Richard Henry Lee's Proposed Amendments 27 September 1787

It having been found from Universal experience that the most express declarations and reservations are necessary to protect the just rights and liberty of Mankind from the Silent, powerful, and ever active conspiracy of those who govern—And it appearing to be the sense of the good people of America by the various Bills or Declarations of rights whereon the governments of the greater number of the States are founded, that such precautions are proper to restrain and regulate the exercise of the great powers necessarily given to Rulers—In conformity with these principles, and from respect for the public sentiment on this subject it is submitted

That the new Constitution proposed for the Government of the U. States be bottomed upon a declaration, or Bill of Rights, clearly and precisely stating the principles upon which this Social Compact is founded, to wit;

That the rights of Conscience in matters of Religion shall not be violated—

That the freedom of the Press shall be secured—

That the trial by Jury in Criminal and Civil cases, and the modes prescribed by the Common Law for safety of Life in Criminal prosecutions shall be held sacred—

That standing Armies in times of peace are dangerous to liberty, and ought not to be permitted unless assented to by two thirds of the Members composing each House of the legislature under the new constitution—

That Elections of the Members of the Legislature should be free and frequent—

That the right administration of justice should be secured by the freedom and independency of the Judges—

That excessive Bail, excessive Fines, or cruel and unusual punishments should not be demanded or inflicted—

That the right of the people to assemble peaceably for the purpose of petitioning the Legislature shall not be prevented—

That the Citizens shall not be exposed to unreasonable searches, seizures of their papers, houses, persons, or property.

And whereas it is necessary for the good of Society that the administration of government be conducted with all possible maturity of judgement; for which reason it hath been the practise of civilized nations, and so determined by every State in this Union, that a Council of State or Privy Council should be appointed to advise and assist in the arduous business assigned to the Executive power—therefore, that the New Constitution be so amended as to admit the appointment

of a Privy Council, to consist of Eleven Members chosen by the President, but responsible for the advise [*sic*] they may give—for which purpose the Advice given shall be entered in a Council Book and signed by the Giver in all affairs of great concern. and that the Counsellors act under an Oath of Office—

In order to prevent the dangerous blending of the Legislative and Executive powers, and to secure responsibility—The Privy Council and not the Senate shall be joined with the President in the appointment of all Officers Civil and Military under the new Constitution—

That it be further amended so as to omit the Creation of a Vice President, whose duties, as assigned by the Constitution, may be discharged by the Privy Council (except in the instance of presiding in the Senate, which may be supplied by a Speaker chosen from the body of Senators by themselves as usual) and thus render unnecessary the establishment of a Great Officer of State who is sometimes to be joined with the Legislature and sometimes to administer the Executive power, rendering responsibility difficult, and adding unnecessarily to the Aristocratic influence; besides giving unjust and needless preeminence to that state from whence this Officer may come.

That such parts of the new Constitution be amended as provide imperfectly for the trial of Criminals by a Jury of the Vicinage, and to supply the omission of a Jury trial in Civil causes or disputes about property between Individuals where by the Common law it is directed, and as generally it is secured by the several State Constitutions.

That such other parts be amended as permit the vexatious and oppressive calling of Citizens from their own Country in all cases of controversy concerning property between Citizens of different States, and between Citizens and foreigners, to be tried in far distant Courts, and as it may be, without a Jury. Whereby in a multitude of Cases, the circumstances of distance and expence may compel men to submit to the most unjust and ill founded demands.

That in order to secure the rights of the people more effectually from oppression, the power and respectability of the House of Representatives be increased, by increasing the number of Delegates to that House where the democratic interest will chiefly reside.

That the New Constitution be so altered as to increase the number of Votes necessary to determine questions relative to the creation of new or the amendment of old Laws, as it is directed in the choice of a President where the Votes are equal from the States; it being certainly as necessary to secure the Community from oppressive Laws as it is to guard against the choice of an improper President. The plan now admitting of a bare majority to make Laws, by which it may happen that 5 States may Legislate for 13 States tho 8 of the 13 are absent—

That the new Constitution be so amended as to place the right of representation in the Senate on the same ground that it is placed in the House of Delegates thereby securing equality of representation in the Legislature so essentially necessary for good government.

CITE AS: John P. Kaminski et al., eds., *The Documentary History of the Ratification of the Constitution*, Vol. VIII: Virginia [1] (Madison, Wis.: Wisconsin Historical Society Press, 1988), 65–67.