

to list all the rights to be protected, because some might be inadvertently overlooked. "I go no further," he wrote in *The Federalist*, "and affirm that bills of rights . . . are not only unnecessary in the proposed Constitution but would even be dangerous. They would contain various exceptions of powers which are not granted; and, in this very account, would afford a colorable pretext to claim more than they were granted. For why declare that things shall be done for which there is no power to do?"<sup>38</sup>

Much of that sentiment was present when James Madison's proposed amendments finally were put before the House of Representatives at the first Congress:

Mr. Sedgewick [of Massachusetts] replied that if the committee were governed by that general principle, they might have gone into a very lengthy enumeration of rights; they might have declared that a man should have a right to wear his hat if he pleased; that he might get up when he pleased and go to bed when he thought proper; but he would ask the gentleman whether he thought it necessary to enter these trifles in a declaration of rights, in a Government where none of them were intended to be infringed.<sup>39</sup>

Many of the congressmen felt that there was "more pressing business" to be taken up, such as the methods for raising money or the setting up of the federal judiciary. Others simply thought that it was not a wise idea to trifle with the new document. As Representative Jackson of Georgia so eloquently argued:

Our Constitution, sir, is like a vessel just launched and lying at the wharf; she is untried. You can hardly discover any one of her properties. It is not known how she will answer her helm, or lay her course, whether she will bear with safety the precious freight to be deposited in her hold. But, in this state, will the prudent merchant attempt alterations? Will he employ workmen to tear off the planking and take asunder the frame? He certainly will not. Let us, gentlemen, fit out our vessel, set up her masts and expand her sails, and be guided by the experiment in our alterations. If she sails upon an uneven keel, let us right her by adding weight when it is wanting. In this way, we may remedy her defects to the satisfaction of all concerned; but if we proceed now to make alterations, we may deface a beauty, or deform a well proportioned piece of workmanship. In short, Mr. Speaker, I am not for amendments at this time.<sup>40</sup>

Yet, despite the resistance, James Madison was relentless because he knew that the Congress must "extinguish from the bosom of every mem-