The first ten amendments to the United States Constitution, known as the Bill of Rights, grew out of the fears expressed by many citizens during the debates over ratification that the proposed centralization of power at the national level would destroy the people’s hard-won liberty and produce an oppressive, despotic government. Virginian Richard Henry Lee was one of those who expressed these Anti-Federalist views. Earlier, during the Revolution, Lee had introduced the resolution declaring the nation’s independence in 1776 and he later served as President of the Continental Congress under the Articles of Confederation. Lee was closely connected with his political compatriots, Samuel Adams and Patrick Henry. Writing under the Anti-Federalist pseudonym Federal Farmer, Lee presented various propositions that expressed the now familiar rights and privileges provided by the Bill of Rights, including proposals for ensuring the “right of conscience” in “matters of religion”; the right to impartial legal processes; and freedom from unwarranted investigations, unreasonable fines, and cruel punishments. Lee also proposed that the Constitution be amended to ensure “That the people have a right to the freedom of speech, of writing and publishing . . . and of the press,” which would not be restrained by any law of the United States, and that no federal law would prohibit the right to “hunt” and “fish” on public land or deny the rights to one’s own property. Another of Lee’s proposals explained the necessity of the “people hav[ing] the right to bear arms.”

Lee’s prescriptions for restraining the proposed national authority convinced many people that the Constitution ought not to be ratified in its original form. Many believed that amendments to guard against government tyranny were crucial to securing the people’s right to self-government, and they refused to support ratification until these rights were added.

James Madison and other Federalists initially opposed the adoption of a Bill of Rights, but as the intensity of the ratification debates and Anti-Federalist opposition developed rapidly among the states, Madison re-evaluated his position and began advocating its inclusion to ensure the Constitution’s final acceptance. In a speech to Congress on June 8, 1789, Madison stated:

If we can make the Constitution better in the opinion of those who are opposed to it, without weakening its frame, or abridging its usefulness in the judgment of those who are attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect.

From an original nineteen proposals arising from the Congressional Committee’s further deliberations, twelve amendments (drafted by Madison) were forwarded to the state legislatures. Numbers three through twelve (excluding the first two dealing with Congressional representation and pay) were adopted and ratified in 1791, becoming the U.S. Constitution’s first ten amendments, the Bill of Rights.
The Preamble to The Bill of Rights

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
Headnote: Diana Jonmarie