

Assess the rights listed in the US and Arizona Constitution.

Background:

Some state declarations of rights predate the US Constitution and even the Declaration of Independence; for example, George Mason's Declaration of Rights of Virginia, written in 1776, inspired the Declaration of Independence.

Most state constitutions at the time of the Founding incorporated declarations or bills of rights. This was important because states could interfere much more with citizens' liberty by having general legislative authority instead of just the limited enumerated jurisdiction of the Articles of Confederation and the US Constitution.

Citizens, used to having bills of rights, nonetheless demanded one also be created for the federal government; the Fourteenth Amendment later applied that set of rights to all the states on top of their preexisting state declarations of rights. Now, there was a second check on state governments.

In drafting the Arizona Declaration of Rights in 1910, the states' framers considered several sources, reflecting the common borrowing to state constitutionalism. In the end, they essentially adopted much of the language from the Washington Declaration of Rights, adopted two decades before—though it is worth noting that even much of that language came from elsewhere. For example, Section 1 of the Arizona Declaration *A frequent recurrence of fundamental principles is essential to securing individual rights.* *The perpetuity of free government* is lifted from Article I, Section 32 of the Washington State Constitution, which primarily comes from George Mason's 1776 Virginia Declaration of Rights.

While other parts of the Constitution have been changed repeatedly, the Arizona Declaration of Rights has been more stable. Since 1912, it has received a little over a dozen amendments, mostly additions.

Directions: Using the Constitution with the Bill of Rights (as of 1791) and the 1912 Arizona Constitution, list the rights guaranteed to citizens at each's founding.

Hint: Use the [Bill of Rights \(Amendments 1-10\)](#) and the [Arizona Declaration of Rights \(Article 2 of the Arizona Constitution\)](#)

1791 US Constitution	1912 Arizona Constitution
<ul style="list-style-type: none">• <i>Fifth Amendment</i> <i>No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.</i>	<ul style="list-style-type: none">• <i>Article 2, Section 4.</i> <i>No person shall be deprived of life, liberty, or property without due process of law.</i>

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