

EDUCATION FOR FREEDOM

Lesson Plans for Teaching the First Amendment

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Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*First Amendment to the U.S. Constitution***A Brief History of the Bill of Rights and the First Amendment**

The first ten amendments to the Constitution of the United States became known as the Bill of Rights because they contained freedoms that Americans held to be their inalienable rights. So important were these rights that several states insisted on a promise of amendments guaranteeing individual rights before they would ratify the Constitution.

The Bill of Rights, ratified in 1791, was the result of more than a century of experience with rights in America and many centuries before that in England. The major British precursors to the Bill of Rights are:

The Magna Carta (1215). In 1215, a group of English barons, tired of heavy taxes and arbitrary actions by the king, forced King John to sign the Magna Carta (Latin for "great charter"). It guaranteed such fundamental rights as trial by jury and due process of law, a requirement that government be fair in its actions. Originally, these rights applied only to noblemen, but over time they were extended to all English people. The Magna Carta

Lesson 9

established the principle that the monarch's power is not absolute.

Lesson 10

Petition of Right (1628). The monarchs of England did not always respect the Magna Carta in the 400 years that followed its signing. Parliament, the English legislature, gradually grew in influence. In 1628, Parliament refused to approve more taxes until King Charles I signed the Petition of Right, which prohibited the monarch from arresting people unlawfully and housing troops in private homes without the owners' consent.

Bill of Rights (1689). Before William and Mary could take the British throne, a condition of their rule was agreement to an act of Parliament in 1689 known as the Bill of Rights. It guaranteed the right of British subjects to petition the king and to bear arms. It prohibited excessive bails and fines and cruel and unusual punishment. This *British* Bill of Rights protected far fewer individual rights than the *American* Bill of Rights adopted a century later. Also, the British Bill of Rights was a statute, part of everyday lawmaking — and could be changed easily — rather than America's constitutional amendments, part of the most important, most fundamental legal document of the land.

Rights were crucial to America's founding. Because their rights in England were threatened, many future Americans left their homeland to form new colonies in a strange land. And because their rights were threatened, the colonists declared independence from England and created a new nation to secure those rights.

Although early Americans built on their English heritage when developing rights in the new land, many colonies before 1689 had laws that far exceeded the scope of the English Bill of Rights. Rhode Island, established in 1636, was the first American colony to recognize freedom of conscience. In 1641, Massachusetts Bay enacted the Massachusetts Body of Liberties, the first detailed protection of rights

in America. Maryland was founded as a haven for Catholics, but its citizens extended the right of religious toleration (1649) to other Christians as well.

In June 1776, Virginia adopted a new constitution, prefaced by a declaration of rights including many that would later appear in the U.S. Bill of Rights. The Virginia Declaration of Rights, served as a model for eight of the 12 other states that adopted new constitutions during the revolutionary period.

While the new state governments protected individual rights, the Articles of Confederation, the first constitution of the United States, did not. The weak national government under the Articles of Confederation created many problems. In 1787, these problems finally led to a convention to draft a new charter for the national government, the Constitution of the United States. Lack of a bill of rights became the main reason many people opposed the Constitution.

When New Hampshire became the necessary ninth state to ratify it, the Constitution went into effect on June 21, 1788. Ratification was achieved only through the promise of amendments to protect individual rights. Congressional debates over the Bill of Rights drafted by James Madison, then a U.S. representative from Virginia, were, in Madison's words, "extremely difficult and fatiguing." Members of Congress challenged each other to duels at one passionate point in the debates. Congress submitted a bill of rights with 12 amendments to the states for ratification in September 1789. Two were not ratified: one changing the apportionment of Congress and the other forbidding congressional pay raises to take effect until after the next election. (This latter amendment was ratified in 1992 as the 27th Amendment to the Constitution.)

On Dec. 15, 1791, Virginia ratified the 10 amendments. This satisfied the requirement of approval by three-fourths of the states, and the Bill of Rights became part of the law of the land.

Originally the Bill of Rights only limited the national government and did not apply to the states. But after the fourteenth Amendment was

ratified in 1868, the Supreme Court began applying the provisions of the Bill of Rights — one by one — to the states. In 1925, the Supreme Court ruled that no state or local government could deny its citizens free-speech and free-press rights protected by the First Amendment.

Often considered the most important amendment in the Bill of Rights, the First Amendment protects rights essential to democratic government and those rights Americans hold most dear: freedom of religion, of speech, of the press, of assembly and of petition.

Excerpts from *The Bill of Rights: A User's Guide* (Linda Monk, Close Up Foundation, 1991) included in this brief history of the First Amendment are reprinted with permission of the Close Up Foundation.

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