

## **Summer Reading 2024– Mr. Ferrari – A.P. U.S. Government and Politics**

*The information below will be a part of your first test. This is **not** being collected.*

1. Read Select Parts of U.S. Constitution:
  - Article I, Sections 1-4, and Section 8 (very important)
  - Article II (Executive) and Article III (Judicial Powers). Read all (these are short)  
Basically, you should be able to identify the major powers/functions of each branch
  - Article V (amendment Process)

<https://constitutioncenter.org/media/files/constitution.pdf>

2. You must know all the cases below for the AP Exam, but for our first test, you should know the ones that are highlighted (the constitutional question involved, ruling, and the major effect/effects of each court case). Please be familiar with all the cases. I have a brief summary of the cases below the list!

*McCulloch v. Maryland (1819)*

*United States v. Lopez (1995)*

*Engel v. Vitale (1962)*

*Wisconsin v. Yoder (1972)*

*Tinker v. Des Moines Independent Community School District (1969)*

*New York Times Co. v. United States (1971)*

*Schenck v. United States (1919)*

*Gideon v. Wainwright (1963)*

*McDonald v. Chicago (2010)*

*Brown v. Board of Education (1954)*

*Citizens United v. Federal Election Commission (2010)*

*Baker v. Carr (1961)*

*Shaw v. Reno (1993)*

*Marbury v. Madison (1803)*

### **COURT CASES SUMMARIES**

#### **Marbury v. Madison (1803)**

Issue - Judicial Review.

Does the court have the authority under the Judiciary Act of 1789 to grant a writ of mandamus for judicial appointment? - NO

"Midnight Judges" - William Marbury did NOT receive his appointment as a Judge. A clause within the Judiciary Act of 1789 was declared to be unconstitutional. Established the principal of Judicial Review; empowering the Court to nullify an act of the legislative or executive branch that violates the Constitution.

### **McCulloch v. Maryland (1819)**

Issue - Supremacy Clause

Does the federal government have implied powers and supremacy under the necessary and proper and supremacy clause? - YES

Congress established a national bank. Viewing it as an overreach of federal power, Maryland began taxing notes issued by the bank. Can Congress establish a bank? Can a state tax the federal government? The court ruled the Second Bank of the U.S. is allowed under the "necessary and proper clause". Denying Maryland the right to tax the bank. Congress has implied powers necessary to implement its enumerated powers. Also, established supremacy of the U.S. Constitution and federal laws over state laws.

### **U.S. v. Lopez (1995)**

Issue - Commerce Clause.

Does Congress have authority under the Commerce Clause to outlaw guns near schools? - NO

A student brought a gun to his school and was prosecuted under the Gun-Free School Zones Act. The Supreme Court overturned his conviction. Congress may NOT use the commerce clause to make possession of a gun in a school zone a federal crime, introducing a new phase of federalism that recognized the importance of state sovereignty and local control.

### **Engel v. Vitale (1962)**

Issue - Establishment Clause.

Does allowing a non-compulsory prayer in a public school violate the Establishment Clause? - YES

A parent opposed the reciting of a prayer in the New York Hyde park schools. Although the prayer was non-compulsory, the court ruled it violated separation of church and state.

Government-sponsored prayer in public school violates the Establishment Clause. Establishment Clause incorporated to apply to the states.

### **Wisconsin v. Yoder (1972)**

Issue - Free-Exercise Clause.

Does a state law requiring students to attend school even though it's against their religion beliefs violate the free-exercise clause? - YES

An Amish family was convicted and fined for violating a state law that required children under 16 to attend a formal school. They appealed to the Supreme Court and argued it was against their religion. The Court agreed - compelling Amish students to attend school past the eighth grade violates the free-exercise clause. Free exercise clause incorporated.

### **Tinker v. Des Moines (1969)**

Issue - Freedom of Symbolic Speech.

Does a ban on students wearing black armbands for symbolic protest violate the 1st Amendment? - YES

Several students were suspended for wearing black armbands to protest the Vietnam War. The students sued the school district and won. Symbolic speech cannot be prohibited by schools; students do not give up their constitutional rights at the school house door.

### **New York Times v. U.S. (1971)**

Issue - Freedom of the Press.

Can the government block printing of classified information to protect national interests? - NO  
The government tried to block the printing of the "The Pentagon Papers", a classified history of U.S. involvement in Vietnam. The court sided with the newspaper and ruled that the "Pentagon Papers" could be published and established a presumption against prior restraint - even in cases involving national security.

### **Schenck v. U.S. (1919)**

Issue - Freedom of Speech.

Does the government have the right to arrest someone publicly speaking out against the military draft? - YES

A man was convicted for violation of the Espionage Act by publicly opposing the World War I draft. His conviction was upheld which established the clear-and-present-danger test as restriction of free speech; you can't yell "fire" in a crowded theatre. Freedom of speech is NOT absolute.

### **Citizens United v. FEC (2010)**

Issue - Campaign spending as a product of Free Speech (1st Amendment)

Does the Bipartisan Campaign Reform Act (BCRA) violate free speech? - YES

A conservative group wanted to advertise a film that was critical of Hillary Clinton shortly before the 2008 democratic primary. This advertising was in violation of the electioneering communication clause in the Bipartisan Campaign Reform Act (BCRA). The court ruled that the BCRA was unconstitutional, striking down not only the electioneering clause but also the limits that were placed on "soft money" spent by corporations to support candidates. This decision established that political spending by corporations, associations, and labor unions is a form of protected free speech under the 1st Amendment.

### **Baker v. Carr (1962)**

Issue - Equal protection - gerrymandering - one person, one vote

Can the Supreme Court make a ruling on the constitutionality of legislative districts? - YES

Several people sued the Tennessee secretary of state because the populations of the congressional districts were vastly different. The court agreed. Congressional districts must be drawn with relatively equal populations. Led to the establishment of "one person, one-vote".

Ensured that urban constituencies were represented proportionally equal to rural area constituents.

### **Shaw v. Reno (1993)**

Issue - Equal protection - racial gerrymandering

Does a congressional district drawn based on race, violate the equal protection clause? - YES

Congressional district 12 in North Carolina was drawn in a 160-mile snake-like pattern to include exclusively African-American neighborhoods along interstate 85. It was ruled that legislative redistricting must be conscious of race and ensure compliance with the Voting Rights Act of 1965. Race may be taken into account when redistricting, but it cannot be the sole reason.

**Gideon v. Wainwright (1963)**

Issue: Right to an Attorney.

Does a state prosecuting someone without an attorney violate the 6th amendment right to counsel? - YES

A man was arrested for theft. He asked to be appointed a lawyer because he could not afford one. The Florida state judge refused, and the man was convicted. He appealed his case to the Supreme Court and won. Established the right to an attorney for the poor. The 6th Amendment is now incorporated through the due process clause of the 14th Amendment

**McDonald v. Chicago (2010)**

Issue - Right to Bear Arms.

Does the 2nd amendment apply to the states? - YES

Citizens challenged the strict guns laws under the argument that they were needed for self-defense and won. The 2nd Amendment right to keep and bear arms for self-defense in one's home is incorporated to apply to the states through the due process clause of the 14th Amendment.

**Brown v. Board of Education (1954)**

Issue - Equal Protection Clause

Do state segregation laws violate the equal protection clause? - YES

A girl brought suit for admission to an all-white public school challenging segregation and won. The "separate but equal" doctrine as it applies to public education violates the equal protection clause of the 14th Amendment and is unconstitutional; separate schools are inherently unequal - overturns Plessy v. Ferguson.