

The Philosophy of Freedom

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The year was 1787. Operating under the Articles of Confederation, the United States of America was not functioning as well as it had been hoped. Learning from the lessons of failure, these thirteen independent but confederated nations wrote a new Constitution for the United States of America. That relationship is important when we begin to assess how well the current arrangement is functioning.

In ratifying the Constitution, each state delegated some of their sovereign authority to the newly erected federal government. That word, *delegated*, is important. The states, through the delegations in the Constitution, were *allowing* the federal government to undertake certain actions on behalf of the states. The states did not abdicate their sovereign status. In fact, most of those sovereign powers and authorities were specifically retained.

The intention was to delegate some of those powers of sovereignty to a single entity in the name of uniformity and efficiency, and specifically as it related to the Common Defense, International Relations, and Common Coinage. In short, defending the collection of states from foreign powers is more easily and effectively achieved if that defense is conducted under a single chain of command with soldiers outfitted with the same equipment. Making a single treaty with other nations is more effective than negotiating thirteen treaties which may or may not have had the same content. Requiring unified coinage and a single postal service was more efficient than the individual systems, in particular as these services affected and eased trade, both among the states and with foreign nations.

Over the years, due mostly to inattention and the elevation of expediency over protocol, small changes have been made without the benefit of a formal amendment. For example, there is a provision in Article I that the States must pay all debts in either gold or silver coin. That hasn't happened for quite some time. Nobody cares because direct deposit into your retirement account is quite convenient. In another provision, no state can impose a tax on products produced in a different state, but today there are states which impose a sales tax on interstate purchases, and nobody cares. The changes are too small to be bothered with and too convenient to live without. They have been deemed to be not worth raising a fuss over. There are numerous other examples. Collectively, these small shifts have led to what is termed "Mission Creep," changing the face of government.

Along with the interpretation that some constitutional requirements are no longer needed, is the modification of the interpretation of the language itself. The most blatant examples are with the Commerce Clause and the Welfare Clause. In Section 8, Congress is delegated the power to ... “provide for the common defense and general Welfare of the United States.” Over time, this phrase has been reinterpreted to mean that Congress is to provide for the general welfare of each and every individual within the United States, not simply that of the states themselves. Interpretations such as this alter the very philosophy of the relationships among the people, the states, and the federal government.

The practice of reinterpretation and that of a general disregard have led to a popular divide with respect to how the Constitution is to be ‘read’ and understood. The discussions have been going on for literally hundreds of years, but they only gain popular attention when there are issues that people feel strongly about. The events of the past few years have brought the First and Second Amendment to the forefront of the nightly news and have served to deepen the divide.

There are those who are absolutely convinced that the original language of the United States Constitution is sacrosanct. This group believes, and rather fervently, that the language as written is to be taken, quite literally, as it was written. There is no room for interpretation.

Another group of people believe that the language of the Constitution must absolutely be read through the lens of today’s world. The people who penned that document didn’t envision airports, interstate highways, space travel, or the internet. Logically, therefore, it would be impossible to address the issues surrounding technological advances when viewed through the lens of 1789.

And so, the nature of our system has changed, often overlooking the philosophy upon which it was created. Education has become a federal responsibility, but not through the benefit of a Constitutional Amendment. Infrastructure improvements are either constructed under federal contract or with federal grants, each of which has performance requirements that are set by Congress, not the state legislatures. Health Care, Retirement, Abortion, Marriage, have all been slowly absorbed into the federal sphere of responsibility. On the horizon is the federalization of, not just voting rights, but voting procedures, policies, and processes. Price and Wage Controls loom large in our future as a nation. In some areas, such as with the use of Marijuana, the federal prohibitions are being overlooked by several states. One must ask why the federal government is not up in arms about this, and the answer might be that at some level, the people running that branch of the bureaucracy know that there is no federal authority to approve or disapprove of drugs in the first place.

The list of responsibilities engulfed by Washington is lengthy. The legality of federal controls is being hotly questioned. When people engage in discussions of issues, such as whose responsibility it is to provide safety in our schools, we tend to focus on the issue. Of course, everyone wants safe schools, but do the programs that provide that safety run contrary to the very soul of the nation: The Philosophy of Freedom and the relationship between the states and the federal government? It might be quite useful in the future to think past the issue at hand and into the philosophy. I ask, "Is the discussion that we're having, the right one?"

Does the advancement of technology require a change to the purpose of government, or simply to the tools and techniques of a government while retaining a firm philosophical footing?

Should we be asking if Madison was correct, when he said, "I believe there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations." Is Mission Creep chipping away at the ideals behind the creation of this nation?

Perhaps, rather than nibble away at State Sovereignty, we should openly discuss which philosophy we wish to live by. Do we want a governmental system in which the unified will of the states is more powerful than that of the federal government or one in which the federal government's powers are supreme in every way over the will of the states? Do we want a delegated set of federal authorities and powers, or the total abdication of State Sovereignty?

A nation where the states, through a Senate restored to its original construction, are more powerful than the federal government, and the people of each state, through a restored accountability to the citizens of those states, are more powerful than the state government, may not be as efficient, but does it serve to better protect individual freedom? Do we want a federal government that gives direction to the states which will then pass it on to the people? If not, are we allowing it to sneak up on us and overtake us through our own inattention?