

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.

McCutcheon v. Federal Election Commission (2013)

3. Alabama businessman Shaun McCutcheon contributed \$33,088 to sixteen different candidates running for federal office in 2012. His donations exceeded the aggregate (total) campaign finance limit established by the Bipartisan Campaign Reform Act (BCRA) of 2002. This law limited the total amount of political contributions that an individual could make in a given two-year election period to federal candidates, federal political action committees, and political parties.

In the subsequent case, *McCutcheon v. Federal Election Commission* (2013), the Court ruled in a 5–4 decision that limits on the amount of political contributions established by the BCRA are unconstitutional. The Court held that “contributing money to a candidate is an exercise of an individual’s right to participate in the electoral process. . . . A restriction on how many candidates and committees an individual may support is hardly a ‘modest restraint’ on those rights. The government may no more restrict how many candidates or causes a donor may support than it may tell a newspaper how many candidates it may endorse.”

- A. Identify the civil liberty that is common in both *Citizens United v. Federal Election Commission* (2010) and *McCutcheon v. Federal Election Commission* (2013).
- B. Explain how the decision in *Citizens United v. Federal Election Commission* relates to the reasoning in *McCutcheon v. Federal Election Commission*.
- C. Explain how the decision in *McCutcheon v. Federal Election Commission* can be used to support the participatory, pluralist, or elite model of democracy.

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.

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4. Environmental regulation is a complex policy area that involves both the states and the federal government. Develop an argument that takes a position on whether the federal government should be primarily responsible for managing environmental policy or if it should be the responsibility of the states.

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

- *Brutus 1*
- *The Federalist 10*
- The Preamble of the United States Constitution

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

- A. Identify the civil liberty that is common in both *Citizens United v. Federal Election Commission* (2010) and *McCutcheon v. Federal Election Commission* (2013). **1 point**

- Freedom of speech is the civil liberty that is common to both cases.

- B. Explain how the decision in *Citizens United v. Federal Election Commission* relates to the reasoning in *McCutcheon v. Federal Election Commission*.

Acceptable explanations include:

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

- The Supreme Court in the Citizens United decision ruled that the First Amendment includes protections for independent spending in political campaigns as free speech.

OR

OR

Two points for correctly explaining how the decision in *Citizens United v. Federal Election Commission* relates to the reasoning in *McCutcheon v. Federal Election Commission*. **2 points**

- These were both cases that considered whether campaign finance laws passed by Congress were constitutional. In both cases the Supreme Court held that spending limitations were in violation of the free speech clause of the First Amendment.

- C. Explain how the decision in *McCutcheon v. Federal Election Commission* can be used to support the participatory, pluralist, or elite model of democracy. **1 point**

Acceptable explanations include the following:

- The decision held that limits on political contributions were unconstitutional, which supports the elite model because it facilitates the power of wealthier people or groups to influence the outcome of elections.
- The decision supports the pluralist model because groups combine the power of like-minded individuals who will be able to raise and spend more than they could individually to attempt to influence the outcome of elections.
- The decision supports the participatory model because it allows individuals to contribute to election campaigns, which is a form of participation.

Total for question 3 4 points