

# **The Debate Over the Bill of Rights: How Diplomacy Saved a Young Nation**

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When the school year began, I began to brainstorm topics that would fit this year's National History Day theme. I have always been fascinated by America's colonial period and the founding of our nation. Ever since I was young, I've been visiting places integral to this period, including Colonial Williamsburg, Philadelphia, and Boston. While reflecting on the events that shaped the United States into what it is today, I decided that our Constitution and Bill of Rights were the most obvious place to start. The history behind these documents is all-encompassing, and essential in understanding almost any other event in American history.

I immediately began my research on the Internet to determine the origins of the Constitution and how its first 10 Amendments, the Bill of Rights, became a quintessential part of our present day government. There, I was able to access many original documents, including the Constitution and Bill of Rights themselves, as well as various state constitutions. I also visited several local libraries to find additional resources. In March, I had the opportunity to travel to Philadelphia, where I toured Independence Hall and the National Constitution Center. Here, I was surrounded by the spirit of the Founding Fathers and all the debate and diplomacy that went into forming a government the world had never yet seen.

When deciding on which category to enter, I chose the performance category, as it allowed me to portray not only the facts concerning the Constitution and Bill of Rights, but also the emotions and determination of the Americans who debated the inclusion of these 10 amendments in our Constitution. In selecting this category, I was able to represent two key figures, James Wilson and George Mason, who were in direct opposition to each other concerning this debate. A performance allowed me to show the passion these men had for the

creation of what they considered to be a document which would withstand the test of time in the United States of America.

The historical significance of my topic has stood the test of time, as the Constitution and Bill of Rights themselves have been in existence since 1791. Historically, the Federalists were opposed to the addition of a Bill of Rights to the Constitution, while the Anti-Federalists supported it. This difference in opinion created a huge political debate among our Founding Fathers, one which almost destroyed the young nation. Eventually though, diplomacy ran its course when the Federalists and Anti-Federalists reached a compromise by negotiating on the number of amendments to be added to the Constitution. Our Constitution is not stagnant. It allows for amendments, and through debate and diplomacy, its original principles still hold true today. They are evident in all functions of the government, from its national, to state, to local levels. Starting with a debate and ending through diplomacy, the Constitution and Bill of Rights create the strong foundation upon which our nation rests.

## Bibliography

### Primary Sources

“Brutus II.” *New York Journal*, 1 Nov. 1787.

This newspaper article stated that, “In forming a government on its true principles, the foundation should be laid, expressly reserving to the people such of their essential natural rights, as are not necessary to be parted with.” I found this information useful, as the importance of adding a Bill of Rights to the Constitution was not only being reported in Philadelphia, where it was being written, but in New York and other places as well.

“The Debates in the Several State Conventions on the Adaptation of the Federal Constitution.” *The Federal Constitution*, by Jonathan Elliot, pp. 452-453.

I considered this a primary source as it was a compilation of direct quotes and arguments presented by the Constitutional delegates during the ratification process of the Constitution. The quote I used to help write my script was by George Mason, who said, “As much as I value a union of all the states, I would not admit the Southern States into the Union unless they agree to the discontinuance of this disgraceful trade (slavery), because it would bring weakness, and not strength, to the Union; yet, they have not secured us the property of the of the slaves we have already.” I discovered from this quote the reason Mason refused to sign the Constitution, which I incorporated into my performance.

Dutko, Jordyn, “Trip to Philadelphia.” 11 Mar. 2022.

During this trip, I was able to visit Independence Hall and the National Constitution Center. Here, I was able to experience what it was like to be present during the writing of our nation’s Constitution, learned additional information about the writing of the Constitution, and viewed letters written to and from the characters portrayed within this performance, George

Mason and James Wilson. I considered this a primary source as I visited locations the Constitutional delegates visited, and these buildings housed a collection of primary sources I was able to use.

English Parliament. "The English Bill of Rights." London, England, 1689,

[https://avalon.law.yale.edu/17th\\_century/england.asp](https://avalon.law.yale.edu/17th_century/england.asp)

Through Yale University's library, I was able to view and read the English Bill of Rights, which served as a template for our Constitution's Bill of Rights. I learned that it limited the power of kings and queens, enhanced democratic elections, and bolstered freedom of speech, press, and religion. This served as good background information, as it was similar to our own Bill of Rights, and it helped me write my script.

"Founding Era." *Teaching American History*, 2017, [www.teachingamericanhistory.com/library](http://www.teachingamericanhistory.com/library)

From this source, I was able to view and read the Declaration of Rights for the Commonwealth of Massachusetts. I felt that this was important to research, as James Wilson never mentioned Massachusetts in his written arguments against a federal Bill of Rights, even though it had a Bill of Rights itself.

Hamilton, Alexander, et al. "A Bill of Rights." *The Federalist*, 28 May 1788.

In this article, Hamilton argued, "The truth is, after all the declamation we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS." As it stated that there was no need for an additional Bill of Rights, it validated James Wilson's point of view.

Iredell, James. "Marcus." *Constitutional Sunday*, 20 Feb. 1788.

This article was a response written to George Mason's objections to the Constitution of the United States, and the power wielded by the Senate. This rebuttal to Mason's concerns stated, "Even if angels were in charge of our government...George Mason would object." Such information helped me develop the interactions between the two sides of this debate, Federalist versus Anti-Federalist.

Jefferson, Thomas, and Madison, James. "Documents." *Teaching American History*, 2017, <https://teachingamericanhistory.org/document/the-jefferson-madison-exchange/>

On this site, I discovered a collection of four letters between Thomas Jefferson and James Madison, dating from 20 December 1787 to 15 March 1789. Through these correspondences, I learned of the great concerns these two men had for our Constitution and the ability to amend it, as seen in the inclusion of the Bill of Rights.

Jefferson, Thomas, et al. "Declaration of Independence." *America's Founding Documents*, National Archives and Records Administration, 1776, <https://www.archives.gov/founding-docs/declaration>.

This site contained a digital copy of the Declaration of Independence. By reading this, I was able to understand how the Founding Fathers were able to insure their freedom from England. I stated this information at the beginning of my performance, in order to set the stage for the debate over the Constitution and Bill of Rights.

Mason, George. "Constitutional Convention." *Slavery Debate*, 1786.

From this document, I learned that during the Constitutional Convention, George Mason stated, "Every master of slaves is born a petty tyrant, they bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this." He also stated, 'Had slaves been treated as they might have been by our enemy, they would have

proved dangerous instruments.” I used these quotes to help write my script; additionally, they inspired me to conduct additional research on Mason, where I discovered that he did indeed own slaves.

Mason, George. *George Mason’s Master Draft of the Bill of Rights*. Constitution Society, 1787.

This was George Mason’s original draft of what he believed should be the Bill of Rights added to our Constitution. In it, Mason introduced 20 amendments he wanted added. I used this information to elaborate on the debate surrounding the number of amendments to be included within the Bill of Rights in my performance.

Mason, George. “Objections to the Constitution.” *Virginia Journal*, 22 Nov. 1787.

This was the original manuscript of George Mason’s objections to the Constitution, placed in the Virginia Journal by George Washington’s secretary, Tobias Lear. From this source, I learned that one of Mason’s major objections to the signing of the original Constitution was, “There was no declaration of any kind, for preserving the liberty of the press, or the trial by jury in civil cases; nor against the danger of standing armies in times of peace.” That information became part of Mason’s dialogue in my performance.

“An Old Whig.” *Independent Gazetteer*, 27 Oct. 1787.

This article stated that, “Without such a Bill of Rights, firmly securing the privileges of the subject, the government was always in danger of degenerating into tyranny.” I used this information to illustrate just how important a Bill of Rights was to the press in Philadelphia, which I highlighted in my performance.

Simile, John. “Bill of Rights.” Pennsylvania Ratifying Convention, 28 Nov. 1787, Philadelphia, Pennsylvania State House.

This speech emphasized to the assembled delegates that, “There is a necessity of a full and explicit declaration of rights, for without a Bill of Rights, the government will degenerate into oppression, and it will be impracticable to stop the progress of tyranny.” I found this information useful in writing my script because it helped me get a sense of the passion of the Constitutional delegates, which I tried to portray in this project.

United States, Congress, Executive Office, et al. “Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South.” National Archives and Records Administration, 1777, <https://www.archives.gov/milestone-documents/articles-of-confederation>

This was a digital copy of the Articles of Confederation, presented on the United States National Archives website. I was able to view and read this original document that governed the United States, beginning in 1777. In my performance, I stated that it preceded our Constitution as our country’s set of governing principles.

United States, Congress, Legislative Branch, and Madison, James. “The Constitution of the United States.” National Archives and Records Administration, 1787, <https://www.archives.gov/founding-docs/constitution>

This was a digital copy of the original Constitution of the United States, presented on the United States National Archives website. It was this document, in its original form, that was problematic for George Mason and the Anti-Federalists. He refused to sign it, as it did not contain a Bill of Rights, which was the central focus of my project.

United States, Congress, and Mason, George. “Virginia State Bill of Rights.”, 1776, <https://law.lis.virginia.gov/constitutionexpand>



As George Mason created the Virginia State Bill of Rights, I felt it was important to read the rights he believed to be necessary for all Virginians. It contained 16 sections, which were elements that Mason wanted included in the national Bill of Rights. These beliefs were incorporated as a part of Mason's dialogue in my performance.

United States, Congress, State Government, and Commonwealth of Pennsylvania. "The Constitution of the Commonwealth of Pennsylvania.", 1776,  
[www.teachingamericanhistory.com/library](http://www.teachingamericanhistory.com/library)

In Pennsylvania's State Constitution, it stated, "The legislature could not take away individual rights protected under the state constitution." As James Wilson was a delegate from Pennsylvania, I felt it was important to read this document. In my performance, George Mason even reminded Wilson that, "Pennsylvania's State Constitution contained a Bill of Rights."

Whitehill, Robert. "Ratifying Convention." *Constitutional Ratification*, 28 Nov. 1787, Philadelphia, Pennsylvania State House.

In this speech, Delegate Whitehill stated, "If indeed the Constitution itself so well defined the powers of the government that no mistake could arise...then we might be satisfied without an explicit reservation of rights." From this, I became aware that other delegates were firm on their beliefs that either there should or shouldn't be a Bill of Rights added to the Constitution. In my performance, I mentioned several of these people on both sides of the issue.

Wilson, James. "Assembly of Constitutional Delegates." *Constitutional Ratification*, 28 Nov. 1787, Philadelphia, Pennsylvania State House.

This speech was given by James Wilson as a rebuttal to Robert Whitehill's speech above, stating, "In a government possessed of enumerated powers, such a measure (a Bill of Rights) would not only be unnecessary, but preposterous, and downright dangerous." In the

same speech, Wilson also listed all the states that had no state Bill of Rights. I used many of Wilson's quotes from this source within the dialogue of my performance.

## Secondary Sources

Berkin, Carol. *The Bill of Rights: The Fight to Secure America's Liberties*. Simon Et Schuster Paperbacks, 2016.

This book explained the arguments presented by both the Federalists and Anti-Federalists concerning the addition of the Bill of Rights to our Constitution. It presented both the debates and diplomacy that took place on both sides. I used this information to fact-check that which I found on the internet; additionally, it included the names of delegates on each side of the issue, several of which I stated within my script.

Bill of Rights Institute. "Documents of Freedom." *Educating Individuals About the Constitution*, Bill of Rights Institute, 2022, <https://billofrights.org/>.

This site gave me an overview of our Constitution, as well as the men who helped create it. It also presented links to primary sources (letters between Constitutional delegates). I mainly used this source to help me understand the division between the Federalists and Anti-Federalists concerning the addition of the Bill of Rights.

"Constitution of the United States-A History." *National Archives and Records Administration*, 2022, [www.archives.gov/founding-docs/more-perfect-union](http://www.archives.gov/founding-docs/more-perfect-union).

Here, I found the names of those who attended the Constitutional Convention, along with their state affiliations. Through this use of this site, I was able to decide on which Founders I would portray within my performance.

"Declaration of Independence-A History." *National Archives and Records Administration*, 2022, <https://www.archives.gov/founding-docs/declaration-history>.

Here, I found additional background information on the Declaration of Independence. From this source, I was able to learn about some of the ideals upon which the United States was founded, as well as the major reasons surrounding our separation from Great Britain.

“Democracy vs Republic.” *Compare Anything*, Diffen LLC, 2022,  
[www.diffen.com/difference/Democracy\\_vs\\_Republic](http://www.diffen.com/difference/Democracy_vs_Republic).

From this website, I discovered the key differences between a democracy and a republic. I learned that a democracy did not necessarily need a constitution, while a republic had a written constitution stating a nation’s key beliefs. This was one of the reasons why our government was conceived as a republic, which I stated within the dialogue of my performance.

“Forgotten Founders: James Wilson, Craftsman of the Constitution.” *National Constitution Center*, 2022,  
<https://constitutioncenter.org/blog/forgotten-founders-james-wilson-craftsman-of-the-constitution>.

This website contained a biography of James Wilson, detailing his contributions in the Constitution and Bill of Rights’ drafting and ratification. He was truly instrumental in the diplomacy between the Federalists and Anti-Federalists, but his work was oftentimes overlooked by historians. This is part of the reason I chose to portray him in my performance, and I used this source to develop his character.

“George Mason and John Locke.” *Freedom Celebration*, Melaleuca, 2021,  
[www.freedomcelebration.com/george-mason-founding-father-and-champion-of-freedom](http://www.freedomcelebration.com/george-mason-founding-father-and-champion-of-freedom).

This website stated that George Mason, one of the key Founders associated with the Constitution, was inspired by the English philosopher John Locke and his work, “The English Declaration of Rights”. This information was incorporated directly into my script.

“George Mason.” *A & E United States History*, 2021, [www.u-s-history.com/pages/h1232.html](http://www.u-s-history.com/pages/h1232.html).

I was led to some confusing and contradictory information on this site: I discovered that despite owning over one hundred slaves, as well as advocating for the protection of property rights (slaves were considered property), George Mason was adamantly against slavery. After conducting additional research, I found that this information corroborated with several other sources, and was simply a fact of history. This viewpoint was never clearly explained in any of Mason’s writings that I was able to research.

“George Mason.” Scalia Law School, *George Mason University*, 2022, [www.law.gmu.edu/about/mason\\_man](http://www.law.gmu.edu/about/mason_man).

This article stated that George Mason believed the Constitution, “...as drafted, gave too much power to a central government and was incomplete due to the absence of a Bill of Rights which guaranteed individual liberties.” I used this source to gather an understanding of Mason’s opinions, in order to write my script.

“George Mason, the Framers Who Refused to Sign the Constitution.” *What Would the Founders Think*, 2014, <http://www.whatwouldthefoundersthink.com/george-mason-the-framer-who-refused-to-sign-the-constitution>.

I used this source to write the conclusion of my performance. From it, I learned that George Mason did not believe the Constitution established “a wise and just government”, even after the Bill of Rights was added on. As a result, he was one of only three delegates present in the Constitutional Convention who didn’t sign the document in the end.

Jensen, Merrill. *The Making of the American Constitution*. Krieger Publishing Co., 1979.

This book discussed the debates surrounding federal powers versus states' rights while the Constitution was being written. I included this information within my script, as both the Federalists and Anti-Federalists were concerned with the balance of power between the federal and state governments.

Lloyd, Gordon. "The English and Colonial Roots of the U.S. Bill of Rights." *Teaching American History*, 2018, [teachingamericanhistory.org/bor/roots-chart/](http://teachingamericanhistory.org/bor/roots-chart/).

From this source, I learned about the origins of the United States Bill of Rights, discovering that some of these rights were traced back to the Magna Carta, the English Petition of Rights, the English Bill of Rights, and the Massachusetts Bill of Liberties of 1641. I also found out that some rights, such as freedom of religion, press, and assembly, did not appear on these foundational documents. It seemed that our Constitutional delegates believed Americans needed specific rights to be protected during the time in which they added the first ten amendments to our Constitution.

Mount, Steve. "Ratification Dates and Votes." *The U.S. Constitution*, Usconstitution.net, 2015, [www.usconstitution.net/ratifications.html](http://www.usconstitution.net/ratifications.html).

I found many important voting records from the Constitutional Convention on this site, as well as their dates. One example of this was the vote for the Constitution's ratification: it was ratified by a vote of 46 to 23 on 2 July 1788. This data was extremely useful in writing my script.

Norton, Thomas James. *The Constitution of the United States: Its Sources and Its Applications*. Nesterman, 1945.

While reading this book, I discovered that there were three failed attempts to amend the Articles of Confederation before delegates decided to use some of its ideas to create a new document, the Constitution. I stated this information at the beginning of my performance.

Schwartz, Stephen A. "George Mason: Forgotten Founder, He Conceived the Bill of Rights."

*Smithsonian Institution*, 2000,

[www.smithsonianmag.com/history/george-mason-forgotten-founder-he-concieved-the-bill-of-rights-64408583/](http://www.smithsonianmag.com/history/george-mason-forgotten-founder-he-concieved-the-bill-of-rights-64408583/).

I learned from this source that during the time George Mason was fighting for a bill of rights to be added to the Constitution, his friend, Thomas Jefferson, was in France. Mason and Jefferson wrote back and forth, and in one of his letters, Jefferson stated, "That all men are by nature equally free and independent, and have certain inherent rights, namely, the enjoyment of life and liberty with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." I incorporated this quote directly into my dialogue.

Taylor, Earl. "The Constitution and the Bill of Rights." Amendments, National Center for Constitutional Studies, 2021, [nccs.net/author/earl-taylor/page/9](https://nccs.net/author/earl-taylor/page/9).

On pages nine through twelve of this article, I found a listing of the first ten amendments, the Bill of Rights, which became an integral part of our Constitution. In addition, it presented the original twenty amendments that were proposed, but were either rejected or consolidated into the first ten. I utilized this information in my performance.

Taylor, Micheal H. *James Wilson: The Anxious Founder*. Lexington Books, 2021.

This biography provided me with a great deal of information concerning James Wilson's career as a politician and a Federalist. It helped me get a sense of what he stood for as one of our Founders, and how he addressed the debate over the Bill of Rights. I felt this was important because it allowed me to portray him as accurately as possible throughout my performance.

“Timeline of the Bill of Rights.” *Teaching American History*, 2017, [teachingamericanhistory.org/bor/timeline](http://teachingamericanhistory.org/bor/timeline).

Here, I found a timeline for the creation of America’s Constitution and the addition of the Bill of Rights. I used this information to create an outline for writing my dialogue, as it showed key events and dates pertinent to this topic.

Zink, James R. “James Wilson Versus the Bill of Rights.” *Political Research Quarterly*, The University of Utah, 6 Dec. 2013, [journals.sagepub.com/doi/abs/10.1177/1065912913513351](http://journals.sagepub.com/doi/abs/10.1177/1065912913513351).

This publication helped clarify James Wilson’s point of view concerning the addition of a bill of rights to the Constitution. In it, the author stated, “Wilson thought a bill of rights would bind future generations to an incomplete list of rights and deprive them of the right to define individual rights over time. His arguments against a Constitutional Bill of Rights also offers a useful view of the complexity and diversity of American founding era thought.” This demonstrated how Wilson felt the inclusion of a bill of rights would put limitations on the rights of all Americans, which served as the basis of his argument within my performance.

“The Bill of Rights.” *Ushistory.org*, Independence Hall Association, 2008, [www.ushistory.org/gov/2d.asp](http://www.ushistory.org/gov/2d.asp).

This source contained a chart summarizing the major differences between the Federalists and Anti-Federalists. I verified each of the statements within this table with other sources from various authors, and used this information as the basis of my script.



