Power and the Court

Weigh rights and costs in two Supreme Court decisions

USH.7.7 "Assess the decisions of the Supreme Court, especially those which address the contests among individual citizens, workers, and corporations."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what the Court protected in each case. Circle a possible benefit and a possible cost of each decision so you can assess its impact.

Who Has a Voice?

1. A week before an election, a company pays for an advertisement urging voters to reject a candidate. The ad is not coordinated with the candidate's campaign. In Citizens United v. Federal Election Commission (2010), the Supreme Court ruled that the government could not ban such independent political spending by corporations or unions. The majority said the First Amendment protects political speech regardless of the speaker's corporate identity. The ruling did not remove limits on corporations giving money directly to candidates.

2. Now picture several employees who say their company paid them less than the law requires. Their contracts require them to settle job disputes one at a time through arbitration rather than in court. In Epic Systems Corp. v. Lewis (2018), the Supreme Court held that federal law allows enforcement of these agreements, even when workers want to bring claims together. The majority relied on the Federal Arbitration Act; dissenters argued that workers' right to act together under labor law should prevail.

3. These decisions shaped different contests over power. Supporters of Citizens United argue that independent spending lets groups share views with voters; critics worry that wealthy organizations gain a louder political voice than ordinary citizens. Supporters of Epic Systems say individual arbitration can settle disputes efficiently; critics say it may make small wage claims harder to pursue. To assess either ruling, weigh the right or rule the Court protected against the practical costs for people with less money or bargaining power.

2 ANSWER WITH EVIDENCE

Use the passage

1. Was the Court right to protect independent spending in Citizens United? Weigh one benefit against one concern from the passage.

2. How does the difference between an independent ad and a direct donation affect your assessment of Citizens United?

3. Should the Court have enforced the individual arbitration agreements in Epic Systems? Weigh one benefit against one cost from the passage.

4. Which decision might do more to reduce the influence of people with less money? Compare its effect with the other decision.

3 YOUR TURN

Your own words

A delivery company pays for independent election ads and requires workers to arbitrate wage claims individually. In four sentences, recommend one policy that addresses a power imbalance without banning the ads or voiding the arbitration agreements, and explain how both rulings shape your choice.

Power and the Court

PART 1 · READ AND MARK

Underline what the Court protected in each case. Circle a possible benefit and a possible cost of each decision so you can assess its impact. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Was the Court right to protect independent spending in Citizens United? Weigh one benefit against one concern from the passage.	**Answers may differ. The ruling lets groups share political views, but wealthy organizations may gain a louder voice than ordinary citizens.**
2	How does the difference between an independent ad and a direct donation affect your assessment of Citizens United?	**The ruling protected independent ads, not direct corporate donations to candidates. A student may argue that this limit reduces, but does not erase, concerns about corporate influence.**
3	Should the Court have enforced the individual arbitration agreements in Epic Systems? Weigh one benefit against one cost from the passage.	**Answers may differ. Individual arbitration can settle disputes efficiently, but it may make small wage claims harder for workers to pursue.**
4	Which decision might do more to reduce the influence of people with less money? Compare its effect with the other decision.	**Either choice is defensible. Citizens United may amplify wealthy organizations' political voices, while Epic Systems may make it harder for workers with small claims to seek payment together.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Citizens United protects the company's independent ads, so I would not ban them. Epic Systems allows enforcement of its individual arbitration agreements, so I would not cancel those contracts. I would require employers to pay workers' arbitration fees so smaller wage claims are easier to bring. This keeps both rulings in place, but it costs employers more and does not fix unequal political influence.

Accept reasoned judgments that accurately distinguish independent spending from direct donations and recognize that Epic Systems permits enforcement of individual arbitration agreements. Part 3 policies should address a specific imbalance without contradicting either ruling.