

Scenario 1:

"Is this how American government is supposed to work from here on out?" said Senate Majority Leader Mitch McConnell (R-Ky.) when recently proposing rule changes that would weaken the **filibuster**. "Whichever party loses the White House basically prohibits the new president from standing up an administration?"

McConnell's words echo those of the preceding Senate Majority Leader, Harry Reid (D-Nev.), back in 2013 when launching the first modern-day "nuclear option" to suppress the minority. During this six-year stretch, filibuster proponents have come out in force, contending that the minority must be able to "[protect] against the tyranny of the majority." They warn against upending "Senate tradition." They equate banning the practice to "extremism." In the last 100 years, the Senate has voted on 1,540 **cloture** motions — the procedure for capping the time permitted for considering a bill or nominee or some other issue. More than half of these motions (785) have occurred in the past 12 years.

- (a) Describe a scenario in which a minority-party Senator might use the filibuster.
- (b) Within the context of the scenario, explain how the changing of chamber-specific procedures, rules, and roles impact the policy-making process.
- (c) Within the context of the scenario you provided in Part A, explain how the use of the filibuster can affect Congress's interaction with the executive or judicial branches.

Scenario 2:

House Republicans, boosted by some early procedural wins this Congress, are planning to try out another tool available to the minority to put pressure on Democrats — the **discharge petition**. Discharge petitions can be filed by any member but are most commonly used by the minority party to highlight legislation the majority refuses to bring to the floor. If a discharge petition gets 218 signatures, the underlying measure can then be brought up for a vote over the objections of leadership.

Republicans already have plans to file two discharge petitions, one on the Born-Alive Abortion Survivors Protection Act, sponsored by Missouri GOP Rep. Ann Wagner, and one on the Green New Deal resolution, sponsored by New York Democrat Alexandria Ocasio-Cortez.

Discharge petitions are rarely successful because majority members worry about crossing their leadership in signing them. And unlike a vote, it's not a binary decision; members could simply ignore the petition.

- (a) Provide another example in which a minority-party member of the House might file a discharge petition.
- (b) Within the context of the scenario, explain how the changing of chamber-specific procedures, rules, and roles impact the policy-making process.
- (c) Within the context of the scenario you provided in Part A, explain how the use of discharge petition can affect Congress's interaction with the executive or judicial branches.

Case #1

Gonzalez v Raich

In 1996 California voters passed the Compassionate Use Act, legalizing marijuana for medical use. California's law conflicted with the federal Controlled Substances Act (CSA), which banned possession of marijuana. After the Drug Enforcement Administration (DEA) seized doctor-prescribed marijuana from a patient's home, a group of medical marijuana users sued the DEA and U.S. Attorney General John Ashcroft in federal district court.

The medical marijuana users argued the Controlled Substances Act, which Congress passed, exceeded Congress delegated powers. The district court ruled against the group. The Ninth Circuit Court of Appeals reversed and ruled the CSA unconstitutional as it applied to intrastate (within a state) medical marijuana use.

In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that Congress had the authority to prohibit the local cultivation and use of marijuana, despite state law to the contrary. The majority argued that Congress could ban local marijuana use because it was part of such a "class of activities": the national marijuana market. Local use affected supply and demand in the national marijuana market, making the regulation of intrastate use "essential" to regulating the drug's national market.

- (a) Identify the constitutional clause that is both common in *Gonzalez v Raich* and *US v Lopez*.
- (b) Based on the clause identified in Part A, explain why the court found differently in *US v Lopez* than it did in *Gonzalez v Raich*
- (c) Describe an action citizens could take to limit the impact of the court's decision

Case #2

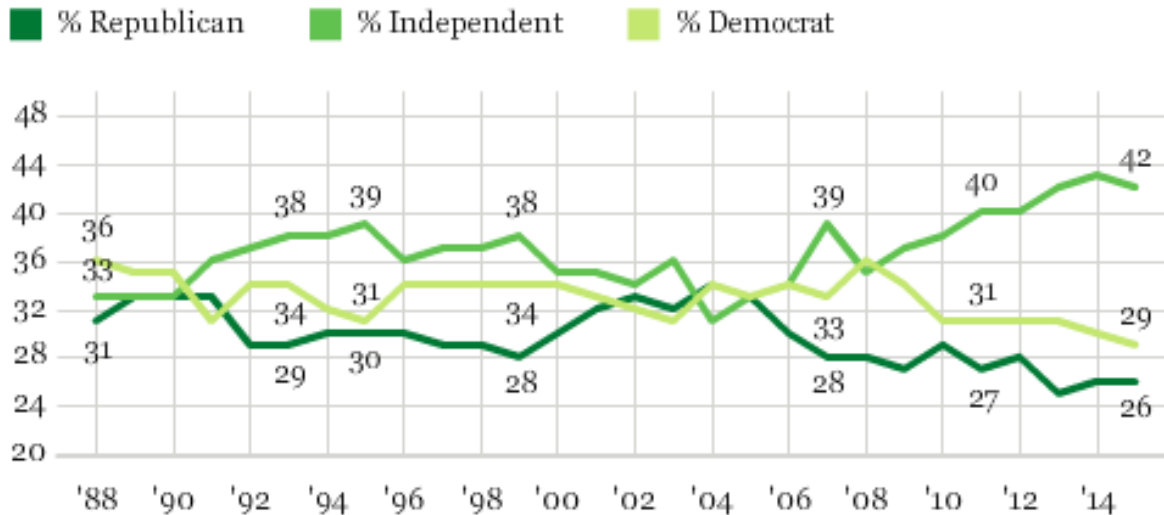
Shelby County v Holder

The Voting Rights Act of 1965 was enacted as a response to the nearly century-long history of voting discrimination. Section 5 prohibits eligible districts from enacting changes to their election laws and procedures without gaining official authorization. Section 4(b) defines the eligible districts as ones that had a voting test in place as of November 1, 1964 and less than 50% turnout for the 1964 presidential election. Such districts must prove to the Attorney General or a three-judge panel of a Washington, D.C. district court that the change "neither has the purpose nor will have the effect" of negatively impacting any individual's right to vote based on race or minority status. Section 5 was originally enacted for five years, but has been continually renewed since that time. Shelby County, Alabama, filed suit in district court and sought both a declaratory judgment that Section 5 and Section 4(b) are unconstitutional and a permanent injunction against their enforcement.

The court held that Section 4 of the Voting Rights Act is unconstitutional. The Court said that Section 4 of the Voting Rights Act imposes current burdens that are no longer responsive to the current conditions in the voting districts in question. Although the constraints this section places on specific states made sense in the 1960s and 1970s, they do not any longer and now represent an unconstitutional violation of the power to regulate elections that the Constitution reserves for the states. The Court also held that the formula for determining whether changes to a state's voting procedure should be federally reviewed is now outdated and does not reflect the changes that have occurred in the last 50 years in narrowing the voting turnout gap in the states in question.

- (a) Identify the constitutional amendment that is both common in *Shelby County v Holder* and *Shaw v Reno*.
- (b) Based on the clause identified in Part A, explain why the court found differently in *Shelby County v Holder* than it did in *Shaw v Reno*
- (c) Describe an action Congress could take if it disagreed with the court's decision in *Shelby County v Holder*.

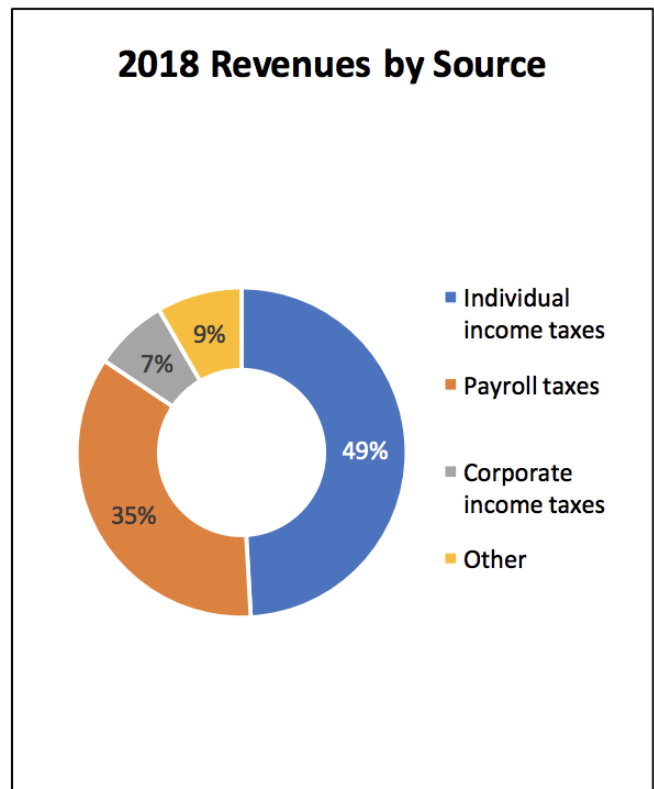
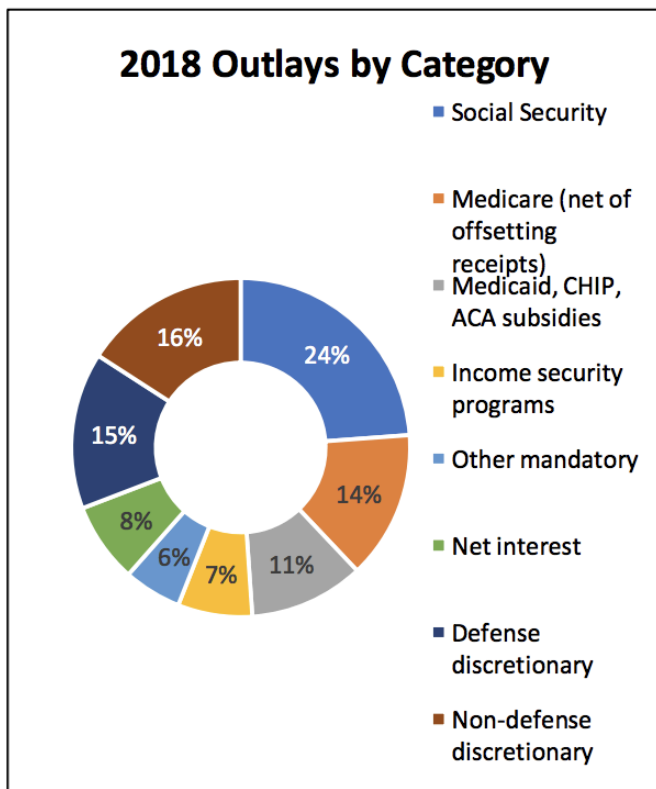
U.S. Party Identification, Yearly Averages, 1988-2015



Based on multiple day polls conducted by telephone

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- Describe the trend present in the chart above
- Draw a conclusion about the trend identified in Part A.
- Explain how the chart demonstrates the idea of party alignment and/or dealignment.



- Identify the largest category of spending and revenue in the charts above.
- Draw a conclusion about the relationship between the two charts above.
- Explain how the charts demonstrate legislative priorities in the budgeting process.

DO NOT WRITE! THESE ARE FOR REVIEW ONLY. You've already written these!!!

Argumentative #1

Develop an argument that explains how the founding fathers tried to protect individuals liberties by limiting the power of government during the time period from the American Revolution to the Ratification of the U.S. Constitution.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning
- Support your claim with at least TWO pieces of accurate and relevant information:
 - At least ONE piece of evidence must be from one of the following foundational documents:
 - The Articles of Confederation
 - The Declaration of Independence
 - U.S. Constitution
- Use a second piece of evidence from another foundational document from the list or from your study of the foundations of American democracy
- Use reasoning to explain why your evidence supports your claim/thesis
- Respond to an opposing or alternative perspective using refutation, concession, or rebuttal

Argumentative #2

Develop an argument that explains which political ideology best achieves the founder's intent to meet the stated goals in the Preamble of the US Constitution.

Your essay must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information:
 - At least ONE foundational document
 - US Constitution
 - Federalist #10
 - Brutus 1
- Use a second piece of evidence from another foundational document from the list or from your own study of political ideology
- Use reasoning to explain why your evidence supports your claim
- Respond to an opposing or alternative perspective using refutation, concession, or rebuttal