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In Witness Whereof, I have hereunto set my hand this sixteenth day of December, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[Filed with the Office of the Federal Register, 2:56 p.m., December 17, 1991]

Note: This proclamation was published in the Federal Register on December 19.

Remarks at the Bicentennial of the Bill of Rights Luncheon at Montpelier in Orange County, Virginia December 16, 1991

Thank you, Senator Warner, for those very kind words. And let me thank Robert Bass and Jack Walter of the National Trust for Historic Preservation for hosting this event, indeed, a historic event and a wonderful one to attend. We're fortunate to have the Secretary of the Interior with us, Manuel Lujan over here. Virginia is fortunate, I think, to have two great Senators, both friends of the Bush family, and I mentioned John and Chuck Robb sitting over here. Senator Strom Thurmond is with us, and also the new Congressman, George Allen from Virginia, and my old friend and classmate in the House of Representatives—we didn't like that remark about it, John—[laughter]—John Paul Hammerschmidt over here. And other Members that might be with us today.

And may I single out my luncheon partner, Mrs. Smith, whose commitment to Montpelier is contagious. It didn't keep me from eating that excessively high-calorie dessert—[laughter]—nor push away from the chicken, but I learned a lot about Montpelier, and I go away even more enthused than I thought I possibly could be when I came down here today.

I hesitate to give a serious speech about the Bill of Rights, looking around the room with all the lawyers and experts, people who understandably have great pride in

Virginia's contribution to the history of this Nation. But I'll try anyway.

We are here in the pastoral beauty of Virginia's Piedmont to celebrate 200 years since the Virginia Assembly ratified the first 10 amendments to the Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison, framer of the Constitution, architect of the Bill of Rights. In Madison we honor a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust and others who have worked to organize this fitting commemoration. The Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. And I will repeat what I said out here: I am pleased that our fiscal year 1993 budget requests \$1 million in Federal support for the restoration of Montpelier.

I am honored to welcome some very special guests, legal scholars and statesmen from Eastern and Central European nations which have won new freedom. I want to take this occasion also to say that an exhibit on the Bill of Rights will be the centerpiece of the U.S. pavilion at next year's Expo in Seville.

The ideas and action of the American founders were rooted deeply in human nature and experience. Though 200 years have passed, the understandings on which our Constitution and Bill of Rights are based still make a reliable guide. Whether the issue is health care or protection of the environment, the proper roles of parents and the State in educating our young, or the rise of interest groups and their power in lawmaking and litigation, we can make sound decisions today if we heed the wise counsel imparted by our founders.

Two centuries ago, our new Republic was free and dynamic and hopeful and growing. Our founders were determined to preserve those qualities. But as Madison observed, "men are not angels." The framers of our

Constitution confronted unlike those that the European constitution. The framers had to grapple with religious differences, issues of where power should be contained to contain conflict. Madri- lems of faction, problem the greatest threat to our na-

The men who gathered to write the Constitution were businessmen, lawyers, mostly in their 40s. And they had a passion for order. They had mastered the state of the art in the sciences of law and agricultural sciences. They saw themselves in the wisdom of the Roman classics, in the faith of the Judeo-Christian tradition. Cynical nor naive, they had a pragmatic vision. Having seen the nature in the public sphere, they understood both its frailty and its strength.

The framers sought to create a society by encouraging property, justice, and cooperation. They worked to give us a government that would serve, as Madison put it, as a check on the society against the whims of the rulers, but to guard one against the injustice of the rulers.

The framers had the wisdom to recognize that man-made government are not a panacea. They believed in the same things like good medicine, should be foremost to do no harm. They worked on civil litigation, law, and civility are part of the fabric of and civil society. They created a social organization where the individual is measured, and necessary to be taken needlessly or to be able to could sicken or kill a society.

The Constitution, the primary plan for uniting the country, preventing concentration of power, serving the inalienable rights of individuals. The framers signed to this ideal that the signing of the Constitution and the Bill of Rights, to impose clear limits on the exercise of Government. The Federal system is a government close to the people, in the States and

Constitution confronted problems not unlike those that the Central and Eastern European constitution writers face today. The framers had to grapple with ethnic and religious differences, regional interests, issues of where power should lie and of how to contain conflict. Madison saw such problems of faction, problems of faction as the greatest threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, and lawyers, mostly in their thirties and forties. And they had a passion for learning. They mastered the state of the art in engineering and agricultural sciences. And they steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the Judeo-Christian tradition. Neither cynical nor naive, they held a hopeful and pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. And they worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

The framers had the humble genius to recognize that manmade laws and government are not a panacea for human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation, public works, civil litigation, law enforcement activity are part of the framework of a just and civil society. They do give health to the social organization when provided in small, measured, and necessary doses. But when taken needlessly or to excess, such medicine could sicken or kill a society.

The Constitution, therefore, became primarily a plan for uniting the Nation while preventing concentration of power and preserving the inalienable rights and liberties of individuals. The framers were so committed to this ideal that they decided after signing the Constitution to add a Bill of Rights, to impose clear and stark limits on the exercise of Government power.

The Federal system seeks to keep government close to the people whenever practical, in the States and not in the Nation's

Capital. Within the National Government we have our system of checks and balances, with powers shared among the executive, legislative, and judicial branches. The judiciary's independence is vital to any country's governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our Republic could have survived, much less could it have prospered, without the commerce clause preventing the States from setting up trade barriers one against the other. Through the takings clause and the due process clause, the Bill of Rights protects people's earnings and property.

The genius of the Bill of Rights is that it limits its attention to truly important things and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, politics tempted some to take flight from moderation and realism. Edmund Burke complained at the time of those who "are so taken up with their theories about the rights of man that they have totally forgotten his nature."

The framers, however, were practical men. They gave us not a declaration of rights but a Bill of Rights, not a piece of propaganda but a set of legally enforceable constraints on government. Most important, they drafted a Bill of Rights that reflected the higher nature and the aspirations of the American people, a bill that grew out of the American character, not one grafted onto it for the sake of some abstract theory.

There's a lesson in this for today's writers of national constitutions and international treaties, some of whom are with us today. Today, one often hears the concept of rights attached to specific social services or material standards of living. The framers, however, did not elevate acquisition of even the most vital goods and services to the status of rights. They trusted people to make the most of their liberty and to respond to the challenge of assuming responsibility for themselves, their families, their communities, and their government. And they understood that paternalism is just a sugar-coated tyranny.

Dec. 16 / Administration of George Bush, 1991

Madison was his era's greatest champion of freedom of conscience. It is appropriate, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak, and to publish. Today, respect for the founders' ideals of freedom of conscience still drives us as we seek to restore the freedom of voluntary prayer in the public schools. It still guides us in such efforts as protecting the rights of parents to choose schools and facilities for child care.

The Bill of Rights offers a highly-developed system of protection for persons facing criminal charges. The Bill protects suspects from arbitrary search and seizure. The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and unusual punishment. The protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities. They protected our people from government abuses that were common in the 18th century and that persist in some countries today.

The final articles of the Bill of Rights asserts that the central Government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people or, where government is necessary, to States. It is this principle that leads us today to look first not to big government but to the incentives and efficiency of free markets in addressing such problems as protecting the environment.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. Indeed, if Madison could speak to us today, I think I have a good idea of what he would ask. He would ask: Are American citizens and their leaders still living true to the framers' legacy of limited government and ordered freedom? Are Americans still fighting to expand the frontiers of liberty?

As we begin our third century under the protections of the Bill of Rights, I urge my

fellow Americans to focus on our Madisonian legacies in need of renewal.

The first is limited government. In many quarters, various groups have tried to replace our founders' vision with a vision of pervasive government. I simply cannot believe that the framers envisioned that the central Government would spend a quarter of the gross national product of this country.

Second is protection of property rights. The takings clause in the fifth amendment is based on a liberating political insight: A person's property serves as a bulwark of individual liberty and that government must pay a fair price whenever it takes private property for public use. By protecting a worker's earnings and savings, a family's home, or a small businessman's stake from unfair confiscation or ruinous overregulation, this principle seeks to protect the whole of society from gluttonous government.

Third is equal application of the laws. It was alien to Madison's ideals that legislators would exempt themselves from laws they impose on everyone else. He made this explicit in the famous Federalist Paper Number 57. Laws that do not apply equally to everyone offend the fundamental sense of American justice and fairness, and they threaten the public trust upon which free government depends.

And finally, we must renew our protection against the destructive forces of what Madison called factions. Factions, not the States or regions but what we today call special interest groups. That is why I urge sweeping reform of our campaign finance laws. And that's why I urge profound reform of Congress's cumbersome committee system and its vast and powerful staffs. Unreformed, these systems support selfish lobbying and pressure groups at the expense of true popular sovereignty. And that's why I also seek comprehensive reform of our tort law system, to rein in the excessive litigation that is draining our economy and straining our national civility.

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive

Government action. Do we want to live in a society of feuds pitting us against race, even issue activist against

The Constitution have endured for most nations' ch: they've enabled icans, to govern selves free. They monize our national civic virtues: the family, commitment of a larger and longer simply dry ink parchment; they the American America alive each of us rene justice. The Re will live for ye our culture cor that he cherishe

Thank you v to join you on may God bless of cultural pre: our country at year. Thank yo

*Note: The President's remarks, chairman, and National Trustees and Joan Smith trustees of the*

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Government action. It's up to us to choose: Do we want to live in freedom and harmony, or will we become slaves to factional feuds pitting women against men, race against race, every sort of fevered single-issue activist against the common good?

The Constitution and the Bill of Rights have endured for 200 years, far longer than most nations' charters for government. And they've enabled us, 10 generations of Americans, to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues: hard work, commitment to family, commitment to community, postponement of gratification for the sake of larger and longer term good. They are not simply dry ink markings on a brittle, old parchment; they are the spirit that animates the American Nation. This spirit will keep America alive for new generations only if each of us renews the habits of liberty and justice. The Republic that Madison gave us will live for years to come only if we keep our culture committed to the civic virtues that he cherished.

Thank you very much for permitting me to join you on this historic occasion. And may God bless you in this important work of cultural preservation. And may God bless our country at this very special time of the year. Thank you all very much.

*Note: The President spoke at 1:30 p.m. In his remarks, he referred to Robert Bass, chairman, and Jack Walter, president of the National Trust for Historic Preservation and Joan Smith, a member of the board of trustees of the National Trust.*

**Statement by Press Secretary Fitzwater  
on the Revocation of Resolution 3379  
by the United Nations General  
Assembly  
December 16, 1991**

We welcome today's vote in the United Nations General Assembly to revoke the

1975 determination that equated Zionism with racism. The United States rejected this determination from the day it was passed because it branded as illegitimate the national aspirations of the Jewish people and the national existence of Israel. This action also worked to undermine the UN's moral standing and its ability to contribute to peace in the Middle East.

The President is gratified that his call for repeal in his speech to the UNGA in September has now received the overwhelming support of the international community. We commend those governments that co-sponsored or supported this resolution, and we salute the United Nations. Today's vote has enhanced the UN's credibility and serves the interests of peace that have been advanced significantly by the Madrid Conference and subsequent bilateral negotiations.

Prime Minister Shamir called the President to express his gratitude for the President's efforts to revoke the determination. The Prime Minister said the Jewish people are grateful for the President's leadership and rejoice in the outcome of the UN vote.

Last Friday and again today, the President spoke with Dutch Prime Minister and EC Council President Ruud Lubbers. On Saturday, he spoke with Chancellor Kohl and today with Prime Minister Major. These conversations centered on GATT and the Uruguay round. All the leaders agreed on the need to achieve a successful conclusion to the round and reaffirmed their countries' efforts in this direction.

In addition, the President spoke with President Mitterrand on Sunday concerning GATT and the Uruguay round. They also discussed the situation in the Soviet Union and the Republics and the United States' call for an international conference. The President noted that the United States will continue working with and consulting with all its allies on humanitarian needs for the Soviet Union and the Republics. The two also discussed the situation in Yugoslavia and the need to work urgently for an end to the violence.

**BILL OF RIGHTS BICENTENNIAL \ MONTPELIER ORANGE, VA  
MONDAY, DECEMBER 16, 1991 \ 1:15 P.M.**

**THANK YOU, SENATOR WARNER. I WANT TO THANK ROBERT BASS AND JACK WALTER OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION FOR HOSTING THIS EVENT. WE ARE FORTUNATE TO HAVE SECRETARY OF THE INTERIOR MANUEL LUJAN, SENATOR CHUCK ROBB, CONGRESSMAN GEORGE ALLEN AND OTHER MEMBERS OF CONGRESS WITH US TODAY.**

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**WE GATHER IN THE PASTORAL BEAUTY OF VIRGINIA'S PIEDMONT TO CELEBRATE TWO HUNDRED YEARS SINCE THE VIRGINIA GENERAL ASSEMBLY RATIFIED THE FIRST TEN AMENDMENTS TO THE UNITED STATES CONSTITUTION. THIS ACTION BROUGHT INTO FORCE OUR BILL OF RIGHTS.**

**IT IS FITTING THAT WE MEET AT THE HOME OF JAMES MADISON -- FRAMER OF THE CONSTITUTION AND ARCHITECT OF THE BILL OF RIGHTS. IN MADISON WE HONOR A LEARNED MAN WITH A SCHOLAR'S APPRECIATION FOR POLITICAL PHILOSOPHY.**

WE REMEMBER ALSO A PRACTICAL POLITICIAN WHOSE SKILL AND LEADERSHIP HELPED PERSUADE THE FREE PEOPLE OF AMERICA TO EMBRACE THE CONSTITUTION AND THE BILL OF RIGHTS AS OUR BASIS FOR GOVERNMENT.

I WANT TO THANK THE NATIONAL TRUST FOR HISTORIC PRESERVATION AND OTHERS WHO HAVE WORKED TO ORGANIZE THIS COMMEMORATION. THE TRUST, WHICH ADMINISTERS THIS BEAUTIFUL ESTATE, DESERVES THE HIGHEST PRAISE FOR ITS INNOVATIVE PLAN TO MAKE MONTPELIER A LIVING CENTER FOR CONSTITUTIONAL STUDIES.

I AM PLEASED TO ANNOUNCE TODAY THAT MY FISCAL YEAR 1993 BUDGET REQUESTS 1 MILLION DOLLARS IN FEDERAL SUPPORT FOR RESTORATION OF MONTPELIER.

I AM HONORED TO WELCOME SOME SPECIAL GUESTS -- LEGAL SCHOLARS AND STATESMEN FROM EASTERN AND CENTRAL EUROPEAN NATIONS WHICH HAVE WON NEW FREEDOM. I WANT TO TAKE THIS OCCASION ALSO TO SAY THAT AN EXHIBIT ON THE BILL OF RIGHTS WILL BE THE CENTERPIECE OF THE UNITED STATES PAVILION AT NEXT YEAR'S EXPO IN SEVILLE.

THE IDEAS AND ACTION OF THE AMERICAN FOUNDERS WERE ROOTED DEEPLY IN HUMAN NATURE AND EXPERIENCE. THOUGH TWO HUNDRED YEARS HAVE PASSED, THE UNDERSTANDINGS ON WHICH OUR CONSTITUTION AND BILL OF RIGHTS ARE BASED STILL MAKE A RELIABLE GUIDE. WHETHER THE ISSUE IS HEALTH CARE, PROTECTION OF THE ENVIRONMENT, THE PROPER ROLES OF PARENTS AND THE STATE IN EDUCATING OUR YOUNG, OR THE RISE OF INTEREST GROUPS AND THEIR POWER IN LAWMAKING AND LITIGATION, WE CAN MAKE SOUND DECISIONS TODAY IF WE HEED THE WISE COUNSEL IMPARTED BY OUR FOUNDERS.

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TWO CENTURIES AGO, OUR NEW REPUBLIC WAS FREE, DYNAMIC, HOPEFUL, AND GROWING. OUR FOUNDERS WERE DETERMINED TO PRESERVE THOSE QUALITIES. BUT AS MADISON OBSERVED, MEN ARE NOT ANGELS. THE FRAMERS OF OUR CONSTITUTION CONFRONTED PROBLEMS NOT UNLIKE THOSE THAT THE CENTRAL AND EASTERN EUROPEAN CONSTITUTION WRITERS FACE TODAY. THE FRAMERS HAD TO GRAPPLE WITH ETHNIC AND RELIGIOUS DIFFERENCES, REGIONAL INTERESTS, ISSUES OF WHERE POWER SHOULD LIE AND OF HOW TO CONTAIN CONFLICT.

MADISON SAW SUCH PROBLEMS OF "FACTION" AS THE GREATEST THREAT TO OUR NATIONAL SURVIVAL.

THE MEN WHO GATHERED TO WRITE THE CONSTITUTION WERE BUSINESSMEN, FARMERS, AND LAWYERS, MOSTLY IN THEIR 30S AND 40S. THEY HAD A PASSION FOR LEARNING. THEY MASTERED THE STATE OF THE ART IN ENGINEERING AND AGRICULTURAL SCIENCES. THEY STEEPED THEMSELVES IN THE WISDOM OF THE GREEK AND ROMAN CLASSICS, IN THE FAITH AND PHILOSOPHY OF THE JUDEO-CHRISTIAN TRADITION.

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NEITHER CYNICAL NOR NAIVE, THEY HELD A HOPEFUL AND PRAGMATIC VISION. HAVING SEEN HUMAN NATURE IN THE PUBLIC SQUARE, THEY EXPERIENCED BOTH ITS FRAILTY AND ITS ASPIRATIONS.

THE FRAMERS SOUGHT TO STRENGTHEN CIVIL SOCIETY BY ENCOURAGING PUBLIC HABITS OF FREEDOM, JUSTICE, AND COOPERATION. THEY WORKED TO GIVE US A CHARTER THAT WOULD SERVE, AS MADISON PUT IT, "NOT ONLY TO GUARD THE SOCIETY AGAINST THE OPPRESSION OF ITS RULERS, BUT TO GUARD ONE PART OF THE SOCIETY AGAINST THE INJUSTICE OF THE OTHER PART."

THE FRAMERS HAD THE HUMBLE GENIUS TO RECOGNIZE THAT MAN-MADE LAWS AND GOVERNMENT ARE NOT A PANACEA FOR HUMAN PROBLEMS. THEY BELIEVED LAW AND GOVERNMENT, LIKE GOOD MEDICINE, SHOULD SEEK FIRST AND FOREMOST TO DO NO HARM. TAXATION, PUBLIC WORKS, CIVIL LITIGATION AND LAW ENFORCEMENT ACTIVITY ARE PART OF THE FRAMEWORK OF A JUST AND CIVIL SOCIETY. THEY DO GIVE HEALTH TO THE SOCIAL ORGANIZATION WHEN PROVIDED IN SMALL, MEASURED AND NECESSARY DOSES. BUT WHEN TAKEN NEEDLESSLY OR TO EXCESS, SUCH MEDICINE COULD SICKEN OR KILL A SOCIETY.

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THE CONSTITUTION THEREFORE BECAME PRIMARILY A PLAN FOR UNITING THE NATION WHILE PREVENTING CONCENTRATION OF POWER, AND PRESERVING THE INALIENABLE RIGHTS AND LIBERTIES OF INDIVIDUALS. THE FRAMERS WERE SO COMMITTED TO THIS IDEAL THAT THEY DECIDED AFTER SIGNING THE CONSTITUTION TO ADD A BILL OF RIGHTS, TO IMPOSE CLEAR AND STARK LIMITS ON THE EXERCISE OF GOVERNMENT POWER.

THE FEDERAL SYSTEM SEEKS TO KEEP GOVERNMENT CLOSE TO THE PEOPLE, WHENEVER PRACTICAL IN THE STATES AND NOT IN THE NATION'S CAPITAL. WITHIN THE NATIONAL GOVERNMENT WE HAVE OUR SYSTEM OF CHECKS AND BALANCES, WITH POWERS SHARED AMONG THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES. THE JUDICIARY'S INDEPENDENCE IS VITAL TO ANY COUNTRY'S GOVERNANCE BY THE RULE OF LAW.

THE FOUNDERS BELIEVED FREEDOM WAS THE KEY TO ECONOMIC AS WELL AS SOCIAL WELL-BEING.

THEY MADE THE CONSTITUTION A POWERFUL LEGAL INSTRUMENT FOR ECONOMIC OPPORTUNITY AND GROWTH. I DO NOT BELIEVE OUR REPUBLIC COULD HAVE SURVIVED -- MUCH LESS COULD IT HAVE PROSPERED -- WITHOUT THE COMMERCE CLAUSE PREVENTING THE STATES FROM SETTING UP TRADE BARRIERS AGAINST ONE ANOTHER. THROUGH THE TAKINGS CLAUSE AND THE DUE PROCESS CLAUSE, THE BILL OF RIGHTS PROTECTS PEOPLE'S EARNINGS AND PROPERTY.

THE GENIUS OF THE BILL OF RIGHTS IS THAT IT LIMITS ITS ATTENTION TO TRULY IMPORTANT THINGS -- AND TO THINGS OVER WHICH A JUST AND LIMITED GOVERNMENT CAN EXERCISE SOME ACTUAL CONTROL. TWO CENTURIES AGO, JUST AS NOW, POLITICS TEMPTED SOME TO TAKE FLIGHT FROM MODERATION AND REALISM. EDMUND BURKE COMPLAINED AT THE TIME OF THOSE WHO "ARE SO TAKEN UP WITH THEIR THEORIES ABOUT THE RIGHTS OF MAN THAT THEY HAVE TOTALLY FORGOTTEN HIS NATURE."

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THE FRAMERS, HOWEVER, WERE PRACTICAL MEN. THEY GAVE US NOT A DECLARATION OF RIGHTS BUT A BILL OF RIGHTS -- NOT A PIECE OF PROPAGANDA BUT A SET OF LEGALLY ENFORCEABLE CONSTRAINTS ON GOVERNMENT. MOST IMPORTANT, THEY DRAFTED A BILL OF RIGHTS THAT REFLECTED THE HIGHER NATURE AND ASPIRATIONS OF THE AMERICAN PEOPLE -- A BILL THAT GREW OUT OF THE AMERICAN CHARACTER, NOT ONE GRAFTED ONTO IT FOR THE SAKE OF SOME ABSTRACT THEORY.

THERE'S A LESSON IN THIS FOR TODAY'S WRITERS OF NATIONAL CONSTITUTIONS AND INTERNATIONAL TREATIES: TODAY ONE OFTEN HEARS THE CONCEPT OF "RIGHTS" ATTACHED TO SPECIFIC SOCIAL SERVICES OR MATERIAL STANDARDS OF LIVING. THE FRAMERS, HOWEVER, DID NOT ELEVATE ACQUISITION OF EVEN THE MOST VITAL GOODS AND SERVICES TO THE STATUS OF RIGHTS.

THEY TRUSTED PEOPLE TO MAKE THE MOST OF THEIR LIBERTY, AND TO RESPOND TO THE CHALLENGE OF ASSUMING RESPONSIBILITY FOR THEMSELVES, THEIR FAMILIES, THEIR COMMUNITIES -- AND THEIR GOVERNMENT. THEY UNDERSTOOD THAT PATERNALISM IS JUST SUGAR-COATED TYRANNY.

MADISON WAS HIS ERA'S GREATEST CHAMPION OF FREEDOM OF CONSCIENCE. IT IS APPROPRIATE, THEREFORE, THAT THE VERY FIRST ARTICLE OF THE BILL OF RIGHTS GUARANTEES AMERICANS' FREEDOM TO WORSHIP, TO ASSEMBLE, TO SPEAK AND TO PUBLISH.

TODAY, RESPECT FOR THE FOUNDERS' IDEALS OF FREEDOM OF CONSCIENCE STILL DRIVES US AS WE SEEK TO RESTORE THE FREEDOM OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS. IT STILL GUIDES US IN SUCH EFFORTS AS PROTECTING THE RIGHTS OF PARENTS TO CHOOSE SCHOOLS AND FACILITIES FOR CHILD CARE.

THE BILL OF RIGHTS OFFERS A HIGHLY DEVELOPED SYSTEM OF PROTECTIONS FOR PERSONS FACING CRIMINAL CHARGES.

THE BILL PROTECTS SUSPECTS FROM ARBITRARY SEARCH AND SEIZURE. THE BILL RESPECTS THE HUMAN DIGNITY OF CRIMINALS CONVICTED OF EVEN THE MOST HEINOUS OFFENSES BY BANNING CRUEL AND UNUSUAL PUNISHMENT. THE PROTECTIONS OF PERSONAL RIGHTS, THE SAFEGUARDS AGAINST ARBITRARY ACTIONS OF THE MILITARY AGAINST PRIVATE PROPERTY, AND THE GUARANTEE OF THE RIGHT TO KEEP AND BEAR ARMS HAVE ENHANCED THE PUBLIC'S RESPECT FOR OUR LAW ENFORCEMENT AND MILITARY AUTHORITIES.

THEY PROTECTED OUR PEOPLE FROM GOVERNMENTAL ABUSES THAT WERE COMMON IN THE 18TH CENTURY AND THAT PERSIST IN SOME COUNTRIES TODAY.

THE FINAL ARTICLES OF THE BILL OF RIGHTS ASSERT THAT THE CENTRAL GOVERNMENT SHOULD HAVE NO POWERS OTHER THAN THOSE EXPLICITLY GIVEN IT BY THE CONSTITUTION. ALL OTHER POWERS BELONG TO THE PEOPLE -- OR, WHERE GOVERNMENT IS NECESSARY, TO STATES.

IT IS THIS PRINCIPLE THAT LEADS US TODAY TO LOOK FIRST NOT TO BIG GOVERNMENT, BUT TO THE INCENTIVES AND EFFICIENCY OF FREE MARKETS IN ADDRESSING SUCH PROBLEMS AS PROTECTING THE ENVIRONMENT.

FOR ALL THE PRIDE WE SHOULD TAKE IN OUR CONSTITUTION AND BILL OF RIGHTS, THIS MUST NOT BE AN OCCASION SIMPLY FOR SELF-CONGRATULATION. INDEED, IF MADISON COULD SPEAK TO US TODAY, I HAVE A GOOD IDEA WHAT HE WOULD SAY. HE WOULD ASK:

ARE AMERICAN CITIZENS AND THEIR LEADERS STILL LIVING TRUE TO THE FRAMERS' LEGACY OF LIMITED GOVERNMENT AND ORDERED FREEDOM? \\ ARE AMERICANS STILL FIGHTING TO EXPAND THE FRONTIERS OF LIBERTY? \\

AS WE BEGIN OUR THIRD CENTURY UNDER THE PROTECTIONS OF THE BILL OF RIGHTS, I URGE MY FELLOW AMERICANS TO FOCUS ON FOUR MADISONIAN LEGACIES IN NEED OF RENEWAL.

THE FIRST IS LIMITED GOVERNMENT. IN MANY QUARTERS, VARIOUS GROUPS HAVE TRIED TO REPLACE OUR FOUNDERS' VISION WITH A VISION OF PERVASIVE GOVERNMENT.

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I SIMPLY CANNOT BELIEVE THE FRAMERS ENVISIONED THAT THE CENTRAL GOVERNMENT WOULD SPEND A QUARTER OF THE GROSS NATIONAL PRODUCT.

SECOND IS PROTECTION OF PROPERTY RIGHTS. THE TAKINGS CLAUSE IN THE FIFTH AMENDMENT IS BASED ON A LIBERATING POLITICAL INSIGHT: A PERSON'S PROPERTY SERVES AS A BULWARK OF INDIVIDUAL LIBERTY AND THAT GOVERNMENT MUST PAY A FAIR PRICE WHENEVER IT TAKES PRIVATE PROPERTY FOR PUBLIC USE.

BY PROTECTING A WORKER'S EARNINGS AND SAVINGS, A FAMILY'S HOME, OR A SMALL BUSINESSMAN'S STAKE FROM UNFAIR CONFISCATION OR RUINOUS OVER-REGULATION, THIS PRINCIPLE SEEKS TO PROTECT THE WHOLE OF SOCIETY FROM GLUTTONOUS GOVERNMENT.

THIRD IS EQUAL APPLICATION OF THE LAWS. IT WAS ALIEN TO MADISON'S IDEALS THAT LEGISLATORS WOULD EXEMPT THEMSELVES FROM LAWS THEY IMPOSE ON EVERYONE ELSE. HE MADE THIS EXPLICIT IN THE FAMOUS FEDERALIST PAPER NUMBER 57.

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LAWS THAT DO NOT APPLY EQUALLY TO EVERYONE OFFEND THE FUNDAMENTAL AMERICAN SENSE OF JUSTICE AND FAIRNESS -- AND THEY THREATEN THE PUBLIC TRUST UPON WHICH FREE GOVERNMENT DEPENDS.

FINALLY, WE MUST RENEW OUR PROTECTION AGAINST THE DESTRUCTIVE FORCES OF WHAT MADISON CALLED FACTIONS -- NOT THE STATES OR REGIONS, BUT WHAT WE TODAY CALL SPECIAL INTEREST GROUPS. \ THAT IS WHY I URGE SWEEPING REFORM OF OUR CAMPAIGN FINANCE LAWS.

THAT IS WHY I URGE PROFOUND REFORM OF CONGRESS'S CUMBERSOME COMMITTEE SYSTEM AND ITS VAST AND POWERFUL STAFFS. UNREFORMED, THESE SYSTEMS SUPPORT SELFISH LOBBYING AND PRESSURE GROUPS AT THE EXPENSE OF TRUE POPULAR SOVEREIGNTY. THAT IS WHY I ALSO SEEK COMPREHENSIVE REFORM OF OUR TORT LAW SYSTEM -- TO REIN IN THE EXCESSIVE LITIGATION THAT IS DRAINING OUR ECONOMY AND STRAINING OUR NATIONAL CIVILITY. \\

IF WE FAIL TO HEED MADISON'S WARNING AGAINST FACTION, WE WILL REAP A WHIRLWIND OF SOCIAL CONFLICT, LITIGIOUSNESS, AND COERCIVE GOVERNMENT ACTION. \\ IT'S UP TO US TO CHOOSE: \ DO WE WANT TO LIVE IN FREEDOM AND HARMONY -- OR WILL WE BECOME SLAVES TO FACTIONAL FEUDS PITTING WOMEN AGAINST MEN, RACE AGAINST RACE, AND EVERY SORT OF FEVERED SINGLE-ISSUE ACTIVIST AGAINST THE COMMON GOOD? \\

- 27 -

THE CONSTITUTION AND THE BILL OF RIGHTS HAVE ENDURED TWO HUNDRED YEARS -- FAR LONGER THAN MOST NATIONS' CHARTERS FOR GOVERNMENT. THEY HAVE ENABLED US -- TEN GENERATIONS OF AMERICANS -- TO GOVERN OURSELVES AND KEEP OURSELVES FREE. THEIR GREATNESS IS THAT THEY HARMONIZE OUR NATIONAL LAW WITH AMERICAN CIVIC VIRTUES -- HARD WORK, COMMITMENT TO FAMILY AND COMMUNITY, POSTPONEMENT OF GRATIFICATION FOR THE SAKE OF LARGER AND LONGER TERM GOOD.

- 28 -

THEY ARE NOT SIMPLY DRY INK MARKINGS ON OLD BRITTLE PARCHMENT -- THEY ARE THE SPIRIT THAT ANIMATES THE AMERICAN NATION. THIS SPIRIT WILL KEEP AMERICA ALIVE FOR NEW GENERATIONS ONLY IF EACH OF US RENEWS THE HABITS OF LIBERTY AND JUSTICE. THE REPUBLIC THAT MADISON GAVE US WILL LIVE FOR YEARS TO COME ONLY IF WE KEEP OUR CULTURE COMMITTED TO THE CIVIC VIRTUES HE CHERISHED.

- 29 -

THANK YOU FOR JOINING ME ON THIS HISTORIC OCCASION.  
MAY GOD BLESS YOU AND THE UNITED STATES OF AMERICA.

# # #

**BILL OF RIGHTS BICENTENNIAL \ MONTPELIER ORANGE, VA  
MONDAY, DECEMBER 16, 1991 \ 1:15 P.M.**

**THANK YOU, SENATOR WARNER. I WANT TO THANK ROBERT BASS AND JACK WALTER OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION FOR HOSTING THIS EVENT. WE ARE FORTUNATE TO HAVE SECRETARY OF THE INTERIOR MANUEL LUJAN, SENATOR CHUCK ROBB, CONGRESSMAN GEORGE ALLEN AND OTHER MEMBERS OF CONGRESS WITH US TODAY.**

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**- 2 -**

**WE GATHER IN THE PASTORAL BEAUTY OF VIRGINIA'S PIEDMONT TO CELEBRATE TWO HUNDRED YEARS SINCE THE VIRGINIA GENERAL ASSEMBLY RATIFIED THE FIRST TEN AMENDMENTS TO THE UNITED STATES CONSTITUTION. THIS ACTION BROUGHT INTO FORCE OUR BILL OF RIGHTS.**

**IT IS FITTING THAT WE MEET AT THE HOME OF JAMES MADISON -- FRAMER OF THE CONSTITUTION AND ARCHITECT OF THE BILL OF RIGHTS. IN MADISON WE HONOR A LEARNED MAN WITH A SCHOLAR'S APPRECIATION FOR POLITICAL PHILOSOPHY.**

WE REMEMBER ALSO A PRACTICAL POLITICIAN WHOSE SKILL AND LEADERSHIP HELPED PERSUADE THE FREE PEOPLE OF AMERICA TO EMBRACE THE CONSTITUTION AND THE BILL OF RIGHTS AS OUR BASIS FOR GOVERNMENT.

I WANT TO THANK THE NATIONAL TRUST FOR HISTORIC PRESERVATION AND OTHERS WHO HAVE WORKED TO ORGANIZE THIS COMMEMORATION. THE TRUST, WHICH ADMINISTERS THIS BEAUTIFUL ESTATE, DESERVES THE HIGHEST PRAISE FOR ITS INNOVATIVE PLAN TO MAKE MONTPELIER A LIVING CENTER FOR CONSTITUTIONAL STUDIES.

I AM PLEASED TO ANNOUNCE TODAY THAT MY FISCAL YEAR 1993 BUDGET REQUESTS 1 MILLION DOLLARS IN FEDERAL SUPPORT FOR RESTORATION OF MONTPELIER.

I AM HONORED TO WELCOME SOME SPECIAL GUESTS -- LEGAL SCHOLARS AND STATESMEN FROM EASTERN AND CENTRAL EUROPEAN NATIONS WHICH HAVE WON NEW FREEDOM. I WANT TO TAKE THIS OCCASION ALSO TO SAY THAT AN EXHIBIT ON THE BILL OF RIGHTS WILL BE THE CENTERPIECE OF THE UNITED STATES PAVILION AT NEXT YEAR'S EXPO IN SEVILLE.

THE IDEAS AND ACTION OF THE AMERICAN FOUNDERS WERE ROOTED DEEPLY IN HUMAN NATURE AND EXPERIENCE. THOUGH TWO HUNDRED YEARS HAVE PASSED, THE UNDERSTANDINGS ON WHICH OUR CONSTITUTION AND BILL OF RIGHTS ARE BASED STILL MAKE A RELIABLE GUIDE. WHETHER THE ISSUE IS HEALTH CARE, PROTECTION OF THE ENVIRONMENT, THE PROPER ROLES OF PARENTS AND THE STATE IN EDUCATING OUR YOUNG, OR THE RISE OF INTEREST GROUPS AND THEIR POWER IN LAWMAKING AND LITIGATION, WE CAN MAKE SOUND DECISIONS TODAY IF WE HEED THE WISE COUNSEL IMPARTED BY OUR FOUNDERS.

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TWO CENTURIES AGO, OUR NEW REPUBLIC WAS FREE, DYNAMIC, HOPEFUL, AND GROWING. OUR FOUNDERS WERE DETERMINED TO PRESERVE THOSE QUALITIES. BUT AS MADISON OBSERVED, MEN ARE NOT ANGELS. THE FRAMERS OF OUR CONSTITUTION CONFRONTED PROBLEMS NOT UNLIKE THOSE THAT THE CENTRAL AND EASTERN EUROPEAN CONSTITUTION WRITERS FACE TODAY. THE FRAMERS HAD TO GRAPPLE WITH ETHNIC AND RELIGIOUS DIFFERENCES, REGIONAL INTERESTS, ISSUES OF WHERE POWER SHOULD LIE AND OF HOW TO CONTAIN CONFLICT.

MADISON SAW SUCH PROBLEMS OF "FACTION" AS THE GREATEST THREAT TO OUR NATIONAL SURVIVAL.

THE MEN WHO GATHERED TO WRITE THE CONSTITUTION WERE BUSINESSMEN, FARMERS, AND LAWYERS, MOSTLY IN THEIR 30S AND 40S. THEY HAD A PASSION FOR LEARNING. THEY MASTERED THE STATE OF THE ART IN ENGINEERING AND AGRICULTURAL SCIENCES. THEY STEEPED THEMSELVES IN THE WISDOM OF THE GREEK AND ROMAN CLASSICS, IN THE FAITH AND PHILOSOPHY OF THE JUDEO-CHRISTIAN TRADITION.

NEITHER CYNICAL NOR NAIVE, THEY HELD A HOPEFUL AND PRAGMATIC VISION. HAVING SEEN HUMAN NATURE IN THE PUBLIC SQUARE, THEY EXPERIENCED BOTH ITS FRAILTY AND ITS ASPIRATIONS.

THE FRAMERS SOUGHT TO STRENGTHEN CIVIL SOCIETY BY ENCOURAGING PUBLIC HABITS OF FREEDOM, JUSTICE, AND COOPERATION. THEY WORKED TO GIVE US A CHARTER THAT WOULD SERVE, AS MADISON PUT IT, "NOT ONLY TO GUARD THE SOCIETY AGAINST THE OPPRESSION OF ITS RULERS, BUT TO GUARD ONE PART OF THE SOCIETY AGAINST THE INJUSTICE OF THE OTHER PART."

THE FRAMERS HAD THE HUMBLE GENIUS TO RECOGNIZE THAT MAN-MADE LAWS AND GOVERNMENT ARE NOT A PANACEA FOR HUMAN PROBLEMS. THEY BELIEVED LAW AND GOVERNMENT, LIKE GOOD MEDICINE, SHOULD SEEK FIRST AND FOREMOST TO DO NO HARM. TAXATION, PUBLIC WORKS, CIVIL LITIGATION AND LAW ENFORCEMENT ACTIVITY ARE PART OF THE FRAMEWORK OF A JUST AND CIVIL SOCIETY. THEY DO GIVE HEALTH TO THE SOCIAL ORGANIZATION WHEN PROVIDED IN SMALL, MEASURED AND NECESSARY DOSES. BUT WHEN TAKEN NEEDLESSLY OR TO EXCESS, SUCH MEDICINE COULD SICKEN OR KILL A SOCIETY.

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THE CONSTITUTION THEREFORE BECAME PRIMARILY A PLAN FOR UNITING THE NATION WHILE PREVENTING CONCENTRATION OF POWER, AND PRESERVING THE INALIENABLE RIGHTS AND LIBERTIES OF INDIVIDUALS. THE FRAMERS WERE SO COMMITTED TO THIS IDEAL THAT THEY DECIDED AFTER SIGNING THE CONSTITUTION TO ADD A BILL OF RIGHTS, TO IMPOSE CLEAR AND STARK LIMITS ON THE EXERCISE OF GOVERNMENT POWER.

THE FEDERAL SYSTEM SEEKS TO KEEP GOVERNMENT CLOSE TO THE PEOPLE, WHENEVER PRACTICAL IN THE STATES AND NOT IN THE NATION'S CAPITAL. WITHIN THE NATIONAL GOVERNMENT WE HAVE OUR SYSTEM OF CHECKS AND BALANCES, WITH POWERS SHARED AMONG THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES. THE JUDICIARY'S INDEPENDENCE IS VITAL TO ANY COUNTRY'S GOVERNANCE BY THE RULE OF LAW.

THE FOUNDERS BELIEVED FREEDOM WAS THE KEY TO ECONOMIC AS WELL AS SOCIAL WELL-BEING.

THEY MADE THE CONSTITUTION A POWERFUL LEGAL INSTRUMENT FOR ECONOMIC OPPORTUNITY AND GROWTH. I DO NOT BELIEVE OUR REPUBLIC COULD HAVE SURVIVED -- MUCH LESS COULD IT HAVE PROSPERED -- WITHOUT THE COMMERCE CLAUSE PREVENTING THE STATES FROM SETTING UP TRADE BARRIERS AGAINST ONE ANOTHER. THROUGH THE TAKINGS CLAUSE AND THE DUE PROCESS CLAUSE, THE BILL OF RIGHTS PROTECTS PEOPLE'S EARNINGS AND PROPERTY.

THE GENIUS OF THE BILL OF RIGHTS IS THAT IT LIMITS ITS ATTENTION TO TRULY IMPORTANT THINGS -- AND TO THINGS OVER WHICH A JUST AND LIMITED GOVERNMENT CAN EXERCISE SOME ACTUAL CONTROL. TWO CENTURIES AGO, JUST AS NOW, POLITICS TEMPTED SOME TO TAKE FLIGHT FROM MODERATION AND REALISM. EDMUND BURKE COMPLAINED AT THE TIME OF THOSE WHO "ARE SO TAKEN UP WITH THEIR THEORIES ABOUT THE RIGHTS OF MAN THAT THEY HAVE TOTALLY FORGOTTEN HIS NATURE."

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THE FRAMERS, HOWEVER, WERE PRACTICAL MEN. THEY GAVE US NOT A DECLARATION OF RIGHTS BUT A BILL OF RIGHTS -- NOT A PIECE OF PROPAGANDA BUT A SET OF LEGALLY ENFORCEABLE CONSTRAINTS ON GOVERNMENT. MOST IMPORTANT, THEY DRAFTED A BILL OF RIGHTS THAT REFLECTED THE HIGHER NATURE AND ASPIRATIONS OF THE AMERICAN PEOPLE -- A BILL THAT GREW OUT OF THE AMERICAN CHARACTER, NOT ONE GRAFTED ONTO IT FOR THE SAKE OF SOME ABSTRACT THEORY.

THERE'S A LESSON IN THIS FOR TODAY'S WRITERS OF NATIONAL CONSTITUTIONS AND INTERNATIONAL TREATIES. TODAY ONE OFTEN HEARS THE CONCEPT OF "RIGHTS" ATTACHED TO SPECIFIC SOCIAL SERVICES OR MATERIAL STANDARDS OF LIVING. THE FRAMERS, HOWEVER, DID NOT ELEVATE ACQUISITION OF EVEN THE MOST VITAL GOODS AND SERVICES TO THE STATUS OF RIGHTS.

THEY TRUSTED PEOPLE TO MAKE THE MOST OF THEIR LIBERTY, AND TO RESPOND TO THE CHALLENGE OF ASSUMING RESPONSIBILITY FOR THEMSELVES, THEIR FAMILIES, THEIR COMMUNITIES -- AND THEIR GOVERNMENT. THEY UNDERSTOOD THAT PATERNALISM IS JUST SUGAR-COATED TYRANNY.

MADISON WAS HIS ERA'S GREATEST CHAMPION OF FREEDOM OF CONSCIENCE. IT IS APPROPRIATE, THEREFORE, THAT THE VERY FIRST ARTICLE OF THE BILL OF RIGHTS GUARANTEES AMERICANS' FREEDOM TO WORSHIP, TO ASSEMBLE, TO SPEAK AND TO PUBLISH.

TODAY, RESPECT FOR THE FOUNDERS' IDEALS OF FREEDOM OF CONSCIENCE STILL DRIVES US AS WE SEEK TO RESTORE THE FREEDOM OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS. IT STILL GUIDES US IN SUCH EFFORTS AS PROTECTING THE RIGHTS OF PARENTS TO CHOOSE SCHOOLS AND FACILITIES FOR CHILD CARE.

THE BILL OF RIGHTS OFFERS A HIGHLY DEVELOPED SYSTEM OF PROTECTIONS FOR PERSONS FACING CRIMINAL CHARGES.

THE BILL PROTECTS SUSPECTS FROM ARBITRARY SEARCH AND SEIZURE. THE BILL RESPECTS THE HUMAN DIGNITY OF CRIMINALS CONVICTED OF EVEN THE MOST HEINOUS OFFENSES BY BANNING CRUEL AND UNUSUAL PUNISHMENT. THE PROTECTIONS OF PERSONAL RIGHTS, THE SAFEGUARDS AGAINST ARBITRARY ACTIONS OF THE MILITARY AGAINST PRIVATE PROPERTY, AND THE GUARANTEE OF THE RIGHT TO KEEP AND BEAR ARMS HAVE ENHANCED THE PUBLIC'S RESPECT FOR OUR LAW ENFORCEMENT AND MILITARY AUTHORITIES.

THEY PROTECTED OUR PEOPLE FROM GOVERNMENTAL ABUSES THAT WERE COMMON IN THE 18TH CENTURY AND THAT PERSIST IN SOME COUNTRIES TODAY.

THE FINAL ARTICLES OF THE BILL OF RIGHTS ASSERT THAT THE CENTRAL GOVERNMENT SHOULD HAVE NO POWERS OTHER THAN THOSE EXPLICITLY GIVEN IT BY THE CONSTITUTION. ALL OTHER POWERS BELONG TO THE PEOPLE -- OR, WHERE GOVERNMENT IS NECESSARY, TO STATES.

IT IS THIS PRINCIPLE THAT LEADS US TODAY TO LOOK FIRST NOT TO BIG GOVERNMENT, BUT TO THE INCENTIVES AND EFFICIENCY OF FREE MARKETS IN ADDRESSING SUCH PROBLEMS AS PROTECTING THE ENVIRONMENT.

FOR ALL THE PRIDE WE SHOULD TAKE IN OUR CONSTITUTION AND BILL OF RIGHTS, THIS MUST NOT BE AN OCCASION SIMPLY FOR SELF-CONGRATULATION. INDEED, IF MADISON COULD SPEAK TO US TODAY, I HAVE A GOOD IDEA WHAT HE WOULD SAY. HE WOULD ASK:

ARE AMERICAN CITIZENS AND THEIR LEADERS STILL LIVING TRUE TO THE FRAMERS' LEGACY OF LIMITED GOVERNMENT AND ORDERED FREEDOM? \\ ARE AMERICANS STILL FIGHTING TO EXPAND THE FRONTIERS OF LIBERTY? \\

AS WE BEGIN OUR THIRD CENTURY UNDER THE PROTECTIONS OF THE BILL OF RIGHTS, I URGE MY FELLOW AMERICANS TO FOCUS ON FOUR MADISONIAN LEGACIES IN NEED OF RENEWAL.

THE FIRST IS LIMITED GOVERNMENT. IN MANY QUARTERS, VARIOUS GROUPS HAVE TRIED TO REPLACE OUR FOUNDERS' VISION WITH A VISION OF PERVASIVE GOVERNMENT.

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I SIMPLY CANNOT BELIEVE THE FRAMERS ENVISIONED THAT THE CENTRAL GOVERNMENT WOULD SPEND A QUARTER OF THE GROSS NATIONAL PRODUCT.

SECOND IS PROTECTION OF PROPERTY RIGHTS. THE TAKINGS CLAUSE IN THE FIFTH AMENDMENT IS BASED ON A LIBERATING POLITICAL INSIGHT: A PERSON'S PROPERTY SERVES AS A BULWARK OF INDIVIDUAL LIBERTY AND THAT GOVERNMENT MUST PAY A FAIR PRICE WHENEVER IT TAKES PRIVATE PROPERTY FOR PUBLIC USE.

BY PROTECTING A WORKER'S EARNINGS AND SAVINGS, A FAMILY'S HOME, OR A SMALL BUSINESSMAN'S STAKE FROM UNFAIR CONFISCATION OR RUINOUS OVER-REGULATION, THIS PRINCIPLE SEEKS TO PROTECT THE WHOLE OF SOCIETY FROM GLUTTONOUS GOVERNMENT.

THIRD IS EQUAL APPLICATION OF THE LAWS. IT WAS ALIEN TO MADISON'S IDEALS THAT LEGISLATORS WOULD EXEMPT THEMSELVES FROM LAWS THEY IMPOSE ON EVERYONE ELSE. HE MADE THIS EXPLICIT IN THE FAMOUS FEDERALIST PAPER NUMBER 57.

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LAWS THAT DO NOT APPLY EQUALLY TO EVERYONE OFFEND THE FUNDAMENTAL AMERICAN SENSE OF JUSTICE AND FAIRNESS -- AND THEY THREATEN THE PUBLIC TRUST UPON WHICH FREE GOVERNMENT DEPENDS.

FINALLY, WE MUST RENEW OUR PROTECTION AGAINST THE DESTRUCTIVE FORCES OF WHAT MADISON CALLED FACTIONS -- NOT THE STATES OR REGIONS, BUT WHAT WE TODAY CALL SPECIAL INTEREST GROUPS. \ THAT IS WHY I URGE SWEEPING REFORM OF OUR CAMPAIGN FINANCE LAWS.

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THEY ARE NOT SIMPLY DRY INK MARKINGS ON OLD BRITTLE PARCHMENT -- THEY ARE THE SPIRIT THAT ANIMATES THE AMERICAN NATION. THIS SPIRIT WILL KEEP AMERICA ALIVE FOR NEW GENERATIONS ONLY IF EACH OF US RENEWS THE HABITS OF LIBERTY AND JUSTICE. THE REPUBLIC THAT MADISON GAVE US WILL LIVE FOR YEARS TO COME ONLY IF WE KEEP OUR CULTURE COMMITTED TO THE CIVIC VIRTUES HE CHERISHED.

- 29 -

THANK YOU FOR JOINING ME ON THIS HISTORIC OCCASION.  
MAY GOD BLESS YOU AND THE UNITED STATES OF AMERICA.

# # #

91 DEC 13 11:31

WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/13/91 ACTION/CONCURRENCE/COMMENT DUE BY: - - -

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL

SUBJECT: MONTPELIER - MONDAY, DECEMBER 16, 1991

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HORNER	<input type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	MCCLURE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SCOWCROFT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PETERSMEYER	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PORTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOSKIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DELAND	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KAUFMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GRAY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SNOW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

The attached have been forwarded to the President

RESPONSE:

PHILLIP D. BRADY  
 Assistant to the President  
 and Staff Secretary  
 Ext. 2702

THE WHITE HOUSE  
WASHINGTON

December 13, 1991 31 DEC 13 P12:06

MEMORANDUM FOR THE PRESIDENT

THROUGH: DAVID DEMAREST  
TONY SNOW TS

FROM: JOSEPH P. DUGGAN JPD

SUBJECT: BILL OF RIGHTS BICENTENNIAL

I. SUMMARY

On Monday, December 16, at 1:15 p.m., you will speak after lunch at Montpelier, the home of President James Madison in Orange, Va. The audience will be 400 Virginia legislators, guests of the National Trust for Historic Preservation, members of Congress, and legal officials from Eastern Europe. This speech will be in a tent in the back yard.

II. DISCUSSION

The address (15 minutes, on cards) discusses the vital role the Bill of Rights plays in our system of government. The conclusion states four areas of constitutional thought in need of renewal: limited government, protection of property rights, application of all laws to Congress, and reduction of the power of special interest groups.

(Duggan/Simon)  
December 13, 1991  
Draft Four  
Rights

PRESIDENTIAL REMARKS:      BILL OF RIGHTS BICENTENNIAL  
                                 MONTPELIER  
                                 ORANGE, VIRGINIA  
                                 MONDAY, DECEMBER 16, 1991  
                                 1:15 p.m.

We gather in the pastoral beauty of Virginia's Piedmont to celebrate two hundred years since the Virginia General Assembly ratified the first ten amendments to the United States Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison -- Framers of the Constitution and author of the Bill of Rights. In Madison we honor not only a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic Preservation and others who have worked to organize this commemoration. The Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am pleased to announce today that my Fiscal Year 1993 budget requests 1 million dollars in federal support for restoration of Montpelier.

I am honored to welcome some special guests -- legal scholars and statesmen from eastern and central European nations which have won new freedom. I want to take this occasion also to

say that an exhibit on the Bill of Rights will be the centerpiece of the United States pavilion at next year's Expo in Seville.

Two centuries ago, our new republic was free, dynamic, hopeful, and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power lies and of how to contain conflict. Madison saw such problems of "faction" as the greatest threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, and lawyers, mostly in their 30s and 40s. They had a passion for learning. They kept up with the state of the art in engineering and agricultural sciences. They steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the Judeo-Christian tradition. Neither cynics nor idealists, they held a hopeful but pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

The Framers had the humble genius to recognize that man-made laws and government are not a panacea for human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation, public works, civil litigation and law enforcement activity are part of the framework of a just and civil society. They do give health to the social organism when provided in small, measured and necessary doses. But when taken needlessly or to excess, such medicine could sicken or kill a society.

The Constitution therefore became primarily a plan for uniting the nation while preventing concentration of power, and preserving the inalienable rights and liberties of individuals. They were so committed to this ideal that they decided after signing the Constitution to add a Bill of Rights, to impose clear and stark limits on the exercise of government power.

The federal system seeks to keep government close to the people, whenever practical in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to any country's governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it

have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill of Rights protects people's earnings and property.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, some failed to appreciate the moderate realism of our Constitution and Bill of Rights. Edmund Burke said: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, however, were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but a set of legally enforceable constraints on government. Most important, they drafted a bill of rights that reflected the higher nature and aspirations of the American people -- a bill that grew out of the American character, not one grafted onto it for the sake of some abstract theory.

There's a lesson in this for today's writers of national constitutions and international treaties. Today one often hears the concept of "rights" attached to specific social services or material standards of living. The Framers, however, did not elevate acquisition of even the most vital goods and services to the status of rights. They trusted people to make the most of their liberty, and to respond to the challenge of assuming responsibility for themselves, their families, their communities

-- and their government. They understood that paternalism is just sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is appropriate, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish.

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary investigation. It guarantees hearings before grand juries and trials before petit juries in felony cases. The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and inhuman punishment. The protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities. They protected our people from governmental abuses that were common in the 18th century and that persist in some countries today.

The final articles of the Bill of Rights emphatically assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or, where government is necessary, to state governments.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-

congratulation. Indeed, if Madison could speak to us today, I have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \ \ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \ \ Are Americans still fighting to expand the frontiers of liberty?

As we begin our third century under the protections of the Bill of Rights, I urge my fellow Americans to focus on four Madisonian legacies in need of renewal.

The first is limited government. In many quarters, various groups have tried to replace our founders' vision with a vision of pervasive government. I simply cannot believe the Framers intended that the central government should spend a quarter of the gross national product.

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight: A person's property serves as the foundation of individual liberty and that government must pay a fair price whenever it takes private property for public use. By protecting a worker's earnings and savings, a family's home, or a small businessman's stake from unfair confiscation or ruinous over-regulation, this principle seeks to protect the whole of society from gluttonous government.

Third is equal application of the laws. It was alien to Madison's ideals that legislators would exempt themselves from laws they impose on everyone else. He made this explicit in the

famous Federalist Paper number 57. Laws that do not apply equally to everyone offend the fundamental American sense of justice and fairness -- and they threaten the public trust upon which free government depends.

Finally, we must renew our protection against the destructive forces of what Madison called factions -- not the states or regions, but what we today call special interest groups. \ That is why I urge profound reform of Congress's cumbersome committee system and its vast and powerful staffs. That is why I urge sweeping reform of our campaign finance laws. Unreformed, these systems support selfish lobbying and pressure groups at the expense of true popular sovereignty. \ \

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \ \ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \ \

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer

term good. They are not simply dry ink markings on old brittle parchment -- they are the spirit that animates the American nation. This spirit will keep America alive for new generations only if each of us renews the habits of liberty and justice. The Republic that Madison gave us will live for years to come only if we keep our culture committed to the civic virtues he cherished.

Thank you for joining me on this historic occasion. May God bless you and the United States of America.

# # #

THE WHITE HOUSE  
WASHINGTON

December 13, 1991

MEMORANDUM FOR THE PRESIDENT

THROUGH:           DAVID DEMAREST  
                  TONY SNOW *TS*

FROM:               JOSEPH P. DUGGAN *YPO*

SUBJECT:            BILL OF RIGHTS BICENTENNIAL

I.    SUMMARY

On Monday, December 16, at 1:15 p.m., you will speak after lunch at Montpelier, the home of President James Madison in Orange, Va. The audience will be 400 Virginia legislators, guests of the National Trust for Historic Preservation, members of Congress, and legal officials from Eastern Europe. This speech will be in a tent in the back yard.

II.   DISCUSSION

The address (15 minutes, on cards) discusses the vital role the Bill of Rights plays in our system of government. The conclusion states four areas of constitutional thought in need of renewal: limited government, protection of property rights, application of all laws to Congress, and reduction of the power of special interest groups.

(Duggan/Simon)  
December 13, 1991  
Draft Four  
Rights

PRESIDENTIAL REMARKS:      BILL OF RIGHTS BICENTENNIAL  
   MONTPELIER  
   ORANGE, VIRGINIA  
   MONDAY, DECEMBER 16, 1991  
   1:15 p.m.

We gather in the pastoral beauty of Virginia's Piedmont to celebrate two hundred years since the Virginia General Assembly ratified the first ten amendments to the United States Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison -- Framers of the Constitution and author of the Bill of Rights. In Madison we honor not only a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic Preservation and others who have worked to organize this commemoration. The Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am pleased to announce today that my Fiscal Year 1993 budget requests 1 million dollars in federal support for restoration of Montpelier.

I am honored to welcome some special guests -- legal scholars and statesmen from eastern and central European nations which have won new freedom. I want to take this occasion also to

say that an exhibit on the Bill of Rights will be the centerpiece of the United States pavilion at next year's Expo in Seville.

Two centuries ago, our new republic was free, dynamic, hopeful, and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power lies and of how to contain conflict. Madison saw such problems of "faction" as the greatest threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, and lawyers, mostly in their 30s and 40s. They had a passion for learning. They kept up with the state of the art in engineering and agricultural sciences. They steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the Judeo-Christian tradition. Neither cynics nor idealists, they held a hopeful but pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

The Framers had the humble genius to recognize that man-made laws and government are not a panacea for human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation, public works, civil litigation and law enforcement activity are part of the framework of a just and civil society. They do give health to the social organism when provided in small, measured and necessary doses. But when taken needlessly or to excess, such medicine could sicken or kill a society.

The Constitution therefore became primarily a plan for uniting the nation while preventing concentration of power, and preserving the inalienable rights and liberties of individuals. They were so committed to this ideal that they decided after signing the Constitution to add a Bill of Rights, to impose clear and stark limits on the exercise of government power.

The federal system seeks to keep government close to the people, whenever practical in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to any country's governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it

have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill of Rights protects people's earnings and property.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, some failed to appreciate the moderate realism of our Constitution and Bill of Rights. Edmund Burke said: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, however, were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but a set of legally enforceable constraints on government. Most important, they drafted a bill of rights that reflected the higher nature and aspirations of the American people -- a bill that grew out of the American character, not one grafted onto it for the sake of some abstract theory.

There's a lesson in this for today's writers of national constitutions and international treaties. Today one often hears the concept of "rights" attached to specific social services or material standards of living. The Framers, however, did not elevate acquisition of even the most vital goods and services to the status of rights. They trusted people to make the most of their liberty, and to respond to the challenge of assuming responsibility for themselves, their families, their communities

-- and their government. They understood that paternalism is just sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is appropriate, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish.

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary investigation. It guarantees hearings before grand juries and trials before petit juries in felony cases. The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and inhuman punishment. The protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities. They protected our people from governmental abuses that were common in the 18th century and that persist in some countries today.

The final articles of the Bill of Rights emphatically assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or, where government is necessary, to state governments.

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congratulation. Indeed, if Madison could speak to us today, I have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \ \ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \ \ Are Americans still fighting to expand the frontiers of liberty?

As we begin our third century under the protections of the Bill of Rights, I urge my fellow Americans to focus on four Madisonian legacies in need of renewal.

The first is limited government. In many quarters, various groups have tried to replace our founders' vision with a vision of pervasive government. I simply cannot believe the Framers intended that the central government should spend a quarter of the gross national product.

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight: A person's property serves as the foundation of individual liberty and that government must pay a fair price whenever it takes private property for public use. By protecting a worker's earnings and savings, a family's home, or a small businessman's stake from unfair confiscation or ruinous over-regulation, this principle seeks to protect the whole of society from gluttonous government.

Third is equal application of the laws. It was alien to Madison's ideals that legislators would exempt themselves from laws they impose on everyone else. He made this explicit in the

famous Federalist Paper number 57. Laws that do not apply equally to everyone offend the fundamental American sense of justice and fairness -- and they threaten the public trust upon which free government depends.

Finally, we must renew our protection against the destructive forces of what Madison called factions -- not the states or regions, but what we today call special interest groups. \ That is why I urge profound reform of Congress's cumbersome committee system and its vast and powerful staffs. That is why I urge sweeping reform of our campaign finance laws. Unreformed, these systems support selfish lobbying and pressure groups at the expense of true popular sovereignty. \ \

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \ \ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \ \

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer

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Thank you for joining me on this historic occasion. May God bless you and the United States of America.

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THE WHITE HOUSE  
WASHINGTON

December 13, 1991

MEMORANDUM FOR THE PRESIDENT

THROUGH: DAVID DEMAREST  
TONY SNOW *TS*

FROM: JOSEPH P. DUGGAN *JPD*

SUBJECT: BILL OF RIGHTS BICENTENNIAL

I. SUMMARY

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SUBJECT: BILL OF RIGHTS BICENTENNIAL

I. SUMMARY

On Monday, December 16, at 11:45 a.m., you will give brief remarks to 1,500 residents of Orange, Va. in front of Montpelier, the home of President James Madison. You will give a longer address after a luncheon (sent under separate cover.)

II. DISCUSSION

The remarks (3 minutes, on cards) praise Madison for his work to add the Bill of Rights to the Constitution.

(Duggan/Simon)  
December 13, 1991  
Draft Two  
Orange

PRESIDENTIAL REMARKS:      ORANGE COUNTY CITIZENS  
   MONTPELIER  
   ORANGE, VIRGINIA  
   MONDAY, DECEMBER 16, 1991  
   11:45 a.m.

[Acknowledgments]

It's an honor to be here with the people of Orange County. This is the community that nurtured the father of our Constitution, James Madison. Citizens of Orange County launched Madison's political career, sending him to the Virginia House of Delegates when he was just 25 years old. In 1789 Orange County almost by itself provided Madison's margin of victory in gaining a seat in the First Congress of the United States.

Here is the home where Madison developed and sustained his deep love of liberty -- of religious freedom, economic freedom, intellectual freedom. Here at Montpelier, Madison immersed himself in the historical and philosophical study that shaped our Constitution. Here he promised his constituents he would work to enact a Bill of Rights. I am especially pleased to announce that my Fiscal Year 1993 budget request will seek one million dollars in Federal support for the restoration of Montpelier.

Two hundred years ago this week, the Virginia General Assembly ratified the Bill of Rights. With this action, three-fourths of the states had approved the Bill of Rights, thus making it a part of the Constitution.

Americans have celebrated all of 1991 as the bicentennial year of the Bill of Rights. Thanks to efforts by schools, foundations, corporations, government bodies and active individuals we have marked the year with many outstanding educational programs, including a national tour exhibiting Virginia's own original copy of the Bill of Rights. Next year an exhibit on the Bill of Rights, organized by our U.S. Information Agency, will be the centerpiece of the United States Pavilion at the Expo in Seville.

Congress has resolved that we observe the Bill of Rights bicentennial with a "Year of Thanksgiving for the Blessings of Liberty." As a gesture of my esteem for James Madison and his home community, I am signing here at Montpelier the Presidential proclamation of this bicentennial celebration.

May God bless all of you, and may He always keep the American people free and dedicated to Madison's ideals of a just society.

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*rewrite*

*maybe with an example*

*this suggests or will read government is/can't not a positive force for good*

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The first is limited government. In many quarters, various groups have tried to replace our founders' vision with a vision of pervasive government. I simply cannot believe the Framers intended ~~their heirs to live under a regime whose central government spent~~ <sup>50% of the</sup> ~~a quarter of the gross national product, and~~ <sup>entire</sup> ~~where total government spending consumed nearly half a worker's~~ <sup>should</sup> ~~wages.~~ ?

It's hard to square the philosophy of Madison and Jefferson with a culture of coercion -- the desire to legislate and regulate virtue, rather than encouraging it to flourish in free hearts. ?

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight: A person's property serves as the foundation of individual liberty and that government must pay a fair price whenever it takes private property for public use. By protecting a worker's earnings and savings, a family's home, or a small

businessman's stake from unfair confiscation or ruinous over-regulation, this principle seeks to protect the whole of society from gluttonous government.

Third is equal application of the laws. It was alien to Madison's ideals that legislators would exempt themselves from laws they impose on everyone else. He made this explicit in the famous Federalist Paper number 57. Laws that do not apply equally to everyone offend the fundamental American sense of justice and fairness -- and they threaten the public trust upon which free government depends.

Finally, we must renew our protection against the destructive forces of what Madison called factions -- not the states or regions, but what we today call special interest groups. \ That is why I urge profound reform of Congress's cumbersome committee system and its vast and powerful staffs. That is why I urge sweeping reform of our campaign finance laws. Unreformed, these systems support selfish lobbying and pressure groups at the expense of true popular sovereignty. \ \

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \ \ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \ \

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer term good. They are not simply dry ink markings on old brittle parchment -- they are the spirit that animates the American nation. This spirit will keep America alive for new generations only if each of us renews the habits of liberty and justice. The Republic that Madison gave us will live for years to come only if we keep our culture committed to the civic virtues he cherished.

Thank you for joining me on this historic occasion. May God bless you and the United States of America.

# # #

# WHITE HOUSE STAFFING MEMORANDUM



DATE: 12/12/91 ACTION/CONCURRENCE/COMMENT DUE BY: TODAY 12/12/91 2:00pm

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL  
MONTPELIER - MONDAY, DECEMBER 16, 1991

SUBJECT: \_\_\_\_\_

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HORNER	<input type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOSKIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DELAND	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KAUFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SNOW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS: *# Counsel-esque*

Please forward your comments directly to Tony Snow, Rm. 122, x2930, no later than 2:00 p.m., TODAY, THURSDAY, DECEMBER 12, with a copy to this office. Thank you.

**- MASTER -**  
**PLUS ATTACHMENT**

RESPONSE: MEMORANDUM FOR TONY SNOW

December 12, 1991

The NSC staff concurs with the draft presidential remarks as amended.

*Brent Scowcroft*  
Brent Scowcroft

PHILLIP D. BRADY  
Assistant to the President  
and Staff Secretary  
Ext. 2702

cc: Phillip D. Brady

85:58 21 DEC 12 1991

(Duggan/Simon)  
December 11, 1991  
Draft Two  
Rights

31 DEC 11 P7:06

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL  
MONTPELIER  
ORANGE, VIRGINIA  
MONDAY, DECEMBER 16, 1991  
[time]

We gather in the pastoral beauty of Virginia's Piedmont to celebrate two hundred years since the Virginia General Assembly ratified the first ten amendments to the United States Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison. Here at Montpelier in 1787, just prior to the Constitutional Convention where he would play a leading role, he spent months of intense study of world governments. <sup>1789? (Gardner)</sup> ~~(Here in 1791 he drafted the Bill of Rights.)~~ In Madison we honor not only a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic Preservation, the National Taxpayers Union, the Sabre Foundation, and others who have worked to organize this commemoration. The National Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. <sup>Also (DoJ)</sup> I am deeply honored to welcome some very special guests -- legal scholars and statesmen

*yes*  
(Simon)  
Drafted  
in NY

from European nations <sup>2</sup> [recently liberated from Soviet totalitarianism.] *which have won new freedom.*

Two centuries ago, our new republic was free, dynamic, hopeful, <sup>(Simon)</sup> *open* and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power lies and of how to contain conflict. Madison saw such problems of "faction" as the most dangerous threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, <sup>(Simon)</sup> *planters* and lawyers, mostly in their 30s and 40s. They had a passion for learning. *They* kept up with the state of the art in engineering and agricultural sciences. They steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the <sup>Judeo/ethical (Simon)</sup> *Christian era*. Neither cynics nor idealists, they held a hopeful but pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its

are part of the framework of a just + civil society. They ... (Gard.)

rulers, but to guard one part of the society against the injustice of the other part."

The Framers had the humble genius to recognize that man-made laws and government cannot -- and should not attempt to -- solve most human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation, and public works, civil litigation, and law enforcement activity give health to the social organism when provided in small, measured and necessary doses. But when taken needlessly or to excess, this medicine could sicken or kill a society.

not too necessary.

The Constitution therefore became primarily a plan for preventing concentration of power. The federalist system seeks to keep government close to the people, whenever practical in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to our governance by the rule of law.

yes  
uniting the nation while (Gard.)

yes  
any country's (Gard.)

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill

no <sup>substantive</sup> <sup>if</sup> thereby (Counsel)

of Rights protects private property, <sup>thereby promoting</sup> and further promotes economic progress, <sup>by ensuring that citizens will be able to enjoy the fruits of their labor.</sup>

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, ~~extreme ideologues~~ <sup>some</sup> failed to appreciate the moderate realism of our Constitution and Bill of Rights. Edmund Burke said: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, however, were

practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but <sup>a set of legally</sup> ~~an act of~~ enforceable legislation. <sup>constraints on government. (Counsel)</sup>

yes <sup>it doesn't say</sup>

HEAVY

There's a lesson in this for today's writers of national constitutions and of international treaties. In the discourse of our times, one often hears "rights" invoked in rhetoric that debases the authentic concept of rights. <sup>(Politicians make</sup> ~~impassioned pronouncements on a "right to health care," a "right to education," a "right to a clean environment," and so forth. The American Bill of Rights of course enumerates no such rights.)~~

Note: This makes light of these issues -- not a good idea politically although it's a legal concern. (DOJ)

15 Madison himself <sup>who born an</sup> was ~~an~~ early architect of American higher education. <sup>and</sup> In the context of his times he was an ardent and quite sophisticated environmentalist, ~~But he~~ made no attempt to legislate a "right to education" or a "right to a clean environment." He and his fellow Framers recognized that a shopping list of goods and services available in the market -- no

→ Actually, Amendments I + II (I was on Congressional pay) were defeated by the states (Gard)

matter how valuable or how vital -- was not a subject of fundamental human rights. The Framers knew government paternalism <sup>can lead to (Gard)</sup> is sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is <sup>appropriate ✓</sup> ~~no surprise~~, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish.

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary investigation. It guarantees hearings before grand juries <sup>prior to ✓</sup> ~~before~~ indictment, and trials before petit juries in felony cases. The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and inhuman punishment. These protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have ~~enhanced the public's respect for our law enforcement and military authorities.~~

The final articles of the Bill of Rights emphatically assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or where government is necessary, to state governments.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. Indeed, if Madison could speak to us today, I

→ protected our people from various governmental abuses that were common in the 18th century, and are still common in some nations today (Coluzel)

✓

have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \\ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \\

As we begin our third century under the protections of the Bill of Rights, I urge my fellow Americans to focus on four Madisonian legacies in need of renewal.

First is limited government. In many ways, I believe our founders' vision has given way to a new reality of pervasive government. I simply cannot believe the Framers intended their heirs to live under a regime whose central government ~~taxed and~~ <sup>(OMB)</sup> spent a quarter of the gross national product. It's hard to square the philosophy of Madison and Jefferson with a culture of coercive lawmakers and bureaucrats intent upon regulating everything from child care facilities to the price of corn. \\

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight that our acquisitive government largely has lost sight of. The Framers <sup>? Gardner</sup> intended that by making government pay a fair price whenever it takes property for public use, it would have a strong incentive to ensure that the benefits of its action outweigh ~~X~~ the costs.

Today, however, government largely disregards the burdensome costs of regulation. If our government authorities today were to compensate property owners whenever regulation impinged on property rights, we would have a lot less regulation. Government

Is there actual legislative history for this, or is it only implied? I'm not disagreeing, but we have to be careful if we're going to use language of original intent. I thought the original point was purely (-) / to ensure property is not taken unjustly. (Gardner)

*No* I will have more to say about reducing the crushing burden of federal regulation in days to come. (Counsel)

would be smaller and less expensive. Most important, our entire economy would be more productive and competitive.

Third is equal application of the laws. It was alien to Madison's ideals that our legislators would exempt themselves from laws they impose on everyone else. In Federalist Paper number 57, Madison asserted that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society." He added ominously, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

*No, this is just what A. Card has trouble w/ that # consider deleting and he should not have done his name.*

Recently, I called attention to the fact that our Congress <sup>importance of our laws applying = by to</sup> ~~and to private citizens + agencies of government. And, although today exempts itself from a number of important laws it imposes Congress did apply that law to itself, it did not do so on everyone else. These include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act.~~ This state of affairs mocks the memory of our founders. \ It is plainly unjust. \ And I have only just begun to make my voice heard on the need for redressing this injustice. \ \ \

*Site VI of the Ethics in Government Act of 1978 regarding the appointment of Independent Councils,*

Finally, we must renew our protection against <sup>yes</sup> the ~~not the states or regions, but~~ factions -- what we <sup>(Card.)</sup> today call special interest groups. \ That is why I urge profound reform of Congress's cumbersome committee system and its overgrown and overly powerful staffs. That is why I urge sweeping reform of our campaign finance laws. Unreformed, these

systems support selfish lobbying and pressure groups and impede true popular sovereignty. \\

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \\ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \\

The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer term good. They are not simply dry ink markings on old brittle parchment -- they are the spirit that animates the American nation. This spirit will keep America alive for new generations only if each one of us renews the habits of liberty and justice. The Republic that Madison gave us will live for <sup>(over)</sup> ~~long~~ years to come only if we keep our culture committed to the civic virtues he so cherished.

# # #

THE WHITE HOUSE  
WASHINGTON  
December 12, 1991

MEMORANDUM FOR TONY SNOW

FROM: ROGER B. PORTER *RBP*  
SUBJECT: Presidential Remarks: Bill of Rights Centennial  
Montpelier - Monday, December 16, 1991

The remarks for the Bill of Rights Bicentennial at Montpelier include several good themes and some that are inappropriate. After reading the speech carefully (and rereading it aloud), it struck me that we are missing an opportunity for the President to articulate several important themes. May I suggest four?

1. The desire to constrain governmental power.

Several states would not ratify the Constitution until the first ten amendments (Bill of Rights) were added. What motivated the framers who gathered at Philadelphia was a need to replace the ineffective Articles of Confederation with a governmental system that would work. But, at least as important in the minds of the framers was a concern over the potential for the abuse of power by government. In drafting the Constitution they consciously, deliberately sought to divide and fragment power. Witness the three separate branches of government and the system of checks and balances.

But this was not enough. The first ten amendments, the Bill of Rights sought to establish parameters on what powers government could exercise.

2. Faith and a commitment to individual freedom.

This desire to bound what government could do was, in part, the result of a profound faith in individuals as masters of their own destiny and of a belief that free individuals were not only happier, but also that they would behave responsibly. It was this belief in freedom that motivated them to ensure that governments could not restrict certain basic, fundamental rights, nor treat citizens arbitrarily or capriciously.

3. The need for specific protections to preserve freedom.

When one examines the particulars of the Bill of Rights, one finds that these amendments focus on articulating protections for individuals from governmental action. Throughout history governments have sought to limit the rights

of citizens -- to speak freely, to exercise their religious beliefs, to criticize through the written word, to assemble and associate freely. Governments have forced confessions, seized property and engaged in a wide variety of activities to intimidate, coerce, and manipulate citizens.

Having won their freedom, the framers of the Constitution were determined to protect and preserve it. And so they took special pains to specify particular freedoms that were outside the reach of governmental power.

4. The Bill of Rights remains as relevant in an industrial economy as an agrarian one.

This concept that individuals have certain rights that serve to protect them from government action has served us well for two centuries. Indeed, it is in large part responsible for the perception as well as the reality of the United States as a land of freedom and opportunity.

We have moved from a simple agrarian economy to a sophisticated industrial economic power. We have experienced a revolution in transportation, communication, and all forms of technology. In many ways our society today is very different and more complicated than 200 years ago. What has not changed is the value, the efficacy and the wisdom found in our Bill of Rights. Its protections are just as vital, just as important, and just as needed today as there were two centuries ago.

Specific comments and suggested changes in the draft remarks are attached. You will note that I have suggested deleting whole paragraphs or sections, in part to make room for the four themes I have outlined above.

Finally, I am proud to share a phrase found in an award winning essay on "What the Bill of Rights means to Me" that you may find worth inserting. Obviously, I would feel uncomfortable with having its author identified, but the phrase "the Bill of Rights is like a shield protecting our freedoms" communicates a lot. A copy of the entire essay, which was selected as the outstanding essay in the State of Virginia and in the Eastern United States by the National Daughters of the American Revolution, is attached.

cc: Phillip D. Brady

# WHITE HOUSE STAFFING MEMORANDUM

DATE: 12/12/91 ACTION/CONCURRENCE/COMMENT DUE BY: TODAY 12/12/91 2:00pm

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL  
MONTPELIER - MONDAY, DECEMBER 16, 1991

SUBJECT: \_\_\_\_\_

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HORNER	<input type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input type="checkbox"/>	<input type="checkbox"/>
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CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOSKIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	KAUFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SNOW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

REMARKS:

Please forward your comments directly to Tony Snow, Rm. 122, x2930, no later than 2:00 p.m., TODAY, THURSDAY, DECEMBER 12, with a copy to this office. Thank you.

RESPONSE:

PHILLIP D. BRADY  
Assistant to the President  
and Staff Secretary  
Ext. 2702

(Duggan/Simon)  
December 11, 1991  
Draft Two  
Rights

31 DEC 11 P7:06

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL  
MONTPELIER  
ORANGE, VIRGINIA  
MONDAY, DECEMBER 16, 1991  
[time]

We gather in the pastoral beauty of Virginia's Piedmont to celebrate ~~two hundred years since~~ the Virginia General Assembly's ratified<sup>CATION OF</sup> the first ten amendments to the United States Constitution<sup>200 YEARS AGO.</sup> This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison. Here at Montpelier in 1787, just prior to the Constitutional Convention where he would play a leading role, <sup>MADISON</sup> he spent months of intense study of world governments. Here in 1791 he drafted the Bill of Rights. In Madison we honor ~~not only~~ a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights as our basis for government.

I want to thank the National Trust for Historic Preservation, the National Taxpayers Union, the Sabre Foundation, and others who have worked to organize this commemoration. The National Trust, which administers this beautiful estate, deserves the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am deeply honored to welcome some very special guests -- legal scholars and statesmen

from European nations recently liberated from Soviet totalitarianism.

Two centuries ago, our new republic was free, dynamic, hopeful, open and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power <sup>SHOULD</sup> ~~lies~~ and of how to contain conflict. Madison saw such problems of "faction" as the most dangerous threat to our national survival.

~~The men~~ <sup>THOSE</sup> who gathered to write the Constitution were businessmen, farmers, planters and lawyers, mostly in their 30s and 40s. They had a passion for learning. <sup>THEY MASTERED</sup> ~~The kept up with~~ the state of the art in engineering and agricultural sciences. They steeped themselves in the wisdom of the Greek and Roman classics, in the faith and philosophy of the Christian era. Neither cynics <sup>AL</sup> nor <sup>NAIVE,</sup> ~~idealists~~, they held a hopeful <sup>AND</sup> ~~but~~ pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by <sup>NURTURING</sup> ~~encouraging public habits of~~ freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its

rulers, but to guard one part of the society against the injustice of the other part."

[ The Framers had the humble genius to recognize that man-made laws and government cannot -- and should not attempt to -- solve most human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation and public works, civil litigation and law enforcement ~~activity give health to the social organism when provided in small, measured and necessary doses.~~ <sup>CAN STRENGTHEN AND PROTECT A SOCIETY.</sup> But when taken needlessly or to excess, this medicine could sicken or kill a society.]

[ The Constitution therefore became primarily a plan for preventing concentration of power. The federalist system seeks to keep government close to the people, whenever practical in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to our governance by the rule of law.

The founders believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another.

[ Through the Takings Clause and the Due Process Clause, the Bill

THEME  
#1

REPLACE  
WITH THEME  
#1

of Rights protects private property and further promotes economic progress.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, extreme ideologues failed to appreciate the moderate realism of our Constitution and Bill of Rights. Edmund Burke said: "This sort of people are so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, however, were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propaganda but an act of enforceable legislation.]

[ There's a lesson in this for today's writers of national constitutions and of international treaties. In the discourse of our times, one often hears "rights" invoked in rhetoric that debases the authentic concept of rights. Politicians make impassioned pronouncements on a "right to health care," a "right to education," a "right to a clean environment," and so forth. The American Bill of Rights of course enumerates no such rights.

Madison himself was an early architect of American higher education. In the context of his times he was an ardent and quite sophisticated environmentalist. But he made no attempt to legislate a "right to education" or a "right to a clean environment." He and his fellow Framers recognized that a shopping list of goods and services available in the market -- no

WE SHOULD NOT CHARACTERIZE BURKE AS AN IDEOLOGUE

REDUCE WITH THEME 2.

REDUCE WITH THEME 3.

matter how valuable or how vital -- was not a subject of fundamental human rights. The Framers knew government paternalism is sugar-coated tyranny.]

Madison was his era's greatest champion of freedom of conscience. It is no surprise, therefore, that the very first article of the Bill of Rights guarantees Americans' freedom to worship, to assemble, to speak and to publish.

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary <sup>SEARCH AND SEIZURE</sup> investigation. It guarantees <sup>THAT NO ONE MUST ANSWER FOR A CAPITAL OR OTHER <sup>WIFE</sup> FAMOUS CRIME UNLESS INDICTED</sup> ~~hearings before grand juries before indictment and trials before~~ ~~petit juries in felony cases.~~ <sup>y.</sup> The Bill respects the human dignity of criminals convicted of even the most heinous offenses by banning cruel and <sup>UNUSUAL</sup> ~~inhuman~~ punishment. These protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities.

The final articles of the Bill of Rights ~~emphatically~~ assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or where government is necessary, to state governments.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. ~~Indeed, if Madison could speak to us today, I~~

~~have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \\ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \\~~

As we begin our third century under the protections of the Bill of Rights, I urge my fellow Americans to focus on four Madisonian legacies in need of renewal.

First is limited government. In many ways, ~~I believe~~ our founders' vision has given way to a new reality of pervasive government. ~~I simply cannot believe~~ <sup>DID NOT ENVISION</sup> the Framers intended their heirs <sup>ING</sup> to live under a regime whose central government taxed ~~and spent~~ <sup>FIFTH</sup> a ~~quarter~~ of the gross national product. It's hard to square the philosophy of Madison and Jefferson with a culture of coercive lawmakers and bureaucrats intent upon regulating everything from child care facilities to the price of corn. \\

Second is protection of property rights. The Takings Clause in the Fifth Amendment is based on a liberating political insight. ~~that our acquisitive government largely has lost sight of.~~ The Framers intended that by making government pay a fair price whenever it takes property for public use, it would have a strong incentive to ensure that the benefits of its action outweigh the costs.

Today, however, <sup>IN MANY INSTANCES</sup> government ~~largely~~ disregards the burdensome costs of regulation. If our government authorities today were to compensate property owners whenever regulation impinged on property rights, we would have a lot less regulation. Government

NET TAX  
ABOUT 19%  
OF GNP.

would be smaller and less expensive. Most important, our entire economy would be more productive and competitive.

Third is equal application of the laws. It was alien to Madison's ideals that our legislators would exempt themselves from laws they impose on everyone else. In Federalist Paper number 57, Madison asserted that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society." He added ominously, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on the people, the people will be prepared to tolerate anything but liberty."

Recently I called attention to the fact that our Congress today exempts itself from a number of important laws it imposes on everyone else. These include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Equal Pay Act and the Age Discrimination in Employment Act. This state of affairs mocks the memory of our founders. \ It is plainly unjust. \ ~~And I have only just begun to make my voice heard on the need for redressing this injustice.~~ \\\

Finally, we must renew our protection against the destructive forces of what Madison called factions -- what we today call special interest groups. \ ~~That is why I urge profound reform of Congress's cumbersome committee system and its evergrown and overly powerful staffs.~~ That is why I urge sweeping reform of our campaign finance laws. Unreformed, these

systems support selfish lobbying and pressure groups and impede true popular sovereignty. \\

If we fail to heed Madison's warning against faction, we will reap a whirlwind of social conflict, litigiousness, and coercive government action. \\ It's up to us to choose: \ Do we want to live in freedom and harmony -- or will we become slaves to factional feuds pitting women against men, race against race, and every sort of fevered single-issue activist against the common good? \\

*INSERT  
THEME  
4* → The Constitution and the Bill of Rights have endured two hundred years -- far longer than most nations' charters for government. They have enabled us -- ten generations of Americans -- to govern ourselves and keep ourselves free. Their greatness is that they harmonize our national law with American civic virtues -- hard work, commitment to family and community, postponement of gratification for the sake of larger and longer term good. They are not simply dry ink markings on old brittle parchment -- they are the spirit that animates the American nation. This spirit will keep America alive for new generations only if each one of us renews the habits of liberty and justice. The Republic that Madison gave us will live for long years to come only if we keep our culture committed to the civic virtues he so cherished.

# # #

WHAT THE BILL OF RIGHTS MEANS TO ME

Stacy Ann Porter  
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Churchill Road School  
McLean, Virginia  
Grade 5

Freedom Hill Chapter  
National Daughters of the American Revolution

535 Words

## What the Bill of Rights Means to Me

Stacy Ann Porter

The Bill of Rights is the first ten amendments to the United States Constitution. It is a list of the freedoms and liberties of the people of the United States.

When the Constitution was first drafted, many of the states were concerned that the new Federal Government might deprive people of their rights and exercise power unwisely. Before some of the states would ratify the Constitution, they insisted that a Bill of Rights be added clarifying what the government could not do. To them and to us, the Bill of Rights is like a shield protecting our freedoms.

We only need to look elsewhere around the world to see what can happen to people who live in countries that do not have the freedoms contained in our Bill of Rights. In some countries, people are not free to worship as they would like, to speak out for what they think is right, or to print what they want to in newspapers. They are afraid that the police will break in and search their houses for no reason at all. I would hate to live in a country where these kinds of things happen.

On Sundays, I attend church with my family without being afraid of what might happen to me. I am free to be a member of the girl scouts, but no one forces me to join. I can express my opinions in school and other places. I love to read books, and it would be hard for me if I could not read what I want to. These things mean a lot to me.

One of the reasons that the Bill of Rights means so much to me is because some of my ancestors helped to bring us the freedoms in the Constitution. An ancestor of mine on my father's side, George Soule, came to America on the Mayflower. He was an indentured servant. He came to America so that when he had worked to pay off his passage, he could get new freedoms that he did not have in England, and so that he could start a new life in a land of opportunity. Some of my other ancestors fought in the Revolutionary War.

When the Bill of Rights was written by our Founding Fathers almost two hundred years ago, the world was very different from how it is today. Then, the United States only had about 4 million people, and most of them lived on farms. Even though the world is much different today, the freedoms in the Bill of Rights are still very important and true. And they are important for people everywhere all around the world.

Many people take the freedoms in the Bill of Rights for granted. If they lived in a country where there was a dictator, they would realize how important the Bill of Rights is, and they wouldn't take it for granted anymore.

I feel that I have a responsibility to help protect the freedoms that we have in the Bill of Rights. I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen.

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Gene Schaerr  
~~as~~ comments  
Counsel

(Duggan/Simon)  
December 9, 1991  
Draft One  
Rights

PRESIDENTIAL REMARKS: BILL OF RIGHTS BICENTENNIAL  
MONTPELIER  
ORANGE, VIRGINIA  
MONDAY, DECEMBER 16, 1991  
[time]

Governor Wilder, Senator Warner, Senator Robb, Congressman Allen, [other acknowledgments]:

We gather in the pastoral beauty of Virginia's Piedmont to celebrate two hundred years since the Virginia General Assembly ratified the first ten amendments to the United States Constitution. This action brought into force our Bill of Rights.

It is fitting that we meet at the home of James Madison. His study and experience shaped both the Constitution and the Bill of Rights. Here at Montpelier, just prior to the Constitutional Convention, he spent months of intense study of world governments; and in 1791, ~~(here is where he drafted the Bill of Rights.)~~ In Madison we honor not only a learned man with a scholar's appreciation for political philosophy. We remember also a practical politician whose skill and leadership helped persuade the free people of America to embrace the Constitution and the Bill of Rights, ~~as our basis for government.~~

I want to thank the National Trust for Historic Preservation, the National Taxpayers Union, the Sabre Foundation, and others who have worked to organize this commemoration. The National Trust, which administers this beautiful estate, deserves

(Simon)  
Drafted  
in NY

the highest praise for its innovative plan to make Montpelier a living center for constitutional studies. I am <sup>also</sup> deeply honored to welcome some very special guests -- legal scholars and statesmen from European nations recently liberated from Soviet totalitarianism.

Two centuries ago, our new republic was free, dynamic, hopeful, <sup>(Simon)</sup> ~~open~~ and growing. Our political founders were determined to preserve those qualities. But as Madison observed, men are not angels. The Framers of our Constitution confronted problems not unlike those that the central and eastern European constitution writers face today. The Framers had to grapple with ethnic and religious differences, regional interests, issues of where power lies and of how to contain conflict. Madison saw such problems of "faction" as the most dangerous threat to our national survival.

The men who gathered to write the Constitution were businessmen, farmers, <sup>(Simon)</sup> ~~planters~~ and lawyers, mostly in their 30s and 40s. Neither cynics nor idealists, they held a hopeful but pragmatic vision. Having seen human nature in the public square, they experienced both its frailty and its aspirations.

The Framers sought to strengthen civil society by encouraging public habits of freedom, justice, and cooperation. They worked to give us a charter that would serve, as Madison put it, "not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."

The Framers had the humble genius to recognize that man-made laws and government cannot -- and should not attempt to -- solve most human problems. They believed law and government, like good medicine, should seek first and foremost to do no harm. Taxation and public works, civil litigation and law enforcement activity give health to the social organism when provided in small, measured and necessary doses. But when taken needlessly or to excess, <sup>such</sup> ~~this~~ medicine could sicken or kill a society.

The Constitution therefore became primarily a plan for preventing concentration of power. The federalist system seeks to keep government close to the people, whenever practicable in the states and not in the nation's capital. Within the national government we have our celebrated system of checks and balances, with powers scattered among the executive, legislative and judicial branches. The judiciary's independence is vital to our governance by the rule of law.

The founders <sup>also</sup> believed freedom was the key to economic as well as social well-being. They made the Constitution a powerful legal instrument for economic opportunity and growth. I do not believe our republic could have survived -- much less could it have prospered -- without the Commerce Clause preventing the states from setting up trade barriers against one another. Through the Takings Clause and the Due Process Clause, the Bill of Rights protects private property and further promotes economic progress.

The genius of the Bill of Rights is that it limits its attention to truly important things -- and to things over which a just and limited government can exercise some actual control. Two centuries ago, just as now, extreme ideologues failed to appreciate the moderate realism of our Constitution and Bill of Rights. <sup>(They were, in)</sup> Edmund Burke, <sup>words,</sup> said: <sup>[d]</sup> "This sort of people are" so taken up with their theories about the rights of man that they have totally forgotten his nature." The Framers, <sup>by contrast</sup> ~~however,~~ were practical men. They gave us not a declaration of rights but a bill of rights -- not a piece of propoganda but an act of enforceable legislation. ✓

There's a lesson in this for today's writers of national constitutions and of international treaties. In the discourse of our times, one often hears "rights" invoked in rhetoric that debases the ~~authentic~~ concept of rights. Politicians make impassioned pronouncements on a "right to health care," a "right to education," a "right to a clean environment," and so forth. ~~The American Bill of Rights of course enumerates no such rights.~~

<sup>by contrast, d</sup> Madison ~~himself~~ was an early architect of American higher education. <sup>and</sup> ~~In the context of his times he was~~ an ardent and quite sophisticated environmentalist. ~~But he~~ made no attempt to legislate a "right to education" or a "right to a clean environment." <sup>even though</sup> He and his fellow Framers recognized that a shopping list of goods and services available in the market -- no matter how valuable or how vital -- was not a subject of

Instead, Madison and the other Framers of the Bill of Rights focused on limiting governmental<sup>\*</sup> authority.

fundamental human rights. The Framers knew government paternalism is sugar-coated tyranny.

Madison was his era's greatest champion of freedom of conscience. It is no surprise, therefore, that the very first article of the Bill of Rights ~~guarantees~~ Americans' freedom to worship, to assemble, to speak and to publish. God-given

forbids the governm<sup>t</sup> to interfere with

Similarly,

The Bill of Rights offers a highly developed system of protections for persons facing criminal charges. The Bill protects suspects from arbitrary investigation. It guarantees hearings before grand juries before indictment and trials before petit juries in felony cases. The Bill shows regard for the human dignity of criminals convicted of even the most heinous offenses by banning cruel and inhuman punishment. These protections of personal rights, the safeguards against arbitrary actions of the military against private property, and the guarantee of the right to keep and bear arms have enhanced the public's respect for our law enforcement and military authorities.

The final articles of the Bill of Rights emphatically assert that the central government should have no powers other than those explicitly given it by the Constitution. All other powers belong to the people -- or, where government is necessary, to state governments.

For all the pride we should take in our Constitution and Bill of Rights, this must not be an occasion simply for self-congratulation. Indeed, if Madison could speak to us today, I

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Second is protection of property rights. Part of the problem with pervasive government is that it <sup>often</sup> infringes private property rights ~~far too often~~. It does this through excessive land-use restrictions, health and safety regulations, and the like. And it gets away with it by disregarding not only Madison's Fifth Amendment, but also the brilliant political insight that underlies it. That is, if the government must pay a fair price whenever it takes property for public use, it will have a strong incentive to ensure that the benefits of its action outweigh the costs.

Today, however, the government rarely pays. Instead, it gives itself a "free lunch" at the citizen's expense. If federal, state, and local governments adhered to Madison's vision and compensated the owner whenever they impinged upon property rights, we would have a lot less regulation than we have today. Our governments would be smaller and less expensive. Most important, our entire economy would be more productive and competitive. I will have more to say about reducing the crushing burden of federal regulation in the days to come.

have a good idea what he would say. He would ask: Are we better off than we were two hundred years ago? \\ Are American citizens and their leaders still living true to the Framers' legacy of limited government and ordered freedom? \\

As we begin our third century of living under the well-crafted protections of the Bill of Rights, I urge my fellow Americans to focus on ~~three~~ <sup>four</sup> Madisonian ~~legacies~~ <sup>ideals</sup> in need of renewal.

First is limited government. In many ways, I believe our founders' vision has given way to a new reality of pervasive government. <sup>And</sup> It's hard to square the philosophy of Madison and Jefferson with a culture of coercive lawmakers and bureaucrats intent upon regulating everything from child care facilities to the price of corn in Iowa. I simply cannot believe the Framers intended their heirs to live under a regime whose central government taxed and spent more than a quarter of the gross national product. \\

<sup>Third</sup> ~~Second~~ is equal application of the laws. It was alien to Madison's ideals that our legislators would exempt themselves from laws they impose on everyone else. In Federalist Paper number 57, Madison asserted that elected officials "can make no law which will not have in full operation on themselves and their friends, as well as on the great mass of society." He added ominously, "If this spirit shall ever be so far debased as to tolerate a law not obligatory on the legislature as well as on

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