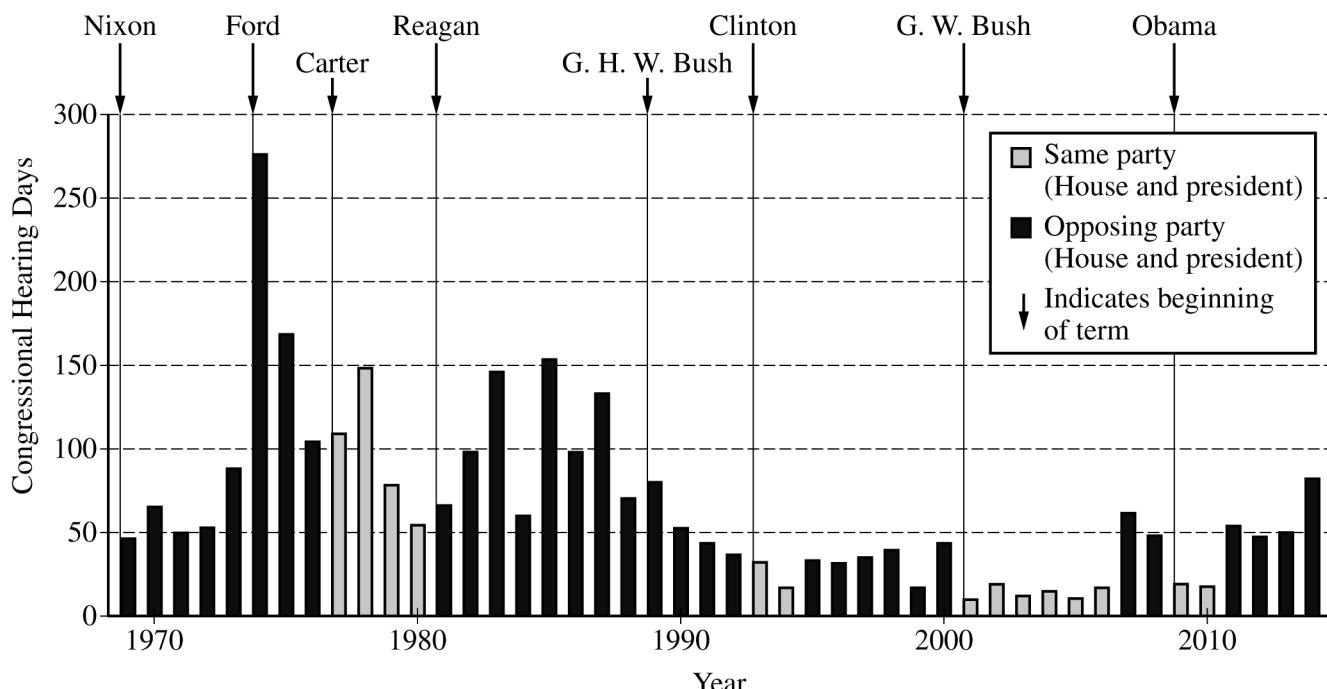


CONGRESSIONAL HEARING DAYS IN THE HOUSE THAT INVESTIGATED THE EXECUTIVE BRANCH, 1969–2014



Source: Data from Kriner and Schickler, 2016

2. Use the bar graph to answer the following questions.

- Using the bar graph, identify the president who faced the fewest number of investigative hearing days in a single year when the House was controlled by the opposing party.
- Describe the relationship between investigative hearing days and party control of the House and the presidency as shown in the bar graph.
- Draw a conclusion about how the difference in congressional hearing days between 1970–1980 and 1990–2000 may have affected presidential power during those periods.
- Explain whether the data in the bar graph for the years in which the president's party controlled the House reflect Madison's ideas in *The Federalist* 51.

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.

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.

United States v. Eichman (1990)

3. After the Supreme Court held that a state law in Texas that criminalized the desecration of the American flag was unconstitutional, Congress passed a national law, the Flag Protection Act of 1989, which criminalized the conduct of anyone who “knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon” a flag of the United States.

In response to this law, protest demonstrations took place in several locations across the country. Several people, including Shawn Eichman, burned flags on the steps of the United States Capitol building in Washington, D.C., before a crowd of reporters and photographers. Eichman and others were arrested for violating the Flag Protection Act.

In the ensuing cases, Eichman and others defended their actions as legitimate forms of political protest. Federal district judges dismissed the charges, but United States attorneys appealed the decisions directly to the Supreme Court. These cases were consolidated in *United States v. Eichman* (1990).

In *United States v. Eichman* (1990), the Supreme Court’s 5–4 decision held that the federal government cannot prosecute a person for desecration of the American flag because doing so would violate the First Amendment.

- A. Identify the civil liberty that is common to both *Citizens United v. Federal Election Commission* (2010) and *United States v. Eichman* (1990).
- B. Explain how the reasoning in *Citizens United v. Federal Election Commission* and *United States v. Eichman* led to a similar holding in both cases.
- C. Explain how those unhappy with the precedent established in *Eichman* can use a constitutional process to have it overturned.

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.