

The first ten amendments to the United States Constitution

THE BILL OF RIGHTS

were instituted to protect individuals against abuse of power by their own government.

The first amendment, most familiar to all, guarantees;

Freedom of religion

Freedom of the press

Freedom of speech

Freedom of assembly

These four are referred to as "first amendment rights".

Other amendments guarantee;

The right to bear arms

the right to a speedy trial

the right to refuse to witness against ones self* the

the right to trial by jury

protection against unreasonable searches and

the protection against cruel and unusual

seizures

punishment

*(its use is called "taking the 5th amendment")

THE ORIGINAL CONSTITUTION WAS RATIFIED WITHOUT A DECLARATION OF "RIGHTS"

The fact that the inalienable rights embodied in the political philosophy of the Declaration of Independence were not included in the original text of the United States Constitution is at first a disturbing thought. However, the efforts to include these rights later in Congress, and opposition to these efforts will explain the difficulties.

The reasoning advanced by opponents of the inclusion of a declaration of Rights in the Constitution was thatwhere no power had been granted there was no need of any protection against abuse of power.

A further reason that the Constitutional Convention avoided a declaration of Rights was the expectation that it would declare that all men are born free! Indeed the Declaration of Independence did state that all men were created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. However, as Charles Cotesworth Pinckney, delegate to the Constitutional Convention from South Carolina pointed out.....a declaration of equality would be awkward when much of the property of South Carolinians consisted of men who were born slaves.

According to James Madison's notes, George Mason of Virginia proposed a Declaration of Rights on September 12, 1787, prior to the close of the Constitutional Convention proceedings. However, The Convention failed to pass a declaration of Rights, thus requiring its submission as a Bill after the Constitution's ratification by the States

DRAFTING OF A BILL TO ADD "RIGHTS" TO THE APPROVED CONSTITUTION

Once approved, the Constitution was sent to the States for ratification. During the ratification conventions in each state, amendments to the Constitution in the form of a Bill of Rights were discussed. Six states-- Massachusetts, South Carolina, New Hampshire, Virginia, New York and North Carolina-- voted officially to submit proposals. Of these, the proposals of the State of Virginia evolved into the ten Amendments known as the Bill of Rights.

The dominance of the powerful and leading state of Virginia in the framing of the Constitution and the Bill of Rights is clear when one considers the Virginians involved:

George Washington Delegate from Virginia. President of the Constitutional Congress. First President of the United States under the Constitution.

James Madison Delegate from Virginia. "Father of the Constitution". Submitted proposed Bill of Rights to Congress. Fourth President of the United States.

Thomas Jefferson of Virginia. Author of the Declaration of Independence. Major adviser and policy former to the Constitutional Convention. Third President of the United States.

James Monroe of Virginia. Delegate to the Virginia ratifying convention. Fifth President of the United States.

George Mason Delegate of Virginia. Formulated a Declaration in 1776 for the Virginia Constitution...which was used as the Virginia proposals to Congress in 1788...and evolved into the Bill of Rights of the United States. Mason refused to sign the Constitution due to his opposition to slavery and the Convention's failure to address the question in the Constitution.

COMPARISON OF THE BILL OF RIGHTS AND ITS PROPOSED DRAFT

The final form of the Bill of Rights differs from its draft proposal in several interesting ways. Of these, three are worth special mention.

First of all, the draft submitted by Virginia contains twenty amendments. Of these only twelve were approved by Congress to be submitted for ratification to the states. Only ten of the twelve were ratified by the States. Three States, Massachusetts, Connecticut and Georgia did not ratify the Bill of Rights until 1939, almost 150 years later.

Secondly, the order of listing the proposed amendments differed substantially; in fact, the "first Amendment" of the final Bill of Rights was originally proposed separately comprising proposed amendments numbered 15, 16 and 20.

Finally, the first Amendment in the proposed draft guaranteed the "Natural Rights" of life, liberty and the pursuit of happiness and one other natural right. The fact that the final Bill of Rights failed to include these natural rights, superfluous or not...redundant or not ... vague or not... withstanding the slavery question or not ... is indeed disparaging. Equally interesting is the other natural right included in the proposed first amendment. It is a "right" which may evoke debate today in opposition to so-called Human Rights. The proposed first amendment contained four Natural Rights: those of Life, Liberty, Possessing **Property** (!), and the Pursuit of Happiness.

Original Drafts of the Bill

At least three drafts of the proposed Bill of Rights exist:

One draft, in Madison's notes, was just discovered (!) in the National Archives;

The present draft, located in the Karpeles Manuscript Library, is signed by the "President" of Virginia
and by the Secretary of the State Convention;

A Third draft, similarly signed, remains in the State of Virginia in private hands