



Written by [Joe Wolverton, II, J.D.](#) on October 2, 2023

On This Day in History: Congress Sends Proposed Bill of Rights to the States for Consideration

The year was 1789, and the newly formed United States was embarking on an audacious experiment in self-governance. The ink was still drying on the U.S. Constitution, and the framers recognized the need to safeguard individual liberties. This recognition led to one of the most pivotal moments in American history — the sending of the Bill of Rights to the states for ratification on October 2, 1789. In this article, we will explore the significance of this event and its enduring impact on the nation’s constitutional history.



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The Genesis of the Bill of Rights

To appreciate the significance of this event, it’s essential to understand the historical context. The American Revolution had just concluded, and the new nation was in the process of defining its identity. Many believed that the Constitution, as originally drafted in Philadelphia, did not go far enough in protecting individual rights. Prominent figures such as George Mason and Thomas Jefferson argued vehemently for the inclusion of a bill of rights to address these concerns.

The Debate in Congress

The debate over whether to add a bill of rights to the Constitution raged in Congress. Some argued that it was unnecessary, as the Constitution already limited government power. However, the advocates for a bill of rights insisted that explicitly enumerating certain rights was the best way to prevent future encroachments on individual liberties. After months of spirited debate, James Madison emerged as the champion of this cause.

The Work of James Madison

Madison, often referred to as the “Father of the Constitution,” took on the monumental task of drafting the Bill of Rights. Drawing inspiration from various state constitutions, the Virginia Declaration of Rights, and the writings of philosophers such as John Locke, Madison crafted a series of amendments that would protect fundamental freedoms.

The Final List

Madison’s proposed amendments covered a range of issues, from freedom of speech and religion to protections against unreasonable searches and seizures. Through a meticulous and collaborative process in Congress, the list was refined, and the final version consisted of ten amendments.

The Process of Ratification

With the amendments in place, the next step was ratification. On October 2, 1789, President George Washington sent copies of the proposed Bill of Rights to the Senate and House of Representatives. The Congress approved the Bill of Rights and sent it to the states for ratification. The process required at



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least three-fourths of the states, or nine out of 13, to approve the amendments for them to become part of the Constitution.

While Washington took no active part in the debates in the House or Senate regarding the Bill of Rights, he did pen a letter to James Madison, giving the latter permission to affix the letter to the congressional resolution transmitting the Bill of Rights to the states. The intent was, of course, to sway those opposing the proposed amendments by the power of the name of George Washington.

The moment the proposed bill of rights was sent to the states was a grand and long-awaited victory for James Madison. It had been over two years since the Constitution was signed in Philadelphia. Madison, the “Father of the Constitution,” was also the midwife of the Bill of Rights. He was, inarguably, the sine qua non of that significant contribution to the constitutional and legal history of the United States of America.

A Unifying Moment

The ratification of the Bill of Rights was a unifying moment in the young union’s history. It demonstrated the commitment of the American people to the ideals of liberty and individual rights, as well as marking the insuperable virtue of James Madison in fulfilling a promise to do something that he at first wasn’t sure was the right course of action.

Each state convened conventions to debate and vote on the amendments. In a remarkable display of unity, all 13 states ratified the Bill of Rights by 1791, making it an integral part of the U.S. Constitution.

The Legacy of the Bill of Rights

The Bill of Rights, once ratified, became the cornerstone of American civil liberties. It enshrined essential principles that continue to shape the nation to this day. The First Amendment guarantees freedom of speech, religion, and the press. The Second Amendment protects the right to bear arms, as well as warning of the threat to liberty posed to a confederated republic void of citizen militias. The Fourth Amendment safeguards against unreasonable searches and seizures. And the list goes on.

In our day, we are seeing these amendments become no more than a palimpsest, with the original protection of liberty provided by the Bill of Rights effaced and replaced with the decisions of Supreme Court judges and other documentary support for statism.

We can and must stop this wholesale dumping of our legacy of liberty and the document that safeguards it into the memory hole.

Conclusion

The sending of the Bill of Rights to the states for ratification on October 2, 1789, was a pivotal moment in U.S. history. It marked the commitment of the American people to safeguarding individual liberties and ensuring that the government remained limited in its powers. Today, the Bill of Rights stands as a testament to the enduring importance of the principles of freedom in the United States, and continues to inspire and guide generations of Americans in the pursuit of justice and equality.



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