

Tyler Morning Telegraph

Ninth Amendment needs our love, too

December 15, 2015

Lest it pass without appropriate comments, Tuesday was Bill of Rights Day. The first 10 amendments to the U.S. Constitution, known collectively as the Bill of Rights, was ratified on Dec. 15, 1791.

So how are they holding up? There are some problems, to be sure. The First Amendment has never been more under attack on our nation's college campuses, except perhaps during the 1960s when the Free Speech movement was demanding strict observance of the right. The most disturbing trend regarding the First Amendment these days is that many of those Free Speech protesters are now college administrators and professors, and they're enabling the current protests that are anti-First Amendment. Students these days are protesting not to be heard, but to silence views they don't agree with.

The Second Amendment has never received more support from the U.S. Supreme Court, but it's never been as big a target for the Democratic Party than it is now.

But one amendment that doesn't get as much attention as it should is the Ninth: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

In other words, the Bill of Rights isn't the whole of our rights - it's merely the limits of government's rights.

Here's the original question, which led to the Ninth Amendment - where do rights come from? If they come from government, then certainly a Constitution should list them clearly - and completely.

But of course, that's not where rights come from. They come from God. They are inherent in our humanity, not in the accident of our birth in a certain place and time.

That, in fact, was one of the best arguments against the Bill of Rights: That including it would lead people to think these are the sum total of our rights.

When James Madison introduced the Ninth Amendment, he told Congress, "It has been objected also against a Bill of Rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration; and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most

plausible arguments I have ever heard against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution.”

In other words, that’s a good argument against the Bill of Rights, but those concerns can be set aside with the Ninth Amendment’s stipulation that the Bill of Rights is an enumeration, but not a limit.

“The key point is this: A free society does not just happen,” the Cato Institute maintains. “It has to be deliberately created and deliberately maintained. Eternal vigilance is the price of liberty.”

So let’s save a little love for the Ninth Amendment. It’s important.