DOWNLOAD PDF HISTORICAL BACKGROUND ON AMENDMENT

Chapter 1 : Fourth Amendment: The History Behind "Unreasonable" | Tenth Amendment Center

The background of the Second Amendment dates all the way back to the 10th century. In the UK, it was a standard operating procedure to arm citizens to make sure revolts didn't happen at a grassroots level.

The Eighteenth Amendment implemented a national ban on alcoholic or "intoxicating" substances, which was commonly referred to as Prohibition. The 21st Amendment would call for the prohibition repeal, which would no longer prohibit the sale, manufacture, or transportation of alcoholic beverages. The 21st Amendment was ratified on December 5th, and was the only Amendment to be ratified by state ratifying conventions rather by state legislature, which would mark the prohibition repeal. It is clear that the 21st Amendment was a result of the failed prohibition of alcohol in the United States. Though consumption generally declined, organized crime and crime rates soared to levels never experienced by Americans before. Prohibition only applied to the sale, manufacture, and transportation of alcoholic beverages, but not actual consumption. Even though this would make alcohol extremely difficult to obtain, there would be those that would find illegal means to get their hands on alcohol and ample opportunity existed to derive a profit from such practice. Bootleggers, speakeasies, and the rise of organized crime all were birthed as a reaction to the 18th Amendment. Criminals, such as notorious Chicago gangster Al Capone, would become millionaires and a general lawlessness would proliferate in the United States. Many would simply ignore the provisions set forth by Prohibition. Corruption was common among law enforcement and drinking would become a symbol of rebelliousness, which heightened its appeal. It became apparent that Prohibition, though a noble attempt and experiment, generally brought on more negative impacts than any positive gains to be brought from reducing the consumption of alcohol. The apparent need to reverse Prohibition became the general sentiment of the country. However, its overturning would prove to be more complicated because of the political power the Temperance Movement had garnered through lobbying. Congress would then have to employ one of two methods for ratifying Constitutional Amendments, which had never been used before. Normally, ratification by State legislature was the avenue taken for Amendment ratification, requiring the approval of three-fourths of the states. The other method, as provided by the United States Constitution, is by State conventions. State conventions abide by a loose ratification process, which is similar to that of the "one-state, one-vote" national referendum. The 21sth Amendment would be the only Amendment to the United States Constitution to be ratified using this method. The overturning of Prohibition would, therefore, delegate responsibility of regulating alcohol laws to the states. Even though the 21st Amendment was approved, several states continued to follow the doctrine of Prohibition. For example, Missouri would remain alcohol-free until , while Kansas did not allow public bars until The interpretation of the provisions in the second section of the 21st Amendment allowed for the states to maintain the right to control alcoholic beverages.

Chapter 2 : Great American History Thirteenth Amendment-

The 14th Amendment to the U.S. Constitution, ratified in , granted citizenship to all persons born or naturalized in the United Statesâ€"including former slavesâ€"and guaranteed all citizens.

The Bill of Rights became law on December 15, The 6th Amendment focuses completely on the rights of a person accused of committing a crime by the government. Of the 26 rights mentioned in the first eight amendments, 15 of them have something to do with the criminal court procedure. This was obviously something very important to the Founding Fathers. They were very familiar with a long list of government abuses from English history in which people were accused of things and punished unfairly. The 6th Amendment contains 7 specific protections for people accused of crimes. The 6th Amendment reads like this: The right to a speedy trial The right to a public trial The right to be judged by an impartial jury The right to be notified of the nature and circumstances of the alleged crime The right to confront witnesses who will testify against the accused The right to find witnesses who will speak in favor of the accused The right to have a lawyer You can read a short description of each of these 6th Amendment clauses below. Then there is a link to a page with more detailed information about each one. Why is this so important that the Founding Fathers would add it to the Bill of Rights? That was a frequent occurrence in English history. The Founding Fathers wanted to protect themselves and you from this in the new government they were creating. The Federal Speedy Trial Act of says that charges must be filed within 30 days of an arrest for a federal crime and a trial must commence within 70 days. If a Speedy Trial violation occurs, new trials are not allowed. Instead, the conviction is thrown out without the possibility of a retrial. For this reason, courts very rarely find Speedy Trial violations. They are not to eager to see someone go free who is guilty. Even delays up to to several years are often not considered to be violations of the Speedy Trial Clause by the courts. It might be embarrassing! The judge or other officials could file false charges against you, not allow you to defend yourself or throw you in prison with no evidence! Holding trials in public holds corrupt officials at bay and prevents them from harming people unjustly. The Public Trial Clause reads like this: They tend to cause witnesses to come forward who may know something about the crime because they hear of the public proceedings. They also tend to pressure people to tell the truth because anyone who knows they are lying might hear of the public proceedings and come forward and tell the truth. If they like the system and procedures they will be confident in its results. If they do not like what they see, they will elect new officials to change the proceedings. The Founding Fathers were aware of the history in England and Europe of people being sentenced to lengthy prison terms, tortured or even killed in secret trials. If you were accused in this situation, you often had no chance to defend yourself and the charges were often trumped up to eliminate political and religious dissent. This greatly reduces the possibility of corruption in the trial. Trial by jury is mentioned 4 times in the Constitution and Bill of Rights , so it was very important to the Founding Fathers. Eventually, though, the Supreme Court reduced the allowable size of juries in state trials down to a minimum of six. Federal trials must still have twelve jurors. The Court also removed the requirement that juries be unanimous in their decisions in state courts. Instead, or verdicts are now accepted. Federal court juries, however, must be unanimous. The Arraignment Clause reads like this: Original Bill of Rights "In all criminal prosecutions, the accused shall enjoy the right Arraignments must include very specific charges, including dates, times, exactly what allegedly happened and must reference the exact written law that was violated. This was a very important right to the Founding Fathers, many of whose ancestors had fled to America to avoid religious persecution. In England, it was common for people who did not agree with the Church of England to be pulled into court and sentenced and never even know what the charges were. Without this protection, courts could throw people in prison unjustly, make up false charges or punish people with whom they disagreed. People were also tried without being informed of the charges against them for their political positions if they were in opposition to the King. In order to prevent these types of abuses by the new government of the United States, the Founders included the Arraignment Clause in the Bill of Rights. The Arraignment Clause provides an important safeguard to all Americans. It assures that crimes have actually been committed before a conviction is made

by spelling out clearly what the violation was. Vague charges could be filed, or even worse, false charges that are not clear to the accused. This clause provides a bulwark to the innocent from being charged falsely. You can read more about the Arraignment Clause here or you can read about several interesting and significant Sixth Amendment Court Cases dealing with the Arraignment Clause here. This clause requires that your accusers must appear in your presence and make the accusations face to face. The clause also gives you the right to cross-examine them. The Confrontation Clause reads like this: This provided the accused with a huge disadvantage because the jury could not see the person to judge their demeanor and the accused could not ask them questions to examine their truthfulness. If you were not allowed to cross-examine your accuser, the prosecution could make up all kinds of false accusations against you and the jury would never know whether or not he was telling the truth. By having the witnesses testify in person, the judge and jury are able to see the person up close. English history had many occurrences of people being tried in court and never seeing their accusers. Sir Walter Raleigh, an early American explorer, was even put to death based on such an accusation. The Founding Fathers believed this was inherently unfair and put a stop to it in America by adding the 6th Amendment to the Bill of Rights. There are certain circumstances in which a court will allow testimony made outside a court to be allowed in court proceedings. Depositions are sometimes held to gather witness statements. This effectively provides a cross examination of the witness. Such statements are often allowed in court. In addition, statements made by a witness who is no longer available, such as someone who died or moved away, are often allowed if the prosecutor used every available means to get the witness to the trial. You can read more about the Confrontation Clause here or you can read about several interesting and significant Sixth Amendment Court Cases dealing with the Confrontation Clause here. First of all that you will be able to call witnesses in your behalf if you are ever charged with a crime. Second, that the court will subpoena the witnesses if they refuse to testify. This protection is necessary to guard against unfair or unjust accusations in court. The Compulsory Process Clause reads like this: They were familiar with English and colonial laws that forbade people from calling witnesses in cases of treason or felony. It was also the English and colonial practice not to allow people to testify in their own behalf! Their reasoning was that testimony from the accused person was inherently unreliable because of their personal interest in the outcome. The Founders saw it differently. By adopting the Compulsory Process Clause, the Founders were trying to protect people from the government using its great power and resources to convict and punish people unfairly. They saw the right to defend oneself with witnesses as a key to this protection. In modern day courts, there are a few examples when witnesses cannot be compelled to testify, such as when a witness pleads the 5th Amendment to avoid self-incrimination , or when one side or the other fails to inform the other side that it wants to present a witness without giving them enough time to prepare a defense. Courts must do everything in their power to get witnesses to testify, including locating witnesses who cannot be found and getting them to the trial, no matter the expense or effort required. If the state does not make every effort to get the witnesses to the trial, the Compulsory Process Clause has been violated. You can read more about the Compulsory Process Clause hereor you can read about several interesting and significant Sixth Amendment Court Cases dealing with the Compulsory Process Clause here. The Right to Counsel Clause reads like this: The right to defend oneself if accused of a crime is a bedrock of the American judicial system. Since legal matters are often confusing to the average person, the Supreme Court has determined that defendants must be allowed to have an experienced attorney defend them, someone who understands the legal system. If the person cannot afford to hire an attorney on their own, they will be given one by the court of jurisdiction. The Founding Fathers did not originally intend for the Right to Counsel Clause to mean that the public must provide an attorney for defendants in criminal cases. Instead, they meant to guarantee the right to hire a private attorney if one was desired. Indeed, at the time of the founding, the most common practice was for people to defend themselves in court. It was not until , in a Supreme Court case called Powell vs. Alabama, that a right to counsel was determined to exist in the 6th Amendment. Over several years and a series of cases, this right became more and more established in American law until it today, when it is considered to a universal right in criminal proceedings. You can find out how this change occurred and more about the Right to Counsel Clause here or you can read about several interesting and significant Sixth Amendment Court Cases dealing with the Right to

Counsel Clause here.

Chapter 3 : 14th Amendment - HISTORY

Annotations. History.â€"Few provisions of the Bill of Rights grew so directly out of the experience of the colonials as the Fourth Amendment, embodying as it did the protection against the use of the "writs of assistance.".

Its most notable feature is that it bars the United States government from subjecting any citizen to cruel and unusual punishment. Other parts of the amendment prohibit the government from imposing fines or bail which are considered excessive. Text Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Historical Background Several of the concepts used in this amendment, as well as a considerable number of its most significant words and phrases, date back to the Bill of Rights passed in England in This has come about after the case of Titus Oates, whose lies under oath had led to the execution of a number of innocent people. Oates was sentenced to whipping and the pillory, rather than to death, because it was thought that executing him would make honest people fear to give evidence in court. When the United States Constitution was ratified in , it was recommended by the Virginia convention that the same language should be incorporated into the U. Patrick Henry and George Mason, among other Virginians, intended that the restriction should also bind Congress, since otherwise, that body could simply inflict cruel punishments rather than them being imposed by the courts. Their other main line of argument was that, without a provision of this sort, Congress might replace the common law which the U. Henry, in particular, was anxious to show that the ancestors Americans should revere would not have allowed torture and barbarity to exist in their lands. The controversy over the issue was substantial, but the 8th Amendment went before Congress in and was adopted two years later. Cruel and Unusual Punishment Under the terms of the 8th Amendment, as interpreted by the United States Supreme Court, certain punishments are considered barbaric by definition and are therefore prohibited in all circumstances. These include disembowelment and burning alive. In the 21st century, the Supreme Court has extended this prohibition to cover the execution of those below 18 years of age and of those who suffer from a mental handicap. These more recent extensions were the subject of bitter debate and proved highly controversial. The Supreme Court has also ruled that other punishments should be considered cruel and unusual under specific circumstances. In particular, the Court has said that a principle of proportionality must be adhered to. The case of Trop vs. In , also, Furman vs. Georgia effectively outlawed the use of capital punishment in the U. Georgia four years later allowed executions to resume. Another significant ruling regarding the reach of the 8th Amendment came in , when in the case of Coker vs. Georgia, the Supreme Court found that it was unconstitutional â€" on the grounds of a lack of proportionality â€" for those found guilty of the crime of rape, where the victim was not killed, to be sentenced to death. After a number of unsuccessful attempts at reforming the law, the English Bill of Rights in specifically outlawed excessive bail, although it did not specify precisely which offenses should or should not qualify as bailable. Leave a Reply Your email address will not be published.

Chapter 4 : A Brief History of the Tenth Amendment | | Tenth Amendment Center

The Background, History and Impact of D.C. v. Heller How a Pro-2nd Amendment President Supported Gun Control Does the 2nd Amendment Protect the Individual Right to Bear Arms?

It was designed primarily to prevent the establishment of arbitrary courts of justice, where the decision of the judges is subject to the whims and control of the government. As one of the first 10 Amendments to the Constitution, the Seventh Amendment plays an important role in American political and legal theory. The right to trial by jury was even mentioned in the Declaration of Independence , in which the Founding Fathers decried the arbitrary courts created by the British Crown to try American merchants and traders for violating what they perceived to be unjust trade laws. Over time however, the nature of the Seventh Amendment took on more complexity, such that it created a clear distinction between judge and jury and emphasized the difference between Private Rights and Public Rights. Even today, there are still people who argue against the efficacy of Trial by Jury and those who argue in favor of them. Text In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. The Origins The 7th Amendment was originally ratified on December 15, However, it originated in England in the 12th century. Back then juries were composed of 12 local men who were brought in to give their opinions about a particular case. Although originally used as accusers against those who were deemed enemies of the king, the jury eventually evolved into a system where the twelve men would declare a verdict based on evidence as opposed to political expediency. This practice eventually spread to the American colonies, where juries became one of the leading institutions where colonists expressed their discontent against the British crown. This discontent came primarily from the Navigation Act and the economic restrictions imposed upon the colonies by the Crown. As the British government imposed more and more trade controls on the American colonies, the colonists were forced to turn to smuggling. Those who were caught were often subjected to trial by jury, where sympathetic jurors would acquit their fellow colonist of any wrongdoing, even though they violated British law. Naturally, this angered the British King, who then created new courts which did not allow juries. This, of course, outraged the colonists, who considered such decisions by the King as being against the traditions of English law, and infringements on their rights as citizens of the British Empire. After the War for Independence, the Seventh Amendment became one of the first ten Amendments to the Constitution enacted by the first Congress and was designed in such a way as to limit the powers of both the Federal Government as well as the Judicial Branch. The Purpose The Seventh Amendment guarantees the right of the accused to a jury trial in certain civil cases, and states that such trials are not subject to re-examination by other courts. However, the importance of this amendment goes beyond its most obvious characteristics and extends to other areas of American Jurisprudence. Among the key functions of the 7th Amendment is the clear distinction between judge and jury. This distinction is expressed in terms of functions. It designates the judge as the trier of the law, whereas juries are triers of fact. This distinction between fact and law is important because it gives legitimacy to the verdict of juries, while at same time, preventing them from violating the justified legal expectations of the plaintiffs. In other words, the 7th Amendment not only guarantees the existence of juries, but also sets the limits of its duties and responsibilities. What this means is that the law must always be taken into account whenever a jury makes a verdict. This was the original intention of those who framed the Bill of Rights. So the way this works out is that the judge determines which laws apply to which case, while the juries determine the facts of each case. In every trial by jury, the judge is given the duty to determine which evidence is admissible in court, instructing the jurors about the nature of laws involved and maintaining a certain degree of balance between the plaintiff and the defendant. As for the jury, they are in charge of determining the facts of the case and what the legal consequences are for the involved parties. Leave a Reply Your email address will not be published.

Chapter 5 : 21st Amendment - constitution | www.nxgvision.com

13th Amendment Slavery was an institution in America in the 18th and 19th centuries. The Southern states, with their agricultural economies, relied on the slavery system to ensure the cash crops (cotton, hemp, rice, indigo, and tobacco, primarily) were tended and cultivated.

Mar 5, Categories: Despite Federalist assurances to the contrary, Anti-federalists warned of the potential consolidation of the states under a national government with unlimited power. Although a sufficient number of states eventually agreed to ratify the Constitution, a number of them did so with the understanding that the scope of federal power would be strictly limited. Several state conventions included statements of principle along with their notice of ratification declaring their understanding that all non-delegated powers, jurisdictions and rights were reserved to the states. The New York Convention, for example, declared: Several states submitted lists of proposed amendments, all of which included a clause expressly declaring the reserved powers and rights of the states. After all, they had argued in the state ratification conventions that the structure of the Constitution necessarily implied such a principle of limited enumerated federal power. Those which are to remain in the State governments are numerous and indefinite. I find, from looking into the amendments proposed by the State conventions, that several are particularly anxious that it should be declared in the Constitution, that the powers not therein delegated should be reserved to the several States. Perhaps words which may define this more precisely than the whole of the instrument now does, may be considered as superfluous. I admit they may be deemed unnecessary: I am sure I understand it so, and do therefore propose it. Madison clearly was not convinced of the necessity of such a clause. He and other Federalists originally had resisted adding a Bill of Rights, in part because they believed that the Constitution, fairly construed, already established the principle of limited enumerated federal power. The problem was not that anyone seriously disputed the proposed government would be one of enumerated powers. The structure of the Constitution and the enumeration of federal power in Article I, Section 8 seemed to clearly imply that principle. The problem was how to prevent the undue expansion of those powers that were enumerated. Federal courts would be empowered to construe the Constitution and, as branches of the federal government, they were believed likely to do so in favor of federal power. Nor would the addition of express restrictions on federal power necessarily solve the problem. Indeed, adding such restrictions might even prove dangerous, for the enumeration of certain rights might be construed to allow federal power to extend to all matters except those expressly prohibited. A number of state ratifying conventions proposed the addition of such a rule of interpretationâ€”proposals that Madison relied on in drafting his own version of what would become the Ninth Amendment. The Virginia ratifying convention, for example, proposed the following amendment, which Madison himself helped draft: That those clauses which declare that Congress shall not exercise certain powers be not interpreted in any manner whatsoever to extend the powers of Congress. But that they may be construed either as making exceptions to the specified powers where this shall be the case, or otherwise as inserted merely for greater caution. The exceptions here or elsewhere in the Constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution. Madison responded that protecting the retained rights of the people amounted to the same thing as prohibiting the constructive enlargement of federal power. Under the Tenth Amendment, Congress had no powers but those enumerated. Under the Ninth, Congress and the Courts could not construe those enumerated powers in a manner denying or disparaging rights retained by the people.

Chapter 6 : Constitutional Topic: The Second Amendment - The U.S. Constitution Online - www.nxgvision.

Because the 4th Amendment is so vitally important to America, it deserves a look into the history behind its inception into the Constitution. The 4th Amendment to the United States Constitution was added as part of the Bill of Rights on December 15,

Advertisement Each Amendment to the Constitution came about for a reason â€" to overrule a Supreme Court decision, to force a societal change, or to revise the details of the Constitution. This page will give an overview of how each Amendment came to be. The process for adopting an amendment is outlined elsewhere , as is the ratification history of each Amendment. A list of failed amendments is also available. The Bill of Rights Amendments 1 through 10 As noted on the Constitutional Convention Topic Page , several delegates to the convention refused to sign the newly drafted constitution because it did not include a bill of rights. Bills of rights were typically parts of the constitutions of the several states of the day and today , placed there to ensure that certain rights were recognized by the government. Most of the delegates did not feel such a bill was necessary, and other may have been on the fence but were weary from the months of negotiations. The lack of a bill of rights was one of the main arguments that Anti-Federalists used to try to convince the public to reject the Constitution. But the need for change was all too evident, and it was not rejected. However, some of the states sent suggestions for amendments to the Constitution to add an enumeration of certain rights. The ratification messages of the states included many varying suggestions, which the very first Congress took under consideration in its very first session. Representative James Madison, who was so instrumental in the creation of the Constitution in the first place, drafted a bill of rights. Though he originally opposed the idea, by the time he ran for a seat in the House, he used the creation of a bill as part of his campaign. He introduced the bill into the House , which debated it at length and approved 17 articles of amendment. The Senate took up the bill and reduced the number to 12, by combining some and rejecting others. The first two articles were not accepted by enough states, but the last ten were. We know them today as Amendments 1 through The second article was eventually ratified as the 27th Amendment. The first ten amendments, collectively known as the Bill of Rights , were ratified on December 15, days. A photographic image of the badly-faded original Bill is available on this site. Congress felt that the Supreme Court had over stepped its bounds, and feared it would do so again unless prohibited by the Constitution. The Chisholm case was decided in , just five years after the adoption of the Constitution. The Amendment was approved by Congress on March 4, , and ratified on February 7, days. The Amendment limits the jurisdiction of the federal courts to automatically hear cases brought against a state by the citizens of another state. Later interpretations have expanded this to include citizens of the state being sued, as well. In Hollingsworth v Virginia 3 USC [] , the passage and ratification of the 11th was challenged for two reasons. First because the President did not sign the amendment bill, and second because the amendment presented a situation where people had some legal relief before ratification that dried up after, creating an ex post facto situation. The Supreme Court rejected both challenges, setting some important precedent for future amendments. In the election of , the flaws of the original system became more than apparent. Both Jefferson and Burr were candidates of the same party, with Burr chosen to be the Vice President; some states preferred Burr, and neither was able to get the required majority until the stalemate was ultimately broken. The result was the 12th Amendment , approved in Congress on December 9, , and ratified on June 15, days , in time for the new process to be in place for the election. With the 12th, Electors are directed to vote for a President and for a Vice President rather than for two choices for President. The Southern states, with their agricultural economies, relied on the slavery system to ensure the cash crops cotton, hemp, rice, indigo, and tobacco, primarily were tended and cultivated. In , the Congress prohibited the slave trade, not a year later than allowed in the Constitution. A series of compromises, laws, acts, and bills tried to keep the balance between the slave states and the non-slave states. For a more thorough history of slavery, see the Slavery Topic Page. Lincoln had, over time, voiced strong objections to slavery, and his incoming administration was viewed as a threat to the right of the states to keep their institutions, particularly that of slavery, the business of the states. More states seceded, eleven in all, forming the Confederate States of

America. The secession movement led to the Civil War. In the waning days of the war, which ran from to , the Congress approved an amendment to abolish slavery in all of the United States. By the end of , eight of the eleven Confederate states had also ratified it. Proposed on January 31, , it was ratified on December 6, days. Eventually, all of the CSA states except Mississippi ratified the 13th after the war; Mississippi ratified the amendment in The original plan to readmit states after acceptance of the 13th was supported by President Andrew Johnson, but the Radical Republicans, as they became known, wanted more than just a return to normalcy. They wanted to keep the power they had attained during the war years. The South did not make it easy for Johnson, however, and the so-called Black Codes started to be passed in Southern states. Congressional inquiries into the Black Codes found them to be a new way of controlling ex-slaves, fraught with violence and cruelty. The 14th was designed to ensure that all former slaves were granted automatic United States citizenship, and that they would have all the rights and privileges as any other citizen. The amendment passed Congress on June 13, , and was ratified on July 9, days. Though a noble idea, it had little practical effect for quite some time, as the Southern states found myriad ways to intimidate blacks to keep them from voting. The Congress passed the amendment on February 26, , and it was ratified on February 3, days. Though ratification of the 15th Amendment was not a requirement for readmittance of the Confederate states to the Congress, one of the provisions of the Reconstruction Acts required that the states include a provision in their new constitutions that included a near-copy of the text of the 15th.

Chapter 7 : Swindle Law Group | THE HISTORY BEHIND THE 4TH AMENDMENT

Reformers eventually sought an amendment to push back the start date to early January in order to shorten the "lame duck" session in election years (November to the following March). In , Senator George Norris of Nebraska authored the initial resolution that provided the basis for the 20th Amendment.

Gun control cannot be understood in all of its complexity unless one understands the motivations and agenda of those who would encroach upon Second Amendment firearm rights. One group of gun control advocates is comprised of people who possess what cognitive scientists refer to as literal and concrete thinkers. To achieve the kind of control progressive leaders dream of, citizens must be disarmed. And to disarm American citizens, by definition, means that statists must undermine the Second Amendment to the Constitution of the United States. As a student of statist-inspired revolutions, including the one currently well under way in America, a disturbing pattern of gun confiscation either preceded or was concurrent with the imposition of Draconian control over the masses. In each and every Marxist inspired revolution, the "useful idiots," a term that made its appearance among WW II socialists in Italy, and later adopted by the Politburo in the USSR, joined statists in their confiscation of guns from everyday citizens. Lenin referred to the proletariat as proud workers but treated them as imbeciles who needed the Communist party to regulate almost every detail of their lives. We in America hear socialist dogma leak out from our progressive leaders on occasion. For example, in President Obama told a Pennsylvania crowd that given the harsh realities of the economy is it any wonder that people cling to their guns and religion? Hear President Obama express these thoughts immediately below: In fact, guns and God when joined in a positive way is considered by progressives to be pathognomonic of a dumb and backward Neanderthal American, usually referencing a southerner or rural dwelling citizen. Noble Laureate Alexandr Solzhenitsyn, winner of the nobel prize for literature in for his brilliant work entitled Gulag Archipelago, explicitly made the connection between what he referenced as the twin virtues of being armed with lethal force and God. What would things have been like if every Security I operative, when he went out at night to make an arrest, had been uncertain whether he would return alive and had to say good-bye to his family? Or if, during periods of mass arrests, as for example in Leningrad, when they arrested a quarter of the entire city, people had not simply sat there in their lairs, paling with terror at every bang of the downstairs door and at every step on the staircase, but had understood they had nothing left to lose and had boldly set up in the downstairs hall an ambush of half a dozen people with axes, hammers, pokers, or whatever else was at hand? And even more â€” we had no awareness of the real situationâ€¦. We purely and simply deserved everything that happened afterward. He, like I, was a student of patterns exhibited by Marxist inspired revolutions all over the globe. In , the Marxist Bolsheviks, who had taken over Christian Russia, established gun control. From to , about 20 million dissidents Mostly Christians who did not agree with the Marxists in charge , unable to defend themselves, were rounded up and exterminated. In , Turkey established gun control. From to , 1. Germany established gun control in and from to , a total of 13 million Jews and others who were unable to defend themselves were rounded up and exterminated. China established gun control in From to , 20 million political dissidents, unable to defend themselves, were rounded up and exterminated. Guatemala established gun control in From to , , Mayan Indians, unable to defend themselves, were rounded up and exterminated. Uganda established gun control in From to , , Christians, unable to defend themselves, were rounded up and exterminated. Cambodia established gun control in From to , one million "educated" people, unable to defend themselves, were rounded up and exterminated. It is axiomatic in human behavior science that relatively helpless people, i. Whereas, people who can fight back are less likely to be victimized, end up in jail and avoid rape. Scientific research backs up the idea that individuals with access to deadly force are less likely to become victims of felons or, by logical extension, government tyranny. Kleck and his colleague Dr. The results showed that American civilians commonly use their privately-owned firearms to defend themselves against criminal attacks, and that such defensive uses significantly outnumber the criminal uses of firearms in America. Kleck, American civilians use their firearms as often as 2. David Hemenway, a researcher from Harvard University, has estimated the number of defensive uses of guns to be much fewer that

Dr. Hemenway estimates that the defensive use of firearms occurs hundreds of thousands of times a year, not the millions of times per year found by Dr. Predators and tyrants prefer victims who cannot fight back and, that the possession of a gun by a would-be victim represents to a would-be predator a threat to be avoided. What I am suggesting, however, is that statists have always preferred a disarmed citizenry because disarmed citizens are more psychologically compliant. This is because when people are unable to envision, in their own mind, an armed defense, they tend to submit to authority more easily. The psychodynamic in play is exactly as described by Solzhenitsyn in Gulag Archipelago. Lethal force in the hands of citizens force government agents, or run-of-the-mill criminals, to stop and consider their own mortality. It has been said before but its brilliant clarity is worth repeating: It takes a good guy with a gun to stop a bad guy with a gun. The effectiveness of confronting criminal intent with immediate reprisal has not been lost on those progressive politicians and their cohorts in the mass media entertainment complex who comprise the idiots utiles part of the gun control equation. But once in, you are only a few feet away, at any given time, from men and women packing heat. The White House and its occupants are similarly protected by armed guards. Not one major television network, including the former employer of gun control advocate Piers Morgan, are without armed guards. Gun control advocate and progressive activist Madonna has armed guards on her payroll. I certainly could, but I will not, recite each and every instance and example of where a Hollywood elite felt the need to hire or use the services of an armed guard. These arguments are designed to impress two-dimensional thinkers who fail to grasp this simple fact: Principles and values apply equally well to the musket as they do to automatic pistols and rifles. Principles and values are constant. Progressives have deluded themselves into believing that they define reality and, therefore, their attitudes and beliefs DEFINE reality. That citizens should be in a position to control a future tyrannical government by being able to confront armed force with armed force. It was written by historian David E. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. On September 26, , the First Congress under the U. The introduction to the proposed amendments stated a general description of not only their nature and purpose but also their source: The Conventions of a number of the states having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: Congress proposed the Second Amendment and other Bill of Rights provisions to satisfy the desires of state ratifying conventions. Examination of those desires makes it evident that several conventions wanted a bill of rights added to the U. Constitution that included a two-clause Second Amendment predecessor. Although James Madison was a brilliant writer, I am going to translate from his old-English to a more modern English lexicon just to make things crystal clear. My translations will be written in all caps. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. It may well be doubted, whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Michael continues his analysis: The author s clearly envisioned the possibility of another tyrannical regime ruling the United States. It is simple to understand why it is more dangerous for an unarmed populace than an armed populace. It is often said and always true, only governments operated by individuals like Hitler and Stalin prohibited its people to carry firearms. Prohibiting the ownership of firearms merely allows governments to eliminate civil liberties without the threat of retaliation. Is it going to be the politician du jour, a tyrant who comes into power by fraud, force or deceit? Let them take arms. They disarm only those who are neither inclined nor determined to commit crimes Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man. As to the species of exercises, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball, and others of that nature, are too violent for the body and stamp no character on the mind. Let your gun therefore be your constant companion of your walks. I think that upon the whole it has been about one half the number lost by them, in some instances more, but in others less. This difference is ascribed to our superiority in taking aim when we fire; every soldier in our army having been intimate with his gun from his infancy. They consist now of the whole people, except a few public officers. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of

the people are armed, and constitute a force superior to any band of regular troops. A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country. It is the argument of tyrants; it is the creed of slaves. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined The great object is that every man be armed. Everyone who is able might have a gun. The right of self defense is the first law of nature: Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any color or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction. The balance of power is the scale of peace. The same balance would be preserved were all the world destitute of arms, for all would be alike; but since some will not, others dare not lay them aside. And while a single nation refuses to lay them down, it is proper that all should keep them up. Horrid mischief would ensue were one-half the world deprived of the use of them; for while avarice and ambition have a place in the heart of man, the weak will become a prey to the strong. The history of every age and nation establishes these truths, and facts need but little arguments when they prove themselves.

Chapter 8 : Background of the Twelfth Amendment

Background on the First Amendment Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.

Select Page Fourth Amendment: Mike Maharrey Published on: Sep 25, Categories: The Fourth Amendment prohibits violations of our privacy and our person from unreasonable infringement by federal agents. Prior to the Revolution, the British claimed the authority to issue Writs of Assistance allowing officials to enter private homes and businesses to search for evidence of smuggling. These general warrants authorized the holder to search anyplace for smuggled good and did not require any specification as to the place or the suspected goods. Writs of assistance never expired and were considered a valid substitute for specific search warrants. They were also transferable. Writs of assistance were actually contrary to British legal tradition. But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors. The house of every one is to him as his castle and fortress, as well for his defence against injury and violence as for his repose. Writs of assistance were a flashpoint in the years leading up to the Revolution. He did not prevail, but his fiery oration heavily influenced John Adams and other revolutionary leaders. Otis vividly described the indignity of the writs. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient. This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Pew had one of these writs, and, when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware; so that these writs are negotiable from one officer to another; and so your Honors have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this: Justice Walley had called this same Mr. Ware before him, by a constable, to answer for a breach of the Sabbath-day Acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. I cannot pass over in silence the insecurity with which we are left with in regards to warrants unsupported by evidence â€” the daring experiment of granting writs of assistance in a former arbitrary administration is not yet forgotten in the Massachusetts; nor can we be so ungrateful to the memory of the patriots who counteracted their operation, as so soon after their manly exertions to save us from such a detestable instrument of arbitrary power, to subject ourselves to the insolence of any petty revenue officer to enter our houses, search, insult and seize at pleasure. The Fourth Amendment was introduced and ratified to prohibit broad, sweeping, arbitrary searches and seizures. It requires that federal agents first obtain a warrant, and that the warrant include specific descriptions of the place they intend to search and exactly what they are looking for. The feds violate the Fourth Amendment on a daily basis. When the NSA and other federal agencies scoop up our electronic data, emails, phone calls, web browsing history and other private information, they violate the plain language of the amendment. While the technology has changed, these spy-agencies operate in exactly the same manner as the hated British customs agents. They claim broad and arbitrary authority to search and seize, and do so with impunity. In fact, it was meant to restrain government action in just these situations. When passions run high and fear grips the mind, it is then that we need to fall back on these basic principles. They were meant as a bulwark against emotional decisions made in the moment. When considered within the historical context, it becomes obvious that the operation of the NSA and other federal spy agencies today represents exactly what the people of the founding era intended to prevent.

Chapter 9 : 14th Amendment adopted - HISTORY

Background of the Twelfth Amendment Shortly after the nearly disastrous Election of , efforts were undertaken to amend the Constitution. The resulting 12th Amendment was ratified in

The issue is one that continues to be divisive as some see the Second Amendment as only allowing states to form their own armed militias to guard against the takeover of the Federal Government. Some say that there should be a right to own an unlimited amount of firearms for personal defense. Is there a right answer in all of this? Many would argue that this was the initial purpose of the Second Amendment. The framers of the Constitution saw the benefits of having a well-regulated armed force around to provide security for a young nation. Around the time of the Civil War, the thinking about what constituted a militia began to change. Some saw it as common sense to give those folks the right to keep arms so they could quell an uprising should it occur. The Supreme Court for several generations interpreted this as a right for any American to join a militia, which would therefore allow them to own a weapon should they be called to participate in a regulated event. Ben Carson famously stated that mass shootings are simply the price that US citizens pay for the freedom to own guns. This is a reflection of the attitudes about guns that is seen on the right and the left in the modern United States. People believe that since they can own guns, they should load up their home with as many loaded weapons as possible to defend themselves. People at the founding of the US owned muskets. Even during the Civil War, repeating rifles could only fire rounds per minute. Today you can fire that many rounds in a couple of seconds with the right gun. Now multiply that ability by 10, 50, , or by however many guns a household might be stockpiling and this is why there is such a rift about the Second Amendment today. By , when the right to personally bear arms was decided by the Supreme Court, a different view of the Second Amendment from a historical standpoint has been come to be held by many in power. Andrew Napolitano sums up this alternative view on the Second Amendment succinctly. It protects the right to shoot tyrants, and it protects the right to shoot at them effectively, with the same instruments they would use upon us. There are exceptions for domestic violence cases, certain felony convictions, and other localized restrictions. What is not in place is a set of guidance standards for the responsible use of a firearm, with the exception of certain concealed carry permits applications, which require training and the demonstrated use of responsible ownership. This means it is up to each owner to put their best foot forward when it comes to the use, maintenance, and storage of their firearm. This means proactive steps must be taken to secure firearms from the curiosity of young children. Trigger locks should always be used when a gun is stored around children, even if it is being transported in a vehicle or required for work. A gun safe should be at home with the firearms locked within it in such a way that no one can access the weapon without a combination, the right biometrics, or other security devices. It also means there is a responsibility to teach children about when it is appropriate to use a gun and when it is inappropriate to do so. With responsible use, a gun is simply a tool. With irresponsible use, a gun can easily take the lives of many in just seconds. Finding the Right Path toward the Second Amendment different people are going to interpret laws different ways. What we must do is realize that these differences are what make us strong as a community, a neighborhood, or even as a family. It simply gives them a tool to responsibly use when the time is right. Mar 12, Jason Hodgson.