

# Answer Key

## MODEL EXAM 2

### Section 1: Multiple-Choice Questions

- |       |       |       |       |
|-------|-------|-------|-------|
| 1. B  | 16. D | 31. A | 46. A |
| 2. A  | 17. B | 32. E | 47. A |
| 3. A  | 18. B | 33. C | 48. A |
| 4. C  | 19. A | 34. A | 49. B |
| 5. C  | 20. D | 35. E | 50. B |
| 6. E  | 21. A | 36. D | 51. C |
| 7. D  | 22. E | 37. B | 52. C |
| 8. B  | 23. B | 38. B | 53. A |
| 9. D  | 24. B | 39. A | 54. B |
| 10. A | 25. D | 40. A | 55. B |
| 11. B | 26. D | 41. D | 56. D |
| 12. D | 27. B | 42. B | 57. B |
| 13. C | 28. E | 43. A | 58. D |
| 14. B | 29. E | 44. E | 59. E |
| 15. C | 30. C | 45. D | 60. C |

**Answers Explained**

- (B)** Type of Question: Identification and analysis  
Choice B, the correct answer, refers to the fact that since 1968 there has been a consistent pattern reflected in the election of a president from one party and the election of a majority of members of the opposite party to Congress. Choice A is the opposite of what people believe. Choices, C, D, and E are factually incorrect.
- (A)** Type of Question: Identification and analysis  
Choice A, the correct answer, is a central concept of the Federalist papers. The Federalists adopted Montesquieu's principle of checks and balances as the foundation of the separation of powers in the federal government. Choices B and C were weaknesses in the Articles of Confederation. Choice D was never discussed, and Choice E deals with a different form of government.
- (A)** Type of Question: Definitional  
Choice A is the correct answer because, by definition, political socialization is the process whereby people obtain their political values. These values, such as party identification, views on abortion, and attitudes toward affirmative action, can come from a variety of sources—primarily from parents, but also schools and churches. Choices B, C, D, and E are incorrect because they do not fit within this definition.
- (C)** Type of Question: Cause and effect  
Choice C, the correct answer, applies the definition of executive privilege to a specific situation. The Supreme Court ruled in the *United States v Nixon* and in a case where Hillary Rodham Clinton tried to use executive privilege in order to withhold Whitewater documents that in both cases the materials had to be handed over. Choices A and B are factually incorrect. Choices D and E were never part of the controversy.
- (C)** Type of Question: Solution to a problem  
Choice C, the correct answer, deals with the part of the electoral college system that awards a candidate the total electoral votes of a state regardless of the margin of victory. There have been suggestions to reform the system by creating a proportional allocation of electoral votes. Choices A and B are reforms suggested dealing with the coverage of national elections by the networks. Choices D and E have never been suggested.
- (E)** Type of Question: Identification and analysis  
Choice E, the correct answer, is the most common manner in which cases get to the Supreme Court. In order to answer the question correctly, you must know the definitions and application of original jurisdiction and appellate jurisdiction. The other choices are incorrect.
- (D)** Type of Question: Stimulus-based  
The table identifies the nature and number of presidential vetoes used by presidents, beginning with Kennedy and ending with Clinton. The table also defines the type of veto each president used; regular, which can be voted on by

Congress, or pocket, which a president makes when Congress has completed its session or is in recess for ten days. Choice D is the correct answer because, clearly, Ford had more vetoes rejected by Congress than the other president listed. Choice A is wrong because more vetoes have been sustained than overridden. Choice B is incorrect because Congress does not vote on pocket vetoes. Choice C is incorrect because even though Reagan had the highest number of vetoes sustained, on a percentage basis, Bill Clinton was more successful. Choice E is wrong because Clinton never used a pocket veto.

8. **(B)** Type of Question: Negative

Choice B, the correct answer, is the only answer that refers to a right not found in the Fifth Amendment. It is a Seventh Amendment right. The other choices are all part of the Fifth Amendment.

9. **(D)** Type of Question: Chronological/definitional

Choice D is the only wrong answer because the Great Compromise referred to an agreement reached after the New Jersey and Virginia plans for representation were rejected. In order to answer this question correctly, you need to know the historical references to Great Compromise and the definition of bicameral (two house). Choice C is misleading because the answer deals with representation and another compromise, the three-fifths compromise.

10. **(A)** Type of Question: Identification and analysis

Choice A, the correct answer, requires that you know the definition of devolution and then be able to apply it to an actual event. In this case, the Republicans wanted more power to be turned over to the states. Choice B is the opposite of devolution. Choices C and D have nothing to do with devolution, and Choice E, though having consequences for the states, does not answer the question as directly as Choice A.

11. **(B)** Type of Question: Identification and analysis

Choice B, the correct answer, is one of the most influential House committees. The other committees may be important in certain situations, but the question asked you to identify specifically a committee that can influence legislation. The Rules Committee determines which bills reach the floor.

12. **(D)** Type of Question: Identification and analysis

Choice D, the correct answer, includes those positions in the Senate that are leadership in nature even if it is a minority position (minority leader).

13. **(C)** Type of Question: Comparing and contrasting concepts

Choice C, the correct answer, is a good definition and application of the elite class theory. Choice A is a good application of pluralism. Choice B is an application of hyperpluralism. Choices D and E may have some truth in their applications, but do not answer the question.

14. **(B)** Type of Question: Sequencing a series of ideas

Choice B, the correct answer, is an application of the definition of libel and slander. If you know those definitions, then you will be able to connect them with an inherent conflict of the free speech provision of the First Amendment.

Choice A may apply if a trial occurs over a libel or slander suit. Choice C is a general constitutional guarantee. Choices D and E are components needed in any trial.

15. (C) Type of Question: Chronological  
Choice C, the correct answer, is the central result of one of the landmark cases the Marshall Court ruled on. The question is difficult because Choices A and E were results of other landmark Marshall cases—*Marbury v Madison* and *McCulloch v Maryland*. Choices B and D are false statements.
16. (D) Type of Question: Definitional  
Choice D, the correct answer, defines the idea behind the idea of a congressman following a constituent's view when voting on legislation. In order to answer the question, you must know the definition of constituent, and you should be able to recognize the fact that there are other legitimate approaches a representative can take (Choices A, B, and E) that do not answer the question.
17. (B) Type of Question: Comparing and contrasting ideas  
Choice B, the correct answer, is the only answer which establishes a major difference between the House and Senate. Choices A, C, and E are obviously incorrect. Choice D is tricky because the House has term limits for committee chairmen.
18. (B) Type of Question: Cause and effect relationship  
Choice B, the correct answer, is a definition of the media as a linkage institution to government. Choice C may be a function of the media, but it does not apply to public policy. Choice D may be true, but it also does not have anything to do with what the question is asking.
19. (A) Type of Question: Identification and analysis  
Choice A, the correct answer, was the only provision of the line item veto that applied to legislation before it was declared unconstitutional. The line item veto permitted the president to exercise veto power on any part of the 13 appropriation bills that fund the government and make up the discretionary spending portion of the federal budget. Choice B is wrong because it only refers to amendments attached to appropriation bills. Choice C is incorrect because it only refers to action taken in the Senate. Choice D is wrong because there are many bills that can be characterized as essential. Choice E is incorrect because the president can veto a continuing resolution.
20. (D) Type of Question: Sequencing a series of events  
Choice D, the correct answer, is the first step in the development of public policy. There is a logic behind this procedure, because one would want to identify a problem before enacting, forming, evaluating, or revising the policy.
21. (A) Type of Question: Identification and analysis  
Choice A is the correct answer because it is the only answer that has an accurate provision of the law. Choices B, C, D, and E are all reforms that groups have recommended to be part of campaign reform legislation.

22. **(E)** Type of Question: Identification and analysis  
Choice E, the correct answer, reflects the definition and application of the exclusionary rule. Choice A refers to the no-knock ruling. Choice B refers to the stop and frisk principle. Choice C can be true in certain situations but has nothing to do with the exclusionary rule. Choice D is a false statement, and in fact police do not need warrants to get evidence in plain view.
23. **(B)** Type of Question: Chronological  
Choice B, the correct answer, reflects the major criticism and weakness of the Articles of Confederation. The reason why the Articles were so ineffective, besides giving too much authority to the states, was that the new central government could not pay off Revolutionary War debts by collecting taxes. The other choices are all incorrect because they do not apply to the Articles.
24. **(B)** Type of Question: Cause and effect  
Choice B, the correct answer, requires that you understand the nature and provisions of the Motor Voter Law passed by Congress in 1993. If you knew that the law's intent was to make it easier to register, then you could eliminate Choices A and C. Choice D is partially correct, but it is wrong because there was a decrease in actual turnout. Choice E is wrong because senior citizens were already registered and did not have to take advantage of the new law.
25. **(D)** Type of Question: Sequencing a series of events  
Choice D, the correct answer, contains those officials who have to be confirmed by the Senate after a presidential appointment. The Constitution is very clear about ambassadors and justices. The appointment of cabinet officials also needs approval. The White House Chief of Staff and other White House staff do not need senatorial approval.
26. **(D)** Type of Question: Solution to a problem  
Choice D, the correct answer, is the primary manner in which the Supreme Court applies judicial review to congressional actions. Choice A is not a power of the Court. Choices B, C, and E are all powers of the Supreme Court, but they do not have anything to do with its ability to check congressional power.
27. **(B)** Type of Question: Identification and analysis  
Choice B is the correct answer because an executive order defines the manner in which a president can create public policy without signing legislation. Choices A, D, and E are all legitimate tools a president can use, but they do not necessarily result in public policy. Choice C is not a power of the president.
28. **(E)** Type of Question: Stimulus-based table  
Choice E, the correct answer, makes you apply the data in the table to the trend of divided government which was a dominant feature of the modern political scene. The other choices are all factually incorrect.
29. **(E)** Type of Question: Generalization  
Choice E, the correct answer, comes directly from a series of court cases challenging existing affirmative action programs. Choice A is factually incorrect.

Choice B would be true if it suggested a reduction of federal programs, rather than a complete elimination. Choices C and D are factually incorrect.

30. (C) Type of Question: Definitional

Choice C, the correct answer, is the only area in the Bill of Rights where the fighting words doctrine applies. It originally came from the Supreme Court case *Chaplinsky v New Hampshire* and it was one of the few decisions that placed limitations on freedom of speech.

31. (A) Type of Question: Generalization

Choice A, the correct answer, is the only answer that gives a major characteristic of many bureaucratic agencies such as the Environmental Protection Agency (EPA), the Food and Drug Administration, and Federal Trade Commission (FTC). They are called quasi-legislative and quasi-judicial because they can issue regulation and then act as judges to see that the regulations are being followed.

32. (E) Type of Question: Sequencing a series of events

Choice E, the correct answer, requires an understanding of the Supreme Court's ruling in *Bush v Gore*, which ordered the recount in Florida to stop and determined the outcome of the electoral vote that gave Bush the presidency. Choice A is wrong because the Republicans remained in control of the House. Choice B is incorrect because minor party candidates such as Ralph Nader did not take part in the debates. Choice C is wrong because even though there was a gender gap, Bush lost the female vote but still won the election. Choice D is wrong because voter turnout was lower than in 1992.

33. (C) Type of Question: Definitional/cause and effect

Choice C, the correct answer, requires that you understand the definition of dealignment. Once you recognize that the term means a moving away from both major political parties, the question becomes relatively easy. Choice A is the opposite meaning. Choice B may be true but does not answer the question. Choices D and E may be factually correct, but they do not provide the correct answer to the question posed.

34. (A) Type of Question: Identification

Choice A, the correct answer, is the one area in which the Congress and the president have disagreed. After the Vietnam War, Congress became very hesitant anytime the president committed American troops to a foreign nation. Situations like Haiti and Bosnia are recent examples. The other choices all contain presidential powers that have not been challenged to any great extent by Congress.

35. (E) Type of Question: Comparing and contrasting ideas

Choice E, the correct answer, is a characteristic of a newly elected ideological representative. You only have to go back to the freshman class of 1994 to see how they came into Congress ready to change the rules of the game. They succeeded to a certain extent. However, they also learned that the art of compromise was essential to the implementation of public policy. The other choices are all false statements.

36. **(D)** Type of Question: Definitional  
Choice D, the correct answer, is the only answer that applies the one man, one vote ruling to an election that guarantees equal representation. The original case, in fact, dealt with a state legislature in Tennessee that had major voting representation inequalities. The other choices all deal with elected offices that do not require equal representation. There are two senators in each state. Every citizen within a state has equal weight in voting for a president or governor, and people do not vote for federal judges.
37. **(B)** Type of Question: Chronological  
Choice B, the correct answer, is derived from the fact that the Fourteenth Amendment was introduced and ratified after the Civil War to deal with the injustices that the freed slaves had to face. The amendment was later used to incorporate the Bill of Rights into state action (Choice A). Choice C was accomplished through another constitutional amendment. Choice D was the manner in which the Supreme Court interpreted the equal protection clause in the *Plessy v Ferguson* case. Choice E is factually correct, but not the original intent of the amendment.
38. **(B)** Type of Question: Generalization  
Choice B, the correct answer, is true because public opinion is quite fickle and usually responds to very visible national and international problems. Choices A and C are factually incorrect. Choices D and E may have some elements of truth, but they do not provide a complete answer to the question asked.
39. **(A)** Type of Question: Negative  
Choice A, the incorrect statement, reflects the fact that revenue bills must start in the House. The other choices all reflect important characteristics of the law-making process.
40. **(A)** Type of Question: Cause and effect  
Choice A is the correct answer because the *Bakke* decision allowed states to take race into consideration when developing affirmative action programs. However, the Court also ruled that a quota system violated the equal protection clause of the Fourteenth Amendment. Choice B is wrong because the *Brown* decision only dealt with the issue of school integration and was silent about quotas. Choice C is incorrect because Proposition 209 eliminated all government-sponsored affirmative action programs in California. Choice D is incorrect because the Civil Rights Act of 1964 banned discrimination in public accommodations. Choice E is an accurate statement of fact but does not answer the question.
41. **(D)** Type of Question: Sequencing an event  
Choice D, the correct answer, is the prescribed manner in which an open primary is held. You must know the definitions of the different kinds of primaries to be able to answer this question. Closed primary is limited by party affiliation. Nonbinding primary does not lock delegates to the winner. Dual primary is one in which a presidential preference and a separate slate is voted on. An open caucus does not exist.

42. **(B)** Type of Question: Cause and effect  
Choice B, the correct answer, is a direct result of the election. The Republicans maintained control of the House of Representatives and Senate. Choices A, C, D, and E are all factually incorrect.
43. **(A)** Type of Question: Identification  
Choice A, the correct answer, is the major function of congressional oversight committees. Once the oversight function is completed, appropriate legislation may be drafted to deal with the problem that was investigated. Or a criminal proceeding may result if evidence is brought out in the hearings. Two examples of oversight hearings are the campaign finance irregularities and the Whitewater hearings. The other choices, though functions of congressional committees, do not apply directly to oversight.
44. **(E)** Type of Question: Cause and effect  
Choice E, the correct answer, is an aspect of the census that has only become a problem because the homeless do not reside in a specific residence. It is important, especially to the large urban areas, because it could easily impact on the number of representatives from a state that has a large homeless population. The other choices are factually incorrect.
45. **(D)** Type of Question: Stimulus-based graph  
The graph shows the percent of eligible voters who actually voted in presidential elections from 1964 through 2004. To answer the question, you must know some presidential history. Choice D is the correct answer. Voter turnout decreased in the elections following the Watergate scandal in 1974 and President Clinton's impeachment in 1999. Choice A is incorrect because the graph indicates that turnout was greatest when the country was at war—look at the rates during the Vietnam War. Choice B is incorrect because turnout was higher in 1964 and 1980, elections years where there were “landslide” victories. Choice E is wrong because turnout decreased in the years when Reagan and Clinton were reelected to second terms.
46. **(A)** Type of Question: Negative  
Choices B, C, D, and E are factually correct and illustrate the powers that the president and Congress have in dealing with legislation. Choice A, the line item veto, is the correct answer because it was ruled unconstitutional by the Supreme Court and, therefore, is no longer an option available to the president or Congress.
47. **(A)** Type of Question: Identification  
Choice A, the correct answer, requires that you know that advocacy groups such as Common Cause believe that soft money (the money that is unregulated and can go to political parties in large sums) should be banned. The other choices are incorrect because they are not areas that advocacy groups believe would reform campaign finances.



48. **(A)** Type of Question: Cause and effect  
Choice A, the correct answer, is true because the Court has drawn a fine line between accommodation and practice of religion, especially in public schools. The other choices all reflect areas the Supreme Court has declared illegal.
49. **(B)** Type of Question: Hypothetical  
Choice B, the correct answer, requires that you know the definition of gerrymandering (the redrawing of legislative districts after a census based on purely political factors). Though Choices C and D are characteristics of congressional districts, they do not answer the question.
50. **(B)** Type of Question: Identification  
Choice B, the correct answer, is a classic supporter of the Democratic Party. In fact, labor unions are the target of both Republicans and some advocacy groups because of the manner in which the unions are able to funnel contributions to the Democratic Party. The other choices reflect PACs that traditionally support the Republican Party.
51. **(C)** Type of Question: Negative  
Choice C, the correct answer, may provide some difficulty because the Senate must approve the appointment of federal judges. The other choices are specific delegated powers of Congress.
52. **(C)** Type of Question: Identification  
Choice C, the correct answer, is a provision of the Contract With America that would have limited the terms of Representatives and Senators, if enacted. It was proposed as a constitutional amendment and defeated twice by the House. The other choices, though all provisions of the Contract, did not impact on the Congress itself.
53. **(A)** Type of Question: Identification  
Choice A, the correct answer, is a characteristic of the act and sets in motion the manner in which the budget cycle moves in Congress. It was passed during the Nixon administration in response to Nixon's impounding funds that were budgeted. The other choices, though all aspects of budget development, are not characteristic of the Impoundment Act.
54. **(B)** Type of Question: Sequencing a series of events  
Choice B is the correct answer because the Constitution requires the House of Representatives to initiate impeachment charges against the president. In order for the initiation of charges to occur, the House Judiciary Committee must first vote on articles of impeachment. If you only think back to the Clinton impeachment, you may get confused and select another choice based on the events surrounding that episode, such as the media frenzy or the use of a special prosecutor's report. Although those events were associated with the impeachment of Bill Clinton, they are not part of the formal impeachment process.

55. **(B)** Type of Question: Definitional  
Choice B, the correct answer, illustrates how states had to abide by the provisions of congressional law to create equality in the voting process. In order to answer the question correctly, you have to understand the nature of majority-minority districts and the historical background. It is a difficult question because the Supreme Court declared many of these districts unconstitutional.
56. **(D)** Type of Question: Hypothetical  
Choice D, the correct answer, is an application of the definition of judicial activism (those court decisions which overturn precedent or existing law). The choices are all based on actual decisions. Choices A, B, C, and D are all cases that are judicial restraint in nature.
57. **(B)** Type of Question: Identification/definitional  
Choice B, the correct answer, is a major characteristic of a federal form of government. Choices A and E are more typical of a confederation. Choice C can be a part of a federal system but only if there are state governments that are part of the system. Choice D is a parliamentary form of government.
58. **(D)** Type of Question: Identification  
Choice D, the correct answer, is the only choice that is a provision of the constitutional amendment that outlines what happens when a president is disabled. The other choices are all factually incorrect.
59. **(E)** Type of Question: Sequencing a series of events  
Choice E, the correct answer, requires that you know the definition of racial gerrymandering and the historical reasons why it existed. Choice D would be correct if the Court ruled that these districts were constitutional. The other choices are factually incorrect.
60. **(C)** Type of Question: Identification  
The correct answer, choice C, reflects the fact that both President George Bush and President Bill Clinton favored United States involvement in the North American Free Trade Agreement (NAFTA). Choices B and D relate to treaties that were favored by a president but not ratified by Congress. Choices A and E are factually incorrect.

## Section 2: Free-Response Essays

### Sample Response to Essay 1

- (a) Two campaign finance abuses that were evident since 1996 were the unlimited use of soft money donations to political parties by special interest groups and misleading issue advocacy ads. Soft money is defined as unlimited contributions to political parties by special interest groups. Under the 1974 Federal Election Campaign Act, corporations, labor unions, and special interest groups were able to give an unlimited amount of soft money to political parties. The parties were supposed to use that money for party building purposes like “get out the vote” efforts. In 1996, special interest groups and political parties abused this provision by giving large amounts of soft money to parties who used the money to indirectly support the efforts of the presidential candidates. Hard money, defined as the limited contributions to political candidates, were easier to monitor, but, according to the critics, were not sufficient for the candidates to sustain their campaigns. Issue advocacy ads are political advertisements paid for by soft money donations to special interest groups that favored a political cause. For instance, an individual could give large amounts of soft money to the National Rifle Association, who could then use that money to discredit the candidate who was in favor of gun control. These ads would run in both the primaries and the general campaign.
- (b) This brings us to campaign finance reform. If there are abuses, and the voters support change, then what kind of legislation has been proposed? The centerpiece of campaign finance reform legislation was introduced by Republican Senator John McCain of Arizona and Democratic Senator Russell Feingold of Wisconsin. It was co-sponsored in the House by Representatives Christopher Shays and Marty Meehan. Known as the Bipartisan Campaign Finance Reform Act of 2002, it was also supported by many advocacy groups such as Common Cause. The two provisions of the bill that addressed the abuses discussed in part (a) were:
- Ban soft money contributions to presidential candidates and national political parties. It also created new hard money limits. For the 2004 presidential elections, individual contributions were raised to \$2,000 per individual per election cycle.
  - Tighten the rules for independent expenditures and issue advocacy, making illegal the use of soft money for ads that mention a federal officeholder within 30 days of a primary or 60 days of a general election.
- (c) The bill was passed in 2002 and took effect in the 2004 campaign. A court challenge followed. In 2002 Senator Mitch McConnell brought suit against the new law. In December 2003 the Supreme Court ruled that the elimination of soft money to political parties and presidential candidates was legal because there was a pattern of campaign finance abuse. The court rejected the argument that this was a violation of the First Amendment. The court also ruled that it was constitutionally permissible to regulate special interest advocacy ads. Again, the court rejected the First Amendment argument. However,

newly formed “527” groups (named after the IRS provision that allowed these groups to raise money and air advertisements within the prohibited time periods) like the Swift Boat Veterans emerged in the 2004 election.

### **Evaluation of Response to Essay 1**

1. Does the essay explain what the two campaign finance abuses were?
2. Does the writer list two components of the McCain Finance Law?
3. Does the essay explain how the Court ruled?

1. The writer does a nice job explaining the two campaign finance abuses, giving a definition and explanation of soft money and issue advocacy ads. This establishes the transition to a summary of the law.

2. The essay focuses on the McCain-Feingold bill, later renamed the Bipartisan Campaign Finance Reform Act, that attempts to fix the system. The writer lists two specific provisions of the bill that were signed into law by President George W. Bush and addressed the abuses talked about in part (a).

3. The last part of the essay goes into detail regarding the court challenges to the Bipartisan Campaign Finance Reform Act. The writer does an effective job giving information on the court challenge and how the court ruled on both issues raised in part (b).

### **Sample Response to Essay 2**

Though the United States government is based on a representative model, 24 states have made the initiative and referendum process a part of their electoral system.

- (a) By definition, a referendum and an initiative are used in two different contexts. A referendum occurs when the state wants voters to consider a legislative proposal that, if passed, would either amend the state’s constitution or become a law. In 2004, the issue of gay marriage was a referendum that passed in 11 states. The initiative or proposition occurs when a proposal is made by the voters and is placed on the ballot. If it is passed, it becomes the law even if the state legislature has not voted on it.

The initiative differs from the referendum because it is a process that involves voters organizing themselves around a single issue, gathering signatures on a petition, and then having that issue voted on in the form of a proposition. If the proposition passes, it automatically becomes a law in that state. Sometimes these initiatives are controversial in nature. They include areas such as physician-assisted suicide, affirmative action, homosexual rights, the legalization of marijuana for medicinal purposes, and restrictions on late-term or partial-birth abortions. Other initiatives may be noncontroversial in nature, such as a simple vote to approve a bond issue.

- (b) One of the most significant propositions put forward was California’s Proposition 209, also called the California Civil Rights Initiative. It originated with an official in the state university system and its goal was to eliminate all

state-sponsored affirmative action programs in California. Petitions were circulated, and the required number of signatures was obtained for the proposition to appear on the ballot in 1996. Supporters of the proposition included California's Republican governor, Pete Wilson. Most Democrats opposed the ballot proposal. It became a hotly contested issue, not only in the state, but also in the presidential and Senate campaigns. Special interest groups argued that the proposition would destroy California's state university system, while other groups insisted that affirmative action programs were inherently unfair. The measure passed by over 60 percent of the vote. The governor immediately instituted new rules regarding the state's affirmative action programs.

- (c) Soon after the ballot proposal was passed, opponents of Proposition 209 filed a lawsuit in federal court. They believed that Proposition 209 was unconstitutional because it violated the equal protection clause of the Fourteenth Amendment. They also felt that the proposition violated the supremacy clause of the United States Constitution, arguing that Proposition 209 conflicted with the Civil Rights Act of 1964. Opponents also pointed out that a Supreme Court case, *University of California v Bakke*, set forth rules regarding affirmative action programs that worked well in California. The Court initially issued an injunction against California, but the appeals court reversed the ruling. The U.S. Supreme Court refused to hear the final appeal. The proposition was implemented, and all affirmative action programs in California were eliminated. As a result, minority enrollment decreased significantly in the state university system.

### **Evaluation of Response to Essay 2**

1. Does the essay define the initiative and referendum process?
  2. Is the proposition explained through appropriate commentary and example?
  3. Does the writer identify and explain a constitutional issue raised by the passage of the proposition?
1. The essay provides excellent definitions of the terms *referendum* and *initiative*. Each definition clearly highlights the differences between the referendum and the initiative. The writer also explains the processes involved with regard to both the initiative and the referendum.
  2. The heart of the essay is the description of Proposition 209. The writer provides historical background, discusses how the proposition got on the ballot, describes the arguments for and against its passage, and explains the results of the vote on the ballot proposal.
  3. The final part of the essay deals with the constitutionality of the proposition. The writer traces the court challenge to the proposition and discusses the constitutional arguments made. The writer also discusses the final outcome related to the court's decision.

**Sample Response to Essay 3**

- (a) The electoral college, as provided for in Article II of the Constitution and later changed by the Twelfth Amendment, establishes the procedure by which the president of the United States is elected. In the Federalist Papers, the founding fathers expressed their reservations about the direct election of a president by the public. Based on these reservations, the electoral college was established. As provided for by the Constitution, the number of electors that each state sends to the electoral college is based on its population. Thus, the larger a state's population, the more electors it can send to the electoral college. The actual number of electors that a state sends to the electoral college is equal to the number of representatives it has in the House of Representatives plus the number of members it has in the Senate. Therefore, the smallest number of electors a state can have is three. In 2000, California had 54 electors, representing its 52 House members and two Senators. Washington, D.C., on the other hand, had only three electors. The Constitution also provides the legislature of each state with the authority to decide the manner in which it selects its electors.

For a candidate to win the presidency, he must win a majority of the electoral votes cast. In the 2000 election, the number of electoral votes needed to win a majority was 270. If a candidate does not receive a majority of the electoral votes, the election is thrown into the House of Representatives, where each state receives one vote. The majority vote of each state's delegation to the House determines the winner of the state's vote. Thus, if the majority of a state's representatives is Democratic, its vote would probably go to the Democratic candidate. In instances where no candidate receives a majority of the electoral votes, the Senate determines the contest for vice president, with the winner determined by a simple majority vote.

Once electors are selected by the states, they pledge to cast their electoral vote for the winner of the states' popular vote. There have been rare instances, however, where electors have changed their minds and not cast their votes for the winner of the state's popular vote. These electors have been given the name "faithless" electors.

In the election of 2000, Vice President Al Gore won the popular vote by more than 500,000 votes, but on election night the winner of the electoral vote was still in doubt. The popular vote in Florida was so close that state law called for a mandatory recount. The votes in other states were also so close that absentee ballots had to be counted in order to confirm the winner. However, it was in Florida that the election of 2000 was determined.

- (b) Two problems that surfaced as a result of the 2000 election included the manner in which the ballots were counted in Florida and the big differences in the election machinery used throughout the country. After Florida began its recount, there was much criticism of the so-called butterfly ballots and the fact that many of them were not counted. Older machines could not read many of these ballots and the issue of hanging chads resulted in a large number of disputed ballots. These votes, if counted, could have given the election to Gore. Ultimately, the United States Supreme Court stepped in and, in *Bush v Gore*, determined that the Florida recount process was flawed. The result of this decision was that George W. Bush was awarded Florida's electoral votes, giving him

an electoral majority. The second problem brought to light by the 2000 election, the lack of uniform voting equipment throughout the country, was illustrated by the fact that some states had old-fashioned voting booths while others had modern optical scanners.

- (c) One reform that has been suggested to improve the electoral college is to abolish it completely and go to a direct popular vote. This could be accomplished through a constitutional amendment. Proponents of this measure point out that the electoral college is an outdated notion and that the percentage of electoral votes that a candidate receives does not actually reflect the popular vote. They also point out that the results of the 2000 election illustrate how flawed the electoral system is because a candidate can win the popular vote but lose the electoral vote. Opponents of this reform suggest that the 2000 election was an anomaly and that the system has worked well since the Twelfth Amendment was adopted.

### ***Evaluation of Response to Essay 3***

1. Did the essay identify and explain how the electoral college works?
  2. Did the essay describe two problems brought to light as a result of the 2000 presidential election?
  3. Was a proposed reform of the electoral college explained?
1. The essay did an excellent job of identifying and explaining how the electoral college works. The writer discussed its constitutional foundation, the manner in which electors are chosen and allocated, and even explained what happens when a candidate does not receive a majority of the electoral votes cast.
2. The two problems that the writer focused on related to Florida's disputed election results. Other issues that could have been discussed include the media's coverage of the election, the manner in which absentee ballots were authenticated, and the design of the butterfly ballot itself. The essay concentrated on the issue of the under and over votes involved in the Florida recount and the lack of uniformity in voting equipment nationwide.
3. An obvious reform that the writer chose to discuss was the abolition of the electoral college through a constitutional amendment. The writer explains the proposal and presents both sides of the issue. Other reforms that could have been discussed include the adoption of a system of proportional distribution of electoral votes and improving the way electors are confirmed by the states.

### ***Sample Response to Essay 4***

- (a) After analyzing the table "Members of Congress—Selected Characteristics: 1981–1999," a number of dramatic features are portrayed:
- More than any other category, the increase of female representatives and senators has been dramatic.
  - More representatives and senators are between 40 and 60 years old.

- More representatives have served between one and ten terms; more senators have served between one and three terms.
- (b) These statistics have a significant impact on Congress. Without a doubt, the dramatic increase in female representatives (more than double the number of representatives and triple the number of senators since 1980) was due to gender politics. In 1992 when four women were elected to the Senate and nineteen were elected to the House, it was called the year of the woman in politics. The impact that this had on the Congress was an increase in making woman-related issues part of the public agenda. Many of these issues are economic and social in nature. The response of these newly elected representatives to single mothers' concerns, to abortion rights, and to protection by the government of "safety net" issues has become a priority. Senators Carol Moseley Braun and Dianne Feinstein have been in the forefront arguing for so-called women's issues. Even with the increase in women representatives, statistically they are still only a small percentage of the entire House and Senate. Yet with women electing Bill Clinton to a second term and a new group called soccer moms emerging, one can expect the power and influence of women in Congress to increase.
- (c) The age and seniority of representatives has a direct impact on Congress in the manner in which it develops its own rules and agenda. The 1994 congressional election was an important turning point that illustrates how age and seniority issues affect the institution. The House freshman class of 1994, though younger and more inexperienced than their counterparts, had a significant impact on the House. Realizing that this core group represented the hopes of the conservative Republican revolution, newly elected Speaker of the House Newt Gingrich pushed major reforms through the House with the support of these newly elected congressmen. The reforms included term limits for committee chairs and rules that would make it easier for less senior members to become directly involved in the legislative process. Remarkably, Gingrich also gave many of these new representatives seats on very influential House committees such as the Rules Committee, the Ways and Means Committee and the Appropriations Committee. The Republicans were able to push through a good part of their Contract With America in the first 100 days of the 104th Congress because of the support of these new representatives. Ironically, the power given to these inexperienced congressmen also contributed to the unsuccessful budget battle waged against President Clinton, which resulted in two government shutdowns. The fact that there were so many new representatives caused an ideological shift and, unlike their older more experienced colleagues, the class of 1994 thought that they were sent to Congress on a mission. The 1996 election moderated the House as the Republican majority shrank in size.

#### ***Evaluation of Response to Essay 4***

1. Does the essay establish the direction the essay is taking by analyzing the data given in the table?
2. Is the foundation built using appropriate examples?



3. Does the essay reflect an application of basic principles of United States government and politics?

1. The table provides an easy vehicle for the writer to focus on the significant trends presented. Once that is done, the essay can then focus on how these trends impact on Congress as an institution. The writer does an effective job in simplifying the data to the three most significant areas—the fact that there was a tremendous increase in women representation and the fact that age and seniority both play an important role. The question asks one to analyze data, and the writer does that right from the start.

2. Once the data is analyzed, the writer is able to apply it to the central question raised by the essay—how Congress as an institution is affected by gender, age, and seniority. The gender issue gives the author the opportunity to explain that a gender gap in American politics helped contribute to the election of many of the new representatives. The essay does an effective job of explaining what the characteristics of the gender vote are and how they influence the policy agenda. The age factor became important in the 104th Congress because this Congress featured one of the largest groups of freshmen. The essay does a nice job of explaining how these newly elected freshmen congressmen and congresswomen helped lead the Republican revolution. The issue of seniority was covered by explaining why it is such an important feature in both houses.

3. The principles of American politics and government explored in this essay were gender politics, Congress as an institution of government, age as a factor in Congress, and the role of seniority in Congress.