

DAN O'HANLON ESSAY COMPETITION - 2020

Does civic duty sometimes demand civil disobedience?

“I have seen this restlessness among the people before. It was in another millennium, another decade, and at another time in our history, but it pushed through America like a storm. In ten short years, there was a tempest that transformed what the American Revolution did not address, what the Constitution and the Bill of Rights were afraid to confront, what the Civil War could not unravel, what Reconstruction tried to mediate, and Jim Crow did its best to retrench. This mighty wind made a fundamental shift in the moral character of our nation that has reached every sector of our society. And this history lends us one very powerful reminder today: Nothing can stop the power of a committed and determined people to make a difference in our society.”

– U.S. Rep. John Lewis, *Across That Bridge: Life Lessons and a Vision for Change*

In 1776, Thomas Jefferson wrote the Declaration of Independence, including its preamble's soaring ode to equality known today as the “American Creed”:

“We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.”

At the time that Jefferson wrote these words, he and many of his contemporaries demanding equality from the government of England, owned slaves, and had no expectation or belief in equality – political or otherwise – for the great majority of people. As discussed more below, however, the “American Creed” has been relied on again and again to support the expansion of human rights in this country. But what does it all mean? And what obligations are there to uphold it?

The Essay

This year's essay prompt asks the writer to consider the role of protest in the political and constitutional discourse of the United States, using an historically significant protest movement to assess the protest movements of today while considering the following question:

Does civic duty sometimes demand civil disobedience?

You should discuss the constitutional and/or legal impact of the historical protest movement you choose, assessing how protest movements of today align with the American Creed described below, and identifying constitutional and/or legal changes the movement you describe might pursue to achieve its goals.

The winning essay will be well-supported, will discuss the broader issue of civic responsibility, and will demonstrate an understanding of the differences between legal protest, civil disobedience, radical protest, and revolution. An excellent discussion of these terms can be found a <https://plate.stanford.edu/entries/civil-disobedience/> .

Background

The United States of America was born out of protests against British rule that did not allow American colonists a voice in Parliament yet taxed those colonists and imposed rules to govern their behavior. In 1776, the American rebels, now considered the founders of our country, approved a “Declaration of Independence” that proclaimed:

"We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

This statement, written by Thomas Jefferson and often called the “American Creed,” has been relied upon as a shared ethic to support the expansions of civil rights in American history. Despite the soaring rhetoric of the Declaration of Independence, however, the U.S. Constitution drafted in the summer of 1787 did not contemplate or establish a government that treated all people equally. The original Constitution protected slavery and the slave trade and was amended to outlaw slavery only after the Civil War. It left decisions regarding who would have the right to vote to the states and recognized no role for women in the political life of the country. Indeed, the history of the United States has been characterized by a long struggle for people of every race, gender, and background to achieve political and other forms of equality and equity. The protest movements now going on indicate that the struggle to live up to the “American Creed” articulated in the Declaration’s preamble continues to this day.

Many advances toward equity and equality in this country — including civil rights and voting rights for African Americans and women — have followed protest movements. Now, in the summer of 2020, the news is filled with stories of Black Lives Matter protests in the wake of the police killings of George Floyd and Breonna Taylor (and many others). This and other movements demand changes in our laws, including criminal justice reform, economic justice to address income inequality, environmental justice, and attention to climate change.

As you consider the past protest movement you choose to explore, focus on what it achieved, whether civil disobedience was a critical part of that movement, and then choose a protest movement of today, focus on what its Constitutional and/or legal goals should be, and consider what it might take for that movement to succeed. Are there parts of the Constitution, as amended, that should be pointed to as supporting the goals of the movement you choose? Is there an amendment that should be added to the Constitution, or a law that does not already exist? If so, suggest what the amendment or law should say.