



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

FREEDOM IS NOT FREE

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We are all familiar with the phrase “freedom is not free.” This often-repeated phrase reminds us that the many freedoms we enjoy in the United States—the most individual freedoms possessed by any citizens in the world—only came about because generations before us paid a price, and in some instances the ultimate price. The price earlier generations paid allows us today to enjoy the many freedoms we too often take for granted.

INSTITUTIONS ARE NECESSARY TO SECURE FREEDOM.

We certainly owe our freedoms to the sacrifice and struggle of ordinary citizens. But we also owe them to the institutions that continue to preserve, support, and protect them.

As individuals, we can do little by ourselves to ensure our own freedom. Rather, we must work together to ensure our freedoms. The primary institution through which we do this is government. In the words of the Declaration of Independence: “to secure these rights, Governments are instituted among Men.” The Declaration recognizes that, individually, we are incapable of securing our freedom, but collectively, acting through institutions, we can achieve a great deal.

At the same time, concentrated government power itself is a threat to freedom. Our Constitution therefore divided power among the three branches of government—the legislative, executive, and judicial branches. By separating power between these three branches of the federal government and between the federal government and state governments, our Constitution also protects us against despotic power.

LAW IS THE MOST IMPORTANT PROTECTOR OF FREEDOM.

Government can only ensure freedom through dutiful application of the law. Law preserves freedom by providing social order, stability, security, and predictability in our daily lives. Law can protect the freedom of the poor from the rich, the weak from the strong, and the few from the many. In a very real sense, law keeps us all free.

The guardians of the law within our constitutional democracy are the federal courts. They protect against encroachment upon our basic rights by other branches of the federal

government or by state governments. They protect minority rights, opinions, and interests from the majority when the majority has different views and interests. They protect freedom of speech when unpopular voices are threatened. They safeguard religious liberty for people of every faith. They enforce equal protection under the law, securing voting rights, protecting due process, and guaranteeing that the government itself remains accountable to the Constitution.

Federal courts are essential to the continued vitality and strength of our constitutional democracy. Unlike elected officials, federal judges do not campaign for office or require public approval. They are charged with a different responsibility—to faithfully interpret and apply the Constitution and the laws enacted by Congress without fear, favor, or political pressure.

FREEDOM IS EVERYONE’S RESPONSIBILITY.

For federal courts to fulfill their critical role in our constitutional democracy, it is necessary for the ordinary citizen to bear a cost. Not a monetary cost, but rather a cost in time, effort, interest, knowledge, and concern. This includes costs such as the time and effort to serve on a jury or testify as a witness when called upon. But it also goes beyond these concrete responsibilities.

Courts in general, including federal courts, are facing sharp declines in public confidence. Some of the decline is due to unpopular decisions, especially by the United States Supreme Court. Courts by their very nature will inevitably issue unpopular decisions. Some of the most significant court rulings in American history were very unpopular when issued and received sharp criticism. Yet history over and over confirms that an independent judiciary willing to follow the law rather than public opinion preserves liberty for future generations. Another reason for the decline in confidence is a lack of public knowledge about the role and functions of the judicial branch in our constitutional democracy. As a result, misconceptions flourish, public confidence erodes, and the rule of law suffers.

Understanding the essential role and function of the courts is itself a civic responsibility. Every generation must pay its own price for freedom through civic engagement, informed participation, respect for the law, and a commitment to preserving the institutions that sustain our democracy. The continued survival of our constitutional democracy depends on informed citizens who understand, and faithfully support, the institutions that protect our liberties.

Democracy cannot endure through ignorance. It flourishes only when citizens accept the responsibilities that accompany their rights. Freedom in our constitutional democracy requires participation on a daily basis rather than just at the voting booth every four years. That is the cost.

Freedom is everyone’s job. Every citizen should strive to understand how our constitutional system works, why an independent judiciary matters, and what responsibilities accompany the rights guaranteed by the Constitution. It endures because ordinary citizens choose to be informed, remain engaged, and pass to the next generation an understanding of both the rights we cherish and the responsibilities we bear.

CONCLUSION.

Freedom is not self-executing. It is not self-preserving. Freedom requires more than voting. It requires effort, engagement, and learning. Indeed, freedom is not free. It never has been. It never will be.

Curtis L. Collier
United States District Judge
Chair, Eastern District of Tennessee Civics and Outreach Committee

Carrie Brown Stefaniak
Law Clerk to the Honorable Curtis L. Collier

Alex Tritell
Law Clerk to the Honorable Curtis L. Collier