

By Gary Porter, National Director, Constitution Leadership Initiative, Inc.

336 votes. That was the margin (out of 2280 votes cast) with which “Jemmy” Madison won his seat to the first Constitutional Congress in 1789 over his 5th Virginia Congressional District rival (and fellow future President) James Monroe. Although Monroe, at the time a staunch Anti-Federalist, would certainly have been supportive of amending the Constitution had he been elected instead of Madison, it is doubtful that Monroe or anyone else for that matter would have equaled the indefatigable single-mindedness of James Madison in pushing through a reluctant Congress what we now know as “The Bill of Rights.”

Federalists ruled this first “official” Congress, and having just been victorious in getting the Constitution ratified, they were in no hurry to carry through on the promise of amendments – a promise that had been instrumental in securing the ratification of states such as Massachusetts, Virginia and New York. No, it is to these 336 votes, remarkable in a district that was heavily Anti-Federalist, that we owe the existence of Amendments One thru Ten.

Madison, late in finally seeing the necessity of modifications to his cherished Constitution, had made a promise of amendments, particularly one securing freedom of religion, a central feature of his campaign, stealing the wind from Monroe’s sails. See Chris DeRose’s book “Founding Rivals” for a full discussion of the election drama.

Once in Congress, Madison whittled the approximately 124 rights-based amendments suggested by the States down to a more manageable number and submitted them to the House. These were further trimmed to 17 by the House and 12 by the Senate, of which only 10 were initially ratified by $\frac{3}{4}$ of the States.

What some today call a “preamble” to the Bill of Rights (actually the resolution passed by Congress that transmitted the amendments for ratification) is very instructive:

*“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....”

Notice that the original purpose of these amendments was to prevent **misconstruction** and **abuse of powers** by the national government. The purpose of the amendments was most certainly NOT to grant us rights. The rights existed before the amendments -- as natural, unalienable rights always do -- they were not a product of them. Thus it is downright silly for some on the Left to suggest that getting rid of the 2nd Amendment, for instance, would allow the Federal government the latitude they believe it needs to enact meaningful gun control. As Madison himself had earlier said: “*why declare that things shall not be done which there is no power to do?*”

Nowhere in the Constitution is the Legislative Branch granted the power to control private ownership of firearms; their interstate sale perhaps, but not their mere ownership.

But enough about Bills of Rights for the moment, let's consider those 336 votes. There have certainly been far closer elections. In 2008, Minnesota voters sent Senate candidate (and comedian) Al Franken to Washington by a margin of 312 votes. In 2006, Connecticut's 2nd U.S. Congressional seat was won by 94 votes.

Many state and local elections have been even closer: In 1997, Vermont State representative Sydney Nixon was seated as an apparent one vote winner, 570 to 569. He was honorable enough to resign when a recount determined that he had instead lost 572 to 571. Many local races have resulted in flat-out ties, with the winner in some instances determined by a draw of cards.

Elections matter; and so does the integrity of each vote. That's why voter fraud is such a big issue. The stakes are high, and high enough for people deficient in integrity to try to cheat. That's why organizations like "True the Vote" are important and worthy of our support: and why we should not allow this issue to be swept aside with "nothing to see here, folks"-type statements.

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