

speech which the Constitution protects.”¹⁵⁸⁰ Furthermore, the right of petition has expanded. It is no longer confined to demands for “a redress of grievances,” in any accurate meaning of these words, but comprehends demands for an exercise by the government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters.¹⁵⁸¹ The right extends to the “approach of citizens or groups of them to administrative agencies (which are both creatures of the legislature, and arms of the executive) and to courts, the third branch of Government. Certainly the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition.”¹⁵⁸²

The right of petition recognized by the First Amendment first came into prominence in the early 1830s, when petitions against slavery in the District of Columbia began flowing into Congress in a constantly increasing stream, which reached its climax in the winter of 1835. Finally on January 28, 1840, the House adopted as a standing rule: “That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever.” Because of efforts of John Quincy Adams, this rule was repealed five years later.¹⁵⁸³ For many years now the rules of the House of Representatives have provided that Members having petitions to present may deliver them to the Clerk and the petitions, except such as in the judgment of the Speaker are of an obscene or insulting character, shall be entered on the Journal and the Clerk shall furnish a transcript of such record to the official reporters of debates for publication in the Record.¹⁵⁸⁴ Even so, petitions for the repeal of the espionage and sedition laws and against military measures for recruiting resulted, in World War I, in imprisonment.¹⁵⁸⁵ Proces-

¹⁵⁸⁰ *DeJonge v. Oregon*, 299 U.S. 353, 364, 365 (1937). *See also* *Herndon v. Lowry*, 301 U.S. 242 (1937).

¹⁵⁸¹ *See* *Eastern R.R. Presidents Conf. v. Noerr Motor Freight*, 365 U.S. 127 (1961).

¹⁵⁸² *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972). *See also* *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913–15 (1982); *Missouri v. NOW*, 620 F.2d 1301 (8th Cir. 1980), *cert. denied*, 449 U.S. 842 (1980) (because of its political nature, a boycott of states not ratifying the Equal Rights Amendment may not be subjected to antitrust suits).

¹⁵⁸³ The account is told in many sources. *E.g.*, SAMUEL FLAGG BEMIS, *JOHN QUINCY ADAMS AND THE UNION*, chs. 17, 18 and pp. 446–47 (1956); WILLIAM LEE MILLER, *ARGUING ABOUT SLAVERY: THE GREAT BATTLE IN THE UNITED STATES CONGRESS* (1996), 465–487; DAVID P. CURRIE, *THE CONSTITUTION IN CONGRESS: DESCENT INTO THE MAELSTROM, 1829–1861* (2005), 3–23.

¹⁵⁸⁴ Rule 22, ¶ 1, Rules of the House of Representatives, H.R. Doc. No. 256, 101st Congress, 2d Sess. 571 (1991).

¹⁵⁸⁵ 1918 ATT’Y GEN. ANN. REP. 48.