

**AP<sup>®</sup> UNITED STATES GOVERNMENT AND POLITICS  
2015 SCORING GUIDELINES**

**Question 4**

**7 points**

**Part (a): 1 point**

One point is earned for a correct description of the difference between civil rights and civil liberties. The response must include both of the following:

- Civil rights protect groups from discrimination.
- Civil liberties protect individuals from government actions.

**Part (b): 1 point**

One point is earned for a correct identification of the equal protection clause.

**Part (c): 2 points**

One point is earned for a correct description of a specific legislative action that extended civil rights to each of the following:

- Women: right to vote; equal pay for equal work; equality in academics and athletics; laws expanding role of women in the military, etc.
- Persons with disabilities: public accommodations; educational accommodations, etc.

**Part (d): 1 point**

One point is earned for a correct identification of the due process clause.

**Part (e): 2 points**

One point is earned for each of two accurate explanations of how civil liberties were incorporated by the Supreme Court by the following cases:

- *Gideon v. Wainwright* — right to an attorney for indigents
- *Mapp v. Ohio* — illegally seized evidence cannot be used in court; exclusionary rule
- *Miranda v. Arizona* — must be informed of rights: no self-incrimination; right to counsel, etc.

**NOTE:** The response must include reference to incorporation (i.e., application to the states or police action)

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.

4. The Fourteenth Amendment protects civil rights and civil liberties.

- (a) Describe the difference between civil rights and civil liberties.
- (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.
- (c) Describe a specific legislative action that extended civil rights to each of the following.
- Women
  - Persons with disabilities
- (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
- (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
- *Gideon v. Wainwright*
  - *Mapp v. Ohio*
  - *Miranda v. Arizona*

a) Civil rights pertain to getting rights for those who have been discriminated against. Civil liberties are things that everyone is entitled to, such as the right to remain silent.

b) The Equal Protection clause is used to extend civil rights because no one shall be discriminated against based on skin color or race.

c) The 19<sup>th</sup> Amendment gave women the right to vote which extended their civil rights as they had been discriminated against for years because of their

gender. A law was passed forcing all public places to provide accommodations for those with disabilities. They have to have ramps or elevators for people in wheelchairs. Schools have to have specific teachers and classes that can help those with mental or physical disabilities.

d) The Due Process Clause is used to extend civil liberties.

e) In *Miranda v. Arizona* the Supreme Court decided that when someone is arrested the police have to explain that person's rights to them. All people arrested have the same rights, no one is given special treatment. In *Mapp v. Ohio* the Supreme Court decided that a person ~~can~~ ~~not~~

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Question 4 is reprinted for your convenience.

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  - (c) Describe a specific legislative action that extended civil rights to each of the following.
    - Women
    - Persons with disabilities
  - (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
  - (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
    - *Gideon v. Wainwright*
    - *Mapp v. Ohio*
    - *Miranda v. Arizona*

cannot self incriminate themselves, they do not take the stand against themselves.

4. The Fourteenth Amendment protects civil rights and civil liberties.

- civil rights act of '64
- disability act of 63

- (a) Describe the difference between civil rights and civil liberties. <sup>written</sup> implied
- (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights. - due process
- (c) Describe a specific legislative action that extended civil rights to each of the following.
  - Women equal pay act '62
  - Persons with disabilities '63
- (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
- (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
  - Gideon v. Wainwright 6<sup>th</sup>
  - Mapp v. Ohio - 4<sup>th</sup> / 14<sup>th</sup> / exclusionary rule
  - Miranda v. Arizona - 5<sup>th</sup> / 14<sup>th</sup> / speedy trial

Civil rights mentioned in the Fourteenth Amendment are rights that have been written down and granted to individuals. Civil liberties are liberties that are implied by the constitution but are not written. The primary clause of the fourteenth amendment that is used to extend civil rights is the due process clause. The due process gives civil <sup>right</sup> ~~rights~~ to individuals and makes the fourteenth amendment apply to the states.

The civil right act of <sup>IX</sup> (title VII and VIII) '64 and the equal pay act of '62 have extended civil rights to women. This prohibited discrimination in public areas and work force, and also makes sure that women and men doing similar jobs are paid the same. The disability act of 1963 gave children ~~th~~ with disabilities the entitlement of an equal opportunity to learn and get an education. The civil right act ~~of~~ (title VII) prohibited discrimination against disability in public accommodations and the workforce. The clause we use to extend civil liberties is the elastic or necessary and proper clause.

In Mapp v. Ohio, ~~Mapp~~ police entered Mapp's home without a search warrant and obtained obscene material ~~in~~

ADDITIONAL ANSWER PAGE FOR QUESTION 4

her possession that would be used in trial. The court struck down the conviction because the evidence had been obtained illegally. Her 1<sup>st</sup>, 4<sup>th</sup>, and 14<sup>th</sup> ammendment were violated. This court case led to the exclusionary rule which excluded any evidence obtained illegally to be used in trial. It also incorporated the 4<sup>th</sup> into the 14<sup>th</sup> ammendment making it apply to the states and civil liberties to individuals, protected under the 14<sup>th</sup> ammendment.

In *Miranda v. Arizona*, Miranda was not told of his 5<sup>th</sup> ammendment rights when he was arrested and not given an attorney when under question. The court struck this down and incorporated the 5<sup>th</sup> into the 14<sup>th</sup> ammendment, making it apply to the states. This also guaranteed civil liberties of the individual by giving them a right to a speedy trial and to have their rights read to them ~~without~~ before being arrested such as the "right to remain silent any thing they say can and will be held against them in a court of law"

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  - (c) Describe a specific legislative action that extended civil rights to each of the following.
    - Women
    - Persons with disabilities
  - (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
  - (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
    - *Gideon v. Wainwright*
    - *Mapp v. Ohio*
    - *Miranda v. Arizona*

A.) The difference between civil rights, & civil liberties is that civil rights are protecting the rights of big groups such as woman's rights, or homosexuals rights. Civil liberties protect the liberties of individual people for example a womans civil liberties are violated it is pertaining to only her.

B.) The primary clause of the Fourteenth Amendment protects the extense of civil rights. For example woman have as much right to vote as men do Protect big groups.

C.) A specific legislative action that extended civil rights to women was when they were granted the right to vote. (suffrage) Even though not many women showed up to voting polls after this was passed, they were still allowed to vote.

Persons with disabilities, depending on the disability, should have the same amount of

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respect opportunity as people who do not (only if they are willing & able) to provide. A legislative action ~~is when~~ that extended civil rights to persons w/ disabilities would be when they had the right to be employed or the benefits from the government if they are unable to work. They can receive money from the government.

D) Every individual shall be protected under the U.S. Constitution. ~~to someone~~ In the 1<sup>st</sup> amendment people are granted the freedom of speech.

E) Mapp v. Ohio incorporated civil liberties b/c it was Mapp (the individual) against the state so these were having to do with individual liberties. Miranda v. Arizona also deals with civil liberties because because Miranda was being tried against the state & civil liberties were being violated.

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## 2015 SCORING COMMENTARY

### Question 4

#### Overview

This question examined the students' knowledge of the Fourteenth Amendment's protection of civil rights and civil liberties. Part (a) asked students to describe the difference between civil rights and civil liberties. In part (b) the students were asked to identify the primary clause of the Fourteenth Amendment that is used to extend civil rights. In part (c) the students were asked to describe specific legislative actions that extended civil rights to women and persons with disabilities. Part (d) required students to identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties. In part (e) the students were asked to explain how civil liberties were incorporated by the Supreme Court in two of the following three cases: *Gideon v. Wainwright*, *Mapp v. Ohio*, and *Miranda v. Arizona*.

#### Sample: 4A

##### Score: 6

In part (a) the response earned 1 point for describing the difference between civil rights and civil liberties by stating, "Civil rights pertains to getting rights for those who have been discriminated against. Civil liberties are things that everyone is entitled to."

In part (b) the response earned 1 point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights by stating, "The Equal Protection clause is used to extend civil rights."

In part (c) the response earned 2 points. The first point was earned for describing a specific legislative action that extended civil rights to women by stating, "The 19<sup>th</sup> Amendment gave women the right to vote which extended their civil rights." A second point was earned for describing a specific legislative action that extended civil rights to persons with disabilities by stating, "A law was passed forcing all public places to provide accommodations for those with disabilities."

In part (d) the response earned 1 point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties by stating, "The due process clause is used to extend civil liberties."

In part (e) the response earned 1 point for explaining how civil liberties were incorporated by the Supreme Court in the case *Miranda v. Arizona* by stating that "when someone is arrested the police have to explain that person's rights to them." The response did not earn a second point for a correct explanation of incorporation in *Mapp v. Ohio*. The response incorrectly identifies *Mapp v. Ohio* by stating "that a person cannot self incriminate themselves." It also does not include a correct explanation of incorporation.

#### Sample: 4B

##### Score: 4

In part (a) the response did not earn a point for describing the difference between civil rights and civil liberties. It stated, "Civil rights mentioned in the Fourteenth Amendment are rights that have been written down and granted to individuals."

In part (b) the response did not earn a point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights. It incorrectly stated that the primary clause "is the due process clause."

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**Question 4 (continued)**

In part (c) the response earned 2 points. It earned 1 point for describing a specific legislative action that extended civil rights to women by stating, “This prohibited discrimination in public areas and workforce, and also makes sure that women and men doing similar jobs are paid the same.” The response earned 1 point for describing a specific legislative action that extended civil rights to persons with disabilities as an act that “prohibited discrimination against disability in public accommodations and the workforce.”

In part (d) the response did not earn a point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties. It stated that the primary clause was “the elastic or necessary and proper clause.”

In part (e) the response earned 2 points. The first point was earned for explaining how civil liberties were incorporated by the Supreme Court in the case *Mapp v. Ohio* by stating that “police entered Mapp’s home without a search warrant. . . . This court case led to the exclusionary rule . . . making it apply to the states.” A second point was earned for explaining how civil liberties were incorporated by the Supreme Court in the case *Miranda v. Arizona* by stating, “[Miranda] was arrested and not given an attorney when under question. The court struck down and incorporated the 5<sup>th</sup> into the 14<sup>th</sup> amendment, making it apply to the states.”

**Sample: 4C**  
**Score: 2**

In part (a) the response earned 1 point for describing the difference between civil rights and civil liberties by stating that “civil rights are protecting the rights of big groups such as woman’s rights, [sic] or homosexuals [sic] rights. Civil liberties protect the liberties of individual people.”

In part (b) the response did not earn a point for correctly identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights. It describes the clause without a correct identification.

In part (c) the response earned 1 point for describing a specific legislative action that extended civil rights to women by stating, “A specific legislation action that extended civil rights to women was when they were granted the right to vote.” The response did not earn a point for describing a specific legislative action that extended civil rights to persons with disabilities. “[B]enefits from the government” is not specific legislative action.

In part (d) the response did not earn a point for correctly identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties. It describes the clause without a correct identification.

In part (e) the response did not earn any points for explaining how civil liberties were incorporated by the Supreme Court in two of the cases provided. The response does not correctly explain the details of the cases — *Mapp v. Ohio* and *Miranda v. Arizona* — nor does it explain how the Supreme Court incorporated civil liberties in these two cases.