Congress Creates the Bill of Rights consists of three elements: a mobile application for tablets, an eBook, and online resources for teachers and students on the Center for Legislative Archives website (http://www.archives.gov/legislative/resources/bill-of-rights.html). Each provides a distinct way of exploring how the First Congress proposed amendments to the Constitution in 1789.

This PDF contains all the content of the app divided into four sections:

• Get the Background (Part I);
• Go Inside the First Congress (Part II A);
• Amendments in Process (Part II B); and
• Join the Debate and Appendix (Part III).

Each part is sized so that it can be easily downloaded or printed on a wide variety of devices.

Center for Legislative Archives
National Archives

National Archives Trust Fund Publication

Foundation for the National Archives

Funding provided by
The Chisholm Foundation
The Dyson Foundation
Humanities Texas

Designed and produced by Research & Design, Ltd., Arlington, Virginia
# Get the Background

## Contents

Title Page ................................................................. 1

Project Description ..................................................... 2

Contents ................................................................. 3

**Get the Background (Part I)** ...................................... 4

Congress Creates the Bill of Rights .................................. 5

Before the Bill of Rights .............................................. 6

Bill of Rights Chronology ............................................ 27
Get the Background

Part I
During the Revolutionary Era, the Declaration of Independence and Articles of Confederation gave birth to a republic founded on liberty, rights, and limited government, but these charters did not establish a government that could successfully address the growing pains of the new nation. Written in 1787, the Constitution proposed a plan for a more effective government, but many felt that its design was incomplete, leaving the work of the Revolution unfinished.

The ratification of the Constitution in 1788 was a difficult nine-month contest fought in the thirteen individual states. The Constitution was ratified, but some reservations surfaced about its content. A critical minority, referred to as Anti-Federalists, insisted upon the addition of a bill of rights that would protect the rights of individual citizens, and demanded a new look at some of the Constitution’s specific provisions. Many of these Anti-Federalist critics believed the First Congress was obliged to correct the Constitution through amendments when it met in the spring of 1789. The Federalist majority in Congress, who supported the Constitution without changes, disagreed and needed prodding by Representative James Madison (VA) before they would take up the question of amendments.

From June to September 1789, Congress proposed, debated, drafted, and re-drafted a list of amendments, some of which failed and some of which passed the high bar of receiving two-thirds of the votes from both the House and the Senate. An extraordinary document—the Senate Revisions to the House Proposed Amendments to the U.S. Constitution (referred to as the Senate Mark-up)—reflects how conflicts and compromises between the House and the Senate, and factions in each chamber, shaped the amendments that would become the Bill of Rights.

The Bill of Rights revised the Constitution by adding protections for rights and guaranteeing due process in courts of law. The final version of the Bill of Rights, the parchment copy of the original joint resolution passed by both houses of Congress on September 25, 1789, is on permanent display at the National Archives as one of the Charters of Freedom from the founding era. This document preserves a milestone in our history, showing how Congress debated many ideas and, through compromise, proposed a set of amendments to the original Constitution.

Congress Creates the Bill of Rights provides a front-row seat to the proceedings that created the Bill of Rights, and invites you to join the debate on this historic accomplishment.
The story of the creation of the Bill of Rights began in the 1780s with the drafting of the Constitution and the struggle over its ratification by the states.

*An Accurate Map of the United States of America, with Part of the Surrounding Provinces agreeable to the Treaty of Peace of 1783*
The map shows the United States in 1783 when Great Britain recognized American independence and the Treaty of Paris formally ended the Revolutionary War.

*An Accurate Map of the United States of America, with Part of the Surrounding Provinces agreeable to the Treaty of Peace of 1783* (Detail)
By the late 1780s the United States had a population of approximately 3.9 million scattered across thirteen states, ranging from Massachusetts to Georgia, and a large federal territory to the west.

*View from Bushongo Tavern 5 miles from York Town on the Baltimore Road, 1788*
The population consisted of 1.6 million white males; 1.5 million white females; and 750,000 African American men and women, 90 percent of whom were enslaved. A significant number of Native Americans also lived within and outside the nation’s borders. The majority of the population lived near the Atlantic coast in 1789.

*View of the city of Boston from Breeds Hill in Charlestown, ca. 1791*
The westward movement of people was increasing in number and distance, pushing the frontier over the Appalachian Mountains into the Ohio and Tennessee River valleys.

* A view on the Mohawk River, 1793
The economy was centered in ports such as Boston, New York, Philadelphia, and Charleston, and consisted primarily of exported agricultural staples and raw materials exchanged for imported manufactured goods.

*Charleston, S.C. in 1780*
Under the Articles of Confederation ratified in 1781, the states were linked in a loose association, like thirteen allied but separate partners. The states held the majority of power and the Confederation Congress had to achieve agreement of all states on issues of importance such as ratifying treaties, regulating trade, and raising taxes. By 1786, economic and political problems were apparent.

Articles of Confederation, 1781

*A N.W. [north west] view of the state house in Philadelphia taken 1778*
By using the phrase “We the People,” the founders reflected the philosophical belief that sovereignty and “a more perfect Union” emanated from the will of the people.

Constitution of the United States, 1787
Before the new government could start operating, two-thirds of the states had to ratify the Constitution. The first states ratified without debate.
Before the Bill of Rights

The struggle grew more conflicted, though, as groups within the states began to call for changes to the Constitution and the addition of a bill of rights.

*The Address and Reasons of Dissent of the Minority of the Convention, of the State of Pennsylvania, to their Constituents, 1787*
Seven states already had bills of rights. Their existence reflected the widely held desire for a bill of rights to preserve the traditional rights of free men. In the words of Thomas Jefferson, “A bill of rights is what the people are entitled to against every government on earth....”

Magna Carta, 1297
National Archives, Courtesy of David M. Rubenstein
Fanned by essays in the press and speeches in conventions, this dissent grew and yielded long lists of proposed amendments for Congress to take up after ratification. Some of the most radical voices even called for a second constitutional convention to fix the unsatisfactory parts of the charter.

New York’s Ratification of the Constitution with Proposed Amendments, 1788
Enough states voted for ratification, so there was no need for a second convention, but a sizeable faction referred to as Anti-Federalists continued to insist that Congress propose constitutional amendments limiting federal powers and guaranteeing individual rights.

“The Federal Edifice.” *Massachusetts Centinel*, 1788
Their rivals, the Federalists, won the allegiance of most voters in the first federal elections with their call for putting the Constitution into practice before considering any changes.

*The Federalist: A Collection of Essays, Written in Favour of the New Constitution, 1788*
When the new government convened in the spring of 1789, it met in New York City, then the largest U.S. city with a population of 29,000.

*Plan of the City of New York, 1789*
Among the first acts of Congress was to count the electoral votes and declare George Washington the unanimous selection to be the first president. He made his way north from Mount Vernon to New York City through welcoming crowds and triumphal arches.

*View of the triumphal arch, and the manner of receiving General Washington at Trenton, on his route to New-York, April 21st 1789*
Washington was inaugurated on the portico of Federal Hall on April 30, 1789.

*Federal Hall, N.Y. 1789*
Federal Hall, located on Wall Street, had been the meeting place of the Confederation Congress since 1785. The building was enlarged to accommodate the new legislature that included both the House of Representatives and the Senate.

_Federal Hall, Wall Street and Trinity Church, New York, in 1789_
When the House and Senate achieved a quorum in April 1789, Federalist majorities ruled in both chambers. As a representative in the House, James Madison (VA) made Federal Hall a forum for implementing the Constitution. Yet he also understood the importance of finding workable compromises on the issue of adding amendments to the Constitution.

*Chambers in the House of Representatives, Federal Hall*
Conjectural drawing based on eyewitness descriptions, by William Hindley, ca. 1940
Madison’s House colleagues were dismissive when he proposed a slate of amendments in June of 1789, arguing that more important work was at hand. Madison was undeterred. In late July, he seized an opportunity to have his proposals sent to committee. The hard work of compromise had begun.

*James Madison* by Charles Willson Peale, Gilcrease Museum, Tulsa, Oklahoma

James Madison’s notes for his speech introducing the Bill of Rights, June 8, 1789
Get the Background

Bill of Rights Chronology

**March 4, 1789**
The First Federal Congress is scheduled to meet in New York City.

**April 1, 1789**
The House achieves a quorum.

**April 6, 1789**
The Senate achieves a quorum.

**May 4, 1789**
James Madison makes a motion in the House to debate the subject of amendments to the Constitution.

**June 8, 1789**
Madison gives a speech in the House proposing nine amendments.

**July 21, 1789**
The House forms a select committee, the Committee of Eleven, with one member from each state, to consider amendments to the Constitution. Rhode Island and North Carolina have not yet ratified the Constitution, so their members are not present.

**July 28, 1789**
The Committee of Eleven issues a report accepting the substance of most of Madison’s proposals, although textual changes are made to individual articles.

**August 13, 1789**
The House votes to discuss the report of the Committee of Eleven.

**August 24, 1789**
The House passes a joint resolution containing seventeen amendments and sends it to the Senate.

**September 2, 1789**
Debate in the Senate begins.
Get the Background

Bill of Rights Chronology (continued)

**September 9, 1789**
The Senate changes the joint resolution to include only twelve amendments.

**September 19 and 21, 1789**
The House accedes to some of the Senate changes, and requests the formation of a House-Senate conference committee, the Conference Committee on Amendments, to work on remaining points of disagreement.

**September 24, 1789**
The House approves the Conference Committee report.

**September 25, 1789**
The Senate approves the Conference Committee report.

**September 29, 1789**
The first session adjourns.

**October 2, 1789**
President George Washington sends the proposed amendments to the states for ratification.

**December 15, 1791**
The Bill of Rights is ratified by three-fourths of the states.

**March 1, 1792**
Secretary of State Thomas Jefferson sends official notification to the states of the ratification of the Bill of Rights.