

21CAR and the Rule of Law

It is a peculiar aspect of American independence that so many of the disagreements that exacerbated a sense of ‘separateness’ in the colonies, were originally attempts to assert rights as British citizens.

Americans were angry they were taxed differently, that London disempowered their local administrative and legislative bodies, and that they were denied the ability to represent their interests in Parliament. But this led initially only to carefully considered entreaties for protections embedded in the rule of law.

The Declaration of Independence describes at great length the suffering of the colonies, which, it points out, for so long had obeyed even bad British laws out of a sense of prudence and restraint. Of course, the document ultimately concludes that, when laws are bad enough, they forfeit their power to coerce obedience.



As he so often did, Martin Luther King, Jr. beautifully captured this principle handed down from the Founders. In his [Letter from Birmingham Jail](#), King wrote, “One may well ask: how can you advocate breaking some laws and obeying others? 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 would agree with St. Augustine that an unjust law is no law at all.”

The history of America can be laid out as a tale of repeated attempts to make our laws more closely approximate justice. The original American revolutionaries broke British and colonial laws repeatedly and purposefully, and defended the morality of doing so. Subsequent generations of reformers followed in the founders’ footsteps. In words and action, abolitionists, suffragettes, labor union organizers, and civil rights leaders sometimes broke unjust laws. In many cases, history has retroactively extolled instances of law-breaking when in the service of the expansion of our rights.



But it can't be the case that every American gets to decide which laws to break and which to obey, which would lead inevitably and inexorably to a short period of anarchy followed by a long period of dictatorship. Twenty-first century Americans might trust modern-day versions of George Washington, Abraham Lincoln, or Martin Luther King Jr. to make such distinctions, but would we trust others? Would we trust ourselves?

Donald Trump is asserting the power, without Constitutional authorization, to decide which laws he respects and which he disdains. So his critics must be especially careful to ground their "lawfulness" on something other than expedience or divine right or retribution. We have been critical of law-breaking by Trump opponents when its only purpose was provocation. We believe such acts are without moral foundation. We also think it is profoundly dumb politics.



So, here is our pledge.

We are revolutionaries. Our intent is to fundamentally reform this country's institutions and procedures of governance. Up until now, we have conducted ourselves entirely lawfully, as prudence dictates and as our principles guide us.

The overwhelming majority of American laws do not excessively trample our liberties. Even if we disagree with individual statutes, we still consider ourselves under a general obligation to abide by them until we can change them for the better. In this, we behave consistent with this country's Founders, who understood that anarchy is not democracy's fullest expression but its enemy.

Regarding those elements of America's current governing system, codified in law, that *are* deeply injurious to our rights, however, we recognize no moral obligation to obey. We will not polish manacles meant to bind us. In this too, we behave consistent with the Founders.

If there arise situations where we find it morally unacceptable to abide by deeply unjust laws, we will be transparent about that. We'll present our arguments to our fellow citizens, just as the Founders did in the Declaration of Independence, confident that the American people will be the best judges of our character and intentions.