

Abstract

This paper examines federal property regulation in the United States according to the framework established by the Constitution. As a teenager who has grown up in this country, I am inspired by the challenges associated with gun control and the problems inadequate regulation of property can have on American society. The primary question I seek to answer is whether the founders of the American Constitution were successful in establishing a permissible extent to which the government could control property, creating an effective balance between protecting an individual's property and allowing government interference when necessary. To answer this question, I carefully analyze the historical context and the philosophical foundations of the Constitution. After doing so, I evaluate it according to my standards for success, which include an emphasis on protection, fairness, and adaptability. I conclude that the founders partially succeeded in securing property rights and preventing government overreach, but they ultimately failed to ensure equal protection for all people and provide a flexible foundation for future debates over the changing nature of property. Understanding the government's intentions and choices regarding property rights can help us better assess modern policy changes and allow us to imagine a future in which property is used more responsibly to prevent further abuse and harm.

Introduction

Property rights shape how Americans understand individual freedom and the limits of government authority. Yet having property rights forces us to continuously ask: How much control should individuals have over property, and when may government interfere? For the purposes of this presentation, we define “federal control of property” as the restrictions and obligations placed on the ownership, use, and disposition of property by the government [1]. This includes federal actions like taxation, regulation of land transfer, and taking private property to use for the good of the public. The primary question of this study: Were our founders successful in establishing a permissible extent to which the government could control property, creating an effective balance between protecting an individual's property and allowing government interference when necessary?

Methods

I conducted a historical and philosophical analysis of American property rights. I examined constitutional protections, later constitutional developments, historical laws and court decisions, and secondary scholarship. Evidence was evaluated according to three standards of my own creation: **Protection:** Did the legal system limit unjustified government interference with property rights? **Fairness:** Were property protections applied to different, especially marginalized, groups equally? **Adaptability:** Could the constitutional framework for property rights respond to changing definitions of property and government authority effectively?

Results

Criterion	Findings
Protection	Partially successful - the Constitution placed meaningful limits on government interference with property.
Fairness	Unsuccessful - protections were not applied equally to all groups.
Adaptability	Limited - the original framework did not adequately anticipate changing forms of property or resolve later conflicts over ownership and government authority.

Discussion

Avoid repeating “Results.” Show how your research agrees or disagrees with prior studies, and connect results to the hypothesis proposed in the introduction. **Protection:** The constitutional framework created meaningful restraints on federal power through policies such as the Fifth Amendment which protected property through due process and requiring just compensation when private property is taken for public use [1]-[2]. **Fairness:** Women and people of color, among others, faced significant restrictions on property ownership and control [3]-[4]. The American legal system had applied protections for property rights unequally, limiting ownership and autonomy based on unfair distinctions such as gender and race. **Adaptability:** The framework proved limited in adaptability. It failed to produce a fixed policy that remained consistently fair throughout history. Balance continuously shifted over time by redefining limitations posed in the Amendments and changing political priorities throughout different eras [5]. Interpretations of the Constitution have evolved dramatically, and property rights protections have changed a lot in practice. Although creating a policy that would last forever is both impossible and impractical, it was clear that the Constitution would not stay the same for very long from the moment it was created. By excluding the protection of all people in the nation, the policy was destined to face major changes in order to adapt to the voices of the people.

Conclusion

The Constitution can only be seen as a partial success in meeting my criteria of establishing a fair and equitable stance toward property. It managed to create durable foundations that limit unregulated federal power, protect individual freedoms with property, and provide effective ways for the judicial system to resolve disputes. Yet, it still fails in some ways by not establishing a policy that stays true and fair for all American people. The historical debate of property rights still continues into modern time as the meaning of property continues to expand and become more complex. Property can no longer be limited only to land and money. For example, there is now an entirely new category to consider: digital assets. Now, the government must decide how strongly ownership of digital information and goods should be protected. The future of property laws becomes increasingly unsure with contemporary innovations [6]. Modern forms of property like this show that the Constitution can only provide a foundation to the ongoing conflict of property rights, but not a complete answer.

References

[1] US Constitution. Amendment V. *Constitution Annotated*, constitution.congress.gov/constitution/amendment-5/. Accessed 10 May 2026.
[2] US Constitution. Amendment XIV, sec. 1. *Constitution Annotated*, constitution.congress.gov/constitution/amendment-14/. Accessed 10 May 2026
[3] Fernández, Raquel. "Women's rights and development." *Journal of Economic Growth*, vol. 19, 2014, pp. 37–80, <https://doi.org/10.1007/s10887-013-9097-x>. Accessed 10 May 2026.
[4] United States, U.S. Supreme Court (U.S.). Johnson & Graham's Lessee v. McIntosh. United States Reports, vol. 21, 1823, p. 543. Justia, supreme.justia.com/cases/federal/us/21/543/. Accessed 10 May 2026.
[5] Schneiderman, David. "Property Rights and Regulatory Innovation: Comparing Constitutional Cultures." *International Journal of Constitutional Law*, vol. 4, no. 2, 1 Apr. 2006, pp. 371–91. *Oxford Academic*, <https://doi.org/10.1093/icon/mol009>. Accessed 10 May 2026.
[6] Brown, Rafael Dean. "Property Ownership and the Legal Personhood of Artificial Intelligence." *Information & Communications Technology Law*, vol. 30, no. 2, 2021, pp. 208–34. doi:10.1080/13600834.2020.1861714. Accessed 10 May 2026