

History of the 9th Amendment

Why was the **9th Amendment** added to the **Bill of Rights**? When the Constitution had been written by the Constitutional Convention at Philadelphia in 1787 and submitted to the States for ratification, many voices arose saying that the Constitution did not sufficiently protect the basic natural rights of the citizens.

The Anti-Federalist Party in particular claimed that unless certain rights were spelled out in a **Bill of Rights**, the government would easily take over these rights and abuse the people. Thomas Jefferson, Patrick Henry and George Mason were all of the Anti-Federalist opinion.

On the other hand, people in the Federalist Party, such as George Washington, John Adams, James Madison and Alexander Hamilton, believed that the Constitution did not give the government the right to do *anything* that was not specifically stated in it. Therefore, they reasoned, that a Bill of Rights was first of all unnecessary, but also possibly dangerous. Why? Because they thought that if specific rights were listed to be protected from government intrusion, it would imply that any other rights *not listed, were* under the power of the government.

James Madison eventually decided to fight to see a **Bill of Rights** added, in spite of the fact that he didn't really think it necessary. On June 8, 1789, he presented to the First Congress, a list of suggested amendments to the Constitution. Referring to this debate about rights not specifically listed, he said this:

"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."

[You can read James Madison's entire June 8, 1789 speech to Congress, which presented his suggested amendments, by clicking here.](#)

Madison's suggested amendment to solve the problem of the government taking powers that it was not intended to have was worded like this:

"The exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the constitution; but either as actual limitations of such powers, or as inserted merely for greater caution."

Congress changed the wording slightly to the arrangement that we now know as the **9th Amendment**. So, in the end, the Anti-Federalists won the argument and the **Bill of Rights** was added to the Constitution. [You can read more about the History of the Bill of Rights here.](#)

"The 9th Amendment." *Revolutionary War, Declaration of Independence, US Constitution, Bill of Rights*. Web. 21 Dec. 2010. < <http://www.revolutionary-war-and-beyond.com/9th-amendment.html>>.