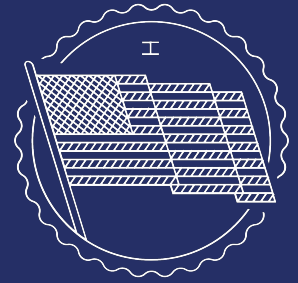
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# THE PETITION RIGHT AND THE FIGHT AGAINST SLAVERY, 1777



Prince Hall



**First Amendment:  
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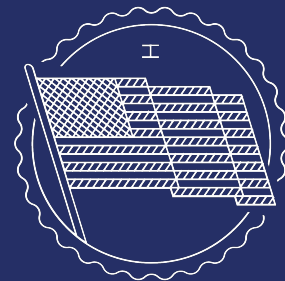
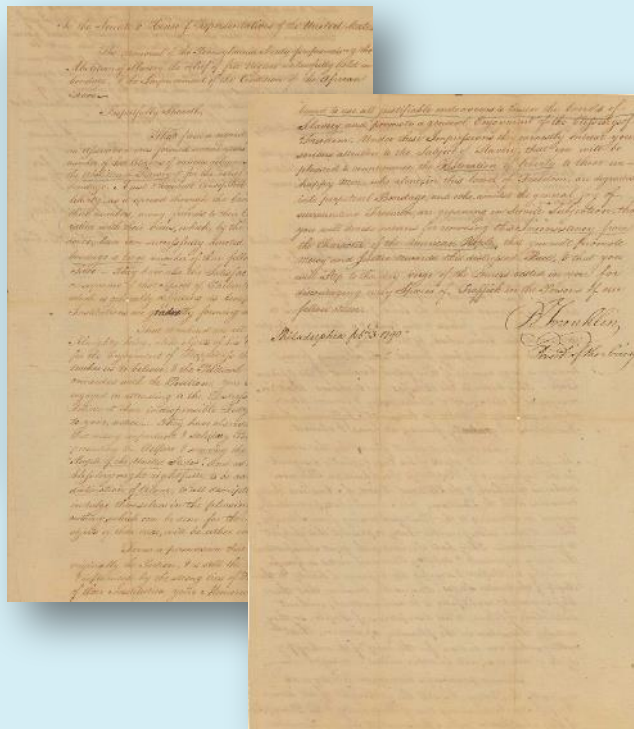
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# BENJAMIN FRANKLIN AND THE ABOLITION SOCIETY, 1790



Benjamin Franklin and the 1790 anti-slavery petition (from the Pennsylvania Anti-Slavery Society)

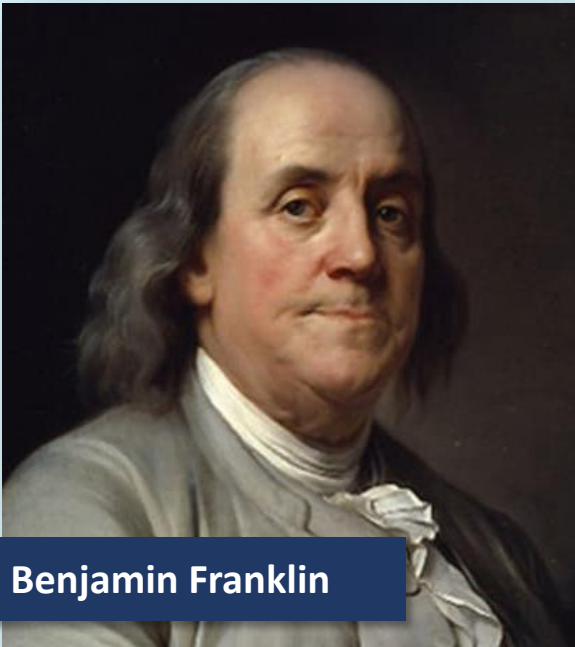


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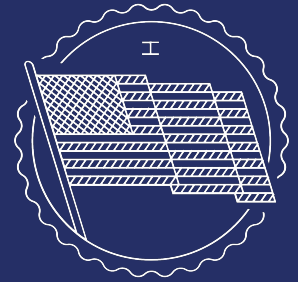


# BENJAMIN FRANKLIN AND THE ABOLITION SOCIETY, 1790



Benjamin Franklin

It called for the First Congress to “**devise a means for removing the Inconsistency from the Character of the American People**” and “**to promote mercy and justice towards this distressed Race**”—namely, African Americans.



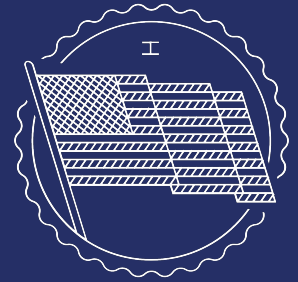
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# BENJAMIN FRANKLIN AND THE ABOLITION SOCIETY, 1790

The petition also read: “That mankind are all formed by the same Almighty being, alike objects of his care & equally designed for the Enjoyment of Happiness the Christian Religion teaches us to believe & the Political Creed of America fully coincides with the Position.” Here, “political creed” was a clear reference to the principles of the Declaration of Independence.

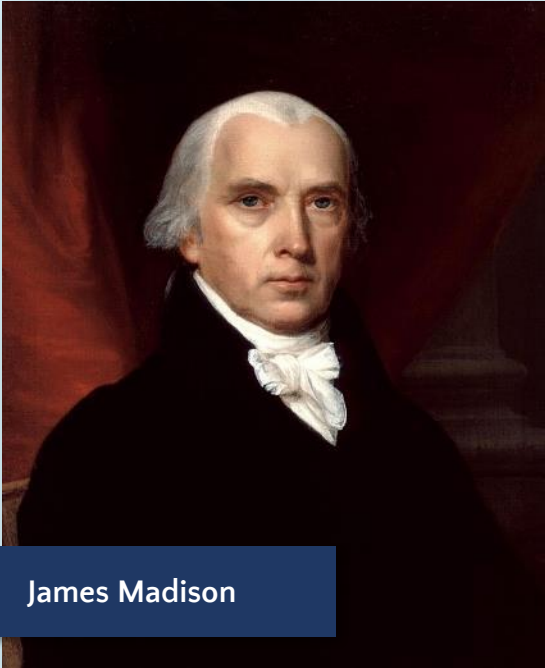


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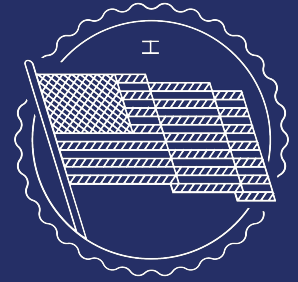


# JAMES MADISON'S MEMORIAL AND REMONSTRANCE, 1785



James Madison

Was circulated as a petition, which signaled public support and proved decisive in the Virginia legislature's eventual decision to adopt its Bill for Establishing Religious Freedom—an important precursor to the First Amendment's religion clauses.



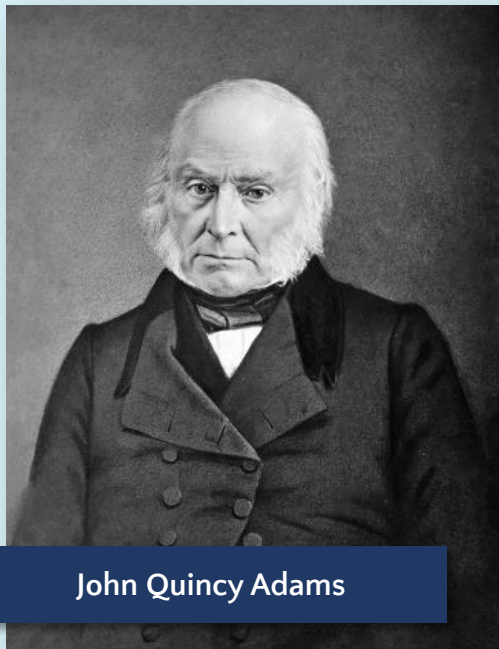
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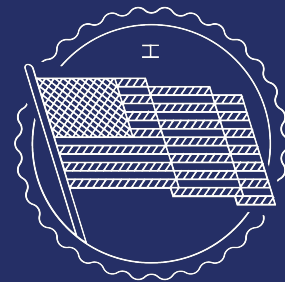


# ANTI-SLAVERY PETITIONS AND THE “GAG RULE”, 1830s



John Quincy Adams

John Quincy Adams—elected to the House after his Presidency—usually took the lead in introducing anti-slavery petitions in the House—provoking a near riot. The House leadership—driven by pro-slavery forces—responded by imposing a “gag rule” limiting petitions. This rule automatically tabled anti-slavery petitions, prohibiting them from being read or discussed.

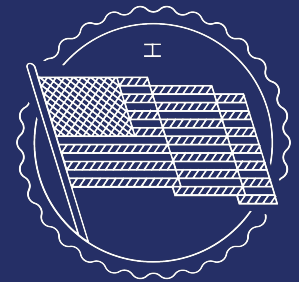


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# ANTI-SLAVERY PETITIONS AND THE “GAG RULE”, 1830s



First Amendment:  
Assembly and Petition

Adams argued that the gag rule violated the First Amendment’s right “to petition the Government for a redress of grievances.” The petitions kept coming anyway—with 1,500 more between December 1838 and March 1839 alone—mostly about abolishing slavery in Washington D.C., ending the slave trade, and ending slavery’s expansion.

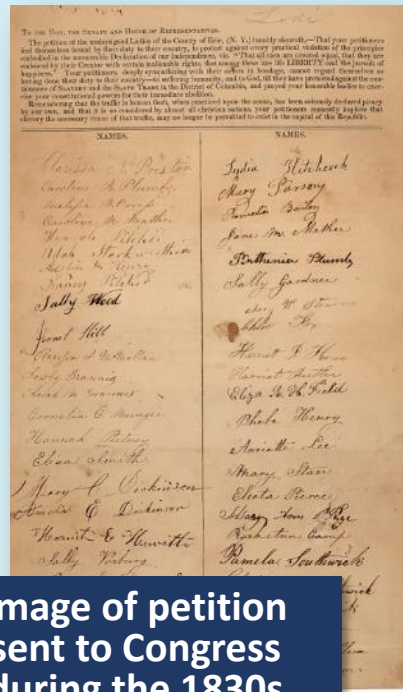
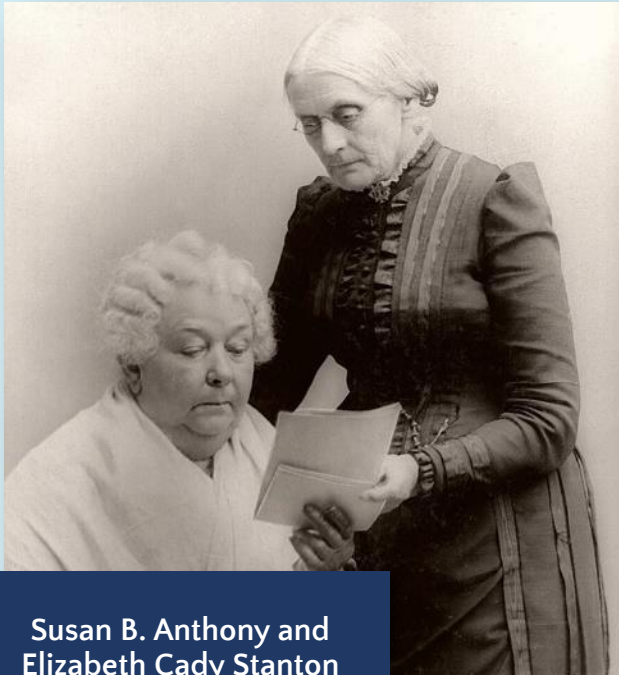


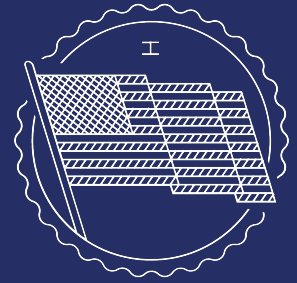
Image of petition sent to Congress during the 1830s

# THIRTEENTH AMENDMENT PETITION DRIVE



Susan B. Anthony and Elizabeth Cady Stanton

In January 1864, Susan B. Anthony and Elizabeth Cady Stanton—through the Women’s Loyal National League—kicked off a petition drive in support of the abolition of slavery. The League presented Congress with a huge emancipation petition 100,000 signatures, nearly two-thirds of them, women.



**First Amendment:  
Assembly and Petition**

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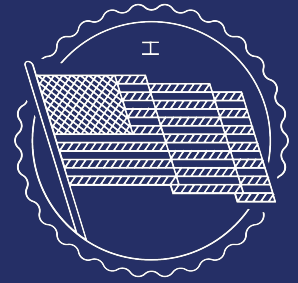


# AFRICAN AMERICAN CONVENTIONS



Charles Sumner

Throughout the United States African Americans met in conventions to advance a vision of racial equality and used petitions to share their views with the government. In 1865, Charles Sumner offered a petition to the Joint Committee on Reconstruction from newly freed slaves in South Carolina calling for **“constitutional protection in keeping arms, in holding public assemblies, and in complete liberty of speech and of the press.”**

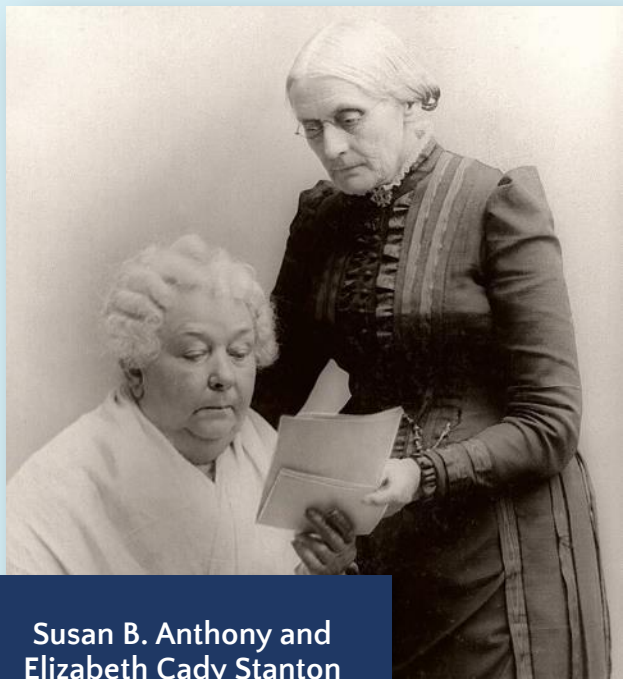


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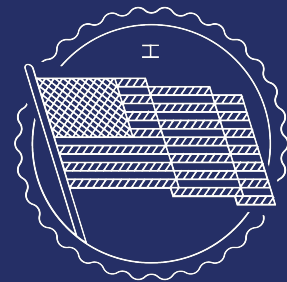


# PETITIONS FOR WOMEN'S SUFFRAGE



Susan B. Anthony and  
Elizabeth Cady Stanton

Finally, in 1866, Susan B. Anthony and Elizabeth Cady Stanton spearheaded a petition drive that led thousands of women to petition Congress for the right to vote.



**First Amendment:  
Assembly and Petition**

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