
AP[®] United States Government and Politics

Sample Student Responses and Scoring Commentary Set 2

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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 the basis for the decisions in both *Shaw v. Reno* (1993) and *Bush v. Vera* (1996). **1 point**

Acceptable responses:

- Equal Protection Clause
- Equal Protection Clause of the Fourteenth Amendment

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- B** Explain how the facts in *Shaw v. Reno* and *Bush v. Vera* led to similar holdings. **1 point**

Examples of acceptable responses may include the following:

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

- In *Shaw v. Reno*, congressional reapportionment in North Carolina created a majority-minority district.
- The Supreme Court held in *Shaw* that a majority-minority district could be challenged if race was the only factor used in creating that district.

OR

Two points for correctly **explaining** how the facts in both cases led to similar holdings.

OR**2 points**

- Both cases used race to determine how to draw congressional districts. In both cases, the Court held that using race as the primary factor in redistricting violated the Constitution.
- In *Shaw*, a state used race as a primary factor to draw a congressional district, and the Court held that this was not constitutional. In *Bush*, Texas also used race as a primary factor to draw congressional districts and the Court similarly held that these redistricting plans were not permissible.

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- C** Explain how the decision in *Bush v. Vera* relates to the democratic ideal of republicanism. **1 point**

Examples of acceptable responses may include the following:

- The decision in *Bush* emphasized that representation, not race, should be the primary focus of congressional redistricting. This reflects the ideal of republicanism in that voters should have a fair opportunity to select who represents them in government.
 - The republican ideal is the support for representing the people's will in the government through elected officials. By insisting that all constituencies should have an equal chance at representation in Congress, the decision in *Bush* shows that the Court supported a redistricting plan that would best represent the voices of all Texans.
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A) The constitutional clause that is the basis for the decision in both *Shaw v. Reno* and *Bush v. Vera* is the equal protection clause.

B) In both cases, gerrymandering occurred, with race being the primary factor in how these districts' borders were redrawn. However, under the Constitution's equal protection clause, found within the 14th amendment, this is highly unconstitutional. This clause states that under law, everyone is equally protected, and as a result, the government is not able to favor specific races or put others at a disadvantage. This ultimately led to the decision in both cases that racially gerrymandering is illegal and violates federal law.

C) The decision in *Bush v. Vera* relates to the democratic ideal of republicanism as the way these districts are structured ultimately affect the representatives that will be elected. The ideal of republicanism is that instead of the population directly voting on legislation, instead they will vote on representatives that ultimately make the decision for them. When redrawing districts discriminately, this affects the representatives that will be elected to the House. By ruling in favor of *Al Vera*, the courts reinforced how in a republic, representatives should be representing the population, and by racially constructing boundaries this inherently violates this principal.

A. The constitutional clause that is the basis of decisions in both *Shaw v. Reno* and *Bush V. Vera* is the supremacy clause.

B. The facts of *Shaw v. Reno* and *Bush v. Vera* led to similar holdings as in *Shaw v. Reno*, another state also drew bizarre district lines in order to create majority-minority districts in an effort to increase African-American representation in Congress. Because in both cases, the redistricting process was heavily led by race with other minor factors, the redistricting successfully created majority-minority districts based on race so they were both deemed unconstitutional. Meaning that both holdings claimed that it was unconstitutional to redistrict based on race.

C. The decision in *Bush v. Vera* relates to the democratic ideal of republicanism as republicanism is the idea of shared power in the government. So, this decision of striking down the new redistricted lines because they were in favor of minorities directly correlates to republicanism as the shared power was not being distributed equally because of the minority advantage in the newly redistricted areas.

A. The constitutional clause that is the basis for the decision in both *Shaw v. Reno* (1993) and *Bush v. Vera* (1996) is by the one person one vote clause. Both of these clauses were used by the supreme court because race was the sole important factor in the redistricting of the districts. The fact that race was the sole factor in the redistricting made this an issue.

B. The facts in *Shaw v. Reno* and *Bush v. Vera* led to similar holdings because both of the cases relied on race as the sole reason of the redistricting. The creation of minority-majority districts caused significant issues for the state which was shown by the similar holdings in both cases

C. The decision in *Bush v. Vera* relates to the democratic ideal of republicanism by demonstrating how a single citizen can fight against a whole state. This shows how democratic this republican form is because it proves that through democratic ways it was able to push a republican agenda of government stepping out of affairs.

Question 3

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

Overview

NEW for 2025: The question overviews can be found in the “*Chief Reader Report on Student Responses*” on [AP Central](#).

Sample: 3A

Score: 4

Part A Score: 1

Part B Score: 2

Part C Score: 1

The response earned 1 point in Part A. The response correctly identifies the “equal protection clause.”

The response earned 2 points in Part B. The response states “In both cases, gerrymandering occurred, with race being the primary factor in how these districts’ borders were redrawn. However, under the Constitution’s equal protection clause, found within the 14th Amendment, this is highly unconstitutional. This ultimately led to the decision in both cases that racial gerrymandering is illegal and violates federal law.” This correctly demonstrates an understanding of the facts in the required Supreme Court case as well as explaining how the facts led to similar holdings in both cases.

The response earned 1 point in Part C. The response correctly states “The ideal of republicanism is that instead of the population directly voting on legislation, instead they will vote on representatives that ultimately make the decision for them. By ruling in favor of Vera, the courts reinforced how in a republic, representatives should be representing the population, and by racially constructing boundaries this inherently violates this principle.” This correctly explains how the decision in *Bush v. Vera* relates to the democratic ideal of republicanism.

Sample: 3B

Score: 2

Part A Score: 0

Part B Score: 2

Part C Score: 0

The response earned 0 points in Part A. The response inaccurately states that the clause common to both cases is “the supremacy clause.” The clause that is the basis for the decisions in both *Shaw v. Reno* and *Bush v. Vera* is the Equal Protection Clause.

The response earned 2 points in Part B. The response states “The facts of *Shaw v. Reno* and *Bush v. Vera* led to similar holdings as in *Shaw v. Reno*, another state also drew bizarre district lines in order to create majority-minority districts in an effort to increase African-American representation in Congress. Because in both cases, the redistricting process was heavily led by race with other minor factors, the redistricting successfully created majority-minority districts based on race so they were both deemed unconstitutional.” This description correctly demonstrates an understanding of facts in both Supreme Court cases and demonstrates an understanding of how the facts lead to similar holdings.

Question 3 (continued)

The response earned 0 points in Part C. The response states that “republicanism is the idea of shared power in the government.” This demonstrates an incorrect understanding of the democratic ideal of republicanism.

Sample: 3C**Score: 1****Part A Score: 0****Part B Score: 1****Part C Score: 0**

The response earned 0 points in Part A. The response incorrectly identifies “the one person one vote clause” as the clause that is the basis for the decisions in both *Shaw v. Reno* and *Bush v. Vera*. The correct clause is the Equal Protection Clause.

The response earned 1 point in Part B. The response states “The facts in *Shaw v. Reno* and *Bush v. Vera* led to similar holding because both of the cases relied on race as the sole reason of redistricting.” « This description correctly demonstrates an understanding of facts in the required Supreme Court case but does not demonstrate an understanding of how the facts in both cases lead to similar holdings.

The response earned 0 points in Part C. The response states, “by demonstrating how a single citizen can fight against a whole state.” This does not demonstrate a correct understanding of the democratic ideal of republicanism.