



Written by [Joe Wolverton, II, J.D.](#) on June 6, 2023

## This Week in 1789 James Madison Proposes the Bill of Rights

This week marks the 234th anniversary of James Madison's speech in the First Congress wherein he proposed what would become known as the Bill of Rights.

Although Madison admitted in this proposal that he did not believe a bill of rights was necessary to secure the sovereignty of the states and the rights of the people, he likewise admitted that it would aid in allaying the fears of many who felt threatened by the power granted to the newly formed government in the newly ratified Constitution.



Architect of the Capitol

Despite Madison's best efforts to persuade state conventions to ratify the Constitution he helped create at the Convention in Philadelphia, the voting was close right down to the wire. Sensing the possibility of defeat, Madison and his allies privately promised key members of the opposition that if they would provisionally agree to approve the Constitution, then Madison and his fellow Federalists would add amendments to the Constitution in the first session of the new general government's Legislature.

Virginia and New York both ratified the Constitution based on that promise of a bill of rights being added as soon as the government began functioning.

Virginia recommended twenty such amendments, and many of the other state conventions likewise tied their ratification of the Constitution to the passage of amendments. A version of these proposed amendments would make up a bill of rights. James Madison would once again prove himself a friend of freedom and a competent and convincing statesman, as his efforts as a congressman in the first Congress were critical to the adoption of the first ten amendments to the Constitution. These ten amendments would be known forever after as the Bill of Rights, and it is indisputable that both their form and adoption bear the marks of Madison.

Upon his election to the first House of Representatives, Madison immediately embarked on the path to fulfilling the promise he made to many of his friends.

Madison expected very little opposition to the additions he was hoping to be able to shepherd through the First Congress: freedom of the press, freedom of speech, a right to trial by jury, and protection against excessive bail, for example. But many of the most ardent and recalcitrant Anti-Federalists had not abandoned their plan of amending the Constitution to place additional fetters on federal power. They felt this was essential to retaining the liberty of the people and the sovereignty of the states.

On June 8, 1789, about a month after he undertook the process of passing a bill of rights, Madison spoke to his fellow congressmen in support of the slate of amendments he recommended. His words on this occasion would become one of the most famous orations in defense of liberty ever delivered by an American statesman.



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What follows is a selection of statements spoken by Madison in that speech presented 234 years ago. I hope that the quotations I've culled from his discourse proposing the Bill of Rights will be inspiring and will encourage all Americans to undertake a deeper and more devoted study of the words of our Founding Fathers and the men that inspired them. Now, the gentleman from Virginia has the floor:

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.

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 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. 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 ingrafted 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.

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....

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.

I find, from looking into the amendments proposed by the state conventions, that several are particularly anxious that it should be declared in the constitution, that the powers not therein delegated, should be reserved to the several states. Perhaps words which may define this more precisely, than the whole of the instrument now does, may be considered as superfluous. I admit they may be deemed unnecessary; but there can be no harm in making such a declaration, if gentlemen will allow that the fact is as stated. I am sure I understand it so, and do therefore propose it.

Finally, it is worthwhile to note that in this speech (the entirety of which is available [here](#)) Madison



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refers to the preamble to the Bill of Rights as a part of the Bill of Rights; in fact, he refers to it as the “first article,” or, as we would call it, the “first amendment.” It would be very worthwhile for readers to remind themselves of the [preamble of the Bill of Rights](#) and the fundamental doctrines expressed therein.



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