
AP[®] United States Government and Politics

Sample Student Responses and Scoring Commentary Set 1

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Free-Response Question 3

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Question 3: SCOTUS Comparison**4 points**

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- A.** Identify the constitutional clause that is common to both *United States v. Lopez* (1995) and *Katzenbach v. McClung* (1964). **1 point**

- The Commerce Clause

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- B.** Explain how the facts in *United States v. Lopez* and *Katzenbach v. McClung* resulted in different holdings. **1 point**

Acceptable responses include:

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

- Lopez carried a firearm in a school zone.
- In the events leading to *United States v. Lopez*, a student was found guilty of violating the Gun-Free School Zones Act of 1990.
- The Supreme Court held that the national government could not regulate an activity that was not commercial and not related to interstate activity.

OR

Two points for correctly **explaining** how the facts of both cases led to different holdings.

OR

2 points

- The regulation in *Lopez* was not subject to interstate commerce, so the Court held that was unconstitutional, while the Court held that the regulation in *Katzenbach* was constitutional because it dealt with an interstate commerce issue.
- Both cases involved people violating a federal law, but the Supreme Court held in *Katzenbach* that the government could regulate explicit economic activity, whereas in *Lopez* the Court held that the gun regulation in question was not considered to be a part of interstate commerce.
- In *United States v. Lopez*, the student was arrested for carrying a firearm to school, while in *Katzenbach v. McClung*, the restaurant owner operated a business near a state highway and received goods from another state. The activities in *Katzenbach* are commercial and connected to interstate commerce. However, in *Lopez*, Congress was regulating activity that was not commercial—possessing a firearm in school—and was not connected to interstate activity.

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- C.** Explain how the decision in *Katzenbach v. McClung* reflects the democratic ideal of natural rights. **1 point**

Acceptable explanations include the following:

- Natural rights means that all people have certain rights that cannot be taken away, and *Katzenbach* supports this ideal by opposing the practice of discrimination.
- The decision in *Katzenbach* gives Congress the ability to pass legislation prohibiting discrimination, which is a threat to natural rights.

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.

- A) The commerce clause is common to both. *United States v. Lopez* and *Katzenbach v. McClung*.
- B) In *Katzenbach v. McClung* the court ruled against the McClungs, who argued that the Civil Rights Act was unconstitutional under the commerce clause, because their business did in fact impact inter-state commerce. Whereas in *United States v. Lopez*, the court ruled that the Gun Free School Zones Act was unconstitutional under the commerce clause because possessing a firearm in a school zone is hardly commerce and to consider it commerce is to give Congress unlimited power.
- C) The decision in *Katzenbach v. McClung* protected against racial discrimination in places of public accommodation. Public accommodation reasonably falls under the natural right to life and the pursuit of happiness. Therefore the decision reflects the democratic ideal of natural rights for all.

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 constitutional clause that is common to both United States vs Lopez and Katzenbach v McClung is the commerce clause.

B) United States v Lopez challenged a federal law that created gun-free zones in schools. Congress attempted to justify the law ~~with~~ using the commerce clause. The ~~that~~ Supreme Court ruled that the law did not fall under the commerce clause because gun-free zones did not affect interstate commerce and that congress was overreaching their constitutional powers. Katzenbach v McClung challenged the Civil Rights Act of 1964 by claiming congress did not have the power to regulate the restaurant because half of the food was purchased from an in-state supplier. The restaurant claimed that the commerce clause did not give congress the ability to regulate activities that were local in nature. The Supreme Court ruled that the restaurant's activities could be regulated because the restaurant purchased half of its food from an out of state supplier and because discrimination was a national issue. The holding of United States v Lopez and Katzenbach v McClung were different because ~~that~~ the law in United States v Lopez was an overstep of congressional power granted to them in the Constitution ~~and~~ while the law in Katzenbach v McClung was ~~within~~ within Congress's constitutional powers to enforce.

C) The ruling of Katzenbach v. McClung ~~and~~ reflects the ~~that~~ democratic ideal of natural rights because it protected the civil rights and liberties of African Americans.

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

Question 1

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

The cases of United States V. Lopez ~~is~~ and both the case of Katzenbach V. McClung ~~both~~ are cases that similarly feature the equal protection clause as per the 14th Amendment. This clause specifically highlight that no one in any Supreme court holding are to be treated unjustly based on race, religion, sex, and etc. However, as both cases involve, the same clause, they both have different endings. In the case of U.S. V. Lopez a highschool teen brings a loaded firearm into his highschool. In the case of Katzenbach V. McClung it specifically highlights how a restaurant owner was discriminating against Black Americans due to their race, which is against the equal protection clause of the 14th amendment. This clause does not support any acts of discrimination. While some may argue that Lopez was not in violation of the equal protection clause because of his right to bear arms, he is actively putting the lives of hundreds in danger through his careless actions. This resulted in the Gun-Free School Zone act, while the holding of Katzenbach ~~h~~ V McClung resulted in regulation of the restaurant due to their discrimination as per the civil Rights Act of 1964.

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Use a pen with black or dark blue ink only. Do NOT write your name. Do NOT write outside the box.

Question 3

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

Overview

The SCOTUS comparison question provided a summary of a non-required Supreme Court case (*Katzenbach v. McClung*) and expected responses to compare this non-required case to a case required in the course (*U.S. v. Lopez*). In part A responses were expected to identify the constitutional clause common to both cases. In part B the response should have explained how the facts in *Lopez* and *Katzenbach* led to different holdings. In part C responses were expected to explain how the decision in *Katzenbach* reflects the ideal of natural rights.

Sample: 3A

Score: 4

The response earned 1 point in part A. The response correctly identifies the constitutional clause in common to both *Katzenbach v. McClung* and *U.S. v. Lopez*: “The commerce clause is common to both.”

The response earned 2 points in part B. The response states “In *Katzenbach* ... the court ruled against the McClungs ... because their business did in fact impact inter-state commerce ... Whereas in *United States v. Lopez*, the court ruled that the Gun Free School Zones Act was unconstitutional under the commerce clause because possessing a firearm in a school zone is hardly commerce.” This is a sufficient explanation of how the facts in *Katzenbach* impacted interstate commerce whereas the facts in *Lopez* did not.

The response earned 1 point in part C. The response states “The decision ... protected against racial discrimination in places of public accommodation ... Therefore the decision reflects the democratic ideal of natural rights for all.” This is a correct explanation of how the decision in *Katzenbach* reflects the democratic ideal of natural rights.

Sample: 3B

Score: 3

The response earned 1 point in part A. The response states “The constitutional clause that is common to both ... the commerce clause.” This is a correct identification because the commerce clause was common to both cases.

The response earned 2 points in part B. The response states “The Supreme Court ruled that the law did not fall under the commerce clause because gun-free zones did not affect interstate commerce ... The restaurant claimed that the commerce clause did not give congress the ability to regulate activities ... The Supreme Court ruled that the restaurants activities could be regulated.” This is a sufficient explanation because it explains how the facts in *Katzenbach* impacted commerce whereas the facts in *Lopez* did not.

Question 3 (continued)

The response earned 0 points in part C. While the response describes that “it protected the civil rights and liberties of African Americans,” it does not provide an explanation as to how the decision in *Katzenbach* reflects the democratic ideal of natural rights.

Sample: 3C

Score: 1

The response earned 0 points in part A. The response incorrectly identifies the “equal protection clause as per the 14th Amendment” as the common clause to both cases.

The response earned 1 point in part B. The response does not provide an accurate explanation as to how the facts of both cases led to different holdings. The response does correctly identify a fact about *U.S. v. Lopez* when stating “a highschool teen brings a loaded firearm into his highschool.”

The response earned 0 points in part C. The response does not attempt to explain how *Katzenbach* is related to the democratic ideal of natural rights.