

## ANSWER KEY

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.

## **Unit 6: The Bill of Rights and Property**

### **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.

## ANSWER KEY

**Eminent Domain:** Eminent domain refers to the government's right to acquire private property for public use.

**Public Use:** The use of land for the benefit of the public.

**Just Compensation:** The just compensation clause of the Fifth Amendment means the federal government must pay for any private property it does take for public use.

**Examples of things that could be considered "public use":** roads, schools, post offices, military bases, railroads, interstate highways, canals.

### Handout B: Background Essay - How Does the Fifth Amendment Protect Property?

1. The Fifth Amendment guarantees that people have the right to their life, liberty,

and property. The government cannot randomly decide to meddle with those things without a reason, or without following due process.

2. *Lucas v. South Carolina Coastal Commission* was considered a taking because the state had taken away the value of the land because owners were not allowed to build on it.
3. *Kelo v. New London* became the landmark case surrounding the government's ability to exercise eminent domain and changed the concept of public use versus private use.

### Handout C: Property and the Supreme Court

Accept reasoned answers.

## LESSON 1: HOW DO DUE PROCESS PROTECTIONS FOR THE ACCUSED PROTECT US ALL?

### Handout A: Background Essay - How Do Due Process Protections for the Accused Aim to Protect Us All?

1. The Fourth, Fifth, Sixth, and Eighth Amendments of the Bill of Rights address a variety of protections for the accused. These were included in the Bill of Rights by the Founders because they knew, from experience, that if specific safeguards were not in place for those who commit crimes, the government could exercise unlimited power and liberty would be endangered.
2. Fourth Amendment: no unreasonable searches and seizures by government without a warrant; warrant only issued upon probable cause; warrant must be

specific to who will be searched, the place to be searched, and the items to be searched/seized. Fifth Amendment: the accused cannot be forced by government to self-incriminate [right to remain silent]; no double jeopardy/cannot be tried for the same crime twice.

3. The Sixth Amendment protects the accused after having been charged with a crime in the following ways: a speedy and public trial by a citizen jury; trial must occur where the alleged crime was committed; know the specific crimes/accusations/evidence; confront accuser; call witnesses in defense; right to a lawyer.
4. Answers will vary, but students should point out that the protections of the Fourth, Fifth, Sixth, and Eighth Amendments require government to follow the rule of law as well; if government is not bound by law, the