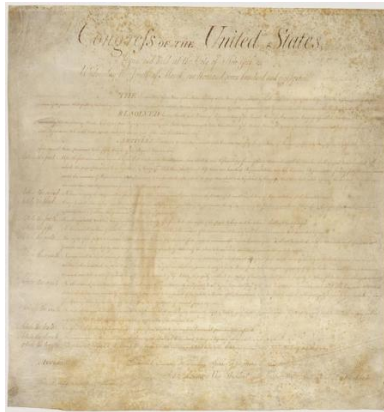




When it came time to sign an important document he had helped to create, George Mason refused to do it. The man from Virginia, who was a strong supporter of individual rights, believed the new Constitution, for the newly created United States, had several fundamental problems. Among his concerns were these:

- Mason feared America's new federal government would have too much power at the expense of its people.
- He was upset that the new Constitution did not end the slave trade.
- He was extremely concerned that the new Constitution did not have a Bill of Rights which would protect individual liberties.

When he lost the argument to include protections for matters he thought essential—for the well-being of all Americans—Mason would not support the Constitution. Two other delegates agreed with him, also refusing to sign the new governing document.

During the Constitutional Convention, of 1787, James Madison—who also supported individual rights—had opposed the idea of a “Bill of Rights.” He thought the Constitution itself sufficiently protected individuals. However, he changed his mind during the ratification process. Madison came to realize that many other people believed as Mason believed.

Maybe, without a Bill of Rights, the Constitution would not even be ratified by the requisite number of States? Reconsidering his position, Madison changed his mind about a Constitutional Bill of Rights. For help, he turned to Mason and the “Declaration of Rights” which Mason had created for Virginia in 1776.

When he was 51 years old, Mason was part of a drafting committee charged with creating a document insuring the rights of Virginians. As he studied the works of John Locke (1632-1704), an English-Enlightenment philosopher, Mason had an important insight.

A republic—such as America—had to start its life with a formal and legally binding commitment to the citizens of that republic. The commitment, from the government to the people, was this fundamental principle: Individuals have inalienable rights that are superior to any government (and to the government's power).

This, at the time, was a radical position to take. Fortunately—for Americans past, present and future—Mason took it.

Not only did he take that position, Mason was utterly convinced that the newly created country—called the United States of America—had to be structured with that overriding, overarching principle in place.

Another committee member played an important role in the drafting of Virginia's “Declaration of Rights.” It was James Madison, the same man who initially thought that the U.S. Constitution did not need such a document—that the Constitution, itself, would provide sufficient protection for individuals.

Mason began his “Declaration” with these words:

That all men are by nature equally free and independent, and have certain inherent rights ... namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Thomas Jefferson (a fellow Virginian) began America's “Declaration of Independence” (with the help of Ben Franklin's edits) using similar words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

As [James Madison](#) reconsidered his position on a “Bill of Rights,” he decided to run for a seat in the first Congress of the United States. He ran on a promise of working hard to get Congressional approval for a Constitutional Bill of Rights.

Successfully elected, Madison introduced a Bill of Rights at the first session of the First Federal Congress. His proposed Bill of Rights paralleled Mason’s Declaration of Rights.

Although Madison proposed numerous Amendments, the House approved seventeen while the Senate approved twelve. On the 25th of September, in 1789, those twelve Amendments were [sent to the individual States for ratification](#) (that is, approval).

Ten of the twelve Amendments were approved by the States (Virginia being the last to sign-off on the 15th of December, 1791). Those first ten Amendments, to the U.S. Constitution, are known as America’s Bill of Rights.

The U.S. Bill of Rights curbs the power of the U.S. federal government in the following respects:

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 offense 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 reexamined 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 image, at the top of this page, depicts the original Bill of Rights.

Although the aging document has become highly faded—as has the original Constitution—its effectiveness in curbing federal power continues to this very day. Click on it for a better view.

Credits:

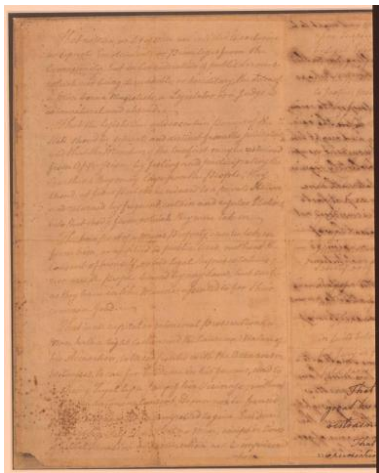
Image of the original Bill of Rights, online courtesy the U.S. National Archives.

PD

See Alignments to State and Common Core standards for this story online at:
<http://www.awesomestories.com/asset/AcademicAlignment/Bill-of-Rights-Original-Document>

See Learning Tasks for this story online at:
<http://www.awesomestories.com/asset/AcademicActivities/Bill-of-Rights-Original-Document>

Media Stream



George Mason - Virginia Declaration of Rights

Image online, courtesy Library of Congress.

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<http://www.awesomestories.com/asset/view/George-Mason-Virginia-Declaration-of-Rights>