

## DEMOCRACY AND DISSENT

### *Justice, Journalism, and Civil Disobedience*

In our modern democracy, the right to dissent is not merely a privilege, it is a necessity. Without the power to dissent, marginalized voices may be suppressed in favor of dominating majorities, leading to potential infringement of civil rights and authoritarian rule. With the power to dissent, the power remains in the hands of the people as the founders of America intended. The importance of dissent was emphasized and modeled by the writings of Supreme Court Justice Ruth Bader Ginsburg, the actions of civil rights leader Martin Luther King Jr., and the landmark decision in *New York Times v. United States*.

The Honorable Justice Ruth Bader Ginsburg championed the power to dissent throughout her career. Supreme Court justices write opinions after a final decision has been made in a case. These opinions can represent the majority, concurring, or dissenting opinions, or a collective of justices. Justice Ginsburg once said, "So that's the dissenter's hope: that they are not writing for today, but for tomorrow" (Bick), indicating her belief that dissenting opinions serve as a record of alternative viewpoints that one day may guide change. Justice Ginsburg's stance on dissent is inspiring, and many people have looked up to her over the years. When Ginsburg was in college and studying law, many believed women had no place in serious law discussions. Despite facing much prejudice, such as being told that she was taking a man's spot in Harvard Law (Bick), Justice Ginsburg excelled and was unafraid to disagree with her colleagues and share her own opinion. Justice Ginsburg was an inspiration for people to work hard and succeed despite discrimination, as well as to dissent and speak for what you believe in.

This principle of dissent was further reinforced in the case of *New York Times v. United States* (1971), one of the most influential Supreme Court decisions regarding freedom of the

press. As part of an Advanced Placement US Government & Politics project, my class examined thirteen Supreme Court cases. Three out of four groups in my class decided that *New York Times v. The United States* was the most important of the cases we reviewed. This was because *New York Times v. The United States* protected the First Amendment and the freedom of the press. The case pertains to when the New York Times wanted to publish the “Pentagon Papers.” The Nixon Administration resisted and attempted to use prior restraint to prevent the Times from releasing the papers. However, the Supreme Court ruled in favor of the New York Times, affirming the importance of an unrestricted press. My class decided this was the most important case because without freedom of the press, there would be no widespread way to criticize the government and deliver information. In Justice Black’s concurring opinion he claims that, “Only a free and unrestrained press can effectively expose deception in government” (*New York Times Co. v. United States*). This decision reinforced the idea that the opportunity for dissent, through freedom of the press, is a fundamental safeguard against tyranny and oppression.

Similarly, in his *Letter From Birmingham Jail*, Reverend Dr. Martin Luther King Jr. explains that in cases where a government is not listening and responding to the needs of the people, it becomes necessary to use nonviolent rebellion. Writing from a jail cell in 1963, Dr. King defended the use of nonviolent protest against racial segregation and criticized those who urged patience rather than action. He points out that any success within the civil rights movement came through “determined legal and nonviolent pressure” (King). Dr. King claimed that in order for a country to continue to be free, it is the right and requirement of the people to pressure the government to their demands. He argued that “nonviolent direct action seeks to create such a crisis and foster such tension that a community . . . is forced to confront the issue” (King). To Dr. King, civil disobedience was not a violation of the law but rather a form of patriotic engagement.

This is the freedom to dissent and it is important because injustice cannot be confronted without the space to protest and challenge the government.

The freedom to dissent, protected by the First Amendment, is fundamental to the American identity. America was founded on the ideal of the power of the people, that the citizens of our country should ultimately be the rulers, rather than one person or group. Thus the very first amendment to the Constitution prevents the government from restricting personal freedoms, such as freedom of speech, press, and the right to peaceably assemble and petition the government. Another founding document, the Declaration of Independence, claims that it is the right and responsibility of the people to alter or abolish a government if it becomes destructive to their rights. From the Civil Rights Movement to the publication of the Pentagon Papers, and more recently, to the Black Lives Matter protests in 2020 and the No Kings rallies of 2025 (PBS NewsHour), dissent remains a critical expression of democratic engagement. In modern day, the power to dissent provides a vital check on our government and helps maintain the stability of our country.

In conclusion, American democracy is defined and sustained by the power to dissent. The work of Justice Ginsburg and Dr. King and legal decisions, such as in the landmark case *New York Times v. United States* demonstrates the importance of dissent in our democracy. From freedom of the press to nonviolent protests and judicial dissents at the highest level, the power to question authority is embedded in our nation's fabric. America's system of government is unique, it enables and empowers its people to challenge its leaders and decision makers. History has shown that dissenting voices are not a threat to democracy, but its foundation. To dissent is not just a right, it is a civic duty that keeps our democracy resilient and responsive.

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