

Constitutional Amendment: The Bill of Rights

The Bill of Rights is one of the most cherished parts of our Constitution—it is a touchstone for the protection of the most basic and important rights that Americans enjoy and a crucial vehicle by which citizens can assert protections against the government. The idea of rights, as we have seen, is central to the Anglo-American legal tradition. The English Bill of Rights had been an invaluable security for the rights of both Englishmen and Americans for centuries before the United States adopted its own Bill of Rights by amending the Constitution.

The Bill of Rights protects a full array of rights ranging from the basic political and social rights of the 1st Amendment and the right to bear arms in the 2nd Amendment, to the criminal and civil protections in the second half of the Bill of Rights. The last two amendments, the 9th and 10th, offer a kind of guide to interpreting the constitution—reinforcing the important concepts of limited government and enumerated powers. The Bill of Rights initially only applied to the federal government, but the passage of the 14th Amendment began the process of selective incorporation, whereby most of the rights in the Bill of Rights have been extended against the states, one by one.

While James Madison initially opposed the adoption of a bill of rights, he ultimately supported the idea, working diligently to ensure that Congress approved amendments to send to the states during its first session. The rights protected in the United States Constitution have undergone significant transformations from their original meanings as the country has expanded, times have changed, and more portions of the population have asserted their place in political society. Precisely which freedoms the Bill of Rights should and does guarantee has been a matter of some debate ever since, and will continue to be an open question as long as the Constitution is in force.