



The Gilder Lehrman Institute Present & Annenberg Public Policy Center:

The Civic Mission of Nation

The United States Bill of Rights

by Rosemarie Zagari, PhD

The Bill of Rights—the term used to refer to the first ten amendments to the US Constitution—represents the most familiar part of the Constitution and is often perceived as the most critical to the preservation of American rights and liberties. Debates over religious freedom, the right to trial by jury, freedom of the press, the right to privacy, and the right to bear arms are but a small number of issues that relate directly to the Bill of Rights. But poll after poll shows that most Americans have little understanding of the relationship of the Bill of Rights to the original US Constitution, how and why the amendments were written, and their profound impact on American history.

In 1776, the Continental Congress, even before declaring independence, requested that people in each of the thirteen states write a constitution to create their own state governments. Seven states, beginning with Virginia, also attached explicit “declarations of rights” to their constitutions. Although the state bills of rights differed—often quite substantially—from one another, each created a list of what Americans believed were the most fundamental rights and privileges essential to a free government.

By the late 1780s, many American political leaders concluded that the country was in danger of falling apart. Gathering in Philadelphia in 1787, delegates to the Constitutional Convention considered a plan, drafted by James Madison of Virginia, that would radically alter the structure of the national government. In contrast to the failing Articles of Confederation, the new US Constitution provided for a strong centralized government that could control the states and operate directly on the people. Toward the end of the Convention, George Mason, author of the Virginia Declaration of Rights, requested that a bill of rights be added to the new Constitution. At that time, most delegates did not see the need for a US bill of rights and rejected the motion.

Before the new national government could go into operation, the Constitution had to be approved, or ratified, by voters in at least nine of the thirteen states. In preparation for electing delegates to their state ratifying conventions, a great national debate—conducted in the press, through public gatherings, and via correspondence—occurred over the merits of the Constitution. In the course of this debate, two sides emerged—the Federalists, who favored ratification, and the Antifederalists, who opposed ratification.

Antifederalists expressed widely varying objections to the Constitution. Some believed that the new government would take away too much power from the states; others feared the creation of a standing army; still others suspected that citizens would suffer under double tax burdens; and still others insisted that Congress would become unrepresentative of the people. Many argued that stronger protections for individual rights needed to be in place. During the ratification process, a number of states submitted proposed amendments—almost two hundred, in fact—for changing or modifying the Constitution.

After the new government went into operation in 1789, James Madison, who by then was serving in Congress, proposed a list of seventeen amendments to the Constitution. Although Madison had initially opposed amendments, he eventually became convinced that amendments were necessary, if for no other reason than to quell the doubts of people who opposed ratification. These amendments mostly focused on protecting individual rights rather than on curbing the powers of the central government. After the House of Representatives passed the amendments, they were sent to the Senate, which whittled the list down to twelve. These were then sent to the state legislatures for approval. By the end of 1791 a three-fourths majority of the states had ratified ten of the twelve amendments. Subsequently, the first ten amendments to the Constitution became known as the US Bill of Rights.

Rosemarie Zagarri is a professor of history at George Mason University. A past president of the Society for Historians of the Early American Republic, Dr. Zagarri is the author of *Revolutionary Backlash: Women and Politics in the Early American Republic* (2007), *The Politics of Size: Representation in the United States, 1776–1850* (1987), and *A Woman's Dilemma: Mercy Otis Warren and the American Revolution* (1995).