



CENTER FOR THE STUDY OF THE AMERICAN CONSTITUTION

csac.history.wisc.edu > Document Collections > The Creation and Ratification of the Bill of Rights > The Role of James Madison in Creating the Bill of Rights

James Madison: Speeches in the U. S. House of Representatives, 13 August 1789

[James Madison] Did not think it was an improper time to proceed in this business; the house had already gone through with subjects of a less interesting nature; now, if the judiciary bill was of such vast importance, its consideration ought not to have been postponed for those purposes.

He would remind gentlemen that there were many who conceived amendments of some kind necessary and proper in themselves; while others who are not so well satisfied of the necessity and propriety, may think they are rendered expedient from some other consideration. Is it desirable to keep up a division among the people of the United States on a point in which they consider their most essential rights are concerned? If this is an object worthy the attention of such a numerous part of our constituents, why should we decline taking it into our consideration, and thereby promote that spirit of urbanity and unanimity which the government itself stands in need of for its more full support?

Already has the subject been delayed much more than could have been wished: If after having fixed a day for taking it into consideration, we should put it off again, a spirit of jealousy may be excited, and not allayed, without great inconvenience. . . .

I admit, with the worthy gentleman who preceded me, that a great number of the community are solicitous to see the government carried into operation; but I believe that there is a considerable part also anxious to secure those rights which they are apprehensive are endangered by the present constitution; now, considering the full confidence they reposed at the time of its adoption in their future representatives, I think we ought to pursue the subject to effect. I confess it has always appeared to me in point of candor and good faith, as well as policy, to be incumbent on the first legislature of the United States, at their first session, to make such alterations in the constitution as will give satisfaction without injuring or destroying any of its vital principles. . . .

Form, sir, is always of less importance than the substance; but on this occasion I admit that form is of some consequence, and it will be well for the House to pursue that which, upon reflection, shall appear to be the most eligible. Now it appears to me, that there is a neatness and propriety in incorporating the amendments into the Constitution itself; in that case, the system will remain uniform and entire; it will certainly be more simple when the amendments are interwoven into those parts to which they naturally belong, than it will if they consist of

separate and distinct parts. We shall then be able to determine its meaning without references or comparison; whereas, if they are supplementary, its meaning can only be ascertained by a comparison of the two instruments, which will be a very considerable embarrassment. It will be difficult to ascertain to what parts of the instrument the amendments particularly refer; they will create unfavorable comparisons; whereas, if they are placed upon the footing here proposed, they will stand upon as good foundation as the original work. Nor is it so uncommon a thing as gentlemen suppose; systematic men frequently take up the whole law, and, with its amendments and alterations, reduce it into one act. I am not, however, very solicitous about the form, provided the business is but well completed. . . .

CITE AS: John P. Kaminski et al., eds., *Ratification of the Bill of Rights*, Volume XXXVII: (Madison, Wis.: Wisconsin Historical Society Press, 2020), 346, 348-49, 351.