

# Happy Birthday To The “Bill of Rights”!

By William Taylor Reil

Sunday will be the 222<sup>nd</sup> Anniversary of the December 15, 1791 ratification of the “Bill of Rights”.

These essential first Ten Amendments to the Constitution for the United States of America are:

## **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 defense.*

## **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.*

The first Eight of these Amendments are intended prohibitions against violations by the federal government of specific secured, protected and guaranteed rights of United States of America Citizens. Amendments IX and X are, respectively, general guarantees of unstated rights of the people, and the reservation of powers to the States and to the people.

Having a “Bill of Rights” in the original Constitution for the United States of America was very controversial. Alexander Hamilton, among other Federalists, opposed including a “Bill of Rights” in the federal Constitution primarily because it was unnecessary since the State Constitutions had a “Declaration of Rights” to protect the people against government violations of their rights, and because the failure to state a particular right would probably be interpreted as proof that the right was not protected by the central government. Hamilton expressed these concerns in Federalist Paper # 84.

The addition of these Ten Amendments to the Constitution for the United States of America was the result of the State Conventions refusing to ratify the proposed September 17, 1787 Constitution because it did not contain a “Bill of Rights” like the State Constitutions. Many people were very concerned that the central government would usurp authority beyond the limited, enumerated powers delegated to it by the people of the States.

To calm these many concerns during the ratification process, George Washington guaranteed that among the first things done by the new government, created by the Constitution for the United States of America, would be to draft a “Bill of Rights” that would then be sent to the States for ratification by the people. The State Conventions that ratified the original Constitution for the United States of America submitted nearly 200 proposed amendments.

Immediately after the new Constitution went into effect on March 4, 1789, James Madison, who had originally opposed a “Bill of Rights”, set about to draft amendments. Madison based much of what was in his 17 proposed amendments on George Mason’s 1776 Virginia Declaration of Rights which itself had been written with Madison’s input. He carefully considered the State Conventions’ amendment recommendations as well. He looked for recommendations shared by many States to avoid controversy and reduce opposition to the ratification of the future amendments. Madison’s proposals were modified by those in the House of Representatives and then passed on August 21, 1789. The Senate recommended 12 amendments. Ultimately, the Senate’s 12 amendments were approved by a joint resolution of Congress and sent out to the States for ratification on September 28, 1789. The last 10 proposed amendments were ratified by December 15, 1791 and thus became part of the Constitution for the United States of America.

Originally the first eight Amendments of the “Bill of Rights” rightly only applied to the federal government. However, since the United States Supreme Court’s decision, Adamson v. California, 332 U.S. 46 (1947), most of the provisions in the first eight Amendments of the “Bill of Rights” have unconstitutionally been held to apply to the States by way of the so-called 14<sup>th</sup> Amendment.

Today, the 9<sup>th</sup> and 10<sup>th</sup> Amendments are generally ignored and thus the United States government unconstitutionally imposes itself within the States in almost every aspect of the people’s lives.

Let’s celebrate the 222<sup>nd</sup> Anniversary of the “Bill of Rights” by pledging “to each other our Lives, our Fortunes, our sacred Honor.” **We must always claim all of our constitutionally protected rights.**

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