



## Let's Study the Constitution, Part 9

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The Ninth Amendment, also known as the “silent” Amendment, says *“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”*

What does this mean? What makes the Ninth Amendment unique is that it guarantees protection of all our rights even though they may not be listed in the Constitution. Just because the document is silent on some natural rights does not mean they do not exist. The Ninth Amendment closes the loophole.

James Madison was concerned that any attempt to enumerate fundamental liberties would be incomplete and might imperil other freedoms not specifically listed. He said, *“If an enumeration be made of all our rights, will it not be implied that everything omitted is given to the general government?”*

The Ninth amendment is the only one that had no predecessor in English Law. It stemmed solely from the genius and experience of those who framed and ratified the Constitution.

Remember, too, that the principles established in Declaration of Independence laid the foundation for our Constitution. It states that all men *“are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed . . .”*

The Framers didn't believe they were *creating* or granting these liberties in the Bill of Rights. They were merely acknowledging the natural rights that no *proper* government could deny exist for all men.

The Tenth Amendment reads, *“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.”*

The Constitution *limits* the control of the federal government – that is its purpose. Everything else not delegated to the federal level is left up to individuals and their state governments.

Why did our Framers feel the need to emphasize that most of the powers are reserved to the States and the People? Many of the States thought the Constitution gave way too much control to a federal government that could potentially usurp the sovereign rights of the States. Remember, the Founders feared an overbearing federal government and had just fought for independence from a tyrannical monarchy. They made it clear they had no desire to replace it with another. They were trying to avoid placing most of the control with a large system that was located far away from their homes, dictating how they lived their daily lives. The Framers wanted to retain as much control as possible in their local and state governments, where elected representatives were easily accessible and remained independent from control by the federal government. Without the Tenth Amendment, the States would never have ratified the Constitution.

Powers retained by the States and the People shifted to the federal government with the Sixteenth and Seventeenth Amendments in 1913, and again during the Great Depression beginning in 1933. With FDR's "New Deal" federal programs, many people without jobs or hope turned to the federal government as their safety net and America's first social programs were born. Americans forgot that the limited role of the federal government was to protect their rights, bring justice, provide national defense, and a few other responsibilities defined on a very short list in Article 1, Sec. 8. The people traded in the Framers' principles of limited federal government for one that would provide daily needs; a responsibility divinely delegated to individuals and the Church.

The Tenth Amendment's idea of limiting the federal government's control has been severely weakened by many years of gradual changes in how we view what *is* and *is not* a federal responsibility. It's like the story of the camel in the sandstorm that just wants to stick his nose inside the tent to get away from the sand, and then his whole head, and before you know it, an enormous camel is wreaking havoc inside the tent.

Americans are the most rights-conscious people in history. We have the genius, dedication, and persistence of our Framers to thank for that. The Bill of Rights is a constant reminder that our natural rights come from God, not government, that the federal government's control over the people is restrained, and that ultimately, all political power resides in the people themselves.

Here in America, our system is designed so we can govern ourselves. It's the most successful experiment in self-government the world has ever known, but will only survive if we participate in maintaining its original design.

The entire nine-part series “Let’s Study the Constitution” is archived on CenterForSelfGovernance.com

References: *The United States Constitution Made Easy*, by Lonnie D. Crocket; *The Words We Live By*, by Linda Monk; *Original Documents*, [www.revolutionary-war-and-beyond.com](http://www.revolutionary-war-and-beyond.com), [www.public.getlegal.com](http://www.public.getlegal.com).

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