

Handout on Civil Disobedience

Martin Luther King, Jr., "The Trumpet of Conscience," 1967

"There is nothing wrong with a traffic law which says you have to stop for a red light. But when a fire is raging, the fire truck goes right through that red light, and normal traffic had better get out of its way. Or, when a man is bleeding to death, the ambulance goes through those red lights at top speed. ... Disinherited people all over the world are bleeding to death from deep social and economic wounds. They need brigades of ambulance drivers who will have to ignore the red lights of the present system until the emergency is solved. Massive civil disobedience is a strategy for social change which is at least as forceful as an ambulance with its siren on full."

Questions:

1. What is the difference between breaking a traffic law normally and breaking a traffic law in an emergency?
2. What does Dr. King mean when he writes that civil disobedience is "as forceful as an ambulance with its siren on full?"
3. What is the goal of civil disobedience, and why does it require breaking the law, according to Dr. King?
4. What injustices are emergencies today?

Morris Leibman, "Civil Disobedience: A Threat to Our Society Under Law," 1964

"While the idea of civil disobedience may evoke sympathy where the claim is made that the cause is just, once we accept such a doubtful doctrine we legitimize it for other causes which we might reject. We must be even more careful in the sympathetic case because, in effect, that sets the standard of conduct which then becomes acceptable for cases not as appealing or for groups not as responsible. Thus, we substitute pressure for persuasion and squander the carefully nurtured value of self-restraint and jeopardize the system of law. The plain fact of human nature is that the organized disobedience of masses stirs up the primitive. This has been true of a soccer crowd and a lynch mob. Psychologically and psychiatrically it is very clear that no man—no matter how well-intentioned—can keep group passions in control."

Questions

1. What do you think of Leibman's argument? Could civil disobedience "jeopardize the system of law"?
2. What would happen if everyone disobeyed any laws they personally disagreed with? Is this the same as civil disobedience? Why or why not?
3. Does civil disobedience "substitute pressure for persuasion"? What would be the consequences of substituting pressure for persuasion in societal conflicts?
4. Would you ever break a law to protest an injustice? Why or why not?
5. Are there any laws that it would be wrong to break, even to protest injustice? Is it wrong to stop traffic? Take down a flag? Block doors? Damage property? Assault people? Why or why not?

Group 1: Martin Luther King, Jr., Stride Toward Freedom, 1958

Principles of Nonviolent Direct Action

- Nonviolence is not passive, but requires courage.
- Nonviolence seeks reconciliation, not defeat of an adversary.
- Nonviolent action is directed at eliminating evil, not destroying an evil-doer.
- Nonviolence means a willingness to accept suffering for the cause, if necessary, but never to inflict it.
- Nonviolence means rejection of hatred, animosity, or violence of the spirit, as well as refusal to commit physical violence.
- Nonviolence requires faith that justice will prevail

Questions:

1. Why do you think the Poor People's Campaign protesters ignore people shoving them from behind? Think back to the lunch-counter sit-ins, when people were hit and had cigarettes put out on their skin: why did they ignore that kind of abuse as well? What advantages does nonviolence give?
2. How is nonviolence and civil disobedience emotionally challenging? What strategies might protesters use to support each other and themselves emotionally during civil disobedience?
3. How did the police at this protest treat the protesters? In the 60's civil rights movement, at Black Lives Matter, or at Standing Rock, police often acted very differently toward protesters. Why might police choose different strategies?
4. How might it affect a movement if police choose to be violent toward protesters or keep them in jail? Would it be good or bad for the movement? Why?

Group 2: Martin Luther King, Jr., "Letter from Birmingham Jail," 1963

"You may well ask: "Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored....

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never."...

You express a great deal of anxiety over our willingness to break laws... The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws...

I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will."

Questions:

1. How does civil disobedience create a "tension" or "crisis"? Why might that be important or helpful to do?
2. What possible concerns might ordinary people have about the methods that the Poor People's Campaign uses, blocking traffic or blocking the Senate doors in the Capitol building, even if they support the goals of the Campaign? How does Dr. King respond to those who agree with his goals but not his methods?
3. How should protesters decide which laws to break, and when things are bad enough to act?

Group 3: New York State Poor People's Campaign, "Things to Know," 2018

(A training document for participants in civil disobedience in Albany, NY)

Risks of engaging in non-violent civil disobedience include:

- physical harm
- being held in custody: lack of access to medication, medical treatment, family
- time, inconvenience, money
- adverse legal consequences- criminal conviction, incarceration, loss of legal privileges and rights, immigration consequences, employment consequences

Factors to consider in deciding whether to engage in non-violent civil disobedience:

- are you on probation or parole?
- are you lawfully present in the U.S.?
- do you have any other pending cases?
- have you ever failed to appear in court when you were supposed to?
- do you have any medical conditions or family obligations that could cause difficulty for you if you were held in custody?
- will you be able to come to court when necessary?
- would being arrested cause a problem for your employment?

Potential charges:

Felonies (maximum potential sentences include state prison of more than one year)

Examples: assault 2nd degree (includes any assault on a police officer), criminal mischief (intentionally causing more than \$250 worth of property damage)

Misdemeanors (maximum potential sentences are up to one year in jail)

Examples: resisting arrest, obstruction of governmental administration (intentionally interfering with a police officer's performance of a lawful duty), criminal mischief (less than \$250), assault 3rd degree (intentionally causing physical injury to another person)

Non-criminal offenses (maximum potential sentences are up to 15 days in jail)

Examples: disorderly conduct, trespass

Questions:

1. Why do you think the campaign provides this information in advance trainings?
2. How might being Black/Hispanic, poor, LGBT, or young affect a protester's experience encountering the police?
3. What kinds of demographics (age, race, gender, religion) led this protest through speaking or singing? What kinds of demographics participated? What kinds of demographics chose to be arrested? (You may need to watch the video again.)
4. In Albany during the first week of the Poor People's Campaign, on May 14, 2018, protesters blocked street traffic for six hours to show that business as usual needs to stop, but were not arrested. Why might police choose not to arrest civil disobedience protesters at all?

Group 4: Bree Newsome, “The Civil Rights Movement’s Generation Gap,” 2018

Bree Newsome is best known for her civil disobedience on June 27, 2015, when she climbed the flagpole at the South Carolina Statehouse and removed the Confederate flag. She was arrested, but the Statehouse voted 12 days later to permanently remove the flag.

A feature of the modern [civil rights] movement has been an open rejection of “respectability politics”—the notion that black Americans must prove themselves “respectable” to gain equal rights. Iconic images from the 1960s show young people dressed in their finest while police dogs bite them or fire hoses knock them flat. ... But wasn’t Martin Luther King Jr. assassinated while wearing a suit? ... And so wearing T-shirts, jeans, and hoodies to protests became an intentional act of rejecting “respectability,” instead of trying to look wealthy and white....

Institutions such as the NAACP generally consider the courtroom and the halls of government the most important battlegrounds in the fight for equality, while student movements seek to empower communities with nonviolent direct action... Then, as now, getting arrested or jailed or associated with criminality in any fashion, whether in a hoodie or a suit and tie, was bound to upset the political establishment. When Black Lives Matter activists blocked traffic and engaged in other acts of mass civil disobedience, many white liberals and older black activists charged that King wouldn’t have approved of the type of disruption these protests caused. While the likes of King and Rosa Parks are now celebrated for their acts of defiance, their protests were no less controversial at the time, even within the civil-rights movement.

Taking the long view is important. The generations need to converse. The elders who once battled to integrate schools must listen to the young people who are now battling forces that funnel them from classrooms into prisons. The younger generation needs to understand how the modern movement is built upon every black-freedom effort that preceded it.

Questions:

1. Should protesters “try to look wealthy and white,” as Newsome puts it? Why or why not? How does protesting in a hoodie affect the risks of civil disobedience?
2. When Newsome planned her action as part of a team, the team decided that Newsome, a black woman, would take down the flag, and a white man would stand guard. Both were arrested.