

2021

AP[®]  CollegeBoard

AP[®] United States Government and Politics

Scoring Guidelines

Set 1

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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.

Total for question 1 3 points

Question 2: Quantitative Analysis**4 points**

A. Identify the president that had the highest percentage of women and racial/ethnic minorities serving in the Cabinet. **1 point**

- President Obama had the highest percentage of women and racial/ethnic minorities serving in his Cabinet.

B. Describe a pattern in the percentage of racial and ethnic minorities serving in Cabinet positions. **1 point**

Acceptable descriptions include:

- Democratic presidents tend to appoint more racial and ethnic minorities to Cabinet positions than Republican presidents.
- Recent presidents are appointing more racial and ethnic minorities to Cabinet positions, regardless of party.

C. Draw a conclusion about the political parties and the diversity of Cabinet appointments as shown in the bar graphs. **1 point**

Acceptable conclusions include:

- Democratic presidents have appointed more women and minorities because that reflects the demographics of their voters.
- Republican presidents in the future could appoint more women and minorities to Cabinet level positions in an attempt to appeal to a wider group of voters.

D. Explain how interest groups can influence presidential Cabinet appointments as shown in the bar graphs. **1 point**

Acceptable explanations include:

- Interest groups can use media campaigns to pressure the president to make Cabinet appointments that reflect the interests of the group.
- Interest groups can use media campaigns to pressure the Senate to confirm or not confirm appointments based on how they reflect the interests of the group.
- Interest groups can lobby members of the Senate to vote for or against a presidential Cabinet nominee.

Total for question 2 4 points

Question 3: SCOTUS Comparison**4 points**

A. Identify the civil liberty that is common in both *Citizens United v. Federal Election Commission* (2010) and *McCutcheon v. Federal Election Commission* (2013). **1 point**

- Freedom of speech is the civil liberty that is common to both cases.

B. Explain how the decision in *Citizens United v. Federal Election Commission* relates to the reasoning in *McCutcheon v. Federal Election Commission*.

Acceptable explanations include:

One point for **describing** relevant information about the decision in the required Supreme Court case. **1 point**

- The Supreme Court in the *Citizens United* decision ruled that the First Amendment includes protections for independent spending in political campaigns as free speech.

OR**OR**

Two points for correctly **explaining** how the decision in *Citizens United v. Federal Election Commission* relates to the reasoning in *McCutcheon v. Federal Election Commission*. **2 points**

- These were both cases that considered whether campaign finance laws passed by Congress were constitutional. In both cases the Supreme Court held that spending limitations were in violation of the free speech clause of the First Amendment.

C. Explain how the decision in *McCutcheon v. Federal Election Commission* can be used to support the participatory, pluralist, or elite model of democracy. **1 point**

Acceptable explanations include the following:

- The decision held that limits on political contributions were unconstitutional, which supports the elite model because it facilitates the power of wealthier people or groups to influence the outcome of elections.
- The decision supports the pluralist model because groups combine the power of like-minded individuals who will be able to raise and spend more than they could individually to attempt to influence the outcome of elections.
- The decision supports the participatory model because it allows individuals to contribute to election campaigns, which is a form of participation.

Total for question 3 4 points

Question 4: Argument Essay

6 points

Reporting Category	Scoring Criteria	
Row A Claim/Thesis (01 points)	0 points Does not meet the criteria for one point.	1 point Responds to the prompt with a defensible claim or thesis that establishes a line of reasoning.
Decision Rules and Scoring Notes		
Responses that do not earn this point: <ul style="list-style-type: none"> Only restate the prompt. Do not make a claim that responds to the prompt. 		Responses that earn this point: <ul style="list-style-type: none"> Respond to the prompt rather than restating or rephrasing the prompt and establish a line of reasoning. Provide a defensible claim or thesis that establishes a line of reasoning about whether the federal government should be primarily responsible for managing environmental policy or if it should be the responsibility of the states.
Examples that do not earn this point: Restate the prompt <ul style="list-style-type: none"> <i>“There is a debate about whether the national or state governments should take the lead in environmental policy.”</i> Do not respond to the prompt <ul style="list-style-type: none"> <i>“There are times when states do things that help their citizens out better than the national government.”</i> 		Examples that earn this point: <ul style="list-style-type: none"> <i>“State governments are better at making environmental policy because they are closer to the people.”</i> <i>“State governments can customize policy better because they act as laboratories of democracy.”</i> <i>“The federal government is better at making environmental policy because environment issues in one state can impact other states.”</i> <i>“The federal government is better at making environmental policy because policy needs to be the same nationwide.”</i> <i>“The federal government is better at making environmental policy because the federal government has more resources (financial or institution).”</i>
Additional Notes: <ul style="list-style-type: none"> The claim or thesis must consist of one or more sentences that may be located anywhere in the response. A claim or thesis that meets the criteria can be awarded the point whether or not the rest of the response successfully supports that line of reasoning. 		

Reporting Category	Scoring Criteria			
<p>Row B Evidence</p> <p>(0-3 points)</p>	<p>0 points Does not meet the criteria for one point.</p>	<p>1 point Provides one piece of evidence that is <u>relevant to the topic</u> of the prompt.</p>	<p>2 points Uses <u>one</u> piece of specific and relevant evidence to <u>support the claim or thesis</u>.</p>	<p>3 points Uses <u>two</u> pieces of specific and relevant evidence to <u>support the claim or thesis</u>.</p>
Decision Rules and Scoring Notes				
<p>Responses that do not earn points:</p> <ul style="list-style-type: none"> Do not provide any accurate evidence. Provide evidence that is not relevant to the topic. 	<p>Responses that earn 1 point:</p> <ul style="list-style-type: none"> Provide one piece of evidence relevant to the topic of the prompt. May or may not have a claim or thesis. 	<p>Responses that earn 2 points:</p> <ul style="list-style-type: none"> Provide one piece of specific and relevant evidence that supports the claim or thesis. This evidence can come from one of the foundational documents listed in the prompt, any other foundational document, or from knowledge of course concepts. 	<p>Responses that earn 3 points:</p> <ul style="list-style-type: none"> Provide two pieces of specific and relevant evidence that support the claim or thesis. One of these pieces of evidence must come from a foundational document listed in the prompt. The other piece of evidence can come from a different foundational document or from knowledge of course concepts. 	
<p>Examples that do not earn points:</p> <p>Provide evidence that is not specific</p> <ul style="list-style-type: none"> <i>“Parts of the Constitution support the idea of states taking the lead.”</i> <p>Provide evidence that is not relevant to the topic of the prompt</p> <ul style="list-style-type: none"> <i>“The First Amendment gives protesters the right to speak out against bad environmental policy.”</i> 	<p>Examples of evidence that are relevant to the <u>topic</u> of the prompt:</p> <ul style="list-style-type: none"> Necessary and proper clause Laboratories of democracy Treaties Federalism Federal bureaucracy Resources Supremacy Clause 	<p>Examples of acceptable specific and relevant evidence that support the claim or thesis (one example is one piece of evidence):</p> <ul style="list-style-type: none"> <i>“The federal government can make treaties on environmental issues.”</i> <i>“The necessary and proper clause allows the federal government to take action.”</i> <i>“The federal government has institutions resources for implementation.”</i> <i>“Policy diffusion/laboratories of democracy allow state innovation.”</i> <p>Examples of acceptable specific and relevant evidence from the foundational documents that support the claim or thesis (one example is one piece of evidence):</p> <ul style="list-style-type: none"> <i>“Brutus I opposes giving the national government more power over the states.”</i> <i>“The Preamble to the Constitution’s clause ‘to promote general welfare’ connects to the necessity for government to address issues such as the environment.”</i> <i>“The Federalist 10 says that competing interests within a large republic require federal government to mediate between these interests.”</i> 		
<p>Additional Notes:</p> <ul style="list-style-type: none"> To earn two or three points in Row B, the response must have a defensible claim or thesis (earned the point in Row A). To earn three points, the response must use one of the foundational documents listed in the prompt. 				

Reporting Category	Scoring Criteria	
Row C Reasoning	<p>0 points Does not meet the criteria for one point.</p>	<p>1 point Explains how or why the evidence supports the claim or thesis.</p>
(0-1 points)	Decision Rules and Scoring Notes	
	<p>Responses that do not earn this point:</p> <ul style="list-style-type: none"> • Include evidence but offer no reasoning to connect the evidence to the claim or thesis. • Restate the prompt without explaining how the evidence supports the claim or thesis. 	<p>Responses that earn this point:</p> <ul style="list-style-type: none"> • Explain the relationship between the evidence provided and the claim or thesis. <p>Examples of reasoning that explains how the evidence supports the claim or thesis:</p> <ul style="list-style-type: none"> • <i>“Brutus I would support the idea that states should be in charge of environmental policy because too much federal power will curtail liberty/fail to address local concerns.”</i> • <i>“Because the environment is central to ‘promoting general welfare’ through the health and well-being of citizens, the federal government should address issues such as the environment.”</i> • <i>“Competing interests within a large republic require the federal government to mediate between these interests because this competition can result in improvement to policy overall.”</i> • <i>“The federal government can make treaties on environmental issues. As environment policy requires international cooperation, the federal government should have the authority over environmental policy.”</i> • <i>“The necessary and proper clause allows the federal government to take action, making policy uniform and expedient.”</i> • <i>“Policy diffusion/laboratories of democracy allow state innovation on the environment to spread to other states or the federal government.”</i> • <i>“The supremacy clause establishes that federal laws and treaties made in line with the Constitution constitute the ‘supreme law of the land’ and take priority over conflicting state laws.”</i>
	<p>Additional Notes:</p> <ul style="list-style-type: none"> • To earn this point, the response must have a defensible claim or thesis (earned the point in Row A) and support that argument with at least one piece of specific and relevant evidence (earned at least two points in Row B). • The explanation of the relationship between one piece of evidence and the claim or thesis is sufficient to earn this point. 	

Reporting Category	Scoring Criteria	
Row D Responds to Alternate Perspectives	0 points Does not meet the criteria for one point.	1 point Responds to an opposing or alternate perspective using refutation, concession, or rebuttal.
(0-1 points)	Decision Rules and Scoring Notes	
	Responses that do not earn this point: <ul style="list-style-type: none"> • Restate the opposite of the claim or thesis. • May identify or describe an alternate perspective but do not refute, concede, or rebut that perspective. • Refute a foundational document rather than an alternate perspective to the provided claim or thesis. 	Responses that earn this point: <ul style="list-style-type: none"> • Must describe an alternate perspective AND refute, concede, or rebut that perspective.
	Examples of responses that do not earn the point: Restate the opposite of the claim or thesis <ul style="list-style-type: none"> • <i>“Some argue that states should control environmental policy.”</i> Describe an alternate perspective but do not refute, concede, or rebut that perspective <ul style="list-style-type: none"> • <i>“Some people say that the federal government is better in developing environmental policy.”</i> 	Examples of acceptable responses to an alternate perspective may include: <ul style="list-style-type: none"> • <i>“Some people say that the federal government is better, but federal policies are ‘one size fits all’ and do not always meet local needs.”</i> • <i>“While some argue that states should control environmental policy, the federal government has better resources/mediates competition to improve policy/can interact with foreign nations on the issue.”</i>
Additional Notes: <ul style="list-style-type: none"> • To earn this point, the response must have a defensible claim or thesis (earned the point in Row A). • Responses that demonstrate an incorrect understanding of the alternate perspective do not earn this point. 		