

F.O.R.C.E. STUDY GUIDE - THE EXTRA AMENDMENTS

Content-based Questions

1. Under the **Second Amendment**, what can the government not do? What can the government do instead?
2. The **Eighth Amendment** is supposed to prevent “excessive fines or bail,” and also forbids “cruel and unusual punishment.” What are two examples of corporal punishment that used to be common at the time of the Constitution that we now consider cruel?
3. What was the state of Indiana arguing in *Timbs v. Indiana* (2019)? What did the Supreme Court rule? Which amendment was the state violating in this case?
4. **True or False:** The Bill of Rights is a list of all the rights that our government protects for its citizens. If there is something not included in the Bill of Rights, then you probably do not possess that right.
5. **True or False:** The Bill of Rights applies to all situations. For example, your employer cannot violate them in its dealings with you, your neighbors cannot violate them in their dealings with you, your church cannot violate them in its dealings with you, and so on.
6. **True or False:** If a civil rights law protecting LGBTQ+ citizens is passed, it will force religious institutions to modify their beliefs, and restrict what their preachers can preach.

Engaging the Material

1. The first 10 amendments to the Constitution (i.e., The “Bill of Rights”) are not numbered in order of importance. They were all written at the same time, and they were numbered at random, in an order “pulled out of a hat” on purpose, because the Founders did not want one to be considered more important than the others. Does this knowledge change the way you have thought about them?

2. At the time of the Constitution, a gun was a musket. Discuss whether or not (and if so, how) the Founders might have changed the wording of the Second Amendment, if they had been able to foresee automatic and semi-automatic guns available for individual purchase.

3. Ideas of what constitutes “cruel and unusual punishment” have changed over the years since the Founders wrote the Eighth Amendment. Discuss your thoughts on the use of Capital punishment. Does it make a difference, in your mind, if the method is lethal injection? Electric chair? If the idea is to be a deterrent, should public hanging, beheading, stoning, etc. be brought back? Discuss your response.

4. To quote the lecture, “The **9th and 10th Amendments** remind us that the founders did not view the Bill of Rights as a document that granted rights, but as a document forbidding government from infringing on the rights to which we are entitled simply by virtue of being human.” What difference does that make?

Think of some choices that we typically assume are an individual’s “right” - for example - the “right” to choose whether or not to marry - to work - to have children - to quit a job - etc. Think of some more. What if the Bill of Rights WAS the inclusive list of our rights? Discuss your response.

Engaging the Material

5. Think about why people are easily confused and mistaken about the difference between Civil RIGHTS and Civil LIBERTIES. One main reason is the name given to the first 10 Amendments - they are named the “Bill of Rights” - but they name individual **freedoms from government interference**. They are called **CIVIL LIBERTIES**.

In contrast, **CIVIL RIGHTS are not the Bill of Rights!** The term **Civil Rights** refers to rights that protect an individual from discrimination. They were put into law much much later. The 14th Amendment wasn't until 1868, after the Civil War, freeing slaves and ensuring “Equal Protection under the law”. Interestingly, some things were still a “blind spot” in our society - and women's rights to vote didn't become law until the 19th Amendment, in 1920.

What would you say are some “blind spots” still uncorrected in our society today? What might the next few legitimate Amendments be about?

6. The lecture names three practices that were created for good reasons at the time, but the practices have become distorted and misused to the point where many people say they should be discontinued altogether.

Pick one of these and discuss what you understand about why this argument could be made.

- Gerrymandering
- The Electoral College
- Filibuster

Content-based Answer Guide

1. It cannot ban or confiscate guns; they can constitutionally place substantial restrictions on gun sale and ownership.

2. Examples can vary.

3. The state argued that they had the right to keep the vehicle because of “civic forfeiture” - as the car was used in a crime. The Supreme Court ruled that the forfeiture violated the Eighth amendment’s excessive fines clause. The car cost 4 times the amount of the maximum fine that the state could have assessed against the individual.

4. False

5. False

6. False