



The Right to Petition Government

Grade Level: 6, 7, 8, 9, 10, 11, 12

Keywords: Constitution of the United States

The right to petition grants people not only the freedom to stand up and speak out against injustices they feel are occurring, but also grants the power to help change those injustices. The nonprofit community plays an active role by providing an organized medium to join citizens together in support of causes or in petition of practices that violate their cause.

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Definition

To understand the definition of the concept, right to petition government, one must first understand where this concept originates. **The right to petition is one of the fundamental freedoms of all Americans, and is documented in the First Amendment to the Constitution of the United States.**

The First Amendment consists of five “freedoms,” which are: Religion, Free Speech, Free Press, Assembly, and Petition. The Petition section of the first amendment, also commonly referred to as the Petition Clause, states that “People have the right to appeal to government in favor of or against policies that affect them or in which they feel strongly. This freedom includes the right to gather signatures in support of a cause and to lobby legislative bodies for or against legislation,” (Copley First Amendment Center) (2). A more simple definition of the right to petition, is “the right to present requests to the government without punishment or reprisal. This right is guaranteed in the First Amendment to the U.S. Constitution” (History Central, 1).

Looking at the specific definition of the word petition, as it relates to the freedom of petition and the First Amendment, the word can be used to describe “any nonviolent, legal means of encouraging or disapproving government action, whether directed to the judicial, executive

Electronic Filing: Received, Clerk's Office 11/30/2022
or legislative branch. Lobbying, letter-writing, e-mail campaigns, testifying before tribunals, filing lawsuits, supporting referenda, collecting signatures for ballot initiatives, peaceful protests and picketing: all public articulation of issues, complaints and interests designed to spur government action qualifies under the petition clause..." (Copley First Amendment Center) (1).

Historic Roots

The actual concept of petitioning the government is said to reach at least as far back as the Magna Carta, one of the first documented formal legal systems that was composed by Kingdom of England in 1215. In the Magna Carta (as translated into modern English), it states, "If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us - or in our absence from the kingdom to the chief justice—to declare it and claim immediate redress." In other words, although the power was only granted to the 25 barons elected by the King, these barons still had the authority to petition the Kingdom if they felt injustices were being imposed (British Library, 1). Later, this right to petition was further confirmed in the English Declaration of Rights, written in 1689, which states that subjects of the King are entitled to petition the King without fear of prosecution (Copley First Amendment Center) (1).

Drawing from these historical documents, the framers of the United States Constitution added the Bill of Rights to the Constitution in 1789, which contained the first ten Amendments of the Constitution. James Madison composed the First Amendment, which contains the clause regarding the right to petition government that we refer to today.

Importance

The right to petition our Government, though often overlooked in comparison with the other freedoms listed in the First Amendment, is nonetheless a very significant right that we have in this country. This right grants people not only the freedom to stand up and speak out against injustices they feel are occurring, but also grants the power to help change those injustices.

The right to petition government is a freedom that has been firmly upheld by the Supreme Court of the United States on countless occasions, proving that it is considered an inalienable right by the U.S. Government. During the civil rights movement, for example, the Supreme Court upheld the rights of several groups of individuals protesting segregation at public institutions such as libraries and schools, and ruled that these citizens had every right to express their rights under the petition clause.

Further, the act of petitioning by citizens has also resulted in the change of certain practices. This can be seen quite commonly in situations involving environmental practices, and has resulted in victories for many environmental activists and organizations. For example, Oceana, an international organization dedicated to the protection and preservation of the world's oceans, recently joined with over 100,000 citizens to sign a petition protesting the practice of long hook fishing in many areas of the Atlantic. The practice had resulted in the accidental catching and often death of many non-targeted populations, including certain endangered species of sea mammals, turtles and birds. As a result of the petition, a Federal judge banned the long-line fishing in many areas in order to protect these endangered as well as other ocean species (Oceana Organization).

Because several voices are always louder than one, the right to petition is a valuable tool to citizens in that they can join together to speak out for issues they feel are important to them.

Ties to the Nonprofit/Philanthropic Sector

As mentioned above, several voices are always louder than one. With this in mind, the way for citizens to petition the government in an effective way is to join together for a common cause, gaining as many people and as much support as possible.

The nonprofit community plays an active role in petitioning government by providing an organized medium to join citizens together in support of causes or in petition of practices that violate their cause. If one person alone were to attempt to find hundreds of others to join him/her in a petition against a certain government practice, for example, it would likely take that person a long time to find the number of people needed to really make an impact in their petition. However, if that individual joined with a nonprofit organization with members who also supported the same cause, together they could make a significant difference should they choose to petition a government practice.

In addition, citizens can provide financial support to these organizations as a way of exercising their support, knowing that their donations help to fund the protection, and if necessary, petition in support or defense of their cause. For example, the Environmental Defense Organization is an organization whose purpose is to protect human health, restore ecosystems and curb global warming. Citizens who feel strongly about these issues can get involved with this nonprofit organization through the donation of time and/or money, and as a large group, this organization can have a heavy impact when it does exercise its petitioning rights. (Environmental Defense Organization)

Key Related Ideas

Bill of Rights: This document was composed by United States Forefathers. It contains the