

Congressional Behavior

“. . . in the contemporary Congress—the belief, especially in the House, that deliberation, fairness, bipartisanship, and debate are impediments to the larger goal of achieving political and policy success.”

—Norm Ornstein and David Mann, *The Broken Branch*, 2006

Essential Question: How is congressional behavior influenced by election processes, partisanship, and divided government?

In December 2018, the longest government shutdown in the United States began. Among the causes of the shutdown were disagreements over financing a U.S.-Mexico border wall and funding government agencies. Democrats and Republicans each rejected proposals of the other and could not find common ground to move the budget talks along. Numerous government agencies were affected, and some had to partially stop providing their services; the most notable was the Transportation Security Administration (TSA). When New York’s LaGuardia Airport had to shut down due to TSA short staffing, the population and the government took notice. After 35 days, the shutdown came to an end when President Trump signed a bipartisan spending bill.

Influences on Congress

Congress’s effectiveness is determined by its ideological division, the changing nature of the job, the citizens lawmakers represent, and the way lawmakers represent them. Intensifying partisanship has caused **gridlock**—the “congestion” of opposing forces that prevents ideas from moving forward—within each house and between the Congress and the president. Also, the reshaping of House voting districts has created one-party rule in several districts, making winning legislative seats too easy for some members and practically impossible for others. Bitter election contests and longer campaign periods have put Republican and Democratic members at further odds. And legislators’ differing approaches on voting have shaped the institution.

Partisanship and Polarization

The legislature has developed into a partisan and sometimes uncivil institution. A variety of factors has driven a wedge between liberal and conservative members (see Topic 4.7) and has placed them at points farther from the middle on each end of the ideological spectrum. From the 1950s into the 1970s,

political scientists complained that on many issues it was difficult to tell the parties apart. As Republicans retired, more conservative Republicans replaced them. Southern Democrats, once a moderating force in Congress, have all but disappeared. Party-line voting is much more common than it once was, while straying from party positions has become dangerous for those interested in reelection.

Voting Models

Party leaders encourage members to follow the party-line vote, especially if political favors are expected. Other members are ideologically aligned with certain groups who back them at election time. Those following the lead of their party or some other group are operating in what is known as an organizational way.

However, different lawmakers use differing voting models, or approaches to how they vote. Those members trying to reflect the will of their constituency, especially in the House, follow the **delegate model**. At a town hall meeting in one member's district, an irritated and upset constituent shot down his representative's explanation for an unpopular vote. "We didn't send you to Washington to make intelligent decisions," the angry voter said, "we sent you to represent us." That representation can be *substantive*—that is, advocating on behalf of certain groups of constituents—or it can be *descriptive*, advocating not only for the views of constituents but also for the factors that make those constituents unique, such as geography, occupation, gender, and ethnicity.

Some members, especially in the Senate, vote according to the **trustee model**. Representatives believe they are entrusted by their constituency to use their best judgment, regardless of how constituents may view an issue. This approach sidesteps any concern over an uninformed constituency reacting from emotion rather than reason and knowledge.

The **politico model** of voting attempts to blend the delegate and trustee models. That is, lawmakers consider a variety of factors and decide their action or vote for whatever political calculations make the most sense to them at the time, especially when there seems to be little public concern. On matters generating strong public opinion, representatives using the politico model would take those opinions strongly into account.

Redistricting

Following the constitutionally required census every ten years, the reshaping of congressional districts based on shifts in population has influenced congressional behavior. State legislatures' redistricting processes are often competitive and contentious, and members of both parties vie to strengthen their party's chances of winning congressional elections. The redistricting process has increased partisanship and decreased accountabilities. The majority party in the state legislature often determines the new statewide congressional map, usually benefiting that party.

How district boundaries are drawn has an enormous impact on levels of democratic participation and the makeup of the House of Representatives,

which in turn has an enormous impact on public policy. Until the 1960s, legislative districting was regarded as having too much political and partisan conflict for the Supreme Court to get involved, since the Court's reputation of neutrality is vital to its authority. However, a landmark decision in 1962 opened the door for the Supreme Court to play a role in making legislative districts as democratic as possible.



MUST-KNOW SUPREME COURT CASE: *BAKER V. CARR* (1962)

The Constitutional Question Before the Court: Can the Supreme Court render judgment on the constitutionality of legislative districts?

Decision: Yes, for Baker, 6:2

Before *Baker*: In 1946, the Court decided in *Colegrove v. Green* that if a state legislature wasn't dividing up congressional districts fairly, it was the people's duty to force the legislature's hand or to vote the legislators out of office. Political scientist Kenneth Colegrove of Northwestern University had brought suit against Illinois officials to stop the upcoming election because the congressional districts lacked "compactness of territory and approximate equality of population." The Supreme Court held that the districts were constitutional, since no law required districts to be compact and equal in population. Justice Frankfurter went further, stating the redistricting process was an issue that would take the Court into the "political thicket," a place it shouldn't go.

The Facts: A Tennessee law from 1901 laid out guidelines for redrawing state legislative boundaries, and the state constitution required redistricting every ten years based on census reports. However, the legislature had failed to redraw the state's 95 voting districts since the census of 1900 and instead had continued to apply the apportionment guidelines from the 1901 law. Over the years, the cities of Nashville, Memphis, Chattanooga, and Knoxville grew, while rural areas developed much more slowly. As a result, the rural areas kept much lower constituent-to-lawmaker ratios. This disparity strengthened some rural citizens' votes and diluted those of some urban voters. For example, one-third of the voters living in the rural areas were electing two-thirds of the state's legislators, so citizens in these districts had a stronger voice on Election Day than voters in the urban districts. In the most extreme cases, some voters had one-twentieth the voting power of other citizens. This practice resulted in minority rule, an outcome in conflict with democratic principles of majority rule and fair representation, since a minority of voters had the majority of voting power. Yet legislators were dissuaded from voting for new maps because they could lose power in the redistricting.

In 1959, Charles Baker and several other litigants sued the Tennessee secretary of state—typically a state's chief election official—because the populations in various state legislative districts varied greatly. The fact that one person's vote was not necessarily equal to another person's vote, Baker said, violated the equal protection clause of the Fourteenth Amendment.

Reasoning: Based on this political inequality, the petitioner wanted the question for the Court to be, "Do Tennessee's outdated and disproportionately populated legislative districts violate the equal protection clause of the Fourteenth Amendment?" But the

Court, having decided in *Colegrove*, had to first address the question of its jurisdiction. Was the issue a *political* question, one for the legislature and ultimately the people to decide? Or was it a *justiciable* question, a question capable of being answered with legal reasoning and, therefore, within the Court's jurisdiction?

The Court decided the matter was justiciable and ruled that the Court can intervene when states do not follow constitutional principles in defining political borders, since those practices undermine the democratic ideal of an equal voice for all voters. The Court also developed a set of six criteria for determining when a question is political and therefore outside of the realm of the Court. But it gave no judgment on the uneven districts and let the lower courts then determine if in fact an inequality existed.

Chief Justice Earl Warren served from 1953 to 1969, overseeing a number of dramatic landmark cases that protected civil liberties and promoted civil rights. Yet, he said after he retired that *Baker v. Carr* was the most important case during his tenure. It helped establish the “**one person-one vote**” principle that greatly expanded democratic participation and the voting rights of minorities.

The Court's Majority Opinion by Mr. Justice William Brennan:

. . . [W]e hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief, and (c) because appellees raise the issue before this Court, that the appellants have standing to challenge the Tennessee apportionment statutes. Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at the trial . . .

. . . the 1901 statute constitutes arbitrary and capricious state action, offensive to the Fourteenth Amendment in its irrational disregard of the standard of apportionment prescribed by the State's Constitution or of any standard, effecting a gross disproportion of representation to voting population. The injury which appellants assert is that this classification disfavors the voters in the counties in which they reside, placing them in a position of constitutionally unjustifiable inequality vis-a-vis voters in irrationally favored counties. A citizen's right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution when such impairment resulted from dilution by a false tally, or by a refusal to count votes from arbitrarily selected precincts, or by a stuffing of the ballot box . . .

We conclude that the complaint's allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision.

Since *Baker*: The effect of the Court's decision in *Baker v. Carr* was widespread, since not only Tennessee but all states had to redraw legislative boundaries as a result because each person's vote had to be weighted equally. In the 1964 case of *Reynolds v. Sims*, the Court reaffirmed its role in apportionment issues.

Political Science Disciplinary Practices: Analyze, Interpret, and Apply the Decision

The Supreme Court's decision in the *Baker* case overturned precedent established in the *Colegrove v. Green* decision.

Apply: Complete the following tasks.

1. Identify the constitutional principle at issue in this case.
2. Explain how the Court's reasoning in the majority opinion supported the opinion.
3. Explain differences between the opinion in *Colegrove v. Green* and the opinion in *Baker v. Carr*.

Gerrymandering

Too often, there are illogical district lines drawn to give the advantage to one party, a process called **gerrymandering**. Districts in which a party consistently wins by more than 55 percent of the vote are considered *safe seats*; those districts with closer elections are referred to as *marginal seats* or **swing districts**. Countless districts across the United States have been carved out to guarantee safe seats and one-party rule through a process known as *partisan gerrymandering*. Today, each party has more than 180 safe seats in Congress, meaning there are only about 75 marginal seats up for grabs. Certain victory for incumbents or for candidates of the majority party of districts with safe seats lowers the incentive to compromise and raises the incentive to stick with party doctrine. The large number of safe seats encourages a vast proportion of Congress members to take a far left or far right position. Partly because of that divide, at the end of a legislative session, fewer policies that address and appease the middle—the vast majority of the American people—will ever get beyond a committee hearing.

This gerrymandering of safe-seat congressional districts has sometimes made the primary election the determining race and made the general election in November a mere formality. “Getting primaried” has become the new term explaining how an ideologically more extreme challenger can expose an incumbent's record of compromise or tilt away from party positions in order to defeat him or her when the party faithful make that decision. Such challengers are often backed by special interests.

The result is a system of nominating the more conservative Republican or more liberal Democratic candidates who will ultimately win the primary and face off with their extreme counterparts in their respective legislative chambers. This system has shrunk the number of moderates in Congress. To counter this tactic, several states through citizen ballot initiatives and state laws have created independent commissions to remove the parties' dominance in the process of drawing the maps.

Racial Gerrymandering The intentional drawing of legislative districts on the basis of race has also been the subject of scrutiny for conflicting reasons. First, it has been used to dilute the votes of African Americans and therefore has been found to violate their Fifteenth Amendment voting rights. Second, in well-intentioned overcorrections of this problem, racial gerrymandering was found to violate other voters' rights to equal protection under the Fourteenth Amendment. This latter issue was the focus of another landmark redistricting decision from the Supreme Court, *Shaw v. Reno* (1993).



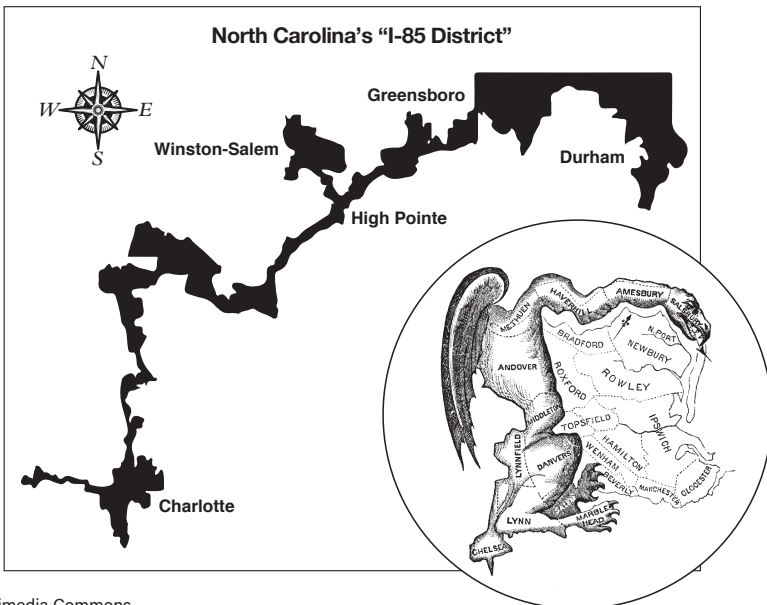
MUST-KNOW SUPREME COURT CASE: *SHAW V. RENO* (1993)

The Constitutional Question Before the Court: Does a congressional district, designed for the purpose of assuring a majority black population, violate the Fourteenth Amendment's equal protection clause?

The Answer: Yes, for Shaw, 5:4

Before Shaw: In the late 1950s, as greater numbers of African Americans registered and voted in Alabama, the case of *Gomillion v. Lightfoot* came to the Supreme Court. The city of Tuskegee contained a large black population and was on a path to constituting the majority of voters in the city. In response to this trend and fearing an African American-dominated government, the state legislature passed special legislation to alter the city's borders. What resulted was a 28-sided city border that placed black neighborhoods beyond the new city lines. Tuskegee Institute professor Charles Gomillion sued Tuskegee Mayor Phil Lightfoot. The Supreme Court decided the state, in its purposeful redesign of the city, had violated the litigants' Fifteenth Amendment right to vote.

Facts: After the 1990 census, and in compliance with the 1965 Voting Rights Act (see Topic 3.11), North Carolina submitted to the federal Justice Department its new map of congressional districts for review. Decades of racial gerrymandering in the era before the *Gomillion* decision had effectively disfranchised black voters and kept them from serving in the halls of government. To correct that problem, the Court had ruled that using race as a basis in creating legislative districts, including so-called majority-minority districts that contained more black than white residents, was permissible in the interest of fairness. In the North Carolina map submitted for review, only one district was a majority-minority district. Federal directives and goals encouraged U.S. Attorney General Janet Reno to send the map back to the state and insist it redraw the map with a second black-majority district. North Carolina complied and created some oddly shaped districts in the process.



Source: Wikimedia Commons

This cartoon (inset) appeared in a Boston newspaper in 1812 in response to a redistricting in Massachusetts created to favor the party of then-Governor Elbridge Gerry. The oddly shaped district resembled a salamander but in "honor" of the governor was dubbed the "Gerry-mander."

Early court filings and editorials commenting on the illogical districts compared them to a Rorschach inkblot test and “a bug splattered on a windshield.” North Carolina’s serpent-like 12th district, measuring 160 miles in length, stretched and curved from inner-city neighborhood to inner-city neighborhood to accumulate a majority black population. At some points it was no wider than the Interstate it straddled. Dubbed the “I-85 District,” this district and another resulted in two African American candidates—Mel Watt and Eva Clayton—winning seats in Congress. The map called into question the degree to which race can or should be used as a factor in drawing congressional districts. North Carolina’s Republican Party and five white individual voters brought suit—Ruth Shaw among them—suggesting the effort came as a result of separating citizens into classes by race in order to form the districts.

Reasoning: In a close vote, the Court ruled for Shaw, not because race was used as a factor in drawing district boundaries but rather that *only* race as a factor could explain the highly irregular district shape and its lack of other characteristics, including geography, usually considered when drawing boundaries. Using race as the only factor in drawing lines opposed the “colorblind” ideal of United States law, separating citizens into different classes without the justification of a compelling state interest and violating the Fourteenth Amendment.

The Court’s Majority Opinion by Justice Sandra Day O’Connor:

Our focus is on appellants’ claim that the State engaged in unconstitutional racial gerrymandering. That argument strikes a powerful historical chord: It is unsettling how closely the North Carolina plan resembles the most egregious racial gerrymanders of the past . . .

This Court never has held that race-conscious state decision making is impermissible in all circumstances. What appellants object to is redistricting legislation that is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional districting principles and without sufficiently compelling justification. For the reasons that follow, we conclude that appellants have stated a claim upon which relief can be granted under the Equal Protection Clause . . .

Accordingly, we have held that the Fourteenth Amendment requires state legislation that expressly distinguishes among citizens because of their race to be narrowly tailored to further a compelling governmental interest . . .

The message that such districting sends to elected representatives is equally pernicious. When a district obviously is created solely to effectuate the perceived common interests of one racial group, elected officials are more likely to believe that their primary obligation is to represent only the members of that group, rather than their constituency as a whole.

Political Science Disciplinary Practices: Analyze, Interpret, and Apply the Decision

The Court’s decision in the *Shaw* case shows that using only race as a factor in creating districts was not aligned with the Fourteenth Amendment.

Apply: Complete the following tasks.

1. Identify two potentially conflicting constitutional principles at issue in this case.
2. Explain how the Court justified its reasoning in the majority opinion.
3. Describe a similarity and a difference between the opinion in *Shaw v. Reno* and the opinion in *Gomillion v. Lightfoot*.

Divided Government and Senate Showdowns

Government is divided when the president is from one party and the House and/or Senate is dominated by the other. It fuels partisan gridlock, especially with judicial nominations. As the Supreme Court has become the arbiter of law on affirmative action, abortion, marriage equality, and gun rights, the fight between the parties about who sits on the Court has intensified.

In 2016, after the death of Associate Justice Antonin Scalia, Democratic President Barack Obama nominated District of Columbia Circuit Judge Merrick Garland to replace him. However, the Republican-held Senate, in a rare though not unprecedented move, refused to consider his nomination during Obama's last year in office. At the time, President Obama was a so-called "**lame duck**" president, or executive who has not won reelection or who is closing in on the end of the second presidential term, highlighting the partisan divide in government. In 2017, President Trump nominated conservative judge Neil Gorsuch to the Scalia seat. Gorsuch was quickly confirmed by a Republican-dominated Senate.

In 2018, an even more contentious confirmation hearing took place over President Trump's nominated Supreme Court Justice Brett Kavanaugh. Democratic senators grilled Kavanaugh on a number of issues, but the most heated discussions revolved around the alleged sexual misconduct of Kavanaugh in the early 1980s. The Republican-held Senate eventually confirmed Kavanaugh.

In both chambers, real floor debate has been replaced by carefully orchestrated speeches, while combative media-hungry lawmakers face off in head-to-head confrontations on cable TV news. As historian Lewis Gould put it, "In this hectic atmosphere of perpetual campaigning, the older values of collegiality and comity, though rarer than senatorial memory had it, eroded to the point of virtual disappearance."



THINK AS A POLITICAL SCIENTIST: *DESCRIBE THE DECISIONS OF REQUIRED SUPREME COURT CASES*

All cases that reach the Supreme Court have previously been ruled on in lower courts. (See Topic 2.8.) The decisions of the Court can define laws and will become the "law of the land." The rulings of the Supreme Court often have a lasting and dramatic effect on many citizens.

Some of the Court's rulings are straightforward and easy to understand, while other rulings can be complicated and challenging to interpret. Occasionally, one Court ruling will relate to another to further clarify an issue. The Supreme Court ruled on several related cases dealing with unequal representation of voters in the 20th century.

Practice: Review the *Baker v. Carr* (1962) and *Shaw v. Reno* (1993) cases from this topic and answer the following questions:

1. What were the similarities between the rulings in the cases?
2. What were the differences between the rulings in the cases?
3. In your opinion, which case will have the larger impact on U. S. politics and policymaking in the 21st century? Explain your answer.

Congress's Public Image

When people asked humorist Will Rogers where he got his jokes, he replied, "Why I just watch Congress and report the facts." Critics from Mark Twain to comedian Jon Stewart have cast Congress in a bad light. The media have also contributed to its tarnished reputation. Members' conflicts of interest and an increased number of scandals have given the institution a black eye.

All of these factors help to create an image of an uncaring, "do nothing" Congress. The branch's overall approval rating, as measured by Gallup, hovered in the mid-30 percent range in the early 1970s. Over the past decade, it has generally fallen below 20 percent.

Yet most individual members of Congress enjoy about a 60 percent approval rating from their constituents. Veteran Congressman Lee Hamilton (D-IN, 1965–1999) once suggested this help-wanted ad to better define the job description: "Wanted: A person with wide-ranging knowledge of scores of complex policy issues. Must be willing to work long hours in Washington, then fly home to attend an unending string of community events. Applicant should expect that work and travel demands will strain family life, and that every facet of public and private life will be subject to intense scrutiny and criticism."

REFLECT ON THE ESSENTIAL QUESTION

Essential Question: *How is congressional behavior influenced by election processes, partisanship, and divided government? On separate paper, complete a chart like the one below.*

Factor that Influences Congressional Behavior	Impact of the Congressional Behavior
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KEY TERMS AND NAMES

Baker v. Carr (1962)

delegate model

gerrymandering

gridlock

"lame duck" president

"one person-one vote" principle

politico model

racial gerrymandering

Shaw v. Reno (1993)

swing district

trustee model

CHAPTER 4 Review:

Learning Objectives and Key Terms

<p>TOPIC 2.1: Describe the different structures, powers, and functions of each house of Congress. (CON-3.A)</p>		
<p>Structure of Congress (CON-3.A.1)</p> <p>bicameral</p> <p>House of Representatives</p> <p>Senate</p> <p>Seventeenth Amendment (1913)</p>	<p>Differences Between Houses of Congress (CON-3.A.2 & 3)</p> <p>advice and consent</p> <p>coalitions</p> <p>power of the purse</p>	<p>Powers of Congress (CON-3.A.4)</p> <p>caucuses</p> <p>enumerated powers</p> <p>implied powers</p> <p>necessary and proper clause</p> <p>War Powers Act (1973)</p>
<p>TOPIC 2.2: Explain how the structures, powers, and functions of both houses of Congress affect the policy-making process. (CON-3.B)</p>		
<p>Differing Policymaking Powers (CON-3.B.1 & 5)</p> <p>cloture rule</p> <p>filibuster</p> <p>germane</p> <p>hold</p> <p>logrolling</p> <p>omnibus bill</p> <p>pork-barrel spending</p> <p>rider</p> <p>sponsor</p> <p>unanimous consent</p>	<p>Chamber-Specific Procedures (CON-3.B.2 & 3)</p> <p>Committee of the Whole</p> <p>conference committee</p> <p>discharge petition</p> <p>joint committees</p> <p>President of the Senate</p> <p>president <i>pro tempore</i></p> <p>Rules Committee</p> <p>select committee</p> <p>Senate majority leader</p> <p>Ways and Means Committee</p> <p>whip</p>	<p>Congressional Budget (CON-3.B.4)</p> <p>deficit</p> <p>discretionary spending</p> <p>mandatory spending</p>
<p>TOPIC 2.3: Explain how congressional behavior is influenced by election processes, partisanship, and divided government. (CON-3.C)</p>		
<p>Congressional Behavior (CON-3.C.1)</p>		
<p><i>Baker v. Carr</i> (1962)</p> <p>delegate model</p> <p>gerrymandering</p> <p>gridlock</p> <p>“lame duck” president</p> <p>“one person-one vote” principle</p>	<p>politico model</p> <p>racial gerrymandering</p> <p><i>Shaw v. Reno</i> (1993)</p> <p>swing district</p> <p>trustee model</p>	

CHAPTER 4 Checkpoint: Congress

Topics 2.1–2.3

MULTIPLE-CHOICE QUESTIONS

Questions 1 and 2 refer to the passage below.

We have before us one of the most important duties of the U.S. Senate and of the U.S. Congress, and that is to decide whether or not we will be involved in war. I think it is inexcusable that the debate over whether we involve the country in war, in another country's civil war, that this would be debated as part of a spending bill, and not as part of an independent, free-standing bill. I think it is a sad day for the U.S. Senate. It goes against our history. It goes against the history of the country.

—Senator Rand Paul, Senate Floor Speech, 2014

1. Which of the following best explains Senator Paul's perspective?
 - (A) The United States should not become involved in another country's civil war.
 - (B) The president should not have war-making authority except in an emergency.
 - (C) The military intervention the United States is considering needs a spending appropriation.
 - (D) The U.S. Senate should decide on war-like action on its individual merits.
2. Which institutional power of Congress is Senator Paul most concerned about?
 - (A) The power to tax and spend
 - (B) The power to ratify treaties
 - (C) The power to declare war
 - (D) The power to regulate interstate commerce
3. When the Senate Judiciary Committee passes a proposed crime bill by a vote of 11 to 10, which is most likely to follow?
 - (A) The Supreme Court will review the bill.
 - (B) The full Senate will consider the bill.
 - (C) The House of Representatives will consider the bill.
 - (D) The president will sign the bill.

Questions 4 and 5 refer to the table below.

HOUSE AND SENATE MEMBERS' AVERAGE AGE, 2011-2018				
Congress	Representatives	Newly Elected Representatives	Senators	Newly Elected Senators
112th	56.7 years	48.2 years	62.2 years	52.1 years
113th	57.0 years	49.2 years	62.0 years	53.0 years
114th	57.0 years	52.3 years	61.0 years	50.7 years
115th	57.8 years	50.8 years	61.8 years	54.8 years

- Which of the following statements accurately describes a trend in the data above?
 - Newly elected members in each chamber are older than the average age of members in that chamber.
 - Senators, on average, are younger than representatives.
 - The 115th Congress had the youngest newly elected senators compared with earlier Congresses.
 - Newly elected senators were on average older than newly elected House members.
- Which of the following is an accurate conclusion based on the data in the table above?
 - Older people vote more frequently, and they want older people representing them.
 - Shorter terms allow representatives to be frequently replaced by younger members.
 - Serving in Congress often occurs following other successful careers.
 - The Constitution requires these lawmakers to be at least 35 years old.
- Which of the following is an accurate comparison of the processes of the U.S. House of Representatives and the U.S. Senate?

	HOUSE	SENATE
(A)	Allows filibusters until a majority vote defeats the filibuster	Is a 101-member body, as the vice president can vote on all bills
(B)	Has committees chaired by members of the minority party	Is the first chamber to introduce tax bills
(C)	Has more procedural rules guiding its lawmaking process	Has authority over the ratification of treaties with other nations
(D)	Has the sole power to declare war	Has the sole power of impeachment

FREE-RESPONSE QUESTIONS

Concept Application

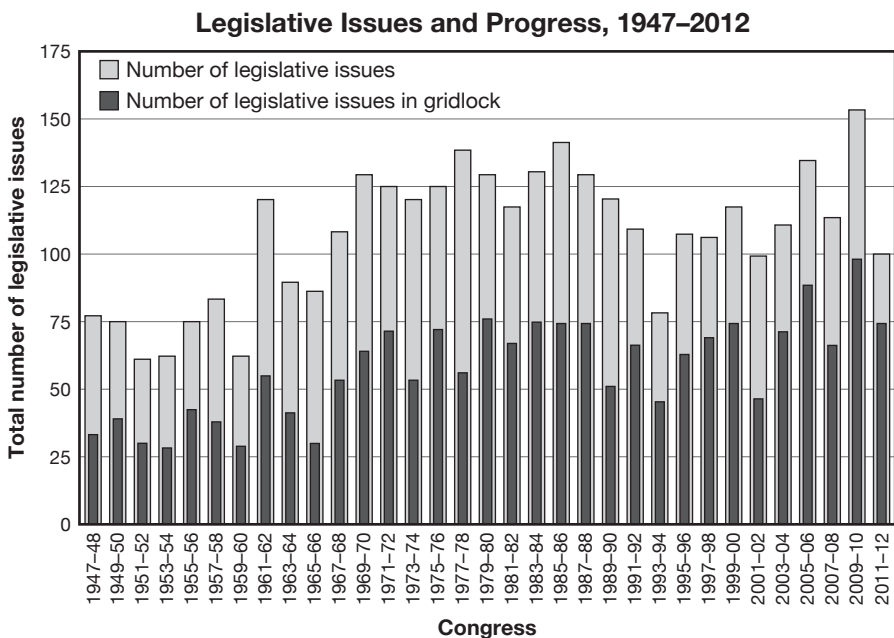
- “Across the country, heroin and opioid abuse are growing at rapid rates, especially in New Hampshire. In schools, kids are learning to administer anti-overdose medication. That’s how bad the problem is: Police and firefighters, even family and friends, must carry medication like Narcan and know how to use it at a moment’s notice. We must protect them from liability laws that could interfere with emergency treatment. I’m grateful to the Judiciary Committee for helping to remove legal barriers.”

—Representative Frank Guinta (R-NH), sponsor of House bill (H.R. 5048), 2016

After reading the scenario, respond to A, B, and C below:

- Describe the power the House Judiciary Committee used to address the concerns outlined by Representative Frank Guinta.
- In context of the scenario, explain how the legislative process was followed by the House of Representatives to deal with the problem.
- In the context of the scenario, explain how the required interactions between the House of Representatives and the Senate would be required to move H.R. 5048 into law.

Quantitative Analysis



Numbers derived from mentions of legislative issues in *New York Times* editorials during Congressional sessions. Gridlock was determined by following progress on the issues.

2. Use the graph from the previous page to answer the questions.
 - (A) Describe the information the data conveys.
 - (B) Describe a trend illustrated in the graphic.
 - (C) Draw a conclusion about the causes of that trend.
 - (D) Explain how gridlock demonstrates a key characteristic of the U.S. government as envisioned by the framers.

SCOTUS Comparison

3. After the 2000 census, a federal judge drew legislative districts in Texas because Democrats and Republicans could not agree on a map. After gaining power in the elections of 2002, Republicans in the Texas legislature redrew the map in 2003. Plaintiffs sued, arguing that the plan was an unconstitutional partisan gerrymander and violated the equal protection clause and the Voting Rights Act of 1965 by diluting racial minority voting strength. They also believed the mid-decade redistricting was illegal. A three-judge panel ruled that the new map was not unconstitutional, and the case was appealed to the Supreme Court as *League of United Latin American Citizens v. Perry* (2006).

The Court ruled that only one of the new districts, District 23, was drawn in violation of Section 2 of the Voting Rights Act because under the previous redistricting it was a protected majority-minority district of Latinos, but Latinos became a minority of voting-age citizens in the newly drawn district. However, the Court also ruled that the legislature could redraw the map at any time as long as it was done at least every ten years. It also ruled that the map was not unconstitutional on the basis of partisan gerrymandering.

- (A) Identify a difference between *League of United Latin American Citizens v. Perry* (2006) and *Shaw v. Reno* (1993).
- (B) Explain how the facts in *Shaw v. Reno* (1993) led to a different holding than in *League of United Latin American Citizens v. Perry* (2006).
- (C) Describe why these cases caused concern about the Supreme Court and the foundational principle of separation of powers.