



SECTION III

Time—35 minutes

26 Questions

Directions: Each passage in this section is followed by a group of questions to be answered on the basis of what is stated or implied in the passage. 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.

- Most of what has been written about Thurgood Marshall, a former United States Supreme Court justice who served from 1967 to 1991, has just focused on his judicial record and on the ideological content of his
- (5) earlier achievements as a lawyer pursuing civil rights issues in the courts. But when Marshall's career is viewed from a technical perspective, his work with the NAACP (National Association for the Advancement of Colored People) reveals a strategic and methodological
- (10) legacy to the field of public interest law. Though the NAACP, under Marshall's direction, was not the first legal organization in the U.S. to be driven by a political and social agenda, he and the NAACP developed innovations that forever changed the landscape of
- (15) public interest law: during the 1940s and 1950s, in their campaign against state-sanctioned racial segregation, Marshall and the NAACP, instead of simply pursuing cases as the opportunity arose, set up a predetermined legal campaign that was meticulously
- (20) crafted and carefully coordinated.

- One aspect of this campaign, the test case strategy, involved sponsoring litigation of tactically chosen cases at the trial court level with careful evaluation of the precedential nuances and potential impact of each
- (25) decision. This allowed Marshall to try out different approaches and discover which was the best to be used. An essential element in the success of this tactic was the explicit recognition that in a public interest legal campaign, choosing the right plaintiff can mean the
- (30) difference between success and failure. Marshall carefully selected cases with sympathetic litigants, whose public appeal, credibility, and commitment to the NAACP's goals were unsurpassed.

- In addition, Marshall used sociological and
- (35) psychological statistics—presented in expert testimony, for example, about the psychological impact of enforced segregation—as a means of transforming constitutional law by persuading the courts that certain discriminatory laws produced public harms in violation
- (40) of constitutional principles. This tactic, while often effective, has been criticized by some legal scholars as a pragmatic attempt to give judges nonlegal material with which to fill gaps in their justifications for decisions where the purely legal principles appear
- (45) inconclusive.

Since the time of Marshall's work with the NAACP, the number of public interest law firms in the U.S. has grown substantially, and they have widely adopted his combination of strategies for litigation,

- (50) devoting them to various public purposes. These strategies have been used, for example, in consumer advocacy campaigns and, more recently, by politically conservative public interest lawyers seeking to achieve, through litigation, changes in the law that they have not
- (55) been able to accomplish in the legislature. If we focus on the particular content of Marshall's goals and successes, it might seem surprising that his work has influenced the quest for such divergent political objectives, but the techniques that he honed—
- (60) originally considered to be a radical departure from accepted conventions—have become the norm for U.S. public interest litigation today.

1. Which one of the following most accurately expresses the main point of the passage?
- (A) In his role as a lawyer for the NAACP, Marshall developed a number of strategies for litigation which, while often controversial, proved to be highly successful in arguing against certain discriminatory laws.
- (B) The litigation strategies that Marshall devised in pursuit of the NAACP's civil rights goals during the 1940s and 1950s constituted significant innovations that have since been adopted as standard tactics for public interest lawyers.
- (C) Although commentary on Marshall has often focused only on a single ideological aspect of his accomplishments, a reinvestigation of his record as a judge reveals its influence on current divergent political objectives.
- (D) In his work with the NAACP during the 1940s and 1950s, Marshall adopted a set of tactics that were previously considered a radical departure from accepted practice, but which he adapted in such a way that they eventually became accepted conventions in the field of law.
- (E) Contrary to the impression commonly given by commentary on Marshall, his contributions to the work of the NAACP have had more of a lasting impact than his achievements as a U.S. Supreme Court justice.

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2. Which one of the following most accurately describes two main functions of the first sentence of the passage?
- (A) It disputes a claim that has often been accepted and summarizes Marshall's achievements.
 - (B) It establishes the passage's main topic and indicates the controversial nature of Marshall's ideologies.
 - (C) It introduces two aspects of Marshall's career and outlines the historical significance of both.
 - (D) It identifies Marshall's better-known achievements and suggests that commentary has neglected certain other achievements.
 - (E) It provides a new perspective on Marshall's achievements and corrects a historical inaccuracy.
3. Which one of the following pairs of tactics used by an environmental-advocacy public interest law firm is most closely analogous to the strategies that Marshall utilized during his work with the NAACP?
- (A) a decision to pursue a pollution case based on its potential legal implications for a large class of related cases; and testimony by a noted medical authority whose data support the claim that the pollution in question causes widespread medical problems
 - (B) acceptance of a pollution case based on the practical urgency of its expected impact on the environment if a ruling in favor of the plaintiff is rendered; and assignment of the case to the most widely known members of the firm
 - (C) preference for pursuing a series of cases that are to be tried in courts having a record of decisions that are favorable to environmental interests; and taking these cases to judges who strictly uphold constitutional principles
 - (D) acceptance of a pollution damage case based primarily on the potential plaintiff's needs; and careful orchestration of pretrial publicity designed to acquaint the public with the relevant issues
 - (E) thorough and painstaking research of precedents relating to a current pollution case; and consultations with lawyers for the defense regarding a pretrial settlement
4. It can be most reasonably inferred from the passage that the author views the test case strategy developed by Marshall as
- (A) arbitrary
 - (B) inflexible
 - (C) unprecedented
 - (D) necessary
 - (E) subjective
5. The passage provides the most support for which one of the following statements?
- (A) The ideological motivations for Marshall's work with the NAACP changed during his tenure on the U.S. Supreme Court.
 - (B) Marshall declined to pursue some cases that were in keeping with the NAACP's goals but whose plaintiffs' likely impression on the public he deemed to be unfavorable.
 - (C) Marshall's tactics were initially opposed by some other members of the NAACP who favored a more traditional approach.
 - (D) Marshall relied more on expert testimony in lower courts, whose judges were more likely than higher court judges to give weight to statistical evidence.
 - (E) Marshall's colleagues at the NAACP subsequently revised his methods and extended their applications to areas of law and politics beyond those for which they were designed.
6. Based on the passage, it can be most reasonably inferred that the author would agree with which one of the following statements?
- (A) In light of a reconsideration of Marshall's career, it seems that commentary has undervalued both his innovations in litigation strategy and his accomplishments on the U.S. Supreme Court.
 - (B) The most controversial of Marshall's methods was, somewhat paradoxically, the most unequivocally successful part of his overall campaign with the NAACP.
 - (C) Lawyers representing private interests had previously used sociological evidence in court cases.
 - (D) In response to Marshall's successes in NAACP litigations, the first public interest law firms were established, and they represented a radical change from previous types of U.S. law firms.
 - (E) Marshall's techniques lend themselves to being used even for purposes that Marshall might not have intended.
7. According to the passage, some legal scholars have criticized which one of the following?
- (A) the ideology Marshall used to support his goals
 - (B) recent public interest campaigns
 - (C) the use of Marshall's techniques by politically conservative lawyers
 - (D) the use of psychological statistics in court cases
 - (E) the set of criteria for selecting public interest litigants

The painter Roy Lichtenstein helped to define pop art—the movement that incorporated commonplace objects and commercial-art techniques into paintings—by paraphrasing the style of comic books in his work.

- (5) His merger of a popular genre with the forms and intentions of fine art generated a complex result: while poking fun at the pretensions of the art world, Lichtenstein's work also managed to convey a seriousness of theme that enabled it to transcend mere parody.

- (10) That Lichtenstein's images were fine art was at first difficult to see, because, with their word balloons and highly stylized figures, they looked like nothing more than the comic book panels from which they were copied. Standard art history holds that pop art emerged as an impersonal alternative to the histrionics of abstract expressionism, a movement in which painters conveyed their private attitudes and emotions using nonrepresentational techniques. The truth is that by the time pop art first appeared in the early 1960s, abstract expressionism had already lost much of its force. Pop art painters weren't quarreling with the powerful early abstract expressionist work of the late 1940s but with a second generation of abstract expressionists whose work seemed airy, high-minded, and overly lyrical. Pop art paintings were full of simple black lines and large areas of primary color. Lichtenstein's work was part of a general rebellion against the fading emotional power of abstract expressionism, rather than an aloof attempt to ignore it.

- (30) But if rebellion against previous art by means of the careful imitation of a popular genre were all that characterized Lichtenstein's work, it would possess only the reflective power that parodies have in relation to their subjects. Beneath its cartoonish methods, his work displayed an impulse toward realism, an urge to say that what was missing from contemporary painting was the depiction of contemporary life. The stilted romances and war stories portrayed in the comic books on which he based his canvases, the stylized automobiles, hot dogs, and table lamps that appeared in his pictures, were reflections of the culture Lichtenstein inhabited. But, in contrast to some pop art, Lichtenstein's work exuded not a jaded cynicism about consumer culture, but a kind of deliberate naivete, intended as a response to the excess of sophistication he observed not only in the later abstract expressionists but in some other pop artists. With the comics—typically the domain of youth and innocence—as his reference point, a nostalgia fills his paintings that gives them, for all their surface bravado, an inner sweetness. His persistent use of comic-art conventions demonstrates a faith in reconciliation, not only between cartoons and fine art, but between parody and true feeling.

8. Which one of the following most accurately states the main point of the passage?

- (A) Lichtenstein's use of comic book elements in his paintings, considered simply a parodic reaction to the high-mindedness of later abstract expressionism, is also an attempt to re-create the emotionally powerful work of earlier abstract expressionists.
- (B) Lichtenstein's use of comic book elements is not solely a parodic reaction to the high-mindedness of later abstract expressionism but also demonstrates an attempt to achieve realistic and nostalgic effects simultaneously in his paintings.
- (C) Lichtenstein's use of comic book elements obscures the emotional complexity contained in his paintings, a situation that has prevented his work from being recognized as fine art in the expressionist tradition.
- (D) Lichtenstein's use of comic book elements appears to mark his paintings as parodic reactions to the whole of abstract expressionism when they are instead a rebellion against the high-mindedness of the later abstract expressionists.
- (E) Lichtenstein's use of comic book elements in his paintings, though a response to the excessive sophistication of the art world, is itself highly sophisticated in that it manages to reconcile pop art and fine art.

9. Which one of the following best captures the author's attitude toward Lichtenstein's work?

- (A) enthusiasm for its more rebellious aspects
- (B) respect for its successful parody of youth and innocence
- (C) pleasure in its blatant rejection of abstract expressionism
- (D) admiration for its subtle critique of contemporary culture
- (E) appreciation for its ability to incorporate both realism and naivete

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10. The author most likely lists some of the themes and objects influencing and appearing in Lichtenstein's paintings (lines 38–43) primarily to
- (A) show that the paintings depict aspects of contemporary life
 - (B) support the claim that Lichtenstein's work was parodic in intent
 - (C) contrast Lichtenstein's approach to art with that of abstract expressionism
 - (D) suggest the emotions that lie at the heart of Lichtenstein's work
 - (E) endorse Lichtenstein's attitude toward consumer culture
11. Based on the passage, which one of the following would be an example of pop art that is most in keeping with the spirit of Lichtenstein's work?
- (A) a painting that uses realistic techniques to represent several simple objects arranged on a table
 - (B) a painting that parodies human figures by depicting them as stick figures
 - (C) a painting that conveys its creator's inner turmoil through the use of bold lines and primary colors
 - (D) a painting that employs vague shapes and images to make a statement about consumer culture
 - (E) a painting that depicts products as they appear in magazine advertisements to comment on society's values
12. Which one of the following, if true, would most challenge the author's characterization of Lichtenstein?
- (A) Lichtenstein frequently attended exhibitions by abstract expressionist painters in the 1960s.
 - (B) Lichtenstein praised a contemporary abstract expressionist in the 1960s for producing an atypically emotional painting.
 - (C) Lichtenstein praised an early abstract expressionist for producing emotional paintings.
 - (D) Lichtenstein criticized a pop artist in the 1960s for producing emotional paintings.
 - (E) Lichtenstein criticized a pop artist in the 1960s for producing paintings void of emotion.
13. The primary purpose of the passage is most likely to
- (A) express curiosity about an artist's work
 - (B) clarify the motivation behind an artist's work
 - (C) contrast two opposing theories about an artist's work
 - (D) describe the evolution of an artist's work
 - (E) refute a previous overestimation of an artist's work
14. Based on the passage, which one of the following does the author appear to believe about the rebellious aspect of Lichtenstein's work?
- (A) It was directed less against abstract expressionism exclusively than against overly sophisticated art.
 - (B) It was directed less against later abstract expressionism than against commercial art.
 - (C) It was directed less against later abstract expressionism exclusively than against abstract expressionism in general.
 - (D) It was an objection to the consumerism of the culture.
 - (E) It was an objection to the simplicity of line and color used by pop artists.
15. Based on the passage, which one of the following can most reasonably be inferred about abstract expressionism?
- (A) Over time, it moved from abstraction to realism.
 - (B) Over time, it moved from intensity to lyricism.
 - (C) Over time, it moved from intellectualism to emotionalism.
 - (D) Over time, it moved from obscurity to clarity.
 - (E) Over time, it moved from density to sparseness.

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Because the market system enables entrepreneurs and investors who develop new technology to reap financial rewards from their risk of capital, it may seem that the primary result of this activity is that some

- (5) people who have spare capital accumulate more. But in spite of the fact that the profits derived from various technological developments have accrued to relatively few people, the developments themselves have served overall as a remarkable democratizing force. In fact,
- (10) under the regime of the market, the gap in benefits accruing to different groups of people has been narrowed in the long term.

This tendency can be seen in various well-known technological developments. For example, before the

(15) printing press was introduced centuries ago, few people had access to written materials, much less to scribes and private secretaries to produce and transcribe documents. Since printed materials have become widely available, however, people without special

(20) position or resources—and in numbers once thought impossible—can take literacy and the use of printed texts for granted. With the distribution of books and periodicals in public libraries, this process has been extended to the point where people in general can have

(25) essentially equal access to a vast range of texts that would once have been available only to a very few. A more recent technological development extends this process beyond printed documents. A child in school with access to a personal computer and modem—

(30) which is becoming fairly common in technologically advanced societies—has computing power and database access equal to that of the best-connected scientists and engineers at top-level labs of just fifteen years ago, a time when relatively few people had

(35) personal access to any computing power. Or consider the uses of technology for leisure. In previous centuries only a few people with abundant resources had the ability and time to hire professional entertainment, and to have contact through travel and written

(40) communication—both of which were prohibitively expensive—with distant people. But now broadcast technology is widely available, and so almost anyone can have an entertainment cornucopia unimagined in earlier times. Similarly, the development of

(45) inexpensive mail distribution and telephone connections and, more recently, the establishment of the even more efficient medium of electronic mail have greatly extended the power of distant communication.

This kind of gradual diffusion of benefits across

(50) society is not an accident of these particular technological developments, but rather the result of a general tendency of the market system. Entrepreneurs and investors often are unable to maximize financial success without expanding their market, and this

- (55) involves structuring their prices to the consumers so as to make their technologies genuinely accessible to an ever-larger share of the population. In other words, because market competition drives prices down, it tends to diffuse access to new technology across
- (60) society as a result.

16. Which one of the following does the passage identify as being a result of a technological development?

(A) burgeoning scientific research
 (B) educational uses of broadcasting
 (C) widespread exchange of political ideas
 (D) faster means of travel
 (E) increased access to databases

17. As used in the passage, the word “democratizing” (line 9) most nearly means equalizing which one of the following?

(A) distribution of tangible and intangible goods
 (B) opportunity to create new technology
 (C) accumulation of financial assets in investments
 (D) participation in the regulation of society through either public or private institutions
 (E) generally acknowledged social status in a community

18. Which one of the following most accurately represents the primary function of the reference to maximization of financial success (lines 52–54)?

(A) It forms part of the author’s summary of the benefits that have resulted from the technological developments described in the preceding paragraph.
 (B) It serves as the author’s logical conclusion from data presented in the preceding paragraph regarding the social consequences of technological development.
 (C) It forms part of a speculative hypothesis that the author presents for its interest in relation to the main topic rather than as part of an argument.
 (D) It serves as part of a causal explanation that reinforces the thesis in the first paragraph regarding the benefits of technological development.
 (E) It forms part of the author’s concession that certain factors complicate the argument presented in the first two paragraphs.

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19. It can be most reasonably inferred from the passage that the author would agree with which one of the following statements?
- (A) The profits derived from computer technology have accrued to fewer people than have the profits derived from any other technological development.
 - (B) Often the desire of some people for profits motivates changes that are beneficial for large numbers of other people.
 - (C) National boundaries are rarely barriers to the democratizing spread of technology.
 - (D) Typically, investment in technology is riskier than many other sorts of investment.
 - (E) Greater geographical mobility of populations has contributed to the profits of entrepreneurs and investors in technology.
20. From the passage it can be most reasonably inferred that the author would agree with which one of the following statements?
- (A) The democratizing influence of technology generally contributes to technological obsolescence.
 - (B) Wholly unregulated economies are probably the fastest in producing an equalization of social status.
 - (C) Expanded access to printed texts across a population has historically led to an increase in literacy in that population.
 - (D) The invention of the telephone has had a greater democratizing influence on society than has the invention of the printing press.
 - (E) Near equality of financial assets among people is a realistic goal for market economies.

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- Neurobiologists once believed that the workings of the brain were guided exclusively by electrical signals; according to this theory, communication between neurons (brain cells) is possible because electrical impulses travel from one neuron to the next by literally leaping across the synapses (gaps between neurons). But many neurobiologists puzzled over how this leaping across synapses might be achieved, and as early as 1904 some speculated that electrical impulses are transmitted between neurons chemically rather than electrically. According to this alternative theory, the excited neuron secretes a chemical called a neurotransmitter that binds with its corresponding receptor molecule in the receiving neuron. This binding of the neurotransmitter renders the neuron permeable to ions, and as the ions move into the receiving neuron they generate an electrical impulse that runs through the cell; the electrical impulse is thereby transmitted to the receiving neuron.

- (20) This theory has gradually won acceptance in the scientific community, but for a long time little was known about the mechanism by which neurotransmitters manage to render the receiving neuron permeable to ions. In fact, some scientists remained skeptical of the theory because they had trouble imagining how the binding of a chemical to a receptor at the cell surface could influence the flow of ions through the cell membrane. Recently, however, researchers have gathered enough evidence for a convincing explanation: that the structure of receptors plays the pivotal role in mediating the conversion of chemical signals into electrical activity.

- The new evidence shows that receptors for neurotransmitters contain both a neurotransmitter binding site and a separate region that functions as a channel for ions; attachment of the neurotransmitter to the binding site causes the receptor to change shape and so results in the opening of its channel component. Several types of receptors have been isolated that conform to this structure, among them the receptors for acetylcholine, gamma-aminobutyric acid (GABA), glycine, and serotonin. These receptors display enough similarities to constitute a family, known collectively as neurotransmitter-gated ion channels.

- (45) It has also been discovered that each of the receptors in this family comes in several varieties so that, for example, a GABA receptor in one part of the brain has slightly different properties than a GABA receptor in another part of the brain. This discovery is medically significant because it raises the possibility of the highly selective treatment of certain brain disorders. As the precise effect on behavior of every variety of each neurotransmitter-gated ion channel is deciphered, pharmacologists may be able to design drugs targeted to specific receptors on defined categories of neurons that will selectively impede or enhance these effects. Such drugs could potentially help ameliorate any number of debilitating conditions, including mood disorders, tissue damage associated with stroke, or Alzheimer's disease.

21. Which one of the following most completely and accurately states the main point of the passage?
- (A) Evidence shows that the workings of the brain are guided, not by electrical signals, but by chemicals, and that subtle differences among the receptors for these chemicals may permit the selective treatment of certain brain disorders.
- (B) Evidence shows that the workings of the brain are guided, not by electrical signals, but by chemicals, and that enough similarities exist among these chemicals to allow scientists to classify them as a family.
- (C) Evidence shows that electrical impulses are transmitted between neurons chemically rather than electrically, and that enough similarities exist among these chemicals to allow scientists to classify them as a family.
- (D) Evidence shows that electrical impulses are transmitted between neurons chemically rather than electrically, and that subtle differences among the receptors for these chemicals may permit the selective treatment of certain brain disorders.
- (E) Evidence shows that receptor molecules in the brain differ subtly from one another, and that these differences can be exploited to treat certain brain disorders through the use of drugs that selectively affect particular parts of the brain.
22. Based on the passage, the author's attitude toward the discovery presented in the last paragraph is most accurately described as
- (A) certainty that its possible benefits will be realized
- (B) optimism about its potential applications
- (C) apprehension about the possibility of its misuse
- (D) concern that its benefits are easily exaggerated
- (E) skepticism toward its assumptions about the brain
23. Each of the following statements is affirmed by the passage EXCEPT:
- (A) The secretion of certain chemicals plays a role in neuron communication.
- (B) The flow of ions through neurons plays a role in neuron communication.
- (C) The binding of neurotransmitters to receptors plays a role in neuron communication.
- (D) The structure of receptors on neuron surfaces plays a role in neuron communication.
- (E) The size of neurotransmitter binding sites on receptors plays a role in neuron communication.



24. The author most likely uses the phrase “defined categories of neurons” in lines 55–56 in order to refer to neurons that
- (A) possess channels for ions
 - (B) respond to drug treatment
 - (C) contain receptor molecules
 - (D) influence particular brain functions
 - (E) react to binding by neurotransmitters
25. Which one of the following most accurately describes the organization of the passage?
- (A) explanation of a theory; presentation of evidence in support of the theory; presentation of evidence in opposition to the theory; argument in favor of rejecting the theory; discussion of the implications of rejecting the theory
 - (B) explanation of a theory; presentation of evidence in support of the theory; explanation of an alternative theory; presentation of information to support the alternative theory; discussion of an experiment that can help determine which theory is correct
 - (C) explanation of a theory; description of an obstacle to the theory’s general acceptance; presentation of an explanation that helps the theory overcome the obstacle; discussion of a further implication of the theory
 - (D) explanation of a theory; description of an obstacle to the theory’s general acceptance; argument that the obstacle is insurmountable and that the theory should be rejected; discussion of the implications of rejecting the theory
 - (E) explanation of a theory; description of how the theory came to win scientific acceptance; presentation of new information that challenges the theory; modification of the theory to accommodate the new information; discussion of an implication of the modification
26. The primary purpose of the passage is most likely to
- (A) propose a new theory about the workings of the brain
 - (B) introduce evidence that challenges a widely accepted theory about the workings of the brain
 - (C) describe the approach scientists use when studying the workings of the brain
 - (D) discuss new support for a widely accepted theory about the workings of the brain
 - (E) illustrate the practical utility of scientific research into the workings of the brain

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.