

2005 AP[®] UNITED STATES GOVERNMENT AND POLITICS
FREE-RESPONSE QUESTIONS

UNITED STATES GOVERNMENT AND POLITICS

SECTION II

Time—100 minutes

Directions: You have 100 minutes to answer all four of the following questions. Unless the directions indicate otherwise, respond to all parts of all four questions. It is suggested that you take a few minutes to plan and outline each answer. Spend approximately one-fourth of your time (25 minutes) on each question. In your response, use substantive examples where appropriate. Make certain to number each of your answers as the question is numbered below.

1. The judicial branch is designed to be more independent of public opinion than are the legislature or the executive. Yet, the United States Supreme Court rarely deviates too far for too long from prevalent public opinion.
 - (a) Describe two ways in which the United States Supreme Court is insulated from public opinion.
 - (b) Explain how two factors work to keep the United States Supreme Court from deviating too far from public opinion.

2. The power of the federal government relative to the power of the states has increased since the ratification of the Constitution.
 - (a) Describe two of the following provisions of the Constitution and explain how each has been used over time to expand federal power.
 - The power to tax and spend
 - The “necessary and proper” or “elastic” clause
 - The commerce clause
 - (b) Explain how one of the following has increased the power of the federal government relative to the power of state governments.
 - Americans with Disabilities Act
 - Civil Rights Act of 1964
 - Clean Air Act

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2005 SCORING GUIDELINES**

Question 1

6 points

Part (a): 2 points

One point is earned for each of the two descriptions. The response must correctly describe two features of the Supreme Court that insulate it from public opinion. The description must identify each feature and add an additional clause or sentence that is factually correct and relevant to the identification. This may be an example or illustration. The response must also link each feature to public opinion. Congress may be used as a surrogate for public opinion, but the President cannot be used unless explicitly linked to public opinion.

Acceptable descriptions may include:

- “Appointed” or “not elected.”
- Serve life terms.
- Court’s ability to control its own docket/set its own agenda.
- Salaries cannot be reduced.
- Limited access to Court proceedings.

Descriptions that are not acceptable include:

- The Court’s role as interpreter of laws/Constitution.
- The fact that the Court accepts only legitimate controversies.

Part (b): 4 points

Two points are earned for each of the two explanations. The response must explain how or why each identified factor keeps the Supreme Court from deviating too far from public opinion.

Acceptable explanations may include:

- The appointment and/or confirmation process (no point is given if the response says that the House confirms, but if the response says Congress confirms, this is acceptable). If the appointment and confirmation processes are fully discussed as two SEPARATE processes, the response may earn points for both.
- Reliance on other public officials to execute decisions.
- The fact that the Supreme Court can be overruled with new laws or constitutional amendments. (“New laws” do not include Congress’s general power to write legislation.)
- The concern for reputation—individual reputation and/or that of the Supreme Court. Concern for credibility/legitimacy of the institution falls into this category.
- The potential for the impeachment of justices.
- Congressional control of the Supreme Court’s appellate jurisdiction and/or changing the number of justices on the Court.

A score of zero (0) is earned for an attempted answer that earns no points.

A score of dash (—) is earned for a blank or off-task answer.