

COMMENT JANUARY 9, 2017 ISSUE

THE RETURN OF CIVIL DISOBEDIENCE

The sixties produced a conviction that “democracy is in the streets.” The Trump era may echo that.



By Jelani Cobb



Illustration by Tom Bachtell

On December 6th, less than a month after the election, Vice-President Joe Biden, who was in New York to receive the Robert F. Kennedy Ripple of Hope Award, for his decades of public service, used the occasion to urge

Americans not to despair. “I remind people, ’68 was really a bad year,” he said, and “America didn’t break.” He added, “It’s as bad now, but I’m hopeful.” And bad it was. The man for whom Biden’s award was named was assassinated in 1968. So was Martin Luther King, Jr. Riots erupted in more than a hundred cities, and violence broke out at the Democratic National Convention, in Chicago. The year closed with the hairbreadth victory of a law-and-order Presidential nominee whose Southern strategy of racial politicking remade the electoral map. Whatever innocence had survived the tumult of the five years since the murder of John F. Kennedy was gone.

It was telling that Biden had to sift through nearly a half century of history to find a precedent for the current malaise among liberals and progressives, but the comparison was not entirely fitting. Throughout Richard Nixon’s Presidency, Democrats maintained majorities in both the Senate and the House of Representatives. The efforts of the antiwar movement to end American involvement in Vietnam had stalled, but Nixon’s first years in office saw the enactment of several progressive measures, including the Occupational Safety and Health Act and the Clean Air Act, as well as the formation of the Environmental Protection Agency. In 2016, the Republicans won the White House, maintained control of both chambers of Congress, and secured the ability to create a conservative Supreme Court majority that could last a generation or more. Donald Trump, a man with minimal restraint, has been awarded maximal power.

Last summer, the A.C.L.U. issued a report highlighting the ways in which Trump’s proposals on a number of issues would violate the Bill of Rights. After his victory, the A.C.L.U.’s home page featured an image of him with the caption “See You in Court.” In November, Trump tweeted that he would have won the popular vote but for millions of illegal ballots cast. This was not just a window into the conspiratorial and fantasist mind-set of the President-elect but a looming threat to voting rights. Ten days after the election, the N.A.A.C.P. Legal Defense Fund released a statement opposing the nomination of Senator Jeff Sessions, of Alabama, as Attorney General, based on his record of hostility to voting rights and on the fact that he’d once brought unsubstantiated charges of voter fraud against civil-rights activists. But, with a Republican majority that has mostly shown compliance with Trump, despite his contempt for the norms of democracy, the fear is that he will achieve much of what he wants. Even if he accomplishes only half, the landscape of American politics and policy will be radically altered. This prospect has recalled another phenomenon of the nineteen-sixties: the conviction that “democracy is in the streets.”

Movements are born in the moments when abstract principles become concrete concerns. MoveOn arose in response to what was perceived as the Republican congressional overreach that resulted in the impeachment of President Bill Clinton. The Occupy movement was a backlash to the financial crisis. The message of Black Lives Matter was inspired by the death of Trayvon Martin

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and the unrest in Ferguson, Missouri. Occupy's version of anti-corporate populism helped to create the climate in which Senator Bernie Sanders's insurgent campaign could not only exist but essentially shape the Democratic Party platform. Black Lives Matter brought national attention to local instances of police brutality, prompting the Obama Administration to launch the Task Force on 21st Century Policing and helping defeat prosecutors in Chicago and Cleveland, who had sought reelection after initially failing to bring charges against police officers accused of using excessive force.

Last July, when the Army Corps of Engineers gave final approval for the completion of the Dakota Access Pipeline, members of the Standing Rock Sioux Tribe, anxious that the pipeline would threaten their water supply, started an online petition and filed a lawsuit to halt construction. Thousands of activists, including members of Black Lives Matter, and two thousand military veterans went to Standing Rock, to protest on the Sioux's behalf; last month, they endured rubber bullets and water hoses fired in freezing temperatures. On December 4th, the Army Corps announced that it would look for an alternate route. But, since Rick Perry, Trump's choice for Energy Secretary, sits on the board of Energy Transfer Partners, the company building the pipeline (and in which Trump, until recently, owned stock), protesters are settling in for a long winter.

In that context, the waves of protests in Portland, Los Angeles, Oakland, New York, Chicago, and Washington, D.C., in the days after the election look less like spontaneous outrage and more like a preview of what the next four years may hold. Unlike the specific protests that emerged during the Obama Administration, the post-election demonstrations have been directed at the general state of American democracy. Two hundred thousand women are expected to assemble in front of the Capitol, on January 21st, the day after the Inauguration, for the Women's March on Washington. Born of one woman's invitation to forty friends, the event is meant as a rejoinder to the fact that a candidate with a troubling history regarding women's rights—one who actually bragged about committing sexual assault—has made it to the White House.

The first Inauguration of George W. Bush, in 2001, saw mass protests driven by the sentiment that the election had been stolen. The protests that greet Trump will, in all probability, exceed them: some twenty other groups have also applied for march permits. Given his history with African-Americans, Muslims, Latinos, immigrants, unionized labor, environmentalists, and people with disabilities, it is not hard to imagine that there will be many more to come. The Congress is unlikely to check the new President, but democracy may thrive in the states, the courts, the next elections, and, lest the lessons of the sixties be forgotten, the streets. ♦

This article appears in other versions of the January 9, 2017, issue, with the headline "Taking It to the Streets."



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