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

## Sample Student Responses and Scoring Commentary Set 1

### **Inside:**

#### **Free Response Question 1**

- Scoring Guideline**
- Student Samples**
- Scoring Commentary**

**Question 1: Concept Application****3 points**

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- A.** Referencing the scenario, describe the enumerated power in Article I of the Constitution that gives Congress the authority to regulate a business like the one above. **1 point**

**Acceptable descriptions include:**

- The Commerce Clause gives Congress the authority to regulate interstate commerce. Facebook and other internet-based companies qualify as interstate since they cross state boundary lines.

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- B.** Explain how the two-chamber structure of the legislature affects the ability of Congress to exercise the power described in **part A**. **1 point**

**Acceptable explanations include:**

- Bicameralism makes it more difficult to pass legislation regulating commerce in Congress because legislation requires both chambers to pass the same bill.
- When there is divided government, meaning each chamber is led by a different political party, passing legislation can be difficult because both sides may not agree on the type of legislation that should be passed.

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- C.** If Congress decides to regulate how social media companies gather and use the data of their users, explain how these companies could use the political process to ensure that the new regulation does not negatively affect them. **1 point**

**Acceptable explanations include:**

- Social media companies might lobby members of Congress or the bureaucracy to change or interpret the law to better reflect the interests of social media companies.
- Social media companies can make campaign contributions to candidates who support Facebook's position.
- Social media companies could pursue litigation to challenge the regulation.

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**Total for question 1 3 points**



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

A. In Article One of the United States Constitution, Congress is specifically granted the power to regulate interstate commerce. This is the Commerce Clause. Facebook users span the United States, and residents of different states connect via Facebook. Interstate commerce is business conducted between two or more states. Since Facebook profits off of connecting residents of different states, the Commerce Clause found in Article One of the Constitution gives Congress the power to regulate Facebook.

B. The two-chamber structure of Congress consists of the House of Representatives and the Senate. This bicameral Congress may make regulations through the Commerce Clause more difficult. For example, if the House is Republican and the Senate is Democratic, the two chambers may disagree on how to regulate companies. This is an example of divided government resulting in gridlock. Divided government in this case is when different chambers of Congress are made up ~~of~~ of different controlling parties. Gridlock is the result of two parties in divided government refusing to compromise and stalling the policy-making process. Since Democrats generally favor increased regulation while Republicans

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.

generally favor limited government regulation, there may be gridlock if the chambers disagree on how to regulate Facebook.

c. companies can use the political process to donate to super PACs who support candidates which will implement favorable regulation. super PACs are political organizations who are able to make donations to parties which they favor. If companies donate to political action committees (PACs) who will use their money to give to a party with a candidate favoring less regulation, they will be using the political process to avoid harmful regulations.



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

(A) The enumerated power in Article I of the Constitution that gives Congress the authority to regulate business like the one above is the regulation on interstate commerce by the commerce clause. In the scenario, Zuckerberg had to testify before Senate committees about the data leak, which 87 million Facebook users' information got sold. Congress could regulate the business because it is related to economic activity, which ~~is by the commerce clause~~ ~~is being the~~ information is being sold. Therefore, Congress can use the commerce clause.

(B) The two-chamber structure ~~of~~ of the structure legislature affects the ability of Congress to exercise the regulation of commerce because the House and Senate might be divided by party, ~~which one party~~. In the scenario, the Senate committees questioned Zuckerberg about the data leak ~~not~~. If ~~Congress~~ the Senate is one party, and the House is another, their ideologies would contradict each other, so one chamber would not want to regulate the business.

(C) These companies could use the political process to ensure that the regulation does not negatively affect them, by donating to ~~sen~~ or candidates that agree with their views. In the scenario, senators thought about intervening, but Zuckerberg did not want that. If businesses donate with candidates that agree with them, ~~their~~ ~~that~~ the regulation would negatively affect them, since the candidates would not like the regulation.

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.

The enumerated power in Article I of the constitution that gives congress the ability to regulate a ~~business~~ business like this one is Congress' power to regulate commerce; business falls under the commerce ~~category~~ category. The two-chamber structure of the legislature affects the ability of congress to ~~exercise~~ exercise this power because it has to go through both congress and the house of representatives before a decision can be made, slowing down the process. One way social media companies could use the political process to ensure the new regulation does not negatively affect them is by taking this issue to court if it were to start negatively affect them. They could argue that the new regulation infringes on their rights as a company, and hope to overturn the legislation.

## Question 1

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

### Overview

The concept application question expects students to describe course concepts using real-world scenarios. This question expected responses to demonstrate an understanding of how the Commerce Clause is used institutionally by Congress to regulate the behavior of social media companies through legislation and how social media companies can use accepted political processes to avoid or modify legislation meant to set regulations on their policies and activities.

Part A asked students to describe the enumerated power of the Commerce Clause in Article 1 of the Constitution in the context of the scenario as it is related Congress’s authority to regulate social media companies.

Part B asked students to describe how the political principle of bicameralism or the partisan political behavior in Congress would complicate the political process of passing legislation to set regulatory policy on social media companies.

Part C asked students to explain how social media companies could respond if Congress decides to regulate how these companies gather and use the data of their users. Students were expected to explain how the political processes of lobbying, litigation, or campaign assistance could be used to ensure the regulations from Congress would have a limited effect.

Skills that students were expected to demonstrate included describing and explaining Congressional powers and processes and describing and explaining various political techniques to limit regulations from Congress—all while keeping a scenario given to them in mind.

### Sample: 1A

#### Score: 3

The response earned 1 point in part A. The response correctly identifies the Commerce Clause and describes how the clause may be used for Congress to regulate the interstate activities of social media companies.

The response earned 1 point in part B. The response correctly explains that divided government makes it difficult to apply the Commerce Clause to regulate social media companies, as the parties differ in their approach to regulation of social media and business.

The response earned 1 point in part C. The response correctly explains how social media companies could use interest groups and lobbying to make sure the regulations are favorable.

### Sample: 1B

#### Score: 2

The response did not earn a point in part A. The response correctly identifies the Commerce Clause but does not describe how the clause may be used for Congress to regulate the interstate activities of social media companies.

The response earned 1 point in part B. The response correctly explains that divided government makes it difficult to apply the Commerce Clause to regulate social media companies, as the parties differ in their approach to regulation of social media and business.

### Question 1 (continued)

The response earned 1 point in C. The response correctly explains how social media companies could use donations to make sure the regulations are favorable.

**Sample: 1C**

**Score: 1**

The response did not earn a point in part A. The response correctly identifies the Commerce Clause but does not describe how the clause may be used for Congress to regulate the interstate activities of social media companies.

The response did not earn a point in part B, as the response does not provide an adequate description of difficulty in passing legislation stemming from the Commerce Clause.

The response earned 1 point in part C. The response correctly explains how social media companies could use the court system to overturn regulations that are unfavorable.