



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 to Thomas Jefferson, Philadelphia, 8 December 1788 (excerpts)

. . . Notwithstanding the formidable opposition made to the New federal Government, first in order to prevent its adoption, and since in order to place its administration in the hands of disaffected men, there is a flattering prospect not only a certainty now both a certainty of its peaceable commencement in March next, and a flattering prospect that it will be administred by men who will give it a fair trial. . . .

The questions which divide the public at present relate 1. to the extent of the amendments that ought to be made to the Constitution. 2. to the mode in which they ought to be made. The friends of the Constitution, some from an approbation of particular amendments, others from a spirit of conciliation, are generally agreed that the system should be revised. But they wish the revisal to be carried no farther than to supply additional guards for liberty, without abridging the sum of power transferred from the States to the general Government or altering previous to trial, the particular structure of the latter and are fixed in opposition to the risk of another Convention, whilst the purpose can be as well answered, by the other mode provided for introducing amendments. Those who have opposed the Constitution, are on the other hand, zealous for a second Convention, and for a revisal which may either not be restrained at all, or extend at least as far as alterations have been proposed by any State. Some of this class, are, no doubt, friends to an effective Government, and even to the substance of the particular Government in question. It is equally certain that there are others who urge a second Convention with the insidious hope, of throwing all things into Confusion, and of subverting the fabric just established, if not the Union itself. — If the first Congress embrace the policy which circumstances mark out, they will not fail to propose of themselves, every desireable safeguard for popular rights; and by thus separating the well meaning from the designing opponents, fix on the latter their true character, and give to the Government its due popularity and stability. . . .

CITE AS: John P. Kaminski et al., eds., : Ratification of the Bill of Rights, Volume XXXIX: Bill of Rights, No. 3 (Madison, Wis.: Wisconsin Historical Society Press, 2023), 402–03