Congress Creates the Bill of Rights

Get the Background Part I

Congress Creates the Bill of Rights Before the Bill of Rights Bill of Rights Chronology

Congress Creates the Bill of Rights

Congress Creates the Bill of Rights consists of three elements: a mobile application for tablets, an eBook, and online resources for teachers and students on the Center for Legislative Archives website (http://www.archives.gov/legislative/ resources/bill-of-rights.html). Each provides a distinct way of exploring how the First Congress proposed amendments to the Constitution in 1789.

This PDF contains all the content of the app divided into four sections:

- Get the Background (Part I);
- Go Inside the First Congress (Part II A);
- Amendments in Process (Part II B); and
- Join the Debate and Appendix (Part III).

Each part is sized so that it can be easily downloaded or printed on a wide variety of devices.

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CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Contents

Get 1	the Background (Part I)	4
	Contents	3
	Project Description	2
	Title Page	1

Congress Creates the Bill of Rights
Before the Bill of Rights
Bill of Rights Chronology

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Part I

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Congress Creates the Bill of Rights

During the Revolutionary Era, the Declaration of Independence and Articles of Confederation gave birth to a republic founded on liberty, rights, and limited government, but these charters did not establish a government that could successfully address the growing pains of the new nation. Written in 1787, the Constitution proposed a plan for a more effective government, but many felt that its design was incomplete, leaving the work of the Revolution unfinished.

The ratification of the Constitution in 1788 was a difficult nine-month contest fought in the thirteen individual states. The Constitution was ratified, but some reservations surfaced about its content. A critical minority, referred to as Anti-Federalists, insisted upon the addition of a bill of rights that would protect the rights of individual citizens, and demanded a new look at some of the Constitution's specific provisions. Many of these Anti-Federalist critics believed the First Congress was obliged to correct the Constitution through amendments when it met in the spring of 1789. The Federalist majority in Congress, who supported the Constitution without changes, disagreed and needed prodding by Representative James Madison (VA) before they would take up the question of amendments.

From June to September 1789, Congress proposed, debated, drafted, and re-drafted a list of amendments, some of which failed and some of which passed the high bar of receiving twothirds of the votes from both the House and the Senate. An extraordinary document—the *Senate Revisions to the House Proposed Amendments to the U.S. Constitution* (referred to as the Senate Mark-up)—reflects how conflicts and compromises between the House and the Senate, and factions in each chamber, shaped the amendments that would become the Bill of Rights.

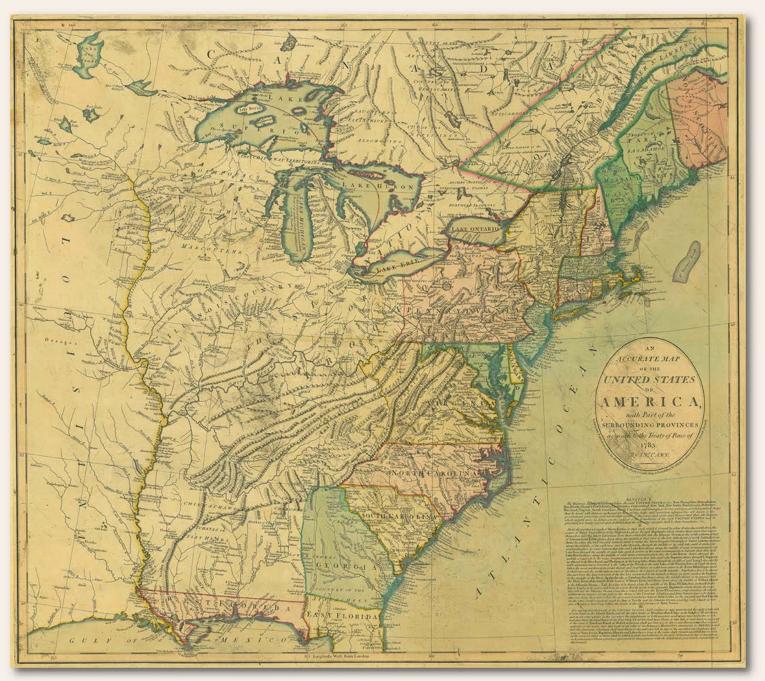
The Bill of Rights revised the Constitution by adding protections for rights and guaranteeing due process in courts of law. The final version of the Bill of Rights, the parchment copy of the original joint resolution passed by both houses of Congress on September 25, 1789, is on permanent display at the National Archives as one of the Charters of Freedom from the founding era. This document preserves a milestone in our history, showing how Congress debated many ideas and, through compromise, proposed a set of amendments to the original Constitution.

Congress Creates the Bill of Rights provides a front-row seat to the proceedings that created the Bill of Rights, and invites you to join the debate on this historic accomplishment.

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



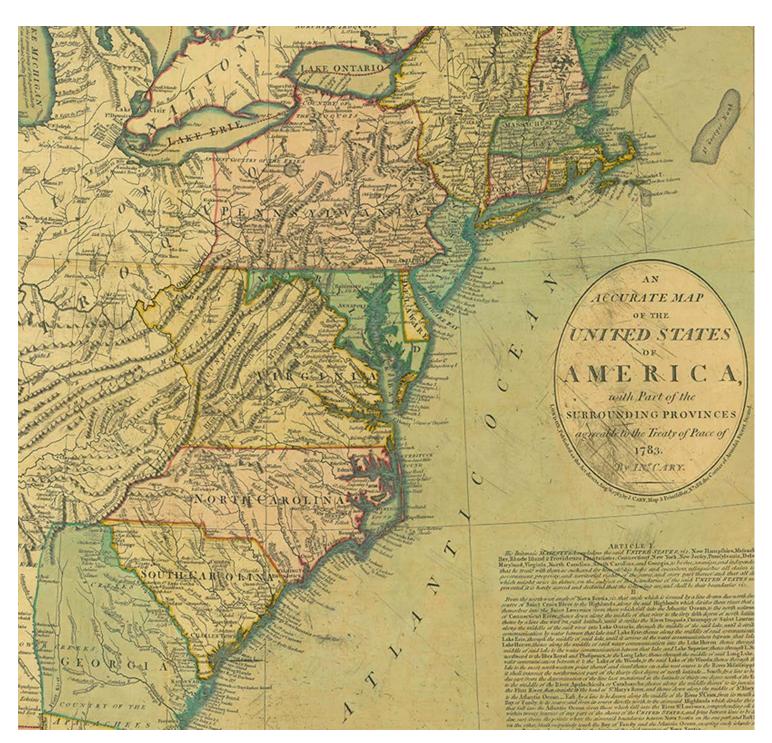
The story of the creation of the Bill of Rights began in the 1780s with the drafting of the Constitution and the struggle over its ratification by the states.

An Accurate Map of the United States of America, with Part of the Surrounding Provinces agreeable to the Treaty of Peace of 1783

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



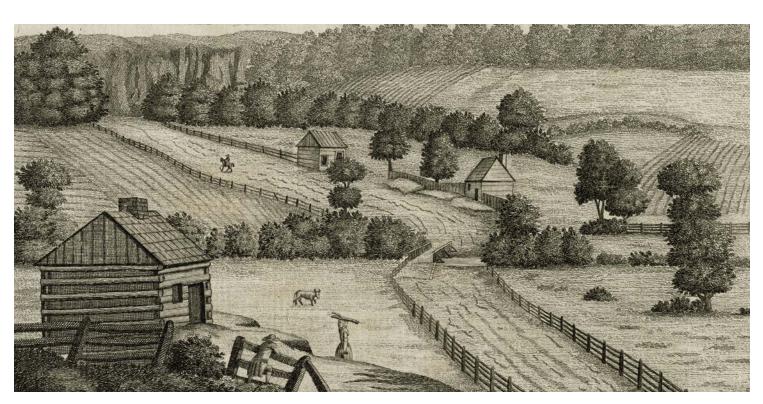
The map shows the United States in 1783 when Great Britain recognized American independence and the Treaty of Paris formally ended the Revolutionary War.

An Accurate Map of the United States of America, with Part of the Surrounding Provinces agreeable to the Treaty of Peace of 1783 (Detail)

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



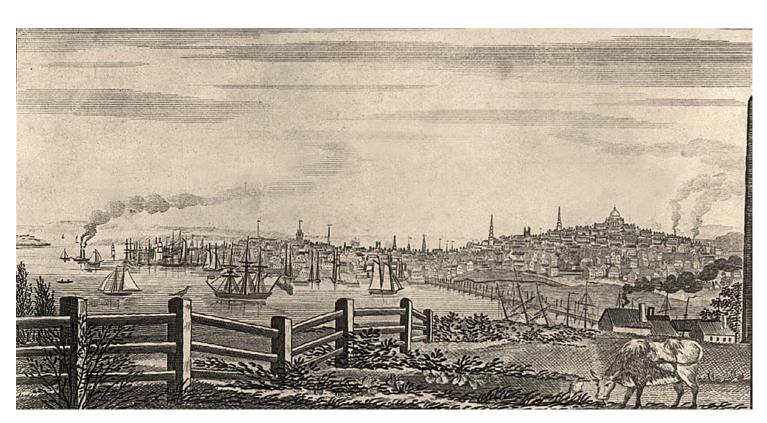
By the late 1780s the United States had a population of approximately 3.9 million scattered across thirteen states, ranging from Massachusetts to Georgia, and a large federal territory to the west.

View from Bushongo Tavern 5 miles from York Town on the Baltimore Road, 1788

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



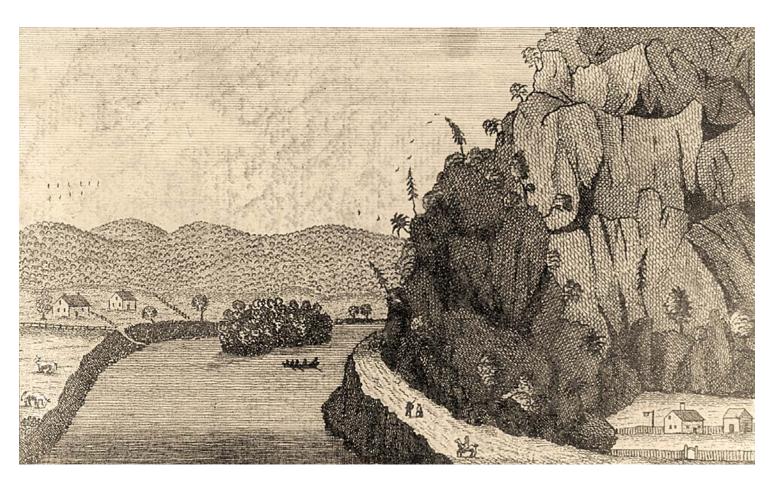
The population consisted of 1.6 million white males; 1.5 million white females; and 750,000 African American men and women, 90 percent of whom were enslaved. A significant number of Native Americans also lived within and outside the nation's borders. The majority of the population lived near the Atlantic coast in 1789.

View of the city of Boston from Breeds Hill in Charlestown, ca. 1791

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



The westward movement of people was increasing in number and distance, pushing the frontier over the Appalachian Mountains into the Ohio and Tennessee River valleys.

A view on the Mohawk River, 1793

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



The economy was centered in ports such as Boston, New York, Philadelphia, and Charleston, and consisted primarily of exported agricultural staples and raw materials exchanged for imported manufactured goods.

Charleston, S.C. in 1780

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

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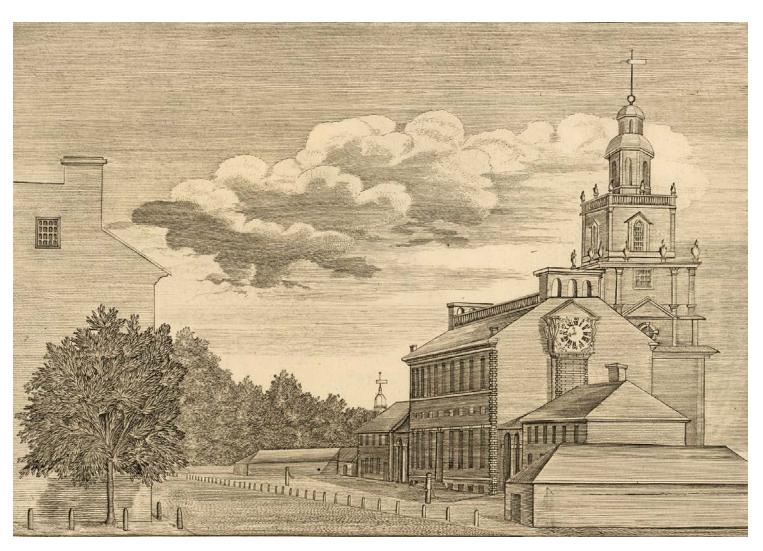
Under the Articles of Confederation ratified in 1781, the states were linked in a loose association, like thirteen allied but separate partners. The states held the majority of power and the Confederation Congress had to achieve agreement of all states on issues of importance such as ratifying treaties, regulating trade, and raising taxes. By 1786, economic and political problems were apparent.

Articles of Confederation, 1781

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



The Constitutional Convention met in Philadelphia in May 1787 to draft a plan for a new national government. The fifty-five delegates—including James Madison, Alexander Hamilton, George Mason, and George Washington— hammered out a new Constitution. In it they established a republican system of government that distributed powers between a strong central government and the states.

A N.W. [north west] view of the state house in Philadelphia taken 1778

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

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By using the phrase "We the People," the founders reflected the philosophical belief that sovereignty and "a more perfect Union" emanated from the will of the people.

Constitution of the United States, 1787

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

We the Deputies of the People of the Delamare State in Convention und, having takes Suderal Constitution proposed and agreed upon by the Oputers of the Rieladelphia on the seconteenthe day of Section ber in the year Frome in Convention at Dover Inform County John Ingram Delanare State which The Statemeng where f 2 have echle of Pelaware State

Before the new government could start operating, two-thirds of the states had to ratify the Constitution. The first states ratified without debate.

Delaware's Certificate of Ratification of the Constitution, 1787

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

ADDRESS REASONS AND OF DISSENT OF THE

MINORITY of the CONVENTION,

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Of the State of Pennfylvania, to their Conflituents.

To was not until after the termination of the late glorious content, which made the people of the United States an independent nation, that any defect was different in the preferst contestration. It was formed by forme of the ablet patriots in America. It carried us faccefully through the ary and the visue and patriotifum of the people, with their elipotiton to promote the common caufe, fupplied the want of power in congrets. The regulition of congrets for the five per cent. impoft was made before the peace, to early as the full of one fact; yet it is probable every fate in the union would have agreed to this messions at that period, had it not been for the extravasant terms in which it was demanded. The re-

The propoled plan had not many hours iffued farth from the womb of fulpicious fecrecy, until fuch as were prepared for the parpole, were carrying about petitions for people to fign, fignifying their approbation of the fythem, and recoeffing the legillatize to call a convention. While every measure was taken to intimidate the people against oppofing it, the public papers teemed with the most violenr threats against these who should date to thick for them-fileres, and term and fambers were liberally promified to all those who would not immediately join in fupporting the pro-poled government be it what it would.--Under furth cir-cumfances petitions in favor of calling a convention were fund by great numbers in and shout the circy, before they had billow to used and accurate to films.

The proposed plan had not many hours issued forth from the womb of fuspicious fecrecy, until fuch as were prepared for the purpole, were carrying about petitions for people to fign, fignifying their approbation of the fystern, and requefting the legiflature to call a convention. While every measure was taken to intimidate the people against opposing it, the public papers teemed with the most violent threats against those who should dare to think for themfelves, and tar and feathers were liberally promifed to all those who would not immediately join in supporting the propofed government be it what it would .--- Under fuch circumftances petitions in favor of calling a convention were figned by great numbers in and about the city, before they had leifure to read and examine the fystem, many of whom, now they are better acquainted with it, and have had time to inveftigate its principles, are heartily opposed to it. The petitions were speedily handed in to the legislature.

felves bound by the call of a fet of men who affembled at the felves bound by the call of a fet of men who affembled at the beginture of Peonfavania; and fonce were prevented from young by the violates of the party who were determined at all events to farce down the measure. To fach lengths did the tools of defouting carry their outrage, that in the night of the ciclion for members of convention, in the city of Philadelphila, feveral of the functions, in the field city to transfer your buffer) were gradely abudes, ill-treat-ed and infuted while they were quiet in their lodging; though they did not intereet, nor had any thing to do with the full election, but, as they appreched, because they were appreded the advent to the propose continuition, and would the that election, but, as they appreched, because they were those facred rights, which you harge.

and the fame difpolition was forthe propoled conditions, that other diage of the bulles. Wa is vote of the convection, from feparate articles of the plan, and mmit us to enter on permit us to entropy the minutes and any of the article processon on eathers of different against the whole, the constant of the pro-rest, and found it to be that has we use some objections to the Was offered our objections to the different of the plan, which, in injurious to you, in the beft mannar olid our requents, by offering the guments, by offering the one convertion. emfeience that be held inviolable give ve executive nor judicial powers of hive authorizy to alter, a boggie, or he confliction of the leveral frates, prefavation of liberty in matters of

The struggle grew more conflicted, though, as groups within the states began to call for changes to the Constitution and the addition of a bill of rights.

The Address and Reasons of Dissent of the Minority of the Convention, of the State of Pennsylvania, to their Constituents, 1787

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

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existence reflected the widely held desire for a bill of rights to preserve the traditional rights of free men. In the words of Thomas Jefferson, "A bill of rights is what the people are entitled to against every government on earth...."

Magna Carta, 1297 National Archives, Courtesy of David M. Rubenstein

CONGRESS CREATES ТНЕ BILL OF RIGHTS

Get the Background

Before the Bill of Rights

E the Delegates of the Clople of the State of Sundoch duly elected and Met in bonorition, having maturely considered the Constitution for the United States of America, agend to on the A whe year On the want Seven hundred and Eighty even by the Encention then apermolied at Philadelphia in the bonomen wealth of Consequencia (a boy whose forced s these forcents) and seventeenth day of September in the having also seriously and deliberately considered the present situation of the United States Do declare and make known at all Cover is originally vested in and consequently devived from the People and that Government is instituted by them for their common Interest Protection and Security

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ple have an equal national and unale make right fully and fraceably to becein this Religion according to the dictates of bonseince and that no Religious best or bociety sught to be facous stablished by Law in preference of others.

That the Reple have a right to heep and bear arms; that a well regulated itilitia including the body of the Rople capable of bearing froms, is the peoper, natival and safe defence of a free State; That the Militia should not be subject to Martial Low, weept in time of the Rebellion or Insurriction

intime of the are dangerous to Seberty and ought out to be hept up, weight in bases of necestrity, and that at all times the Milliony Swelle be under strict Subordination to the will Bues in time of Place no Soldier ought to be quarters in any House without the consent of the Oconer, and intime of Dear oil, by the civit, thage trate in such manner as the Laws may direct .

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That exceptive Bail ought not to be required nor exceptive Fines impassed not brue or unusual Prenichments inflicted. That seacht in the Government of the Land and haval Torces, and of the Militia when in actual Service, and in ses of Inspeach went a Presentiment or Sordictment by a your & Sorry ought to be chever as a necessary for lininary to the trial of all brimes cognizable by the Indicentry of the United States, and such Scient Should be speedy fublic, and by an importial Sury of the brime was round us consent of such from Birt in cases of brimes or to constituted within any boundy of uny of the United States, and in bases of brimes committee within a and that no he son som befound borthy without the unan

That all Power is originally vested in and consequently derived from the People . Countyin theting

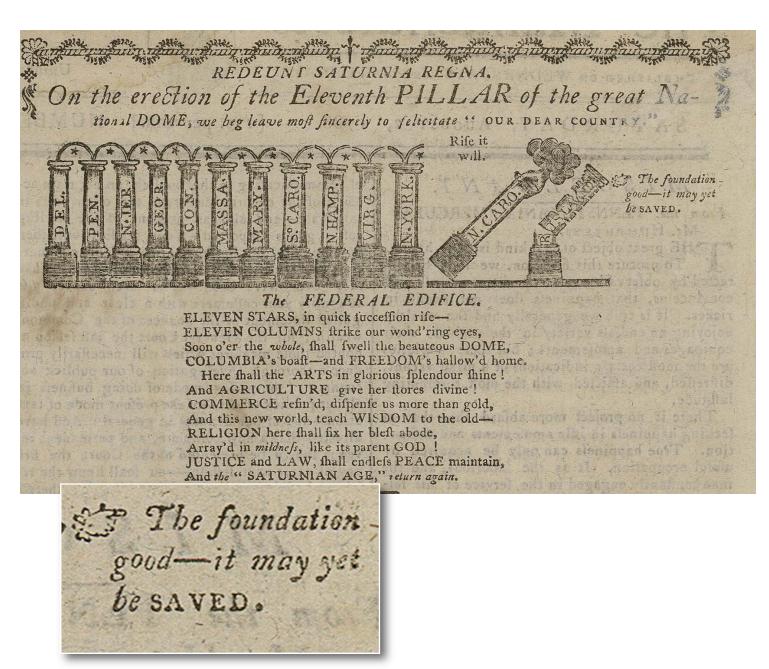
Fanned by essays in the press and speeches in conventions, this dissent grew and yielded long lists of proposed amendments for Congress to take up after ratification. Some of the most radical voices even called for a second constitutional convention to fix the unsatisfactory parts of the charter.

New York's Ratification of the Constitution with Proposed Amendments, 1788

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



Enough states voted for ratification, so there was no need for a second convention, but a sizeable faction referred to as Anti-Federalists continued to insist that Congress propose constitutional amendments limiting federal powers and guaranteeing individual rights.

"The Federal Edifice." Massachusetts Centinel, 1788

19

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

NUMBER I. By A. Hamilton Introduction. FTER an unequivocal experience of the inefficacy of the subsisting federal government, you are called upon to deliberate on a new constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the fafety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently CONTENTS referved to the NUMBER XVII. The Subject continued, and illad-trated by Examples to flow the Tendency of Federal Govern-ments, rather to Anarchy among the Members than Tyranny in t and example, THE the Members than Tyranny in the Head. XVIII. The Subject continued, with farther Examples. XIX. The Subject continued, with farther FEDERALIST: her societies of ADDRESSED TO THE XIX: The Subject continued, with firther Examples. 114 XX: The Subject continued, with firther Examples. 124 XXII: Further Defect of the prefet Con-tinued. 126 XXIII: The necessity of a Government, at Ical equally energetic with the one proposed. 145 ablishing good PEOPLE OF THE STATE OF NEW-YORK. e, or whether NUMBER I. By A. Hamilton Icali equally energene with a set proposed. XXIV, The Subject continued, with an Anderer to an Objection con-cerning flanding Armies. XXV. The Subject continued with the fame View. Introduction. 149 155 XVVI. The Subject continued with the funce View, XXVII, The Subject concluded. XXVIII, The fune Subject concluded. XXXX. Concerning the Militia. XXX, Concerning the Militia. XXXX. The fune Subject continued. XXXIII, The fune Subject continued. XXXIII, The fune Subject continued. XXXIV, The fune Subject continued. XXXVI, The fune Subject continued. 200 205 212 219 THE

Their rivals, the Federalists, won the allegiance of most voters in the first federal elections with their call for putting the Constitution into practice before considering any changes.

The Federalist: A Collection of Essays, Written in Favour of the New Constitution, 1788

20

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

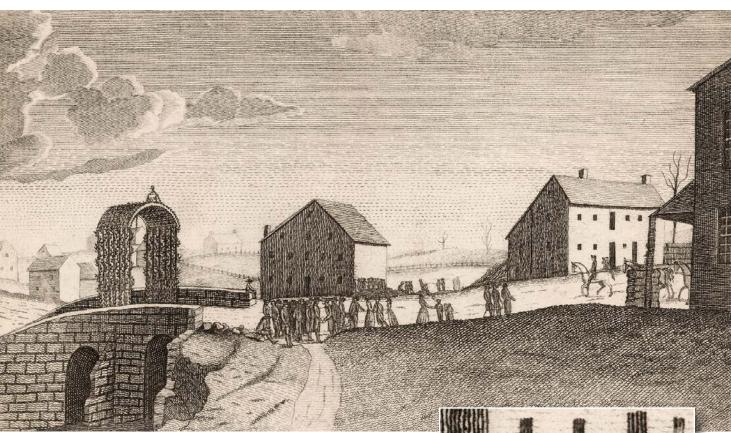


21

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



Among the first acts of Congress was to count the electoral votes and declare George Washington the unanimous selection to be the first president. He made his way north from Mount Vernon to New York City through welcoming crowds and triumphal arches.

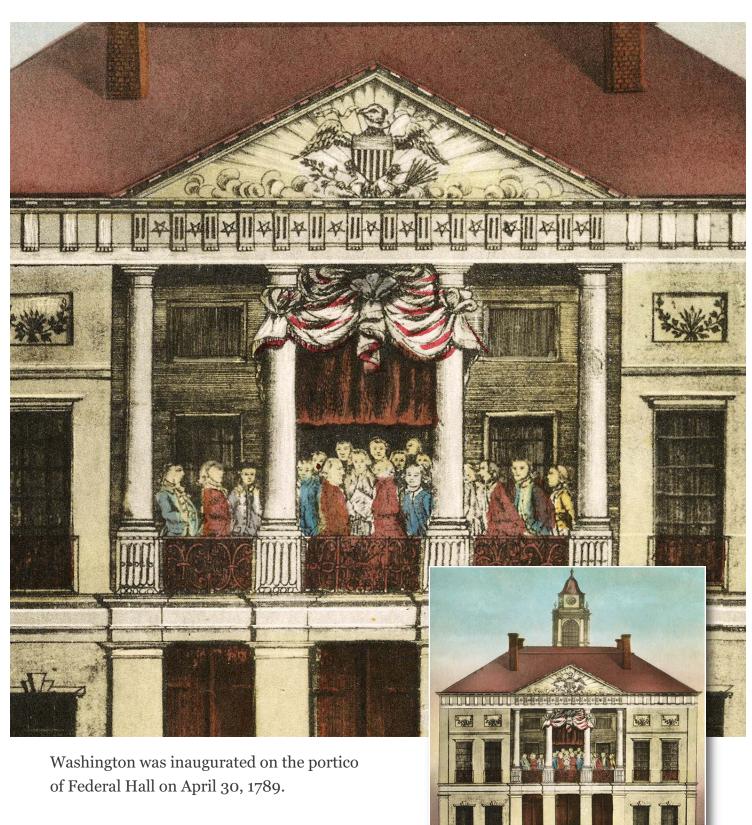
View of the triumphal arch, and the manner of receiving General Washington at Trenton, on his route to New-York, April 21st 1789



CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

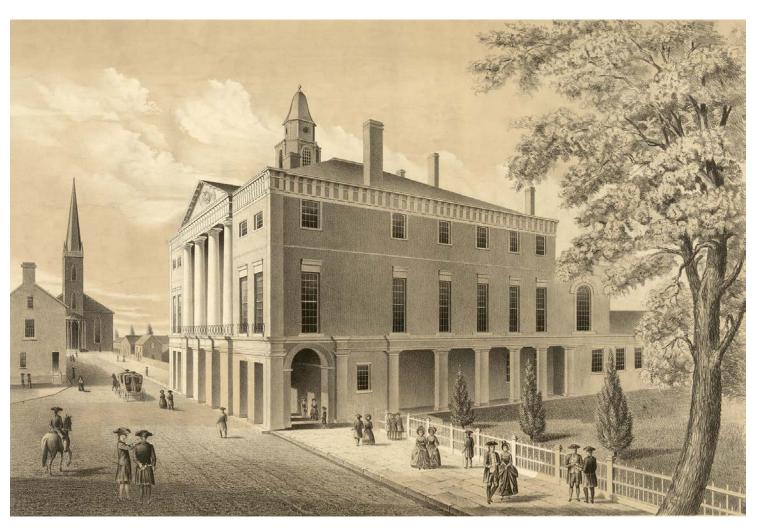


Federal Hall, N.Y. 1789

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



Federal Hall, located on Wall Street, had been the meeting place of the Confederation Congress since 1785. The building was enlarged to accommodate the new legislature that included both the House of Representatives and the Senate.

Federal Hall, Wall Street and Trinity Church, New York, in 1789

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights



When the House and Senate achieved a quorum in April 1789, Federalist majorities ruled in both chambers. As a representative in the House, James Madison (VA) made Federal Hall a forum for implementing the Constitution. Yet he also understood the importance of finding workable compromises on the issue of adding amendments to the Constitution.

Chambers in the House of Representatives, Federal Hall Conjectural drawing based on eyewitness descriptions, by William Hindley, ca. 1940

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Before the Bill of Rights

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Madison's House colleagues were dismissive when he proposed a slate of amendments in June of 1789, arguing that more important work was at hand. Madison was undeterred. In late July, he seized an opportunity to have his proposals sent to committee. The hard work of compromise had begun.

James Madison by Charles Willson Peale, Gilcrease Museum, Tulsa, Oklahoma James Madison's notes for his speech introducing the Bill of Rights, June 8, 1789

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CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Bill of Rights Chronology

March 4, 1789

The First Federal Congress is scheduled to meet in New York City.

April 1, 1789

The House achieves a quorum.

April 6, 1789

The Senate achieves a quorum.

May 4, 1789

James Madison makes a motion in the House to debate the subject of amendments to the Constitution.

June 8, 1789

Madison gives a speech in the House proposing nine amendments.

July 21, 1789

The House forms a select committee, the Committee of Eleven, with one member from each state, to consider amendments to the Constitution. Rhode Island and North Carolina have not yet ratified the Constitution, so their members are not present.

July 28, 1789

The Committee of Eleven issues a report accepting the substance of most of Madison's proposals, although textual changes are made to individual articles.

August 13, 1789

The House votes to discuss the report of the Committee of Eleven.

August 24, 1789

The House passes a joint resolution containing seventeen amendments and sends it to the Senate.

September 2, 1789

Debate in the Senate begins.

CONGRESS CREATES THE BILL OF RIGHTS

Get the Background

Bill of Rights Chronology (continued)

September 9, 1789

The Senate changes the joint resolution to include only twelve amendments.

September 19 and 21, 1789

The House accedes to some of the Senate changes, and requests the formation of a House-Senate conference committee, the Conference Committee on Amendments, to work on remaining points of disagreement.

September 24, 1789

The House approves the Conference Committee report.

September 25, 1789

The Senate approves the Conference Committee report.

September 29, 1789

The first session adjourns.

October 2, 1789

President George Washington sends the proposed amendments to the states for ratification.

December 15, 1791

The Bill of Rights is ratified by three-fourths of the states.

March 1, 1792

Secretary of State Thomas Jefferson sends official notification to the states of the ratification of the Bill of Rights.