

violated if necessary; saying a right "shall" not be denied meant that it could never be legally violated. "Ought" said that a right was just a good idea; "shall" said that it was a command.

A "Nauseous Project"

James Madison (1751–1836) was a reluctant supporter of the Bill of Rights, although he is credited as its author. As a Federalist, Madison initially opposed adding a bill of rights to the Constitution. But his friend Thomas Jefferson and the voters of Virginia convinced Madison that a bill of rights was both philosophically sound and politically necessary.

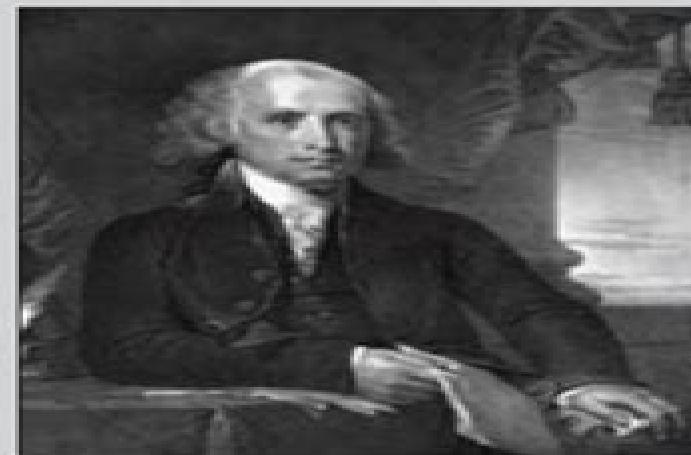
Madison faced an uphill battle getting the Bill of Rights through the first Congress. When the legislators finally agreed to hear Madison's suggested amendments, they criticized his proposals unmercifully. Opponents referred to Madison's amendments as "milk and water" and "water gruel" designed to cure the imaginary illnesses of the public.

Some Anti-Federalists in Congress accused Madison of more ominous motives. By offering the people meaningless amendments, they argued, Madison was distracting attention from the serious dangers to liberty posed by a strong central government. Madison's critics charged that his amendments were "a tub thrown out to a whale"—referring to sailors' practice of throwing out a wooden tub to distract the whale and prevent it from attacking the ship itself.

Even George Mason, the chief advocate of a bill of rights, offered Madison little support. Mason commented that Madison had become, after his election to Congress, the "patron of amendments." Mason added, "perhaps some milk and water propositions may be made...by way of throwing out

a tub to the whale; but of important and substantial amendments, I have not the least hope."²⁹

Congressional debates over the Bill of Rights were, in Madison's words, "extremely difficult and fatiguing" and "exceedingly wearisome." Indeed, members of Congress challenged each other to duels at one passionate point in the debates. After months of congressional deliberations, Madison wrote to a friend that the Bill of Rights had become a "nauseous project."³⁰ But Madison's skill as a lobbyist finally paid off, and Congress approved the final version of the Bill of Rights on September 25, 1789.



Library of Congress

James Madison was the first U.S. president to earn a graduate degree.

The Bill Of Rights A Users Guide

DJ Losen

The Bill Of Rights A Users Guide:

The Bill of Rights Linda R. Monk,2018-04-10 With a foreword by Justice Ruth Bader Ginsburg of the U S Supreme Court An Engaging Accessible Guide to the Bill of Rights for Everyday Citizens In The Bill of Rights A User s Guide award winning author and constitutional scholar Linda R Monk explores the remarkable history of the Bill of Rights amendment by amendment the Supreme Court s interpretation of each right and the power of citizens to enforce those rights Stories of the ordinary people who made the Bill of Rights come alive are featured throughout These include Fannie Lou Hamer a Mississippi sharecropper who became a national civil rights leader Clarence Earl Gideon a prisoner whose handwritten petition to the Supreme Court expanded the right to counsel Mary Beth Tinker a 13 year old whose protest of the Vietnam War established free speech rights for students Michael Hardwick a bartender who fought for privacy after police entered his bedroom unlawfully Suzette Kelo a nurse who opposed the city s takeover of her working class neighborhood and Simon Tam a millennial whose 10 year trademark battle for his band The Slants ended in a unanimous Supreme Court victory Such people prove that in the words of Judge Learned Hand Liberty lies in the hearts of men and women when it dies there no constitution no law no court can save it Exploring the history scope and meaning of the first ten amendments as well as the Fourteenth Amendment which nationalized them and extended new rights of equality to all The Bill of Rights A User s Guide is a powerful examination of the values that define American life and the tools that every citizen needs

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