Regulating the landscape of protest: The National Park Service National Capital Region as testing ground for First Amendment rights

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INTRODUCTION

The national parks of the National Capital Region (hereafter National Capital Parks), as so many park staff are proud to say, are not just places where history happened; they are places where history *happens* every day. On any given day, one can find Americans of all backgrounds gathered in the iconic public spaces of Washington, DC, to address the representatives of government and their fellow citizens across the country—a form of direct democracy that gave rise to such nation-defining moments as the 1963 March on Washington for Jobs and Freedom, antiwar protests, and countless other civic demonstrations. Here, in the symbolically rich landscape of the national capital, Americans engage with the nation's past as they seek to shape its future.

Beginning in the late 19th century, those who designed, promoted, and built what would become the National Capital Parks intended these spaces to serve as a reflection of the nation and its values. In the original design of the city and its parks, commissioned by President George Washington in 1791, Pierre Charles L'Enfant envisioned a city that "embodied the history of the founding and the early organization of the federal government."[1] But while the parks and monuments of L'Enfant's city design were meant to symbolize the principles on which the nation was built, Americans have occupied those iconic spaces to protest the injustices inherent in that history, demanding rights for women, African Americans, disabled Americans, and others. Such protests have resulted in expanding citizenship rights to previously marginalized groups and continue to be instrumental in the ongoing struggle for justice. By gathering in parks meant to reflect the power and prestige of the nation, people have, ironically, disrupted prevailing power dynamics and value systems, bringing to these iconic spaces the movements that remade the nation itself. Not only are ideas about citizenship and nation bound up in our use of public space, but the use of public space for civic engagement is essential to a thriving democracy.

As the managing agency of the National Capital Parks, the National Park Service (NPS) plays a significant role in shaping the ways people engage with the nation's most important landscape of protest. But in the politically charged atmosphere of Washington, DC, the agency faces unique challenges in its efforts to preserve the nation's past while remaining responsive to social change. The stated mission of NPS is to preserve "unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations."[2] As a government agency, NPS is also bound to uphold citizens' First Amendment rights to free speech and peaceful assembly. Occasionally, the imperative of ensuring these rights grates against the objective of managing for the enjoyment and preservation of park resources. Within the District of Columbia, moreover, there are significant security concerns given the significance of the city as the seat of the federal government. In an effort to balance these priorities, NPS regulates the time, place, and manner in which demonstrations on park lands may occur by requiring permits for most demonstrations.

[Ed. note: This article is drawn from a larger study by the author titled "Landscapes of Protest: A Study of First Amendment Expression in the National Park Service, National Capital Region," which was conducted in partnership with the National Park Service National Capital Region and supported by the American Council of Learned Societies in 2021–2022.]

This article explores the origins of how NPS manages First Amendment activities in National Capital Parks, concentrating on developments in the 1960s and 1970s. It outlines the emergence of regulations over time, as the agency has sought to reconcile the historical and cultural values of National Capital Parks with the value they hold for civic engagement. How NPS addresses these varied—sometimes competing—obligations has the potential to either facilitate or diminish free expression on the nation's most significant stage of democracy. Since NPS began requiring permits for First Amendment demonstrations in 1966, many have questioned whether the regulatory system of permits may itself constitute a violation of the First Amendment. Today, after more than five decades of litigation, the courts have affirmed both the right to free speech and assembly in National Capital Parks and the authority (with limitations) of NPS to regulate such activity. Still, questions about the exercise of First Amendment rights have continued to emerge, and will likely continue long into the future, as demonstrators engage in new and creative means of protest, security concerns shift, and ideas about protest among the general public evolve.

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OVERVIEW OF NPS REGULATIONS GOVERNING FIRST AMENDMENT DEMONSTRATIONS

According to its website, "The National Mall and Memorial Parks Division of Permits Management manages more than 4,000 permitted activities each year."[3] Events range from annual celebrations, such as the National Cherry Blossom Festival and the Smithsonian Folklife Festival, to sports and other recreational events, in addition to First Amendment demonstrations. Of the permitted activities that take place in the National Mall and Memorial Parks each year, more than half are considered First Amendment demonstrations. In addition to the thousands of permitted activities, there are many unpermitted demonstrations that take place in the capital each year, as most demonstrations involving fewer than 25 people do not require a permit.

NPS maintains a rigorous adherence to neutrality in its regulation of First Amendment demonstrations. While the agency enforces rules on the time, place, and manner of demonstrations, it never regulates the content of the message. Applications for permits are accepted on a first-come, first-served basis. A complete and fully executed permit application is approved unless another permit has already been granted for the time and place in question,[4] the proposed event presents a danger to public safety or park resources, or the event violates any other existing law or regulation.[5] NPS does not charge any fees for First Amendment applications nor to recover costs for the use of park lands for these demonstrations, as fees would constitute a violation of First Amendment rights.[6]

With only a few exceptions, demonstrations are permitted on most national park lands within the District of Columbia, provided that all other regulations, including obtaining necessary permits, are followed. The United States Court of Appeals for the District of Columbia Circuit has affirmed the importance of National Capital Parks for First Amendment demonstrations, writing: "the [National] Mall is more than home to these enduring symbols of our nationhood" in that "its location in the heart of our nation's capital makes it a prime location for demonstrations.… As the court has stated before, 'It is here that the constitutional rights of speech and peaceful assembly find their fullest expression.'"[7] Exceptions include areas immediately surrounding the White House, the Washington Monument, and several memorial sites, where demonstrations are prohibited either for security concerns or to maintain the respectful and contemplative atmosphere of monuments and memorials.[8] There are additional NPS regulations for demonstrations at Lafayette Park and the White House sidewalk, which restrict structures, the size, type, and location of signs

and banners displayed, the type of equipment that may be used for sound amplifications, and the provision of marshals to ensure the safety and discipline of larger demonstrations.[9]

ESTABLISHING FIRST AMENDMENT REGULATIONS IN THE NATIONAL CAPITAL PARKS: 1960s-1970s

The regulations around First Amendment demonstrations in the National Capital Region that exist today came about through extensive litigation. Beginning in the 1960s, NPS began regulating the time, place, and manner of demonstrations in National Capital Parks in response to Civil Rights and antiwar demonstrations, particularly those taking place in front of the White House, as well as new security concerns that emerged from within the United States and abroad. With these new challenges, NPS attempted to regulate demonstrations taking place under its jurisdiction. With little precedent, however, there was no road map for how protests should be regulated—if at all—on lands managed by NPS.

The efforts by NPS to regulate protests on park lands resulted in a legal struggle that continues to this day. At the heart of these challenges is the question, how does NPS, or any federal agency, balance the fundamental rights guaranteed by the US Constitution when weighed against legitimate governmental interests of public order and safety?

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Although the social movements of the 1960s were far from the first time demonstrators had assembled in the nation's capital to petition their government, the size and frequency of the demonstrations represented a new era in the history of protest in the national capital. One historical account describes the growing trend of antiwar demonstrations in front of the White House as follows:

> Twenty-five thousand people marched along the White House sidewalk in a demonstration of the Committee for a Sane Nuclear Policy (SANE) in November of 1965. In May of 1966, there was a totally peaceful SANE demonstration on the White House sidewalk of over 8,000 people. The all-night Moratorium [to End the War in Vietnam] demonstration in October of 1969 involved 30,000 people marching in single file, each with a lighted candle, in front of the White House; this march was without incident. During this period there were dozens and dozens of other anti-war marches in front of the White House. Virtually all were completely peaceful; only in a handful were there disruptions, violence or any arrests.[10]

In addition to the protests in front of the White House, there were even larger antiwar and Civil Rights protests on the National Mall, some bringing demonstrators by the hundreds of thousands. Although the protests were overwhelmingly peaceful, they became a major source of concern within the White House, which sought to tamp down the demonstrations at the president's front door.[11] In 1965, the Secret Service and the Johnson administration attempted to prohibit all demonstrations on the White House sidewalk, citing security concerns. Cold War tensions and the effect of these protests on America's image abroad undoubtedly also factored into these efforts.[12]

The NPS policy of requiring permits for demonstrations began in 1966 and was put into practice in 1967. Amid the growing Civil Rights and antiwar movements, Secretary of the Interior Stewart Udall promulgated new regulations requiring an official permit for public gatherings on certain park lands in the national capital under the jurisdiction of NPS. Although many amendments have been made in the years since, the regulations enacted on April 23, 1966, established the basic regulatory framework that exists today in 36 CFR [Code of Federal Regulations] § 7.96. According

to the new regulations of 1966, a permit issued by the park superintendent was required for demonstrations in most National Capital Parks, including the White House sidewalk, Lafayette Park, and the National Mall.[13]

These regulations have been repeatedly challenged in court as a violation of First Amendment rights, leading to amendments to the regulations over time. The first challenge came in 1969. The new regulations, elaborated in a memorandum issued by the NPS regional director in 1967, included the provision that, "No permit will be issued for the South sidewalk of Pennsylvania Avenue to a group of more than 100 persons," and "No permit will be issued for Lafayette Park to a group of more than 500 persons."[14] Critically, NPS provided no explanation for the numerical restrictions. In March 1969, four organizations applied for permits on the White House sidewalk or Lafayette Park—the Clergy and Laymen Concerned about Vietnam, Women Strike for Peace, Jews for Urban Justice, and the Action Committee on American-Arab Relations. Each of the permits was denied, three for violating the numerical restrictions and one because of construction and rehabilitation work taking place in Lafayette Park. The four organizations, joined by an organization called the Quaker Action Group, filed an action with the district court on March 19, 1969.[15]

QUAKER ACTION GROUP v. HICKEL (1969)

The plaintiffs in *Quaker Action Group v. Hickel* (1969) argued that the regulations violated their First Amendment rights to assemble and petition the president by limiting the size of demonstrations and requiring a permit. When the plaintiffs filed for a preliminary injunction against the restrictions on the demonstrations, the NPS regional director advanced, for the first time, the safety of the President and the security of the White House as justification for the requirement of permits and numerical limits. Despite this argument, the judge granted the preliminary injunction in April 1969, which prevented National Capital Parks from requiring an official permit for demonstrations. In granting the temporary injunction, the court reasoned that "any delay in the exercise of First Amendment rights constitutes

A group of Quakers holds a demonstration against the Vietnam War outside the White House in 1969. Demonstrations like this were subject to new regulations established in 1967 that limited permissible activities outside of the White House. WARREN K. LEFFLER AND THOMAS J. O'HALLORAN / LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION WASHINGTON, DC

Coretta Scott King leads a group of marchers to a candlelight vigil to the White House as part of the Moratorium to End the War in Vietnam, October 15, 1969.
MARION S. TRIKOSKO, WARREN K. LEFFLER OR THOMAS J. O'HALLORAN / LIBRARY OF CONGRESS PRINTS AND PHOTOGRAPHS DIVISION WASHINGTON, DC

an irreparable injury to those seeking such exercise" and that "the convenience to defendants of continuing to enforce the numerical limitations and the permits requirements … is greatly outweighed by the harm to plaintiffs and all other citizens of deprivation of First Amendment rights."[16] Temporary relief was granted to the protesters, but the question as to whether NPS could enforce permit requirements and establish numerical limits on First Amendment demonstrations was left unsettled.

The litigation on the issues raised in *Quaker Action v. Hickel* continued for nearly a decade and was the subject of five decisions by the US Court of Appeals for the District of Columbia. NPS, supported in its position by the secretary of the interior, the Secret Service, and the Johnson administration, continued to press for the authority to regulate the size and manner of protests through a permitting process, while the plaintiffs sought a permanent injunction against the permit regulations as a limitation on free speech. The case went back and forth between the District Court, which tended to uphold the government's position based on security concerns, and the Court of Appeals, which attempted to balance the legitimate security concerns of the administration against the plaintiffs' constitutional right to petition the government.[17]

Plaintiffs in the original *Quaker Action Group* case continued to litigate on the specifics of the regulations through 1977. Prior to this series of lawsuits, it was unclear how—or whether—First Amendment activity should be regulated on lands under NPS jurisdiction. The rapid rise of protest activity raised new questions about how considerations of security, the protection of park resources, and the disruption to daily life should be balanced against First Amendment rights. There were no easy answers to these questions, but the litigation that began with *Quaker Action v. Hickel* established a few key principles for the regulation of First Amendment demonstrations in National Capital Parks. First, it affirmed the need for a permit system and approved existing permit regulations, with modifications, on such factors as numerical restrictions and advance notice of demonstrations. It also affirmed that restrictions

might sometimes be necessary to ensure the security of the president, while also stating that such security should not be achieved "at the unnecessary expense of First Amendment Freedoms."[18]

It was also in this series of litigation that the Court of Appeals established that the "use of parks for public assembly and airing of opinions is historic in our democratic society, and one of its cardinal values," and that demonstrations in front of the White House bear a "unique quality from the viewpoint of First Amendment interests."[19] Circuit Judge Harold Levanthal made this latter point in the context of criticizing NPS for its apparent hostility to protests on park lands.

Though the cases above established some important precedents, the details about how NPS could regulate First Amendment activity were far from settled. Even as the cases discussed above worked their way through the courts, other cases emerged that raised new questions about whether NPS regulations violated First Amendment rights. Shortly after the *Quaker Action* litigation began, one of the appellants named in that case, Women Strike for Peace, filed a separate action when the organization was denied a permit for a demonstration on the Ellipse in August 1969, on the anniversary of the nuclear bombing of Hiroshima and Nagasaki. As part of the demonstration, the organization wished to construct a visual display that measured eight feet high, twenty feet long, and six feet deep to convey their message. While NPS was willing to issue a permit for a gathering on the Ellipse, it refused to authorize the construction of the display proposed by the organization. Women Strike for Peace brought its suit against NPS on the grounds that by refusing to allow the organization to build its display, the Park Service violated its right to freedom of expression.

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As with the *Quaker Action* litigation, Women Strike for Peace's case evolved into a protracted legal battle. In this case, the government argued that while Women Strike for Peace had a First Amendment right to use the Ellipse, the proposed structure (the display) was forbidden by NPS regulations, and that "these regulations constitute a proper exercise of the Government's plenary powers over public land."[20] The appeals court determined, in 1972, that because NPS allowed structures on park lands for other events, permission to erect structures must be granted "with an even hand," and Women Strike for Peace was entitled to an injunction against the prohibition of structures as part of its demonstrations. However, the judge continued, it was not entitled to a "display or structure that establishes interference" with the use and enjoyment of the Capital park area by other park visitors.[21]

While the ruling in *Women Strike for Peace v. Morton* helped to clarify the question of whether structures could be erected on park lands as part of First Amendment demonstrations, questions remained about the NPS's discretionary power to regulate the time, place, and manner of protests within its jurisdiction. As Judge Levanthal stated in his concurring opinion: "At the end of the line we are left without a coherent framework of regulations, governing public gatherings in park areas subject to the jurisdiction of the National Park Service based on thorough and reflective consideration of park values, including First Amendment rights."[22] Once again, a years-long legal battle brought about important precedents for the proper exercise of First Amendment rights on park lands, but the precise regulations would continue to evolve as citizens brought forth new challenges.

LIBERTY, SECURITY, AND THE EVOLUTION OF FIRST AMENDMENT REGULATIONS IN NATIONAL PARKS

Though government officials from the White House and the Secret Service had long invoked

security in their efforts to curb protest activity near the White House, security efforts began to expand significantly in the 1970s and 1980s in response to political unrest in Iran and an alarming increase in terrorist activity at home and abroad. On December 8, 1982, the need for increased security in National Capital Parks was tragically illustrated when a protester drove a van to the base of the Washington Monument. He had claimed the vehicle was loaded with 1,000 pounds of TNT, which he would detonate if the United States did not take steps to ban nuclear weapons. The individual, who had protested daily in front of the White House for several months prior to the incident, was fatally shot by Park Police officers after he began to drive away in his van, threatening to detonate the explosives in downtown Washington. Subsequent investigation revealed that the van carried no explosives; however, this incident, and the larger context of domestic and international threats, highlighted potential security risks.[23]

In response, representatives from NPS, the Secret Service, and the Department of Justice met in late 1982 to consider ways of securing the White House and National Capital Parks. On April 22, 1983, NPS published new regulations that enumerated further restrictions on demonstrations, particularly near the White House. Among other requirements, these included restrictions on the size, placement, and construction (materials used) of signs displayed on the White House sidewalk. The new restrictions also established a center zone, defined as the central 20 yards of the sidewalk in front of the White House, within which demonstrators bearing signs could not be stationary, but were permitted to carry signs only "if they continue to move along the sidewalk."[24] As with the original regulations established in 1967, these new regulations became the subject of numerous lawsuits in the ensuing years that challenged the regulations' legality on First Amendment grounds, but which the Court of Appeals has upheld as constitutional.

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Over time, the NPS regulations governing First Amendment demonstrations were further refined and rewritten. Security concerns would only continue to grow as various high-profile events—such as the 1983 bombing of the US Marines barracks in Beirut, the 1995 Oklahoma City Bombing, the September 11, 2001, terrorist attacks, and, most recently, the storming of the US Capitol on January 6, 2021—heightened awareness of security vulnerabilities in the nation's capital. Aside from the regulations around permitting, the landscape itself has been transformed out of concern for security, with security fences, bollards, and strategic landscaping limiting the degree and type of access people have to various National Capital Parks.[25] Balancing the need for security against First Amendment rights has been and will likely continue to be an issue for NPS in the years to come.

ONGOING CHALLENGES TO REGULATING FIRST AMENDMENT DEMONSTRATION IN NATIONAL CAPITAL PARKS

By the mid-to-late 1970s, a decade after NPS first established a policy of regulations on protest in National Capital Parks, the basic regulatory framework that exists today had been established. Through a series of legal challenges, the courts had affirmed the agency's ability to regulate the time, place, and manner in which demonstrations could take place, while also limiting NPS's regulatory authority in the interest of upholding the First Amendment rights of people wishing to use the parks to assemble, petition the government, and hold demonstrations. The courts also affirmed that parks served an important role in the American democratic tradition. As the court stated in *Women Strike for Peace v. Morton* (DC Cir. 1973): "Parks are a particular kind of community that, under the Anglo-American tradition, are available, at least to some extent and

on a reasonable basis, for groups of citizens concerned with expression of ideas. The regulations of the National Park Service expressly contemplate that parks may be used for this purpose."[26]

That First Amendment expression was a legitimate, and even fundamental, use of National Capital Parks had been well established in NPS policy. But since the 1970s new security concerns and unconventional forms of expression would challenge the existing regulatory framework. Protest encampments, for instance, challenge the very idea of what constitutes a First Amendment demonstration. According to NPS regulations, camping is not a legitimate form of protest, an issue that received widespread public attention during the Occupy movement of 2012. And yet, for those who are unhoused, the long-term occupation of public spaces serves basic logistical needs while simultaneously conveying symbolic messages and bringing visibility to the cause of income inequality and homelessness. The regulatory framework, in other words, may exclude some Americans based on assumptions about what constitutes speech.

Invoking security also remains contentious. In response to the Black Lives Matter protests of 2020 and under pressure from the Trump administration, Lafayette Square was closed for nearly a year, an unprecedented closure that eliminated access to what has historically been a critical forum for First Amendment demonstrations. To be clear, NPS managers and park staff strongly opposed the park's closure during this period. However, the incident reveals how appealing to security and resource protection can be used to undermine free expression. It is, therefore, critically important to consider how measures designed to protect park resources and other values may inadvertently undermine civil liberties.

In the course of this study, park managers and staff at all levels expressed a great deal of pride in the role of National Capital Parks as a forum for protest, historically and today.

CONCLUSION

In the course of this study, park managers and staff at all levels expressed a great deal of pride in the role of National Capital Parks as a forum for protest, historically and today. The importance of protest also has been written into the official documentation of National Capital Parks. In the National Mall's Foundation Document, for instance, the first attribute listed under the park significance statement is that the National Mall serves as a vital forum in which Americans participate in the political process through direct action. National parks don't merely symbolize the nation and its history; they are places where the nation is made, where democracy happens, and where citizenship is enacted. But the conditions under which people get to participate in this forum for democracy are shaped by park policies and management decisions, as well as laws and regulations sparked by these decisions, and by the implementation of policy by park administrative, interpretive, and law enforcement personnel.

The regulation of First Amendment expression bears an inherent contradiction, insofar as it implies a restriction on free expression. Recognizing that some level of restriction is necessary for the protection of resources, including the cultural and historical value of these important public spaces, how NPS reconciles this contradiction has far-reaching implications for democratic expression on the nation's most prominent stage of democracy.

ENDNOTES

1. Pamela Scott, "'This Vast Empire': The Iconography of the Mall, 1791–1848," *Studies in the History of Art* 30 (1991): 37.
2. "About Us," National Park Service, accessed June 10, 2024, https://www.nps.gov/aboutus/index.htm.

3. “Permits and Contact Information,” National Mall and Memorial Parks, accessed November 8, 2021, https://www.nps.gov/nama/planyourvisit/permit-office-contact-information.htm.
4. Concurrent demonstrations are allowed in a single location if there is sufficient space for the number of people in each of the groups.
5. The conditions under which a permit may be denied are detailed in 36-CFR§ 7.96(g)(4)(vii)(A)-(D): “if … [a] fully executed prior application for the same time and place has been received [and] … multiple uses cannot be accommodated in the same area at the same time”; or “if it reasonably appears that the proposed demonstration … will present a clear and present danger to the public safety, good order, or health”; or “the proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in a certain area”; or “the application proposes activities that are contrary to … applicable laws or regulations.”
6. As stated on the Supplemental Information for NPS Form 10-941, First Amendment demonstrations applications are not subject to application processing fees, but there may be charges for other costs, including services, resource damage cost by the activity, and personnel deemed necessary to support the activity. Depending on the size and scope of the event, a deposit and liability insurance may be required. Applications are reviewed by the United States Park Police to determine if Park Police officers are required to be onsite for the proposed event. National Park Service, “Supplemental Information for NPS Form 10-941, ‘Application for a Permit to Conduct a Demonstration or Special Event in Park Areas,’” accessed April 4, 2022, https://www.nps.gov/nama/planyourvisit/upload/10-941-Public-Gathering-Permit-and-Instructions-accessible-v19.pdf.
7. *ISKON of Potomac v. Kennedy*, 116 F.3d 495, 496 (D.C. Cir. 1995), as quoted in National Park Service, Cultural Landscapes Inventory, *The Mall, National Mall* (2006) 112 (hereafter cited as CLI NAMA).
8. The use of monuments and memorials as sites of protest and other forms of First Amendment expression is a complex topic. It is covered at greater length in the section “Monuments and Memorials” later in larger report from which this paper derives. Sites where demonstrations are restricted include the Lincoln Memorial, the Jefferson Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial. The description and maps showing where the National Park Service prohibits demonstrations and special events are at 36 CFR § 7.96(g)(3)(ii)(A)-(D). The constitutionality of the National Park Service regulation prohibiting demonstrations in the chamber of the Jefferson Memorial was upheld in the DC Circuit Court decision of *Oberwetter v Hilliard*, 639 F.3d 545 (DC Cir. 2011). Besides stating that the designated memorial was a “nonpublic forum,” the Court stated on page 552: “National memorials are places of public commemoration, not freewheeling forums for open expression, and thus the government may reserve them for purposes that preclude expressive activity.”
9. 36 CFR § 7.96.
10. Arnold & Porter [law firm], “Demonstrating at the Front Door of the White House,” https://www.arnoldporter.com/en/perspectives/publications/1996/01/demonstrating-at-the-front-door-of-the-white-house, accessed February 2, 2022.
11. Arnold & Porter, “Demonstrating at the Front Door of the White House.”
12. Whereas the intense battles of the Civil Rights Movement are often portrayed as sectional conflicts, in her study *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000), historian Mary Dudziak situates the movement within a broader transnational framework, tracing “the emergence, the development, and the decline of Cold War foreign affairs as a factor in influencing civil rights policy” (17). Civil Rights activists and government officials alike seized upon the context of Cold War ideological warfare: as the government used progress in American race relations to project a positive image of American democracy abroad, Civil Rights activists used the same international stage to pressure the government into enacting reforms. This served as an effective strategy for both until the mid-1960s, when Civil Rights leaders grew increasingly frustrated with the slow pace of change and American involvement in the Vietnam War escalated and grew more controversial..
13. The regulations governing National Capital Region Parks were redesignated from part 50 of the CFR to 36 CFR § 7.96 in 1986. The only significant changes to the regulations at the time involved the geographical applicability of the provisions concerning demonstrations, solicitations, sales, and camping. Parks not requiring a permit within the 1966 CFR governing park usage included McPherson Square, US Reservation No. 31, and Rock Creek and Potomac Parkway, which remain designated spaces today. Also included in the 1966 regulations as designated First Amendment spaces requiring no permit were Judiciary Park, Garfield Park, and US Reservation No. 46. Title 36—Parks, Forests, and Memorials,” Chapter I, Part 3—National Capital Region Regulations, § 3.19 (1966).
14. *Quaker Action Group v. Hickel*, 421 F.2d 1111 (DC Cir., 1969).

15. Arnold & Porter, “Demonstrating at the Front Door of the White House.”
16. *Quaker Action Group v. Hickel*, 421 F.2d 1111, 1116 (DC Cir. 1969).
17. Arnold & Porter, “Demonstrating at the Front Door of the White House.”
18. *Quaker Action Group v. Morton,* 460 F.2d 854 (DC Cir. 1971).
19. The opinion in *Quaker Action Group v. Morton* (1975) elaborated on this point, stating that “there are unique First Amendment values in use of the White House sidewalk; and citizens seeking redress of grievances are not unreasonable if they propose to come to the front of the House rather than be shunted to the back door.”
20. As discussed in the appeal. See *Women Strike for Peace v. Morton,* 472 F.2d 1273 (DC Cir. 1972).
21. *Women Strike for Peace v. Morton,* 472 F.2d 1273, 1303 (DC Cir. 1972).
22. *Women Strike for Peace v. Morton,* 472 F.2d 1273, 1303 (DC Cir. 1972).
23. Joe Pichirallo and Blaine Harden, “The Odyssey of Norman Mayer: Victim of an Unyielding Will,” *Washington Post*, December 19, 1982.
24. *White House Vigil for the Era Committee v. Clark,* 746 F.2d 1518 (D.C. Cir. 1984).
25. Examples of heightened security protection include new and more secure fencing at various park sites, including around the White House; the traffic closure of Pennsylvania Avenue adjacent to the White House; and the landscaping around the Washington Monument completed in 2005.
26. *Women Strike for Peace v. Morton*, 472 F.2d 1273, 1287 (DC Cir. 1972).