

Bill of Rights

In early 1787, when Virginia Congressman James Madison was preparing for the Constitutional Convention, he wrote an essay entitled "Vices of the Political System," detailing the flaws of the Articles of Confederation

One of the main problems with the Articles, in Madison's view, was that tyrannical majorities in the states passed unjust laws violating the rights of numerical minorities. He had seen the oppression of religious dissenters in Virginia and became the leading advocate for the Virginia Statute for Religious Freedom. But injustice was occurring in all the states.

On September 12, 1787, during the last days of the Constitutional Convention, fellow Virginia delegate George Mason rose and proposed a bill of rights, a list of rights belonging to the people that government could not violate.

The delegates were wrapping up their business and worried that a prolonged debate on a bill of rights could endanger the success of their project. Roger Sherman of Connecticut also reassured the convention that the states had their own bills of rights and so had no need for a national bill of rights. The convention unanimously rejected Mason's idea.

When the Constitution was sent to the state conventions for ratification, the Anti-Federalists who were opposed to it agreed on the need for a bill of rights to protect the liberties of the people. Several Federalists, or those who supported the new Constitution, disagreed.

During the ratification debate, Federalists in many states had to make compromises. Although they were able to prevent the addition of "conditional amendments" prior to ratification, they had to promise to pass a bill of rights after the Constitution had been ratified.



James Madison

Madison became the champion for a bill of rights in the First Congress, but the idea met a hostile reception. Most representatives and senators thought Congress had more important work to do setting up the new government or passing tax bills for revenue.

On June 8, 1789, Madison rose on the floor of the House to deliver a speech in favor of a bill of rights. His arguments were founded on the goal of a harmonious political order and the ideals of justice.

A bill of rights would extinguish the apprehensions of Anti-Federalists and convince them of the "principles of amity and moderation" held by the other side, now prepared to fulfill a sacred promise made during the ratification debate.

Most importantly, the Bill of Rights would "expressly declare the great rights of mankind secured under this constitution."

The 'Bill of Rights' are the first 10 amendments to the U.S. Constitution, which were adopted as a single unit on December 15, 1791. It serves as a prominent reminder of our rights as Americans and which constitute a collection of mutually reinforcing guarantees of individual rights and of limitations on federal and state governments.

The Bill of Rights sets rules for due process of law and reserves all powers not delegated to the Federal Government to the people or the States. And it specifies that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The First Amendment provides several rights protections: to express ideas through speech and the press, to assemble or gather with a group to protest or for other reasons, and to ask the government to fix problems. It also protects the right to religious beliefs and practices. It prevents the government from creating or favoring a religion.

The Second Amendment protects the right to keep and bear arms.

The Third Amendment prevents government from forcing homeowners to allow soldiers to use their homes. Before the Revolutionary War, laws gave British soldiers the right to take over private homes.

The Fourth Amendment bars the government from unreasonable search and seizure of an individual or their private property.

The Fifth Amendment provides several protections for people accused of crimes. It states that serious criminal charges must be started by a grand jury. A person cannot be tried twice for the same offense (double jeopardy) or have property taken away without just compensation. People have the right against self-incrimination and cannot be imprisoned without due process of law (fair procedures and trials.)

The Sixth Amendment provides additional protections to people accused of crimes, such as the right to a speedy and public trial, trial by an impartial jury in criminal cases, and to be informed of criminal charges. Witnesses must face the accused, and the accused is allowed his or her own witnesses and to be represented by a lawyer.

The Seventh Amendment extends the right to a jury trial in Federal civil cases.

The Eighth Amendment bars excessive bail and fines and cruel and unusual punishment.

The Ninth Amendment states that listing specific rights in the Constitution does not mean that people do not have other rights that have not been spelled out.

The Tenth Amendment says that the Federal Government only has those powers delegated in the Constitution. If it isn't listed, it belongs to the states or to the people. (National Archives)

The Bill of Rights derives from the Magna Carta (1215), the English Bill of Rights (1689), the colonial struggle against king and Parliament, and a gradually broadening concept of equality among the American people.

A Bill of Rights
as provided in the Ten Original Amendments to
The Constitution of the United States
in force December 15, 1791.

Article I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty,

or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

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

Article X

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.



Virginia's 1776 Declaration of Rights, drafted chiefly by George Mason, was a notable forerunner. Most other provisions of the Virginia Declaration, like those of the similar state declarations that followed, were phrased in the precatory language of "oughts."

Madison appears to have constructed most provisions of the Bill of Rights more forcefully, so that courts could more readily protect individual rights by enforcing such provisions - for example, the First Amendment provision stating that "Congress shall make no law". (Middle Tennessee State University)

Besides being axioms of government, the guarantees in the Bill of Rights have binding legal force. Acts of Congress in conflict with them may be voided by the US Supreme Court when the question of the constitutionality of such acts arises in litigation. (Britannica)

Some of Madison's opening list of amendments didn't make the final cut in September. The House agreed on a version of the Bill of Rights that had 17 amendments, and later, the Senate consolidated the list to 12 amendments. On September 25, 1789, the First Federal Congress of the United States proposed to the state legislatures twelve amendments to the Constitution.

Over the next two years, eleven states ratified the Bill of Rights to meet the three-fourths constitutional threshold. Virginia became the last state to ratify on December 15, 1791. The Bill of Rights fulfilled Madison's goals of reconciling its opponents to the Constitution and protecting individual liberties.

In the end, the states approved 10 of the 12 amendments in December 1791. One of two amendments rejected by the states was eventually ratified in 1992 as the 27th Amendment; it restricted the ability of Congress to change the pay of a sitting Congress while in session. (The other proposed amendment not ratified dealt with the number of representatives in Congress, based on the 1789 population.)

Information here is primarily from National Archives; Britannica; Constitution Center; Library of Congress; Bill of Rights Institute

In an effort to provide a brief, informal background summary of various people, places and events related to the American Revolution, I made this informal compilation from a variety of sources. This is not intended to be a technical reference document, nor an exhaustive review of the subject. Rather, it is an assemblage of information and images from various sources on basic background information. For ease in informal reading, in many cases, specific quotations and citations and attributions are often not included – however, sources are noted in the summary. The images and text are from various sources and are presented for personal, noncommercial and/or educational purposes. Thanks, Peter T. Young