

# Lesson Twenty-Nine

## The Bill of Rights

### LESSON IDEA

To understand the rights and privileges we enjoy as Americans and how the Bill of Rights was designed to protect them from government interference. PREPARATION

Be sure that copies of the Bill of Rights used for last week's lesson are still available. Have one for each family member.

**L**ET US BEGIN our lesson with a simple one-sentence prayer:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection . . .

Those were the sentiments of George Washington in 1789 just after becoming President of the United States. Many Presidents and other federal officials have given similar supplications since, but in 1962 the Supreme Court ruled that such prayers could no longer be uttered in government schools because they violate the First Amendment of the Constitution. Does that make sense? Before answering, let us read the first provision of that amendment. [Be sure that everyone has a copy of the Bill of Rights from last week's lesson.]

### Bill of Rights.

**Article I — Religion and Free Speech.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . .

Does Washington's prayer establish a religion? Does it prohibit anyone from worshiping as he chooses? [Encourage discussion. Explain the differences between believing in God, publicly expressing that belief, and establishing a religion.]

To further clarify the issue, let us look at additional history. In the 1700s, most colonial governments followed the Old World or European tradition of establishing an official church that the people were expected to support and attend. In

Virginia, for instance, it was the Anglican Church or Church of England. The legislature of the colony passed laws to punish parents who did not have their children baptized into that church. A law passed in 1705 sought to punish those who did not attend church services. It read:

Be it enacted . . . that if any person, being of the age of twenty-one years, or upwards, shall wilfully absent him or her self from divine service at his or her parish church, the space of one month . . . shall forfeit and pay fifty pounds of tobacco. . . If any person offending shall refuse to make payment. . . by order of Justice, shall receive on his or her bare back, ten lashes, well laid on.

In 1748, Virginia's General Assembly even passed a law setting the salary of ministers! Then, in 1786, "an act for establishing religious freedom" repealed the dogmatic decrees. And five years later the First Amendment to the U.S. Constitution was ratified to prohibit Congress from establishing a national religion.

With that background in mind, does the Supreme Court's 1962 decision forbidding prayer in government schools seem Constitutional or far-fetched? Had Congress made any law establishing a religion? Did prayer in a classroom or during a school assembly establish a religion? [Discuss the issue. For those interested in further information about recent Supreme Court decisions, see "For Serious Students."]

The First Amendment also prohibits Congress from passing laws abridging, "freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." What does "abridging" mean? "Redress of grievances"?

**H**OW DOES FREE SPEECH, holding meetings, and circulating and signing petitions help us correct flaws in government? [Encourage everyone express an opinion.]

Are people in Communist China, Cuba, and North Korea free to speak their minds about their governments? What would likely happen if they attempted to organize meetings where speakers criticized the ruling authorities, or if they circulated petitions asking the government to grant the people more freedom? [Encourage discussion.]

To be truly free, persons must have the right to criticize their government and attempt to influence its actions without fear of being executed, fined, or placed in prisons or concentration camps. But should free speech be totally unlimited? [Point out that free speech does not include such abuses as slander and treason. See Article 3, Section 3, Clause 1 of the Constitution for a definition of treason. It might also be noted that the freedom also entails personal responsibility, and that a lack of self restraint can give governments an excuse to increase their power under the guise of coping with the problems (such as crime) that results from a lack of personal responsibility.]

The Second Amendment states that “the right of the people to keep and bear Arms, shall not be infringed.” Yet, Congress has approved laws that bar Americans from owning certain types of firearms, require waiting periods to purchase guns, and otherwise circumvent the clear wording and intent of the Second Amendment. Criminals, by definition, do not obey laws, and gun control laws cannot keep firearms out of the hands of those determined to obtain them. [Discuss some of the ways that persons bent on committing crimes can obtain guns despite gun control laws. They can buy them on the black market, steal them, and even make them (so-called “zip” guns) out of ordinary household implements such as radio antennas, rubber bands, nails, and bathroom plumbing. In the late 1980s, a 15-year-old student in Idaho made a workable shotgun out of a music stand and a ball bearing.] If law-abiding citizens are totally or partially disarmed by gun control laws, while criminals ignore those laws, is crime likely to go up or down? Are law-abiding citizens going to be more or less safe? [Cite instances in which armed citizens have defended their lives, loved ones, and property with firearms. Examples may found in the “Exercising The Right” column of The New American magazine.]

The Second Amendment states that a “well-regulated Militia” is “necessary to the security of a

free State,” which is one reason with the “right of the people to keep and bear Arms” was not to be infringed. What did the Founders mean by the term militia? [A citizen army of volunteers armed with their own weapons.]

In contrast, a national army is lead by professional soldiers under the command of a country’s ruler or chief executive. It entails government power that can be used by a ruthless executive to coerce his subjects to either obey his edicts or die. It had frequently happened in Europe, and Patrick Henry and other anti-Federalists feared it could happen in the United States.

Nevertheless, professional national armies are necessary, since foreign enemies can easily conquer nations without them. The dilemma facing the Founders was how to check-and-balance government in a way that would allow an adequate national defense, but precluding the possibility that a standing Army could be turned against the American people themselves. They concluded that the best solution was to allow ordinary citizens to keep and bear arms. If threatened by domestic criminals (even within their own government) or foreign aggressors, an armed citizenry could quickly and effectively rise in defense of the nation. Isn’t this as logical today as then?

The Third Amendment deals with another aspect of the same subject: forcing citizens to house and feed federal soldiers. It was not to be allowed “in time of peace,” and not even in wartime unless authorized by our elected representatives. This, too, was a protection against dictatorial, strong-arm actions by government. It was also recognition of private property rights. “A

#### FOR SERIOUS STUDENTS

The 1962 Supreme Court decision forbidding prayer in the government schools is merely one of many High Court rulings that have violated provisions of the Constitution. For other examples, see *Nine Men Against America: The Supreme Court And Its Attack On American Liberties*, by Rosalie M. Gordon, and *The Great Prison Break: The Supreme Court Leads The Way*, by G. Edward Griffin. Both books are out-of-print, but may be available at a local library or from a used bookstore. Mr. Griffin's *A Memorandum On Supreme Court Decisions* is a concise summary of key Supreme Court decisions. It may be found at [URL] on the Internet. [Could we scan/post it on our website. — rwl]

