

Opinions

Constitution secures freedom

By Warren E. Burger
Editor's Note: Warren E. Burger is Chief Justice of the Supreme Court of the United States.

When the Constitutional Convention of 1787 had finished its work, a Philadelphia woman is said to have asked Benjamin Franklin what kind of government the Convention had created. The elder statesman is said to have replied: "Madam, a Republic, if you can keep it." Even as avid a lover of liberty and independence as Franklin seemed to have doubts whether our great experiment in self-government would succeed. But after nearly 200 years Henry Steele Commager, reviewing centuries of struggle for freedom, said, "nothing ever succeeded like America."

The success of America's great experiment with a new form of government under a written Constitution was surely aided by Divine Providence, as so many of its authors said, and by three temporal factors: our geographic isolation on a continent with vast resources far from the quarrels of Europe, the uniqueness of the institutions we created, the personal qualities of the remarkable leaders and a people who had known oppression. Indeed, history offers no parallel of 3-4 million people producing a galaxy of leaders such as those who brought about the Declaration of Independence and drafted the Constitution of the United States—and then made it work.

The Constitution secured a system of ordered liberty that has permitted individuals to enjoy freedom unsurpassed in the course of human history. As we look forward to celebrating our Constitution's Bicentennial, we must all reexamine and rededicate ourselves to the principles of freedom consistent with constitutionally limited government and ordered liberty.

Six spheres of freedom lie at the heart of the Constitution and the American way of life.

First: Each of the three branches of our national government must remain strong, independent and coequal. But that does not preclude coordination, chiefly between the Executive and Legislative branches. The principle of separation of powers clearly implies that the distinct and independent powers of government must



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be harmonized into a workable whole.

Second: Our system of free government embodies a dual constitutional system in providing for a national government while preserving certain powers of the states. In our system of federalism, the 50 states, of course, cannot exercise leadership in a national sense, but they are entitled to exercise their independence and freedom over their own affairs. By the end of the 20th century our population will have grown to nearly 100 times the figure of 1776. Changes in the world and at home demand that the interrelationships of federal and state governments be given fresh examination from time to time.

Third: The great non-governmental institutions of America—the churches, colleges and universities, the press, museums and hospitals have developed because they were free from governmental control. Taken all together, where is there a parallel elsewhere in the world? They must remain free, for their contributions to research, invention, culture, public enlightenment and health are beyond measure. These independent institutions have opened floodgates of knowledge and awareness of our world, and have stimulated invention and technology, because a new kind of freedom of the mind and the spirit was released.

Our system of ordered institutional liberty is always in peril. In this century, world events, economic changes, and tremendous growth have made some of our great institutions increasingly dependent on nationally financed and administered programs. These diverse, pluralistic organizations cannot retain their independence, individuality, and creativity if central power is allowed to dominate and devour them; there must be a prudent balance.

Fourth: Freedom of speech, press, association, and religion

contributed immeasurably to our development. In the years of America's formation, from at least 1770 onward, free speech from pulpits, platforms, and open-air meetings flourished. Freedom of the press was vigorously enjoyed by newspapers and pamphlets, many of whose authors signed the Declaration and later the Constitution.

Without these freedoms, it is doubtful whether the people would have banded together to win the revolution—a struggle we barely won—or whether, later, the Constitution would have been ratified.

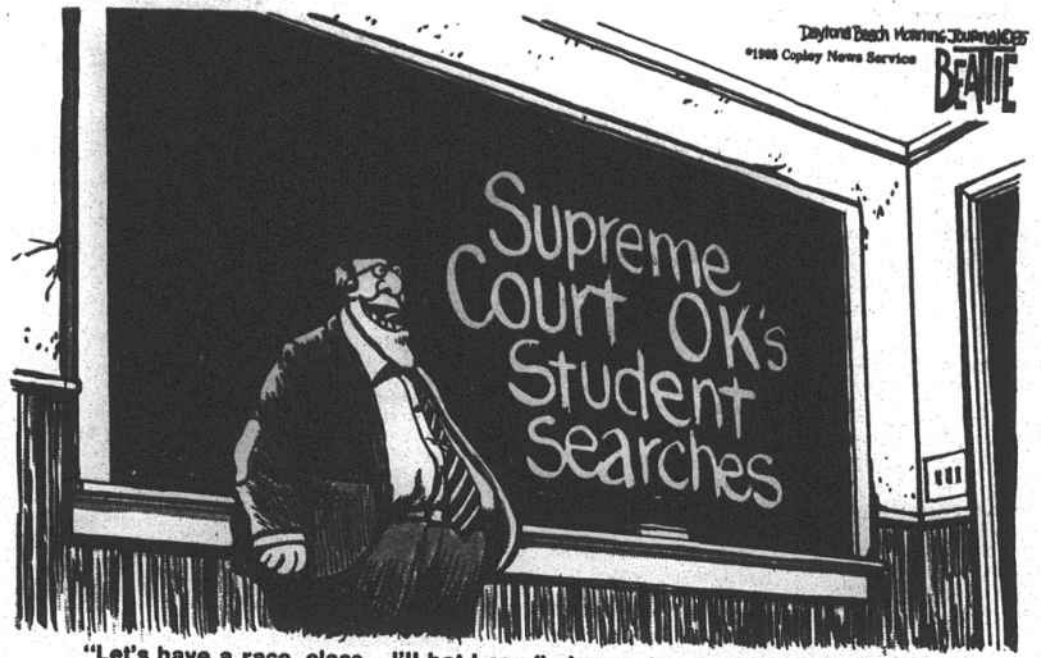
Fifth: In these two centuries an independent legal profession has played a pivotal role in preserving freedom. American history is replete with examples of lawyers' courage in the struggle to vindicate rights. History records the so-called "Boston Massacre of 1770," in which Americans were killed by British soldiers.

The soldiers, charged with murder, asked John Adams to defend them. He did so, knowing well that in the heated atmosphere of that day it might spell the end of his career as lawyer and political leader. A Boston jury acquitted the soldiers; yet the people so valued Adams's courage and independence that they sought his leadership as one of the authors of the Declaration and as our second President.

Finally, we commemorate and celebrate the independence of those in whose hands ultimately rests the protection of all our independence: the state and federal judges who construe the Constitution and interpret the laws in the pursuit of justice.

The freedoms secured and maintained by our Constitution have served to unleash the latent creative energies of a free people for two centuries. We are all trustees of those freedoms and as such, it is a solemn duty to pass them on, unimpaired, to those who follow us. Only then can our descendants apply to their own new and complex problems that same kind of creativity, ingenuity and responsibility that the Declaration of Independence promised in 1776 and the Constitution secured in 1787.

On this path, we will continue the legacy of ordered liberty.



"Let's have a race, class... I'll bet I can find your drugs and guns faster than you can find the United States on a world map!"

Letters To The Editor

Hoke band's job was outstanding

Editor's Note: This letter was given to us by Hoke County School Superintendent Robert Nelson to run as a letter to the editor.

Dear Dr. Nelson: Since marrying Sarah Cole, a native of your school district, I have been exposed to many facts about the quality and size of things from Hoke County. The performance and appearance by the Hoke Band was excellent and indeed confirms the many fine things I have learned about your outstanding community.

The expression of the band member's faces, the unison marching and the crispness of the music showed the pride of Hoke County. The comments of those in the reviewing stand were all of praise for a job well-done.

Thank you and your staff for taking your day off to participate in the Inaugural Parade. Please express my deep gratitude to each of

the members of the band for their many efforts in my behalf.

This was a very important day for the Jordan family and the dedication of the outstanding young people of Hoke County made it even more special.

Again, much thanks from the Jordan family.

Sincerely,
Bob Jordan
Lieutenant Governor

Long live memory of Dr. M.L. King

To the Editor: As a member of the poor white working class, and a Christian, I write this in salutation and to honor this past Jan. 15, the birth date of the great Dr. Martin Luther King Jr.

Dr. King's life was somewhat a similarity of Jesus' life. Both were killed while in service of fighting oppression, mental and immoral cruel slavery, as they both sought to relieve the suffering of the poor and oppressed.

Remember, Dr. King's father, the Rev. Martin Luther King Sr., passed away in the latter portion of November. He too, was indeed a patriarch, or "king", as his name implied, because it was his dedication to Christ that made Dr. King Jr. what he was, whom in turn, helped establish John Kennedy's dream of "A New Frontier," a dream of America in the practical, as it was in theory. Thus, Dr. King Jr. gave his life for our cause to dwell in freedom.

Born Jan. 15, 1929, ordained a minister in 1947, and died in 1968, Dr. Martin Luther King Jr., a black civil rights leader, sharply defended the rights of us poor whites as well.

We owe it to him to hold him in our memory: long live the name of Dr. Martin Luther King Jr., truly a visionary of liberty for all Americans.

Thank you sincerely,
Daniel Edwards
Pine Ridge, Box 301
Bladenboro, N.C.
28320

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OMB No. 1545-0047

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Exemptions: a Yourself, b Spouse, c First names, d Other

Income: 7 Wages, salaries, tips, 8 Interest, 9a Dividends, 9b Dividends (attach Form 1099-DIV), 10 Refunds of tax, 11 Tax-exempt interest, 12 Tax-exempt bond interest, 13 Other income

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