

## ANSWER KEY

shielded by the First Amendment, protecting them from civil lawsuits, or lawsuits by private individuals, for reasons such as pain and suffering.

### Handout C: A Petition

Accept reasoned responses.

### Handout A: Background Essay- What

## Unit 5: The Bill of Rights and Guns

### LESSON 1: WHAT ARE ORIGINS AND INTERPRETATIONS OF THE RIGHT TO KEEP AND BEAR ARMS?

#### Are Origins and Interpretations of the Rights to Keep and Bear Arms?

1. The English Bill of Rights (1689) gave gun rights only to some people. While the English Bill of Rights said Protestant individuals could own guns, it denied that right to the Catholic minority.
2. Some scholars argue that the militia of the Second Amendment means state armies, like today's National Guard. According to this argument, the Second Amendment does not grant an individual's right when it refers to "the right of the people to keep and bear arms." Instead, they say the Second Amendment simply protects state militias from the federal government as the Anti-Federalists had insisted. Others believe "militia" referred to a group of citizens. Since there was no official army or police force, some scholars argue that the "militia" was individual citizens who could be called to protect themselves and their neighbors.
3. In *United States v. Verdugo-Urquidez* (1990), the Supreme Court said that the Second Amendment means "individuals" when it says "people." The individual right to bear arms was affirmed in *United States v. Emerson* (1999).

### Handout D: Group Discussion Guide

Answers will vary. Accept reasoned answers.

### Handout E: Town Council Discussion Guide

Answers will vary. Accept reasoned answers.

### LESSON 2: HOW HAS THE SECOND AMENDMENT BEEN INTERPRETED?

#### Handout A: Background Essay- How Has the Second Amendment Been Interpreted?

1. In *Presser v. Illinois* (1886), the Court held that states could not disarm citizens, because that would interfere with the federal government's ability to raise a militia.
2. In *United States v. Miller* (1939), the Supreme Court held that the Second Amendment did not protect the right to possess all types of weapons. The Court upheld a federal law that regulated sawed-off shotguns. The Court reasoned that since that type of weapon was not related to keeping up a militia, the Second Amendment did not protect the right to own it. In other words, the Second Amendment protected a right to own weapons. The question was how far that right went.
3. *District of Columbia v. Heller* (2008) was the first time the Supreme Court

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interpreted the Second Amendment in terms of what it meant for an individual's right to possess weapons for private uses such as self-defense. The Court reasoned that the right to own weapons for self-defense was an "inherent" [natural] right of all people.

### **Handout B: Total Ban on Handguns?**

Answers will vary.

### **Handout C: *District of Columbia v. Heller* (2008)**

Answers will vary.

## LESSON 1: WHAT IS PROPERTY? WHY PROTECT IT?

### **Handout A: Property or Not?**

1. Property
2. Property
3. Property
4. Property
5. Property
6. Property
7. Property

### **Handout B: Background Essay – What Is Property? Why Protect It?**

1. Ownership means one has the legitimate right to control and direct the use of an object or idea. Self-ownership means a person has control and directs the use of him or herself, as long as it does not harm another or interfere with others' rights to do the same.
2. Jefferson did not change Locke's meaning, but he expanded on it.
3. The Founders believed that protecting property rights was essential to happiness and was the purpose of "just government."

### **Handout C: James Madison and Property**

1. Madison believed property included: a man's land, merchandise, money. He also

believed that a man has property in his opinions and the free communication of them including religious opinions, and the free use of his faculties. Property can also be found in the safety and liberty of one's self.

2. Accept reasoned answers.
3. Physical property: house, car, belongings, money, land, etc.  
Other property: ideas, conscience, religion, speech, etc.

### **Handout D: The Bill of Rights and Property**

1. Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Eighth Amendment.
2. First Amendment, Fifth Amendment, Sixth Amendment, Seventh Amendment.

### **Handout A: The Takings Clause**

## LESSON 2: HOW DOES THE FIFTH AMENDMENT PROTECT PROPERTY?

**Due Process:** Due process means the government must act fairly and obey legal procedures when it tries to take property.

**Taking:** The government can sometimes seize or restrict the use of property. It can take property in the name of the public good.