

Freedom Is Not Free and Freedom Is Not Enough

Envision a land completely barren, without homes or towns, without crops or farms. Picture a land with nothing, a blank canvas with unknown elements to be braved, and the uncertainty of imminent unknown perils and the ultimate risk of perishing. This barren land with nothing but the possibility that on that barren land could lie freedom, a kind of freedom that had never before been experienced, was what our nation's founders came to America to find. An examination of freedom in American history shows repeatedly that freedom is not free and freedom is not enough. There is a great price that our nation has paid for freedom as defined by our forefathers in the immortal words of the Declaration of Independence and written in the United States Constitution. American history prominently shows that freedom that is written on paper is not enough to render freedom to every American. Freedom written is just that: only words on paper. It takes a nation to make those words come to life. It takes the government as well as the people to establish what is meant by freedom, and to ensure that the true ideals of freedom are given to all, regardless of race, gender, economic or political standing.

Freedom Is Not Free: The American Revolution

Our nation's founders experienced many challenges in establishing the fundamental values and legal principles that we hold in our society today. The first challenge they faced was establishing freedom from their mother country England. From the founding of Jamestown in 1607,¹ to the Pilgrims traveling across the Atlantic Ocean in the Mayflower settling on Plymouth Rock in 1620, to the protestant Puritans coming to the New England colonies in search of religious freedom from anglican England, to other pioneers and prospectors who came to the New World in search of freedom and prosperity; for over a century and a half the New England

¹ The Association for the Preservation of Virginia Antiquities, *History of Jamestown, Jamestown Rediscovery* (2000), <http://www.apva.org/history>.

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American colonies had been integrally and closely tied to England.² Although the thirteen colonies established their own freedoms, specifically freedom of religion, the colonies were under the umbrella and control of England. England merely allowed them to have their freedom in the New England colonies. With the outbreak of the French and Indian War which began in 1754 and ended in 1763,³ England incurred great national debt.

In order to appease that debt, England began to tax the colonies, without the permission of the colonists. England imposed the Stamp Act of 1765⁴ which taxed all printed paper used in the colonies. Since the colonies did not have any representation in the English Parliament and had not approved of any such taxes, the colonies refused to pay. They stated: “No taxation without representation.”⁵ England wanted to enforce the taxes and sent English soldiers into Boston. There was obvious tension between the soldiers and the colonists, leading to the Boston Massacre on March 5, 1770, during which five American colonists were killed. These Americans died for freedom from taxation and freedom from England’s laws.⁶ The colonists were beginning to see that freedom is not free.

The continued taxation of the colonies led to the Boston Tea Party wherein revolutionists dumped all of the English tea into the Boston Harbor. England reacted harshly by closing off the harbor from the colonists’ needed supplies. Here the colonists began paying for freedom by sacrificing comforts and necessities which came from England. This sacrifice and group rebellion ultimately led to uniting the colonies for the very first time. The colonists had fled the monarchy of England. They were not going to subject themselves to the tyranny of having to endure laws in which they had no say. The rejection of England’s laws of taxation, and the unity that the mother country sparked as a result, culminated in the American Revolution which lasted

² Historical Primers/PBS, *Freedom: A History of U.S. For Teachers, Webisode 3 Primer* (2002), <http://www.pbs.org/wnet/historyofus/web03/index.html>.

³ WikiAnswers, *Part of the Answers.com Network* (2008) Answers Corporation , http://wiki.answers.com/Q/When_is_the_exact_date_of_when_the_French_and_Indian_war_started.

⁴ The Official Site of Colonial Williamsburg, *A Summary of the 1765 Stamp Act* (2008) The Colonial Williamsburg Foundation, <http://www.history.org/history/teaching/tchrsta.cfm>.

⁵ Nwtravel Magazine Online, *Travel and History Section* (2008) <http://www.u-s-history.com/pages/h640.html>.

⁶ The American Revolution, *Timeline of the American Revolution* (2008), <http://www.theamericanrevolution.org/tline.asp>.

from England's imposition of the Sugar Act of 1764 through the Treaty of Paris of 1783, in which England formally recognized America as a separate nation, autonomous in and of itself.⁷

Freedom Is Not Free: The Constitution

The second challenge that our forefathers faced in establishing the fundamental values and legal principles that we hold in our society today, came with the magnitude of the new freedom gained from the American Revolution. Our founding fathers needed to create a document that would establish the core fundamental values of freedom, liberty and justice for all, for which so many Americans had given their lives. This document needed to be able to withstand the test of time in order to establish freedom – freedom for all.

During the American Revolution, Thomas Jefferson penned perhaps the first definition of a uniquely American freedom⁸ in the Declaration of Independence which states:

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. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed⁹

Although the Declaration of Independence alluded to the kind of government that America should have, it did not define that government in specific terms.¹⁰ Rather, it was more of a declaration to establish freedom from England, freedom as individuals with rights, and to state that a government should be one of the people. The Declaration of Independence was

⁷ American Revolution, *The Treaty of Paris 1783* (1996-2005) Americans.net, <http://www.americanrevolution.com/TreatyofParis1783.htm>.

⁸ Historical Primers/PBS, *Freedom: A History of U.S. For Teachers, Webisode 1 Primer* (2002), <http://www.pbs.org/wnet/historyofus/web01/index.html>.

⁹ USHistory.org, *The Declaration of Independence* (1999-2008), Independence Hall Association, <http://www.ushistory.org/declaration/document/index.htm>.

¹⁰ WikiAnswers, *Part of the Answers.com Network* (2008), Answers Corporation, http://wiki.answers.com/Q/What_are_the_differences_between_the_Declaration_of_Independence_and_the_US_Constitution.

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signed unanimously by the thirteen colonies on July 4, 1776. It was our country's declaration to the world of independence, of the freedom Americans were willing to fight for, die for and live for. Freedom which is not free.

Our founding fathers realized the enormity of the challenge and task ahead of them. They needed to create a Constitution, a legal document that would lay a solid foundation and embody all of the hopes and aspirations that they had for America as a nation. The Constitution needed to be so strong that no citizen could categorize it with the governments of Europe nor anywhere else where freedom, liberty and justice came only secondary to a supreme authority not of the people. If that categorization were to happen, then the citizens would almost certainly have moved to overthrow the powers of the newly created American government. The drafters of the Constitution were brief and to the point in their writing, purposefully being vague in certainness of terms, all while deeply indoctrinating and ingraining Americans with the base legal principles of liberty, justice and freedom for all. They created a democracy of the people, by the people and for the people.

The drafters were an extremely educated group of men, including our nation's first President George Washington, Thomas Jefferson, Benjamin Franklin, James Madison and John Hancock, to name a select few of the most influential of the signers of the Declaration of Independence and the Constitution. Some of the framers had studied governmental structures of nations in their past and present, ranging from the perfect aristocratic democracy in Greece where every patrician voted on everything which ultimately failed, to the republic with an emperor's leadership in Roman ancient times which also fell, to the governments of the countries in Europe in which anarchy and monarchy prevailed.¹¹ They realized that times change, just as they had seen great change in the colonies. They further realized that just as times change, so must the interpretation of their document be able to change with those times. What they created is a true testament of the unique American freedom which is not free, for which they had paid

¹¹ Wikipedia, the Free Encyclopedia, *Founding Fathers of the United States* (2008) Wikimedia Foundation, Inc., http://en.wikipedia.org/wiki/Founding_Fathers_of_the_United_States.

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such a price in the American Revolution. These dedicated leaders gave the United States its name and its Constitution.

The Preamble to the Constitution begins:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote general welfare, and secure blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.¹²

Here, the states are proclaiming that they are not completely independent from one another and that they do have a common unity under one central government, the government of the United States of America.¹³ The Constitution goes on to establish the composition of the government, that there will be three branches of government. Those branches are the Executive, Legislative and Judicial Branches. Each of these branches is separate from the other, and this separation creates a system of checks and balances that are intended to ensure our country's legal principles of freedom and fundamental rights. The Constitution gives the rules for our democracy, in which citizens have representation in the government by members of the House and Senate.¹⁴ The Constitution also gives the procedures for new states being added to the Union, and for the addition of new laws and Amendments.

There were states that would not ratify the Constitution without the inclusion of a Bill of Rights. The Bill of Rights is the name for the first Ten Amendments of the Constitution, which limits the power of the federal government on individuals. It guarantees that governmental powers will not be used in certain ways that would bar the inalienable rights of its citizens. The most monumental right that the Bill of Rights protects by way of the First Amendment is the right of freedom – freedom of speech, freedom of religion, freedom of assembly, freedom to

¹² The California State Assembly, *The Constitution of the United States of America & The Constitution of the State of California 2005-2006 Edition*, at 35 (2006).

¹³ Donald A. Ritchie & JusticeLearning.org, *Our Constitution*, at 19-22 (Oxford University Press, by the Trustees of the University of Pennsylvania, 2006).

¹⁴ *Black's Law Dictionary* 180 (new pocket ed. 1996).

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petition and freedom of the press. With the addition of the Bill of Rights, our Constitution became the supreme law of our land in July of 1788, rendering the legal principles of democracy that our Founders believed America needed at that time.

Freedom Is Not Free: Slavery

The third challenge that our forefathers faced to establishing the fundamental values and legal principles that we hold in our society today was the issue of the lack of freedom for blacks in America. The issue of slavery was enormous and looming, and would thrust the newly joined nation into internal turmoil ultimately culminating in civil war. Slavery had not been specifically addressed in the Constitution. So what did constitutionally given freedom mean for African Americans? And why had the founding fathers not been more specific in their definition of “men” so as to include blacks as well as whites?

The answer is one of political compromise. Most inhabitants of the northern colonies neither practiced nor condoned slavery. In contrast, slavery was an integral part of the economic workings of the South because agriculture was the South’s main source of survival and growth. The founding fathers knew that dissention between the Northern states who relied on ever growing industry and who did not largely employ slavery, and the Southern states that were so dependent upon slavery, could have inhibited the Constitution from ever being penned, as well as from ever being ratified. What ensued was a compromise that left the definition of “man” out of the Constitution, a compromise that the framers never could have dreamed would bring a nation to a civil war fraught with bloodshed, loss and devastation. The Civil War, with its tremendous destruction of land, life and prosperity, as well as the adversity, tribulation, beatings and even torture that the black slaves suffered at the hands of their “masters,” was the price our nation and African American citizens paid for freedom which is not free.

As Abraham Lincoln stated in the Gettysburg Address during the American Civil War, in the dedication of the Soldiers’ National Cemetery on November 19, 1863 where so many soldiers lay in the ground, dead from fighting in the decisive Battle of Gettysburg where the Union Army had defeated the Confederate Army just four and a half months prior:

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Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people shall not perish from the earth.¹⁵

This freedom would finally abolish slavery and define “man” not only as white, but as any color. Lincoln had seen firsthand the price that the American people had paid to ensure a government in which all men were equal.¹⁶ As stated in Freedom – A History of the US, “Although America based its constitutional government on the belief that all men are created equal, another eighty years would pass before this promise of freedom would extend to citizens of African descent, and one hundred and fifty years before women would gain the right to vote. As historian Richard Hofstadter once put it, ‘America was the only country that started with perfection and aspired to progress.’”¹⁷

But how was America to implement the monumental change of the abolition of slavery? The answer would be fivefold, and would be found in the government and democracy set forth in the Constitution. First, the answer would be found in the addition of the Civil War Amendments to the Constitution which overturned the Supreme Court’s dreadful Dred Scott v. Sandford (1857) decision which declared slaves to be constitutionally protected property which could in no way achieve freedom in states that practiced slavery. This ruling was a mass departure from

¹⁵ Wikipedia, the Free Encyclopedia, *Gettysburg Address* (2008) Wikimedia Foundation, Inc., http://en.wikipedia.org/wiki/Gettysburg_Address.

¹⁶ Id.

¹⁷ Historical Primers/PBS, *Freedom: A History of U.S. For Teachers, Webisode 2 Primer* (2002), <http://www.pbs.org/wnet/historyofus/web02/index.html>.

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the then prevailing statute which stated that a slave was free if the slave departed from a slave state and then lived in a free state for a period time, even if that slave returned to a state with slavery practice laws. Unfortunately, Dred Scott died in 1858 and was “never able to reap the benefits of these changes.”¹⁸ Second, the answer would be found in the Thirteenth Amendment which abolished slavery. Third, the answer would be found in the Fourteenth Amendment which declared that all persons born in the United States, regardless of color or previous condition of servitude, were citizens of the United States, and which made the Bill of Rights applicable to the states.¹⁹ Fourth, the answer would be found in the Fifteenth Amendment which gave suffrage to black men. Fifth, the answer would be found in the further and still continuing decisions of the United States Supreme Court, enforced by police and militia power, and implemented through the bravery of individual citizens of all ethnicities and national heritages who jointly call themselves Americans.

Freedom Is Not Enough

The Supreme Court is a kind of mirror, a mirror that reflects back the changing assumptions and the culture of American society. The Supreme Court is charged with the interpretation of the Constitution and laws, as to their meanings and applications, all while simultaneously keeping the integrity and base values of our nation as given to us by our forefathers. It is the Court’s duty and responsibility to codify and clarify, and to overturn decisions and laws that violate those base values of freedom, liberty and justice in the cases and circumstances presented before it.²⁰ The Supreme Court is the ultimate arbiter of how the framework of government and laws given in the Constitution effect us in our everyday lives. The Court furthers our nation’s ideals of freedom in a powerful way.²¹

¹⁸ Id.

¹⁹ *Scott v. Sandford*, 19 How. (60 U.S.) 393 (1857) reprinted in *The Oxford Guide to United States Supreme Court Decisions*, at 278 (Kermit L. Hall ed 1999).

²⁰ Id.

²¹ Kermit L. Hall, *Landmark Cases of the U.S. Supreme Court - Portable Professor Series*, 2008 LearnOutLoud.com, <http://www.learnoutloud.com/Catalog/Politics/Contemporary-Issues/Shaping-Justice/3497>.

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The Supreme Court does not always “get it right,” yet with time, the court tends to fix its mistakes. The challenge of how to interpret the Constitution is met with human application, which sometimes therefore includes error. For example, in 1896 the Court gave blacks supposedly “separate but equal” treatment in the case of Plessy v. Ferguson.²² However, it was not until the case of Brown v. Board of Education²³ in 1954, that the Court declared that separate was not equal.²⁴ This decision integrated education so that blacks and whites could sit together, side by side in schools. Was that freedom enough? Is freedom that is written down on paper, and ruled upon by the courts, enough? The answer is: “No.” Freedom is not enough.

As a society, we must mobilize our efforts together with the help of our government, to implement freedom that is written on paper and ruled upon by the Court. In the national sensation that Brown v. Board of Education²⁵ ignited, it took the national militia to protect those first brave African American students from the angry mobs of closed minded individuals who wanted to stop the integration. Now, in November of 2008, it can safely be said that the situation is quite reversed. An angry mob would most likely assemble if there were those who actually wanted to keep African American children from going to school. It must be noted, however, that prejudice remains. There are still those who would wish for segregation, and this “wish” is allowed as long as it is not accompanied by discriminatory action, since we do live in a free country. However, those who would wish inequality are few in number and comparison to the Americans who want equality for all, and are proud to live in a nation where the impact of our founding fathers can still be felt today.

We, the people, as a modern twenty-first century nation, are faced with the challenges of continuing the legacy left for us by our forefathers as they established the fundamental values and legal principles of freedom that we hold in our society today. This freedom, as created by the Constitution, as defended by the President, as implemented by the Legislature and interpreted

²² Plessy v. Ferguson 163 U.S. 537 (1896) reprinted in *The Oxford Guide to United States Supreme Court Decisions*, at 278 (Kermit L. Hall ed 1999).

²³ Brown v. Board of Education 347 U.S. 483 (1954) reprinted in *The Oxford Guide to United States Supreme Court Decisions*, at 278 (Kermit L. Hall ed 1999).

²⁴ Donald A. Ritchie & JusticeLearning.org, *Our Constitution*, at 40 (Oxford University Press, by the Trustees of the University of Pennsylvania, 2006).

²⁵ *Id.*

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by the Supreme Court, has endured the test of time and has ensured freedom for the American people. Freedom that is not free, and freedom that has not been enough is what has made our country what it is today. Without freedom there can be neither liberty nor justice. From freedom, the principles of both liberty and justice are born. Together, freedom, liberty and justice make up the core values and backbone of our society which is the longest lasting democratic governmental structure the world has ever seen. It is through education and continued enlightenment that our society still possesses these ideals for which our forefathers fought.

Our country is one in which education is key. Education and the flexibility to change with the times as our nation continues to grow, and to face the challenges of keeping the freedom in the future that we possess today can be traced from the desire for freedom of religion of the Pilgrims and Puritans, to our eighteenth century founding fathers' pursuit of freedom from the oppression and unjust imperial power of England, to the American Revolution, to the nineteenth century Civil War, to the abolition of slavery embodied in the Emancipation Proclamation, to the Industrial Revolution with its decrepit conditions for immigrants, to the twentieth century Civil Rights Acts, to women's suffrage and a woman's right to choose, through all the wars in which America has taken part and is currently taking part. Both past and present have shown and continue to demonstrate that education and flexibility are key to keeping our freedom. Freedom is not free, and freedom is not enough. "Constant vigilance and sacrifice must never cease, lest we lose what we cherish most."²⁶ It is the responsibility of each and every individual American to ensure that the words "all men are created equal" are not merely words of freedom, but remain the staple foundational words of our country that inspire action to ensure our way of life into the future.

Our nation faces immense immediate challenges to sustaining and preserving freedom. We are in the midst of two wars, one in Iraq and one in Afghanistan, both integral to the War on Terror. We have a planet in peril with global warming, an ever increasing population and

²⁶ J. David Gowdy, *Seven Principles of Liberty*, Quote Alfred Denning, 1996 Institution for American Liberty, <http://www.liberty1.org/seven.htm>.

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diminishing resources. And, we are in the midst of the worst financial crisis in a century.²⁷ We face the challenges of equality in immigration, and of defining the institution of marriage. We need more teachers and more money in our educational system, and we need affordable health insurance for everyone. The United States has elected Barack Hussein Obama as our forty-fourth president. As a Harvard Law School graduate, Editor of the Harvard Law Review, Senior Lecturer and Professor of Constitutional Law at the University of Chicago Law School,²⁸ a Senator, and now our President-elect, he will lead our nation forward and will give guidance as to how we, as a people, can work together with our government to meet these challenges and safeguard our freedom.

As a result of the pioneering efforts of our founding fathers, and as a result of the combined efforts of all those who have made and continue to comprise our great nation, the United States has elected our first African American president. As President-elect Obama said in his acceptance speech broadcast worldwide:

If there is anyone out there who still doubts that America is a place where all things are possible; who still wonders if the dream of our founders is alive in our time; who still questions the power of our democracy, tonight is your answer.²⁹

Freedom is not free, but to pay the price is worth the freedom gained. And freedom is not enough, but we as a nation can make freedom enough – enough of a worldwide platform to raise our children and our children’s children to “keep up the good fight . . .”³⁰ for freedom both domestically and on an international level. We have a global responsibility not only to educate

²⁷ Los Angeles Times, *Complete Text of President-elect Barack Obama acceptance speech* (2008), <http://latimesblogs.latimes.com/washington/2008/11/barack-obama.html>.

²⁸ Biography.com, *Barack Obama*, 1996-2008 A&E Television Networks, <http://www.biography.com/featured-biography/barack-obama/bio2.jsp>.

²⁹ Los Angeles Times, *Complete Text of President-Elect Barack Obama acceptance speech* (2008), <http://latimesblogs.latimes.com/washington/2008/11/barack-obama.html>.

³⁰ 2 Tim. 4:7.

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ourselves, but to aid others who deeply need freedom and who ask for our help. As John Fitzgerald Kennedy stated, “To whom much is given, much is required.”³¹

We must constantly examine ourselves as individuals, as families, as communities and as a nation, and ask ourselves what we need to do to ensure that our precious freedoms stay intact. As Voltaire quipped, “. . . So long as the people do not care to exercise their freedom, those who wish to tyrannize will do so; For tyrants are active and ardent, and will devote themselves in the name of any number of gods, religious and otherwise, to put shackles upon sleeping men.”³² If and when our freedoms come into harm’s way, we must be ready to fight – whether the fight be one of social, economic or political reform; whether the fight be within our nation or found on foreign soil³³ – we must be ready to face the challenges of our ever growing nation. Someday history will look back on us, and if history serves as a template for the future, we will always have to be diligent and proactive in our perseverance and adaptation of the ideals of freedom, liberty and justice for all; the ideals upon which this great nation was created. It is up to “we, the people” to write what the history books will say about our nation in this present time. It is up to us to live out the legacy our forefathers left for us, and to leave that same legacy for those who follow. We can do this through education, hard work, and continued enlightenment of ourselves, of others and of our children; to instill upon and etch into the American people’s hearts and minds, that freedom is not free and freedom is not enough.

³¹ ThinkExist.com, *John Fitzgerald Kennedy Quotes*, Luke 12:48, 1999-2006, http://thinkexist.com/quotation/for_of_those_to_whom_much_is_given-much_is/167510.html.

³² Bruno Leone, *Freedom and the Law*, Voltaire de Cleyre quote (3rd ed. 1991), Liberty Fund Inc., <http://www.amazon.com/FREEDOM-LAW-BRUNO-LEONI/dp/0865970971>.

³³ Los Angeles Times, *Complete Text of President-elect Barack Obama acceptance speech* (2008), <http://latimesblogs.latimes.com/washington/2008/11/barack-obama.html>.