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bill of rights day right no. 1

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RICHMOND--Today is National Bill of Rights Day. The Bill of Rights is a part of our Constitution; it is made up of the first 10 amendments to that founding document.

The Bill of Rights was not part of the original Constitution, which described only how the government and its officials should operate and set forth our famous system of checks and balances.

In response to arguments that the Constitution of this new nation should also protect its citizens' rights, the Founders, led by James Madison, drafted 12 new articles. The states ratified only 10 of these as amendments to the Constitution. As a group, these 10 make up the Bill of Rights.

Virginia was the last state to ratify the amendments. When it did so on Dec. 15, 1791--216 years ago today--the Bill of Rights became a part of the Constitution.

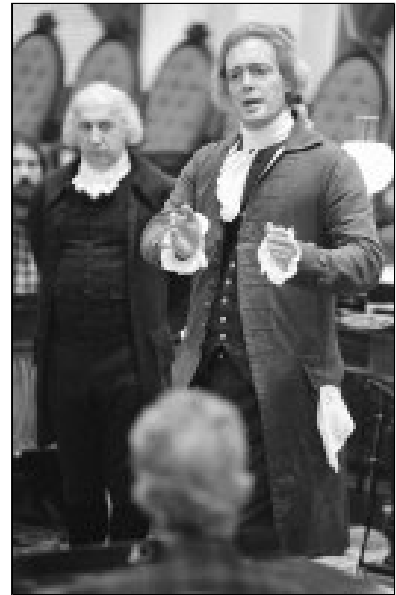
This document established many of the rights that we as citizens still enjoy. Yet we seldom pause to think what a right is, and what it means for each of us.

The word "right" has several meanings. It can mean, of course, the opposite of "left" or of "wrong"; or it can mean entitlement or freedom. In that case, its opposite is something like duty or obligation. Unlike the case of the first two meanings, the opposite, or antonym, is no help in defining this kind of right.

When right takes on this third meaning--right as a privilege or exemption--it is, in fact, linked inextricably to its opposite, duty or responsibility. We have all heard the phrase, "With rights comes responsibility," and it's true. Rights come with responsibilities even though we do not speak of a Bill of Rights and Responsibilities.

In the Bill of Rights as ratified, the first right is freedom of religion. It begins, "Congress shall make no law establishing any religion or prohibiting the free exercise thereof."

Perhaps surprisingly, this document that protects the rights of individual citizens begins with



Thomas Jefferson (right) 'debates' James Madison in a staged event in Montpelier, Vt. Both Founders, however, were strong advocates of freedom on conscience.

"Congress." This is because the document is as much about responsibilities as about rights. "Rulers," in the eyes of the Framers, were the most likely culprits if religious liberty were restricted. Thomas Jefferson lambasted the "impious presumption of legislators and rulers who have assumed dominion over the faith of others" in the Virginia Statute for Religious Freedom.

Thus, government--not individuals--is the original subject of the First Amendment's religious-freedom provision. This provision does not set forth or establish a right; rather, it describes the responsibility of government not to interfere with that right.

'by their creator'

For the Founders, the Bill of Rights could not create natural rights and freedoms; it could only protect those rights. This comports with what Jefferson wrote in the Declaration of Independence: "[A]ll men are created equal; they were endowed by their Creator with certain unalienable rights."

In the case of religious freedom as set forth in the Bill of Rights, Congress bears the duty not to force religion upon citizens or limit their free exercise of religious conviction.

Religious freedom, the freedom of conscience, is the inalienable right of every individual "to render to the Creator such homage and such only as he believes to be acceptable to him." So Madison wrote in his Memorial and Remonstrance.

Most of the rights protected by the Bill of Rights are such inalienable rights: freedom of speech and assembly, for example, and the right to be secure in one's life and property. Some other rights in the Bill of Rights address the realities of life in a civil society bound by the rule of law, such as the right to a fair trial, the right to a trial by jury--but they can all be interpreted to derive from these inalienable rights.

Our understanding of rights and responsibilities has evolved since the Founders' day. The Civil War and the end of slavery required the recognition that people of color also possess these rights. More gradually, as a nation, we acknowledged that women also possess them.

Slavery also underscored that restrictions on the federal government alone were insufficient to protect the rights of individuals. First the 13th and 14th Amendments were ratified, and then, in the 1930s and '40s, the Supreme Court extended government's responsibility to protect other rights listed in the Bill of Rights to state and local government.

In 1941, on the 150th anniversary of the ratification of the Bill of Rights, Franklin Roosevelt declared Dec. 15 Bill of Rights Day. At that very time, though, another human-rights tragedy was unfolding: the Holocaust.

In 1948, through the work of Eleanor Roosevelt and in response to the enormity of the Holocaust, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. All member nations signed it. Article 18 of that universal bill of rights protects religious belief.

For Eleanor Roosevelt, "the destiny of human rights is in the hands of all our citizens in all our communities." The duty to protect such rights extends beyond government to all individuals and communities.

In this way, the vision of the Founders in their Bill of Rights has expanded. Thus has freedom of religion become the responsibility of every individual, citizen, community, and government to protect, as it is the

inalienable right of every individual to enjoy.

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