National Interest
Affirmative Case

Civil disobedience gets results, and there are many examples throughout history of noble acts of civil disobedience. Whether these results are morally justified in a democracy “of the people” and “for the people” is debatable. The two cases presented in *Red Book* will attempt to set the stage for you.

The author of this case preempts the assumed negative position by choosing to value “national interest” for the weighing mechanism for the affirmative side. This affirmative position will argue that in order to protest unjust wars where no political party in the democracy will object, truly patriotic people will use civil disobedience to protest the war. This case focuses mainly on the example of the Vietnam War protests of the 1960s and 1970s as its strongest application.

National Interest

Renowned philosopher Henry David Thoreau once said: “Under a government which imprisons unjustly, the true place for a just man is also a prison.”

In keeping with that time-honored tradition, I am *Resolved: Civil disobedience in a democracy is morally justified.*

Let me begin with a…

# Resolutional Analysis: Passive Resistance

The American Heritage Dictionary defines civil disobedience as: “Refusal to obey a law as a result of moral objections, especially through passive resistance.”[[1]](#footnote-1)

Other ways that you could break a law—like robbing a bank or committing an act of terrorism or violently looting—don’t count as civil disobedience. Civil disobedience is peaceful, respectful law-breaking on moral grounds.

Now let’s move to the most important part of the debate.

# Value: National Interest

National Interest is defined by West’s *Encyclopedia of American Law* as: “A broad term for any matter of public concern that is addressed by a government in law or policy.”[[2]](#footnote-2)

Here are two reasons why national interest is the best way to assess civil disobedience:

## Value Link 1: Common Goal

There are many parties impacted by civil disobedience: protesters, other citizens, police, lawmakers, and so on. National interest is the one thing they all have in common, making it the perfect measure for the resolution.

## Value Link 2: Civic Duty

Citizens have a responsibility to serve their country in various ways, like voting or serving on juries. This responsibility is a moral obligation. It’s an obligation to serve others, and it’s an obligation to repay the debt to government created by police, military, courts, and the other things government provides to its people.

So the question you’re facing as the judge is simple: is it possible that passive resistance is in the best interests of a nation? If it is, you will vote affirmative at the end of the round. The answer lies in my final point, my one and only contention.

# Contention: Civil Disobedience can protect National Interest

As citizens of a democracy, we do not have a duty to blindly accept whatever our government tells us. Quite the opposite: we have a duty to ask questions, to think critically. Criticizing our country is far more patriotic than setting off fireworks, because it actually makes the future better.

Here in Western civilization, we have a saying: “*Lex iniusta non est lex.*” That’s Latin for: “Unjust law is not law.”[[3]](#footnote-3)

It’s a way of saying that citizens ought to disregard unjust civil laws in order to respect a higher moral law.

Modern democracies have a time-honored tradition of civil disobedience, resisting unjust laws, and drawing public attention so change can happen peacefully. Let me give you an example.

## Application: Vietnam Protests

American soldiers slogged through the miserable jungles of Vietnam in search of a victory that couldn’t possibly be won. Over the nearly twenty-year war, we dropped four times the tonnage of bombs we used to flatten Germany in World War II.[[4]](#footnote-4)

It is now generally accepted that the Vietnam War was a catastrophe. We drafted thousands of young Americans and sent them across the ocean to a jungle quagmire. A total of 58,000 Americans came home in body bags, and 5 million Vietnamese died, the vast majority of them civilian.[[5]](#footnote-5) The staggering death toll is hard to understand because it was fought on a continent we had no business sending soldiers to. Here’s one way to wrap our minds around it: if the Vietnam War were fought today on American soil, the entire population of California would have been killed.[[6]](#footnote-6)

As if that wasn’t bad enough, the dictator we were fighting to protect—Ngo Din Diem—was guilty of human rights atrocities. Those who didn’t vote for him were beaten by government agents. He ordered his police to open fire on unarmed crowds. Many believed that Diem was actually insane. He was so bad that his own people engaged in acts of civil disobedience against him—most famously when a monk self-immolated to protest religious persecution in his country.

So I ask: How should citizens of a democracy protest such a war? The negative may argue that participating in the voting is the democratic way, but both Democrats and Republicans supported the continuation of this failing war. Should Americans have accepted the unjust war as the fate of their country?

In his essay “Civil Disobedience,” Henry David Thoreau wrote:

“If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth—certainly the machine will wear out… but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine.”[[7]](#footnote-7)

“Break the law.” That’s exactly what patriotic Americans across the nation did to “stop the machine.” In the face of prosecution, protesters defiantly burned their draft cards. They preferred prison or exile to betraying their country by participating in an unjust war. By 1972, there were more conscientious objectors than actual draftees.[[8]](#footnote-8)

The peaceful, law-breaking protests of the Vietnam War changed public opinion, shortening the war and permanently ending the use of the draft in America. It’s a great example of morally justified civil disobedience.

According to the International Center on Nonviolent Conflict:

“The nomination of pro-war candidates by the two major political parties despite widespread anti-war sentiments, combined with violent police actions against anti-war demonstrators at the Democratic National Convention in Chicago and elsewhere, served to further radicalize the anti-war movement. A countercultural group calling themselves the Yippies staged innovative actions and guerrilla theater, radical priests raided offices of draft boards destroying records, and prominent veterans of the civil rights struggle, including Martin Luther King, Jr., became increasingly outspoken against the war. The news media began to become more skeptical in its war coverage and mainstream churches and unions began to speak out more boldly. Blockades of thoroughfares and other forms of nonviolent direct action became increasingly common. These pressures forced the Johnson administration to begin peace talks with the North Vietnamese and NLF and to suspend the bombing of North Vietnam.”[[9]](#footnote-9)

In a democracy, we should be able to trust that our government will act in the best interests of the country. But on the rare occasions that it does not, conscientious citizens have a responsibility to stand up and say “no.” Thank you.

1. The American Heritage Dictionary of the English Language, Fifth Edition, 2015 by Houghton Mifflin Harcourt Publishing Company. <https://www.ahdictionary.com/word/search.html?q=civil%20disobedience> [↑](#footnote-ref-1)
2. West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved. [http://legal-dictionary.thefreedictionary.com/National+interest](http://legal-dictionary.thefreedictionary.com/National%2Binterest) [↑](#footnote-ref-2)
3. Australian Law Dictionary <http://www.oxfordreference.com/view/10.1093/oi/authority.20110810105255773> [↑](#footnote-ref-3)
4. “Vietnam: Cambodia Bombing.” <http://zfacts.com/node/251> [↑](#footnote-ref-4)
5. 2 million civilian casualties in the North, 2 million in the South, and 1.1 million military casualties. <http://www.rjsmith.com/kia_tbl.html> [↑](#footnote-ref-5)
6. 12% of Vietnam’s population died. 322 million Americans x 12% 38.6 million. Population of California: 38.8 million. [↑](#footnote-ref-6)
7. Taken from “On the Duty of Civil Disobedience” at <http://www.transcendentalists.com/civil_disobedience.htm> [↑](#footnote-ref-7)
8. Jessie Kindig, “Draft Resistance in the Vietnam Era.” The Great Depression in Washington State Project. Retrieved November 11, 2015 from <http://depts.washington.edu/antiwar/vietnam_draft.shtml> [↑](#footnote-ref-8)
9. Stephen Zunes and Jesse Laird. “The US Anti-Vietnam War Movement.” International Center on Nonviolent Conflict. January 2010. <https://www.nonviolent-conflict.org/index.php/movements-and-campaigns/movementsand-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=21> [↑](#footnote-ref-9)