

2023

AP<sup>®</sup>



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# AP<sup>®</sup> United States Government and Politics

## Sample Student Responses and Scoring Commentary Set 1

### **Inside:**

#### **Free-Response Question 3**

- Scoring Guidelines**
- Student Samples**
- Scoring Commentary**

**Question 3: SCOTUS Comparison****4 points**

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- A.** Identify the First Amendment clause that is common to both *Wisconsin v. Yoder* (1972) and *Cantwell v. Connecticut* (1940). **1 point**

The free exercise clause

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- B.** Explain how the facts in *Wisconsin v. Yoder* and *Cantwell v. Connecticut* resulted in the Supreme Court issuing similar holdings in both cases.

**Acceptable responses include:**

**One point** for **describing** relevant information (facts or holding) about the required Supreme Court case. **1 point**

- In *Yoder*, mandatory public school attendance beyond the eighth grade was contrary to the religious beliefs of some Amish parents.
- In *Yoder*, the Court held that exemptions from school attendance requirements for religious students were protected by the free exercise clause.

**OR****OR**

**Two points** for correctly **explaining** how the facts in both cases resulted in the Supreme Court issuing similar holdings. **2 points**

- While *Yoder* was about school attendance and *Cantwell* was about solicitation, both cases concerned legal restrictions on religious practice. In both cases, the Court held that the laws were unconstitutional because they violated the free exercise clause.
- In *Yoder*, parents claimed that a law requiring school past the eighth grade violated their religious beliefs. The Court held that exemptions from school for religious students were protected by the free exercise clause. In *Cantwell*, Jehovah's Witnesses claimed that regulations on door-to-door solicitation were a restriction on a religious practice. The Court held that their solicitation, even without a permit, was also protected by the free exercise clause.

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- C.** Explain how the facts of *Cantwell v. Connecticut* (1940) illustrate the Court's need to balance government power and the rights of citizens. **1 point**

**Acceptable explanations include the following:**

In *Cantwell*, the Court had to balance the government's power to regulate door-to-door solicitation with the right of citizens to freely practice their religion.

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**Total for question 3 4 points**

Important: Completely fill in the circle that corresponds to the question you are answering on this page.

Question 1

Question 2

Question 3

Question 4

Begin your response to each question at the top of a new page. Do not skip lines.

In both the Supreme Court cases *Wisconsin v Yoder* and *Cantwell v Connecticut*, the first amendment clause of free exercise protecting the right to believe in, but more importantly the right to act on that belief, of any form of religion, was used in favor of both *Yoder* and *Cantwell*. The protection defined in the free exercise clause was upheld in both court rulings. Both cases centered on a family whose religious practices were deemed illegal by another state's law. In the case of *Wisconsin v Yoder*, it was an Amish family who were ordered by law that they must continue sending children to school for an education past 8th grade, while in *Cantwell v Connecticut* it was that the family couldn't complete their distribution of church knowledge as Jehovah's Witnesses. In both cases the families' right to exercise their religious practices was restricted by laws implemented by the states. Because of the violation of religious practicing by state legislation in both cases, the Supreme Court ruled in favor of the families in order to protect their guaranteed rights as stated in the first amendment. *Cantwell v Connecticut* demonstrates the difficulty of maintaining individual rights and freedoms while also balancing government powers and legislation, as a decision had to be made between the right to practice religion and the regulation of door-to-door solicitation. The governments

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Begin your response to each question at the top of a new page. Do not skip lines.

responsibility to regulate this legislation, while also respecting the protections in the first amendment, is something that must be balanced as both are important aspects of society and national safety. As well as this, balancing and understanding the governments ~~the~~ extent of influence over both enforcing necessary legislation and protecting individual freedoms is demonstrated by this case.

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Important: Completely fill in the circle that corresponds to the question you are answering on this page.

Question 1

Question 2

Question 3

Question 4



Begin your response to each question at the top of a new page. Do not skip lines.

A: The first amendment clause present in both Wisconsin V. Yoder and Cantwell v. Connecticut is the free exercise clause.

B: In Wisconsin, state legislature created a law that all kids under the age of 16 had to attend school. However, the Yoder family, who ~~parents~~ were Amish, didn't agree with this law because they believed it infringed on their way of life. To avoid influence from the school system they didn't want to be put on their kids, they took them out of school. The state of Wisconsin was notified, and the Yoder family was taken to court. The Supreme Court sided with the Yoder family, as forcing their kids to go to school violated the Yoder's family <sup>right to</sup> ~~the~~ freely exercise their religion. Both ~~cases~~ Wisconsin V Yoder had similar holdings because both cases involve the first amendment right of the free-exercise clause, allowing both defendants to freely practice their religion, including preaching religious views and parental supervision.

C: The facts of Cantwell v. Connecticut illustrate the ~~need~~ court's needs to balance the power of an overbearing government infringing on the rights of their citizens. Newton Cantwell and his sons were Jehovah's witness, which gives them the right to speak about their religion. By denying this, the government infringed upon their first amendment of free exercise granted to them by the Bill of Rights. ~~The supreme court's power of judicial review~~  
To balance the power, the Supreme Court must establish precedents which don't allow the state government to violate Federal government given rights.

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Begin your response to each question at the top of a new page. Do not skip lines.

A. The clause in the first Amendment that is common in both Wisconsin v. Yoder (1972) and Cantwell v. Connecticut (1940) is the establishment clause. This clause states that under the constitution, citizens have the freedom of religion and the ability to express that religion.

B. The facts of both these cases resulted in similar ~~responses~~ holdings. In both cases, the Supreme Court ruled with the side favoring their right to express and live by their religion. In Wisconsin v. Yoder, Amish parents wanted their children to not stay in public school passed eighth grade as it impacted their religious lifestyle. The Supreme Court sided with the parents, as the establishment clause provides them this right. In the court case, Cantwell v. Connecticut, the Jehovah's witnesses wished to express their religion and share it with others. Similarly, the establishment clause of the first amendment allows for this. The Supreme Court again ruled in favor of the side expressing religious beliefs. Both cases gave the power to the people.

C. Cantwell v. Connecticut illustrates the court's need to balance government power and the rights of citizens. While there were laws in place to shut down soliciting and going door to door distributing pamphlets about religion violates this ordinance,

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the supremacy clause states that the constitution is the supreme law of the land. If the constitution allows for individuals to have beliefs and act on those beliefs, the government is unable to take away that right. This court <sup>case</sup> shows how it can be challenging to balance government power and regulations with the rights of citizens as they can sometimes oppose each other.

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### Question 3

**Note:** Student samples are quoted verbatim and may contain spelling and grammatical errors.

#### Overview

This SCOTUS Comparison question asked the students to read a summary of a nonrequired case (*Cantwell v. Connecticut*) and compare it to a course-required case (*Yoder v. Wisconsin*). Students were asked to identify the First Amendment clause that was common to both cases. Additionally, students needed to explain how the relevant facts in *Cantwell* and *Yoder* led to similar holdings. Lastly, the students were required to explain how the facts of *Cantwell* illustrate the Court’s need to balance government power and the rights of citizens.

These increasingly challenging tasks required a thorough understanding of the holdings of *Yoder* and *Cantwell*, along with accurately comparing key facts between the two cases. Additionally, students were asked to integrate relevant course concepts into the Court case comparison.

#### Sample: 3A

##### Score: 4

The response earned 1 point in part A by correctly identifying the free exercise clause as the clause common to both cases.

The response earned the first point in part B by providing correct facts about *Wisconsin v. Yoder* by stating that “it was an Amish family who were ordered by law that they must continue sending children to school.” The response earned the second point in part B by describing the facts of *Cantwell*, by stating that “the family couldn’t complete their distribution of church knowledge.” It then explains why there was a similar holding, by stating, “In both cases, the Supreme Court ruled in favor of the families in order to protect their gaurenteed rights as stated in the first amendment.”

The response earned 1 point in part C by stating, “The governments responsibility to regulate this legislation, while also respecting the protections of the first amendment, is something that must be balanced as both are important aspects of society and national safety.”

#### Sample: 3B

##### Score: 2

The response earned 1 point for part A because it correctly identifies the free exercise clause as the clause common to both cases.

The response earned 1 point in part B point for describing factual information about the *Wisconsin v. Yoder* case by stating, “In Wisconsin, state legislature created a law that all kids under the age of 16 had to attend school. However, the Yoder family, who were Amish, didn’t agree with this law.” The response did not earn an additional point in part B because it does not attempt to state facts from the *Cantwell* case and therefore cannot correctly explain how those facts led to a similar holding as *Wisconsin v. Yoder*.



### Question 3 (continued)

The response did not earn a point for part C because it does not explain how the courts need to balance the government’s power to regulate door-to-door solicitation with citizens’ rights to freely practice their religion. Instead, the response restates information from the prompt and mentions the First Amendment but does not coherently discuss the balance of government power and individual rights.

**Sample: 3C**

**Score: 1**

The response did not earn a point in part A because it does not correctly identify the free exercise clause as the clause common to both cases. Instead, it incorrectly names the establishment clause.

The response earned 1 point in part B point for providing factual information about the *Wisconsin v. Yoder* case by stating, “In *Wisconsin v. Yoder*, Amish parents wanted their children to not stay in public school passed eighth grade as it impacted their religious lifestyle.” An additional point was not earned in part B because the explanation provided, that the “establishment clause ... allows for this,” is incorrect. Additionally, the statement that “both cases gave the power to the people” is too vague to be a sufficient explanation.

The response did not earn a point in part C because it does not use the facts of the *Cantwell* case to explain how the courts need to balance the government’s power to regulate door-to-door solicitation with citizen’s rights to freely practice their religion. The response states, “While there were laws in place to shut down soliciting and going door to door distributing pamphlets about religion violates this ordinance, the supremacy clause states that the constitution is the supreme law of the land,” but this does not address the free exercise issue directly, and it does not specify the state governmental interest relevant here to support Connecticut’s permitting requirement.