



Unlisted Help

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Kindness; generosity; aid — even these need defending from government.

In “Performing Charity Is a First Amendment Right,” C. J. Ciaramella [writes](#) about the difficulties people have had in feeding the poor in their towns and cities.

The problem is not lack of charity — unless you mean the lack of charity that local governments sport.

In Houston, Texas, and Fort Lauderdale, Florida, and Santa Ana, California — and in many other communities around the country — local governments have fined and prohibited the charitable from doing the good they do, often on grounds of “health and safety.”

Houston even set up a hyper-specific charity area — reminiscent of the “free speech zones” set up for political rallies in recent years — in a parking lot near a police station. Just the kind of place that the destitute want to hang around in!

After the usual forms of police harassment came the court cases . . . and appeals to the First Amendment.

And as I read through Ciaramella’s article, the attempts to defend charity as a right of “religious expression” struck me as odd. Santa Ana politicians, for example, characterized charity as “incidental” to the core religious missions — a bizarre tack to take when dealing with Christian doctrine anyway! — and for once the U.S. Justice Department took the common-sense position on this. Thankfully.

But charity as “expression” leaves a bad taste. Charity’s more basic than “expression,” isn’t it? Some might see the art of giving as a duty, others as a rite, and others as mere generosity for its own sake. *Jesus [spoke](#) of charity as something one did without speaking about it.*

Could it even be more basic than free exercise of religion? Might it not more accurately be a Ninth Amendment right — one “retained by the people”?

So fundamental there seemed no need to spell it out specifically.

Our most basic rights are general rights, and charity is fundamental to being human.

This is Common Sense. I’m Paul Jacob.