



Dynamic Chiropractic – May 23, 1990, Vol. 08, Issue 11

"The People" Win a Major 9th Amendment Victory in Arizona

By Clinton Ray Miller

The place was the Senate Hearing Room in the Arizona State Capitol, Phoenix, Arizona. The date was April 3, 1990. The time, 11:30 a.m. The hearing had taken less than an hour. The bill, HB 2406, would have given licensed dietitians monopoly control over specific therapeutic nutritional counseling in Arizona.

HB 2406 had encountered far less vocal and organized opposition in the Arizona House of Representatives in 1990 than a nearly identical bill had received in 1989. Last year, a dietitian licensure bill was quickly killed by a House Committee and never even made it to the Arizona Senate.

This year, however, the Arizona dietitians had cleverly deceived, divided and silenced many of their 1989 opponents by including no less than ten phony, meaningless, and deliberately misleading "exemptions" in their bill, HB 2406. It is an old trick, but the politically naive still fall for it.

In previous years the dietitians strategy enabled them to enact dietitian monopoly licensure laws in Ohio, Florida, and more than 20 other states. When it was introduced February 1, 1990 in Arizona, HB 2406 had 39 of the 60 members of the House as co-sponsors. During the month of March it appeared Arizona would become the next state to grant a monopoly license to dietitians.

In less than a month, the bill had sailed right through three House Committees, and the Full House, with overwhelming majorities:

1.) March 5, 1990 - 11 yeas, 0 nays, 3 present but not voting and 1 absent was the vote in the House Committee on Tourism, Professions & Occupations. State Representative Dave Carson was Chairman of this Committee and also chief sponsor of HB 2406.

2.) March 12, 1990 - 12 yeas, 3 nays in the House Appropriations Committee.

3.) March 19, 1990 - 10 yeas, 0 nays, 4 absent and 1 excused in the House Rules Committee.

4.) March 27, 1990 - March 27, 1990 - 42 yeas, 16 nays, 2 not voting in the Full Arizona House of Representatives.

The dietitians had many good reasons to be confident their dietitian licensure bill would be enacted this year. They had hired an expensive, shrewd lobbyist with powerful connections in the House and Senate. This bill would have given the licensed dietitians of Arizona an exclusive right to call themselves nutritionists.

National Health Federation Asked to Help Out in Arizona

On Thursday, March 29, two days after the Arizona House voted 42-16 for HB 2406, we, the National Health Federation (NHF), received an urgent request to immediately come to Arizona to lobby against the bill.

A Few Dozen Paul Reveres Awaken Arizona

Thanks to Gregg Waters, Cynthia Carlisi, Dr. Lawrence Wilson, Dale Lee, Royden Brown, John Anderson, Evelyn Jarvis-Ferris, Coalition for Alternatives in Nutrition and Healthcare (CANAH), Rich Myers, Louis Popp, Don and Kay Lubecke, Elaine Jarvis, Ron Price, Conrad LeBeau, Vince and Therese Crain, Irene Rader, Don Pickett, Hazel McManus, Dr. Frederick J. Dieterie, D.C., Ralph P. Bigler, D.C., John and Joan Eichenauer, National Health Federation (NHF), and a few dozen other who saw through the "exemption" smoke screen, "the people" of Arizona were finally awakened by a few 1990 Paul Reveres just in the nick of time to kill HB 2406.

Everyone worked together with a unity and passion that was almost immediately felt by the Senate and the media. One senator's secretary reported that phone calls started coming in at 7:15 and that by 11 a.m. they had received over 100 calls.

We planned and conducted a very successful demonstration at 2 p.m. in the courtyard between the House and the Senate. The protest was well-covered by a major T.V. station and it was broadcast to hundreds of thousands on the evening news.

Space will not allow us to pay proper tribute to those mentioned above and dozens of others who were not mentioned here. Each knows he helped defeat a badly flawed bill. All lobbied, phoned, signed Ninth Amendment Declarations and wrote letters with a focused intensity which sent a powerful and unmistakable new message to the Senate.

How Many Unenumerated Rights Are There?

James Madison was the author, architect, and mentor of the Ninth Amendment to the U.S. Constitution. The National Health Federation believes he expected us to use it.

Ninth Amendment Declarations prepared by NHF began pouring into all 30 Senate offices. They didn't stop coming until it was announced that the bill was killed Tuesday at 11:30 a.m. The results of the vote were 10 to 0! It was an amazing, overwhelming and, to most, an unexpectedly unanimous victory. This was the first time the NHF used a Ninth Amendment Declaration to help win a legislative victory. It will not be the last.

Twenty years before he became the 4th president of the United States, Madison successfully insisted the Ninth Amendment be added to the Bill of Rights. The first eight Amendments had started to enumerate a long list of rights. How many were there -- 100? 1,000? Millions? Was it necessary for Congress to enumerate every natural, God-given right before the states could be asked to ratify the Constitution?

Madison wrote the Ninth Amendment so we, in our generation, could enumerate, then exercise those rights we, the people, have retained. The right to choose our own nutritionist is one of those rights.

In only 21 words, the Ninth Amendment says:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

When Madison carefully crafted the language of the Ninth Amendment, he had never even heard of a dietitian and Arizona was not yet a state. For some time we have been working on the concept that if the First Amendment gives us the right to choose our own priest or preacher, the Ninth Amendment certainly must give us the right to choose our own doctor and nutritionist.

It was Madison's view that the primary value of a bill of rights was its capacity to instill the precepts of a free society in the community at large and the possibility that it would act as a moral check upon those in

authority.

If you agree with it, please clip or copy the Ninth Amendment Declaration (at right, below, see pg?) and return it to the National Health Federation (NHF). NHF will keep the original on file in their Monrovia, California headquarters and make copies for NHF's Washington office when needed for use in lobbying activities to kill or repeal dietitian monopoly laws.

Amendment IX, U.S. Constitution

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Notice and Declaration of 9th Amendment Rights

I, the undersigned, hereby declare the following natural and God-given rights, as reserved to the people, under the 9th Amendment to the Constitution of the United States of America and which rights I reserve as follows:

1. I reserve the right to seek or ask nutritional advice, counsel, information, recommendations, assessments, evaluations, tests and/or treatment(s), regimen(s), or modality(s) from the nutritionist(s) or doctor of my choice for any health reason or purpose.
2. I reserve the right to select or reject any individual(s) as my personal nutritionist(s) whether that individual be a Medical Doctor, Herbalist, Chiropractor, Health Food Store Clerk, Druggist, Nurse, Salesperson of health products, Naturopath, Nutripath, Iridologist, Colon Therapist, Priest, Pastor, Indian Medicine Man, Relative, Friend, Dietitian or anyone from the general citizenry who has, or has not, any known formal training or claimed knowledge, education, insights, or qualifications to be my nutritionist.
3. I reserve the right to Freedom of Choice in Medicine in its most liberal construction including the right to choose my own diet; obtain, purchase and use any treatment, therapy, regimen, modality, herb, drug, food, medicine or health product for any health condition I have or may have as evaluated by myself, the doctor, nutritionist, or therapist of my choice.

The enumeration, in this declaration, of these rights shall not be construed to deny or disparage others retained by me, or my right to amend this declaration at any time.

Constructive Notice

Notice is hereby given to any person or persons who receive a copy of this declaration and who, acting under color of any law, intentionally interfere with the free exercise of the rights to me reserved under the 9th Amendment, as enumerated in this document, that they may be in violation of Title 42, U.S.C. 1983 et seq. and title 18, Section 241.

DATE:*****

SIGNED:*****

PRINT NAME:*****

ADDRESS:*****

CITY:*****

STATE:*****

ZIP:*****

A copy of this DECLARATION is on file with NHF, Box 688, Monrovia, CA 91016, for Bonnie K. & Clinton Ray Miller, Health Freedom Legislative Advocates for the National Health Federation, who prepared this DECLARATION. They are hereby authorized to give copies to the appropriate local, state, and federal authorities. They can be reached at Box 528, Gainsville, VA 22065-90529. PH. 703-054-0228.



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