

8.4 Freedom of Assembly and Petition

Government and Politics

Essential question for this unit

How much power should the government have?

Review Freedom of Speech and Press

Types of restrictions on free speech/expression.

Why are restrictions allowed on freedom of expression?

Symbolic speech vs. pure speech

Prior restraint vs. censorship

Media regulations

Review hypothetical situation from 8.3 - does the 1st Amendment protect Abby?

Constitutional Provisions

1st/14th Amendment guarantees “the right of the people peaceably to assemble and petition the Government for a redress of grievances”

protects the right of people to assemble to express their views.

protects their right to organize and influence public policy (Civic action project!)

protects people’s right to petition - to bring their views to the attention of public officials (letters, lobby, marches, parades, etc.)

Constitutional Provisions

A significant part of the history of this country can be told by looking at assembly and protest.

That is to say that much of our history has been built out of incidents in which people have purposely violated the law - as a means of expressing their opposition to a particular law or policy

Civil disobedience - a form of protest in which people deliberately, but non-violently violate the law to express their opposition.



These Occupy Wall Street demonstrators held sit-ins in public places in Manhattan to bring attention to unequal distribution of wealth and corporate influence on politics in the United States.

Time, Place, and Manner Rules

Government can make and enforce reasonable rules covering the **time, place and manner** of assemblies

In *Grayned v. City of Rockford, 1972*, the Court upheld a city ordinance that prohibits making a noise or any other diversion near a school if that action has a disruptive effect on school activities.

It has also upheld a State law that forbids parades near a courthouse when they are intended to influence court proceedings, *Cox v. Louisiana, 1965*.

Time, Place, and Manner Rules

Free speech zones

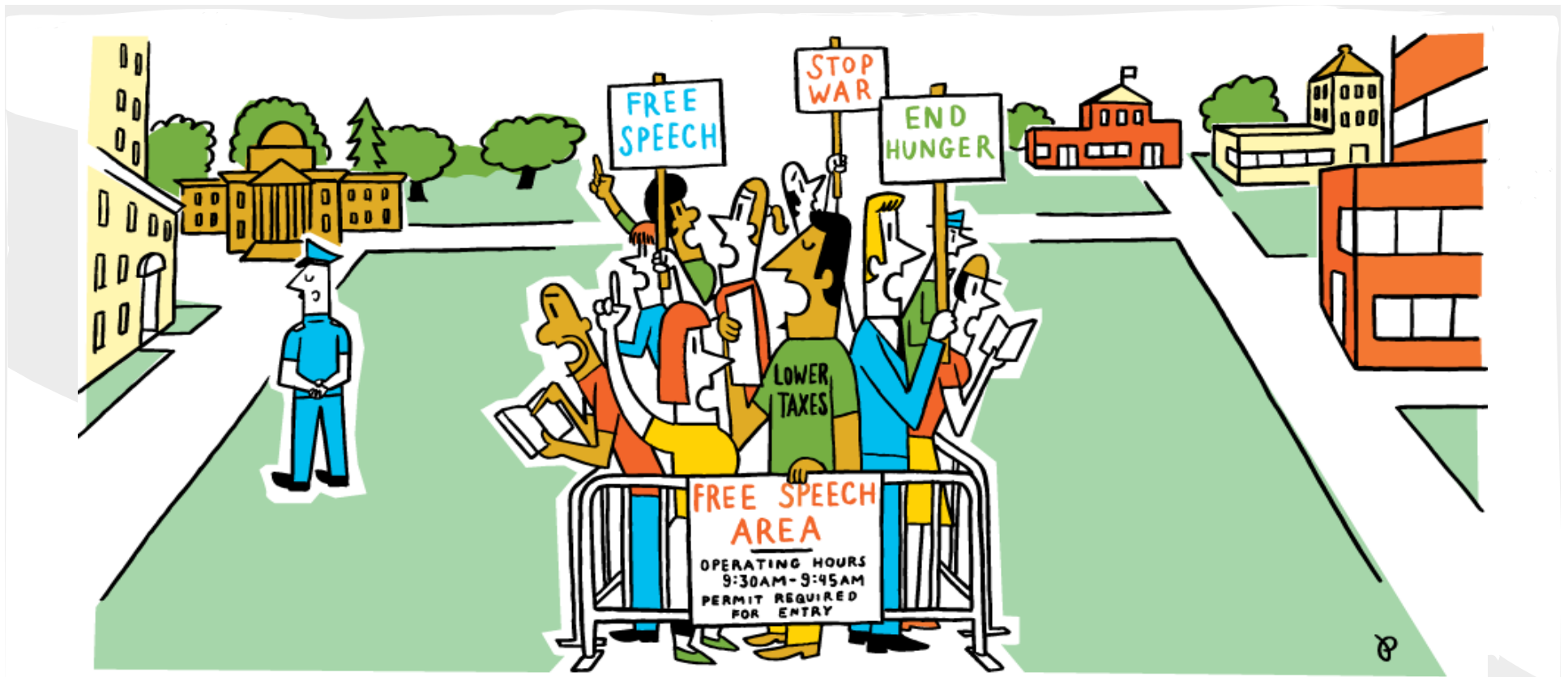
While the courts have said that governments cannot limit the **content** of political speech, under some circumstances it is reasonable for governments to limit the **place** and **time** of political speech by creating so-called “free speech zones”.

This is attempt to balance the right of free speech with the right of the public to gather and move without interference from protesters.

Simply stated - designated areas to which protesters are confined.



Governments can regulate the time, place, and manner of assemblies, like this one protesting a wind turbine project, as long as the regulations are reasonable, specific, and content neutral.



The Court has backed the government's right to place some limits on political speech. What does this cartoon say about "free speech zones"?

Assemblies on Public and Private Property

Most of the Court's freedom of assembly cases have involved organized demonstrations = assemblies.

Most take place in public places such as streets, sidewalks, parks, public buildings, etc.

They usually almost always involve some sort of conflict.

Assemblies on Public and Private Property

The conflict can be over ideas and also with normal use of those public areas.

The Court has often upheld laws that require advance notice and permits for demonstrations in public places.

These types of cases raise issues such as, how and to what extent can government regulate demonstrators? Unpopular groups?

Assemblies on Public and Private Property

What about demonstrations on private property - at shopping centers, for example?

The Court has said the 1st/14th amendments do not give people a right to trespass on private property, even to express political views.

Privately owned shopping centers are not “places of public assembly”



The Supreme Court has outlined different rules for demonstrations, depending in part on whether they take place on public or private property.

Freedom of Association

Freedom of Assembly/Petition include a **right of association** - the right to join with others to promote political, economic and social causes.

A person cannot be fired from a job because of political associations

No absolute right of association, however. Ex. *Boy Scouts of America v. Dale, 2000*



In 1958, the Supreme Court ruled that the NAACP did not have to disclose its membership list to the State of Alabama under the 1st Amendment's guarantee of freedom of association.

Review/Reflection

Review freedom of assembly and petition