



Civil Disobedience

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World Focus
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In the early 1960s, the United States was engaged in a global struggle for the hearts and minds of newly independent nations, particularly in Africa and Asia, and images of oppression coming out of Birmingham, Ala., caused our nation tremendous embarrassment. In response, on June 11, 1963, President John F. Kennedy delivered a televised civil rights address – one of the most important speeches of his presidency,” said Professor Davison Douglas, in an interview with the Gazette.

Douglas is the dean of William and Mary’s Law School and the Arthur B. Hanson professor of law. He is one the nation’s leading constitutional historians, an eminent scholar of civil rights law, and the author or co-author of seven books. He is not an ivory-tower scholar who perceives things only as they ought to be. He is a realist who analyzes events as they occur.

“In my view, the tipping point in the struggle for civil rights came when powerful groups, such as Congress and the president of the United States, embraced Martin Luther King’s civil right goals, recognizing that progress on civil rights was in the national interest,” he said.

“King was able to use civil disobedience to appeal to the interest of certain Americans with the requisite power and influence to help facilitate racial change. This convergence of interest, more than anything else, accounts for his success.”

According to a declaration by the Martin Luther King Jr. Center for Nonviolent Social Change, “Civil disobedience is the active, public, conscientious breach of the law to bring about a change in law or public policy... Dr. King and others made civil disobedience a cornerstone of the Civil Rights Movement, defying Jim Crow laws through sit-ins, violating laws and court orders prohibiting marches and boycotts, and accepting jail sentences to highlight racial injustice.”

It was Henry David Thoreau who coined the term “civil disobedience” in 1848, in an essay about his refusal as an abolitionist to pay the pool tax. Gandhi used civil disobedience to protest racial pass laws in South Africa. In fact, disobedience to the Stamp Act of 1765 may have been the first example in America of how civil disobedience could change governmental policy. In March 1766, the British Parliament revoked the Stamp Act in the colonies.

Reflecting on the civil rights struggle of the 1960s, Douglas quoted Kennedy: “We preach freedom around the world, and we mean it... But are we to say to the world, and much more importantly, to each other that this is a land of the free except for the Negroes?”

Nevertheless, Douglas said that Kennedy would not have introduced legislation, at least not at that time, that would become after his death the Civil Rights Act of 1964 without the widespread civil disobedience exercised in Birmingham. “In a sense, the peaceful protests in Birmingham that provoked such disturbing display of brutality broadcast around the world forced the president’s hand.”

During the Arab Spring and the Orange Revolution in Ukraine, civil disobedience was used as a method to force change. They succeeded, but only temporarily. I asked Douglas what that tells him about the future of civil disobedience as a tool to bring about change.

“The fundamental truth of social protest: The protesters must try to find a convergence of interest between the goals of the protesters and the concerns of those in power. Martin Luther King helped provoke that convergence of interest in Birmingham when geopolitical concerns of John Kennedy converged with the aspiration of black protesters. The Birmingham conflict created that necessary convergence of interest, and Kennedy took dramatic action on civil rights for the first time in his presidency.”