

Constitutional Corner - Celebrate Your Rights

Today, December 15th, we celebrate Bill of Rights Day, the day, in 1791 (coincidentally, a Thursday), when the Virginia Assembly added its ratification of the proposed articles of amendment to the U.S. Constitution; bringing the tally to eleven ratifications, representing three-quarters of the then fourteen states, and putting Articles Three through Twelve into effect as the First through Tenth Amendments. It would take an additional 200 years before college student Gregory Watson convinced enough other states to ratify the dormant Article Two for it to become our Twenty-Seventh Amendment.

As I tell students whose classrooms I visit dressed as (and echoing) James Madison: Your rights, both the alienable ones granted by your government, such as the right to vote, and the unalienable ones endowed by our Creator, such as the right to speak freely, are your most precious form of personal property; with your right of conscience being the most precious of all. According to Mr. Jefferson, it is government's sole task to secure those rights for you.

There was great disagreement in 1787 as to whether a Bill of Rights was necessary in the new Constitution; perhaps one would even be dangerous. Virginia's Colonel George Mason wished the document be prefaced by a Bill of Rights; it would give "great quiet" to the people to have one. As the principal author of the Virginia Declaration of Rights of 1776, Colonel Mason knew, better than most, that one could be prepared in short order. Roger Sherman of Connecticut pointed out that the state constitutions, most containing declarations of rights, were not being repealed by the new Constitution and would thus continue to provide the necessary protection; a motion for a committee to draft a bill of rights failed and the convention went on to address other matters.

It was not until states began expressing a reluctance to ratify the new Constitution without an attendant Bill of Rights that forty-year old James Madison finally came around to see the political necessity, if not the philosophical need for one. The urgings of Thomas Jefferson and others had finally taken root.

In the election of 1789, a slim margin of 336 votes sent young Madison to the first Congress instead of his friend and neighbor, James Monroe, providing an early example of the phrase: "elections have consequences." It was Madison's single-handed determination to carry through on his promise to draft a Bill of Rights, as he had helped George Mason do in 1776, that gave us those first ten amendments; the Federalist-dominated Congress was not particularly interested in Mr. Madison's "summer-project."

In 1776, John Adams suggested in a letter to Abigail that we celebrate the second day of July, the day Richard Henry Lee's resolution for independence passed the Congress, with "pomp and parade, shows, games, sports, guns, bells, bonfires and illuminations, from one end of this continent to the other, from this time forward forever." We instead moved the celebration back two days, to the day the wording of the Declaration of Independence was approved, but the sentiment remained the same. Is it not equally fitting that we take a moment today, perhaps short of more "bonfires and illuminations," to celebrate our rights, both civil and natural, alienable and unalienable, and to reflect on the great pains that many fine gentlemen and ladies have taken to make those rights secure?

I think so.