

* Friday's Constitution Class



* Friday's **Constitutional Class** will be presented by Shawn O'Connor (upper left), DCL and Dave Wellington (lower left), founder of Law Education and Research Network (L.E.A.R.N.). These seasoned instructors have almost 50 years of combined experience in the courts. Topics will include discussion on important constitutional protections: 1st Amendment (freedom of assembly, speech, redress of grievance), 4th Amendment (right to be secure in your person, houses, papers and effects) and 5th Amendment (no person shall be compelled in any criminal case to be a witness against himself) and more.

BONUS!!!

All attendees to this class will receive a **CD filled with a wealth of information and research.**

Limited seating for this class so please reserve in advance. Separate ticket required for this class. See registration form.

The following is a proposed outline of the class. This will be modified some before the class. As you can see you will want to attend this informative class.



U.S. CONSTITUTION COURSE OUTLINE

- I. Legislative Powers of federal government.
 - A. Art. 1, sec. 8.
 1. List of powers
 - a. Social security?
 - b. AFDC?
 - c. Medicare?
 - d. Medicaid?
 - e. Paying farmers not to grow crops?
 - f. farmer subsidies?
 - g. Foreign aid?
 - B. General Welfare & Interstate Commerce Clauses — source of most problems today.
 - a. General Welfare substantive grant of power?
 - b. Why separately list powers when GW clause would cover everything? [Gun free school zone case] Interstate Commerce Clause
 - c. Farmer growing crops for own use affects interstate commerce because crops not on open market

- d. Only need potential for IC or prior movement; [Subway robbery case]

II. Monetary Powers of fed gov't.

III. Art. 1, sec 10

- 1. Why limitation on states?
- 2. Why only gold/silver coin?
 - a. No ability for gov't to cheat
 - b. Control on exercise of power
 - (1) boondoggles and waste
 - (2) war and invading other countries
- 3. The system that exists now.
 - a. 12 USC 411.
 - b. What is real purpose of taxation when gov't creates currency out of thin air; unbacked paper and computer entries are only currency? [Beardsley Ruml AMERICAN AFFAIRS article]

IV. Taxing powers of fed gov't

A. Art 1, sec 9 limitation & apportionment

B. 16th Amendment

- 1. Was it ratified?
- 2. Political question
- 3. Confusion
- 4. What, if anything did it change?

V. Bill of Rights

A. First Amendment

- 1. Religion: 'Establishment' and Free Exercise
- 2. Free Speech
- 3. Free Press
- 4. Petition For Redress of Grievance
 - a. Noerr-Pennington and immunities for petitioning activity
 - b. Hempfling case.

B. Second Amendment — individual, not just a collective/ militia right

C. Fourth Amendment

- 1. General warrant requirement for searches
 - a. Overbroad warrants; lack of affidavit presentation @ search
 - b. IRS search warrants
- 2. Road blocks & searches?

3. Warrant exceptions?
- D. Fifth Amendment
1. No compelled testimony
 2. No 'Takings' w/o just compensation, and only for public purpose *Kelo* case
 3. Due process
- E. Sixth Amendment
1. Right to counsel
 2. Speedy public trial
- F. Seventh Amendment
- G. Jury trial right when dispute over \$20
1. Includes jury trial right in tax suits (by gov't or non-gov't party)
- H. Eighth Amendment
1. No excessive bail
 2. Cruel & unusual punishment
- I. Ninth & Tenth Amendments
- J. Eleventh Amendment
1. Cannot sue states in fed court; immunity
 2. Cannot sue state agencies in fed court; same as suing state
 3. Can sue individual state officers in fed court in individual capacity [*Melo* case]