

*"I will tell you now what I do not like. (There is no) bill of rights, providing ... what the people are entitled to against every government on earth." — Thomas Jefferson* 34

The authors of the Constitution trusted that Congress would make right and just laws and that the court system would see that every person was treated fairly. However, many feared the new government would be too strong and, perhaps, take away individual freedom, just as the British government had done.

Therefore, during the fight to ratify the Constitution, the Federalists were obliged to propose a bill of rights to safeguard people's rights. The Federalists promised this bill of rights would be added to the Constitution as soon as the new Congress met.

As the delegates gathered in May 1787 to revise the Articles of Confederation, a Virginia delegate, George Mason, voiced his disappointment with the new constitutional proposals because "... there is no declaration of individual rights." Mason had earlier written the Virginia Declaration of Rights, and that declaration influenced Thomas Jefferson when he wrote the first part of the Declaration of Independence. Ultimately, Mason's views were accepted by James Madison. These ideas were coupled with amendments suggested by the states' ratifying conventions.



James Madison

Madison would come to be called the "Father of the Constitution" because of his negotiating power and suggestions of compromise. In 1789, the new Congress took action when Madison proposed 19 amendments. The House of Representatives narrowed those down to 17, with 12 passing the Senate. In 1791, ten were approved and ratified by the states. They make up the Bill of Rights, or the first ten amendments.

These amendments provide certain guarantees yet to be written into the Constitution. Their purpose was to protect the rights of the people against any misuse of governmental powers. These amendments protect our rights in four general areas. The First Amendment guarantees personal freedom of expression and religion. The next three preserve the security and privacy of every individual. Amendments five through eight concern fair and equal treatment under the law. The last two make general statements guaranteeing that the national government will not take more power than the Constitution grants.

### Guaranteed Fundamental Freedoms

The first 10 amendments guarantee:

- freedom of religion, speech, and the press
- the right to assemble and petition the government
- the right to keep and bear arms
- freedom from unreasonable search and seizure
- that no person be deprived of life, liberty, or property without due process of law
- the right to a fair and speedy trial
- the right to a trial by jury
- protection against excessive bail or unusual punishment

These were the rights the colonists had fought for against the English king, and they did not intend to give them up.

People are guaranteed these freedoms as long as they do not take away the freedom of others. Even today, these essential freedoms can be threatened. Controversial subjects, such as religion, unpopular ideas, censorship, membership, activity in unpopular organizations, and expressions of minority opinions, are protected by the Bill of Rights. It is the courts' job to interpret the Constitution and decide the rights of individuals.

It is human nature to believe strongly in one's beliefs and think those holding opposing views must be wrong. Many of us find opinions expressed by others offensive and distressing. We often wish others' opinions could be suppressed. However, we must remember that freedom to express only popular opinions is no freedom at all.

Especially in times of emergency, it is easy to believe that measures infringing upon individual rights can or should be taken "for the good of the country." However, this attitude is dangerous to our country since it strikes at the very foundation of our democratic system. More and more rights could be taken away because it is "for the good of the country."

Before you decide "it does not matter" if the rights of someone you do not agree with are violated, consider whether you are willing to risk the loss of your rights because other people disagree with you.

## QUESTIONS

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. The first ten amendments were adopted a month after the Constitution was approved.
- \_\_\_ 2. The first ten amendments make up the Bill of Rights.
- T** 3. Jefferson supported the idea of a bill of rights.
- \_\_\_ 4. The Bill of Rights applies to all levels of government.
- \_\_\_ 5. The Bill of Rights was proposed in an attempt to defeat the Constitution.
- \_\_\_ 6. The Bill of Rights does not give a person the right to criticize a government official.
- \_\_\_ 7. The Bill of Rights protects freedom of speech, even if the speech is unpopular.
- \_\_\_ 8. The right to a trial by jury is in the Bill of Rights.
- \_\_\_ 9. George Mason wrote the Virginia Declaration of Rights.
- \_\_\_ 10. Sometimes, the courts must interpret the Constitution affecting someone's rights.
- \_\_\_ 11. Congress could choose one religion for the whole country.
- F** 12. When the British won the American Revolution, they implemented their own Bill of Rights.