

REFLECTION

Editor’s note: Op-Ed pieces and Letters to the Editor are welcome. Discussion of ideas and issues is one of our fundamental rights and duties, as well as being essential to the advancement of all people. The main requirement for acceptance is that they maintain civil discourse. Articles or letters that engage in ranting or ad hominem attacks will not be published. An extra long article or letter may be edited for the sake of space. Email your article or letter to tina.fieldsmedia@gmail.com, or send it via the USPS to Editor, Northwest Michigan Voice, PO Box 28, Rapid City, MI 49676

The blessings of liberty

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The sixth and final purpose for our Constitution, according to the Preamble is to “secure the blessings of liberty to ourselves and our posterity.”

Shall we just take a moment to consider what those blessings might be? In western civilization, as far back as the Magna Carta (1215), there has been some understanding that people should have some rights that are not to be trampled by monarchs. During the 1600s, as England struggled with the Stuart kings, the principles in the Magna Carta were interpreted “as a fundamental charter limiting the monarch and assuring liberty of the person, trial by jury, habeas corpus, and due process” (constitutioncenter.org).

By the time of the American Revolution, our founders had further developed the principles of individual liberty and value, as eloquently expressed in the great sentence of the Declaration of Independence: “We hold these truths to be self-evident: that all men are created equal and are endowed by their Creator with certain unalienable rights ...”

The Articles of Confederation of our original Continental Congress included protections for members of Congress against reprisals or penalties for their speech and debate in Congress. Also, it declared that free citizens of any state were entitled to the freedoms of free citizens of other states. At that time many states framed up their own constitutions and declarations of rights. Many states looked to the Virginia declaration, composed by George Mason. “It began with an assertion that ‘all men are by nature equally free and independent and have certain inherent rights’: life, liberty, property, safety, and happiness” (constitutioncenter.org). It described government as being derived from the people. It prohibited hereditary titles. It separated the powers of legislature, executive, and judiciary. It called for term limits. It insisted on free elections. It established the right to trial by

jury, freedom of the press, and freedom of religious exercise and conscience. And it “advised that a ‘firm adherence to justice, moderation, temperance, frugality, and virtue’ was required to preserve ‘free government, or the blessings of liberty’” (constitutioncenter.org).

A lot of this will sound quite familiar to all of us because so much of it is found in the first ten amendments to our Constitution that are commonly referred to as our Bill of Rights.

As the several states debated ratifying the Constitution through the fall of 1787 and into the summer of 1788, many of them determined that it was missing something very important: a Bill of Rights. The Massachusetts Compromise – namely “ratify now, amend later” – was critical in successfully getting the necessary nine states to adopt the Constitution. As we study the rights that are protected in those first ten amendments, we rightly conclude that without them, that final purpose laid out in the preamble would not really be secured.

James Madison did not think that a Bill of Rights was necessary because of the specific limitations placed on the three branches of government and the explanatory rules in Articles IV, V, and VI of the Constitution. It set up a limited federal government, and the several states had their own Constitutions and Declarations of Rights.

Personally, I am grateful to those who insisted that the Constitution was not complete without a Bill of Rights. Although Madison believed in the limitations built into the Constitution, we know that our federal government has expanded far beyond anything the framers could possibly have envisioned - as has our nation, for that matter. Given the growth, much of it absolutely necessary to our national survival, how wonderful it is to have the essential protections provided by those first ten amendments. They provide us with the freedom to speak our minds, the freedom to

choose our religion, the freedom to read what we want to read, a free press to report the news – even if government officials don’t like it, the freedom to protest, the freedom to hold our government accountable to us, the freedom to pursue the career of our choice, the freedom to be armed, the guarantee of security in our homes, the guarantee of a trial by jury should we be charged with a crime, the privilege of the writ of habeas corpus (preventing government from jailing us without demonstrating a reason), the guarantee of due process should we appear to run afoul of the law, the right to a controlling voice in our government, and the assurance that we are free to move about and pursue the life of our choice. Finally, be sure to memorize Amendments IX and X. They say: “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people” and “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.”

With all due respect to James Madison, I concur with the states that found the Constitution to be incomplete without a Bill of Rights (Massachusetts, New Hampshire, Virginia, New York, North Carolina, and Rhode Island). The Bill of Rights is what makes it possible for the Constitution to “secure the blessings of liberty to ourselves and our posterity.”

Well, that’s what I’ve been thinking about.

Shalom

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Editor

References:

Constitution of the United States of America

The Bill of Rights, The National Constitution Center; retrieved from: <https://constitutioncenter.org/the-constitution/the-principles-of-the-constitution/the-bill-of-rights>

Citizenship Corner

These questions may require some research on your part. Thank you for making that effort. The answers will appear in the next edition of the Voice.

- 1) Where in the Constitution do we find the right to a speedy and public trial by a jury of one’s peers?
- 2) That right includes some details. What is the next one?
- 3) What rights does the accused have with regard to witnesses?
- 4) What is the final protection for the accused?



Citizenship Corner

Answers to last issue’s questions

- 1) What does Amendment III say?
A. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.
- 2) Why was this important to Americans?
A. Because they had suffered such involuntary quartering of British soldiers for years, and they had been powerless against such invasion of their private homes and lives.
- 3) What does Amendment IV say?
A. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- 4) Why was that important to Americans?
A. As with the quartering of soldiers, under the tyrannical hand of King George III, people did not have the security of their own homes and affairs. It was important to have the protection of the law against being snatched out of their own homes, or their property seized without recourse..

Everything in this paper is important to somebody