

# Inside the First Congress: Debating the Bill of Rights

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## Station 3 Worksheet: Traditional Rights—Religion, Speech, Press, Assembly, & Petition

### Part 1: Proposals from State Ratifying Conventions

#### Religion:

*Virginia Convention, June 27, 1788*

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.

*New Hampshire Convention, June 21, 1788*

Congress shall make no Laws touching Religion, or to infringe the rights of Conscience.

#### Speech, Press, Assembly, & Petition

*Virginia Convention, June 27, 1788*

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

*New York Convention, July 26, 1788*

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their Representatives; and that every Person has a right to Petition or apply to the Legislature for redress of Grievances. That Freedom of the Press ought not to be violated or restrained.

#### Questions:

1. According to the Virginia Convention, what is the source of religious liberty and what authority does the government have to regulate it?
2. Both proposals call for respecting the dictates or rights of conscience. Do you think this means the same as religion? Or, does the concept included in the proposals mean something distinct from religion?
3. How do these proposals reflect the principle of popular government?

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## Station 3 Worksheet Continued: Traditional Rights—Religion, Speech, Press, Assembly, & Petition

Part 2: Traditional Rights — Religion, Speech, Press, Assembly, & Petition

Two amendments based on the proposals from state ratifying conventions as introduced in the House of Representatives by James Madison on June 8, 1789.

*That the following language be inserted into Article I, Section 9, of the Constitution between Clauses 3 and 4:*

The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed.

The people shall not be deprived or abridged of their right to speak, or to write, or to publish their sentiments; and the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable. The people shall not be restrained from peaceably assembling and consulting for their common good; nor from applying to the Legislature by petitions, and remonstrances, for redress of their grievances.

Questions:

1. How did Madison’s proposed amendment expand the protection for religion from the proposals submitted by the Virginia and New Hampshire conventions?
2. How does the language of Madison’s amendment contrast with language of the proposals from the Virginia and New York ratifying conventions?
3. Explain what you think Madison meant by the phrase, “nor shall the full and equal rights of conscience be in any manner or on any pretext infringed.” How would this phrase — if retained in the proposed amendment — add to the meaning of the First Amendment?



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Part 3 Traditional Rights — Religion, Speech, Press, Assembly, & Petition

*Proposed Amendment III as sent by Congress to the states for ratification on October 2, 1789 (Ratified as Amendment I)*

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.

Questions:

1. How was this amendment changed by the addition of the phrase, “Congress shall make no law” in regard to the rights of speech, press, assembly and petition?
2. The First Amendment is usually read with a caution in mind that suggests that rights are not absolute; “You can’t falsely yell fire in a crowded theater.” Does the language of the Amendment as ratified leave room for debate about the limits of freedom? (Tell why and how?)
3. Congress dropped the “right of conscience” as it formulated this amendment. Would the amendment be improved by restoring the concept? Explain why or why not.



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