

CONSTITUTION 101

Module 5: The Bill of Rights

5.4 Primary Source

JAMES MADISON'S SPEECH IN SUPPORT OF AMENDMENTS (1789)

View the document on the National Constitution Center's Website [here](#).

The original Constitution did not include a bill of rights. Within the First Congress, James Madison emerged as the leader of the effort to pass one—serving as its primary author and as the driving force pushing for congressional approval. In many ways, the “Father of U.S. Constitution” was an unlikely “Father of the Bill of Rights.” Like many leading Federalists, James Madison did not believe that the Constitution needed one. However, in the face of opposition from key Anti-Federalists like George Mason, supportive letters from Thomas Jefferson, and at the strong urging of his own constituents in Virginia, Madison changed his mind. In this speech before the U.S. House of Representatives, Madison explained his support for a bill of rights. Madison understood the political value of reaching out to the Anti-Federalists from the very beginning of the new government. To that end, he was aware that a bill of rights would give comfort to many Anti-Federalists and help bring them into the fold of the new constitutional system. By securing a bill of rights, Madison hoped that many Anti-Federalists would work to reform the Constitution from within the system rather than oppose the Constitution from outside of it.

Excerpt:

Congress should devote time to proposing constitutional amendments that will address the concerns of the Constitution's critics. I will state my reasons why I think it proper to propose amendments; and state the amendments themselves, so far as I think they ought to be proposed. If I thought I could fulfill the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this house. But I cannot do this; and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe that if congress will devote but one day to this subject, so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures.

These amendments will show those who oppose the Constitution that we are committed to liberty and republican government, not tyranny and government by a distant elite. It appears to me that this house is bound by every motive of prudence, not to let the first session pass over without proposing to the state legislatures some things to be incorporated into the constitution, as will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them. I wish, among other reasons why something should be done, that those who have been friendly to the adoption of this constitution, may have

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the opportunity of proving to those who were opposed to it, that they were as sincerely devoted to liberty and a republican government, as those who charged them with wishing the adoption of this constitution in order to lay the foundation of an aristocracy or despotism.

We can craft amendments that win over the Constitution’s critics without undermining the new government; and these new amendments will prove to our opponents that we have listened to them and heard their concerns. It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions, that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired, of such a nature as will not injure the constitution, and they can be engrafted so as to give satisfaction to the doubting part of our fellow citizens; the friends of the federal government will evince that spirit of deference and concession for which they have hitherto been distinguished.

Even after ratification, the Constitution still has its critics, including many honest, wise, and virtuous people who value liberty; they are misguided, but I respect them; if we can convinced these critics that these amendments secure their liberties, we can win many of them over and convince them to support the new Constitution. It cannot be a secret to the gentlemen in this house, that, notwithstanding the ratification of this system of government by eleven of the thirteen United States, in some cases unanimously, in others by large majorities; yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people falling under this description, who as present feel much inclined to join their support to the cause of federalism, if they were satisfied in this one point: We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this constitution. The acquiescence which our fellow citizens show under the government, calls upon us for a like return of moderation.

These amendments may also convince North Carolina and Rhode Island to ratify the Constitution. But perhaps there is a stronger motive than this for our going into a consideration of the subject; it is to provide those securities for liberty which are required by a part of the community. I allude in a particular manner to those two states who have not thought fit to throw themselves into the bosom of the confederacy: it is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those states that are not come in, that we have seen prevailing [in] those states which are. . . .

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Some critics oppose the Constitution because of structural concerns; but even more critics oppose it because it doesn't protect their most cherished liberties; these amendments secure them. There have been objections of various kinds made against the constitution: Some were levelled against its structure, because the president was without a council; because the senate, which is a legislative body, had judicial powers in trials on impeachments; and because the powers of that body were compounded in other respects, in a manner that did not correspond with a particular theory; because it grants more power than is supposed to be necessary for every good purpose; and controls the ordinary powers of the state governments. I know some respectable characters who opposed this government on these grounds; but I believe that the great mass of the people who opposed it, disliked it because it did not contain effectual provision against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercised the sovereign power: nor ought we to consider them safe, while a great number of our fellow citizens think these securities necessary.

We can have a Constitution that secures the people's liberties, while still achieving the goals of the Federalists. It has been a fortunate thing that the objection to the government has been made on the ground I stated; because it will be practicable on that ground to obviate the objection, so far as to satisfy the public mind that their liberties will be perpetual, and this without endangering any part of the constitution, which is considered as essential to the existence of the government by those who promoted its adoption.

Here are my proposed amendments. The amendments which have occurred to me, proper to be recommended by congress to the state legislatures are these. [Madison introduces the proposed amendments.] . . .

Some argue that a bill of rights is not necessary. It may be said, because it has been said, that a bill of rights is not necessary, because the establishment of this government has not repealed those declarations of rights which are added to the several state constitutions: that those rights of the people, which had been established by the most solemn act, could not be annihilated by a subsequent act of the people, who meant, and declared at the head of the instrument, that they ordained and established a new system, for the express purpose of securing to themselves and posterity the liberties they had gained by an arduous conflict.

Even though many state constitutions include declarations of rights, there's still value in adding a national Bill of Rights. I admit the force of this observation, but I do not look upon it to be conclusive. In the first place, it is too uncertain ground to leave this provision upon, if a provision is at all necessary to secure rights so important as many of those I have mentioned are conceived to be, by the public in general, as well as those in particular who opposed the adoption of this constitution. Beside some states have no bills of rights, there are others provided with very defective ones, and there are others whose bills of rights are not only

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defective, but absolutely improper; instead of securing some in the full extent which republican principles would require, they limit them too much to agree with the common ideas of liberty.

***Bold sentences give the big idea of the excerpt and are not a part of the primary source.**