

AP[®] UNITED STATES GOVERNMENT AND POLITICS

2015 SCORING GUIDELINES

Question 2

5 points

Part (a): 1 point

One point is earned for an accurate comparison of state sovereignty under the Articles of Confederation and state sovereignty under the Constitution.

Correct comparisons will state that states were sovereign under the Articles of Confederation, but under the Constitution they have shared power/limited power.

Part (b): 2 points

One point is earned for each of two accurate explanations of how each of the following has been used to expand the power of the federal government over the states:

- Commerce clause
 - Federal government/Congress controls interstate commerce (transportation, civil rights, etc.), and the states cannot control; it is an exclusive federal authority.
 - Federal government/U.S. Supreme Court increases the power of the federal government through decisions (such as *Gibbons*, *Heart of Atlanta*, etc.), and the states cannot; it is an exclusive federal authority.
- Mandates — the federal government directs the states to implement policies (such as the American with Disabilities Act (ADA), school integration, busing, etc.), thus reducing state discretion and increasing federal discretion

Part (c): 2 points

One point is earned for an accurate explanation of how each of the following has played a role in the devolution of power from the national government to the states:

- Block grants — broad federal funding that allows states to have more discretion in how funding is spent, thus states have greater flexibility in policy implementation.
- Supreme Court decisions
 - Struck down encroachments of national government attempts to take states' power, thereby protecting states' powers.
 - Through the use of judicial review, state power is protected.

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.

2. The framers of the Constitution devised a federal system of government that affected the relationship between the national and state governments.
- Compare state sovereignty under the Articles of Confederation and under the Constitution.
 - Explain how each of the following has been used to expand the power of the federal government over the states.
 - Commerce clause
 - Mandates
 - Explain how each of the following has played a role in the devolution of power from the national government to the states.
 - Block grants
 - Supreme Court decisions

Under the Articles of Confederation the states held most of the power in the government. The states had power to ~~make~~ create money, regulate trade between states and foreign countries, tax the ~~people~~ people, and there had to be an agreement of all states before a new piece was added to the Articles. Under the Constitution however, more power was given to the federal government. The federal government can now impose taxes, it regulates foreign trade, and it creates the money. The states however still have some power like decisions on gay marriage, ~~and~~ and marijuana.

The power of the federal government was expanded by the Commerce clause because it gave the federal government to regulate money and foreign trade. As I said above this was originally granted to the States by the Articles of Confederation, but this caused major problems when someone went from state to state. It also created ~~the~~ disputes between states about foreign trade deals. When the Founding Fathers created the Constitution they decided to make the ~~the~~ country more ~~the~~ united by giving the power to the federal government. Mandates have also expanded the federal power because it gave the power to go over the states when creating a piece of

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legislation or decree. ~~the president can mandate~~ An example of this is the Handicapped and Disability Act forcing all states to require wheelchair ramps and elevators to make all public buildings ~~able~~ able to be used by handicapped persons.

As there is expanded power in the federal government there is also devolution back to the states, one example of this is block grants. Block grants are grants of money given to the states from the national government without specific requirements on how the states use it. This gives the states some independence and power ~~to do as they please~~ to do as they please. Supreme Court decisions have also played a role in the devolution of power. The Supreme Court has the power of Judicial Review to follow the Constitution and outlaw anything that goes against it. The tenth amendment of the United States gives power to the states on everything not clearly given to the federal government. The Supreme Court upholds that ~~amendment~~ amendment and prevents ~~too~~ too much power being given to the national government.

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2. The framers of the Constitution devised a federal system of government that affected the relationship between the national and state governments.
- Compare state sovereignty under the Articles of Confederation and under the Constitution.
 - Explain how each of the following has been used to expand the power of the federal government over the states.
 - Commerce clause
 - Mandates
 - Explain how each of the following has played a role in the devolution of power from the national government to the states.
 - Block grants
 - Supreme Court decisions

Under the Articles of Confederation, states were given the supreme power in government over a weak federal government. This was done because the Founders feared a strong central government after their bad experience with the strong federal government of Britain. However, the Founders soon realized the Articles wouldn't work and they wrote the Constitution. Under the Constitution, ~~power~~ some powers were taken away from the states and given to a national government, creating weaker state governments and a stronger federal government.

The Commerce clause was one way the federal government was granted more power than the states. The commerce clause of the Constitution gives the federal government control over interstate commerce. The Supreme Court defined "commerce" very broadly, giving the federal government more power than the states.

Mandates are another way the power of the government has been expanding. When the federal government issues a mandate, they make it mandatory for the state governments to carry out the order under threat of cutting funding. In this way, the federal government has direct control over the state governments.

However, there are also ways that states have been given power over the federal government in a process called devolution. Block grants

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are grants given by the federal government to state governments for the state governments to use at their discretion. Unlike categorical grants or mandates, there are no "strings attached" to these grants that the state must use the money for. This gives states greater power over the national government.

The Supreme Court has also played a role in the devolution of power back to state governments. ~~By ruling that the definition of~~
~~marriage is broad and encompasses many aspects, they gave the federal~~
~~government~~ The Supreme Court ruled in favor of the allowing states to not recognize same-sex marriages in a state where it is illegal even if the marriage occurred in a state ~~or country~~ where it was legal. The ~~state~~ federal government would have had the states recognize it because the federal government requires states to recognize other ~~things~~ official matters from other states, such as a driving licenses. By allowing the states to retain their right to marriage laws, the Supreme Court gave power back to the states. In this way, the Supreme Court serves as a check to the federal government through its rulings, ensuring that the federal government doesn't violate the Constitution by taking a power reserved to the states.

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2. The framers of the Constitution devised a federal system of government that affected the relationship between the national and state governments.
- (a) Compare state sovereignty under the Articles of Confederation and under the Constitution.
 - (b) Explain how each of the following has been used to expand the power of the federal government over the states.
 - Commerce clause
 - Mandates
 - (c) Explain how each of the following has played a role in the devolution of power from the national government to the states.
 - Block grants
 - Supreme Court decisions

a. • with Art. of Conf. it was much more of states as their own countries, much less unified

• with Const., brought them together

b. • commerce clause lets fed. govt. get involved with state issues

• mandates let fed. govt have authority over states

c.

ADDITIONAL ANSWER PAGE FOR QUESTION 2

2-a. State sovereignty under the Articles of Confederation was much different than under the Constitution. Under the Articles of Confederation, the states were much more individualistic with a weak central government. States were much more concerned with what was going inside themselves rather than inside their country as a whole. Under the Constitution, a stronger central government was established which unified the states.

b. The commerce clause has been used to expand the power of federal government over the states because as soon as trade becomes interstate, the federal government can step in and makes laws over it that the states must follow according to the Supremacy clause. Mandates also allow increased federal power because a mandate sets up an expectation that the state must meet to gain funding from the federal government. The one thing all states need is money so they do what is asked.

c. Block grants have played a role in devolution of power from the national government to the states because they allow states to do whatever they want with the ~~money~~ money given. Supreme Court decisions have also helped because

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Question 2

Overview

This question examined the students' knowledge of how state sovereignty changed from the Articles of Confederation to the U.S. Constitution, how federal power expanded under the Constitution, and how power has devolved from the national government to the states. Part (a) asked students to compare state sovereignty under the Articles of Confederation and under the Constitution. Part (b) asked students to explain how the Commerce Clause and mandates have been used to expand the power of the federal government over the states. Part (c) required students to explain how block grants and Supreme Court decisions have played a role in the devolution of power from the national government to the states.

Sample: 2A

Score: 5

In part (a) the response earned 1 point for correctly making the comparison, "Under the Articles of Confederation the states held most of the power in the government. ... Under the Constitution however, more power was given to the federal government."

In part (b) the response earned 2 points. One point was earned for correctly explaining that "[t]he power of the federal government was expanded by the Commerce clause because it gave the federal government to [*sic*] regulate money and foreign trade. ... When the Founding Fathers created the Constitution they decide to make the country more united by giving the power to the Federal government." A second point was earned for correctly explaining that "[m]andates have also expanded the federal power because it gave the power to go over the states when creating a piece of legislation or decree. An example of this is ... forcing all states to require wheelchair ramps."

In part (c) the response earned 2 points. One point was earned for correctly explaining that "[b]lock grants are grants of money given to the states from the national government without specific requirements on how the states use it. This gives the states some independence and power to do as they please." A second point was earned for correctly explaining that "Supreme Court decisions have also played a role in the devolution of power. The Supreme Court has the power of Judicial Review to follow the Constitution and outlaw anything that goes against it. The tenth amendment ... gives power to the states on everything not clearly given to the federal government. The Supreme Court upholds that amendment and prevents too much power being given to the national government."

Sample: 2B

Score: 3

In part (a) the response earned 1 point for correctly making the comparison that "[u]nder the Articles of Confederation, states were give the supreme power in government over a weak federal government. ... Under the Constitution, some powers were taken away from the states and given to a national government, creating weaker state governments and a stronger federal government."

In part (b) the response earned 1 point. One point was earned for correctly explaining, "[t]he commerce clause of the Constitution gives the federal government control over interstate commerce." The response also states, "[t]he Supreme Court defined 'commerce' very broadly, giving the federal government more power than the states." A second point was not earned for explaining how mandates expanded the power of the federal government over the states because the response describes a categorical grant when attempting to explain mandates.

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Question 2 (continued)

In part (c) the response earned 1 point. It did not earn a point for explaining how block grants have played a role in the devolution of power from the national government to the states. The response did not earn a point because it incorrectly states that block grants come with “no ‘strings attached.’” One point was earned for correctly explaining that “[t]he Supreme Court ruled in favor of allowing states to not recognize same-sex marriages in a state where it is illegal. . . . By allowing the states to retain their right to marriage laws, the Supreme Court gave power back to the states.”

Sample: 2C

Score: 2

In part (a) the response earned 1 point for correctly making the comparison that “[u]nder the Articles of Confederation, the states were much more individualistic with a weak central government. . . . Under the Constitution, a stronger central government was established which unified the states.”

In part (b) the response earned 1 point. One point was earned for correctly explaining that “[t]he commerce clause has been used to expand the power of federal government over the states because as soon as trade becomes interstate, the federal government can step in and make laws over it that states must follow.” A second point was not earned for explaining how mandates expanded the power of the federal government over the states because the response describes a categorical grant when attempting to explain mandates.

In part (c) the response earned no points. It did not earn a point for explaining how block grants have played a role in the devolution of power from the national government to the states. The response does not show any constraint on state spending, but rather states, “they allow states to do whatever they want with the money given.” A second point was not earned for explaining how Supreme Court decisions have played a role in the devolution of power from the national government to the states. The response only repeats the stem, thus it was incomplete.