Practice FRQ SCOTUS Question

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Monthly town board meetings in Greece, New York, opened with a prayer given by clergy selected from the congregations listed in a local directory, but nearly all the local churches were Christian, so nearly all of the participating prayer givers were, too. A lawsuit was filed alleging that the town violated the Constitution by preferring Christians over other religious groups and by sponsoring sectarian prayers. Petitioners sought to limit the town to “inclusive and ecumenical” prayers that referred only to a “generic God.” In the ensuing case, Town of Greece v. Galloway (2014), the Supreme Court held in a 5–4 decision that no constitutional violation existed. The majority opinion stated that legislative prayer in this situation lent gravity to public business, reminded lawmakers to transcend petty differences to pursue a higher purpose, reflected values that were a part of the nation’s heritage, provided a spirit of cooperation, and celebrated the changing of seasons. The audience was primarily lawmakers themselves, and though many bowed their heads during the prayer, they did not solicit similar gestures by the public. It was delivered as a ceremonial portion of the town’s meeting.

(A) Identify the constitutional clause that is common to both Greece v. Galloway (2014) and Engel v. Vitale (1962).

(B) Based on the constitutional clause identified in part A, explain why the facts of Engel v. Vitale led to a different holding than the holding in Greece v. Galloway.

(C) Describe an action that members of the public who disagree with the holding in Greece v. Galloway could take to limit its impact.

#2

Following the 1990 census, Texas gained seats in the United States House of Representatives. The redistricting plan included three new districts, two of which had a majority of Latino voters, and another that had a majority of African American voters. In addition, they reconfigured a fourth district to make it predominantly African American. The Texas plan was approved by the Department of Justice under the requirements of the Voting Rights Act (1965). However, the plan was challenged in the federal courts as racial gerrymandering. In *Bush* v. *Vera* (1996) the Supreme Court concluded that the state had violated the United States Constitution in the drawing of the districts.

In the majority opinion, Justice Sandra Day O’Connor said that the redistricting was “so extremely irregular on its face, that it rationally can be viewed only as an effort to segregate the races for the purposes of voting without regard for traditional redistricting principles.”

1. Identify a constitutional clause that is common to both *Bush* v. *Vera* (1996) and *Shaw* v. *Reno* (1993)
2. Explain how the facts in both cases led to similar holdings.
3. Explain how the decision in *Bush* v. *Vera* could affect the process of redistricting for congressional representation in other states.