AP Government Guided Readings

Unit 1B - Federalism

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hour \_\_\_\_\_\_\_\_\_\_\_

**Guided Reading 4 - The Structure of the Constitution (SR 4-6)**

**I. Parts of the Constitution**

**A. The Preamble**

1. What does the introduction or "preamble" of the Constitution do?

**B. The Articles**

2. On the next page of this packet, draw a quick visual (like a concept map or quick outline) that shows the hierarchical relationship between the main body of the Constitution, the articles, the sections, and the clauses. It should show how *this contains these which are broken up into these which are broken up into these…*

**C. The Amendments**

3. What are Amendments?

4. This reading is outdated regarding the number of Amendments that have been made. Check the appendix of your textbook and find the copy of the Constitution there. How many Amendment have there actually been?

**II - The Articles**

5. What is the subject of each of the following articles?

a. Article I -

b. Article II -

c. Article III -

d. The last 4 articles overall -

e. Article IV -

f. Article V -

g. Article VI -

h. Article VII -

**B. The Articles Visual:**

**Continue 🡪**

**III - Making the Constitution Work (articles IV - VII)**

6. After establishing the three branches of our government, what three subjects still needed to be dealt with

a.

b.

c.

7. We needed to include articles IV, V, VI, and VII to deal with these subjects because our government is of a certain kind. What kind of government do I mean?

8. Article IV includes **The Full Faith and Credit Clause** of the Constitution. It is described in the section "**Relations Among the States**." The Full Faith and Credit Clause makes two requirements of states. Read this section and explain what these two requirements are.

**Requirements of the Full Faith and Credit Clause**

a.

b.

9. Article IV also dealt with how *what* would happen (you don't need details about the procedure)?

10. Who has the power to admit new states?

11. Even though each state will have an independent government in our federal system, Article IV, section 4 guarantees that each state's government must be of what kind?

12. Again, what process does Article V explain?

**Continue 🡪**

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| 13. **Recreate the graphic of the Amendment process**. You don't need to redraw the icons if you don't want. |
| **Methods of Proposing Amendments Methods of Ratifying Amendments**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  = |

14. Looking at the graphic, circle the government entity(s) listed below that can **propose** amendments.

Congress States

15. Circle the government entity(s) that can actually **ratify** (pass) proposed amendments.

Congress States

16. Article VI contains **the Supremacy Clause** described in the section, "Supreme Law of the Land." This clause was needed to resolve what kind of possible conflicts?

17. According to **the Supremacy Clause**, what happens if a state passes a law contrary to either the Constitution, federal laws, or any national treaties?

18. This process is called **preemption**. For example, Michigan state law currently allows the use of marijuana for medical purposes, but according to the national controlled substances act, there is "no currently accepted medical use" for marijuana. It is an illegal drug. Because national law **preempts** state law, what is the final legal status of medical marijuana in Michigan or any other state?

19. What process was described in Article VII of the Constitution (just name it. We already have or will learn the details about it in another activity)?

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**Guided Reading 5 - The National Government vs. The States (TB page 54)**

|  |  |
| --- | --- |
| **The great supporter of States Rights – Thomas Jefferson** | **The great supporter of National Supremacy – Alexander Hamilton** |
| 03thomasjefferson.jpg - Thomas Jefferson | http://www.milestonedocuments.com/images/content/documents/3b42378u_C.jpg |
| Constitutional Provisions that Protect States Rights:   * **The Tenth Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. | Constitutional Provisions used to expand Federal Authority:   * **The Necessary and Proper Clause:** The Congress shall have Power - To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. * **The Commerce Clause:** [The Congress shall have power] To regulate commerce with foreign nations, and among the several states, and with the Indian tribes. |

**Directions:** Start reading on page 54, "The Debate on the Meaning of Federalism," and fully answer the questions below.

**Key Court Case - McCulloch v. Maryland (1819)**

1. Of the two men above, whose view did early Supreme Court Chief Justice John Marshall support?

2. What did the early Congress of the United States create in Baltimore, Maryland (Keep in mind, this is the **national** Congress)?

3. When cashier of the bank, James McCulloch, refused to pay a Maryland state tax on the bank, what happened to him in state court?

4. So what has been determined in Maryland State Court so far (Circle CAN or CANNOT)?

"State governments, like Maryland's, CAN / CANNOT tax national institution, like the national bank."

5. What was the first question to be decided when this case was appealed to the US Supreme Court, and why was it even a question in the first place?

6. The court under Chief Justice John Marshall ruled that Congress did in fact have the power to create the Bank of the United States. In your own words, explain Marshall's reasoning. Be sure to include the relevant constitutional clause in your answer.

7. What was the second question to be decided by the Supreme Court?

8. What was been determined by the US Supreme Court on this question (Circle CAN or CANNOT)?

"State governments, like Maryland's, CAN / CANNOT tax national institution, like the national bank."

9. In your own words, explain Marshall's reasoning.

10. Circle which one came out ahead in this federalism contest between the states and the national government:

The States The National Government

11. Final Point on McCulloch v Maryland - John Marshall's broad interpretation of the Necessary and Proper Clause in this early American court case set the stage for the vast expansion of governmental powers that was to follow using the necessary and proper clause (important point for the test, but no question to answer here)

**Nullification/Civil War**

12. According to John C. Calhoun of South Carolina, if the national government attempted to ban slavery, what did the states have the right to do?

13. What two things did the Civil War determine once and for all?

a.

b.

14. Has the Supreme Court confirmed or refuted this view?

15. Circle which one came out ahead in this contest between the states and the national government:

The States The National Government

**Dual Federalism**

16. Define the doctrine of **Dual Federalism** which emerged after the Civil War.

17. List the two kinds of commerce that were supposed to exist under Dual Federalism and also indicate who was supposed to be sovereign over which.

a.

b.

18. Was the Supreme Court able to maintain the distinction between these two kinds of Commerce?

19. In the end, who did the Court permit to regulate almost anything affecting commerce?

20. Circle which one came out ahead in this contest between the states and the national government:

The States The National Government

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**Guided Reading 6 - Gibbons v. Ogden - 1824 (SR 7)**

1. What did the New York Legislature do for Robert Fulton?

2. With this license, what did Fulton do for Aaron Ogden?

3. What did the US Congress do for Thomas Gibbons?

4. Explain the decision of the New York court on the matter?

5. Gibbons appealed to the US Supreme Court. In your own words, explain Gibbon's argument?

6. What do we call this clause of the constitution that Gibbons is relying on?

7. According to Ogden, "Commerce" did not include what?

8. What are the 2 questions of the case?

a.

b.

9. (Circle one:) The court ruled in favor of…

Gibbons Ogden

10. So, who won this federalism showdown?

The National Government The States

11. Thoroughly explain what happened to the legal definition of "Commerce" in the case.

12. What did the court affirm to be true when state law conflicts with federal law?

13. Although some other questions related to commerce where left unsettled for the time, what precedent did the Gibbons case establish?

14. How much economic activity today remains outside of Congress power to regulate?