

AP Government Required Foundational Documents and Supreme Court Review Sheet

***** Read "A Brilliant Solution" by Carol Berkin*****

Historian Carol Berkin's "A Brilliant Solution: Inventing the American Constitution" is a rich narrative portrait of post-revolutionary America and the men who shaped its political future. "Just as the Constitution was a brilliant solution to the problems of the 1780s, Carol Berkin's book is a brilliant account of the making of that constitution. Written with great verve and clarity, it nicely captures all the contingency and unpredictability in the framing of the Constitution." — Pulitzer Prize-winning author Gordon S. Wood

1 Federalist 10

- a strong, united republic would be more effective than the individual states at controlling "factions".
- a large republic will help control factions because when more representatives are elected, there will be a greater number of opinions. Therefore, it is far less likely that there will be one majority oppressing the rest of the people.

2 Brutus I

- an Antifederalist series of essays designed to encourage New Yorkers to reject the proposed Constitution.
- the immense power of the federal government requires the people to sacrifice their liberties.
- a bill of rights was necessary to protect the people from the government.
- Congress possesses far too much power: taxation, standing army, taxes, Elastic Clause.
- a free republic cannot exist in such a large territory as the United States.
- Judicial authority will broaden federal gov't's power (thus, tyranny).

3 Declaration of Independence

- All people created equal (Natural Rights of Life, Liberty, Property).
- Governments are created to protect these rights.
- If Gov't does not protect these rights, then the People have the duty to change/destroy.
- Imperfect gov'ts should not be destroyed, only ones that seek to subject the People to Tyranny (destruction of Natural Rights).

BIG IDEA: A balance between governmental power and individual rights has been a hallmark of American political development.

4 Articles of Confederation

- Confederation of states, with an extremely limited central government.
- limitations placed upon the central government rendered it ineffective at governing the continually growing American states.
- Each state remains sovereign.
- Unicameral legislature, each state one vote.
- No President, No Judiciary.
- Could not force taxation; No standing Army.

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5 Constitution (+ Bill of Rights & Other Amendments)

- Outline of federal gov't structure, powers, and limits to those powers.
- Three branches (L, E, J) [Sep. of P's] that can limit each other [Ch & B's].
- Federal system of government.
- Constitution as Supreme Law.
- Bill of Rights
 - 1-8: Individual Rights
 - 9: Rights not listed are NOT denied to the People
 - 10: Powers not given to Federal Gov't nor denied to the states are State Powers
- Other Amendments
 - Generally, amendments are expansions of Peoples' rights
 - 13, *14*, 15, 17, 19, 22, 24, 26

BIG IDEA: The Constitution emerged from the debate about the weaknesses in the Articles of Confederation as a blueprint for limited government.

6 Federalist 51

- Proposes a government broken into three branches: Executive, Legislative, and Judicial.
- Each branch should be self-sufficient, but each should have some kind of power over the other in order for them to keep each other from taking over the government.
- The Legislative branch needs to be split further into the House of Representatives and the Senate because it's the most powerful branch, and members of the Judicial branch need to be chosen by the President with the Senate's approval because they want qualified candidates for a position that lasts for life.
- This style of government also helps keep down the power of factions, a recurring theme from Federalist 10.

BIG IDEA: The Constitution created a competitive policy-making process to ensure the people's will is accurately represented and that freedom is preserved.

7 Federalist 70

- Argues that unity in the executive branch is a main ingredient for both energy and safety. Energy arises from the proceedings of a single person, characterized by, "decision, activity, secrecy, and dispatch," while safety arises from the unitary executive's unconcealed accountability to the people.
- Justifies executive strength by claiming that the slow-moving Congress, a body designed for deliberation, will be best-balanced by a quick and decisive executive.
- Also maintains that governmental balance can only be achieved if each branch of government (including the executive branch) has enough autonomous power such that tyranny of one branch over the others cannot occur.
- Makes the case for duration, meaning a presidential term long enough to promote stability in the government.

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- Support can be defined as a presidential salary, which insulates government officials from corruption by attracting capable, honest men to office.
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BIG IDEA: The presidency has been enhanced beyond its expressed constitutional powers.

8 Federalist 78

- As “the weakest of the three departments of power,” the Judiciary needs strengthening.
- Without an independent judiciary, any rights reserved to the people by the Constitution “would amount to nothing,” since the legislature cannot be relied upon to police itself.
- lifetime appointments, guaranteed “during good behavior” to ensure that judges can resist encroachments from the legislature (to which presumably they would be vulnerable by means of bribes or threats)

BIG IDEA: The design of the judicial branch protects the Supreme Court’s independence as a branch of government, and the emergence and use of judicial review remains a powerful judicial practice.

9 Letter from a Birmingham Jail

- King argues that he and his fellow demonstrators have a duty to fight for justice.
- It is up to the oppressed to take charge and demand equality.
- Segregation is used to debase one population (blacks) while uplifting another (whites), which makes it immoral in the eyes of God. Immoral laws are laws that are neither just nor fair. According to St. Augustine's logic, unjust laws aren't actually laws, so they don't have to be followed. King believes people are under a moral obligation to oppose segregation by refusing to abide by the so-called laws that govern the practice.
- White Americans who say they agree with the notion of desegregation but criticize the manner in which civil rights activists go about achieving it are the biggest obstacle standing in the way of racial equality. The demeaning and "paternalistic" attitude of white moderates shows a lack of real understanding about the realities of segregation. It is this group that perpetuates the notion that time, not human intervention, will be the great equalizer—which discourages others to join the campaign for civil rights.
- The civil rights movement will ultimately be successful because "the goal of America is freedom."

BIG IDEA: The Fourteenth Amendment’s equal protection clause as well as other constitutional provisions have often been used to support the advancement of equality.

***** Required Supreme Court Cases *****

- AP US Government & Politics students should be thoroughly familiar with 15 Supreme Court Cases for the AP exam.
- Not only should you be familiar with the final decisions, but you should also be familiar with the reasons for the majority opinion and how they impacted American society.

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- According to the College Board, these cases are essential content in college courses and in-depth analysis will help you gain the basis needed for future courses in politics.

Why Do I Need to Know These?

- On your AP exam in May, your FRQ #3 will be a SCOTUS comparison essay.
- You will be asked to compare one of the required cases (for which no information will be provided) with a case that is presented to you on the exam.
- These required cases tend to appear throughout the AP exam multiple choice.
- It is essential that you analyze these cases in depth, so you are prepared for the AP Exam!

15 Supreme Court Cases	Constitutional Question	Constitutional Citation
<u>Marbury v. Madison (1803)</u>		
<u>McCulloch v. Maryland (1819)</u>		
<u>Schenck v. US (1919)</u>		
<u>Brown v. Board of Ed. (1954)</u>		
<u>Baker v. Carr (1961)</u>		
<u>Engel v. Vitale (1962)</u>		
<u>Gideon v. Wainwright (1963)</u>		
<u>Tinker v. Des Moines (1969)</u>		
<u>New York Times Co. v. US (1971)</u>		
<u>Wisconsin v. Yoder (1972)</u>		
<u>Roe v. Wade (1973)</u>		
<u>Shaw v. Reno (1993)</u>		
<u>United States v. Lopez (1995)</u>		
<u>Citizens United v. FEC (2010)</u>		
<u>McDonald v. Chicago (2010)</u>		