

## Foundations of American Government Test Rubric

**Instructions:** Answer FIVE of the following.

1. Describe John Locke's Social Contract Theory, and discuss its relationship to the Declaration of Independence.
  - a. State of nature
    - i. Anarchy
    - ii. No protection of natural rights of life, liberty and property
  - b. Government created to protect natural rights
    - i. People give up some freedom to the government in exchange for protection of life, liberty, and property
  - c. Failure of government to protect natural rights should result in its replacement
    - i. Replaced by government that does
  - d. Declaration stated that the purpose of government is to protect natural rights of life, liberty, and the pursuit of happiness
    - i. Argued that British government was not protecting rights and therefore should be replaced
  
2. Compare and contrast a federal system with a confederate system. Discuss two advantages and disadvantages of each using examples from American history.
  - a. Federal System-power divided between national and state governments where the national is the most powerful
    - i. Advantages
      1. Unity was an advantage for the Union during the Civil War
      2. Stronger national government better able to put down rebellions such as Shays
    - ii. Disadvantages
      1. Powerful government more likely to infringe individual rights as feared by anti-federalists
      2. National government could ignore rights of the states as the Southern states charged before the Civil War
  - b. Confederate System-a loose alliance of states with a very weak national government
    - i. Advantages
      1. National government less likely to infringe on rights. Fear of an all powerful national government was the reason a confederation was chosen after the American Revolution.
      2. State governments closer to the people, more representative. History before the Civil War
    - ii. Disadvantages
      1. Lack of unity in Civil War
      2. Government not powerful enough to settle disputes among states during Articles of Confederation

3. Compare and contrast capitalism with communism. Discuss two advantages and disadvantages of each.
  - a. Capitalism-means of production controlled by private individuals
    - i. Advantages
      1. Correctly reads human nature as being self interested
      2. Individual freedom of choice
    - ii. Disadvantages
      1. Extreme poverty is possible
      2. Downturns in the economy are sometimes difficult to fix
  - b. Communism-means of production controlled by the government or the people as a whole
    - i. Advantages
      1. No extreme poverty
      2. Better able to deal with economic downturns
    - ii. Disadvantages
      1. Lack of motivation without the possibility of wealth
      2. Lack of individual freedom and choices
  
4. Trace the path to the Constitution and limited representative democracy through English and American history.
  - a. Magna Carta
    - i. Principle of limited government
  - b. English Bill of Rights
    - i. Specific limits on government
    - ii. Rights of the people
  - c. John Locke
    - i. Natural rights
    - ii. Popular sovereignty
  - d. House of Burgesses
    - i. Jamestown(1619)
    - ii. Representative government
  - e. Mayflower Compact
    - i. Plan for self government
  - f. Colonial governments
    - i. Separation of powers
  - g. Continental Congress
    - i. National representative government
    - ii. Response to British attacks on representative government
      1. Taxation without representation
      2. Colonial assemblies abolished
  - h. Declaration of Independence
    - i. Locke's Social Contract
  - i. State Constitutions
    - i. Limited representative government
    - ii. Separation of powers
    - iii. Bill of Rights

- j. Articles of Confederation
    - i. Government too limited
      - 1. Not powerful enough
  - k. The Constitution
5. Describe the Great Compromise and discuss how it created the national legislature we have today.
- a. VA Plan-large states wanted representation in the legislature to be based on population
  - b. NJ Plan-small states wanted equal representation in the legislature
  - c. Compromise created a two house(bicameral) legislature with representation in the House of Representatives based on population and equal representation in the Senate
    - i. This is what we have today
6. List and describe five major principles in the Constitution.
- a. Popular Sovereignty
    - i. Rule by the people
  - b. Federalism
    - i. Division of power between national and state government
  - c. Separation of Powers
    - i. Division of power in the national government among the legislative, executive, and judicial branches
  - d. Checks and Balances
    - i. Each branch has some control over the others
  - e. Judicial Review
    - i. Created by *Marbury v. Madison*, the power of courts to declare laws unconstitutional and therefore void
  - f. Limited Government
    - i. Governmental powers limited by the Constitution
      - 1. Articles and Amendments
7. Describe the process of amending the Constitution. Cite and describe three of the amendments in the Bill of Rights and discuss how the application of the Bill of Rights has been expanded.
- a. Two-thirds of both houses of Congress must propose an amendment
  - b. Three-fourths of the states must ratify an amendment
  - c. Correctly cite and describe three of the first ten amendments
  - d. Bill of Rights applied to the states through 14<sup>th</sup> Amendment
    - i. Originally only applied to national government

8. Compare and contrast the powers of the three branches of the national government.
  - a. Legislative
    - i. Makes laws
    - ii. Necessary and proper clause
    - iii. Two examples of checks on other two branches
  - b. Executive
    - i. Enforces or executes laws
    - ii. Commander in chief
    - iii. Two examples of checks on other two branches
  - c. Judicial
    - i. Interprets laws
    - ii. Judicial review
  
9. Discuss three ways the national government has changed informally.
  - a. Judicial Review
  - b. Changing Times
    - i. Technology
      1. Radio and TV
      2. Computers and the Internet
    - ii. War
      1. Nuclear Weapons
      2. Super Power Status
    - iii. Great Depression and New Deal
      1. Changed Attitudes about the Economy
  
10. Discuss how the rights found in the First Amendment are limited.
  - a. Free exercise of religion
    - i. If activity is against the law it probably won't be allowed
  - b. Free speech
    - i. Slander
    - ii. Fighting words
    - iii. Speech leading to violence
    - iv. Obscenity and pornography
  - c. Free press
    - i. Libel
  - d. Petition government
    - i. No real limits
  - e. Peaceful assembly
    - i. Permit may be required

11. Describe the rights of a person accused of a crime using the Fourth, Fifth, Sixth, and Eighth Amendments.
  - a. Fourth
    - i. Must have warrant based on probable cause to search house
      1. Hot pursuit exception
      2. Plain view exception
    - ii. Must have warrant based on probable cause to search a car
      1. Warrant often not required if probable cause exists
    - iii. Must have reasonable suspicion to search a person in public
    - iv. Evidence obtained unconstitutionally may not be used in court
  - b. Fifth
    - i. Protection Against Double Jeopardy
    - ii. Right Against Self Incrimination
    - iii. Right to Due Process
  - c. Sixth
    - i. Right to a Speedy Trial
    - ii. Right to a Public Trial
    - iii. Right to a Jury Trial
    - iv. Right to be Informed of Criminal Charges
    - v. Right to be Confronted by Adverse Witnesses
    - vi. Right to Compel Testimony of Favorable Witnesses
    - vii. Right to Assistance of Counsel
  - d. Eighth
    - i. Protection against excessive bail or fines and cruel and unusual punishment