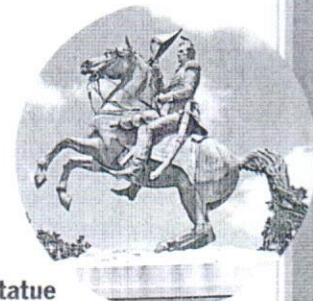




Clark v. Community for Creative Non-Violence, 1984

Political demonstrations often bring the government's need to maintain

order in conflict with the rights of free speech and free assembly. Does the Constitution give groups the right to camp in parks to promote political ideas? The Court dealt with this issue in Clark v. Community for Creative Non-Violence.



Lafayette Park statue

Background of the Case

In 1982 a group, the Community for Creative Non-Violence (CCNV), applied to the National Park Service (NPS) for a permit to conduct round-the-clock demonstrations in Lafayette Park and the Mall in Washington, D.C. The CCNV wanted to set up 60 large tents for overnight camping in both parks to call attention to the problems of the homeless. The NPS issued the permit but refused to allow the CCNV to sleep overnight in tents. Camping in national parks is permitted only in campgrounds designated for that purpose, and no such campgrounds had ever been set up in either Lafayette Park or the Mall. The CCNV filed suit claiming a violation of their First Amendment rights. A district court ruled in favor of the NPS; the court of appeals then ruled for the CCNV.

The Constitutional Issue

The Court stated, "The issue in this case is whether a National Park Service regulation prohibiting

camping in certain parks violates the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall." The CCNV argued that sleeping in the tents was essential to convey to people "the central reality of homelessness." Further, the group explained that it would be impossible to get the poor and homeless to participate without the incentive of sleeping space and a hot meal. The CCNV also claimed that while the camping might interfere in some ways with use of the parks by others, the NPS did not have a truly substantial governmental interest in banning camping.

The NPS countered that the regulation against sleeping except in designated campsites was "content neutral;" it was not targeted against the CCNV's message about the homeless. Further, the government did have a substantial interest in keeping the parks attractive and readily available to the millions who wanted to enjoy them. If non-demonstrators were not allowed to camp in the two parks, demonstrators should not be treated any differently, especially since there were other ways to get their political message across to the public.

Debating the Case

Questions to Consider

1. What governmental interest was involved in this case?
2. Was the regulation intended to suppress the CCNV's message about the homeless?
3. What could be the far-reaching consequence of allowing the CCNV to camp in the parks?

You Be the Judge

In your opinion, did the NPS regulation violate the First Amendment? Was a substantial governmental interest served by banning camping as part of the CCNV's demonstration? Did the CCNV have other ways to use the parks to communicate a message about the problems of the homeless?