

**Lesson 44: Amendments 2-12**

(Less. Time 55:23)

[for Sundays, Jan 31, & Feb 13, 2016]

Reading: *The Making of America*, pages 693-717

**(Chapter 29) Amendments 2-12**

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]  
[287 Constitution Provisions “principles” in text.]

1. WHAT RIGHT DOES THE SECOND AMENDMENT PROTECT?

**219 – Right to keep and bear arms shall not be infringed (2<sup>nd</sup>)**

WHY? AT WHAT LEVEL OF GOVERNMENT IS THIS RIGHT AIMED?(P. 694) [... by the Fed Govt!]

2. WHO BELONGS TO THE STATE MILITIA? (694) o An armed citizenry

3. HOW WELL ARMED ARE AMERICANS TODAY? (694) - 50M own 200 million weapons [2004]

4. DESCRIBE THE THREE-STEP APPROACH GOVERNMENTS TYPICALLY USE TO DISARM THE CITIZENRY. (694-95)

o Steps to disarming a nation [stages implied]

- require registration

- create emergency or riot [use of ‘conspiracy plan’ to create a falsely caused]

- confiscate arms in the name of safety [normally sell to others/later melt down]

5. WHAT DOES OUR OWN NATION'S HISTORY PROVE ABOUT THE CAPACITY OF GUN CONTROL TO CURB CRIME? (695)

Does Gun Control Curb Crime?

o Congressional investigations prove no (quote p 695)[unable to produce examples to prove while proposing regulation]

- 1870 – 1910 In the West

- 1920 – 1939 during the gangster era

- 1965 oo 1976 in our day

- no record of crime reduction!

6. SOME ARGUE THAT THE SECOND AMENDMENT REFERS ONLY TO PERMANENTLY ORGANIZED MILITARY UNITS. GIVE EVIDENCE THAT THIS WAS NOT THE FOUNDERS' INTENT. (695)

Should only Militia and National Guard have weapons?

o Did Founders only mean military units to have weapons? (Quote) [all people were considered as ‘militia!']

7. HOW DID ANGLO-SAXON SOCIETY DIFFER FROM THE EUROPEAN FEUDAL SYSTEM WITH REGARD TO THE RESPONSIBILITY TO BEAR ARMS? (695)

o Alfred the Great [800AD] required all to have weapons

8. BRIEFLY RECOUNT THE HISTORY OF THE RIGHT TO BEAR ARMS IN ENGLAND AFTER THE NORMAN CONQUEST. (695-96) [All aged 15-60 were required to verify 2x/yr they had arms. Citizens practiced bow/arrow practice *instead* of other games. Brit monarchy historically has had to moderate their rule due to their armed citizenry– Charles Orman, Historian]

9. DESCRIBE THE RIGHT TO BEAR ARMS AMONG THE AMERICAN COLONISTS. (696-97)

o Virginia required well-armed citizenry (quote) [were even required in church, typically they afterward did target ‘practice’ - account of ‘many’ Senate records]

10. HOW DID THE RIGHT TO BEAR ARMS CHANGE AFTER THE AMERICAN REVOLUTION? (697-98)

[The country was a flush of proposals that the general populace be kept armed.]

11. DESCRIBE THE DRAFTING OF THE SECOND AMENDMENT TO THE CONSTITUTION. (698)

[James Madison *incorporated* all the states which submitted proposals from one paper.]

12. HOW WAS THE SECOND AMENDMENT INTERPRETED IN THE FIRST FEW DECADES AFTER IT WAS ADOPTED? (698-99) [The country consistently considered it applied to all people and some states required it from all able-bodied citizens.]

13. DESCRIBE THE FOUNDERS' EFFORTS TO EXTEND THE RIGHT TO BEAR ARMS TO ALL AMERICAN CITIZENS. (699- 700) [The state's constitutions consistently treated bearing arms the same: 'a right of the people.']

14. DESCRIBE THE HISTORY AND IMPORTANCE OF THE THIRD AMENDMENT. (700-701)

**220 – No quartering of troops in homes of citizens (3<sup>rd</sup>)**

o King George required quartering of his troops [tendency to take over the home - 'worse than a plague']

15. WHAT IS THE RIGHT TO PRIVACY GUARANTEED IN THE FOURTH AMENDMENT?

**221 – Right to privacy (4<sup>th</sup>)** HOW HAS THE GOVERNMENT VIOLATED THIS RIGHT? (701-2)

o No entry unless: - court order - owner permission

**222 – Protect against unreasonable searches and seizures**

16. WHAT ARE "REASONABLE" AND "UNREASONABLE" SEARCHES AND SEIZURES? (702)

o Some are reasonable [criminals at time of crime, entering immediately after a crime]

**223 – Warrant to search only by probable cause**

o No "fishing expedition" o No warrant needed if observed

17. UNDER WHAT CONDITIONS MAY AN AMERICAN CITIZEN BE ARRESTED? (703)

[Only by means of a warrant can any American citizen be arrested.]

18. UNDER WHAT CONDITIONS MAY A PERSON BE CHARGED WITH A CAPITAL OR INFAMOUS CRIME? [The individual must have had an indictment heard by a grand jury and finding "reasonable cause" of their guilt.] ARE THERE ANY EXCEPTIONS? (703-4) [Military Courts]

**224 – Grand jury required in federal criminal cases (5<sup>th</sup>)** [only 'prosecutor' presents evidence, defendant unprotected – case in 2016 Planned Parenthood vs. agency taking undercover videos] | **225 – No grand jury for military court-marshals.**

19. DISCUSS FOUR PERSONAL PROTECTIONS GUARANTEED IN THE FIFTH AMENDMENT. (705-7)

**226 – No double jeopardy** o Prevent being prosecuted several times for same crime

**227 – Cannot be compelled to witness against self**

**228 – No person deprived of life, liberty, or property without due process**

**229 – No private property taken for public use without just compensation**

20. WHAT SIX PROTECTIONS DOES THE SIXTH AMENDMENT GUARANTEE IN CRIMINAL PROSECUTIONS? (707-9)

**230 – Speedy and public trial (6<sup>th</sup>)**

- 231 – Trial by jury in state of occurrence**
- 232 – Accused to be informed of the charge**
- 233 – Accused to see and ask questions of witnesses**
- 234 – Accused to compel witnesses to testify**
- 235 – Accused to have right to counsel**
- o Due process = fair treatment by government
- o Minimum wage law violates this provision!

21. WHAT GREAT RIGHT IS PRESERVED BY THE SEVENTH AMENDMENT? (710)

- 236 – Civil cases to have jury trial (7<sup>th</sup>)**                      o if it exceeds \$20
- 237 – Cannot change Jury decision on appeal**

22. WHAT THREE PROTECTIONS DOES THE EIGHTH AMENDMENT PROVIDE TO ACCUSED CRIMINALS? (711-12)

- 238 – No excessive bail required (8<sup>th</sup>)**
- 239 – No excessive fines imposed**
- 240 – No cruel or unusual punishment inflicted**

23. WHY WAS THE NINTH AMENDMENT NECESSARY? (712)

- 241 – Bill of Rights does not limit rights to those listed (9<sup>th</sup>)**
- o Citizens have a lot more

24. NAME THE TWO ENTITIES THE TENTH AMENDMENT WAS DESIGNED TO PROTECT.

- 242 – Powers not delegated are reserved to states or [the] peoples (10<sup>th</sup>)**
- HOW WELL HAS THIS AMENDMENT BEEN ENFORCED? (712-13)
- o Most violated part of the Constitution [Reagan quote]

25. WHAT DOES THE ELEVENTH AMENDMENT DO? WHY WAS IT NECESSARY? (713-14)

- 243 – States right not to be sued by citizens of other states (11<sup>th</sup>)**
- o Repealed one of the eleven types of cases federal courts can hear

26. EXPLAIN THE FIVE CHANGES OR ADDITIONS THAT HAVE BEEN MADE TO THE TWELFTH AMENDMENT WITH REGARD TO THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT. (714-17)

- 244 – Pres and VP elected on separate ballots (12<sup>th</sup>)**
- o Originally electors voted for two for president
  - highest was president
  - second-highest was VP
  - VP may be your enemy!
- o Corrected weakness by requiring 2 ballots

- 245 – Pres of Senate to count elector's votes for Pres & VP**
- 246 – House of Rep to decide tie for president**
- 247 – Senate to decide tie for VP**
- 248 – Qualifications for VP same as for president**

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#### QUIZ - LESSON 44

1. HISTORY SHOWS THAT A \_\_\_\_\_ PEOPLE ARE A WELL-\_\_\_\_\_ PEOPLE.

2. GIVE THE THREE STEPS THAT HAVE BEEN USED TO DISARM A NATION.

\_\_\_\_\_

3. WHAT HAVE CONGRESSIONAL INVESTIGATIONS SHOWED ABOUT THE CORRELATION OF GUN CONTROL AND CRIME?

\_\_\_\_\_ (1) \_\_\_\_\_ (2) \_\_\_\_\_

\_\_\_\_\_ (3) \_\_\_\_\_

4. WHY IS IT ERRONEOUS TO SAY THE FOUNDERS WANTED ONLY MILITARY UNITS TO HAVE GUNS?

\_\_\_\_\_

5. THE FOURTH AMENDMENT GUARANTEES AGAINST UNREASONABLE \_\_\_\_\_ .

6. NAME TWO GUARANTEES OF THE FIFTH AMENDMENT.

\_\_\_\_\_

7. THE SIXTH AMENDMENT HAS TO DO WITH WHAT PROCEDURES?

C \_\_\_\_\_ P \_\_\_\_\_

8. WHAT IS THE PURPOSE OF THE NINTH AMENDMENT?

\_\_\_\_\_

9. WHAT IS THE PURPOSE OF THE TENTH AMENDMENT?

\_\_\_\_\_

10. THE TWELFTH AMENDMENT CORRECTED SOME WEAKNESSES IN THE \_\_\_\_\_ SYSTEM.