

THE CONSTITUTION AND BILL OF RIGHTS

“If liberty means anything at all, it means the right to tell people what they do not want to hear.” —
George Orwell, *Animal Farm*

The Constitution of the United States of America is the supreme law of the United States. Empowered by its framers and the consent of the states' legislatures, it is the source of all government powers and provides important limitations on the government that protect the fundamental rights of United States citizens.

“We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

- Preamble of the U.S. Constitution

The need for the Constitution grew out of problems with the Articles of Confederation, the first document outlining the new United States government following the Revolutionary War. The Articles established a “firm league of friendship” between the states and gave power to a Congress of the Confederation. However, this power was extremely limited. Congress could not raise any funds itself and was entirely dependent on the states for the money necessary to operate. Each state sent a delegation of two to seven members to the Congress, and the members voted as a group with each state getting one vote. Large decisions required a unanimous vote with all thirteen states agreeing, which led to a government that was incredibly slow to act and ineffective at responding to issues.

A movement to reform the Articles began, and state legislatures were invited to send delegates to a convention in Philadelphia to discuss changes to the Articles. In May of 1787, delegates from 12 of the 13 states convened to begin redesigning the government by writing a new Constitution at the Constitutional Convention.

A chief aim of the Constitution as drafted by the Convention, was to create a government with enough power to act on a national level, but without so much power that fundamental rights would be at risk. They planned to separate the power of government into three branches, and then to include checks and balances between those three branches to ensure that no one branch of government gained too much power.

Much of the debate over the Constitution, which was conducted in secret to ensure that delegates could speak freely, focused on the form that the new legislature would take. Two plans competed to become the new government: the Virginia Plan, which apportioned representation based on the population of each state, and the New Jersey plan, which gave each state an equal vote in Congress. Surprising no one, the Virginia Plan was supported by the larger states, and the New Jersey plan was preferred by the smaller. In the end, they settled on the Connecticut Compromise, in which the House of Representatives would represent the people as apportioned by population; the Senate would represent the states apportioned equally; and the President would be elected by the Electoral College. The plan also called for an independent judicial branch.

The founders also specified a process by which the Constitution may be amended, and since its ratification, the Constitution has been amended 27 times. In order to prevent reckless changes, the process for making amendments is difficult. An amendment may be proposed by either a vote of both

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Houses of Congress or a request by two-thirds of the states. The amendment must then be ratified by three-fourths of the state legislatures, or three-fourths of conventions called in each state for ratification. Since the start of the 20th century, amendments have traditionally specified a timeframe in which this must be accomplished, usually a period of several years.

On September 17, 1787, 39 of the 55 delegates signed the new document, with many of those who refused to sign objecting to the lack of a specified bill of rights outlining the basic freedoms of every citizen. The Constitution would take effect once it had been signed by nine of the thirteen state legislatures. In several states, the ratification debate over the new U.S. Constitution hinged on the adoption of a bill of rights. The eventual solution was known as the Massachusetts Compromise, in which four states ratified the Constitution but at the same time sent recommendations for amendments to the Congress. Ten of twelve proposed amendments would go on to become what we now consider to be the Bill of Rights. Based on the Virginia Declaration of Rights, the English Bill of Rights, the writings of the Enlightenment and the rights defined in the Magna Carta, the Bill of Rights contains rights that many consider to be fundamental to America.

A Summary of the Bill of Rights:

- **The 1st Amendment** provides that Congress make no law respecting an establishment of religion or prohibiting its free exercise. It protects freedom of speech, the press, assembly, and the right to protest the Government.
- **The 2nd Amendment** gives citizens the right to bear arms.
- **The 3rd Amendment** prohibits the government from housing troops in private homes, which was a major frustration during the American Revolution.
- **The 4th Amendment** protects citizens from unreasonable search and seizure. The government may not conduct any searches or arrests without a warrant, which must be issued by a judge and based on probable cause.
- **The 5th Amendment** provides that citizens are not subjected to criminal prosecution and punishment without a fair trial. Citizens may not be tried on the same set of facts twice and are protected from self-incrimination (the right to remain silent).
- **The 6th Amendment** assures the right to a speedy trial by a jury of one's peers, to be informed of the crimes with which they are charged, and to confront the witnesses brought by the government. The amendment also provides the accused the right to request testimony from witnesses, and to legal representation.
- **The 7th Amendment** provides that civil cases be tried by jury.
- **The 8th Amendment** prohibits excessive bail, excessive fines, and cruel and unusual punishments.
- **The 9th Amendment** states that the list of rights in the Constitution is not exhaustive, and that the people retain all rights not listed.
- **The 10th Amendment** says that any power not given to the federal government belongs to the people or the states.

Following the eventual ratification by the states, the new U.S. Constitution became the first permanent constitution of its kind adopted by the people's representatives for an expansive nation.