



The ‘assembly’ line can re-build America’s freedom

By Jim Waters

We should be extremely grateful that America’s founders had the foresight to amend the Constitution to ensure certain rights, including James Madison’s proposed [“right of the people peaceably to assemble.”](#)

Otherwise, can you imagine what government bullies would do to the contemporary Tea (Taxed Enough Already) Party movement, which has turned the right to assemble into a national movement?

I’ll not be surprised if eventually some elitist at the Capitol Annex turns on the Tea Parties for exceeding noise-ordinance levels with a hearty rendition of “God Bless America” on the steps of the Capitol – as occurred in the recent Restore America rally.

In fact, the Civil Rights movement could have been stymied without the protections offered by the First Amendment. The Civics Library of the Missouri Bar reports that the First Amendment prodded the U.S. Supreme Court to overturn minister Fred Shuttlesworth’s conviction. Police arrested him and 52 other blacks – including Dr. Martin Luther King Jr. – who had marched from Birmingham’s First Baptist Church on the afternoon of April 12, 1963, to protest denial of their civil rights.

The marchers walked two-abreast and stayed on the sidewalk. The peaceful protest led to their arrest a mere four blocks from the church.

A court convicted Shuttlesworth for violating a city parade ordinance. However, the Supreme Court said the ordinance violated the good reverend’s constitutional right to peaceably assemble. The only way such rights can be denied is if the gathering poses a “clear and present danger” to public safety.

Further modifications have, in fact, made the standard for arrest even narrower, requiring government to provide a heavy burden of proof that restricting citizens’ assembly is necessary.

Judges don’t view unconventional, unpopular or even wacky views as justifying denial of First Amendment freedoms. Instead, the more likely “clear and present danger” is that freedom-loving Americans won’t show up to peaceably assemble and petition government with grievances.

Organizers of the impressive Restore America event expected 5,000. Fewer than 500 showed up. Yet, many Kentuckians gladly choose to gather on the couch to bemoan the injustices rendered during a basketball game.

These events make our country work like the Founders intended. They believed in a “bottom-up” political system – not a “top-down” approach of intimidation like the now-defunct Soviet Union embraced.

The Declaration of Independence indicates that those who govern in our system only have the power to do so as long as they get the [“consent of the governed.”](#)

The right to peaceably assemble means you can show up at a Tea Party on the downtown square or a school-choice rally in the Capitol Rotunda and inform lawmakers with your very presence that you don’t

consent to government-run health care, erosion of state rights or the immorally corrupt and out-of-control government spending we see – from the Statehouse to the White House.

Believe me, there are groups taking advantage of their constitutional right to assemble and consent to more government and less individual liberty. But unlike the Restore America attendee-patriots, these groups show up with their hands out.

The Advocacy Action Network recently helped organize a rally to protest tough budget-cut decisions forced upon lawmakers. Sob stories abounded how advocates of social services ‘became emotional’ while describing the plight of those dependent on such programs.

We need safety nets, but we also need fiscal responsibility.

Since I also have the right *not* to peaceably assemble, I wasn’t there. Instead, I’m heading to Tea Parties this spring with a hankie in one hand and my well-worn copy of the [Constitution](#) in the other.

After all, someone needs to “become emotional” about the toll the current government’s tax-and-spend policies will take on our children and grandchildren, don’t they?

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