

## So you want to go out and protest about your freedoms?



The *Constitution* and the Bill of Rights allow us specific freedoms of speech, religion, press and the right to petition; the rights to life, liberty or property as well as the right to be tried by a jury of your peers. However, we also have the right, according to the **First Amendment**, to peacefully assemble. This right is the ability of private citizens to communicate their ideas on public issues to government officials, as well as to other individuals. This same amendment also protects the rights of individuals to join interest groups and lobby the government.

Before we go out and protest or demonstrate for our cause, there are several key issues that must be raised and considered in order for our voices to be heard effectively.

We must, at all times, keep in mind our **Civil Rights** and **Civil Liberties**. There is a difference between the two.

**Civil Rights** are all rights rooted in the 14<sup>th</sup> Amendment's guarantee of equal protection under the law. Ratified in 1868, states had to respect the rights of U.S. citizens and provide them with "equal protection of the laws" and "due process of law." However, it was not until the 1950s that the Supreme Court would make these two clauses a foundation for the Civil Rights Movements for minorities, women, children, disabled persons and those accused of crimes.

**Civil Liberties** are those personal freedoms that are protected for all individuals. Civil Liberties typically involve restraining the government's actions against individuals.

This now raises two further key questions. **How do we protest and how can being part of an interest group make a difference?**

How do we protest is answered simply, **Peacefully!**

Peaceful protests are Non-Violent or acts of **Civil Disobedience**. By definition it is a nonviolent, public refusal to obey allegedly unjust laws. This was made famous by Gandhi in India and by thousands of African Americans in the South during the Civil Rights Movement of the 1950s and 1960s. Sometimes extreme, it still remains the best way to protest for one's cause.



How does joining an Interest Group help one's cause?

**There are two ways that an Interest Group can be effective.**

1. By **Direct Technique** – when an interest group conducts an activity that involves interaction with government officials to further the group's goals. This, however, only targets a specific audience, namely people within the political arena. It is often seen limited in scope.
2. By **Indirect Technique** – which is when a strategy is employed by interest groups that use third parties to influence government officials. There are three ways that can be used here to promote one's cause. They can be used independently or combined in order to achieve the best results.
  - A) **Generating Public Pressure** – this method tries to convince policy makers that public opinion overwhelmingly supports the group's position
  - B) **Climate Control** – which is the use of public relations to create favorable (or unfavorable if desired) public opinion. By using this method, groups believe that their goals will face less public opposition.
  - C) **Boycott** – a form of pressure or protest that is an organized refusal to purchase a particular product or deal with a particular business.



**If one is protesting a religious issue, there are two key issues that have to be considered.**

1. **The Establishment Clause** – the part of the First Amendment prohibiting the establishment of a church officially supported by the national government. It is applied to questions of state and local government aid to religious organizations and schools, guaranteeing a division between church and state and addressing such issues as the legality of allowing or requiring school prayers, and the teaching of evolution versus intelligent design.
2. **The Free Exercise Clause** – the provision of the First Amendment guaranteeing the free exercise of religion, which are the constraints placed upon the national government from prohibiting individuals from practicing the religion of their choice.

There is a very fine line between these two laws. They are constantly challenged in the nation's highest courts. For example, in 1993, Congress passed the **Religious Freedom Restoration Act (RFRA)**. The act overturned the Supreme Court's decision in *Oregon v. Smith*. The act passed now required national, state, and local governments to "accommodate religious conduct" unless the government could show that there was a *compelling* reason not to do so. In addition, if the government did regulate a religious practice, it had to use the least restrictive means possible.

It did not take the Supreme Court long before the RFRA was overturned and found unconstitutional. In the case *City of Boerne v. Flores*, the Supreme Court stated that Congress had exceeded its constitutional authority when it passed the RFRA. According to the Court, the act's "sweeping coverage ensures its intrusion at every level of government, displacing laws and prohibiting official actions of almost every description and regardless of subject matter."

Protesting on religious grounds is still a complex and controversial issue despite having one's freedoms as detailed above. Still, the secret to success is to form Interest Groups and protest non-violently. It does work. All one has to do is look at the **26<sup>th</sup> Amendment** that was passed in 1971. Young people across the nation took part in non-violent protests to change the voting age from 21 to 18. They believed that if you were young enough, at 18, to be drafted and fight in a war, then you were old enough to vote. It worked!



**"Belief is truth held in the mind; Faith is a fire in the heart"** – unknown.