



## **AP<sup>®</sup> United States Government and Politics 2005 Scoring Guidelines**

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**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.

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**Question 2**

**6 points**

**Part (a): 4 points**

One point is earned for each of the two descriptions, and 1 point is earned for each of the two explanations. The explanation must go beyond merely saying that the clause/power has been used more or interpreted more broadly, and it must explicitly indicate that change over time has occurred.

Acceptable descriptions may include:

- Tax and spend power
  - The response must indicate who exercises this power. (Congress/national government)
  - The response must describe both the power to tax and the power to spend.
- The “necessary and proper” or “elastic” clause
  - The response must indicate who exercises this power. (Congress/national government)
  - The response must include the power to pass laws.
- The commerce clause
  - The response must indicate who exercises this power. (Congress/national government)
  - The response must refer to the regulation of interstate commerce, foreign commerce/trade, or commerce with Native American tribes.

**Part (b): 2 points**

One point is earned for identifying a provision of one of the laws, and 1 point is earned for explaining how the provision increased federal power over the states. If the response does not correctly identify a provision of one of the laws, it cannot get the second point. If the response only discusses the provision’s effect on individuals or businesses, it will not earn an explanation point.

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.

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**Question 3**

**6 points**

**Part (a): 2 points**

One point is earned for defining selective, and 1 point is earned for defining incorporation.

- The response must define what is meant by selective—the fact that the process has been piecemeal and not a sudden change.
- The response must define incorporation—the fact that some liberties listed in the Bill of Rights have been applied to the states using the Fourteenth Amendment/due process clause.
- The response can earn one point for defining selectiveness without having earned the definition point for defining incorporation in terms of the Fourteenth Amendment/due process clause.

**Part (b): 4 points**

One point is earned for describing each of two appropriate cases, and 1 point is earned for explaining how each of the specific provisions of the Bill of Rights was incorporated.

- The response must describe the facts and the right that is incorporated in two relevant cases.
- The response must also explain how the Supreme Court used the Fourteenth Amendment to incorporate the specific provision of the Bill of Rights in each of the two cases described.
- A response may earn points without being able to name an appropriate case, as long as the description and explanation demonstrate that the student knows the relevant aspects of the case even though the name is not included.
- Abbreviated case names and informal names are also acceptable (e.g., “Scottsboro Boys” case instead of *Powell v. Alabama*; *Mapp* instead of *Mapp v. Ohio*).
- The student does not need to discuss the case that originally incorporated the right, only a case that demonstrates that the right has been incorporated.
- The Fourteenth Amendment does not need to be explicitly mentioned in the explanation of the case(s) if the definition of incorporation demonstrates a complete understanding of the role of the Fourteenth Amendment in selective incorporation.

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.

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**Question 4**

**6 points**

**Part (a): 3 points**

One point is earned for the definition of the proposal, 1 point is earned for the description of the argument in favor of the proposal, and 1 point is earned for the description of the argument against the proposal. The response may get description points without the definition point, but the descriptions must reference the particular proposal.

**Part (b): 3 points**

One point is earned for the definition of the proposal, 1 point is earned for the description of the argument in favor of the proposal, and 1 point is earned for the description of the argument against the proposal. The response may get description points without the definition point, but the descriptions must reference the particular proposal.

**Eliminating soft money**

Definition: Prohibiting or regulating campaign contributions to political parties and/or contributions for party building activities

Acceptable arguments in favor include:

- Soft money is often used to circumvent limits on hard money.
- Levels the playing field.
- Lessens concern about undue influence of “fat cats”/buying of influence.
- Provides more disclosure and transparency.
- Decreases overall costs of campaigns.

Acceptable arguments against include:

- First Amendment.
- Contrary to ruling in *Buckley v. Valeo*.
- Party money is one step removed between contributor and decision-maker.
- Weakens political parties.
- Might lessen grassroots participation.

**Limiting independent expenditures**

Definition: Limiting money spent by individuals and groups not directly affiliated with the candidate or the party

Acceptable arguments in favor include:

- Can be used to circumvent limits on hard money.
- Levels the playing field.

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**Question 4 (continued)**

- Possibly reduces negative issue ads.
- Candidates want to control their own campaigns.
- Lessens concern about undue influence of “fat cats”/buying of influence.

Acceptable arguments against include:

- First Amendment.
- Contrary to ruling in *Buckley v. Valeo*.
- Might lessen grassroots participation.

**Raising limits on individual contributions**

Definition: Increasing the dollar amount individuals may give to a campaign, parties, or PACs

Acceptable arguments in favor include:

- Limits are not indexed to inflation.
- Candidates can spend less time fundraising.
- Decreases influence of PACs.
- Decreases restrictions on First Amendment rights.
- Decreases reliance on less-regulated forms of campaign funds.

Acceptable arguments against include:

- Allows the rich to have/buy more influence.
- Too much money in the process already.
- Drives up the cost of campaigns.

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.