

2017

AP[®] CollegeBoard

AP United States Government and Politics

Sample Student Responses and Scoring Commentary

Inside:

- ☑ Free Response Question 1
- ☑ Scoring Guideline
- ☑ Student Samples
- ☑ Scoring Commentary

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

Question 1

5 points

Part (a): 1 point

One point is earned for a description of a constitutional provision that seeks to insulate the Supreme Court from public opinion.

- Justices serve for life.
- Justices are appointed/not elected.
- Justices' salaries cannot be reduced.

Part (b): 1 point

One point is earned for identifying a power exercised by the Supreme Court that acts as a check on another branch of the federal government.

- Judicial review
- Power to declare governmental actions unconstitutional
- Power to overrule/uphold laws passed by Congress or actions taken by the president or bureaucracy

Part (c): 2 points

One point is earned for an explanation of how Congress can limit the Supreme Court's independence.

- Proposing constitutional amendments or passing legislation
- Impeaching justices
- Setting the operating budget of the Supreme Court
- Increasing or decreasing the number of justices
- Changing the appellate jurisdiction of the Supreme Court

One point is earned for an explanation of how the president can limit the Supreme Court's independence.

- Refusing to enforce judicial decisions
- Proposing legislation or issuing executive orders to limit the effect of Supreme Court decisions
- Making public statements/exerting pressure

Part (d): 1 point

One point is earned for explaining how the Supreme Court protects its political independence.

- Secret deliberations
- No public recordings
- Control of its docket
- Limited public statements/media appearances

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.

UNITED STATES GOVERNMENT AND POLITICS

1A (1 of 3)

SECTION II

Time—1 hour and 40 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.

1. The framers of the Constitution intended the Supreme Court to be politically insulated. Despite this intent, the Supreme Court is not completely insulated from political influences.
 - (a) Describe one constitutional provision that seeks to insulate the Supreme Court from public opinion.
 - (b) Identify a power exercised by the Supreme Court that acts as a check on another branch of the federal government.
 - (c) Explain how each of the following can limit the independence of the Supreme Court.
 - Congress
 - President
 - (d) Explain how the Supreme Court protects its political independence.

(a) One constitutional provision is that once a Supreme Court justice is appointed, the justice serves for life tenure under good behavior. This means that the justice is insulated from public opinion because they do not need to fear losing their office due to any unpopular decisions they might make.

(b) A power exercised by the Supreme Court that acts as a check on another branch is judicial review or the power to declare laws or actions unconstitutional. For example, in *Nixon v US*, the Supreme Court ruled against executive privilege, the right to withhold information, thereby checking the power of the executive branch.

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GO ON TO THE NEXT PAGE.

ADDITIONAL ANSWER PAGE FOR QUESTION 1

(c) Congress can limit the independence of the Supreme Court by determining appellate jurisdiction. By determining appellate jurisdiction, Congress limits what kind of cases the Supreme Court has a constitutional right to review. Congress can do this by amending the Constitution to limit what type of cases the Supreme Court entertains. The President can limit the independence of the Supreme Court by refusing to implement the Supreme Court's decisions. This was seen when Andrew Jackson ignored the Supreme Court's decision that the Cherokee had a right to their land and forcibly removed them anyway. This limits the independence of the Supreme Court because it must rely on the executive branch to enforce laws and is helpless against the executive if it refuses to do so.

(d) The Supreme Court protects its political independence by refusing to allow the media to record court proceedings and "by deliberating in secrecy." By taking these measures, the Supreme Court limits any outside pressures from political entities and

GO ON TO THE NEXT PAGE.

Question 1 is reprinted for your convenience.

1. The framers of the Constitution intended the Supreme Court to be politically insulated. Despite this intent, the Supreme Court is not completely insulated from political influences.
 - (a) Describe one constitutional provision that seeks to insulate the Supreme Court from public opinion.
 - (b) Identify a power exercised by the Supreme Court that acts as a check on another branch of the federal government.
 - (c) Explain how each of the following can limit the independence of the Supreme Court.
 - Congress
 - President
 - (d) Explain how the Supreme Court protects its political independence.

likeage institutions, like the media. By making its decisions as privately as possible, the Supreme Court protects its political independence.

UNITED STATES GOVERNMENT AND POLITICS

1B - (1 of 2)

SECTION II

Time—1 hour and 40 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.

1. The framers of the Constitution intended the Supreme Court to be politically insulated. Despite this intent, the Supreme Court is not completely insulated from political influences.
 - (a) Describe one constitutional provision that seeks to insulate the Supreme Court from public opinion.
 - (b) Identify a power exercised by the Supreme Court that acts as a check on another branch of the federal government.
 - (c) Explain how each of the following can limit the independence of the Supreme Court.
 - Congress
 - President
 - (d) Explain how the Supreme Court protects its political independence.

One constitutional provision that seeks to insulate the supreme court from public opinion is the fact that they are appointed and not elected, thus ensuring that they don't serve/rule to win the favor of their constituents or are swayed to provide legislative favors to organizations (such as interest groups) that fund a campaign.

A power exercised by the Supreme court that acts as a check on another branch of government is their power for judicial review and determining if something is constitutional or unconstitutional. This check of power can be applied to laws created by congress, executive orders, or ^{cases} presidential ~~orders~~. The Supreme court has the power to deem it constitutional/unconstitutional; their decision supercedes.

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GO ON TO THE NEXT PAGE.

all other authority.

Both the congress and president limit the independence of the supreme court by deciding who serves as a justice. The president has the power to appoint (and as a result choose the political ideology) Supreme Court justices in the event of a vacancy. Congress must then confirm the nominee by a $\frac{2}{3}$ majority. Furthermore, Congress also has the power to increase or decrease the size of the court. If they obtain the necessary support.

The supreme court protects its political independence by choosing which cases to hear and rule on. A writ of certiorari must be issued and at least 4 judges must agree to accept a case. In this regard, the supreme court is basically independent; ~~neither~~ neither congress or the president can necessarily force them to take a case. ~~Their~~ Their political independence is protected by the fact that they are the "supreme law of the land."

GO ON TO THE NEXT PAGE.

UNITED STATES GOVERNMENT AND POLITICS

SECTION II

Time—1 hour and 40 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.

1. The framers of the Constitution intended the Supreme Court to be politically insulated. Despite this intent, the Supreme Court is not completely insulated from political influences.
- Describe one constitutional provision that seeks to insulate the Supreme Court from public opinion.
 - Identify a power exercised by the Supreme Court that acts as a check on another branch of the federal government.
 - Explain how each of the following can limit the independence of the Supreme Court.
 - Congress
 - President
 - Explain how the Supreme Court protects its political independence.

One constitutional provision that seeks to insulate the Supreme Court from public opinion is appointing Supreme Court Justices instead of electing them.

A power exercised by the Supreme Court that acts as a check on another branch of the Federal government is limiting grant money for the executive branch. Congress can limit the independence of the Supreme Court by 2/3 vote of a law they want passed. President can limit the independence of the Supreme Court by persuading against a decision they made. The Supreme Court protects its political independence by achieving seniority over others and thus their opinion upholding more influence.

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2017 SCORING COMMENTARY

Question 1

Overview

This question examined the intent of the framers of the Constitution to keep the Supreme Court politically insulated. Part (a) asked students to describe one constitutional provision that seeks to insulate the Supreme Court from public opinion. Part (b) asked students to identify a power exercised by the Supreme Court that acts as a check on another branch of the federal government. Part (c) asked students to explain how Congress and the President can limit the independence of the Supreme Court. Part (d) asked students to explain how the Supreme Court protects its political independence.

Sample: 1A

Score: 5

In part (a) the response earned 1 point for describing one constitutional provision that seeks to insulate the Supreme Court from public opinion by stating, “One constitutional provision is that once a Supreme Court justice is appointed, the justice serves for life tenure under good behavior.”

In part (b) the response earned 1 point for identifying a power exercised by the Supreme Court that acts as a check on another branch of the federal government by stating, “A power exercised by the Supreme Court that acts as a check on another branch is judicial review or the power to declare laws or actions unconstitutional.”

In part (c) the response earned 1 point for explaining how Congress can limit the independence of the Supreme Court by stating, “Congress can limit the independence of the Supreme Court by determining appellate jurisdiction. By determining appellate jurisdiction, Congress limits what kind of cases the Supreme Court has a constitutional right to review.”

In part (c) the response earned 1 point for explaining how the President can limit the independence of the Supreme Court by stating, “The President can limit the independence of the Supreme Court by refusing to implement the Supreme Court’s decisions. . . . This limits the independence of the Supreme Court because it must rely on the executive branch to enforce laws and is helpless against the executive if it refuses to do so.”

In part (d) the response earned 1 point for explaining how the Supreme Court protects its political independence by stating, “The Supreme Court protects its political independence by refusing to allow the media to record court proceedings and by deliberating in secrecy. By taking these measures, the Supreme Court limits any outside pressures from political entities and linkage institutions, like the media.”

Sample: 1B

Score: 3

In part (a) the response earned 1 point for describing a constitutional provision that seeks to insulate the Supreme Court from public opinion by stating, “One Constitutional provision that seeks to insulate the supreme court from public opinion is the fact that they are appointed and not elected, thus, ensuring that they don’t serve/rule to win the favor of their constituents.”

In part (b) the response earned 1 point for identifying a power exercised by the Supreme Court that acts as a check on another branch of the federal government by stating, “A power exercised by the supreme court that acts as a check on another branch of government is their power for judicial review and determining if something is constitutional or unconstitutional.”

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2017 SCORING COMMENTARY

Question 1 (continued)

In part (c) the response did not earn a point for explaining how Congress can limit the independence of the Supreme Court. “Both the congress and president limit the independence of the supreme court by deciding who serves as a justice. . . . Congress must then confirm the nominee by a 2/3 majority” is an incorrect explanation of how Congress limits the independence of the Supreme Court. It is an example of Congress’s power to determine the membership of the Supreme Court, but not of a limit on the independence of the Court.

In part (c) the response did not earn a point for explaining how the President can limit the independence of the Supreme Court. “Both the Congress and president limit the independence of the supreme court by deciding who serves as a justice. The President has the power to appoint (and as a result choose the political ideology) [of] Supreme Court justices in the event of a vacancy” is an incorrect explanation of how the President limits the independence of the Supreme Court. It is an example of the President’s power to determine the membership of the Supreme Court, but not of a limit on the independence of the Court.

In part (d) the response earned 1 point for explaining how the Supreme Court protects its political independence. “The supreme court protects its political independence by choosing which cases to hear and rule on. A writ of ceritori [*sic*] must be issued and at least 4 judges must agree to accept a case. In this regard, the supreme court is basically independent; neither Congress or [*sic*] the President can necessarily force them to take a case.”

Sample: 1C

Score: 1

In part (a) the response earned 1 point for describing a constitutional provision that seeks to insulate the Supreme Court from public opinion by stating, “One Constitutional provision that seeks to insulate the Supreme Court from public opinion is appointing Supreme Court Justices instead of electing them.”

In part (b) the response did not earn a point for identifying a power exercised by the Supreme Court that acts as a check on another branch of the federal government. “A power exercised by the Supreme Court that acts as a check on another branch of the Federal government is limiting grant money for the executive branch” is incorrect. The Supreme Court does not control grant money for the executive branch.

In part (c) the response did not earn a point for explaining how Congress can limit the independence of the Supreme Court. “Congress can limit the independence of the Supreme Court by 2/3 vote of a law they want passed” is incorrect. The response does not adequately explain how a law passed by Congress can limit the Supreme Court.

In part (c) the response did not earn a point for explaining how the President can limit the independence of the Supreme Court. “President can limit the independence of the Supreme Court by persuading against a decision they made” is incorrect. The response does not adequately explain how the President’s power of persuasion can limit the Supreme Court.

In part (d) the response did not earn a point for explaining how the Supreme Court protects its political independence. “The Supreme Court protects its political independence by achieving seniority over others and thus their opinion upholding more influence” is incorrect. The response does not identify or explain how the Supreme Court protects its political independence.