

Right of Petition in Cyber Space

January 9th, 2008

The Right to Petition the government for redress of grievances is the often forgotten clause of the First Amendment. This “ignored” Fundamental Right to petition elected officials to set right what is wrong is being dramatically enhanced by the power of blogs, YouTube videos, and social networking sites.

A Brief History of the Right to Petition

The “Right to Petition” is the last clause of the First Amendment, stating that Congress shall not restrict the right to “...petition the Government for a redress of grievances.” In the simplest sense, it is the Right to Complain. While the Right to Petition is not that simple, the basic application of the Right was for citizens to go door to door with a petition on an issue, then send their petitions to their Congressmen.

The abolitionist movement in the 1830s is best early example of the Right to Petition. Those fighting the horrors of slavery petitioned Congress on this wrong. The number of petitions was actually moderate, until Congress began tabling those petitions to appease Southern interests. Petitions exploded after the ban.

The “Gag Rule” was one of the first major challenges to the “Right to Petition.” The “Gag Rule” required all petitions on the subject of slavery to be tabled, violating the spirit if not the letter of the First Amendment. This silencing effect on the abolitionist movement caused an explosion of anti-slavery petitions through the 1840s.

There are many heroes who defended the First Amendment in this period. One was former President turned Congressman John Quincy Adams and another Congressman Joshua R. Giddings from Ohio. President Adams fierce defense of the right would earn him the nickname “Old Man Eloquent” and other unprecedented honors for a 19th Century statesmen. Congressman Giddings would later have a roommate in his congressional boarding house named Lincoln.

The Right to Petition has been the beginning of virtually all the great moments that define American history: Abolitionist Movement. Women’s Suffrage. The Civil Rights Movement.

The Right to Petition in the 21st Century

Alexis De Tocqueville noted that Americans of all walks of life have opinions on everything. This classic American trait has exploded in cyberspace. Wikipedia cites there are 112 million blogs tracked by the search engine Technorati as of December 2007. All of those blogs range from online diaries, to political commentary to people just sharing their views on the world.

The ability of any person to comment on a grievance they think the government must redress can be instantly shared with a large online community. Government officials testifying before Congress have instant commentary on their statements. Moreover, video blogs (vlogs) can make a plea for action deeply personal beyond a simple petition.

The power of technology has not been lost on politicians. Both candidates for the US Senate in Virginia announced their campaigns on YouTube. Presidential Candidates from both parties experienced “YouTube” questions during the primaries. Candidates have also hosted town hall style meetings on MySpace.

The ability to “blog” about a “grievance” can bring attention and government action prior than any point in our history. Bloggers can petition the government with lightning speed and effect just as issues have exploded because of the media (example, Terri Schiavo’s case ultimately prompting legislative action by both the state of Florida and Congress). Bloggers attacking Trent Lott’s statements at Strom Thurmond’s birthday helped drive the media storm that ended Senator Lott’s career as Majority Leader. Ironically enough, a blogger in Iowa turned Mike Huckabee’s victory night into a bitter interview for one of his advisors. Ed Rollins on January 3 had his lunchtime discussion overheard by a blogger in a restaurant. The blogger posted the strategy plans she overheard that were the subject of at least one uncomfortable televised interview.

Americans are not afraid to speak their minds. This has caused a problem for bloggers facing liable suits, invasion of privacy claims, and other legal challenges. However, the power of the blog gives individuals an incredible power to seek redress of grievances by organizing with limited resources and a claim to right a wrong.