

## AP Government Summer Assignment:

**Name:**

### Sub-parts:

**1.1: Philosophical Foundations & Basic Principles & Structures of American Gov.**

**1.2: Declaration of Independence and Preamble to the Constitution**

### *Instructions:*

Students are to complete both assignments (1.1 & 1.2) by the 1<sup>st</sup> day of class. Work through both as best you can, however, it should be noted that the last pages of each assignment contains a **graded portion**. It is this last portion of each assignment that will be graded. *Students should do their best work in these **graded sections**. This means complete sentences that directly respond to the prompt and elaborations that support and provide details.*

**Graded questions and prompts are highlighted.**

I greatly look forward to working with you. Have a wonderful summer. Feel free to reach out with questions.

-Mr. Birmingham

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## 1.1 Philosophical Foundations & Basic Principles and Structures      Name:

**Think:** Let's start from scratch. Knoxville is developed but you wake up 1 day and there are no rules or no government in place. What would this "state of nature" look like? What problems might arise in this "state of nature"?

- What does your description of the state of nature reveal about your beliefs regarding human nature? (Are people basically good/kind? Selfish/greedy? A mix?)

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Terms to know. As we go through each term, I want you to put it in your own words

### *Glossary of Key Terms Underlying Enlightenment Political Philosophy*

- **HUMAN NATURE –**

The distinguishing personality characteristics (ways of thinking, feeling, acting, etc.) that humans have naturally. Essentially, human nature reflects the powers, capacities, and dispositions we all share simply because we are all members of the human race. For example, a properly functioning adult human has the capacity for speech and the powers of reason & conceptualization, while a properly functioning tree does not. In contrast, a properly functioning tree has the capacity for photosynthesis, while a properly function human does not. These differences flow from their different natures.

- **NATURAL LAW –**

Guidelines and rules that we naturally and innately should follow as members of the human race. Natural law philosophers believe that even without laws or government, humans have certain fundamental natural rights and corresponding obligations to each other. For example, proponents of natural rights theory argue that a baby has a right to her parents' care and that parents have a natural obligation to care for their offspring.

- **NATURAL RIGHT –**

Things that we are entitled to simply because we are human beings and members of the human race. Common examples: Life, liberty, property, pursuit of happiness. Philosophers who believe in natural rights assert that these do not flow from government or society, but exist intrinsically to all humans.

- **Note on natural laws and natural rights –**

Natural laws and natural rights should not be confused with positive laws and positive rights. Natural laws, natural rights, and natural obligations are part of our human nature and (if they exist) are created by our "Creator." Whereas positive laws and positive rights are laws and rights created by society or governments.

### **Relationship between rights and obligations:**

-In order for natural rights to be realized (to be effective), it is the obligation of other people to protect each other's natural rights. This is in accordance with the natural law which consists of a dynamic of rights and obligations.

-If Frank has a natural right to life, it is the duty of Sarah to not kill Frank

-If Jose has a natural right to property, it is the duty of Matthew not to steal his property by force

### **What is the state of nature?**

- The hypothetical condition of humanity before it forms a civil state, government, or rule of law.
- Before humanity forms a government or gives society a formal structure, humanity is in a state of nature.
- A thought experiment to draw out the ideas of natural rights, laws, and obligations.
- Hint: Think on atomized (independent) humans walking around the earth, or, more realistically, as independent families, clans, and kin-groups.

### **The need for Government:**

-Unfortunately disputes and conflicts will arise in a state of nature. Not everyone will follow the natural law and the corresponding obligations to respect each other's natural rights. Also, sometimes even well-intentioned people can disagree. Therefore, governments are formed to settle disputes and to better secure our natural rights from those who refuse to follow the natural law.

Once an effective government is formed essential natural rights should be better secured in society than they would be in a state of nature. Many enlightenment philosophers argue the purpose of government is to better secure our natural rights and make people better off than they would be in a state of nature.

### **What is a social contract?**

- An agreement that individuals make to leave the state of nature and form a government
- People give up the absolute freedom and personal sovereignty they had in the state of nature and band together as a civil society and form a rule of law.
- The social contract should fix whatever flaws exist in the state of nature in order to ensure that life under the government is superior to the absence of government. That our most essential natural rights are better secured.
- ***Many argue that the ideal government an institution that helps to enforce and maintain the social contract. That best secures our most essential natural rights.***

**USE THE 1.1 SUPPLEMENT (Provided Below) TO ANSWER THE FOLLOWING QUESTIONS:**

Hobbes		Locke
<p>"I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death..."</p> <p>"Every man ought to endeavor peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war."</p> <ul style="list-style-type: none"> <li>Man is rational in the sense that man can determine what needs to be done in order to survive and will pursue this survival using the most reasonable means.</li> <li>Man is a power hungry, acquisitive (greedy), destructive, competitive animal, restrained only by fear and desire for pleasure.</li> <li>Every man has the right to do whatever it takes to preserve his own life by any means necessary.</li> </ul>	<p><b><u>Step #1:</u> Based on human nature and our natural laws and natural rights, what are humans like in their natural state?</b></p>	<p>"All mankind... being all equal and independent, no one ought to harm another in his life, health, liberty or possessions."</p> <ul style="list-style-type: none"> <li>Human nature is characterized by reason and tolerance.</li> <li>Everyone is perfectly equal, independent, rational, and has the liberty to do what they will without interference from anyone.</li> <li>We have a natural right and responsibility to punish unreasonable and violent people, particularly those who infringe upon the natural rights of others.</li> <li>Our bodies and our movements belong to us. When we use our labor to make the natural world better, the thing we have created is our property and we have a natural right to it. We also have a natural right to what we acquire through gift and trade.</li> <li>The natural law that is going to be followed is essentially the Golden Rule – Treat others as they treat you and treat others as you would like to be treated</li> </ul>

<p>The state of nature is a, "war of all against all." The life of man in the state of nature is, "solitary, poor, nasty, brutish, and short."</p> <ul style="list-style-type: none"> <li>Nothing is unjust in the state of nature because justice and morality are constructed by society in order to keep people in check.</li> <li>In the state of nature, people will do whatever it takes in order to survive.</li> </ul>	<p><b><u>Step #2:</u> What does the state of nature look like?</b></p>	<ul style="list-style-type: none"> <li>The state of nature begins peaceful.</li> <li>Everyone is perfectly equal and has absolute sovereignty and freedom in the state of nature. No one is naturally inferior/superior in the state of nature.</li> <li>We have complete freedom, but there is no one to protect our natural rights other than ourselves. All it takes is for one person to screw up and break or violate our natural rights and then we live in continual danger because the "golden rule" can quickly become "an eye for an eye."</li> <li>Inequality and injustice will eventually arise in the state of nature with no formal structure to enforce natural laws, rights, and duties. In the state of nature, the weak and victimized are left to judge injustices and natural right infringements.</li> </ul>
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<p>The state of nature is a violent and ruthless place where we likely will not survive for long because everyone is doing whatever they have to in order to pursue their own self-interest and survival.</p> <p align="center">People are selfish and greedy.</p>	<p><b><u>Step #3:</u> What is the flaw that exists in the state of nature that makes it undesirable?</b></p>	<p>Some people won't follow the natural law and the duty to respect each other's rights.</p> <p>The state of nature is peaceful until disputes regarding natural rights arise. Without a way to settle these disputes, the victims get to serve as judge, jury, and executioner.</p> <p>Disputes around infringements upon our natural rights, particularly property, are inevitable because whereas people are tolerant, they aren't perfect. The state of nature will slowly spiral into violence without an outside force to protect and settle disputes involving our natural rights.</p>
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<p><b>Hobbesian Ideal Government</b> = Absolute Monarchy (A Leviathan) No limit on government power</p> <ul style="list-style-type: none"> <li>• We form a social contract as an equilibrium between our desire for survival and our rational nature. We recognize that our chances of survival in the state of nature are not great, so we consent to form a society not because we are social creatures, but because we recognize that forming a society is our best bet for survival.</li> <li>• The social contract alone is an unstable equilibrium, so we consent to an all-powerful sovereign government in order to stabilize the equilibrium.</li> </ul> <p><b>Purpose of Government:</b> To enforce the social contract and maintain an overall state of peace by any means necessary.</p>	<p><b>Step #4:</b> <i>What type of government is needed to fix the flaws in the state of nature and uphold the social contract</i></p>	<p><b>Lockean Ideal Government</b> = Republic (Representative Democracy that is limited in its power)</p> <ul style="list-style-type: none"> <li>• We leave the state of nature and consent to the social contract for the justice and the objective protection of our natural laws and natural rights that the rule of law and social order can provide.</li> </ul> <p><b>Purpose of Government:</b> To settle disputes around and protect our individual, natural rights of life, liberty, health, and property in the least restrictive way possible as to protect the individual rights of all people.</p> <p><i>If government does not fulfill its purpose, we have a right and an obligation to revolt against the government and remove it. Government should be limited its power.</i></p>
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Summary of Hobbes	Summary of Locke
Step 1. What are people like in their natural state?	Step 1. What are people like in their natural state?
Step 2. What does the State of Nature look like?	Step 2. What does the State of Nature look like?
Step 3. What flaw in human nature necessitates Government?	Step 3. What flaw in human nature necessitates Government?

Step 4. What is the purpose of government and how strong should it be?	Step 4. What is the purpose of government and how strong should it be?
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### American Government: Key Principles and Structures

**Natural Rights:** Rights people have in virtue of being human. Natural rights do not come from the government. People have natural rights in the state of nature, but in order to be secure in those rights people have to voluntarily follow the natural law. Unfortunately, at least some people (or most according to Hobbes) won't follow the natural law, therefore governments are created to better secure our most essential natural rights. The most essential natural rights are life, liberty, property, and the pursuit of happiness.

Natural Rights are absolutely associated with Locke. Locke emphasizes 3 key natural rights: life, liberty, and property. According to Locke, people agree to form limited governments to better secure their essential natural rights. Therefore, the purpose of government is to better secure our natural rights.

#### 1. In simplest terms, define natural rights and identify 3:

**Social Contract:** An agreement made between people to leave the state of nature and form a civil society, a government.

For Hobbes, people fully give up their rights to the government in exchange for security and order. For Locke, people only temporarily agree to waive some of their rights in exchange for the government better securing their most essential natural rights like life, liberty, and property.

For Locke, people agree to be governed, so long as the government is better securing their natural rights than they would be protected in a state of nature. If a government becomes tyrannical and begins to violate essential rights, people reserve the right to rebel and form a new government.

#### 2. In simplest terms, define the social contract:

**Popular Sovereignty** – ultimate political power rests with the people. Government power comes from the people. (Sovereignty means authority)

The principle of popular sovereignty is mostly associated with Locke. For Locke, popular sovereignty (government power comes from the people) implies that governments should make people's lives better by securing their rights and doing the people's will. For Locke, the only governments that are legitimate are those that derive their power from the consent from the governed, from the consent of the people.

**3. In simplest terms, summarize the principle of popular sovereignty:**

**Republicanism** – A republic is a type of democracy where people elect their leaders. The people elect representatives who then make the laws. Republicanism embodies the idea that legitimate governments are based on consent of the governed. This is because in a republic the people elect the leaders and vote in new ones if they are unhappy.

In a direct democracy the people collectively decide on everything, but in a republic (a representative democracy) people vote for leaders who then make the laws.

Republicanism is definitely aligned with Locke and not Hobbes. Believing firmly in popular sovereignty, Locke believed allowing people to vote for their representatives would help assure governments did what the people wanted. Also, people voting for their representatives reflects their ongoing consent to be governed and provides an incentive for those in power to do what the people want. In contrast, Hobbes advocated for an absolute monarchy that would do whatever was needed to maintain order, even if that meant trampling people's natural rights.

**4a. What is the distinguishing characteristic of Republican government?**

**4b. What is the difference between a republic and a direct (pure) democracy?**

**4c. How does a republican form of government help insure the government does what the people want?**

**Limited Government** – Belief that governments should be limited in their powers and capacities. Limited government is absolutely associated with Locke. Hobbes wanted an absolute monarch that could do whatever was necessary secure order. Locke wanted a government strong enough to secure our rights, but not strong enough to take them away. In simplest terms, limited government just means there things the government can't do.

*U.S. Specific:* The U.S. federal government is limited to the powers delegated to it by the Constitution. Everyone in the government is subject to the rule of law. The federal government cannot violate people's rights that are protected by the Constitution. The federal government can't take a person's life, liberty, or property without due process per the Constitution.

**5. In simplest terms, define limited government:**

**Separation of Powers** – The federal government is divided into 3 branches based on function. Legislative: makes laws; Executive: enforces laws; and Judicial: Interprets laws.

Separation of Powers is actually associated with the philosopher Montesquieu. However, the fact that the founding fathers incorporated separation of powers also reflects **that they were aware of Hobbes' negative view on human nature**. The founders recognized that people could become power-mad, and that governments can become tyrannical. They knew people in power may be tempted to abuse that power. Therefore, the founders put in place separation of powers to spread out political power to help prevent tyranny.

*U.S. Specific:*

The legislative branch-Congress-makes the laws.

The executive branch-President and federal bureaucracy- enforces the laws.

The judicial branch-Supreme Court & other lower federal courts- interprets the laws.

**6. In simplest terms, define separation of powers and define which each branch does:**



**Checks and Balances** –The ability of each branch of the Federal government to limit, ‘check,’ or influence the other 2.

**America’s founding fathers were aware of Hobbes’ view that people can be selfish, greedy, and power-mad.** Therefore, not only did they put in place separation of powers they also put in place checks and balances. Again, the goal here is to prevent any 1 branch from becoming too powerful. They wanted ‘ambition to combat ambition’ to prevent tyranny and secure liberty.

*U.S. Specific:* There are a lot, but here are a few: The president can veto bills passed by Congress. Congress can override the president’s veto with a 2/3 vote. Congress can impeach, convict, and remove a president or Supreme Court Justice. The Supreme Court can use judicial review to declare laws unconstitutional as well as executive order and actions. The president can nominate Supreme Court Justices. The Senate can confirm or reject presidential appointments. Congress can alter the Supreme Court's appellate jurisdiction and therefore restrict the types of cases it can hear.

**7. In simplest terms, define checks and balances and provide 3 examples:**

**7b. Describe how the founding fathers’ awareness of Hobbes’ view of human nature may have contributed to the establishment of separation of powers & checks and balances.**

**Federalism** – The sharing of power between the national (federal) and state governments with more power at the national (federal) level. (note: under state governments are local governments)

*U.S. Specific:* Under the Constitution, power is shared between the federal (national) and state governments, with more power being at the federal level. The federal government is limited to its delegated powers given to it by the Constitution. The states retain their reserved powers under the 10<sup>th</sup> Amendment which basically says powers not delegated to the federal government are reserved to the states. The dynamics between federal and state power is evolving over time and it is not always clear where the boundaries lie.

Federalism is sometimes referred to as the ‘vertical separation of powers,’ as power is split between the lower state governments and higher federal government. Like the ‘horizontal separation of powers’ within the federal government itself, the spreading out of power reflects the founders’ awareness of Hobbes’ view of human nature. Power needs to be spread out to protect liberty by preventing the government from becoming tyrannical.

**8. In simplest terms, define Federalism:**

**Graded: 1.1 – Philosophical Foundations and Basic Principles & Structures:      Name:**

**1. Which of the following is an accurate comparison of Locke and Hobbes?**

	John Locke	Thomas Hobbes
A	Believes a monarchy is the ideal form of government	Believes a Republic is the ideal form of government
B	The principle of separation of powers is aligned with his negative thinking on human nature	The principle of popular sovereignty is aligned with his political philosophy that people are generally reasonable and can be trusted
C	Believed in a “state of nature”	Did NOT believe in a “state of nature”
D	“The State, according to my ideas, is a society of men established for the sole purpose of the establishment, preservation and promotion of their civil interests and natural rights.”	Power must be in the hands of one man or assembly “which can reduce all wills, by majority rule in a single will to secure order.”

**2. Which is an example of checks and balances? Think which one demonstrates one branch of the federal government limiting the actions of another branch?**

- In United States v. Lopez (1995) the Supreme Court ruled that Congress’ use of the Commerce Clause was unconstitutional.
- President Obama nominating Bill Robinson to be Secretary of State.
- Congress has the power to create laws.
- The 10<sup>th</sup> Amendment reserves powers for the States.

**3. Identify if the following statements are more aligned with Locke or Hobbes.**

-Life in a state of nature is ‘nasty, brutish, and short.’ \_\_\_\_\_

-People are basically good and life in a state of nature is fundamentally peaceful. However, disputes and conflict will eventually arise. Therefore, a government needs to be established to peaceably address disputes, as well as to improve our lives. \_\_\_\_\_

In order to secure out most essential natural rights people partially submit to a government whose main function is to better secure our most important natural rights: life liberty, and property. The government should have limited power. The people reserve the right to revolt if the government becomes tyrannical. \_\_\_\_\_

-In order to protect ourselves from the ravages of the state of nature, we fully submit to an all-powerful government (a leviathan) whose main function is to establish and maintain order, stability, and peace. To protect us from ourselves. \_\_\_\_\_

-The inclusion of a Bill of Rights in the Constitution. The Bill of Rights limits the government. \_\_\_\_\_

**1. Prompt: Describe how the ideas of Locke influenced American government (10pts)**

Criteria for Success:

- Use the underlined portion of the prompt to begin your response
- Identify 2-3 political or philosophical ideas of Locke
- Define those 2-3 philosophical ideas and how they influenced American government

**2. Prompt: Describe how Hobbes' view of human nature is reflected in separation of powers and checks and balances in American government (10 pts) (Hint- See Question 7B)**

Criteria for Success:

- Describe Hobbes' view of human nature
- Define separation of powers
- Define checks and balances
- Connect the establishment of separation of powers and checks and balances to Hobbes' view of human nature

**Continue on to 1.2: DOI and Preamble to the Constitution**

## 1.2 Declaration of Independence and Preamble to the Constitution

Name:

**THINK** Read the two statements below. Let's say you had to choose one purpose for why governments should exist. Which would you choose and why?

Statement 1: The purpose of government is limited to better securing the unalienable (unable to be taken away) rights of life, liberty, and the pursuit of happiness.

Statement 2: The purpose of government is to promote social order, security, and the general welfare of the people as a whole, even if doing so takes away some people's rights.

1. Your Answer:

2. Which statement is more aligned with Locke?

3. Which statement is more aligned with Hobbes?

### Read and Annotate

#### ***Part I: Declaration of Independence – A More Lockean Text***

Declaration of Independence Commentary from AP Textbook (Context of Declaration):

**Source:** AP Government Textbook

"[On July 4<sup>th</sup>, 1776], the Second Continental Congress voted to adopt the Declaration of Independence, largely penned by Thomas Jefferson...

In simple but eloquent language, the Declaration set out the reasons for separation of the colonies from Great Britain. Most of its stirring rhetoric drew heavily on the works of seventeenth – and eighteenth-century political philosophers, particularly the English philosopher John Locke...

Jefferson and others in attendance at the Second Continental Congress wanted to have a document that would stand for all time, justifying their break with Great Britain and clarifying their notions of the proper form of government...

After its stirring introduction, the Declaration enumerates the wrongs suffered by the colonists under British rule."

4. Which philosopher heavily influenced Thomas Jefferson when writing the Declaration of Independence?

5. What was the immediate political purpose of the Declaration of Independence?

6. Why can the ideas of Locke be used to justify American independence, but not the ideas of Hobbes? (Hint: What type of government did Hobbes support?)

**Source:** The Declaration of Independence, Thomas Jefferson, 1776

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --*

*That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes;"*

7. Identify the phrase/line in the Declaration of Independence (DOI) that expresses the American ideal of political equality.

8. Identify the 3 natural rights specified in the Declaration of Independence.

9. Identify the line in the Declaration of Independence that captures the purpose of government according to Jefferson and Locke.

10. Identify the phrase/line in the Declaration of Independence that expresses the principle of popular sovereignty, that governments get their power from the people.

11. Identify the phrase/line in the Declaration of Independence that claims that people can rebel if the government fails in its purpose and violates the social contract. Social contract: People agree to be governed so long as government better secures their rights.

**Note: This is a natural right Jefferson argues for but NOT a recognized positive right in the American government system.**

***Part II: Preamble to the Constitution (the opening statement to the Constitution). Read and annotate:***

**Source: The Words We Live By, Constitutional Scholar Linda Monk, 2003**

“The introductory passage to the Constitution is known as the Preamble, although the original text does not give it that title. *The Preamble states the general purposes of the Constitution.* After winning independence from the British in the Revolutionary War, Americans sought to “secure the Blessings of Liberty” through a permanent form of government. Their first attempt at a national government, the Articles of Confederation...ratified in 1781...existed only six years before a new Constitution was proposed in 1787...

The first three words of the Constitution “**We the people**” are the most important. They clearly state for the first time in history that the people – not the king, not the aristocracy, not the courts – are the true rulers in American government. This principle is known as popular sovereignty.”

12. What was the name of America’s first national government?

13. What document, ratified in 1787, provides the legal framework and government structure of America to this day?

14. What are the first 3 words in the Preamble to the Constitution and which principle do they express?

**Source: The Preamble to the U.S. Constitution, 1787 – A more Hobbesian document than the Declaration but not full Hobbesian-Never go full Hobbes**

*"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."*

15. Identify phrases in the Preamble that seem to promote security and order.

16. Does the Preamble seem to place more emphasis on collective security and order OR individual liberty and rights?

17. Given the emphasis on the 'general Welfare', 'domestic Tranquility,' and 'common defense' and that the Constitution created a stronger national government compared to the Articles of Confederation, which philosopher is the Preamble comparatively more aligned with and why?

**Once you are finished reading and annotating:**

18. What are similarities in both documents (Declaration of Independence and the Preamble to the Constitution)? What are some differences?

19a. Who creates the government in both documents?

19b. Who gives government its legitimate authority according to both documents?



19c. Government getting its legitimate powers from the consent of the people is reflective of which principle?

20. Constitutional structures like checks and balances, separation of powers, federalism, and bicameralism help protect individual rights. These structures make the government **slow and deliberate**. Why would the Framers of the Constitution (founding fathers) want policymaking to be **slow and deliberate**?

### **Key takeaways: Declaration of Independence:**

**Word Bank:** Secure, Political equality, Natural Rights, Popular Sovereignty, John Locke, rights & liberties, Ideals,

Expresses America's \_\_\_\_\_.

"All men are created equal" Ideal Expressed: \_\_\_\_\_

"Governments derive their just power from the consent of the governed":

\_\_\_\_\_

Heavily influenced by \_\_\_\_\_.

Belief in limited government and natural rights. Government exists to better \_\_\_\_\_ our natural rights

Emphasis on individual \_\_\_\_\_.

### **Key takeaways: Preamble to Constitution**

**Stronger, Hobbes, Order & Security,**

More emphasis on \_\_\_\_\_. Promoting the General Welfare and domestic tranquility.

Created a \_\_\_\_\_ national (now federal) government

The move towards a stronger national government, and increased emphasis on general security, reflects the influence of \_\_\_\_\_.

### **Case Studies: Individual Liberty vs. Collective Security**

For each case:

1. Identify the individual liberty that's in question.
2. Identify the state's interest in (reason for) restricting that liberty.
3. Identify which choice you would agree with.

Choice A the more Lockean ruling that prioritizes individual rights,

Choice B the more Hobbesian ruling that prioritizes collective security at the cost of individual rights.

4. Research how the Supreme Court of the United States (SCOTUS) actually ruled in the case

#1 Case Study Description	The Choices Faced by the U.S. Supreme Court)
<p><b><u>CHURCH OF LUKUMI BABALU AYE, INC. V. CITY OF HIALEAH (1993)</u></b></p> <p><b>Facts of the Case</b> The Church of Lukumi Babalu Aye practiced the Afro-Caribbean-based religion of Santeria. Santeria used animal sacrifice as a form of worship in which an animal's carotid arteries would be cut and, except during healing and death rights, the animal would be eaten. Shortly after the announcement of the establishment of a Santeria church in Hialeah, Florida, the city council adopted several laws prohibiting the possession of animals for sacrifice.</p>	<p><b><u>Choice A:</u></b> (More Lockean) The individual rights of the church members to perform animal sacrifice should take priority over the collective health safety of Hialeah, Florida.</p> <p><b><u>Choice B:</u></b> (More Hobbesian) The collective health safety of Hialeah, Florida should take priority over the individual rights of the church members.</p>

1. Individual liberty in question:

2. Government rationale for restricting that liberty:

3. Your preferred ruling:

4. Actual Supreme Court of the United States (SCOTUS) ruling:

Case Study Description	The Choices Faced by the U.S. Government (More Specifically, the U.S. Supreme Court)
<p style="text-align: center;"><u><b>HAMDI V. RUMSFELD (2004)</b></u></p> <p><b>Facts of the Case</b>  In the fall of 2001, Yaser Hamdi, an American citizen, was detained by the United States military in Afghanistan. He was accused of fighting for the Taliban against the U.S., declared an “enemy combatant,” and was held in Guantanamo Bay. Upon learning he was an American citizen, he was transferred to a military prison in Virginia. The federal government sought to detain Hamdi indefinitely and without access to an attorney or a trial because they believed he posed a threat to national security, thus was not entitled to the same rights typically given to a criminal defendant.</p>	<p><b>Choice A:</b> (More Lockean)  Hamdi’s individual rights to an attorney and a trial take priority over the national security of the U.S.</p> <p><b>Choice B:</b> (More Hobbesian)  The national security of the U.S. takes priority over Hamdi’s individual rights to an attorney and a trial</p>

1. Individual liberty in question:

2. Government rationale for restricting that liberty in this case:

3. Preferred ruling:

4. Actual Supreme Court of the United States (SCOTUS) ruling:

**FRED KOREMATSU v. UNITED STATES (1944)****Facts of the Case**

During World War II, Presidential Executive Order 9066 and congressional acts gave the U.S. military authority to exclude citizens of Japanese ancestry from areas deemed critical to national defense. In practice, E.O. 9066 ordered Japanese Americans into internment camps located in the U.S. during WWII, regardless of whether or not they were U.S. citizens.

Fred Korematsu, age 23, remained in San Leandro, California and violated orders to leave. Korematsu was arrested and convicted for violating these relocation orders, and Korematsu's challenge of his conviction ended up before the U.S. Supreme Court.

**Choice A:** (More Lockean)

Fred Korematsu's individual rights to not be detained without due process should take priority over the U.S. government's promotion of the general welfare.

**Choice B:** (More Hobbesian)

The U.S. government's promotion of the general welfare should take priority over Fred Korematsu's individual rights to free liberty of travel-to not be unjustly detained.

1. Individual liberty in question:

2. Government rationale for restricting that liberty in this case:

3. Preferred ruling:

4. Actual Supreme Court of the United States (SCOTUS) ruling:

**Note: considered one of the worst SCOTUS decisions**

**Graded 1.2: Declaration of Independence & Preamble to Constitution**      **Name:**

Which of the following statements best reflect the Declaration of Independence and which reflect the Preamble to the Constitution? (Write D.O.I or Preamble next to it)

- \_\_\_\_\_ 1. Emphasizes popular sovereignty in the phrase “We the people”
- \_\_\_\_\_ 2. Provides the goals for a unique form of government it was creating to replace the Articles of Confederation.
- \_\_\_\_\_ 3. Was heavily influenced by Locke’s vision for government in its statement that the purpose of government is limited to securing the unalienable natural rights of life, liberty, and the pursuit of happiness.
- \_\_\_\_\_ 4. Presents the vision statement for a stronger government based around promoting social order, domestic tranquility, the common defense, and the “general welfare.” It is therefore considered a bit more Hobbesian.
- \_\_\_\_\_ 5. Introductory statement to the Constitution
- \_\_\_\_\_ 6. Expresses America’s ideals of political equality, limited government, and that government exists to secure natural rights, and popular sovereignty.
- \_\_\_\_\_ 7. Argues that people are justified in rebelling if governments violate the social contract by become tyrannical. Social contract: people agree to be governed so long as government better secures their natural rights.

8. Which of the following is an accurate comparison of Locke and Hobbes?

	John Locke	Thomas Hobbes
A	Believes a monarchy is the ideal form of government	Believes a Republic is the ideal form of government
B	Can be attributed to the principle of separation of powers	Can be attributed to the principle of popular sovereignty
C	Believed in a “state of nature”	Did NOT believe in a “state of nature”
D	“The State, according to my ideas, is a society of men established for the sole purpose of the establishment, preservation and promotion of their civil interests.” (Government exists to secure natural rights)	Power must be in the hands of one man or assembly “which can reduce all wills, by majority rule in a single will.” (Stability, order, and security are the most important function of Government.)

9. Which of the following describes the social contract theory as advanced by John Locke?

- A. It is an agreement between political actors to maintain their grip on power.
- B. It is an agreement in which the government promises to provide a minimum standard of living to its citizens
- C. It is an agreement in which the government promises to protect the natural rights of the people
- D. It is an agreement between economic elites to maintain a stable economy
- e. It is an agreement in which the government outlines socially acceptable forms of political behavior

10. (10pts). Describe two American principles reflected in the Declaration of Independence:

Criteria for Success:

- Identify 2 ideals or principles in the DOI
- Define each of the principles
- Elaborate on those principles by providing examples in American government or civil life or evidence from the DOI itself

**See question: Next Page**

**11. (10pts). Explain why the Preamble to the Constitution is considered to be a more Hobbesian document compared to the Declaration of Independence**

Criteria for success:

- Rewrite the bolded part of the prompt followed by the word “because” and then provide a line of reasoning.
- Explain your reasoning by supporting it with elaboration, examples, or evidence
  - Connect the Constitution to Hobbes’ view on the strength of government (hint-does the Constitution create a stronger or weaker national government compared to America’s first government? Use evidence from Preamble or course knowledge to support your claim.)
- Contrast it to the Declaration of Independence by describing the key themes of the DOI (Hint: Emphasis on individual rights or collective security)

