
History Of The Bill of Rights in the United States

The Bill of Rights

The First Amendment, and the entire Bill of Rights, were not initially included in the Constitution and it was not until December 15, 1791 that the First Amendment became part of the US. Constitution. When the Constitution was written in 1787, it left out individual rights for citizens which led to the refusal of many states to ratify it. The Constitution of the U.S. was made to embody the fundamental principles of a government, but the lack of a Bill of Rights was the main reason why many opposed the ratification of it.

As stated in the Article VII, “the vote of nine states shall be sufficient for the establishment of the Constitution as the principal document uniting the states,” but in 1788 only four had states ratified it. At the time of the ratification, there was a debate between those who supported it, the Federalists, and those who opposed it, the Anti-Federalists. The Federalists argued that individuals’ rights were already protected by state constitutions, and that not listing these rights did not mean that they were inexistent as natural rights, which explains why First Amendment rights were initially not included in the Constitution. On the other hand, The Anti-Federalists strongly disagreed and feared that the increased strength of a national government would lead to an abuse of individual rights. These disputes finally initiated the draft of a new charter for the Constitution of the United States that included The First Amendment as the first section under the Bill of Rights. The leading man for this draft was James Madison, of Virginia, who is often considered “the father of the Constitution” because of his prominent contribution to the Constitution. Even though Madison was the person responsible for writing the First Amendment, the man under the idea was Thomas Jefferson. While Thomas Jefferson was absent from the Constitutional Convention serving as the U.S. minister in France, he became Madison’s mentor because he influenced on him the need of a Bill of Rights, and specifically the freedoms described in the First Amendment were his top priority. These fundamental freedoms defined on the First Amendment were shaped from protection of right and freedom documents from the Magna Carta in 1215. The First Amendment was proposed in the Bill of Rights on 1789 and was adopted by states in 1791.

The first article of the First Amendment guaranteed the freedom of religion and worship. The clause as Thomas Jefferson pointed out had established a “wall of separation between the church and the state” (Jefferson). Nevertheless, according to the article, the government was banned from establishing an official church. However, the freedom of worship was ensured with some exceptions that had been added later on include prohibiting ritual slaughter and denying

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medical care for religious purposes.

The freedom of expression and press was guaranteed in the First Amendment as well; thus, some exceptions were forced on. The article gives the press the right to criticize the government. However, some exceptions which endow the government the right to censor the press were made during wartimes. For example, President Abraham Lincoln was the first to censor the anti-Union newspapers during the Civil War. In addition, using abusive language against the flag, Government and Constitution was considered as a crime in World War I. In addition to wartime, the freedom of expression and press are limited in matter of obscene materials.

The amendment ensured the right to peaceably assemble. Similar to the previous articles, this one also had been refined many times. Now it implies not disrupting the public order, using words which trigger or provoke violence or even burning the U.S flag. In spite of these exceptions, the right to demonstrate against the government has been considered as an essential right. Former Chief Justice Charles Evans Hughes noted that, "Peaceable assembly for lawful discussion cannot be made a crime" (Hughes).

In conclusion, regardless to some minor exceptions and refinements, the three essential rights of freedom were covered by the First Amendment. By having their rights to excercise their preferred religion, of expression and of peacefully protesting against the government, liberty was guaranteed to certain citizens of the U.S.

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