

**Required Documents Review Part 2: Docs 4 - 24**

**DOCS 4 - 9: BRUTUS 1, THE FEDERALIST PAPERS, LETTER FROM A BIRMINGHAM JAIL**

Match each document with its summary. **DO NOT GUESS!** LOOK THEM UP! IF YOU GET THESE WRONG, YOU WILL **NOT** BE ABLE TO DO THE ENTIRE NEXT SECTION CORRECTLY.

\_\_\_\_\_ **1. DOC 4: BRUTUS 1**

**LOCATION:** Unit 1-2 Federalism.

**ASSIGNMENT:** Brutus #1

\_\_\_\_\_ **2. DOC 5: FEDERALIST NO. 10 - MADISON**

**LOCATION:** Unit 1-1 The Constitution

**ASSIGNMENT:** Guided Reading – Federalist #10, 51, and The Fight for Ratification

\_\_\_\_\_ **3. DOC 6: FEDERALIST NO. 51 - MADISON**

**LOCATION:** Unit 1-1 The Constitution

**ASSIGNMENT:** Guided Reading – Federalist #10, 51, and The Fight for Ratification

\_\_\_\_\_ **4. DOC 7: FEDERALIST NO. 70 - HAMILTON**

**LOCATION:** Unit 4-2 The Executive & the Bureaucracy

**ASSIGNMENT:** The Federalist #70 A Single Unified Executive

\_\_\_\_\_ **5. DOC 8: FEDERALIST NO. 78 - HAMILTON**

**LOCATION:** Unit 4-3: The Judicial Branch & Civil Liberties

**ASSIGNMENT:** Federalist 78

\_\_\_\_\_ **6. DOC 9: LETTER FROM A BIRMINGHAM JAIL**

**LOCATION:** Unit 5 Civil Liberties & Civil Rights

**ASSIGNMENT:** Comprehension Questions - Letter From a Birmingham Jail.

A. It argued that factions cannot be eliminated, but their dangerous effects can be minimized in a large republic.

B. It argued for an executive branch headed by a single individual.

C. It argued for civil disobedience, peacefully breaking unjust laws and accepting punishment

D. This anti-federalist writing raised concerns that the Constitution would create an all-powerful central government that would trample on states' rights and individual liberty.

E. It explained and argued for constitution's system of checks and balances.

F. It argued for the Independence of the court, which comes from judges serving for life (or until they are impeached). It also argued for judicial review.

**DOCS 4 - 9 (CONTINUED)**

Write the name of the correct key document above its quote.

**NOTE - This important practice page will be of no use to you unless you attempt it without any external resources other than the previous page!**

Brutus 1 Federalist No. 10 Federalist No. 51 Federalist No. 70 Federalist No. 78 Letter from a Birmingham Jail

7. \_\_\_\_\_.

*The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body.*

8. \_\_\_\_\_.

*Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other*

9. \_\_\_\_\_.

*One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."*

10. \_\_\_\_\_.

*This disposition [to always try to increase one's power], which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority, and having such advantages, will most certainly succeed, if the federal government succeeds at all.*

11. \_\_\_\_\_.

*The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.*

12. \_\_\_\_\_.

*Energy in the Executive is a leading character in the definition of good government... A feeble Executive implies a feeble execution of the government... That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and despatch will generally characterize the proceedings of one man in a much more eminent degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished.*

13. \_\_\_\_\_.

*But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.*

## DOCS 10 - 24: KEY SUPREME COURT CASES

### (CONSULT YOUR PACKET: AP GOVERNMENT REQUIRED FOUNDATIONAL DOCUMENTS)

Match each court case with summary.

\_\_\_\_\_ 14. Doc 10:  
Marbury v. Madison (1803)

\_\_\_\_\_ 15. Doc 11:  
McCulloch v. Maryland  
(1819)

\_\_\_\_\_ 16. Doc 12:  
U.S. v. Lopez (1995)

\_\_\_\_\_ 17. Doc 13:  
Baker v. Carr (1961)

\_\_\_\_\_ 18. Doc 14:  
Shaw v. Reno (1993)

\_\_\_\_\_ 19. Doc 15:  
Schenk v. U.S. (1919)

\_\_\_\_\_ 20. Doc 16:  
Tinker v. Des Moines (1969)

\_\_\_\_\_ 21. Doc 17:  
NYTimes Co. v. U. S. (1971)

\_\_\_\_\_ 22. Doc 18:  
Citizens United v. Federal  
Election Commission (2010)

\_\_\_\_\_ 23. Doc 19:  
Engel v. Vitale (1962)

\_\_\_\_\_ 24. Doc 20:  
Wisconsin v. Yoder (1972)

\_\_\_\_\_ 25. Doc 21: Gideon  
v. Wainwright (1963)

\_\_\_\_\_ 26. Doc 22:  
McDonald v. Chicago (2010)

\_\_\_\_\_ 27. Doc 23:  
Roe v. Wade (1973)

\_\_\_\_\_ 28. Doc 24: Brown  
v. Board of Education (1954)

A. Case in which the court ruled that school prayers, even if they are nondenominational with participation optional, violates the establishment clause of the 1st amendment.

B. Case in which students were said to maintain their 1st amendment rights in school, and that their rights to wear armbands in protest was ruled to be protected under the 1st amendment

C. Case which ruled that the Bipartisan Campaign Reform Act's limits on electioneering communications that contain express advocacy just prior to an election is unconstitutional because political speech is protected by the 1st amendment.

D. Case in which the court reversed its earlier decision in Plessy v. Ferguson and determined that separate facilities for blacks and whites are necessarily unequal; therefore, they violate the equal protection clause of the 14th amendment

E. Case in which the Supreme Court broadly interpreted the necessary and proper clause, allowing Congress to exercise a great deal of implied powers. The court also protected the national government from state government interference with those implied powers (for example, by taxing something the national government was doing).

F. Case in which the court established the "clear and present danger" test to determine whether speech was constitutionally protected or not, so don't shout fire in a crowded room!

G. Case in which the Supreme Court, under Chief Justice John Marshall, ruled that part of Congress' Judiciary Act of 1789 which tried to change the Court's original jurisdiction, was unconstitutional, first establishing the courts power of judicial review.

H. Case in which the ability of the government to prevent the media from publishing something was greatly limited.

I. Case in which the court ruled that requiring students to attend school beyond the 8th grade regardless of the parents religious beliefs violates the free exercise clause of the 1st amendment.

J. Case in which the court selectively incorporated the 2nd amendment right to bear arms to the state level, asserting that states cannot ban handguns that are kept for purposes of self-defense.

K. Case in which the court determined that the right to privacy, which, according to the previous case of Griswold v Connecticut is implied by the 4th amendment, includes the right to an abortion.

L. Case in which the court selectively incorporated the 6th amendment right to an attorney to the states.

M. In this case, the Supreme Court ruled that U.S. courts could accept and hear cases regarding the issue of apportionment. This eventually led to a later Supreme Court decision that required, under the 14th amendment, the creation of equal population districts in accordance with the principle of 1 person 1 vote.

N. Case that determined that creating a congressional district of mostly minority voters to protect minority voting strength cannot be done if the only way to create such a district is to violate other rules regarding redistricting like compactness or contiguity. Race cannot be the 'predominant factor' over such things.

O. Case in which the Supreme Court ruled that Congress' gun-free school zone law was unconstitutional because it was not actually a part of regulating interstate commerce.

**DOCS 10 - 24 (CONTINUED)**

Write the name of the correct Supreme Court Case above its quote.

**NOTE - This important practice page will be of no use to you unless you attempt it without any external resources other than the previous page!**

**Note - One of these will be written twice.**

Marbury v. Madison	McCulloch v. Maryland	U.S. v. Lopez	Baker v. Carr	Shaw v. Reno	Schenk v. U.S.
Tinker v. Des Moines	NYTimes Co. v. U. S.	Citizens United v. Federal Election Commission	Engel v. Vitale		
Wisconsin v. Yoder	Gideon v. Wainwright	McDonald v. Chicago	Roe v. Wade	Brown v. Board of Education	

29. \_\_\_\_\_  
*If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech. All speakers, including individuals and the media, use money amassed from the economic marketplace to fund their speech. The First Amendment protects the resulting speech.*

30. \_\_\_\_\_  
*...The Constitution does not explicitly mention any right of privacy. ...[T]he Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution. ... This right of privacy, ...is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.*

31. \_\_\_\_\_  
*... Under the theories that the Government presents in support of [the Act], it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the Government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.*

32. \_\_\_\_\_  
*In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained.*

33. \_\_\_\_\_  
*[The] power to tax involves the power to destroy. . . . If the states may tax one instrument, employed by the government in the execution of its powers, they may tax any and every other instrument.... This was not intended by the American people. They did not design to make their government dependent on the states.*

34. \_\_\_\_\_  
*An act of the legislature, repugnant to the constitution, is void. If two laws conflict with each other the courts must decide on the operation of each ...*

35. \_\_\_\_\_  
*We conclude that the complaint's allegations of a denial of equal protection present a justifiable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the Fourteenth Amendment.*

36. \_\_\_\_\_  
*We accept Betts v. Brady's assumption, based as it was on our prior cases, that a provision of the Bill of Rights, which is "fundamental and essential to a fair trial" is made obligatory upon the States by the Fourteenth Amendment. We think the Court in Betts was wrong, however, in concluding that the Sixth Amendment's guarantee of counsel is not one of these fundamental rights. ...reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.*

37. \_\_\_\_\_.

*A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid [forced segregation].*

38. \_\_\_\_\_.

*We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force.*

39. \_\_\_\_\_.

*Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity... [The Government] thus carries a heavy burden of showing justification for the imposition of such a restraint. The District Court... held that the Government had not met that burden. We agree.*

40. \_\_\_\_\_.

*The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say . . . Under that Amendment's prohibition against governmental establishment of religion..., government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.*

41. \_\_\_\_\_.

*To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone... We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.*

42. \_\_\_\_\_.

*The conclusion is inescapable that secondary schooling, by exposing [children] to worldly influences in terms of attitudes, goals, and values contrary to beliefs, and by substantially interfering with the religious development of [the child] and his integration into the way of life of [this] faith community at the crucial adolescent stage of development, contravenes the basic religious tenets and practice of [this faith], both as to the parent and the child.*

43. \_\_\_\_\_.

*(Note - in this quote, 'let' means 'so long as.')* *Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional*

44. \_\_\_\_\_.

*We must decide whether the right to keep and bear arms is fundamental to our scheme of ordered liberty... Our decision in [the case of District of Columbia v. Heller] points unmistakably to the answer. Self-defense is a basic right, recognized by many legal systems from ancient times to the present day, and in Heller, we held that individual self-defense is "the central component" of the Second Amendment right.*