Lesson K

Petitioning the Government

Delaware Social Studies Benchmarks

Civics Two 9-12b: Students will understand that the functioning of the government is a dynamic process which combines the formal balances of power incorporated in the Constitution with traditions, precedents, and interpretations which have evolved over the past 200 years. **Essential for Grades 9 and 11**

History One 9-12a: Students will analyze historical materials to trace the development of an idea or trend across space or over a prolonged period of time in order to explain patterns of historical continuity and change.
Essential for Grade 11

Documents

1. ***Lesson K, Delaware Public Archives, Temperance Petition, RG 1111***
[back to back with]
Lesson K, Delaware Public Archives, Anti-Slavery Petition, RG 1111

2. ***Lesson K, Delaware Public Archives, Sunday Movie Petition, RG 1300***
[back to back with]
Lesson K, Delaware Public Archives, Letter/Petition, RG 1300

Instructional Strategies

Strategy One: Gathering Information
Brainstorming

Ask students to think about why the United States Constitution is often referred to as "a living document."

- In what ways have the laws of our nation been changed to reflect the changing values of society?
- How were these changes accomplished?

Strategy Two: Extending and Refining
Document Analysis

Distribute the four petitions to small groups of students. Ask students to complete the Primary Document Analysis Chart for each document.

Assign each group to research the outcome of one petition.

- Did Delaware legislators pass a type of law requested by petitioners? If yes, when?

Teachers and students may find the applicable Delaware Code here.

Strategy Three: Application
Historical Research

Now have each group research the issue of one petition in U.S. history. Students should research the answers to the following questions:

- Were there other movements with similar demands across the country?
- In what time period was this issue most important? Why?
- Was the U.S. Constitution changed?

Check for Understanding

- How do laws in the United States reflect the needs of the people at the time? Use a specific example from this lesson to support your answer.

Rubric
2 – This response gives a valid explanation with an accurate and relevant example.
1 – This response gives a valid explanation with an inaccurate, irrelevant, or no example.

Primary Document Analysis Chart

Title and Author:	Date:
Intended Audience:	Purpose:
What did the petitioners want to change?	What can you infer about the values and beliefs of the petitioners? What can you infer about American society at the time of the petition?

Blue Laws

Blue Laws were originally introduced in America during the early seventeenth century. Known also as Sabbath or Sunday Laws, Blue Laws prohibit any type of secular activities on Sunday. The name, Blue Laws, comes from the New Haven colony when blue paper was used to publish the regulations for the colony. Courts in America have traditionally supported these laws in helping state and local authorities to promote health, safety, and morality. Although Blue Laws still exist to varying degrees in different regions of the United States, twentieth century commercialism has relegated many Blue Laws to history.

Document Background

The abolition petition (c. 1847-1849) and the temperance petition (1949) used in this lesson can be found in the Legislative Papers Collection, Record Group 1100. The two movie petition documents (c. late 1930s) can be found in the Executive Papers Collection, Record Group 1300. Richard C. McMullen served as Governor of Delaware from 1937 to 1941.

Background Information

Petitioning the government has been a key element in the history of this country, from its earliest times, through its present day activities. A petition is defined as a formal written document requesting a right or benefit from those in authority. One of the basic rights of an American citizen is the privilege to appeal to the government, be it local, state, or national, for assistance in a specific situation or for redress of a grievance. This right is defined in the First Amendment of the Constitution:

> *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, of the right of the people peaceable to assemble, and to petition the Government for a redress of grievances.*[i]

With this simply stated freedom, citizens of the United States enjoy the right to speak, write, and express opinions that may be contrary to those held by the majority in the country, and contrary to the ideas and tenets espoused by the government at any level, at any time.

The right of Americans to petition their government traces its roots in English Common Law, to the Magna Carta, first appearing in section 61 of document in 1215. This was further codified in English Common Law, written down as Number 5 in the British Bill of Rights in December 16, 1689, which stated,

> *That it is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal.*[ii]

Historically, then, the colonists believed inherently in their right, as British subjects, to voice their objections to the King, and to Parliament, for improprieties or injustices to which they believed themselves subjected. Cries of "No Taxation without

Representation" are actually verbal expressions of the written petition submitted to the King and Parliament for redress of the colonists' grievance of unfair taxation. Colonists in North America advocated that, as British citizens, albeit far from their native soil, they were still entitled to the rights and privileges of their fellow countrymen. One of those rights was to have a voice in matters of taxes levied by Parliament. The British legislators did not see the issue in the same light, judging the colonists not as full citizens, but rather as far removed subjects and thus not entitled to the same rights as the local citizenry.

Thus, after the Stamp Act and associated retaliatory actions on the parts of the colonists, the situation escalated to the point of the October 14, 1774 Declaration and Resolves of the First Continental Congress, which stated in plain, unmistakable language the beliefs held by the leaders of the 13 colonies:

> *…that the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights*[iii]

The eight Resolves sent to England clearly identified the strongly held tenet of the Founding Fathers that they possessed an inherent right to petition their King and Parliament:

> *…have a right peaceably to assemble, consider their grievances, and petition the King, and that all prosecutions, prohibitory proclamations, and commitments for the same are illegal.*[iv]

Throughout the colonial period, activists in each colony attempted to work "through the system" to encourage the Parliament and the King to make changes to laws and taxes that the colonial representatives considered punitive and repressive. Committees of Correspondence were formed in each colony; meetings of the most active, vocal men in each colony and "correspondence," or minutes, of those meetings were shared with other colonies.[v] Colonial legislatures met to attempt to resolve differences and to work with their local governors. Repeatedly, the legislatures were dissolved when England or the Governor believed their actions too inflammatory.

The Declaration of Independence, July 4, 1776, was the last ditch effort to force the King and Parliament to take notice of the seriousness of the colonies to effect change. Each grievance was spelled out. The Declaration spelled out specific errors on the part of the King as well as the steps taken by the colonists to resolve the grievances. Thomas Jefferson wrote in the Declaration:

> *In every stage of these Oppressions, We have Petitioned for Redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.*[vi]

After the Revolution and the passage of the Articles of Confederation, delegates met once again to rework the Articles into a more cohesive, powerful whole. What evolved was an entirely new document, the Constitution of the United States, drafted in 1787, which defined how the government was to be set up and assigned powers to each branch of the government. Fearing that the way was left open for tyranny by a central government, many representatives and the legislatures of several states requested that specific protections be enumerated for the individual citizenry. Thus, on September 25, 1789, Congress convened once again and created the Bill of Rights. Originally composed of 12 Amendments, the finally approved amendments numbered ten. The first Amendment contains the provision that citizens have the right to petition their government(s) for redress of supposed grievances.[vii]

Formal petitions usually follow specific formats. The first section humbly beseeches the governing body and includes laudatory comments about the government. The second section generally spells out the law, or action, the citizen(s) wish to change. The third section, usually beginning with the word "therefore" presents the rationale for change, often suggests changes, and includes signatures of those supporting the petition.

Prominent petitions that have been directed to Congress, to the Supreme Court, or to State governments and legislatures. Among those include the following:

- 1830: Petitions to end slavery
- 1894: Coxey's Army petitioned for legislation to relieve unemployment
- 1940: To the Supreme Court: Thornhill v Alabama: noting that orderly union picketing informs the public of issues and is protected by freedom of speech. Those participating cannot be prosecuted under state loitering and picketing laws.
- 1966: To the Supreme Court: Brown v. LA: five African American individuals participated in a sit-in at a library to protest segregation. This was allowed as an example of their right to petition for change.[viii]

Delaware has also had its share of interesting and informative petitions. Among the earlier ones are

- March 15, 1780: Request for Seminary of Learning in Newark. "importance of learning" as a means of securing the future of democracy and strong citizenry.
- 1785: Relief from the scarcity of money.
- 1786: Incorporation of the Bank of North America
- 1802: Legislative petition by servants and apprentices who appealed to the General Assembly to pass an act granting that the Court of Common Pleas have the power to "hear and redress grievances against Masters." Previously these petitions could only be heard in the Court of Quarter Sessions, which did not meet as often as the Court of Common Pleas.[ix]

A study of petitions becomes a study of the climate of the times in a specific place. Petitions spell out the concerns of the citizens, identify their needs, and delineate their concerns with their government. This form of protest is an inherent right of all citizens, allowing for change and improvement to laws.

[i] U.S. Constitution: First Amendment. *FindLaw: US Constitution.* [Online: http://caselaw.lp.findlaw.com/data/constitution/amendment01/]
[ii] Right to Petition the Government for a Redress of Grievances: History and Definition. *First Amendment CyberTribune FACT.* [Online: http://fact.trib.com/1st.petition.html].
[iii] "Declaration and Resolves of the First Continental Congress," *The Avalon Project at Yale Law School.* [Online: http://www.yale.edu/lawweb/avalon/resolves.htm].
[iv] Ibid.
[v] Committees of Correspondence. [Online: http://www.ushistory.org/declaration/related/coc.htm].
[vi] The Declaration of Independence: the Want, Will and Hopes of the People. [Online: http://www.ushistory.org/declaration/document/index.htm].
[vii] The Charters of Freedom: US Constitution. *National Archives Exhibit Hall.* Website. [Online: http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/constitution.html].
[viii] Right to Petition the Government for…. [Online: http://fact.trib.com/1st.petition.html].
[ix] Legislative Petitions. Delaware Public Archives, Digital Collection. [Online: http://www.state.de.us/sos/dpa/exhibits/petitions/index.htm].