

**Lesson 43: Bill of Rights & First Amendment**

(Less. Time 43:09)

[for Sunday, January 17, 2016]

Reading: *The Making of America*, pages 673-690

**(Chapter 28) Bill of Rights & First Amendment**

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]

[287 Constitution Provisions “principles” in text.]

o Some states wanted before signing [VA, NY] o Washington asked for suggestions

o states suggested 189 proposals o Madison reduced them to 17

o Congress passed out 12 o States ratified 10

1. ALEXANDER HAMILTON GAVE THREE REASONS WHY THE FRAMERS OF THE CONSTITUTION DID NOT INITIALLY CONSIDER A BILL OF RIGHTS TO BE NECESSARY. CAN YOU EXPLAIN EACH OF THESE REASONS? (PAGE 674)

Was the Bill of rights Necessary?

A) The *Constitution* is a declaration of rights. Over 300 in the Document!

B) Only specific, limited authority granted [few & defined]

C) Danger in making a list – presumed to be all inclusive

2. WHY DID GEORGE MASON INSIST ON A BILL OF RIGHTS? (674)

o George Mason – rather chop off his right hand! [Gov’s will always mess it up, He was a visionary]

3. EXPLAIN TWO UNIQUE FEATURES OF THE BILL OF RIGHTS WHICH HAVE BECOME OBSCURED IN OUR DAY. (674-75) The Unique Features of Bill of Rights [never intended to be a complete list!]

o Not a declaration of rights at all - **It is a declaration of prohibitions against the Federal government in certain areas**

o Fed Gov. Not designed to be a watchdog over the states: - **People to be the watchdogs**

4. DOES THE BILL OF RIGHTS HAVE A PREAMBLE? IF SO, WHAT DOES IT SAY? (675)

o The Bill of Rights has a Preamble (quote) [to ‘prevent abuse or misconstruction of its powers’ that ‘**further declaratory and restrictive clauses** be added’]

5. IN THE FIRST AMENDMENT, WHAT IS MEANT BY “AN ESTABLISHMENT OF RELIGION”?

**215 – Congress not to establish or prohibit religion** [it was against the Fed Govt]

HOW DO WE KNOW THAT THE FOUNDERS DID NOT INTEND TO SEPARATE GOD FROM GOVERNMENT? (675) The Northwest Ordinance was Agreed as Important.

6. WHAT WAS THE NORTHWEST ORDINANCE OF 1787? WHAT DID IT SPECIFICALLY REQUIRE TO BE TAUGHT IN THE PUBLIC SCHOOLS? (675-76)

o NW Ordinance declared religion to be taught in public schools

7. WHAT COUNSEL DID GEORGE WASHINGTON GIVE REGARDING RELIGION AND MORALITY?

[‘religion and morality are indispensable supports’] CAN ONE EXIST WITHOUT THE OTHER? (676) [‘Reason and experience both forbid us to expect’ any other]

8. WHICH RELIGION SHOULD BE TAUGHT IN THE SCHOOLS? (676)

o Whose religion? [Ben Franklin gave a list of 5 universal religion tenets]

9. BENJAMIN FRANKLIN OUTLINED FIVE POINTS OF "ALL SOUND RELIGION." CAN YOU LIST THEM?  
(677) a) Is a Creator    b) Revealed a moral code  
      c) Holds us responsible for the way we treat each other  
      d) There is a next life    e) We will be judged in that life  
o Notice restriction is against Congress, not the states (quotes)
10. HOW DID SAMUEL ADAMS, JOHN ADAMS, AND THOMAS JEFFERSON REFER TO THESE BASIC RELIGIOUS BELIEFS? WHAT CAUSED WASHINGTON TO WARN AGAINST A SEPARATION OF PATRIOTISM, RELIGION, AND MORALITY? CAN ANYONE BE A TRUE PATRIOT WHO IS NOT ALSO MORAL AND RELIGIOUS? (677-78)  
o Jefferson's proposed religious instruction on or near school campuses. (quote)
11. WHAT DID ALEXIS DE TOCQUEVILLE SAY ABOUT THE IMPORTANCE OF RELIGION IN AMERICA IN THE 1830s? (678) [Though it took no direct part of the government, religion must 'be regarded as the first of their political institutions']
12. WHAT WERE EUROPEAN PHILOSOPHERS TEACHING AT THAT TIME ABOUT RELIGION AND LIBERTY? (678) ['religion and morality were inimical (tending to obstruct or be harmful) to each other']
13. ACCORDING TO TOCQUEVILLE, HOW DID AMERICAN SCHOOLS DEAL WITH THE SUBJECT OF RELIGION? (678) ['every citizen...is taught... the doctrines and evidences of his religion, the history of his country and the leading issues of the Constitution']
14. EXPLAIN THE ACTIVITIES OF THE EARLY AMERICAN CLERGY IN TERMS OF THE CONCEPT OF "SEPARATION OF CHURCH AND STATE." ['while emphasizing the importance of their separation, the clergy had 'a great influence on the morals and customs of public life']  
WHAT WAS THE ROLE OF THE CLERGY IN RELATION TO THE GOVERNMENT? (678-79)  
[they 'believed implicitly in their duty to keep religious principles and morality flowing out to the people as their best safeguard for American freedom and political security']
15. CITE EXAMPLES OF THE FOUNDERS' CAMPAIGN TO GIVE ALL RELIGIOUS DENOMINATIONS EQUAL RIGHTS. (679-80) [Jefferson & Madison: freedom of religion statute in VA in 1776, Patrick Henry, 1784, Bill establishing teachers of 'Christian religion']
16. WHY DID THE FOUNDERS PROHIBIT THE FEDERAL GOVERNMENT FROM DEALING WITH RELIGIOUS MATTERS? [Did not present EQUALITY of religions.] GIVE THREE EXAMPLES TO PROVE THIS POINT. (680-81)  
[a) When Patrick Henry presented a bill to support Christian Teachers with Fed Govt tax money, Madison opposed such a use because of the inequality it presented. b) the states already had set up official state religions that the Federal Government had no say in changing: CT=Congregational NH&NJ=Protestant DEL&MD=Christian; c) Jefferson fought in VA to eliminate their state church, 1776-1786]
17. WHERE DID THE EXPRESSION "A WALL OF SEPARATION BETWEEN CHURCH AND STATE" COME FROM? (681-82) Thomas Jefferson, who had approved a bill endorsing a day of fasting and prayer in VA, when President Jan 1, 1802, denied the Federal government had any authority to do similarly and made metaphorical reference to a 'wall of separation' between the two.]
18. AT WHAT LEVEL SHOULD PROBLEMS IN CHURCH-STATE RELATIONS BE SOLVED? (682)

[In each state.]

19. WHAT DID THE FOUNDERS DO TO ENCOURAGE RELIGION IN AMERICA? GIVE AN EXAMPLE. (682-83) [The founders saw no conflict in permitting the use of court buildings for religious purposes, but did so on an EQUAL basis to all. Example, Charlottesville, near Jefferson's home, in one month could be found Methodist, Episcopalian, Baptist, Presbyterian meetings.]

20. WHAT ARRANGEMENTS DID JEFFERSON PROPOSE AT THE UNIVERSITY OF VIRGINIA TO ENCOURAGE RELIGIOUS TRAINING? CAN YOU THINK OF PROGRAMS STILL IN USE TODAY THAT MAY HAVE STEMMED FROM JEFFERSON'S PROPOSALS? (683- 84)

He encouraged the University of VA to open their facilities to various denominations so that each student could 'worship and study in the church of their choice']

21. WHAT SUPREME COURT DECISION REVERSED THE FOUNDERS' ORIGINAL POLICY CONCERNING THE BILL OF RIGHTS? The Supreme Court Builds a Wall o 1925 **Gitlow v. New York:**

- Prohibitions of Bill of Rights now apply to states and local governments

HOW DID THIS NEW DOCTRINE CONTRIBUTE TO THE FEDERAL GOVERNMENT'S MEDDLING IN RELIGIOUS MATTERS WITHIN THE STATES? (685)

- religious opponents used this case to build a wall against any form of religion

22. DESCRIBE OTHER SUPREME COURT CASES THAT GRADUALLY RESTRICTED RELIGIOUS TEACHING IN THE SCHOOLS. (685- 87) o Supreme Court:

- approved "released time" - outlaws prescribed prayers - outlaws Bible reading

23. HOW CAN THIS ANTI-RELIGIOUS TREND BE STOPPED? [Probably a Constitutional Amendment] WHAT WAS DANIEL WEBSTER'S WARNING TO AMERICA? (687- 88)

o Daniel Webster's warning (quote) ["But if we and our posterity reject religious instruction and authority, violate the rules of eternal justice, trifle with the injunctions of morality, and recklessly destroy the political constitution which holds us together, no man can tell how sudden a catastrophe may overwhelm us that shall bury all our glory in profound obscurity. Should that catastrophe happen, let it have no history! Let the horrible narrative never be written!"]

24. WHY DID THE FIRST AMENDMENT ALSO PLACE FREEDOM OF SPEECH AND FREEDOM OF THE PRESS BEYOND THE REACH OF THE FEDERAL GOVERNMENT? (688-89)

**216 – Congress to make no law abridging speech or press**

o Some law is necessary o Must be on a local level

25. EXPLAIN WHY PEOPLE SHOULD HAVE THE RIGHT TO PEACEABLY ASSEMBLE WITHOUT INTERFERENCE BY THE FEDERAL GOVERNMENT. (689)

**217 – Congress to make no law against peaceful assembly**

o King George prohibited assemblies

26. WHY DOES THE FIRST AMENDMENT ALSO PROHIBIT FEDERAL OFFICIALS FROM INTERFERING WITH THE PEOPLE'S RIGHT TO PETITION THE GOVERNMENT? NAME FIVE WAYS THAT CITIZENS CAN PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. (689-90)

**218 – Congress to prohibit petitions for redress of grievances**

o Five ways to petition: a) formal petition b) letter or telegram c) personal contact d) paid lobbyists e) public demonstration [peaceful]

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[for Sunday, January 24, 2016]

Reading: *The Making of America*, pages 673-690

### (Chapter 28) Bill of Rights & First Amendment

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#### QUIZ - LESSON 43

1. WHEN WASHINGTON ASKED THE STATES FOR SUGGESTIONS FOR THE BILL OF RIGHTS, ABOUT HOW MANY WERE SUBMITTED? \_\_\_\_ HOW MANY EVENTUALLY ENDED UP IN THE CONSTITUTION? \_\_\_\_

2. GIVE TWO REASONS WHY SOME SAID WE DID NOT NEED A BILL OF RIGHTS.

A) \_\_\_\_\_ B) \_\_\_\_\_

3. WE DISCUSSED TWO UNIQUE FEATURES OF THE BILL OF RIGHTS. GIVE ONE OF THEM.

A) \_\_\_\_\_

4. GIVE THE OTHER UNIQUE FEATURE OF THE BILL OF RIGHTS.

B) \_\_\_\_\_

5. WHAT SIGNIFICANT UNDERSTANDING IS EMPHASIZED IN THE PREAMBLE TO THE BILL OF RIGHTS? "TO PREVENT M \_\_\_\_\_ OR A \_\_\_\_\_ OF ITS POWERS THAT FURTHER DECLATORY AND R \_\_\_\_\_ C \_\_\_\_\_ BE ADDED, AND AS E \_\_\_\_\_ THE G \_\_\_\_\_ OF PUBLIC CONFIDENCE IN THE G \_\_\_\_\_ WILL BEST INSURE THE

B \_\_\_\_\_ ENDS OF ITS INSTITUTION, BE IT RESOLVED ..."

6. IN THE FIRST AMENDMENT, WHO IS PROHIBITED FROM ESTABLISHING A STATE RELIGION?

7. WHAT ELEMENTS OF RELIGION DID THE FOUNDERS REQUIRE BE TAUGHT IN THE PUBLIC SCHOOLS?

A) \_\_\_\_\_ B) \_\_\_\_\_

C) \_\_\_\_\_

D) \_\_\_\_\_ E) \_\_\_\_\_

8. DID THE BILL OF RIGHTS PROHIBIT THE STATES FROM HAVING AN OFFICIAL RELIGION? \_\_\_\_

HOW DO YOU KNOW THIS? \_\_\_\_\_

9. JEFFERSON SUGGESTED WAYS RELIGION CAN BE ENCOURAGED. GIVE ONE OF THOSE WAYS.

10. WHAT IS THE DECISION AND WHAT WAS THE YEAR WHEN THE SUPREME COURT THAT CHANGED THE PROHIBITION ON CONGRESS TO MEAN A PROHIBITION ON ALL LEVELS OF GOVERNMENT WITH REGARD TO RELIGIOUS ACTIVITY?

YEAR: \_\_\_\_\_ CASE: \_\_\_\_\_ V. \_\_\_\_\_

WHY DID THE FOUNDERS WANT LAWS CONCERNING PRESS AND SPEECH TO BE ONLY ON THE STATE OR LOCAL LEVELS ? S \_\_\_\_\_ L \_\_\_\_\_ are

N \_\_\_\_\_