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ABSTRACT

This theme issue on the freedom of assembly includes three sections: (1) "World History: Wat Tyler's Rebellion," a glimpse into the English past that provides a valuable perspective for understanding the turbulent origins of the right of U.S. citizens to assemble; (2) "U.S. History: William Lloyd Garrison and the Boston Mob," an account of a northern abolitionist's struggle to establish his right to free speech and his subsequent near lynching; and (3) "U.S. Government: The Lunch Counter Sit-Ins," the story of the civil rights protests in Greensboro, North Carolina. Each section includes a historical essay on the topic area, questions for discussion and writing, a short reference list, and selected activities that mimic the historical events of that section. (PPB)

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ED 307 183

# CF BILL OF RIGHTS IN ACTION

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## Freedom of Assembly World History

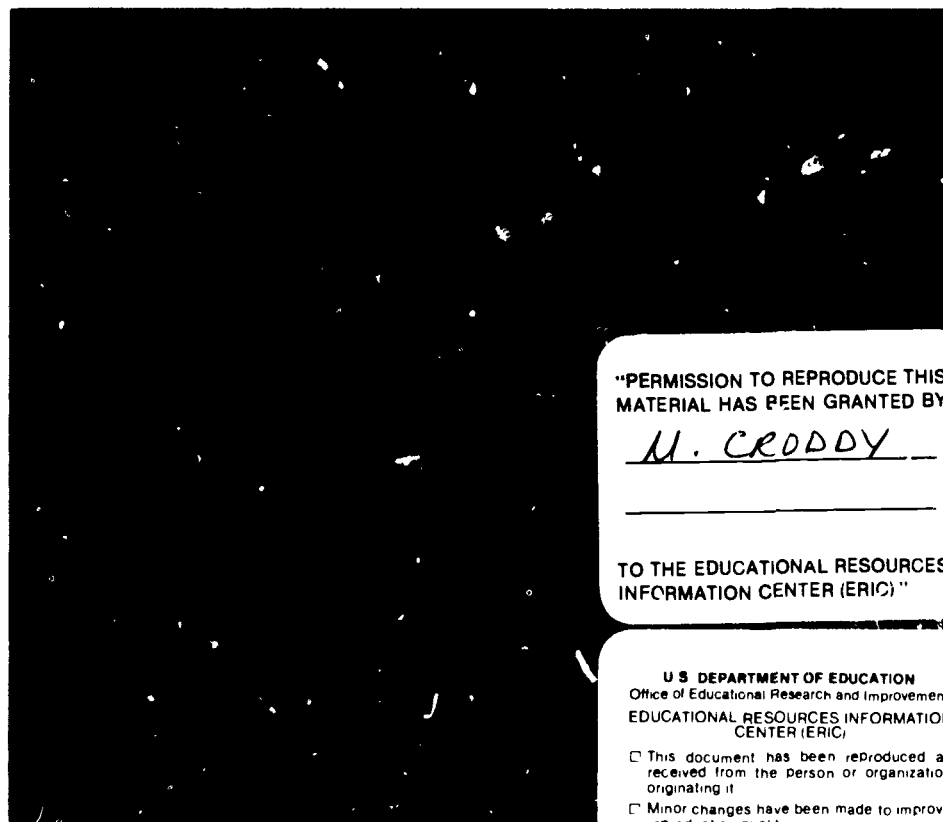
### WAT TYLER'S REBELLION

"Villeins ye are, and villeins ye shall remain."  
—King Richard II (1381)

Americans are accustomed to organized social protest. Since the Revolution, citizens have been vigorous in expressing dissenting views. From the abolitionist movement of the 19th century to the labor agitation of the early 20th century to the civil rights, anti-war, and feminist protests of the recent past, Americans have taken seriously their First Amendment right of peaceable assembly. Although we generally take this right for granted, the tradition of peaceful protest is relatively new. It emerges from the difficult historical struggles of others. A glimpse into the English past can provide a valuable perspective for understanding the turbulent origins of our right to gather together to voice our grievances.

Fourteenth century England was a troubled place for most people. During the Black Plague, one-third of the population died. The Hundred Years War against France put a heavy tax burden on everyone, especially the poor. The majority of people in England were serfs, the poorest segment of the population. A serf (also called a villein) struggled to feed his family and to provide services and fees to his lord. As a socio-economic class, serfs were little more than slaves. Even free persons at this time labored hard to survive and their wages were fixed by law at a low level.

With the signing of the Magna Carta in 1215, England had been seized by the iron grasp of great feudal lords and the Roman Catholic Church. By the 1300s, voices of discontent, and even revolution, echoed throughout the land. One such voice was that of John Ball, a wandering radical priest, who preached against the wealth of the church and the injustices of serfdom. Jean



▲ The Death of Wat Tyler. (The Bettmann Archive)

Froissart, a French historian of the period, recorded one of John Ball's fiery speeches:

What have we deserves, or why should we be kept thus in [servitude]? We be all come from one father and mother, Adam and Eve. Whereby can they say or show that [the noblemen] be greater lords than we be...?

They are clothed in velvet... and we be [covered] with poor cloth. They have their wines, spices and good bread, and we have the rye bran and drink water. They dwell in fair houses, and we have the...rain and wind in the fields. And by that cometh from our labors they keep and maintain their estates.

We be called their bondsmen and [unless] we do readily them service, we be beaten. And we have no [representatives] to whom we may complain, nor that will hear us nor do us right.

(continued on next page)

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### A New Series

Thanks to the generous support of the Milken Family Foundation, this is the second of a special series of *Bill of Rights in Action* to begin commemorating the bicentennial of the drafting and ratification of the amendments to the U.S. Constitution.

During this school year, each issue focuses on one of the freedoms guaranteed by the First Amendment: religion, assembly, press and speech.

The members of the Milken family, individually and through their various charitable foundations, support the role of education in helping America develop the character, well-being and intelligence of its citizens through recognition of the values as contained in our Constitution and its Bill of Rights.

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Let us go to the King, he is young, and show him [our harsh conditions]... And if we go together, all manner of people that be now in any bondage, will follow us... to be made free. And while the King seeth us, we shall have some remedy, either by fairness or otherwise.

When John Ball spoke, masses of serfs flocked to hear him. Many agreed, among themselves at least, that he told the truth. His success at gathering crowds sealed his fate. Early in 1381, he was seized and imprisoned under the orders of Simon Sudbury, the Archbishop of Canterbury and chief political advisor of the fourteen year-old King of England, Richard II.

### The Poll Tax

In 1380, the English Parliament met to raise more money for the continuing war against France. At the urging of Archbishop Sudbury and Sir Robert Hales, the Royal Treasurer, Parliament agreed to assess a new poll tax. Each adult in the kingdom would have to pay. It was especially hard on the poor because it was the third such special tax in four years and the rate was the same for everyone. Both lords and serfs had to pay one shilling apiece. Though no real burden for the wealthy lords, for the vast numbers of serfs and other poor people, one shilling represented about a month's work.

Worse still, many of the King's tax collectors were corrupt. Collectors accepted bribes to remove people's names from the tax roll. Some who had already paid the poll tax had to pay it again.

In late May 1381, rebellion erupted and spread into the surrounding counties. By early June, rebels were marching in Kent, the county across the Thames River from Essex, to the south of London. On June 7, the rebels freed John Ball, the radical priest who had been jailed by Archbishop Sudbury.

By this time, a rebel leader had emerged. He was Wat Tyler, a Kent man who may have been a local craftsman or an ex-soldier. Tyler took command of a growing army of serfs, free laborers, craftsmen, war veterans, merchants, village priests, and even some local officials. All had grievances against the King's government and gathered together through their hatred of the poll tax and the feudal system. Significantly, even while they blamed Sudbury, Hales, and other government officials for their troubles, they declared their loyalty to King Richard.

Under Wat Tyler, an armed rebel force of 10,000 commoners from Kent began marching to London. Another 10,000 Essex rebels made their way towards the city along the other side of the Thames River. The two rebel armies converged on London, joining and plundering as they went.

### The Attack on London

As the 20,000 seething rebels neared London in mid-June 1381, the teen-age King and his government found themselves in a dangerous spot. Most of the organized royal army was out of the country fighting in Europe. The King's men hoped the rebels would soon get hungry and go home. Stalling for time, King Richard proposed a meeting with the Kent rebels at Greenwich, a place located about nine miles from London on the Thames River.

On Thursday, June 13, King Richard sailed down the river on his royal barge, accompanied by Archbishop Sudbury, Sir Robert Hales, and other supporters. Wat Tyler made the first move by sending a petition demanding the heads of sixteen lords, including those of Sudbury and Hales. Faced with an impossible demand, the King refused. Then, the men of Kent sent word that they wanted to speak directly with the King. The meeting broke off and the King returned to London. Nevertheless, for perhaps the first time in English history, a group of ordinary people with grievances against the government had met with their King.



▲ Wat Tyler's army of serfs burns a monastery (The Bettmann Archive)

Angered over their failure to get the heads of Sudbury and Hales, the people's army from Kent headed for London. Along the way, they burned more houses of nobles and the King's officials. Rebel sympathizers lowered the drawbridge at London Bridge, giving them direct access to the city. A short time later, other Londoners opened one of the city gates, allowing the second rebel group from Essex to enter.

Rioting and fires broke out all through London that night. From his temporary residence in the Tower of London, an ancient fortress and prison, King Richard could see

the flames burning bright. On Thursday night, he and his men devised a plan to save the city and themselves. First, another meeting between the King and the rebels would be arranged. Then, while the King tried to persuade the people to disperse, Sudbury and Hales would escape from the city. Everything depended on the young King remaining cool headed.

On Friday morning, King Richard rode out of the Tower on horseback to meet with a large crowd at Mile End, outside of London. While Wat Tyler was probably not there, other leaders presented the King with a list of demands that included an end to serfdom in their counties and a pardon for their rebellious actions. King Richard readily agreed to the rebel demands and ordered 30 clerks to immediately prepare charters freeing the villages of the rebel counties from all feudal duties.

In the meantime, Sudbury and Hales, the focus of the people's hate, tried to leave the Tower of London. Once discovered, a mob led by Wat Tyler attacked the Tower and captured the two men. Dragged to Tower Hill, Sudbury and Hales were quickly beheaded. The mob carried the grisly trophies through the city streets on poles and set them atop the gate at London Bridge.

### The Death of Wat Tyler

The blood fury of the rebellion was nearly spent. The rebels held London. Sudbury and Hales were dead. The King had agreed to end serfdom. Many of the 20,000 rebels began to go home, clutching their pardons and newly-won charters of freedom. Still, hundreds stayed on in London, burning, looting, and sometimes killing. Among them were Wat Tyler and John Ball.

On Saturday, June 15, King Richard proposed to meet again with the rebels. In a final attempt to get them to leave London, a meeting took place at a cow market, called Smithfield, just beyond one of the city walls. Several thousand people assembled to meet their King, escorted by only 200 men.

Riding a small horse, Wat Tyler approached the King, who was also mounted. Wat dismounted and addressed his King as "Brother." Wat then told him that he would not leave London unless a whole new list of demands were satisfied.

Wat Tyler's demands, probably the ideas of John Ball, included an end to all titles of nobility (except that of the King), the elimination of all church offices except for one bishop, the confiscation of all lands owned by the feudal lords and the church for re-distribution to the people, and an end to serfdom throughout the kingdom. Richard agreed to everything and ordered Wat and his men to go home.

Perhaps suspecting that the King could not meet these outrageous demands even if

he wanted to, Wat began to address him in a rude manner. One of the King's men shouted that Wat Tyler was the greatest thief in Kent. Wat demanded his head and drew a dagger. William Walworth, the mayor of London, moved to arrest Wat for drawing his dagger in the presence of the King. Wat stabbed the Mayor, but the dagger was turned back by Walworth's shirt of chain mail. Fighting back, Walworth finally wounded Wat in the neck and head with a short sword.

When the rebels realized what had happened, they started to draw their longbows. Seizing the moment, the courageous boy-king spurred his horse alone into the crowd and shouted: "Sirs, will you shoot your King? I will be your captain and your leader. Only follow me." Richard's act saved the day as he led the rebels to a nearby field.

Mayor Walworth rode back to London to rally the King's supporters. Quickly, several hundred armed men returned with him to the field, where they found King Richard still talking to the rebels. Reinforced, the King's men surrounded the field.

Mayor Walworth wanted vengeance on Wat Tyler. Walworth rode back to the original Smithfield meeting place, located the dying rebel leader, and beheaded him on the spot. Spearheading Tyler's head on a lance, Walworth carried it to the cowering rebels. Although the King's men wanted to slaughter the remaining rebels, Richard would not permit it. Instead, he sent them home with a pardon. When the King's forces returned to the city, Wat Tyler's head replaced those of Sudbury and Hales on London Bridge.

Once the rebellion was over, King Richard showed his true colors. He cancelled all the pardons and charters abolishing serfdom. Then, he ordered and even led a general round-up of those who had participated in the rebellion. About 200 were hanged; others were imprisoned or fined. According to one account John Ball was, "drawn, disembowelled, hanged, and beheaded as a traitor."

Wat Tyler's rebellion lasted less than a month. When it was over, the hated poll tax was suspended and it was not used again for more than 100 years. Little else had changed. One group of serfs approached King Richard when he was searching the countryside for Wat Tyler's followers. Showing the King their charters of freedom, the serfs asked if it were true that they were still in bondage. King Richard firmly replied, "Villeins ye are, and villeins ye shall remain."



▲ King Richard II. (The Be tmann Archive )

Why does he propose that those in bondage go to speak to the King?

2. What do you think was the main reason for the failure of Wat Tyler's rebellion? Could the rebels have done anything differently in order to have achieved their goals?
3. Tom Paine, the American revolutionary thinker, wrote an essay in 1791 defending Wat Tyler's rebellion. Paine concluded his essay by declaring, "If Barons merited a monument to be erected in Runnymede, Tyler merits one in Smithfield." What happened at Runnymede? What happened at Smithfield? How were these events similar, and different, to one another? Do you agree or disagree with Tom Paine's opinion of Wat Tyler? Are there places in the world today with conditions similar to those faced by Tyler and his fellow serfs?
4. The founders of our American republic were mindful of English history and most had experienced a revolution themselves. Many feared the potential danger of mob action. Why do you think they included the right to peaceful assembly in our Bill of Rights?

#### For Further Reading

Dobson, R.B., ed. *The Peasant's Revolt of 1381*. 2nd ed. London: Macmillan Press Ltd., 1983. [This is a collection of primary resources.]

Hutchinson, Harold F. *The Hollow Crown: A Life of Richard II*. New York: John Day Co., 1961.

## A C T I V I T Y

**Rules for the Right of Peaceful Assembly**  
"The right of the people to peaceably assemble," which appears in the First

Amendment of the U.S. Constitution, did not exist at the time of Wat Tyler's rebellion. With no tradition of peaceful protest, people had no chance to legally gather together to voice their grievances. Over the past 600 years since Wat Tyler's rebellion, the right of peaceful assembly has evolved in England and the United States. In both countries, rules have been established enabling the people to exercise this right. What rules for the right of peaceful assembly do you think are reasonable? In this activity, the members of your class will have an opportunity to decide for themselves.

- A. Form four or five small groups and then discuss the following questions:
  1. Should groups of protestors be prohibited by law from assembling outside any of the following kinds of **private** property? a) a person's home; b) a church, synagogue, or mosque; c) a business establishment; d) a private organization; and e) a hospital or clinic.
  2. Should groups of protestors be prohibited by law from assembling outside any of the following kinds of **public** property? a) a courthouse; b) a state Legislature; c) a police station; d) a jail or prison; e) a public school; f) the U.S. Capitol building; g) the White House; and h) a foreign embassy or consular office.
  3. Should the number of people participating in protest marches or assemblies be limited by law?
  4. Should protest marches on public streets be limited by law to certain times?
  5. Are there any actions or behavior that should be prohibited by law during protest marches?
- B. Follow the next steps to create a class set of rules for the right of peaceful assembly:
  1. Every group should review its answers to the questions above and write a one or two sentence rule for each one (five rules).
  2. Each group should write its set of rules on the chalkboard.
  3. After comparing and discussing the sets of rules proposed by the groups, the class members should finally vote to decide which ones they believe are best for regulating the right of peaceful assembly in the United States today.
- C. The U.S. Supreme Court has often been asked to make decisions about peaceable assembly. Research and discuss some of the actual rules governing the right of peaceful assembly in our country as described in the following opinions: *Hague v. C.I.O.*, 59 S. Ct. 954 (1939); *Edwards v. South Carolina*, 83 S. Ct. 680 (1963); *Adderly v. Florida*, 87 S. Ct. 242 (1966).

#### For Discussion and Writing

1. Read John Ball's speech again, located at the beginning of the article. To whom was he speaking? What was his main complaint? What argument did he use to prove that "there shall be no greater masters than we be?"

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## Freedom of Assembly

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### U.S. History

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# WILLIAM LLOYD GARRISON AND THE BOSTON MOB

Although the First Amendment guarantee of free assembly has been part of the U.S. Constitution since 1791, Americans have had to struggle hard to implement that right. Throughout the 19th century, citizens encountered dangerous obstacles as they sought to exercise their constitutional rights. An incident from more than 150 years ago is a vivid example of some of the difficulties people have faced in establishing their free assembly guarantee.

When Andrew Jackson became president of the United States in 1829, the abolitionist or anti-slavery movement was divided. While the slave trade had been illegal for more than 20 years, abolitionists continued to debate how slavery itself should be ended. One group of abolitionists believed that American slaves should be sent back to Africa to start a new life in their own colony. Others argued that the slaves should be emancipated gradually and then educated before becoming full American citizens. Only a few abolitionists, like William Lloyd Garrison, called for immediate and complete emancipation.

### The Liberator

William Lloyd Garrison, a progressive journalist who believed in equal rights for both blacks and women, began his own abolitionist newspaper in 1831. He and his partner, Isaac Knapp, chose to set up their printing press in Boston "within sight of Bunker Hill and the birthplace of liberty." Naming their weekly *The Liberator*, Garrison and Knapp announced their intention to depend solely on the power of the word, not violence, to destroy slavery in America. For the next 35 years, Garrison, as the main contributor to *The Liberator*, championed the abolitionist cause.

The masthead of *The Liberator* portrayed a slave auction taking place in a horse market. Although Garrison viciously attacked southern slaveholders, he also condemned northern indifference. In the first issue of *The Liberator* (January 1, 1831), Garrison wrote that in the North, "I found contempt more bitter, opposition more fierce, detraction more relentless, prejudice

more stubborn, and apathy more frozen, than among slave owners themselves."

Garrison declared that he would accept no compromises on the issue of the immediate freedom for the slave population. As he proclaimed in *The Liberator*, "On this subject, I do not wish to think, or speak, or write, with moderation." In concluding his first editorial, he signaled his determination: "I am in earnest—I will not equivocate [waver]—I will not excuse—I will not retreat a single inch—I WILL BE HEARD."

While *The Liberator* never became a popular newspaper, Garrison saw to it that it was widely distributed, even in the South. Angry letters poured in, attacking Garrison's harsh and uncompromising stance against slavery, slave owners, and an apathetic public. One southerner wrote, "Shame on the Freemen of Boston for permitting such a vehicle of outrage and rebellion to spring into existence among them." This attack only encouraged Garrison. "My language is exactly such as suits me," he replied in *The Liberator*, "it will displease many, I know—to displease them is my intention."

In August 1831, eight months after the founding of *The Liberator*, Nat Turner's Rebellion broke out in Virginia. More than 50 white people were slaughtered and over 100 slaves were hanged, including Nat Turner himself. Many southerners blamed Garrison's abolitionist newspaper for stirring up the slaves.

Garrison denied that *The Liberator* was responsible for the slave rebellion. In his view, the injustice of slavery itself was cause enough for blacks to throw off their chains and only disaster for the entire nation would result if slavery continued:

Wo to this guilty land, unless she speedily repents of her evil doings! The blood of millions of her sons cries aloud for redress! IMMEDIATE EMANCIPATION can alone save her from the vengeance of Heaven and cancel the debt of ages!

Garrison's denials did little good. *The Liberator* was banned nearly everywhere in the South. The Georgia State Senate went so far as to brand Garrison as an outlaw by offering a \$5000 reward for his arrest and conviction for inciting rebellion among the slaves.

Garrison continued to question the role of the free states in a union that permitted slavery. "It is awful to reflect," he wrote on the first anniversary of *The Liberator*, "that it is solely by the authority of the free states that slavery is tolerated in our land... We are guilty—all guilty—horribly guilty."

In 1833, while speaking against the establishment of a colony in Africa for American blacks, Garrison even denounced

the U.S. Constitution: "I pronounce it the most bloody and Heaven-daring arrangement ever made by men for the continuance and protection of the most atrocious villainy ever exhibited on earth." The only moral thing for the North to do, Garrison argued, was to peacefully leave the Union and write a new constitution explicitly forbidding slavery.

### The Boston Mob

By 1834, Garrison's uncompromising demand for the immediate emancipation of the slaves had gained only a few supporters. Most southerners believed slavery necessary for their economy; many northern businesses were deeply involved in the profitable cotton trade. Also, northern laborers feared that emancipated blacks would flood the labor market, driving down wages and taking away jobs.

In the North, opposition against the abolitionist movement grew and became violent. Speakers against slavery were heckled, mobbed, and tarred and feathered. Anti-slavery meetings were broken up. Abolitionist newspapers found their offices wrecked and their presses destroyed. Garrison wrote in *The Liberator*: "To sustain that system (slavery) there is a general willingness to destroy LIBERTY OF SPEECH and of the press and to mob or murder all who oppose it."

On August 21, 1835, a pro-slavery meeting was held in Boston's Faneuil Hall where the spirit of the American Revolution had been born. Many well-to-do Bostonians, as well as a number of southerners, attended the meeting. The mayor of Boston, Theodore Lyman, chaired the assembly. Garrison was shocked to learn that when Washington and Jefferson had been praised as slave owners, proper Bostonians cheered.

In response, Garrison invited George Thompson, an English abolitionist, to speak to New England audiences during the summer and fall of 1835. The Boston newspapers protested and called upon "men of property and standing" to show their opposition. The Boston Female Anti-Slavery Society announced Thompson would speak at its meeting on October 21. Two merchants distributed 500 inflammatory handbills claiming that, "A purse of \$100 has been raised by a number of patriotic citizens to reward the individual who shall first lay violent hands on Thompson, so that he may be brought to the tar-kettle before dark."

When Garrison arrived outside the Anti-Slavery Society's meeting hall, he found more than 100 men noisily milling about. "That's Garrison!" members of the crowd shouted as he entered the building.

Garrison soon discovered that he was the only man in an audience of about 20

women. Thompson had apparently been warned to stay away. As the crowd outside grew more violent, Garrison decided to leave the hall. The entrance to the hall was now blocked, so he retreated into a nearby office.

Thousands crowded the street outside crying, "Thompson! Thompson!" Mayor Lyman, flanked by a few police officers, appeared and told the crowd that Thompson was not there, but the commotion continued. Lyman, now fearful, asked the women to adjourn their meeting. As they left the building, the crowd hissed and jeered.

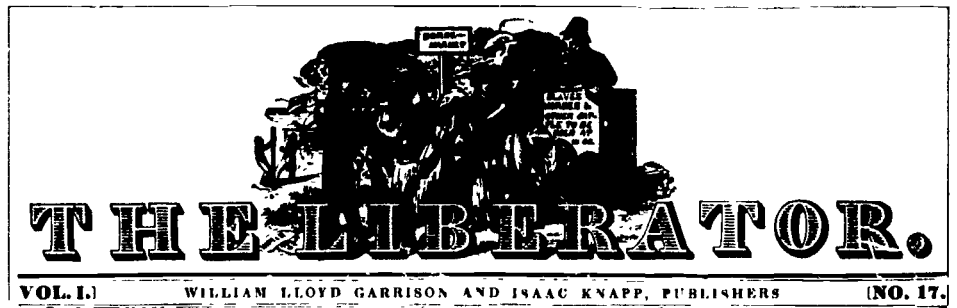
Members of the crowd soon located Garrison. They attempted to break in the door to the office where he sat calmly at a desk writing a letter. The thousands outside, now a riotous mob, took up a new chant: "Garrison! Garrison! We must have Garrison!" Others began to shout, "Out with him! Lynch him!"

Leaving by a back window, Garrison temporarily escaped their wrath. Again, he was quickly discovered, hiding in the second-floor loft of a carpentry shop. Members of the mob seized Garrison and nearly threw him out of a window to those below. Changing their minds, they coiled a rope around his body and forced him to make his way down from the window on a ladder. To Garrison's surprise, Mayor Lyman's men grabbed him when he reached the ground and guarded him through the angry anti-abolitionist mob.

First, they took Garrison to the mayor's office in City Hall. Later, the Mayor decided to send him, by carriage, to a jailhouse for his own safety. During the trip, the mob attacked again. At one point, the police had to drive the attackers off the moving carriage. Safe at last, Garrison spent the night in a jail cell where he was visited by friends. His release came the next day after he promised to leave the city for a while.

In his own account of the incident, Garrison wrote that he was outraged such a thing could happen in Boston, "the cradle of Liberty." He condemned Mayor Lyman for not arresting the leaders of the mob. He also complained that the Mayor had given no assurance to the citizens of Boston "that the right of free discussion shall be enjoyed without molestation."

To his abolitionist supporters, William Lloyd Garrison became a symbol for the cause. More importantly, those who had been apathetic or even hostile to the anti-slavery movement began to take it more seriously. After the "Boston Mob," a growing number of people became convinced that slavery could not exist in a free society. At long last, Garrison had begun to move the conscience of America.



VOL. I.] WILLIAM LLOYD GARRISON AND ISAAC KNAPP, PUBLISHERS [NO. 17.

▲ Masthead of William Lloyd Garrison's *The Liberator*, with an illustration of an American slave market (The Bettmann Archive)

### For Discussion and Writing

1. How did William Lloyd Garrison differ from most other abolitionists in the early 1830s?
2. Why did Garrison attack northerners, as well as southern slave owners, in *The Liberator*?
3. Why did people in the North attack abolitionist speakers?
4. Read the First Amendment of the Constitution. Do you think the First Amendment gave the "Boston Mob" the right to act as it did? Why or why not?
5. Under the circumstances, do you think Mayor Lyman did the right thing dealing with the "Boston Mob" incident? What other options did he have under the circumstances?

### For Further Reading

- Fredrickson, George M. ed. *William Lloyd Garrison*. Englewood Cliffs, N.J. Prentice-Hall, 1968. [Includes editorials from *The Liberator*.]  
 Thomas, John L. *The Liberator: William Lloyd Garrison*. Boston. Little, Brown and Co., 1963

## A C T I V I T Y

### The Problem of a Hostile Crowd

The problem of a hostile crowd puts law enforcement authorities in a difficult situation. They have a duty to preserve peace and order, but they must also protect the First Amendment right of citizen express their opinions.

Below are five hostile crowd situations. Form five small groups with one situation assigned to each group. Each group will first discuss what, if anything, the police should do in the situation. After discussing the hostile crowd situations, the groups should report their conclusions to the class. After each group makes its report, the other members of the class should have the opportunity to agree or disagree.

**SITUATION #1:** A speaker in a hall says Hitler was right to exterminate the Jews during World War II. Outside the hall, several hundred people are shouting threats against the speaker, breaking windows with rocks, and preventing others from going inside. What, if anything, should the police do in this situation?

**SITUATION #2:** A college student, speaking on a street corner, calls the president of the United States "a liar and a pig." About a dozen people listening to the speaker yell, "Get out of here!" and "Go back to Russia!" One man threatens to punch the speaker. What, if anything, should the police do in this situation?

**SITUATION #3:** A group of about 50 people gather in a public park on a Sunday afternoon to listen to AIDS victims tell their stories. About 20 neighborhood toughs yell insults and start to push members of the gay crowd. What, if anything, should the police do in this situation?

**SITUATION #4:** About 25 Klu Klux Klan members choose a black neighborhood to hold a march, protesting the observance of Martin Luther King, Jr.'s birthday. Before the march begins, the police receive phone calls from several individuals threatening to shoot the Klan members if they show up. What, if anything, should the police do in this situation?

**SITUATION #5:** A group of about 30 anti-abortion protesters march in a circle, on a sidewalk in front of an abortion clinic, chanting slogans and carrying signs. As women attempt to enter the clinic, the protesters try to block the entrance and harass the women, trying to persuade them not to have an abortion. What, if anything, should the police do in this situation?

The following U.S. Supreme Court decisions address the problem of a hostile crowd: *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942); *Terminiello v. Chicago*, 337 U.S. 1 (1949); and *Feiner v. New York*, 340 U.S. 315 (1951).

## Freedom of Assembly

### U.S. Government

# THE LUNCH COUNTER SIT-INS

**Black College Student:** "I'd like a cup of coffee please."

**White Waitress:** "I'm sorry. We don't serve Negroes here."

**Student:** "I beg to disagree with you. You just finished serving me at a [merchandise] counter only two feet away from here."

**Waitress:** "Negroes eat at the other end [a stand-up counter]"

**Student:** "This is a public place, isn't it? If it isn't, then why don't you sell membership cards?"

**Waitress:** "Well, you won't get any service here!" [she walks away]

On Monday, February 1, 1960, four black college students sat down at the segregated lunch counter of Woolworth's five and ten store in Greensboro, North Carolina.

The four students, Ezell Blair, Jr., Franklin McCain, Joseph McNeil, and David Richmond, were all freshmen at the all-black North Carolina Agricultural and Technical College (A & T) located in Greensboro. "The Four" (as they later were called) became close friends at the college and spent many hours talking about all sorts of things, especially the injustices of racial segregation. During one Sunday night bull session, they realized that it was not enough to talk; action is what really counted. They decided to go down to Woolworth's "white only" lunch counter the next day and sit there until they were served.

When the four young men sat down at the lunch counter they had no idea what would happen. The store manager, C L Harris, told his employees to ignore them while he went to the police station. The police chief explained that he could do nothing unless Harris wanted the young men arrested for trespassing. But Harris, hoping to avoid bad publicity, decided not to press charges.

Meanwhile, back at the lunch counter, a small crowd had gathered. Some white people told the students, "You know you don't belong here." Ignoring them, Blair, McCain, McNeil, and Richmond remained anchored to their lunch counter seats. At one point, two police officers did arrive to observe the scene, but took no action. "The Four" just quietly sat there, challenging decades of racial indignity. Finally, at closing time, the students left, promising to return the next day.



▲ The four students from North Carolina A & T College sit-in at the Woolworth lunch counter, February 1, 1960. (The Bettmann Archive)

### The Student Sit-In Movement

Word of what happened at Woolworth's spread rapidly among the other students at A & T. On Monday night, a student committee was formed to continue the sit-in. The students agreed to conduct their protest according to the nonviolent principles of Gandhi and Martin Luther King, Jr. Under no circumstances would they resort to physical force even if provoked.

On Wednesday, more than 60 students occupied almost all of the lunch counter seats. By Thursday, black students from other local colleges and a high school were participating in the sit-in. Three young white women from nearby North Carolina Woman's College also showed up. Altogether, about 300 young people crowded around the lunch counter. White teen-age boys and young men began to heckle the sit-in protesters by calling them names, but the students refused to be baited. When hecklers occupied some of the lunch counter seats, a group of students marched down the block to the S.H. Kress store and sat in at its lunch counter.

Friday proved to be another tense day when hundreds of people, including protesting students, hecklers, law enforcement officers, news reporters, and onlookers converged on the Woolworth and Kress stores. On Saturday morning, more than 500 people filled the area around Woolworth's lunch counter. White youths carrying Confederate flags continued jeering. At noon, the A & T football team arrived to add their support to the sit-in. A bomb threat finally caused C. L. Harris to close his store. The crowd marched on to the Kress store to continue the protest. It also soon closed. Marching back to A & T, the students shouted, "We whipped Woolworth!" and "It's all over!" They then suspended the sit-ins to wait for policies to change.

Despite the truce in Greensboro, the student sit-in tactic quickly spread throughout the rest of the state and the entire South. Black college and high school students realized that they too could make a difference in the fight against racial injustice. Student sit-ins took place at lunch counters, libraries, swimming pools, and other facilities serving the public in hundreds of locations.

The student sit-ins surprised the older leaders of the black civil rights movement, but they quickly began backing the students. Roy Wilkins, executive secretary for the National Association for the Advancement of Colored People (NAACP), recognized the importance of sit-in movements.

When a whole generation of young people decides a thing is wrong, then it's dead. The white people can go on pretending if they choose to do so, can be "tough" or not as they please. It will not affect the final outcome, which is that segregation in public places must go.

### "The Sky Did Not Fall"

Ironically, most of the white people in Greensboro at this time seemed to believe that blacks had been satisfied with the way things were. Some were genuinely surprised when the sit-ins revealed that "their Negroes" resented racial indignities such as being barred from downtown lunch counters.

Two weeks after the students stopped their sit-ins, the mayor of Greensboro appointed a committee to deal with the matter. Made up of elected city officials and community business men, the committee had only one black member.

The mayor's committee asked citizens to state their opinions about the racial integration of lunch counters. About 70 percent of the more than 2000 letters received supported some kind of equal

service for blacks. However, many on the committee considered this response too small.

After meeting for seven weeks, the mayor's committee proposed integrated lunch counter seating with a section reserved for whites only. Nevertheless, the downtown store managers rejected this proposal, fearing the loss of white business. The A & T students also refused to endorse what would amount to a continuance of racially segregated lunch counters.

On April 1, 1960, the students again sat in at the Woolworth and Kress lunch counters. Again, they were refused service.

This time, at both stores, picketing went on outside while the sit-ins went on inside. Additional pressure was added when the NAACP organized an economic boycott of both stores.

On April 21, a group of 45 students marched to the Kress lunch counter and were arrested for trespassing when they refused to leave. These were the only arrests of sit-in demonstrators during the entire protest in Greensboro.

As summer began, both sides were apparently at a stalemate. A & T students had trained black high school youth to carry on the sit-ins after the college closed in June. Although C.L. Harris had voiced his determination not to integrate Woolworth's lunch counter unless all stores with lunch counters did the same, he changed his mind.

Economics, not morality or the law, brought about change. Evidently, the economic boycott, plus the general disruption of the sit-ins, had caused Woolworth's to suffer a 20 percent drop in sales and a 50 percent cut in profits. By July, C.L. Harris feared his business was headed for failure.

On July 25, the first blacks were served at Woolworth's integrated lunch counter (they were employees at the store). Soon afterward, the other Greensboro stores opened their lunch counters to both whites and blacks. After one week, *The Greensboro Daily News* reported, "There was no fuss

and furor. Negroes did not request service *en masse*. They came as individuals and they were served as individuals. The sky did not fall."

More than 30 southern cities integrated their lunch counters in the summer of 1960. A year later, over 100 cities in the South had at least some integrated eating facilities.

So effectively used in Greensboro, the student sit-in rapidly became a favorite tactic of civil rights demonstrators protesting racially segregated restaurants, movies, hotels, and other public accommodations. As the student body president of A & T, Jesse Jackson led such sit-ins in Greensboro three years after the lunch counters were integrated. Finally, President Johnson signed the Civil Rights Act of 1964 which, among other things, outlawed racial discrimination in public accommodations like lunch counters.

The sit-in became a new form of expression and a new way to protest injustice. In its nonviolent way, the sit-in forced segregationists to admit their racial prejudice and to change their treatment of black Americans.

#### For Discussion and Writing

1. Why do you think racially segregated lunch counters were customary in Greensboro and other southern cities in 1960?
2. In what way was the sit-in a new way of exercising the right of peaceable assembly? Do you think the framers of the First Amendment even imagined that peaceful sit-ins could be a legitimate expression of this right?
3. How did the students show their commitment to nonviolence during the Greensboro lunch counter sit-ins?
4. The lunch counter sit-ins took place on private property. Do you agree that the store owners had the right to have the sit-in demonstrators arrested for trespassing? Why or why not?
5. The Civil Rights Act of 1960 made it illegal for lunch counters to deny someone

service on account of race. Do you agree with this law, or do you believe that private businesses should have the right to refuse to serve whomever they wish? [To find out how the U.S. Supreme Court answered this question, see *Heart of Atlanta Motel v. United States*, 379, U.S. 241 (1964).]

#### For Further Reading

- Adamson, Madelaine and Seth Borgas. *This Mighty Dream: Social Protest Movements in the United States*. Boston: Routledge & Kegan Paul, 1984.
- Wolff, Miles. *Lunch at the Five and Ten: The Greensboro Sit-Ins*. New York: Stein and Day, 1970.

## A C T I V I T Y

### Sit-In Activity

In this activity, your class will have a chance to role play various strategy sessions in the racially segregated South in the early 1960s. Imagine that you are living in a small southern city with a recent history of nonviolent sit-in demonstrations at "white only" cafes and restaurants. These demonstrations have been widely publicized in the community and have generated tremendous controversy among the population. Everyone expects these nonviolent sit-ins to continue.

Break the class into the following interest groups that, in very different ways, have a stake in these demonstrations against racial segregation. Each group should meet to discuss how it will respond to nonviolent direct action. Each group should brainstorm separately for 25 minutes. Afterwards, each group should present its strategic plans to the class as a whole. Time should be reserved for class members to discuss the proposed strategies of these groups.

1. **Four or Five Black High School Students:** You have decided to participate in this movement by walking into a "white only" cafe or restaurant to express your opposition to racial segregation. You must determine

(continued on next page)

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(continued from page 7)

what your target will be, what you will say to the white customers who may be abusive and what you will do when faced with arrest. You must also figure out what training you need to remain nonviolent if faced with physical force.

2. **Four or Five White Northern Students:** You have decided to support the cause of the black students in the South. You must determine what steps you will take in order to maximize your support. You must decide whether to join them in the sit-in at the cafe or find an alternative method of support.

You must also figure out what you should say in the face of skepticism from many fellow students in the North and hostility from many white residents in the South.

3. **Four or Five Owners of Segregated Restaurants:** You have decided to meet together because you know that your establishments will be targeted by nonviolent sit-in demonstrators. You must decide exactly how you will respond to these demonstrations. You need to determine what arguments to present in order to persuade them to leave. You must also decide what to do about your angry white customers, about whether and when to call the police, and what you will say to the press.

4. **Four or Five Police Officials:** You know from recent experience that the police will be asked to restore order and make arrests at sit-in sites. You must determine exactly how the police will react. You need to decide whether you will try to persuade the black students to leave or whether you will arrest them immediately. You also must figure out what to do with abusive white customers and whether to arrest white students who may be sitting in sympathy with black students.

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