

SECTION I

Time—35 minutes

27 Questions

Directions: Each set of questions in this section is based on a single passage or a pair of passages. The questions are to be answered on the basis of what is stated or implied in the passage or pair of passages. For some of the questions, more than one of the choices could conceivably answer the question. However, you are to choose the best answer; that is, the response that most accurately and completely answers the question, and blacken the corresponding space on your answer sheet.

This passage was adapted from an article published in 2003.

For two decades, Wynton Marsalis complemented his extraordinary gifts as a jazz trumpeter with persuasive advocacy of the importance of jazz history and jazz masters. At his peak, Marsalis ruled the jazz universe, enjoying virtually unqualified admiration as a musician and unsurpassed influence as the music's leading promoter and definer. But after drawing increasing fire from critics and fellow musicians alike for his neotraditionalism, the biggest name in jazz faces an uncertain future, as does jazz itself.

In 1999, to mark the end of the century, Marsalis issued a total of fifteen new CDs. In the following two years he did not release a single collection of new music. In fact, after two decades with Columbia Records—the prestigious label historically associated with Duke Ellington, Thelonious Monk, and Miles Davis—Marsalis has no record contract with any company. Over the past few years Columbia has drastically reduced its roster of active jazz musicians, shifting its emphasis to reissues of old recordings. Atlantic Records folded its jazz catalog into the operations of its parent company, Warner Music, and essentially gave up on developing new artists.

For this grim state of affairs in jazz, Marsalis, the public face of the music and the evident master of its destiny, has been accused of being at least partly culpable. Critics charge that, by leading jazz into the realm of unbending classicism and by sanctifying a canon of their own choosing, Marsalis and his adherents have codified the music into a stifling orthodoxy and inhibited the innovative impulses that have always advanced jazz. As a former executive with Columbia noted, “For many people, Marsalis has come to embody some retro ideology that is not really of the moment—it’s more museumlike in nature, a look back.”

Indeed, in seeking to elevate the public perception of jazz and to encourage young practitioners to pay attention to the music’s traditions, Marsalis put great emphasis on its past masters. Still, he never advocated mere revivalism, and he has demonstrated in his compositions how traditional elements can be alluded to, recombined, and reinvented in the name of individualistic expression, taking the nature of that tradition and trying to push it forward. However, record executives came away with a different message: if the artists of the past are so great and enduring, why continue investing so much in young talent? So they

shifted their attention to repackaging their catalogs of vintage recordings.

Where the young talent saw role models and their critics saw idolatry, the record companies saw brand names—the ultimate prize of marketing. For long-established record companies with vast archives of historic recordings, the economics were irresistible: it is far more profitable to wrap new covers around albums paid for generations ago than it is to find, record, and promote new artists.

1. Which one of the following most accurately expresses the main point of the passage?

- (A) Although he was once heralded as the leading promoter and definer of jazz, Wynton Marsalis’s recent turn toward traditional elements in his music has made record companies reluctant to contract with him.
- (B) Contrary to critics who accuse him of narrow neotraditionalism that stifles the evolution of jazz, Wynton Marsalis plays jazz that is new and innovative and his emphasis on past masters has widened the audience for jazz.
- (C) Though Wynton Marsalis enjoyed great success for two decades, the shift in focus by record companies to re-releasing traditional recordings has caused him to move away from the traditionalism that initially fueled his success.
- (D) By emphasizing appreciation of traditional jazz, Wynton Marsalis has unintentionally led major record companies to shun developing new talent in favor of re-releasing vintage jazz recordings.
- (E) Despite widespread acknowledgement of his musical gifts, Wynton Marsalis has come under increasing criticism for what many regard as excessive traditionalism.

GO ON TO THE NEXT PAGE.

2. By stating that many people consider Marsalis to embody a "retro ideology," the former executive quoted at the end of the third paragraph most likely means that they believe that Marsalis
- (A) revived a discredited set of ideas
 - (B) merely recombined other people's ideas
 - (C) overemphasized strict adherence to tradition
 - (D) reinvented and reinterpreted traditional forms
 - (E) seized on a set of inauthentic musical ideas
3. The author would most likely be less negative about the state of affairs in jazz if
- (A) critics were to soften their outspoken indictment of what they view as Marsalis's neotraditionalism
 - (B) Marsalis were to continue focusing on releasing new music that was informed by traditional jazz
 - (C) Marsalis were to speak out against those who describe his adherence to tradition as unbending
 - (D) record companies were to emphasize developing new artists while reissuing old recordings
 - (E) young jazz musicians were to favor a respect for tradition over impulsive innovation
4. Which one of the following describes a situation most analogous to the situation facing Marsalis, as described in the passage?
- (A) A town council's successful plan to slow the pace of housing development on its remaining rural lands has the unintended consequence of forcing housing prices to rise significantly faster than in neighboring towns.
 - (B) A well-known seed research firm aggressively markets new hybrid tomatoes designed to taste like older traditional varieties, but as a result, sales of traditional varieties skyrocket while hybrid sales decline.
 - (C) A producer of wool fabrics finds that business has increased substantially since synthetic-fabric producers have begun marketing fabrics that most consumers find less attractive than wool fabric.
 - (D) A firm that has been selling and promoting herbal medicines for several decades finds that sales are slumping because of increasing competition from upstart herbal products companies.
 - (E) A campaign to save an endangered fish species in a chain of lakes backfires when a ban on fishing in those lakes allows a predatory fish species to thrive and diminish stocks of the endangered species.
5. According to the passage, Marsalis encouraged young jazz musicians to
- (A) restrain their revolutionary, innovative impulses
 - (B) learn to compose as well as perform jazz
 - (C) play sessions with older musicians
 - (D) ignore the prevailing public perceptions of jazz
 - (E) stay in touch with the traditions of jazz
6. The author would be most likely to agree with which one of the following?
- (A) Ironically, record companies have embraced a kind of classicism that is more rigid than that attributed to Marsalis by critics.
 - (B) Contrary to what critics charged, Marsalis energetically promoted new artists.
 - (C) Understandably, Marsalis's fellow musicians have been more vocal in their displeasure with his views than have music critics.
 - (D) Surprisingly, most of today's young artists take issue with critics' increasingly negative views of Marsalis's neotraditionalism.
 - (E) In saturating the market with fifteen new collections of music in 1999, Marsalis made himself especially vulnerable to criticism.
7. The passage provides information sufficient to answer which one of the following questions?
- (A) In the two years after 1999, did Marsalis compose any new music?
 - (B) Are Marsalis's fans drawn mainly from younger or from older jazz lovers?
 - (C) Has Marsalis ever released a CD consisting of only jazz standards?
 - (D) Why did Marsalis have no recording contract at the time the passage was written?
 - (E) What is a factor that contributed to the shift by record companies toward reissuing vintage jazz recordings?

GO ON TO THE NEXT PAGE.

Common sense suggests that we know our own thoughts directly, but that we infer the thoughts of other people. The former process is noninferential and infallible, while the latter is based on others' behavior and can always be wrong. But this assumption is challenged by experiments in psychology demonstrating that in certain circumstances young children tend to misdescribe their own thoughts regarding simple phenomena while nonetheless correctly describing those phenomena. It seems that these children have the same thoughts that adults have regarding the phenomena but are much less capable of identifying these thoughts. Some psychologists argue that this indicates that one's awareness of one's own thoughts is every bit as inferential as one's awareness of another person's thoughts. According to their interpretation of the experiments, thoughts are unobservable entities that, among other things, help to explain why we act as we do. It follows from this that we are wrong to think of ourselves as having noninferential and infallible access to our own thoughts.

Recognizing an obligation to explain why we cling so tenaciously to an illusory belief in noninferential and infallible knowledge of our own thoughts, these psychologists suggest that this illusion is analogous to what happens to us when we become experts in a particular area. Greater expertise appears to change not only our knowledge of the area as a whole, but our very perception of entities in that area. It appears to us that we become able to see and to grasp these entities and their relations directly, whereas before we could only make inferences about them. For instance, chess experts claim the ability to see without calculation whether a position is weak or strong. From a psychological perspective, we become so expert in making incredibly fast introspective inferences about our thinking that we fail to notice that we are making them. This failure leads naturally to the supposition that there is no way for us to be wrong in our identification of what we ourselves think because we believe we are perceiving it directly.

In claiming that we have only inferential access to our thoughts, the psychologists come perilously close to claiming that we base our inferences about what we ourselves are thinking solely on observations of our own external behavior. But, in fact, their arguments do not commit them to this claim; the psychologists suggest that we are somehow able to base our inferences about what we are thinking on internal cognitive activity that is not itself thought—e.g., fleeting and instantaneous sensations and emotions. The frequent occurrence of such internal activities explains why we develop the capacity to make quick and reliable inferences. Their internality makes it impossible for anyone else to make an inference based on them that contradicts our own. Thus, they are crucial in creating the illusion of noninferentiality and infallibility.

8. Which one of the following most accurately expresses the main point of the passage?
- (A) Only experts within a given domain have noninferential and infallible access to their own thoughts; other people must infer their own thoughts as they do others' thoughts.
 - (B) In opposition to the common belief that thoughts are directly perceived, some psychologists argue that people infer what their own thoughts are.
 - (C) In response to the common belief that thoughts are directly perceived, some psychologists claim that this belief is an illusion resulting from our inability to make quick and reliable inferences.
 - (D) Some psychologists have recently attributed children's failure to give an accurate description of their own thoughts to their lack of expertise.
 - (E) Some psychologists hold that people are able to make inferences about what they are thinking that are based solely on observing their own external behavior.
9. Which one of the following, if true, would most call into question the psychologists' interpretation of the experiments with children (lines 10–16)?
- (A) Some children who took part in the experiments were no less capable than some adults at identifying their own thoughts.
 - (B) Experiments with older children found that they were as accurate as adults in identifying their thoughts.
 - (C) The limited language skills possessed by young children make it difficult for them to accurately communicate their thoughts.
 - (D) Most young children cannot be expected to know the difference between direct and indirect access to one's thoughts.
 - (E) The psychologists who conducted the experiments with children were concerned with psychological issues other than the nature of people's access to their own thoughts.

GO ON TO THE NEXT PAGE.

10. Based on the passage, the author is most likely to believe which one of the following about the view that "we base our inferences about what we ourselves are thinking solely on observations of our own external behavior" (lines 44-46)?
- (A) It constitutes a denial of the possibility of scientifically studying thinking processes.
 - (B) It has often been misunderstood by psychologists.
 - (C) It was the prevailing view until undermined by recent psychology experiments.
 - (D) It seems to contradict common sense but is basically sound.
 - (E) It is not considered to be an intellectually defensible position.
11. Which one of the following is most closely analogous to the explanation in the passage of how persons fail to notice that they are making inferences about their thoughts?
- (A) An anthropologist cannot describe his own culture accurately because he has become too familiar with its workings and therefore takes them for granted.
 - (B) Science is limited with regard to studying the human mind because science necessarily depends on human reasoning.
 - (C) As they develop, children become increasingly comfortable with formal abstraction and therefore become vulnerable to failures to learn from concrete experiences.
 - (D) Judges are barred from trying cases involving their family members because of a potential conflict of interest.
 - (E) A ship's commander must delegate certain duties and decisions to other officers on her ship because she is too busy to attend to those duties and decisions.
12. According to the passage, one's gaining greater expertise in a field appears to result in
- (A) an altered way of expressing one's judgments about issues in that field
 - (B) a more detail-oriented approach to questions in that field
 - (C) an increased tendency to ignore one's own errors in judgment within that field
 - (D) a substantively different way of understanding relations within that field
 - (E) a reduced reliance on sensations and emotions when inferring one's thoughts regarding that field
13. According to the psychologists cited in the passage, the illusion of direct knowledge of our own thoughts arises from the fact that
- (A) we ignore the feedback that we receive regarding the inaccuracy of the inferences we make about our thought processes
 - (B) knowledge of our own thoughts is usually unmediated due to our expertise, and we simply overlook instances where this is not the case
 - (C) we are unaware of the inferential processes that allow us to become aware of our thoughts
 - (D) our inferences regarding our own thoughts are generally extremely accurate, as are our perceptions of the world
 - (E) our inferences regarding our own thoughts are sometimes clouded and uncertain, as are our perceptions of the world
14. It can most reasonably be inferred that the choice of children as the subjects of the psychology experiments discussed in the passage was advantageous to the experimenters for which one of the following reasons?
- (A) Experiments involving children are more likely to give interesting results because children are more creative than adults.
 - (B) Adults are more likely than children to give inaccurate reports of their thought processes.
 - (C) Since adults are infallible in their access to their own thoughts, only the thought processes of children shed light on the nature of inference.
 - (D) Mental processes are sometimes easier to study in children because children are more likely than adults to make certain cognitive errors.
 - (E) Children are less experienced than adults in inferring the thoughts of others from observations of their behavior.
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This passage is based on an article written in 1995.

Dowsing is the practice of detecting resources or objects beneath the ground by passing handheld, inert tools such as forked sticks, pendulums, or metal rods over a terrain. For example, dowsers typically

- (5) determine prospective water-well drilling locations by walking with a horizontally held forked tree branch until it becomes vertical, claiming the branch is pulled to this position. The distance to the water from the surface and the potential well's flow rate are then
- (10) determined by holding the branch horizontally again and either walking in place or backwards while the branch is pulled vertical again. The number of paces indicates the distance to the water, and the strength of the pull felt by the dowser correlates with the potential well's flow rate.

Those skeptical of dowsing's efficacy point to the crudeness of its methods as a self-evident reason to question it. They assert that dowsers' use of inert tools indicates that the dowsers themselves actually make

- (20) subconscious determinations concerning the likely location of groundwater using clues derived from surface conditions; the tools' movements merely reflect the dowsers' subconscious thoughts. Further, skeptics say, numerous studies show that while a few
- (25) dowsers have demonstrated considerable and consistent success, the success rate for dowsers generally is notably inconsistent. Finally, skeptics note, dowsing to locate groundwater is largely confined to areas where groundwater is expected to
- (30) be ubiquitous, making it statistically unlikely that a dowsed well will be completely dry.

Proponents of dowsing point out that it involves a number of distinct techniques and contend that each of these techniques should be evaluated separately. They

(35) also note that numerous dowsing studies have been influenced by a lack of care in selecting the study population; dowsers are largely self-proclaimed and self-certified, and verifiably successful dowsers are not well represented in the typical study. Proponents

(40) claim that successful dowsers may be sensitive to minute changes in Earth's electromagnetic field associated with variations in subsurface conditions. They also claim that these dowsers have higher success rates than geologists and hydrologists who

(45) use scientific tools such as electromagnetic sensors or seismic readings to locate groundwater.

The last two claims were corroborated during a recent and extensive study that utilized teams of the most successful dowsers, geologists, and hydrologists

(50) to locate reliable water supplies in various arid countries. Efforts were concentrated on finding groundwater in narrow, tilted fracture zones in bedrock underlying surface sediments. The teams were unfamiliar with the areas targeted, and they agreed

(55) that no surface clues existed that could assist in pinpointing the locations of fracture zones. The dowsers consistently made significantly more accurate predictions regarding drill sites, and on request even located a dry fracture zone, suggesting that dowsers

(60) can detect variations in subsurface conditions.

15. Which one of the following most accurately describes the primary purpose of the second paragraph?
- (A) to add detail to the description presented in the first paragraph
- (B) to offer two perspectives that are synthesized into a new perspective presented in the final paragraph
- (C) to present arguments against which the third paragraph presents counterarguments
- (D) to explore in detail the ramifications of one claim made in the first paragraph
- (E) to clarify the issues on both sides in a dispute that the third paragraph attempts to resolve
16. According to the passage, dowsing's skeptics acknowledge which one of the following?
- (A) A few dowsers have shown considerable and consistent success.
- (B) Dowsing techniques are generally rejected by scientists.
- (C) Successful dowsers are not well represented in the typical study of dowsing's efficacy.
- (D) Successful dowsers may be sensitive to minute changes in Earth's electromagnetic field.
- (E) Each dowsing technique should be evaluated separately.
17. The reasoning in which one of the following is most analogous to an argument explicitly attributed to dowsing's skeptics in the passage?
- (A) Some weather analysts claim that no one can forecast the weather a week ahead with better than 40 percent accuracy, but some computer models have been known to perform with more accuracy than that.
- (B) Some people claim to have seen ghosts, but very few of these people can adduce even the smallest piece of credible evidence to support their claims.
- (C) Some musicians perform so well that their performances have been said to express a pure, innate talent, but such performances are in fact due to years of very intense practice.
- (D) Some people claim to be able to sense where the area's good fishing spots are, but the lakes in the area are so loaded with fish it would be difficult not to pick a good spot.
- (E) Some people have memories of participating in historical events in which they did not actually participate, but this does not prove that they have been reincarnated.

GO ON TO THE NEXT PAGE.

18. The author of the passage would be most likely to agree with which one of the following statements about the results of the groundwater-locating study discussed in the final paragraph?
- (A) The results suggest that geologists and hydrologists would likely be of little service to any groundwater-locating effort.
 - (B) The results leave open the possibility that dowsers can sense minute changes in Earth's electromagnetic field.
 - (C) The results prove conclusively that dowsing is the most dependable technique for finding water in arid countries.
 - (D) The results demonstrate that dowsers are most successful in their efforts to locate groundwater when they use tools that are typically employed by geologists and hydrologists.
 - (E) The results do not help to refute skeptics' arguments, because the results provide evidence for dowsing's efficacy in only one type of terrain.
19. The passage provides information most helpful in answering which one of the following questions?
- (A) When was dowsing first employed as a means of locating groundwater?
 - (B) Is the success of dowsers affected by rainstorms that may have saturated the ground in the area being dowsed?
 - (C) What proportion of successful dowsers use forked sticks in locating groundwater?
 - (D) Is dowsing ever utilized to try to locate anything other than water?
 - (E) What are some of the specific surface clues that can indicate the presence of groundwater?
20. The passage provides the most support for inferring which one of the following statements?
- (A) Narrow, tilted fracture zones in underlying bedrock are more likely to be found in arid regions than in other regions.
 - (B) There are no reliable studies indicating that dowsers are consistently able to locate subsurface resources other than groundwater.
 - (C) A dowser attempting to locate a dry fracture zone would not use the same tools as a dowser attempting to locate groundwater.
 - (D) Geologists and hydrologists participating in the groundwater-locating study described in the final paragraph could not locate a dry fracture zone upon request.
 - (E) The groundwater-locating study described in the final paragraph was not a typical dowsing study.

GO ON TO THE NEXT PAGE.

Passage A

Why do some trial court judges oppose conducting independent research to help them make decisions?

One of their objections is that it distorts the adversarial system by requiring an active judicial role and

- (5) undermining the importance of evidence presented by the opposing parties. Another fear is that judges lack the wherewithal to conduct first-rate research and may wind up using outlier or discredited scientific materials.

- (10) While these concerns have some merit, they do not justify an absolute prohibition of the practice. First, there are reasons to sacrifice adversarial values in the scientific evidence context. The adversarial system is particularly ill-suited to handling specialized knowledge. The two parties prescreen and compensate expert witnesses, which virtually ensures conflicting and partisan testimony. At the same time, scientific facts are general truths not confined to the immediate cases. Because scientific admissibility decisions can exert considerable influence over future cases,
- (20) erroneous decisions detract from the legitimacy of the system. Independent research could help judges avoid such errors.

Second, a trial provides a structure that guides any potential independent research, reducing the possibility of a judge's reaching outlandish results. Independent research supplements, rather than replaces, the parties' presentation of the evidence, so the parties always frame the debate.

Passage B

- (30) Regardless of what trial courts may do, appellate courts should resist the temptation to conduct their own independent research of scientific literature.

- As a general rule, appellate courts do not hear live testimony. Thus these courts lack some of the critical tools available at the trial level for arriving at a determination of the facts: live testimony and cross-examination. Experts practicing in the field may have knowledge and experience beyond what is reflected in the available scientific literature. And adverse parties can test the credibility and reliability of proffered literature by subjecting the expert witness to the greatest legal engine ever invented for the discovery of truth—cross-examination. The trial judge may even participate in the process by questioning live witnesses. However, these events can only occur at the trial level.

- Literature considered for the first time at the appellate level is not subject to live comment by practicing experts and cannot be tested in the crucible of the adversarial system. Thus one of the core criticisms against the use of such sources by appellate courts is that doing so usurps the trial court's fact-finding function. Internet sources, in particular, have come under criticism for their potential unreliability.

- (55) When an appellate court goes outside the record to determine case facts, it ignores its function as a court of review, and it substitutes its own questionable research results for evidence that should have been

- (60) tested in the trial court. This criticism applies with full force to the use of outside-the-record texts and treatises, regardless of the medium in which they are found.

21. Which one of the following principles underlies the arguments in both passages?
- (A) It is more appropriate for trial judges to conduct independent research than for appellate judges to do so.
- (B) Judges should conduct independent research in order to determine what evidence parties to a trial should be allowed to present.
- (C) Independent research by judges should not supersede evidence presented by the opposing parties in a trial.
- (D) Judges' questioning of witnesses should be informed by the judges' own independent research.
- (E) Both trial and appellate judges should conduct research based on standard, reliable sources.
22. It can be inferred that each author would agree that if judges conduct independent research, that research
- (A) should be constrained by the structure of a trial
- (B) is typically confined to standard, reliable sources
- (C) replaces, rather than supplements, party-presented evidence
- (D) should be conducted at the trial level but not at the appellate level
- (E) usurps the trial court's fact-finding function
23. Which one of the following phrases is used by the author of passage B to express a concern that is most closely related to the concern expressed by the author of passage A using the phrase "lack the wherewithal" (line 7)?
- (A) experience beyond what is reflected (lines 38–39)
- (B) may even participate in the process (line 44)
- (C) subject to live comment (line 48)
- (D) questionable research results (lines 57–58)
- (E) outside-the-record texts (line 60)

GO ON TO THE NEXT PAGE.

24. Given the statements about cross-examination in lines 39–43, the author of passage B would be most likely to take issue with which one of the following claims by the author of passage A?
- (A) An absolute prohibition of independent research by trial judges is not justified.
 - (B) The adversarial system is particularly ill-suited to handling specialized knowledge.
 - (C) Scientific admissibility decisions exert considerable influence over future cases.
 - (D) Erroneous decisions can be readily exposed by third parties.
 - (E) A trial provides a structure that guides any potential independent research.
25. Which one of the following words as used in passage B comes closest to having the same reference as the word “crucible” in line 49?
- (A) temptation (line 31)
 - (B) credibility (line 40)
 - (C) engine (line 42)
 - (D) function (line 53)
 - (E) medium (line 61)
26. It can be inferred, based on their titles, that the relationship between which one of the following pairs of documents is most analogous to the relationship between passage A and passage B, respectively?
- (A) “Negative Effects of Salt Consumption”
“Unhealthy Amounts of Salt in the Diet”
 - (B) “Salt Can Be Beneficial for Some People”
“People with High Blood Pressure Should Avoid Salt”
 - (C) “Debunking the Alleged Danger Posed by Salt”
“Inconclusive Research Results on the Health Effects of Salt Consumption”
 - (D) “Substitutes for Dietary Salt”
“Salt Substitutes Come Under Fire”
 - (E) “The Health Effects of Salt Consumption”
“Salt Deficiency in a Sample Population”
27. The stances of the authors of passage A and passage B, respectively, toward independent research on the part of trial judges are most accurately described as
- (A) resigned acceptance and implicit disapproval
 - (B) cautious ambivalence and strict neutrality
 - (C) reasoned skepticism and veiled antipathy
 - (D) qualified approval and explicit noncommitment
 - (E) forceful advocacy and tentative opposition

S T O P

IF YOU FINISH BEFORE TIME IS CALLED, YOU MAY CHECK YOUR WORK ON THIS SECTION ONLY.
DO NOT WORK ON ANY OTHER SECTION IN THE TEST.