

NOT IN MY HOUSE! Constitutional Amendment III

In this lesson, students use their knowledge of Amendment III and its historical context, their imaginations, and their knowledge of informal letter writing to write a letter as a person directly affected by the mandatory quartering of soldiers.

GRADES	4 th , 5 th , or older
TIME	1 class period
SUBJECTS	US History, Civics, Language Arts
STRATEGIES	Class participation, critical thinking, creative writing
TAGS	3 rd Amendment, Constitution Quartering, American Revolution, Bill of Rights

Objectives

Students will

- understand Amendment III
- understand the historical events that led to its inclusion in the Bill of Rights
- write an informal letter
- recognize the validity of differing points of view

Glossary

Students will:

- to quarter (v) - to house; to provide housing for; to live in
- quartering - providing housing for; living in a place



Setting the Stage

Explain to students in your own words:

The third Constitutional Amendment springs straight from bad experiences of the colonists during the twenty years before the American Revolution began. During the French and Indian War, thousands of British soldiers were sent to the American colonies to fight the French and their Indian allies, and Colonists were required to provide housing for thousands of them as well as provide food, firewood, and other necessities to the soldiers at the colonists' expense. In some places that meant that colonists had to build barracks for them, but in many cases the soldiers moved into empty buildings and took over barns and other buildings that were already in use. In some instances during the war, soldiers even moved into private homes without invitation though families were living there. After the French and Indian War, the British kept the soldiers in the colonies. Even though they were not at war, the British Quartering Act (a law England passed in 1765) again made it the law that the Americans had to provide housing, food, and other supplies to the thousands of soldiers for free.

After we won our independence, Amendment III was added to ensure that our own government not inflict this burden on our citizens. It says:

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Discussion

Discuss with students:

In your families, think about all the things your parents must pay for. (Have them name some.) Think about the space in your family homes, any outbuildings, and workplaces. Now imagine that your family must find a place for two soldiers you don't know at all to live for months or even years with you. You must provide them with food and beverages every day and your parents must cover that cost. They will use your bathrooms, kitchen, soap, water, and much more, all without paying you for the cost of these things. What would you think about that?

Activity

Assign either of these two writing assignments.

- Write a letter as though you are a colonist with British soldiers quartering in your home. Write as though the relative or friend to whom you are writing knows nothing about what is going on. Tell what happened when the soldiers came, what it's like day by day, and how you and your parents feel about this.
- Write a letter as though you are a soldier quartering with an American family. Address your letter to a friend in England who knows nothing about what it is like to quarter with someone who did not have a choice in the matter. Tell how the family reacted to your arrival, what it's like day by day, and what you feel about the situation.

Sources

US Constitution Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Redcoats in the Outhouse ~ by Prof. Gordon Wood

<https://constitutioncenter.org/interactive-constitution/interpretation/amendment-iii/interps/123>

The federal government today is not likely to ask people to house soldiers in their homes, even in time of war. Nevertheless, the amendment has some modern implications. It suggests the individual's right of domestic privacy—that people are protected from governmental intrusion into their homes; and it is the only part of the Constitution that deals directly with the relationship between the rights of individuals and the military in both peace and war—rights that emphasize the

importance of civilian control over the armed forces. Some legal scholars have even begun to argue that the amendment might be applied to the government's response to terror attacks and natural disasters, and to issues involving eminent domain and the militarization of the police.

When the amendment was written in the eighteenth century, Americans and Englishmen in general believed that the issue of quartering troops in private homes was of great and palpable significance. During the course of their history the English had developed a deep dislike of standing armies; they especially objected to the government's compelling them to quarter soldiers in their homes. Yet the English attitude was contradictory. At the same time as the English protested the quartering of troops in private homes, they were reluctant to house the soldiers in barracks separated from the civilian population. The English remained so suspicious of standing armies that they feared that concentrations of soldiers in barracks might pose military threats to the people's liberties. Thus, the English concluded that if they had to have an army, it must be scattered among the populace and housed preferably in inns, alehouses, stables, and private homes. But as Parliament made clear in the Glorious Revolution of 1688-89, the government could not billet troops in private homes without the consent of the owners. So, the English fear of standing armies was inextricably connected to their fear of having soldiers quartered in their homes without their consent.

During the Seven Years War between Britain and France (called in the North American colonies the French and Indian War) the colonists who had inherited the traditional English fear of standing armies resented having to billet the British redcoats. Americans preferred to rely for their protection on local militia, not on professional soldiers. Although the peace treaty of 1763 ended the war and ousted France from the North American continent, the British government believed it still needed tens of thousands of soldiers in America in order to police the newly acquired territories. Since the earlier English quartering act did not extend to the colonies, Parliament in 1765 passed a Quartering Act that set down the regulations for housing soldiers in the American colonies during time of peace. The colonists were to provide barracks for the soldiers, and if they were not available, the troops were to be billeted in inns, stables, and alehouses; if these were insufficient, the governors and councils of the provinces were authorized to use uninhabited houses, barns, and other buildings to lodge the soldiers. The colonists were required to furnish provisions and necessaries for the troops, including firewood, bedding, and beer.

The colonies, particularly the province of New York, objected to this act, especially as it obliged them to raise money to support the soldiers without the consent of their provincial legislatures. Tensions over the presence of British soldiers in the colonies increased. In 1768 royal troops were redeployed to Boston, Massachusetts,

to assist with law enforcement in a colony that seethed with resentment against British authority. Many Bostonians became convinced that this standing army quartered among them in time of peace in violation of English law was designed to overwhelm them with military force. With nearly four thousand redcoats billeted in a town of fifteen thousand civilians, it was only a matter of time before an incident occurred. On March 5, 1770, nervous British soldiers fired upon a hostile crowd and killed five civilians, resulting in what the colonists called the Boston Massacre.

In the eyes of the British government Boston seemed to be a hotbed of fanaticism. The Tea Party in December 1773, in which patriots threw £10,000 of tea into Boston harbor, confirmed this view and led Parliament in 1774 to pass the Coercive Acts, among which was a new Quartering Act. This act went beyond the earlier statute by authorizing the royal governors to order the billeting of soldiers in private homes if the colonists refused to provide other lodging.

These British actions lay behind the Continental Congress's expressions of American grievance. In its Declaration and Resolves on October 14, 1774, Congress protested the presence in a time of peace of a standing army and the quartering of troops in the colonies without their consent. Then in the Declaration of Independence of 1776, two of the many accusations Congress leveled against the king were his keeping "among us, in Times of Peace, Standing Armies, without the Consent or our Legislatures," and his "quartering large Bodies of Armed Troops among us."

Many of the Revolutionary state constitutions drafted in 1776-77 included provisions warning of the dangers of standing armies in peacetime and stating, as the Virginia Bill of Rights of 1776 did, "That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free State." Some state constitutions also affirmed, as did the Delaware Declaration of Rights of 1776, "that no soldiers ought to be quartered in any house in time of peace without the consent of the owner, and in time of war in such manner only as the legislature shall direct." Thus when the new federal Congress came to write the Third Amendment to the Constitution in 1789, it had considerable experience and precedent to rely on. There was nothing new about the Third Amendment; it simply declared what had become conventional American wisdom.

Myths About the 3rd Amendment

<https://constitutioncenter.org/interactive-constitution/blog/redcoats-in-the-out-house-some-myths-behind-the-third-amendment>

The first Quartering Act in 1765 didn't go over well with the American populace, and a constitutional amendment later ensured such things wouldn't happen again once the United States broke away from Britain.

But the British military rarely took over private homes when it sought shelter during its occupation of the Americas.

Before the parliament passed the first Quartering Act in 1765, the French and Indian War had concluded two years earlier. Until then, the Colonials had little experience with quartering or being forced to give food and shelter to British troops without compensation.

In fact, the English Bill of Rights barred people from having to host redcoats inside their homes and it also frowned upon the King establishing standing armies during peacetime. But during the French and Indian War, the British military forcefully took over some private homes, and it argued with New York and Pennsylvania in 1756 about occupying other buildings.

After the war concluded and the Colonists realized the British army wasn't leaving, the stage was set for conflict. The British government wished to exert more direct control over the Colonies in the war's aftermath, and it decided to leave a standing army in America, with many of the British troops to be stationed in New York. The Quartering Act of 1765 was proposed in parliament in March and later passed as an amendment to the Mutiny Act. The act didn't allow the British military to forcefully take over private homes in the Colonies, unlike the popular image of the Redcoats staying rent free at some poor person's house.

But the act allowed the military to take over practically everything else. The Colonies were required to build barracks for soldiers, and if there wasn't enough room in the barracks, the housing was extended to "inns, livery stables, ale houses, victualling houses, and the houses of sellers of wine."

And if there wasn't enough room in the taverns, the Colonies were forced to provide lodging in "uninhabited houses, out-houses, barns, or other buildings." (In regard to out-houses, the British were talking about sheds, since the modern use of the word "outhouse" as a privy or toilet wasn't commonplace until the post-Colonial period.)

The initial reaction to the Quartering Act in America was fear about British troops ignoring its intent and deciding to seek quarters in private homes. But soon, the Colonists realized that they would be paying for much of the costs of "quartering" British troops as a passive tax that was levied without the consent of colonial legislatures.

So the act ignited anger about taxation without representation, especially in New York and Massachusetts. As more troops poured into Boston, fears grew about the presence of a large standing army in the Colonies.

In the ensuing years, the location of troops stationed within Boston, in close contact with the locals, caused problems and culminated with the Boston Massacre in 1770.

Four years later, a second Quartering Act was passed by parliament that allowed troops to be quartered, if needed, in unoccupied private homes and commercial property. But it didn't allow for troops to take over occupied houses.

The fear and opposition to the problem of quartering were included in the Declaration of Independence, where grievances against the King included "quartering large bodies of armed troops among us."

And the Third Amendment to the Constitution specifically addresses this issue.

"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law," the amendment reads.

Today, there are few court cases about quartering and the Third Amendment, but the fears engendered by the Quartering Acts are linked to two other amendments. The need for a well-regulated militia described in the Second Amendment was a counterbalance to a standing army, while the home as a zone of privacy is a key concept in the Fourth Amendment.