

Building the Bill of Rights-Comparing the Virginia Convention’s Recommended Amendments to Constitution to the U. S. Bill of Rights

1. All students should have copies or access to these three items:
 - a) Virginia Recommendatory Amendments, 27 June 1788 (pages 2-4)
 - b) U.S. Bill of Rights, 15 December 1791 (pages 5-6)
 - c) Graphic Organizer (page 7)
2. Divide the class into four groups. Each group should be assigned a specific section of the Virginia Recommendatory Amendments.
 - * The 1st group should be assigned to read items 1-5.
 - * The 2nd group should be assigned to read items 6-10.
 - * The 3rd group should be assigned to read items 11-15.
 - * The 4th group should be assigned to read items 16-20.
3. After groups had read their assigned items, they should read the entire U.S. Bill of Rights. As they read the U. S. Bill of Rights, they should use the graphic organizer to make notes in regards to whether words or ideas from the Virginia Recommendations appear in the U.S. Bill of Rights. They should record their findings in the second column of the graphic organizer. (If the words or ideas appear in the Bill of Rights, they should circle “yes.” If the words or ideas do not appear in the Bill of Rights, we should circle “no.” If the words or ideas are altered, they should circle “modified.”)
4. You can lead a brief discussion with the class using the following questions:
 - * What are some of the similarities and difference you see between the recommendations and eventual wording of the amendments in the Bill of Rights?
 - * To what extent do the differences change the meaning of the original recommendations?
 - * What might be the reasons as to why certain words or ideas were excluded or modified?
5. Students should now work in their groups to consider column three of the graphic organizer. Questions they should consider would be:
 - * Are any of the alterations an improvement on the original recommendation? If so, which ones and why?
 - * Are any of the alterations an inferior version of the original? If so, which ones and why?
6. Have groups report their finding to the class.
7. You can conclude the lesson by leading a brief discussion using the following questions:
 - * What does this study suggest about the process in creating the Bill of Rights?
 - * Does the fact that some alterations occurred in the process, diminish the importance of the Bill of Rights.
 - * Would you have been prone to alter the wording of the recommendations or not?

Note to Teacher: An excellent article outlining the roles of James Madison and the first federal Congress in creating the Bill of Rights is [Kenneth R. Bowling’s “A Tub to the Whale: The Founding Fathers and the Adoption of the Federal Bill of Rights.”](#)

Recommendatory Amendments, Virginia Convention, 27 June 1788

That there be a Declaration or Bill of Rights asserting and securing from encroachment the essential and unalienable rights of the people in some such manner as the following:

1st. That there are certain natural rights of which men when they form a social compact cannot deprive or divest their posterity, among which are the enjoyment of life, and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2d. That all power is naturally vested in, and consequently derived from, the people; that magistrates therefore are their trustees, and agents, and at all times amenable to them.

3d. That Government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive to the good and happiness of mankind.

4th. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge, or any other public office to be hereditary.

5th. That the Legislative, Executive and Judiciary powers of Government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections; in which all or any part of the former members to be eligible or ineligible, as the rules of the Constitution of Government, and the laws shall direct.

6th. That elections of Representatives in the Legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage: and no aid, charge, tax or fee can be set, rated, or levied upon the people without their own consent, or that of their Representatives, so elected, nor can they be bound by any law, to which they have not in like manner assented for the public good.

7th. That all power of suspending laws, or the execution of laws by any authority without the consent of the Representatives of the people in the Legislature, is injurious to their rights, and ought not to be exercised.

8th. That in all criminal and capital prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the

government of the land and naval forces) nor can he be compelled to give evidence against himself.

9th. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the law of the land.

10th. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

11th. That in controversies respecting property, and in suits between man and man, the ancient trial by jury, is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

12th. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments or regulations, contravening these rights, are oppressive and unjust.

13th. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

14th. That every freeman has a right to be secure from all unreasonable searches and seizures of his person, his papers, and property: all warrants therefore to search suspected places, or seize any freeman, his papers or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous and ought not to be granted.

15th. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their Representatives; and that every freeman has a right to petition or apply to the Legislature for redress of grievances.

16th. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

17th. That the people have a right to keep and bear arms: that a well regulated militia composed of the body of the people trained to arms, is the proper, natural and safe defence of a free State. That standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit;

and that in all cases, the military should be under strict subordination to and governed by the civil power.

18th. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the laws direct.

19th. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

20th. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion according to the dictates of conscience, and that no particular religious sect or society ought to be favored or established by law in preference to others.

The Bill of Rights, 15 December 1791

First Amendment

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.

Second Amendment

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.

Third Amendment

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.

Fourth Amendment

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.

Fifth Amendment

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.

Sixth Amendment

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 defence.

Seventh Amendment

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 common law.

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Ninth Amendment

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Tenth Amendment

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.

Graphic Organizer-Comparing Recommended Amendments to the Bill of Rights

**The Virginia Convention
Recommendations, 1788**

**The United States Bill
of Rights, 1791**

Better, Worse, Same

1st—Is it in the Bill of Rights?

Yes/No/Modified?

2nd—Is it in the Bill of Rights?

Yes/No/Modified?

3rd—Is it in the Bill of Rights?

Yes/No/Modified?

4th—Is it in the Bill of Rights?

Yes/No/Modified?

5th—Is it in the Bill of Rights?

Yes/No/Modified?

6th—Is it in the Bill of Rights?

Yes/No/Modified?

7th—Is it in the Bill of Rights?

Yes/No/Modified?

8th—Is it in the Bill of Rights?

Yes/No/Modified?

9th—Is it in the Bill of Rights?

Yes/No/Modified?

10th—Is it in the Bill of Rights?

Yes/No/Modified?

11th—Is it in the Bill of Rights?

Yes/No/Modified?

12th—Is it in the Bill of Rights?

Yes/No/Modified?

13th—Is it in the Bill of Rights?

Yes/No/Modified?

14th—Is it in the Bill of Rights?

Yes/No/Modified?

15th—Is it in the Bill of Rights?

Yes/No/Modified?

16th—Is it in the Bill of Rights?

Yes/No/Modified?

17th—Is it in the Bill of Rights?

Yes/No/Modified?

18th—Is it in the Bill of Rights?

Yes/No/Modified?

19th—Is it in the Bill of Rights?

Yes/No/Modified?

20th—Is it in the Bill of Rights?

Yes/No/Modified?

