AMERICAN CONSTITUTIONALISM

VOLUME II: RIGHTS AND LIBERTIES

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Supplementary Material

Chapter 3: The Founding Era—Foundations/Sources/Constitutions and Amendments

**Americans React to the Bill of Rights**[[1]](#footnote-1)

*The ratification of the Bill of Rights in 1791 was not an occasion for significant public celebration. Some Americans were pleased. Other political elites were indifferent. Many former anti-Federalists were disappointed that the amendments did not substantially adjust the structure or powers of the national government. What do you believe best explains the restrained response to ratification? What legal and political changes do you believe best explain the contemporary American enthusiasm for the Bill of Rights? Might those enthusiasms be tempered in light of perspectives from 1791 or did Wilson, Hamilton, and other Federalists fail to understand the legal and political significance of explicit constitutional protections for individual rights?*

*George Washington to James Madison, May 31, 1789*

I see nothing exceptional in the proposed amendments. Some of them, in my opinion, are importantly necessary, others, though of themselves (in my conception) not very essential, are necessary to quiet the fears of some respectable characters and well-meaning men. Upon the whole, therefore, not foreseeing any evil consequences that can result from their adoption, they have my wishes for a favorable reception.

*Samuel Adams to Richard Henry Lee, August 24, 1789*

I mean . . . to let you know how deeply impressed I am with a sense of the Importance of Amendments, that the good People may clearly see the distinction, between the *federal* Powers vested in Congress, and the *sovereign* Authority belonging to the several States, which is the Palladium of the private, and personal rights of the Citizens.

*Elbridge Gerry to John Wendell, September 14, 1789*

[A]s to the amendments proposed by Congress, they will not . . . serve any other purposes than to reconcile those who had no adequate idea of the essential defects of the Constitution.

*Benjamin Goodhue to the Salem Insurance Offices, August 23, 1789*

We have at last gone through the wearisome business of amendments to the great joy of I believe every member of the House. . . . God grant it may have the effects which are desired and that we may never hear any more of it.

1. Excerpts taken from Helen E. Veit, Kenneth R. Bowling, and Charlene Bangs Bickford, eds., *Creating the Bill of Rights: The Documentary Record from the First Federal Congress* (Baltimore, MD: Johns Hopkins University Press, 1991), 242, 283–85, 294. [↑](#footnote-ref-1)