

2017

AP[®] CollegeBoard

AP United States Government and Politics

Sample Student Responses and Scoring Commentary

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AP[®] UNITED STATES GOVERNMENT AND POLITICS 2017 SCORING GUIDELINES

Question 4

5 points

Part (a): 2 points

One point is earned for a description of the Supremacy clause.

- The Supremacy clause establishes that federal laws/United States Constitution take precedence over state laws/state constitutions.

One point is earned for a description of the Tenth Amendment.

- The Tenth Amendment establishes that powers not delegated to the federal government are reserved to the states.

Part (b): 1 point

One point is earned for an explanation of how *United States v. Lopez* affected the balance of power between the federal and state governments.

- The Court's decision in *Lopez* struck down a federal law creating gun-free school zones, which limited the power of the federal government in relation to the states.
- The Court's decision in *Lopez* adopted a more narrow interpretation of Congress's use of the Commerce Clause, which limited the power of the federal government in relation to the states.

One point is earned for an explanation of how *Obergefell v. Hodges* affected the balance of power between the federal and state governments.

- The Court's decision in *Obergefell* declared that state laws prohibiting recognition of same-sex marriage violate the United States Constitution, which limited the power of state governments.

Part (c): 2 points

One point is earned for each of two descriptions of an advantage of federalism for the creation of public policy in the United States.

- States can make policy specific to their individual needs.
- States serve as laboratories of democracy/policy innovators.
- The federal government can establish uniform policy, if and when necessary.
- Multiple access points increase the likelihood of success in policymaking.
- States can make policy in the absence of national consensus.
- The federal government is able to distribute necessary resources.

A score of zero (0) is assigned to an answer that is off-task or is attempted but earns no points.

A score of dash (—) is assigned to an answer that is blank.

4. The balance of power between the United States national government and state governments is shaped by the Constitution and Supreme Court rulings.

(a) Describe EACH of the following constitutional provisions.

- Supremacy clause: Federal government over state
- Tenth Amendment: rights not ~~shown~~ stated in constitution go to states

(b) Explain how ONE of the following court rulings changed the balance of power between the national government and state governments.

- United States v. Lopez
- Obergefell v. Hodges: states can't choose to not sanction gay marriage

(c) Describe TWO advantages of federalism for the creation of public policy in the United States.

Ai). The Supremacy clause states that when federal and state law conflict, ~~the~~ federal law wins out. ^{area specific allows for better testing:}

For example, a state cannot ~~tax~~ tax a federal bank.

Aii). The tenth amendment states that any rights not layed out for the federal government, in the Constitution should go to the states. This amendment let the states still control some power.

B). Obergefell v. Hodges was a court case in 2015 that legalized gay marriage in all 50 states. This case shifted the balance of power ~~to the states~~ to the federal government, as it gave the federal power over the states, as the states could not refuse gay people the right to marry.

C). One advantage of federalism is that it allows state and local governments to put forth policy that is better at helping the people of that area. It allows communities to directly address issues that ~~may~~ may be affecting them, but not another county or state. Federalism also helps by having some areas serve as testing grounds

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ADDITIONAL ANSWER PAGE FOR QUESTION 4

for a country wide policy like marijuana for example. Colorado legalized marijuana and currently, the issue is being debated on a federal level. Colorado serves as a miniaturized version of some of the positives and negatives of this policy being enacted. If the overall results are beneficial to the state, then the federal government may adopt the policy while minimizing the risks if they had enacted the policy without testing it first.

GO ON TO THE NEXT PAGE.

4. The balance of power between the United States national government and state governments is shaped by the Constitution and Supreme Court rulings.

(a) Describe EACH of the following constitutional provisions.

- Supremacy clause
- Tenth Amendment

(b) Explain how ONE of the following court rulings changed the balance of power between the national government and state governments.

- United States v. Lopez gun rights congress overstepped with the
- Obergefell v. Hodges

(c) Describe TWO advantages of federalism for the creation of public policy in the United States.

- People can vote for their officials / • Specific rights/Powers.

The supremacy clause stated that the United States national government is above the state governments. This was ruled in the McCulloch vs. Maryland Supreme Court case, where the court ruled that through the supremacy clause the national government is above the state governments. The 10th amendment reserved powers to the state government. The court case United States v. Lopez was a case regarding guns in school zone. The congress tried passing a bill about no guns in school zones, and the court struck down the bill. The court ruled that it was under states power to decide about the right to bear arms in school zones. It was the states reserved power. The national government and the state government both have specific powers, people can vote directly for their congress members and indirectly

ADDITIONAL ANSWER PAGE FOR QUESTION 4

vote for the president through ~~the~~ the electoral college. This way the public is voting for the person they want to be elected. The separation of power between the national government and the state government, gives States reserved powers. These reserved powers can be used to make laws ~~to~~ based on what the public policy is. Different States in the U.S have different policies and the separation of powers from the national government gives them the independency to make laws that the people want.

GO ON TO THE NEXT PAGE.

4. The balance of power between the United States national government and state governments is shaped by the Constitution and Supreme Court rulings.
- (a) Describe EACH of the following constitutional provisions.
- Supremacy clause
 - Tenth Amendment
- (b) Explain how ONE of the following court rulings changed the balance of power between the national government and state governments.
- *United States v. Lopez*
 - *Obergefell v. Hodges*
- (c) Describe TWO advantages of federalism for the creation of public policy in the United States.

a) • The Supremacy clause makes it so that if there is a conflict between state and federal law, federal law will always be supreme and win over the state law.

• The Tenth Amendment makes it so that if a felony crosses state lines, then it automatically goes to federal laws, with no state laws interfering.

b) In *United States v. Lopez*, Lopez wanted to go to school at a white school as a black man. On the ~~national~~^{state} level, it would have been okay because there were no more laws against it, but there were at the federal level. Lopez won the case against the United States and was able to follow his state law where blacks and whites could go to school together.

c) One advantage of federalism is that ~~everybody~~^{the people} have a say in public policies because they elect the officials that create/vote on the policies. Another advantage is that the policies come ~~from~~^{people with} a wide variety of backgrounds, so ~~the~~ they will be ~~beneficial~~ beneficial for everybody.

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Question 4

Overview

This question examined the balance of power between the United States national government and state governments as shaped by the Constitution and Supreme Court rulings. Part (a) asked students to describe each of the following constitutional provisions: the Supremacy clause and the Tenth Amendment. Part (b) asked students to explain how one of the following court rulings changed the balance of power between the national government and state governments: *United States v. Lopez* or *Obergefell v. Hodges*. Part (c) asked students to describe two advantages of federalism for the creation of public policy in the United States.

Sample: 4A

Score: 5

In part (a) the response earned 1 point for describing the Supremacy clause by stating, “The Supremacy Clause states that when federal and state law conflict, federal law wins out.”

In part (a) the response earned a second point for describing the Tenth Amendment by stating, “The tenth amendment states that any rights not layed [sic] out for the federal government in the Constitution should go to the states.”

In part (b) the response earned 1 point for explaining how *Obergefell v. Hodges* affected the balance of power between the federal and state governments by stating, “*Obergefell v. Hodges* ... legalized gay marriage in all 50 states. This case shifted the balance of power to the federal government, as it gave the federal power over the states, as the states could not refuse gay people the right to marry.”

In part (c) the response earned 1 point for describing an advantage of federalism for the creation of public policy in the United States by stating, “One advantage of federalism is that it allows state and local governments to put forth policy that is better at helping the people of that area.”

In part (c) the response earned a second point for describing an advantage of federalism for the creation of public policy in the United States by stating, “Federalism also helps by having some areas serve as testing grounds for a country wide policy.”

Sample: 4B

Score: 3

In part (a) the response earned 1 point for describing the Supremacy clause by stating, “The supremacy clause stated that the United States national government is above the state governments.”

In part (a) the response earned 1 point for describing the Tenth Amendment by stating, “The 10th amendment reserved powers to the state government.”

In part (b) the response earned 1 point for explaining how *United States v. Lopez* changed the balance of power between the national and state governments by stating, “The court case *United States v. Lopez* was a case regarding guns in school zone. The congress tried passing a bill about no guns in school zones, and the court struck down the bill. The court ruled that it was under states power to decide about the right to bear arms in school zones.”

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Question 4 (continued)

In part (c) the response did not earn any points for describing two advantages of federalism for the creation of public policy in the United States. Rather, the response describes the general advantages of having elections in a federalist system. The response also describes the separation of powers concept and the fact that states have the power to make different laws, without tying that power to the creation of public policy.

Sample: 4C

Score: 1

In part (a) the response earned 1 point for describing the Supremacy clause by stating, “The Supremacy clause makes it so that if there is a conflict between state and federal Law, federal law will always be supreme and win over the state law.”

In part (a) the response did not earn a point for describing the Tenth Amendment. Rather, the response links the Amendment to the criminal justice process.

In part (b) the response did not earn a point for explaining how *United States v. Lopez* affected the balance of power between the federal and state governments. The response misstates key facts about the case, does not state the outcome of the case, and does not explain how the case ruling was linked to the creation of public policy.

In part (c) the response did not earn a point for describing an advantage of federalism for the creation of public policy in the United States. Rather, the response describes the benefits of elections in a democratic system and does not provide a link to public policy creation in the federalist system.

In part (c) the response did not earn a point for describing an advantage of federalism for the creation of public policy in the United States. Rather, the response points out that states may generally adopt different public policies.