

This question requires you to compare a Supreme Court case you studied in class with one you have not studied in class. A summary of the Supreme Court case you did not study in class is presented below and provides all of the information you need to know about this case to answer the prompt.

Betts v. Brady (1942)

3. In 1941, Smith Betts was arrested for robbery in the state of Maryland. Unable to afford a lawyer, he was denied a public defender by a judge and forced to represent himself. He was found guilty and given an eight-year sentence.

In the ensuing case, *Betts v. Brady* (1942), the Supreme Court ruled against Mr. Betts, who claimed his constitutional right to a fair trial was denied. In a 6-3 decision, the Court held that the right to counsel applied to only criminal cases in federal courts and that he did not have a right to counsel in a state court, except in death penalty cases.

Justice Black, in his dissenting opinion, reasoned, “This case can be determined by a resolution of a narrower question: whether, in view of the nature of the offense and the circumstances of his trial and conviction, this petitioner was denied the procedural protection which is his right under the federal Constitution. I think he was.”

- A. Identify the constitutional amendment in the Bill of Rights that is common to both *Gideon v. Wainwright* (1963) and *Betts v. Brady* (1942).
- B. Explain how the decision in *Gideon v. Wainwright* relates to the reasoning in Justice Black’s dissenting opinion in *Betts v. Brady*.
- C. Explain how the decision in *Betts v. Brady* demonstrates the principle of federalism.

Begin your response to this question at the top of a new page in the separate Free Response booklet and fill in the appropriate circle at the top of each page to indicate the question number.

GO ON TO THE NEXT PAGE.

4. The power of the executive branch in relation to the legislative branch has varied over time. Develop an argument that takes a position on the appropriate balance of power between the president and Congress.

Use at least one piece of evidence from one of the following foundational documents:

- Declaration of Independence
- *The Federalist* 51
- *The Federalist* 70

In your response you should do the following:

- ✓ Respond to the prompt with a defensible claim or thesis that establishes a line of reasoning.
- ✓ Support your claim with at least TWO pieces of specific and relevant evidence.
 - One piece of evidence must come from one of the foundational documents listed above.
 - A second piece of evidence can come from any other foundational document not used as your first piece of evidence or it may be from your knowledge of course concepts.
- ✓ Use reasoning to explain why your evidence supports your claim or thesis.
- ✓ Respond to an opposing or alternate perspective using refutation, concession, or rebuttal.

Begin your response to this question at the top of a new page in the separate Free Response booklet and fill in the appropriate circle at the top of each page to indicate the question number.

STOP

END OF EXAM

Question 3: SCOTUS Comparison

4 points

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- A. Identify the constitutional amendment in the Bill of Rights that is common to both *Gideon v. Wainwright* (1963) and *Betts v. Brady* (1942). 1 point

- The Sixth Amendment is the constitutional amendment that is common to both cases.
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- B. Explain how the decision *Gideon v. Wainwright* relates to the reasoning in Justice Black's dissenting opinion in *Betts v. Brady*.

Acceptable explanations include:

One point for describing relevant information about the decision in the required Supreme Court case. 1 point

- In *Gideon*, the defendant was entitled to a court-appointed attorney or an attorney paid for by the state.

OR

OR

Two points for correctly explaining how the decision in *Gideon* relates to the reasoning in Justice Black's dissenting opinion. 2 points

- Justice Black's dissent in *Betts* argued that the U.S. Constitution protected the right to an attorney which influenced the decision in *Gideon v. Wainwright*.

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- C. Explain how the decision in *Betts v. Brady* demonstrates the principle of federalism. 1 point

Acceptable explanations include the following:

- In *Betts*, the Supreme Court did not incorporate the Sixth Amendment to states, which reflects how in federalism many decisions are left to the states.

Total for question 3 4 points