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# The Bill of Rights and Property

**Directions:** Read over the Bill of Rights and underline the words and phrases that secure protections for physical (or “real”) property. Then circle the words and phrases that secure protections of other kinds of property Madison mentions.

## The Bill of Rights

### First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### Second Amendment

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

### Third Amendment

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

### Fourth Amendment

The right of the people to secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## For Understanding

The federal government may not take away citizens’ freedom of religion, freedom of speech, freedom of the press, freedom to assemble, or freedom to petition the government.

The people have a right to keep and use weapons.

Citizens will not be forced to let soldiers stay in their homes.

Citizens will not be subject to unreasonable search and seizure. In order to search a person or place, a specific warrant must be given by a judge based on probable cause.

## **Fifth Amendment**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

## **Sixth Amendment**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## **Seventh Amendment**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Grand Juries are required for very serious cases, including those involving the death penalty. No person can be tried twice for the same crime. People cannot be forced to testify against themselves. The government cannot take private property without providing just compensation.

People accused of crimes have the right to a speedy, public trial by an impartial [nonbiased] jury in the place where the crime was committed. The accused have the right to know the crimes of which they are accused, to face the witnesses against them, to call witnesses in their favor, and to have a lawyer for their defense.

People have a right to a jury trial in common law cases [law suits] concerning a value of more than twenty dollars. Judges cannot overturn a jury verdict except when the verdict was made in violation of the law.

## **Eighth Amendment**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

The government cannot demand excessive bail, excessive fines, or cruel or unusual punishment.

## **Ninth Amendment**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The listing of rights in the Constitution does not mean that the people do not have other rights not listed.

## **Tenth Amendment**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Powers not given to the United States government and not prohibited to the states are kept by the states or the people

### **Critical Thinking Questions**

1. Which of the amendments in the Bill of Rights protect tangible property?
2. Which of the amendments in the Bill of Rights protect other types of property?