



Congress of the United States

PATRIOTS GUIDE

★ TO THE ★

BILL OF RIGHTS

Unit 1

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Unit 1

Introduction

Americans lack a basic understanding of the Constitution and the freedoms it protects. Why? When we live our lives without conflict and don't knowingly break the law, we seldom see government as bad. So what if the government denies a criminal his right to legal counsel. He shouldn't have broken the law. So what if the police conduct an illegal search of a drug dealer's house. He shouldn't have been selling illegal drugs. But what most people don't appreciate is how important the inalienable rights of the criminal and drug dealer are to future police or government activity that could be used to victimize law-abiding citizens. For example, SRS agents have used "homeschooling" as probable cause to believe child abuse is occurring and have *illegally* forced their way into Christians' homes to remove the children.¹ Sure, the Courts in such cases eventually got it right, but not until the families or organizations providing legal assistance spend hundreds of hours and thousands of dollars defending them from the government's *jack-booted* thugs.

It's also important for law-abiding citizens to understand what their Constitution-protected rights are in the first place. Ask an adult with a college education whether he has the right to free speech in a supermarket. He will probably say yes. He's wrong. The Constitution and the Bill of Rights (including the First Amendment Right to Free Speech) protects citizens from *government* intrusion, not private parties. If I own a supermarket and don't like you screaming at the clerks, "your prices are too high!" they can kick you out. This is just one example of even well-educated Americans misunderstanding or lacking knowledge of the Constitution.

A better example of the general ignorance of Americans about their rights is the almost weekly article on government schoolteachers and administrators forcing kids to remove T-shirts that pronounce things like "The second amendment shall not be infringed"² or letting kids wear Halloween paraphernalia yet forbidding them from wearing shirts with Christian scriptures.³

All of the above could be avoided if we made students learn about the Constitution, not just bits and pieces that support one agenda or the other, but *all* of it. This is what this course is designed to do.

This Bill of Rights and Constitutional Law curriculum was originally published in the We The People column in The Old Schoolhouse Magazine. It expands on these short articles by adding

¹ *HSLDA Home School Report*, Vol. 10, No. 5, September/October 1994.

<http://www.hslda.org/courtreport/V10N5/V10N5KS.asp>.

² *NRA shirt gets N.Y. high school student suspended*, The Washington Times On-line Edition, March 12, 2014, <http://www.washingtontimes.com/news/2014/mar/12/nra-shirt-gets-ny-high-school-student-suspended/>.

³ *NC Teacher Forces Student to Turn T-Shirt with Bible Scripture Inside Out – School Promptly Corrects Teacher*, Freedom Outpost, March 6, 2014. <http://freedomoutpost.com/2014/03/nc-teacher-forces-student-turn-t-shirt-biblescripture-inside-school-promptly-corrects-teacher/#IHvAkrdHL8dL6Zsy.99>.

extracurricular assignments and additional reading materials to round out your student's knowledge. The goal of the course is to help students think on their own as well as point them in the right direction for independent research when questions about their freedoms arise.

To help on the research front, Unit 1 provides tips on using technology and the Internet to research questions at the end of each subsequent unit that will help your student understand the materials. The material in this course stands on its own so external research isn't essential to understanding the basics, however, the biggest benefit to home schooling is the ability to expand beyond the materials and think for one's self. When used properly, the Internet and its powerful search engines and research tools will help your student educate himself on the freedoms that our Founding Fathers shed their blood to protect. Unit 1 was originally published in the 2014 Annual Print Edition of The Old Schoolhouse Magazine.

At the end of each unit is a section titled *Independent Exploration*. For full credit in this course your student must complete these exercises. Each part builds on the last, with the mid-term paper and test, as well as the term paper and final exam, relying heavily on the information your student finds in these exercises.

The mid-term writing assignment and test will each represent 15% of your student's grade. The Final will represent 50%, and the term paper will represent 20%. Your student will receive credit for civics, grammar, and literature, depending on how your distributes the grades.

I am an attorney in Wichita, Kansas, where I practice criminal defense, family law, business law, and estate planning. I am also an allied attorney with the Alliance Defending Freedom where I provide legal assistance to families, businesses, and churches in pro-family and pro-life causes. If you have any questions as you study this course, don't hesitate to email me at kmsmith@acelaw.net.

A few high-tech tips to make your home school student a better writer

As a lawyer, I use computers every day for research and writing. Over the years I've discovered many powerful applications and Internet resources that have saved me lots of time. They have also given my writing more legitimacy by helping me find credible sources to support my positions. These tools aren't just for lawyers. Anyone committed to saving time and improving the quality of his or her research and writing will find them indispensable. In this unit I will share some of these secrets.

First, a free tip: **DO NOT USE WIKIPEDIA AS A SOURCE!** *Anyone* can edit most Wikipedia entries, regardless of qualifications.⁴ Thus, any serious scholar will stop reading once "Wikipedia" pops up in the footnotes. It tells him the writer is (1) lazy, (2) unprofessional, or (3) both. It's okay to use Wikipedia to provide background information, but never as a source. The only way you should use Wikipedia is to dig down into article footnotes, which will lead you to more legitimate sources that can and should be used for research and citations. Here's an example.

I typed "Constitution" into Google. The second entry was the Wikipedia entry, which brought up the following:

United States Constitution

From Wikipedia, the free encyclopedia

The **Constitution of the United States** is the supreme law of the United States of America.^[1] The Constitution, originally comprising seven articles, delineates the national frame of government. Its first three articles entrench the doctrine of the

Don't cite the Wikipedia definition. *Do* tap on footnote 1 and review the source material. This reveals:

Citations

1. ^ Maier, Pauline. "Ratification: the people debate the constitution, 1787-1788". 2010. ISBN 978-0-684-86854-7, p. 35.

When quoting the Wikipedia definition, it's therefore better practice to cite the book in the footnote of the Wikipedia entry, not Wikipedia. This will also protect you from plagiarism allegations in college.

⁴ See http://en.wikipedia.org/wiki/Wikipedia:Editing_policy.

Google isn't just for trivial pursuit anymore

Google has long been known as the default Internet search engine provider, but it has become much more.⁵ Google, the company, has built a database of information rivaling the most expansive sources in the world through its Google Scholar and Google Books search tools.

Google Scholar is the culmination of Google's efforts to index every major scholarly source into a single Internet search engine.⁶ Most of the information generated is free. For example, need a Colorado court case on same-sex marriage? Just type in the search terms "same-sex marriage" and limit the scope to Colorado cases. (*Evans v. Romer*, 882 P. 2d 1335 (Colo. S. Ct. 1994), comes up as the first hit, by the way.) If it's a free source, you can pull up the entire text of the case or article. If it's a law review article or some other scholarly work, you may have to pay to access it online or use Google Scholar to compile a bibliography you can use to copy articles from your local library's archives.

Several years ago a nonprofit group called Project Gutenberg set out to scan every public domain book into a master online database.⁷ So far more than 42,000 titles have been scanned and you can download them for free at the organization's web site. However, there is a much more user-friendly way to access this information, one that gives you access to much more than *just* these works.

Google Books is the serious scholar's number one research tool.⁸ Using this search tool, the researcher can tap into every imaginable book database accessible on the Internet and pull up not only public domain works via Project Gutenberg, but e-books written by more contemporary authors, supplements for home school parents to assist in the education of their children of any age, and previews of hardcopy books available for order through your local bookstore or at *Amazon.com* or *BN.com*. Imagine needing a book on a particular topic. Instead of relying on the search engines of online retailers who stand to profit from your purchase, you can use this unbiased search engine and see more of the book's contents than any of the retailers permit. For example, I downloaded entire multi-volume sets of *The History of the Decline and Fall of the Roman Empire* and *Blackstone's Commentaries on the Laws of England* for free, both sets costing hundreds of dollars when bought in hardcopy format.

Also, there's an app for that. That's right; just as Kindle and Apple have reader applications for their bookstores, Google Books has an app for PC, Mac, iOS, and Android devices that makes it a snap to search and read your Google Books downloads.

⁵ See www.google.com.

⁶ See scholar.google.com.

⁷ See <http://www.gutenberg.org>.

⁸ See books.google.com.

It doesn't do any good to discover great information for your term paper if you don't file it in a place where you can find it later!

I've gotten frustrated in the past when I knew I was researching something I had researched before but couldn't recall where I filed the information. I have also been so rushed when researching time-sensitive motions or arguments I didn't bother saving the cases and statutes I cited. The result was more work on future cases that better filing and cataloging of information would have avoided. Then I discovered the most amazing research assistant ever invented by man. Evernote.⁹

Evernote is a note-taking and filing application for PC, Mac, iOS, and Android devices that is sync-able between all the user's devices. When used as the timesaver it's meant to be, it is much more than just a note taker. Evernote pulls all the wonderful research tools discussed above into a nice, tight bow. First, it gives you a way to take notes on all your devices. Have your iPhone but not your computer and need to take a picture of a book you'd like to check out, or have an idea for a paper you're writing and are afraid you'll forget? Just pull up Evernote, take that picture, or write that memo to yourself, and file it under the project name. When you pull up Evernote on your computer or iPad, it's synced and therefore available on both devices, but this is just the beginning.¹⁰

Remember that Colorado case we pulled up at the beginning of this article? If you have Evernote you can send the entire PDF document to your Evernote account and file it under that controversial topic you're researching for your term paper. You can also add tags to your articles and notes and search those tags later just in case you filed similar articles in different files. You run across an article on the same topic? Send it to your Evernote account and it's filed, ready to cut and paste when you're ready to write your paper—don't forget to cite the source so you can't be accused of plagiarism!

For PCs and Macs, Evernote has plugins for Chrome, Explorer, Firefox, and Safari browsers to make sending articles and documents to Evernote as easy as tapping a button on the toolbar. Evernote also provides an email address to send articles and PDFs to your Evernote account just in case the button plugins aren't supported.

With a paid subscription, you can add collaborators to project files,¹¹ which enables team or project members to save their memos and articles to the specified files without giving them access to other more confidential ones.

I recently discovered EverClip, an app for iOS and Android devices (iPad, iPhone, Android tablets and smartphones) that supplements Evernote.¹² It allows you to copy portions of articles,

⁹ See www.evernote.com.

¹⁰ See <http://evernote.com/video/>, for a library of Evernote tutorial videos.

¹¹ See, e.g., www.dropbox.com, which allows you to save files via Cloud storage and send invitations to others who can access your files. This is more a file saving/sharing option and not note or research specific. There are several other cloud storage services that offer the same service, including Google Drive.

or even entire documents or pictures, without sending the individual clips to Evernote one at a time. At the end of your research session, you open up EverClip and send all your clips to Evernote in one single document. You can even add notes to the clips before sending the master document. This one costs money while all the other apps I've listed are available in free versions.

Technology is wonderful as long as you use it to make your life better

There are many more productivity apps available for the serious scholar and writer. However, the ones discussed above are the ones I use every day. They have greatly improved my research and writing productivity. I know they'll help you too.

Independent Exploration

Pull up Google Scholar on your Internet browser. <http://scholar.google.com>. Let's try a simple legal case lookup. First, click on the "case law" button on the search engine parameters. Second, click on the text box and type "Buck v Bell."



The very first entry should be "Buck v. Bell," a very disturbing United States Supreme Court case that led to some horrific perversions of the law. Click on the link and save the article as a PDF. There should be a save as PDF option under your browser's "File" tab. If you've downloaded Evernote you can drag and drop the saved file to Evernote, open the Evernote file, then file it under whatever topic (e.g., euthanasia) applies. You can also download Evernote browser extensions for all major browsers. Then just click on the Evernote button on the toolbar and it will let you save the article however you like, including adding tags to help locate your research on later projects.

Now try something different. Click on "Articles" on the resulting column on the left.

¹² Available through iOS and Android Play app stores.

Scholar About 3,520 results (0.05 sec)

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Articles [Buck v. Bell](#)
274 US 200, 47 S. Ct. 584, 71 L. Ed. 1000 - Su
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143 Va. 310 (1925). CARRIE **BUCK**, BY RG SI
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The result is an expansion of your search to scholarly articles. Many of these services require payment to access the articles, but it also taps into Google Books, and many of these are free.

You don't have to use case names to pull up cases in Google Scholar. You can use terms such as gun rights, abortion, first amendment, freedom, etc. Basically, you can plug in whatever term your question involves. You can also narrow your searches down to date ranges.

Any time

Since 2014

Since 2013

Since 2010

Custom range...

Sort by relevance

Sort by date

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[Skinner v. Oklahoma ex rel. V](#)
316 US 535, 62 S. Ct. 1110, 86 L. Ed
... [1] It is argued that due process is
Buck v. Bell, 274 US 200, the defen
whether he is the probable potential |
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[Buck v. Kuykendall](#)
267 US 307, 69 L. Ed. 623, 45 S. Ct.
BUCK v. KUYKENDALL. DIRECTOF

That should be enough to get you started. Pick out a topic you're curious about and do some Google Scholar research. As you progress in this course, insert the terms associated with whatever rights the current unit deals with. Look up cases, articles, or whatever else you believe will help your understanding of the issues. To expand your results, plug the topics into your browser. Remember the admonition about Wikipedia. Almost all searches bring up its articles on the first page. It's okay to peek into these articles for background, but *never* rely on them for the meat of your writing and definitely don't cite to Wikipedia. Dig down to the Wikipedia footnotes if you must.

Here are some topics to research before you proceed to the next part. Save your results in PDF files and start saving them in a file on your computer, or Evernote. File by topic so you can find them easily at a later date. You will write a mid-term and term paper and all research you

conduct during your *independent explorations* will be useful, as long as you save it where you can find it later, that is.

- Nuremberg trials and Buck v. Bell
- NSA
- Separation of Church and State
- Military style weapons
- Freedom of Association
- Rights of Man
- Enlightenment
- Magna Carta
- Sir William Blackstone