

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 and provides all of the information you need to know about this case to answer the prompts.

Bush v. Vera (1996)

As a result of the 1990 census, Texas was given three additional congressional districts. In the redistricting process that followed, the Texas state legislature redrew the borders of its current districts to make room for the three new ones. Texas voter Al Vera sued the state of Texas for creating gerrymandered districts. In response, the state of Texas cited compliance with federal regulation of federal elections, as well as seeking to reduce the incumbency advantage. Supporters of the plan claimed that the districts establish minority-majority districts that would ensure minority representation in Congress. The Court of Appeals for the Fifth Circuit struck parts of the plan, and the state of Texas appealed to the Supreme Court.

In *Bush v. Vera*, the Court held in favor of Vera and struck down the redistricting plan. Justice Sandra Day O'Connor reasoned that race was the primary factor used to redraw the districts and that other, race-neutral factors were given less consideration. The Court used the highest standard of review to determine the constitutionality of the government discrimination on the basis of race.

3. Respond to parts A, B, and C.

- A.** Identify the constitutional clause that is the basis for the decisions in both *Shaw v. Reno* (1993) and *Bush v. Vera* (1996).
- B.** Explain how the facts in *Shaw v. Reno* and *Bush v. Vera* led to similar holdings.
- C.** Explain how the decision in *Bush v. Vera* relates to the democratic ideal of republicanism.

4. There is continued debate over how to best preserve the democratic ideal of limited government.

Develop an argument as to whether an elected legislature or an independent judiciary is more effective in preserving limited government.

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

- *Federalist* No. 51
- *Federalist* No. 78
- Article I of the Constitution of the United States

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.
 - 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 rebuttal or refutation.

STOP
END OF EXAM

Question 3: SCOTUS Comparison**4 points**

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- A** Identify the constitutional clause that is the basis for the decisions in both *Shaw v. Reno* (1993) and *Bush v. Vera* (1996). **1 point**

Acceptable responses:

- Equal Protection Clause
- Equal Protection Clause of the Fourteenth Amendment

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- B** Explain how the facts in *Shaw v. Reno* and *Bush v. Vera* led to similar holdings. **1 point**

Examples of acceptable responses may include the following:

One point for **describing** relevant information (facts or holding) about the required Supreme Court case.

- In *Shaw v. Reno*, congressional reapportionment in North Carolina created a majority-minority district.
- The Supreme Court held in *Shaw* that a majority-minority district could be challenged if race was the only factor used in creating that district.

OR

Two points for correctly **explaining** how the facts in both cases led to similar holdings.

OR**2 points**

- Both cases used race to determine how to draw congressional districts. In both cases, the Court held that using race as the primary factor in redistricting violated the Constitution.
- In *Shaw*, a state used race as a primary factor to draw a congressional district, and the Court held that this was not constitutional. In *Bush*, Texas also used race as a primary factor to draw congressional districts and the Court similarly held that these redistricting plans were not permissible.

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- C** Explain how the decision in *Bush v. Vera* relates to the democratic ideal of republicanism. **1 point**

Examples of acceptable responses may include the following:

- The decision in *Bush* emphasized that representation, not race, should be the primary focus of congressional redistricting. This reflects the ideal of republicanism in that voters should have a fair opportunity to select who represents them in government.
 - The republican ideal is the support for representing the people's will in the government through elected officials. By insisting that all constituencies should have an equal chance at representation in Congress, the decision in *Bush* shows that the Court supported a redistricting plan that would best represent the voices of all Texans.
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