

"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 commenting on the Constitution

The authors of the Constitution trusted Congress would make good and just laws, and the court system would see that every person was treated fairly. However, many people 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 that would safeguard the rights of the people. 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 had influenced Thomas Jefferson when he wrote the first part of the Declaration of Independence. Ultimately, Mason's views were accepted by James Madison, the "Father of the Constitution."

In 1789, the new Congress took action when Madison proposed 15 amendments. In 1791, 10 of them were approved. They make up what we call the *Bill of Rights*, or the first 10 amendments.

These amendments provide certain guarantees that had not been written into the Constitution. Their purpose was to protect the rights of the people against any misuse of governmental powers. These first 10 amendments guaranteed fundamental freedoms, including:

- freedom of religion, speech, and the press
- the right to assemble and petition the government
- the right to 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 important freedoms can be threatened. Controversial subjects are under the protection of the Bill of Rights, such as religion, unpopular ideas, censorship, membership and activity in unpopular organizations, and expressions of minority opinions. It is the job of the courts to interpret the Constitution and decide the rights of individuals.

It is human nature to believe strongly in one's own 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, 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." But 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 under the justification that it is "for the good of the country."

Before you decide "it doesn't matter" if the rights of someone you do not agree with are violated, stop to 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 10 amendments were adopted a month after the Constitution was approved.
- ___ 2. Jefferson supported the idea of a bill of rights.
- ___ 3. The Bill of Rights applies to all levels of government.
- ___ 4. The Bill of Rights was proposed in an attempt to defeat the Constitution.
- ___ 5. The Bill of Rights does not give a person the right to criticize a government official.
- ___ 6. The Bill of Rights protects freedom of speech, even if the speech is unpopular.
- ___ 7. The right to a trial by jury is in the Bill of Rights.
- ___ 8. The first 10 amendments make up the Bill of Rights.
- ___ 9. George Mason wrote the Virginia Declaration of Rights.
- ___ 10. There are times when the courts must interpret the Constitution affecting someone's rights.