



The Fight for the Bill of Rights

The Bill of Rights is one of the most important documents in American history.

Why isn't it part of the original Constitution?

Characters:

Delegates to the Constitutional Convention in Philadelphia:

George Mason, Virginia
Edmund Randolph, Virginia
Elbridge Gerry, Massachusetts
James Madison, drafter of the Constitution
George Washington, president of the Constitutional Convention

Delegates to the Virginia Constitutional Convention:

Patrick Henry
Richard Henry Lee

Representatives to the First Congress:

William Jackson, U.S. Representative from Georgia
William McClintock, U.S. Representative from New York*
Charles Carroll, U.S. Representative from Maryland
Narrators A-D

*Starred character is fictitious

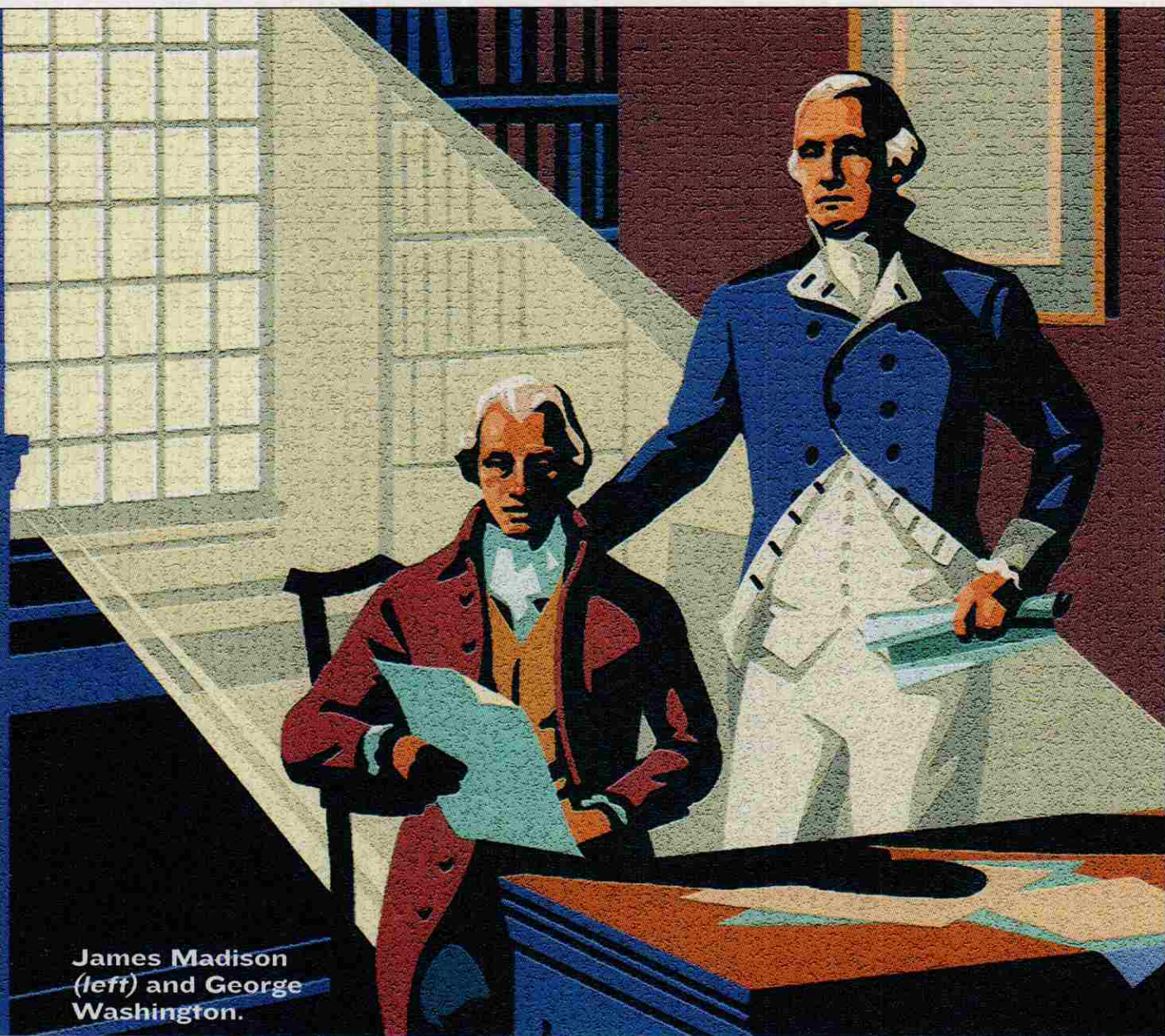
Words to Know

- **Ratify:** To approve. The Constitution had to be ratified by 9 of the 13 states in order to become law.
- **Federal:** A government made up of independent states, like the U.S. states. The states surrender some authority to a central government and keep some powers to themselves.

By Bryan Brown and Louise Rozett

The draft of the U.S. Constitution, written in the summer of 1787, prompted fierce debates. Many people feared the strong federal government it proposed. The U.S. had fought a war of independence from Great Britain, and people did not want another government with too much power. They demanded a guarantee that their rights would be protected.

These demands led to the creation of an essential American document—the Bill of Rights.



James Madison (left) and George Washington.

Scene 1 Philadelphia, Pennsylvania

Narrator A: On September 15, 1787, the final draft of the Constitution is presented to **delegates** [representatives of their states] at the Constitutional Convention. Three delegates refuse to sign it.

George Mason: I would sooner chop off my right hand than sign this document as it is. We need a declaration of rights, like the one I wrote for Virginia in 1776!

Edmund Randolph: George is right. How can I agree to a plan that I believe will end in **tyranny** [oppressive power by a government]?

Narrator A: James Madison is the most important of the drafters of the new Constitution. He defends his work vigorously.

James Madison: It is not necessary to include a bill of rights. The Constitution clearly says the government has only a few powers, and all the rest belong to the people.

Mason: That's not good enough! We must include our precious liberties by name in this document.

Elbridge Gerry: Let us form a committee at once to draft a bill of rights.

Randolph: I propose a second convention in order to draw up amendments to the Constitution.

Gerry: Whatever we decide, we must fix it before moving forward.

George Washington: Gentlemen, it has been a long, hot summer. It's time we take a vote. Should we accept

Mr. Randolph's proposal to add a bill of rights? Or should we accept this Constitution and submit it to the states for their approval?

Narrator A: The delegates vote, and the original draft of the Constitution is accepted. Only Randolph, Mason, and Gerry refuse to sign it.

Scene 2

Narrator B: Now the Constitution must be ratified by the states. Madison soon finds that opposition to the Constitution is stronger than he thought. The demand for a bill of rights grows. Madison is worried, and talks with George Washington.

Madison: Don't people understand that we wrote the Constitution to limit the government's powers? Why should we change it?

Washington: I understand your point of view, James. But I have come to believe that this bill is necessary for the general peace of mind.

Madison: But what happens if we list these rights—and forget one? Aren't we endangering the people then, not protecting them?

Washington: Look at it this way. If we don't include a bill of rights, the Constitution may never be **ratified** [approved by the states]. Have you written to Jefferson about this?

Narrator B: Madison reaches into his pocket and pulls out his latest letter from Thomas Jefferson, the author of the Declaration of Independence and current U.S. ambassador to France.

Madison: Yes, we have exchanged several letters. He says, "A bill of rights is what the people are entitled to against every government on Earth, and what no just government should refuse . . ."

Washington: His opinion on the subject is clear.

Madison: Yes, it is. But I still think such a bill could lead to dangerous **consequences** [results].

Scene 3

Narrator C: One by one, the states hold conventions to debate the proposed Constitution. Some states ratify it with little argument. But in others, such as Virginia, the foes of the Constitution, known as the Anti-Federalists, are strong in number and voice.

Patrick Henry: I told you before that I smelled a rat. The Constitution is an outrageous insult to the men who fought the Revolution. If it is passed, our President may easily become a king!

Richard Henry Lee: This document does nothing to protect the essential rights of mankind. Without them, liberty cannot exist.

Madison: My honorable colleagues are mistaken. The very purpose of the Constitution is to protect the rights of the people.

George Mason: So you say! Nevertheless, we cannot ratify anything until we have a bill of rights. Only then will I sign this document.

Narrator C: The debate rages day after day during the brutally hot summer of 1788. Although in poor health, Madison leads the defense of the Constitution. Finally, he sees that he must compromise with the Anti-Federalists.

Madison: Gentlemen, I pledge to you my wholehearted support for a bill of rights. If Virginia ratifies the Constitution, I myself will lead the fight for such a bill in the very first Congress. But I beg of you: To keep the nation from falling apart, we must adopt this Constitution!

Narrator C: After 28 days, Virginia narrowly ratifies the document by a vote of 89–79. The Constitution is on its way to becoming the law of the land. James Madison begins drafting what will become the Bill of Rights.

"I have drafted amendments that secure what I believe to be a citizen's fundamental rights. It should be the first order of this Congress to consider them."

—James Madison

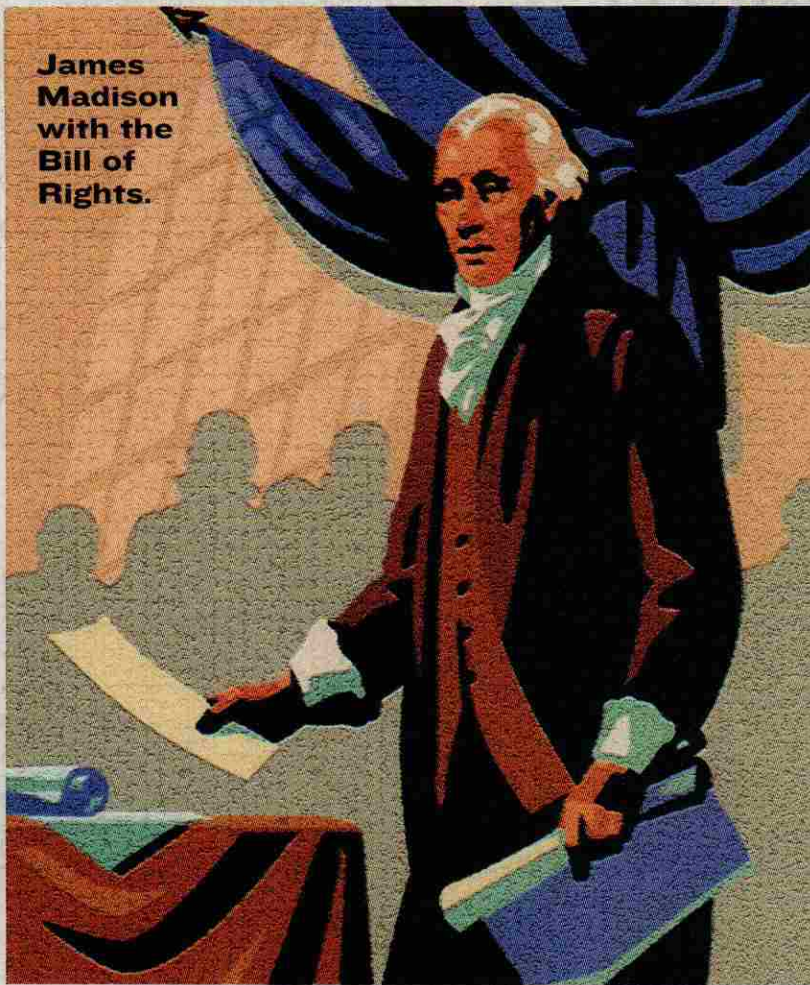
Scene 4

New York City

Narrator D: In January 1789, the country holds its first elections under the new U.S. Constitution. George Washington is chosen as the first U.S. President. Virginia elects James Madison to the House of Representatives, which meets in New York City. Madison keeps his pledge and, on June 8, presents to the House a bill of rights in the form of 19 constitutional amendments.

Madison: I have drafted amendments that secure what I believe to be a citizen's fundamental rights. It should be the first order of this Congress to consider them.

James Madison with the Bill of Rights.



William Jackson: Can't we at least get the government up and running before we do this? We've just had two revolutions: the war and the fight over the Constitution. Can we handle a third so soon?

Madison: I feel bound in honor and duty to do this. We can do no less to quiet the worries of many who have doubted our Constitution.

Narrator D: A committee is formed to hammer out new versions of the amendments. Again, there is debate.

William McClintock: This amendment says, "No religion shall be established by law." But some may think we are banning religion altogether.

Charles Carroll: Nonsense! It merely

means that people will feel free to worship however they choose.

Narrator D: Finally, the committee reports its work to the House.

Madison: Here we have addressed the needs of free speech and assembly, of religion, the right to keep arms, and the security of people in their homes. We have ensured that citizens are entitled to a fair and speedy trial by jury and cannot be tried twice for the same crime. And, it is crucial to state, the people keep all rights not specifically listed here. Let us now deliver these amendments to our citizens and at last get on with the business of this country.

Narrator D: On September 25, 1789,

after months of arguing and rewriting, 17 amendments are sent to the Senate for approval. The Senate trims them to 12, and President Washington submits them to the states. In December 1791, 10 of the amendments are ratified by the states and become part of the Constitution as the Bill of Rights.

Afterword

The Bill of Rights is as important to the U.S. today as it was in 1789. It put the rights of citizens into law—and established the practice of amending the Constitution. To date, there have been 27 amendments. They address such issues as the abolition of slavery (the 13th Amendment, ratified in 1865) and the right of women to vote (the 19th Amendment, ratified in 1920). These additions have helped to make the U.S. Constitution a vital and living document. **JS**



www.billofrightsinstitute.com

Your Turn

WORD MATCH

- | | |
|-----------------|---|
| 1. ratify | A. results |
| 2. federal | B. oppression |
| 3. delegate | C. representative |
| 4. tyranny | D. government created by our Constitution |
| 5. consequences | E. approve |

THINK ABOUT IT

The Second Amendment guarantees the right to "keep and bear arms." Why would that have been important to the Americans of 1789? Why is the amendment such a subject of controversy today?