

**GOVID19**  
PRACTICE FRQS

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PRACTICE FRQS  
**HELPS**

Whenever writing a **CONCEPT APPLICATION FRQ** – remember to:

1. Label appropriately, use (A), (B), and (C). And remember to space in between.
2. ALWAYS restate language from prompt. Use often the phrase, “In the context of the excerpt provided.” Quote directly from the scenario.
3. Avoid pronouns. If you say government, be specific, i.e. “national government” or “state governments.” No “he, she, them....”
4. KEY: Whenever you see the word EXPLAIN, somewhere in your response include a BECAUSE statement.
5. Time provided: 15 minutes.

### CONCEPT APPLICATION TEMPLATE

- A. In the context of the excerpt provided, \_\_\_\_\_ [restate the language from the prompt, specifically what you were asked to do]  
**BECAUSE** \_\_\_\_\_.
- B. In the context of the excerpt provided, [often you will be asked to repeat your response from A] \_\_\_\_\_ [restate the language from the prompt, specifically what you were asked to do] **BECAUSE** \_\_\_\_\_.  
[Write at least two sentences...connect to prompt language – including direct quotes; use causal statements like **BECAUSE**].
- C. In the context of the excerpt provided, [restate the language from the prompt, specifically what you were asked to do] **BECAUSE** \_\_\_\_\_.  
[Write at least two sentences...connect to prompt language – including direct quotes; use causal statements like **BECAUSE**].

Time provided: 15 minutes.

Whenever writing an **ARGUMENT ESSAY FRQ** – remember to:

1. Space appropriately between a CLAIM STATEMENT; ARGUMENT #1 and ARGUMENT #2.
2. About that CLAIM STATEMENT: Use the language from the prompt and then state a position plus a BECAUSE statement.
3. About ARGUMENT #1: Use one of the REQUIRED DOCUMENTS. State the document by name and say that it supports your claim. EXPLAIN the context of the document. And then, this is really critical, ARGUE the document supports your claim BECAUSE...
4. Repeat for ARGUMENT #2 what you did for ARGUMENT #1.
5. Avoid pronouns. If you say government, be specific, i.e. “national government” or “state governments.” No “he, she, them....”
6. NOTE: For the 2020 AP TEST **NO rebuttal** is required.
7. Time provided: 25 minutes.

## **ARGUMENT ESSAY TEMPLATE**

Sentence or two – CLAIM

[Restate exact language from the prompt]. I think that... [insert CLAIM – this must be a definitive position statement. Claim cannot take both sides] **BECAUSE**

\_\_\_\_\_.

Paragraph 2 – ARGUMENT 1

[State the document you will be using] supports my claim. [State the document you will be using...put the document into a context...i.e. identify the document]. [State the document you will be using] supports my claim **BECAUSE** [connect the document to your claim]. [Restate argument again connecting claim + document in other words].

Paragraph 3 – ARGUMENT 2

[State the document you will be using] supports my claim. [State the document you will be using...put the document into a context...i.e. identify the document]. [State the document you will be using] supports my claim **BECAUSE** [connect the document to your claim]. [Restate argument again connecting claim + document in other words].

Sentence or two – CLAIM [Restate claim]

Time provided: 25 minutes.

**GOVID19  
PRACTICE FRQS  
FOUNDATIONS**

**CONCEPT APPLICATION**

The Articles [of Confederation] is a document little remembered and even less understood. Although it reflects a political tradition still honored and pursued by many Americans, its political principles are seldom, if ever, connected with this document and its tradition. Few pause long enough to consider the Articles' own positive tradition and its importance to America's past and present political choices. Those who remember anything are generally satisfied with a simple and distortive formula: The Articles fashioned an unrealistic plan of governance that failed, and out of the chaos of its failure America was blessed with the political wisdom of the Constitution of 1787...

The Articles set up a federal system or confederacy described as a league of friendship among sovereign states forming a "perpetual union." At the heart of this form and intent is a paradoxical interplay between Article 2 and Article 13. On the one hand, "Each State retains its sovereignty, freedom and independence," and on the other hand, "Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of confederation shall be inviolably observed by every State, and the union shall be perpetual." This interplay of differentiation and integration is reflected by the document's full title The Articles of Confederation and Perpetual Union.

Hoffert, Robert W. *A Politics of Tensions: The Articles of Confederation and American Political Ideas*. University Press of Colorado, 1992.

- A. In the context of the text excerpt, describe an American political tradition found both in our Articles of Confederation and the U.S. Constitution.
- B. In the context of the text excerpt, explain how the response in part A was not enough to save the Articles of Confederation, but was still preserved in our new constitution.
- C. In the context of the text excerpt, explain how a contemporary policy would be different if still governed under the Articles of Confederation.

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**ARGUMENT ESSAY**

Our governing system is shaped by political traditions such as natural rights, popular sovereignty, and the social contract.

Present an argument as to which one of these traditions has most influenced the American governing system.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Declaration of Independence, U.S. Constitution, Letter from a Birmingham Jail
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## FOUNDATIONS CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, **federalism** is the American political tradition found both in our Articles of Confederation and the U.S. Constitution. A federal system, as it was called in our U.S. Constitution, or a confederacy, as it was called in the Articles, is a foundational political tradition. A federal system provides for sovereignty at both the national and state levels.
- B. In the context of the excerpt provided, federalism was not enough to save the Articles of Confederation, but was still preserved in our new constitution **because** federalism served both as a theoretical and practical solution to good governance. Federalism, in theory, enhances the separation of powers and checks and balances. Also, federalism was a practical way to compromise with states that were reluctant to agree to a strong national government.
- C. In the context of the excerpt provided, contemporary policy would be different if still governed under the Articles of Confederation **because** under the Articles most government action took place at the state level. Under the Articles, the national government had difficulty raising revenue; the legislative branch rarely met; there was no executive; and no national courts. Had COVID 19 taken place in 1785, when under the Articles of Confederation, virtually every policy decision would have taken place at the state level.

## FOUNDATIONS ARGUMENT FRQ ANSWER

Our governing system is shaped by political traditions such as natural rights, popular sovereignty, and the social contract. I think **popular sovereignty** has most influenced the American governing system **because** without the consent of the governed, without a republican form of government we lack legitimate political authority.

The Declaration of Independence supports my claim. The Declaration of Independence, written in 1776, not only served as a formal statement of the colonial break from England but also as a promissory note to future generations. The Declaration of Independence established our American creed. Central to the promises made in the Declaration of Independence was the commitment to “the consent of the governed.” The consent of the governed, popular sovereignty, is one of our fundamental political traditions **because** without the voice of the people we have no representative democracy. Our republic has legitimate authority to act when they do so with the consent of the government. The Declaration of Independence promised a government committed to the consent of the government, I think **popular sovereignty** has most influenced the American governing system.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution empowers our government. Central to our government, as described in the U.S. Constitution, is a commitment to popular sovereignty. The U.S. Constitution begins with “we the people,” and goes on to mandate a republic where citizens are given a direct voice in their government and **because** of this popular sovereignty continues to influence our governing system. The U.S. Constitution codified a republican form of government, which is characterized by popular sovereignty, I think **popular sovereignty** has most influenced the American governing system.

Our governing system is shaped by political traditions such as natural rights, popular sovereignty, and the social contract. I think **popular sovereignty** has most influenced the American governing system **because** without the consent of the governed, without a republican form of government we lack legitimate political authority.



**GOVID19**  
**PRACTICE FRQS**  
**TYPES OF DEMOCRACY**

**CONCEPT APPLICATION**

Political elites can be defined as persons who are able, by virtue of their strategic positions in powerful organizations and movements, to affect political outcomes regularly and substantially. They are the principal decision makers in the largest or otherwise most pivotally situated organizations and movements in a sociopolitical unit; they include not only the familiar "power elite" triumvirate of top business, government, and military leaders but also top position holders in parties, professional associations, trade unions, media, interest groups, religious groups, and other powerful and hierarchically structured organizations and sociopolitical movements...A citizen voting in democratic elections can affect political outcomes regularly, but not substantially. By contrast, although probably no elite person or group affects every aspect of a regime's operation or a government's policies, elites are able to exert significant influence on aspects that are salient to their interests and locations, so that without their support or opposition outcomes would be quite different. Put most simply, elites are persons and groups who have the organized capacity to make real and continuing political trouble.

Source: Higley, John and Michael Burton. *Elite Foundations of Liberal Democracy*. Rowman and Littlefield, 2006.

- A. In the context of the text excerpt, describe a type of democracy that poses a challenge to elite theory.
- B. In the context of the text excerpt, explain how the response in part A is guaranteed in the U.S. Constitution.
- C. In the context of the text excerpt, explain how elite theory is checked by federalism.

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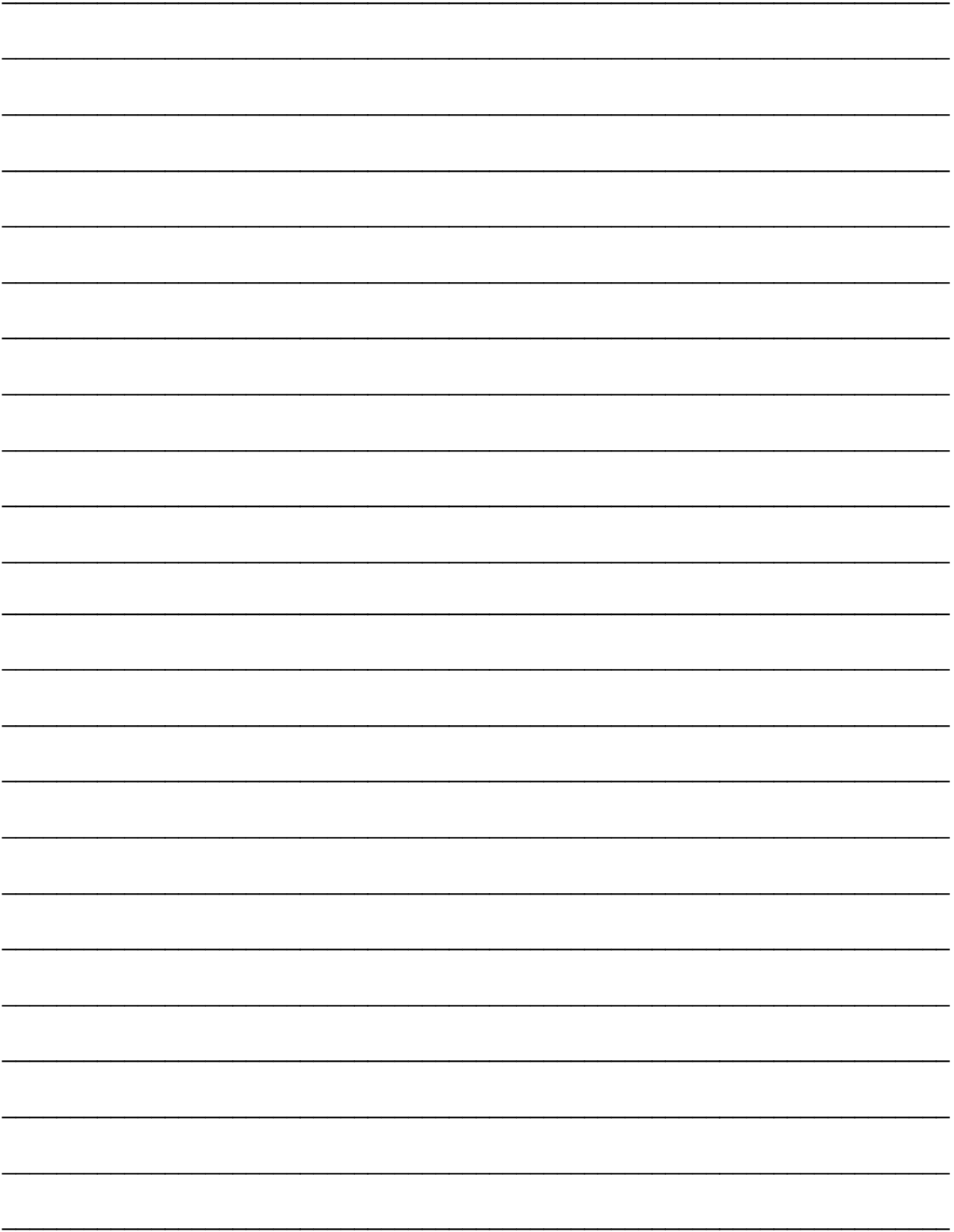
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**ARGUMENT ESSAY**

Many scholars link democratization with the decline of corruption. As one political scientist has put it, "More democracy leads to less corruption." Develop an argument as to whether participatory democracy or elite democracy is more effective at reducing corruption in government.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Declaration of Independence, U.S. Constitution, and Federalist 51.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## TYPES OF DEMOCRACY CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, **participatory democracy** is a type of democracy that poses a challenge to elite theory. “Political elites can be defined as persons who are able, by virtue of their strategic positions in powerful organizations and movements, to affect political outcomes regularly and substantially.” But participatory democracy can challenge elites, this happens when citizens vote in democratic elections. Participatory democracy can affect political outcomes regularly.
- B. In the context of the excerpt provided, **participatory democracy** is guaranteed in the U.S. Constitution because central to our government document is popular sovereignty. The U.S. Constitution begins with “we the people,” and goes on to mandate a republic where citizens are given a direct voice in their government and **because** of this popular sovereignty participatory democracy is guaranteed. The U.S. Constitution codified a republican form of government, which is characterized by popular sovereignty, i.e. participatory democracy.
- C. In the context of the excerpt provided, elite theory is checked by federalism. “Elites are persons and groups who have the organized capacity to make real and continuing political trouble.” But elites can be checked **because** in our system of government certain triggers are built in to hold power accountable. One of the biggest checks on elites in our system of government is federalism **because** federalism divides power, dilutes power in ways that make it difficult for elites to make too much trouble.

## TYPES OF DEMOCRACY ARGUMENT FRQ ANSWER

Many scholars link democratization with the decline of corruption. As one political scientist has put it, “More democracy leads to less corruption.” I think participatory democracy is more effective at reducing corruption in government **because** when we have regular and routine elections those abusing power are held accountable.

The Declaration of Independence supports my claim. The Declaration of Independence, written in 1776, not only served as a formal statement of the colonial break from England but also as a promissory note to future generations. The Declaration of Independence established our American creed. Central to our creed is the commitment to “the consent of the governed” and **because** of this our national government is limited and held accountable thus minimizing corruption. Elections allow the people to kick out of office those officials who abuse their authority. The “consent of the governed” means that we have regular and routine elections and **because** of this corruption is effectively reduced.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution limits our government. The U.S. Constitution also guarantees a republican form of government. A republican form of government guarantees regular and routine elections. Elections allow the people to kick out of office those officials who abuse their authority. A republican form of government means that we have regular and routine elections and **because** of this corruption is effectively reduced.

Many scholars link democratization with the decline of corruption. As one political scientist has put it, “More democracy leads to less corruption.” I think participatory democracy is more effective at reducing corruption in government **because** when we have regular and routine elections those abusing power are held accountable.

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PRACTICE FRQS  
**FEDERALISM**

**CONCEPT APPLICATION**

Justice O'Connor, writing a dissent, quoted Justice Brandeis, stating, "One of federalism's chief virtues, of course, is that it promotes innovation by allowing for the possibility that 'a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.'" She argued, "Congress cannot use its authority under the Clause to contravene the principle of state sovereignty embodied in the Tenth Amendment." This principle of state sovereignty has been long established. It was a fundamental right given to the states by the drafters of the Bill of Rights, as they put it in the Tenth Amendment. Congress should not be able to circumvent that right at will based only on the claim that their power comes from the Commerce Clause.

Source: Vigorito, John. *Creating Constitutional Cannabis: An Individual State's Tenth Amendment Right to Legalize Marijuana*, University of Toledo Law Review, Fall 2014.

- A. In the context of the text excerpt, describe the intent of the Tenth Amendment.
- B. In the context of the text excerpt, explain how the response in part A has been circumvented by the national government over time.
- C. In the context of the text excerpt, explain how the court opinion in *U.S. v. Lopez* (1995) shaped the impact of federalism.

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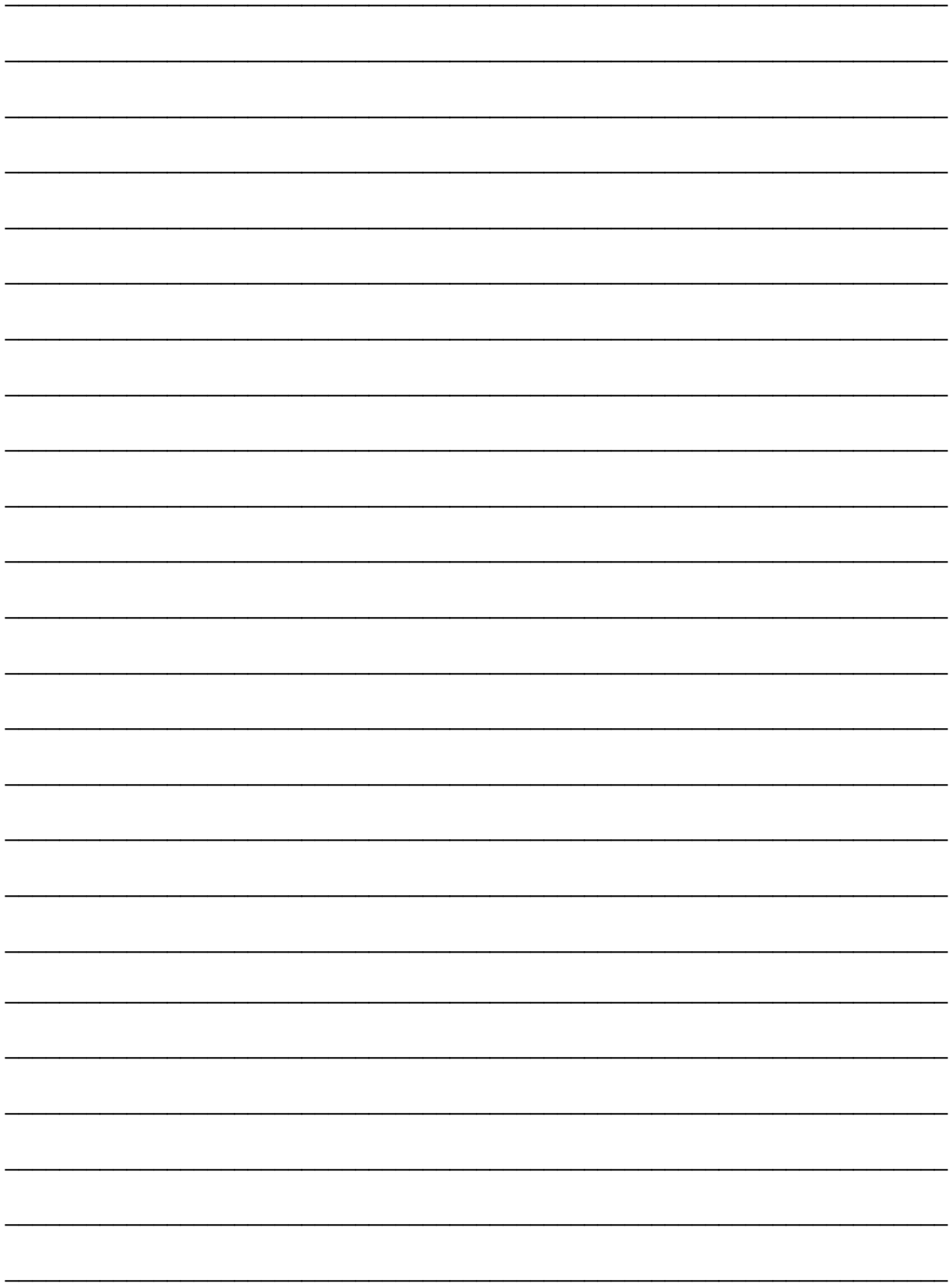
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## ARGUMENT ESSAY

Federalism has been a key feature since the founding of our constitution in 1789. Develop an argument as to whether the national government's relationship with state and local governments has changed since the founding.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – U.S. Constitution, Federalist 78, Letter from a Birmingham Jail.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## FEDERALISM CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, state sovereignty was the primary intent of the Tenth Amendment. State sovereignty “was a fundamental right given to the states by the drafters of the Bill of Rights” when they drafted the Tenth Amendment.
- B. In the context of the excerpt provided, state sovereignty, as guaranteed in the Tenth Amendment, has been circumvented by the national government over time **because** over time our national government has taken on more and more power. The story of American government is the story of national aggrandizement. Whereas there once was a balance of power between national, state and local governments the national government now dominates. The national government has taken more and more power **because** of responses to wars, economic crises, and foreign policy emergencies.
- C. In the context of the excerpt provided, state sovereignty has not been lost or weakened permanently or absolutely. The court opinion in U.S. v. Lopez (1995) has reinvigorated federalism. The original shape of federalism, as a limit on the national government, is alive and well, thanks to the U.S. Supreme Court. In U.S. v. Lopez (1995) the Court ruled unconstitutional a national law that outlawed gun shops within a certain proximity of school property **because** this law was an abuse of Congress’ use of the interstate commerce clause. The national government’s power has limits, this sounds like a return to classical federalism.

## FEDERALISM ARGUMENT FRQ ANSWER

Federalism has been a key feature since the founding of our constitution in 1789. I think the national government’s relationship with state and local governments has **SIGNIFICANTLY** changed since the founding **because** the national government has grown exponentially in both power and authority.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution empowers our government to act. Certain clauses of the national government have been used to expand the power and reach of the national government. For example, the interstate commerce clause has been used to greatly expand the power of the national government and **because** of this the national government’s relationship with state and local governments has **SIGNIFICANTLY** changed. For example, the necessary and proper clause has been used to greatly expand the power of the national government and **because** of this the national government’s relationship with state and local governments has **SIGNIFICANTLY** changed since the founding.

Letter from a Birmingham Jail supports my claim. Dr. Martin Luther King, Jr. wrote the Letter from a Birmingham Jail as a clarion call for the civil rights movement. We could no longer wait for equality. King called for the national government to step in and help enforce the Declaration’s promise of equality. The national government used its authority as provided in the Fourteenth Amendment’s “equal protection” clause. The demand for the national government to promote and extend universal civil rights has been used to greatly expand the authority of the national government and **because** of this the national government’s relationship with state and local governments has **SIGNIFICANTLY** changed since the founding.

Federalism has been a key feature since the founding of our constitution in 1789. I think the national government’s relationship with state and local governments has **SIGNIFICANTLY** changed since the founding **because** the national government has grown exponentially in both power and authority.

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PRACTICE FRQS  
**BILL of RIGHTS**

**CONCEPT APPLICATION**

[In *Griswold*, 1965, Supreme Court Justice William Douglas wrote:]

“The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance. Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment, in its prohibition against the quartering of soldiers ‘in any house’ in time of peace without the consent of the owner, is another facet of that privacy. The Fourth Amendment explicitly affirms the ‘right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.’ The Fifth Amendment, in its Self-Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: ‘The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.’”

The Bill of Rights, Douglas argued, creates a general “zone of privacy” that exists in the penumbras (or the edges of shadows) that emanate from these other privacy-related rights that the Constitution enumerates more explicitly. These specific constitutional protections and the precedent they produced bears witness that, like other implied rights, the right to privacy “is a legitimate one.” Indeed, Douglas added: “We deal with a right to privacy older than the Bill of Rights—older than our political parties, older than our school system.” The right to privacy, in other words, predates and supersedes the written Constitution and Douglas believed that the drafters recognized this fact.

Source: McCarthy, Eugene, “In Defense of *Griswold v. Connecticut*: Privacy, Originalism, and the Iceberg Theory of Omission,” *Willamette Law Review*, June 2018.

- A. In the context of the text excerpt, describe the court’s constitutional basis for a “zone of privacy.”
- B. In the context of the text excerpt, explain how the response in part A demonstrates a power of the U.S. Supreme Court.
- C. In the context of the text excerpt, explain how a different branch of government can respond to impact a controversial court opinion.

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## **ARGUMENT ESSAY**

In the United States version of democracy, the majority rules but the minority still has protected rights. Develop an argument about the effectiveness of the Bill of Rights to protect rights of the minority.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Declaration of Independence, U.S. Constitution, Federalist 78.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## BILL of RIGHTS CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, the court's constitutional basis for a "zone of privacy" "exists in the penumbras (or the edges of shadows) that emanate from...other privacy-related rights that the Constitution enumerates more explicitly." As William Douglas opines, "Various guarantees create zones of privacy. The right of association contained in the penumbra of the First Amendment is one, as we have seen. The Third Amendment, in its prohibition against the quartering of soldiers 'in any house' in time of peace without the consent of the owner, is another facet of that privacy. The Fourth Amendment explicitly affirms the 'right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.' The Fifth Amendment, in its Self-Incrimination Clause, enables the citizen to create a zone of privacy which government may not force him to surrender to his detriment. The Ninth Amendment provides: 'The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.'"
- B. In the context of the excerpt provided, interpreting the Bill of Rights' penumbras demonstrate the U.S. Supreme Court's power of judicial review. Judicial review, the power to rule on the constitutionality of law, is in itself a penumbra of the U.S. Constitution **because** such power is not explicitly enumerated or described in our constitution. One of the Court's greatest powers is to tell us what the law means. Discovering a "zone of privacy" is a perfect example. Only an institution with the power of judicial review could find a right that did not explicitly exist in law, by saying it could be found in the penumbras of the law.
- C. In the context of the excerpt provided, it can be seen that the U.S. Supreme Court can often write controversial opinions. No better example than when the court found "zones of privacy" buried in the penumbras of the Bill of Rights. The Court, however, does not act unilaterally. Different branches of government can respond to impact a controversial court opinion **because** of the separation of powers and checks and balances. For example, Congress can respond to a controversial Court opinion by changing the Court's jurisdiction, or by impacting the Court's budget, or by writing another law that impacts the decision, or by packing the Court with additional judges willing the change the decision, or by not confirming like-minded controversial judges. As you can see Congress can respond to impact a controversial court opinion.

## BILL of RIGHTS ARGUMENT FRQ ANSWER

In the United States version of democracy, the majority rules but the minority still has protected rights. I think that the Bill of Rights is extremely effective in protecting the rights of the minority **because** minority rights have only increased over time.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution empowers our government to act, but also limits how government acts. The U.S. Constitution also includes a Bill of Rights. These Bill of Rights were included to protect minority rights. If the majority wants to take away my free speech, they cannot. I have First Amendment protections. If the majority wants to take away my right to own a gun, they cannot. I have Second Amendment protections. The national government has over time protected these and other minority rights, as found in the Bill of Rights, **because** the U.S. Constitution empowers them to protect them and limits the national government from taking them away.

Federalist 78 supports my claim. Federalist 78 was one of the Federalist Papers, a series of essays written to persuade the skeptics regarding our new constitution back in 1788. Federalist 78 discussed the powers given to the new U.S. Supreme Court. The Court would be empowered to declare what the laws mean **therefore**, the Court would be the ultimate protector of our rights, including minority rights. **Because** of the Court's power to protect minority rights we have seen more and more minority rights protected – for example we have seen civil rights extended for women, the disabled, and even same-sex couples. The Bill of Rights is extremely effective in protecting the rights of the minority **because** our courts say so.

In the United States version of democracy, the majority rules but the minority still has protected rights. I think that the Bill of Rights is extremely effective in protecting the rights of the minority **because** minority rights have only increased over time.

**COVID19**  
PRACTICE FRQS  
**SELECTIVE INCORPORATION**

**CONCEPT APPLICATION**

In *McDonald*, to decide whether the Fourteenth Amendment's Due Process Clause incorporated the Second Amendment against the states, the Court stated that "we must decide whether the right to keep and bear arms is fundamental to our scheme of ordered liberty ... or as we have said in a related context, whether this right is 'deeply rooted in this Nation's history and tradition.'" In deciding this case based on the Due Process Clause, the plurality declined the invitation to examine the meaning of the Privileges or Immunities Clause. Citing *District of Columbia v. Heller*, the Court stated that self-defense, including in one's home, which the regulations at issue involved, was such a fundamental right and that the right applied to handguns which were the firearms selected most for protection of the home. Also citing *Heller*, the Court decided that the right to bear arms was "deeply rooted in this Nation's history and tradition." There was an explicit English protection of the right to keep arms for self-defense in the 1689 English Bill of Rights, and in his Commentaries, Blackstone stated that the right was a "fundamental right of Englishmen." The colonists, and then the founders, also recognized the importance of this right. In the time period around the founding, many states also enacted rights to bear arms in their constitutions. Thereafter, in the second half of the nineteenth century, in part in reaction to discrimination against blacks including the taking of their firearms, Congress enacted two laws, one of which explicitly protected the right to bear arms. The Fourteenth Amendment followed these laws, and its enactment history included references to the right to bear arms. Additionally, at the time of the adoption of the Fourteenth Amendment, many states granted the right to bear arms in their constitutions. Some of these rights reflected limitations of law enforcement and that individuals needed to be able to protect themselves. The Court concluded: "In sum, it is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty."

Source: Thomas, Suja A., "Non-incorporation: The Bill of Rights after *McDonald v. Chicago*," *Notre Dame Law Review*, November, 2012.

- A. In the context of the text excerpt, describe the legal principle that applied the Second Amendment to the states.
- B. In the context of the text excerpt, explain how the response in part A relates to federalism.
- C. In the context of the text excerpt, explain how a judge practicing judicial restraint would respond.

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## ARGUMENT ESSAY

Develop an argument about the importance of the selective incorporation of the Bill of Rights.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Declaration of Independence, U.S. Constitution, Federalist 78.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## SELECTIVE INCORPORATION CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, selective incorporation was the legal principle that applied the Second Amendment to the states **because** selective incorporation is a political science term that means little by little the U.S. Supreme Court applies the Bill of Rights to the States using the Fourteenth Amendment's due process clause.
- B. In the context of the excerpt provided, selective incorporation relates to federalism **because** when the U.S. Supreme Court assumes greater responsibility to tell us what our laws mean, including laws once solely under the purview of state courts, this affects the balance of power between national and state governments. Federalism was built into our constitution as a means to balance and/or limit government power. Too much power in one place was considered a threat of tyranny. Selective incorporation has moved a tremendous amount of judicial power and authority to the national government. This challenges our classical understanding of federalism.
- C. In the context of the excerpt provided, a judge practicing judicial restraint might respond differently when extending selective incorporation. Judges who practice restraint attempt to limit their decisions and opinions to the text of the law and/or original intent of the law. Judicial restraint often is held by our most conservative judges. There would be no clear historical record in the writing of the Fourteenth Amendment that it was intended to apply the Bill of Rights to the States and **because** of this you would expect judges practicing restraint would refrain from extending rights through selective incorporation. Yet history would show that our most conservative judges, those expected to practice restraint, were more than willing to extend the Second Amendment, the right to bear arms, to the States. One wonders if judicial restraint is merely a political red herring.

## SELECTIVE INCORPORATION ARGUMENT FRQ ANSWER

I think that selective incorporation of the Bill of Rights is one of the most important developments in our government's history **because** like the Declaration of Independence and the U.S. Constitution it delivered promises made and empowered institutions to protect those promised rights.

The Declaration of Independence supports my claim. The Declaration of Independence, written in 1776, not only served as a formal statement of the colonial break from England but also as a promissory note to future generations. The Declaration of Independence established our American creed. Central to the promises made in the Declaration of Independence was the commitment to certain natural rights. These natural rights like life, liberty and the pursuit of happiness were codified in our Bill of Rights. **Because** of these basic rights our war of independence was worth it. Yet if these rights were not extended to the states we lived in, or worse, not protected in the states we live in we fought in vain. These rights were fully realized at the state level **because** of selective incorporation, making selective incorporation of the Bill of Rights one of the most important developments in our government's history.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution empowers our government to act. Fundamental to the mandate given to our national government is the protection of our liberties. **Because** of selective incorporation the U.S. Supreme Court has been empowered through judicial review to be platonic guardians of our basic rights and liberties. Before selective incorporation, states could routinely deny free speech, press, religion and the rights of the accused. Now with the power given to the Supreme Court by our constitution our rights are protected, making selective incorporation one of the most important developments in our government's history.

I think that selective incorporation of the Bill of Rights is one of the most important developments in our government's history **because** like the Declaration of Independence and the U.S. Constitution it delivered promises made and empowered institutions to protect those promised rights.

**COVID19**  
PRACTICE FRQS  
**CIVIL RIGHTS**

**CONCEPT APPLICATION**

An Act

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

...

**TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION**

**SEC. 201.**

(a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

Source: Civil Rights Act of 1964.

- A. In the context of the text excerpt, describe the primary intent of this legislation.
- B. In the context of the text excerpt, explain how the response in part A relates to federalism.
- C. In the context of the text excerpt, explain how presidents can impact the policy-making process.

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## ARGUMENT ESSAY

Title IX of the Education Amendments of 1972 states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Develop an argument that explains whether Title IX has been an example of effective civil rights legislation.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Declaration of Independence, U.S. Constitution, Letter from a Birmingham Jail.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## CIVIL RIGHTS CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, the primary intent of the Civil Rights Act of 1964 was to give relief against discrimination in places of public accommodation. As stated in the text, “All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.”
- B. In the context of the excerpt provided, with the assumption of national authority to give relief against discrimination in places of public accommodation by the national government federalism was directly impacted. Whereas there once was a balance of power, sovereignty, between national, state and local governments the national government now dominates **because** of laws like the Civil Rights Act of 1964. Civil Rights protections are no longer solely the responsibility of state governments, our national government is now empowered to do so. This has dramatically changed what we mean by federalism.
- C. In the context of the excerpt provided, civil rights provide an excellent example of how presidents can impact the policy-making process. The Civil Rights Act of 1964 was certainly passed by Congress, but it never would have succeeded had it not been for an energetic president committed to getting it done. Civil Rights agendas failed for decades. Congress turned a blind eye. Courts sat on their hands, as did presidents. However, when President LBJ decided to take on civil rights in the wake of the Kennedy assassination and with the rise of social activists like Dr. Martin Luther King Jr., the policy-making process was jump started. Due to the energy given to the office of president, no other institution of government is positioned to impact significant policy choices than the president. Another example is certainly how our current president has responded to COVID 19.

## CIVIL RIGHTS ARGUMENT FRQ ANSWER

I think Title IX has been an example of effective civil rights legislation **because** women’s rights are no longer controversial, they are commonplace. The text of the legislation stated: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Controversial at the time, but no longer. Title IX is a successful piece of civil rights legislation.

The Declaration of Independence supports my claim. The Declaration of Independence, written in 1776, not only served as a formal statement of the colonial break from England but also as a promissory note to future generations. The Declaration of Independence established our American creed. Central to the promises made in the Declaration of Independence was the commitment to equality. But equality in 1776 did not mean all quite yet. **Because** the Declaration made a promise for equality, women had to courageously advocate for their rights. This advocacy ultimately resulted in the passage of Title IX. Since, women have gained equal status, for example, in the distribution of college athletic scholarships. Controversial at the time, but no longer. Girl power.

The U.S. Constitution supports my claim. The U.S. Constitution serves as our government blue print. The U.S. Constitution empowers our government to act. Often our government is asked to act in the protection of our rights. Courts have desegregated public schools. Congress has passed landmark legislation like the Civil Rights Act of 1964 and Title IX. And presidents have enforced these new laws. **Because** of the authority given to the national government by the constitution laws like Title IX have been extremely effective in advancing women’s rights. Today the idea of returning to an era where women were not protected equally sounds ludicrous. Civil Rights acts like Title IX, as protected by the constitution, have been particularly successful.

I think Title IX has been an example of effective civil rights legislation **because** women’s rights are no longer controversial, they are commonplace.

**GOVID19**  
**PRACTICE FRQS**  
**CONGRESS**

**CONCEPT APPLICATION**

[Political science] literature has demonstrated that bill sponsorship is a strategic tool open to all legislators and provides the opportunities to stake out positions and influence the legislative agenda. Although there are benefits to sponsoring legislation, how do legislators end up selecting the issues that comprise their sponsored bills? Issues of bills are often assumed, with the downstream benefits of sponsorship being the goal of most studies leveraging bill sponsorship as the unit of analysis. Also, the responsiveness and representation literature is comprised of mixed findings on the degrees to which legislators respond to the preferences of their constituents, paving the way for additional tests of the representative relationship. Taken together, uncovering the drivers behind decisions to hone in on a specific issue over others allows for a deeper understanding of the role of bill sponsorship in legislative behavior and the relationship between legislators and constituents...

...Results suggest that legislators are likely looking to broad trends in their districts (e.g., employment) rather than to the issues that constituents state are their priorities. The aggregate outcome across all models calls into question the expectations of the delegate model of representation. Where the delegate model assumes a priori that the preferences of constituents should influence the behavior of their legislators, my results suggest this is likely not the case consistently across a variety of issues and over time when focusing on bill sponsorship. While constituents may play a role, at best it seems that it is an indirect and mixed one, with institutional factors such as committee membership being a much more consistent driver of issue sponsorship.

Source: Waggoner, Philip D., "Do Constituents Influence Issue-Specific Bill Sponsorship?" *American Politics Research*, Volume 47, 2019.

- A. In the context of the text excerpt, describe the congressional role that most likely triggers bill sponsorship.
- B. In the context of the text excerpt, explain how the response in part A impacts policy-making success.
- C. In the context of the text excerpt, explain how Congressional leadership impacts the budget process.

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## ARGUMENT ESSAY

Develop an argument about the impact that pork barrel projects have on passing legislation in the U.S. Congress.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – U.S. Constitution, Federalist 10, Federalist 51.
- Use a second piece of evidence from another foundational document from the list or from your study of American government and politics
- Use reasoning to explain why your evidence supports your claim/thesis

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## CONGRESS CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, the congressional role that most likely triggers bill sponsorship in the U.S. Congress is not delegate but partisan **because** Waggoner's research shows that "committee memberships being a much more consistent driver."
- B. In the context of the excerpt provided, committee membership has a tremendous impact on the policy making process **because** Congress at work is Congress in committee. Congress writes laws. The lawmaking process in Congress begins with highly specialized and partisan committees that study, write and plan floor strategies for success. Most bills die in committee.
- C. In the context of the excerpt provided, Congressional leadership greatly impacts the budget process **because** the leadership exercises the most important role in the legislative process, agenda setting. Because Congress has the power of the purse, the budget process ultimately requires Congress to act. Congress cannot act without the partisan leadership **because** the leaders are in charge of the legislative calendar, in charge of bargaining with the opposition party and most importantly in charge of their own party caucuses.

## CONGRESS ARGUMENT FRQ ANSWER

Congress writes laws. Congress is ultimately responsible for passing legislation. I think that pork barrel projects can have a tremendous impact on passing legislation in the U.S. Congress. **Because** of pork barreling the legislative process is more successful.

The U.S. Constitution supports my claim. The U.S. Constitution enumerates a number of specific powers to our three branches of government. The U.S. Constitution explicitly gives Congress legislative authority. Congress writes laws and **because** of this any procedure that impacts law-making assists Congress in its work. Pork barrel projects assist the law-making process. Pork projects involve members of Congress adding small benefits to their local representative districts into a bill in order to pass much larger comprehensive pieces of legislation. Pork barrel projects "grease the wheels" of the legislative process. Sometimes called earmarks, this legislative tactic induces members of Congress to vote for big important bills by also providing more tangible benefits to their local constituencies.

Federalist 51 supports my claim. Federalist 51, written to advocate for our new constitution back in 1789, assured skeptics that our government would be characterized by a number of checks and balances. This has meant that at every point in the policy-making process there would be obstacles and hurdles. The legislative process would not be easy, especially with the checks and balances between the House and the Senate. Yet this process is made a little easier due to pork barrel projects **because** pork projects involve members of Congress adding small benefits to their local representative districts into a bill in order to pass much larger comprehensive pieces of legislation. Pork barrel projects "grease the wheels" of the legislative process. Sometimes called earmarks, this legislative tactic induces members of Congress to vote for big important bills by also providing more tangible benefits to their local constituencies.

Congress writes laws. Congress is ultimately responsible for passing legislation. I think that pork barrel projects can have a tremendous impact on passing legislation in the U.S. Congress. **Because** of pork barreling the legislative process is more successful.

**COVID19**  
**PRACTICE FRQS**  
**PRESIDENT**

**CONCEPT APPLICATION**

The signing statement is the least understood of presidential instruments. Those instruments, including such items as executive orders, presidential memoranda, proclamations, pocket vetoes, and primary unilateral policy devices have been used by modern executives to deal with the highly polarized environment of the last 30-35 years...

The signing statement is presidential commentary written at the time a bill is signed into law...

The signing statement is a multipurpose device with a number of different uses depending on the objectives of the administration. The first use is purely rhetorical. In this instance, the president wishes to gain the attention of a particular audience, whether it is all the public or an important interest group. The president will use the rhetorical statement to praise allies and scorn foes. The rhetorical signing statement is the most common. The second type of signing statement involves the assertion of Article II powers to justify the case the president is making in the statement. The president will assert, either implicitly or explicitly, his "take care" powers or his obligation per the "oath clause." The second category can be broken into three subcategories, where two of the three subcategories use the signing statement to influence a particular political actor - either executive branch bureaucrats or federal judges - and the third category uses the signing statement to challenge the constitutionality of various provisions of the bill the president has just signed into law.

Source: Kelley, Christopher S. and Bryan W. Marshall, "The Last Word: Presidential Power and the Role of Signing Statements," *Presidential Studies Quarterly*, June, 2008.

- A. In the context of the text excerpt, describe a role played by the president when conducting a signing statement.
- B. In the context of the text excerpt, explain how the response in part A is impacted by the president's informal powers.
- C. In the context of the text excerpt, explain how presidential signing statements impact iron triangles.

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## PRESIDENT CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, Chief Legislator is the role played by the president when conducting a signing statement. Signing statements occur when presidents are signing bills into law. This makes the president our Chief Legislator.
- B. In the context of the excerpt provided, the president's Chief Legislator role has been dramatically impacted by the president's informal powers. Although the constitution formally gives the president veto authority, a president's informal powers have grown exponentially and **therefore** give the president considerable power in the legislative process. For example, the president's informal power to bargain and/or use the Bully Pulpit dramatically impact the legislative process. The president can use modern communication technologies, none of which are mentioned in the constitution, to influence legislation.
- C. In the context of the excerpt provided, presidential signing statements impact iron triangles **because** legislation that has been worked on by a Congressional committee, an interest group and an executive agency (the definition of an iron triangle) can be diametrically altered by a presidential signing statement. After months and months of negotiating between governing institutions and linkage institutions, and after an apparent deal has been made, presidential signing statements can at the whim of the president change how such laws are enforced. It is not uncommon for presidents to be at odds with his own Administration, i.e. bureaucrats. And certainly, presidents can be at odds with Congress in a divided government. Iron triangles can be weakened by presidential signing statements.

## PRESIDENT ARGUMENT FRQ ANSWER

Presidents use powers and functions of the office to accomplish a policy agenda. I think the president's informal powers significantly impact the president's ability to accomplish his policy agendas **because** the informal powers of the president have expanded executive authority far above what the founders intended.

The U.S. Constitution supports my claim. The U.S. Constitution enumerates a number of specific powers to our three branches of government. The U.S. Constitution explicitly limits the power of the president. Some would say the constitution merely created a clerk as president. The formal powers of president are not impressive and **because** of this, presidents have had to rely on other powers in order to accomplish their policy agendas. Executive orders are not in the constitution, nor are Executive agreements yet both of these informal powers are used by presidents to accomplish their policy agendas. The Constitution alone cannot explain presidential power today. The founders would barely recognize how powerful our chief executive has become.

Federalist 70 supports my claim. Federalist 70, written to advocate for our new constitution back in 1789, assured skeptics that a unified chief executive is nothing to fear. There would be emergencies when a single energized executive would be necessary and helpful. Like our COVID 19 crisis today. But an energetic president means a whole lot more today than it did back in 1788. Our executive branch has grown exponentially in power and authority. Executive orders, giving the president the power of law and Executive agreements, giving the president the power of making foreign deals are used by presidents to accomplish their policy agendas. The founders did not write about Executive orders and Executive agreements but both of these informal powers not only demonstrate presidential energy today but how his use of informal powers have grown immensely and **because** of this a president's policy agendas are more likely to be accomplished.

Presidents use powers and functions of the office to accomplish a policy agenda. I think the president's informal powers significantly impact the president's ability to accomplish his policy agendas **because** the informal powers of the president have expanded executive authority far above what the founders intended.

**COVID19**  
**PRACTICE FRQS**  
**COURTS**

**CONCEPT APPLICATION**

More than 25 years of scholarship has found a relationship between public opinion and whether the Court produces a liberal or conservative outcome. To date, however, almost all of the extensive work examining the relationship between the Supreme Court and public opinion analyzes the Court’s merits outcomes.

On the whole, these studies find that when the country’s general mood is more liberal (conservative), the Court is more prone to side with liberal (conservative) litigants. Some studies suggest justices are merely influenced by the same prevailing winds of ideological change that affects public opinion and others suggest justices are directly constrained by public opinion. Reasons for deference to public opinion include institutional maintenance and concern over the long-term legitimacy of the Court and the desire to have individual decisions implemented by elected (and thus electorally responsive) branches.

Source: Bryan, Amanda C., “Public Opinion and Setting the Agenda on the U.S. Supreme Court,” *American Politics Research*, Volume 48, 2020.

- A. In the context of the text excerpt, describe how public opinion impacts the Court’s legitimacy.
- B. In the context of the text excerpt, explain how the response in part A relates to an independent judiciary.
- C. In the context of the text excerpt, explain how a president’s bully pulpit power can affect public opinion.

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## ARGUMENT ESSAY

Develop an argument about the effectiveness of the U.S. Supreme Court’s use of precedents and stare decisis to strengthen the legitimacy of the Supreme Court’s power.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – Federalist 51, Federalist 78, U.S. Constitution
- Use a second piece of evidence from another foundational document from the list or from your study of the electoral process
- Use reasoning to explain why your evidence supports your claim/thesis

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## COURTS CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, public opinion certainly impacts the Court's legitimacy. There is an expectation that our justice is blind, and therefore the court should avoid political thickets. Yet as this excerpt points out, "More than 25 years of scholarship has found a relationship between public opinion and whether the Court produces a liberal or conservative outcome." This puts in doubt the court's legitimacy.
- B. In the context of the excerpt provided, if in fact our highest court is influenced by public opinion this puts in doubt our independent judiciary **because** of our expectation that our court is free from partisan influence. An independent judiciary means having courts that are free from political ties and persuasions. It is a foundational concept to a liberal democracy. The result of losing an independent judiciary is gaining an illiberal democracy.
- C. In the context of the excerpt provided, public opinion is not free from partisan persuasions either. The president's bully pulpit power has a tremendous effect on mobilizing and manipulating public opinion. A president's bully pulpit is when the president uses his informal powers to persuade, bargain and utilize modern communication technologies to shift public opinion and **because** of this the bully pulpit has a tremendous effect on mobilizing and manipulating public opinion. Seemingly by affecting public opinion the modern president not only advances his partisan agenda but also indirectly influences court opinions.

## COURTS ARGUMENT FRQ ANSWER

Throughout history the court has had to be wary of its own legitimacy. I think the U.S. Supreme Court's use of precedents and stare decisis have been extremely effective tools to strengthen the legitimacy of the Supreme Court's power **because** it guarantees equal justice for all.

The U.S. Constitution supports my claim. The U.S. Constitution enumerates a number of specific powers to our three branches of government. Abiding by these powers strengthens the legitimacy of our government. Congress writes laws. The president enforces laws. The courts interpret laws and therein lies the problem. Interpretation feels so subjective. The constitution did not give substantial direction to the court when attempting to strengthen their legitimacy. Thankfully the court has strengthened their own legitimacy by adopting a practice to rely on precedent, and **because** of this the court appears less partisan, and more equitable in their outcomes. Stare decisis, the practice of court's utilizing previous court precedent when facing similar cases, has been an extremely effective tool to strengthen the legitimacy of the Supreme Court's power **because** it guarantees equal justice for all.

Federalist 78 supports my claim. Federalist 78, written to advocate for our new constitution back in 1789, assured skeptics that our Supreme Court would be an independent judiciary empowered to interpret our laws. Partisans at the time knew about British common law and how it too relied on past precedent to build the legitimacy of the courts. **Because** our founders connected our new Supreme Court to the British system of common law in Federalist 78, it **therefore** can be deduced that the use of precedent and stare decisis strengthens the legitimacy of our court system. Federalist 78 supports my claim that the use of precedents and stare decisis have been extremely effective tools to strengthen the legitimacy of the Supreme Court's power **because** it guarantees equal justice for all.

Throughout history the court has had to be wary of its own legitimacy. I think the U.S. Supreme Court's use of precedents and stare decisis have been extremely effective tools to strengthen the legitimacy of the Supreme Court's power **because** it guarantees equal justice for all.



**GOVID19**  
PRACTICE FRQS  
**BUREAUCRACY**

### CONCEPT APPLICATION

It is no secret that federal agencies incrementally expand their regulatory power by adopting statutory interpretations that go beyond the underlying legislation's plain meaning and purpose. Unfortunately, courts – the branch of government charged with checking such overreach, even in the age of the modern administrative state – increasingly defer to agencies' own 'discretion' in exercising their authority...

And yet again this year, in a decision giving the EPA unbridled discretion in its regulatory domain, the U.S. Courts of Appeals for the D.C. Circuit – the federal appellate court that reviews executive agency action – held that courts must defer to the agency in this matter.

Source: Shapiro, Ilya and Caitlyn W. McCarthy, "Are Federal Agencies the Sole Judges of Their Own Authority?" *Regulation*, Summer 2011.

- A. In the context of the text excerpt, describe how federal agencies use their discretionary authority to expand their power.
- B. In the context of the text excerpt, explain how the response in part A impacts the separation of powers.
- C. In the context of the text excerpt, explain how Congress can check executive agencies.

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## ARGUMENT ESSAY

Develop an argument about which of the three branches of government is most effective at constraining the powers of the federal bureaucracy.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information. At least ONE piece of evidence must be from one of the following foundational documents – U.S. Constitution, Federalist 70, Federalist 78
- Use a second piece of evidence from another foundational document from the list or from your study of the electoral process
- Use reasoning to explain why your evidence supports your claim/thesis

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## BUREAUCRACY CONCEPT APPLICATION ANSWER

- A. In the context of the excerpt provided, federal agencies are quite proficient in their use of discretionary authority to expand their power. **Because** of vague laws written by Congress the executive agencies responsible to enforce those laws are given a wide latitude, discretion, in carrying out their constitutional duty. Without a doubt this latitude, discretion, expands the power of federal agencies.
- B. In the context of the excerpt provided, federal agencies' use of discretionary authority to expand their power impacts the separation of powers **because** it informally grants the executive branch more power than given in the original U.S. Constitution. Our constitution created a balance of power through the doctrine of separation of powers. If one branch gains too much power there is an imbalance of power. Checks and balances would no longer be as effective. The discretionary power of the federal agencies **therefore** has significantly impacted the separation of powers.
- C. In the context of the excerpt provided, even though federal agencies have greatly expanded their powers through the use their discretionary authority, Congress can still check executive agencies **because** of their constitutional powers. Congress can check executive agencies through their power of the purse, Congress controls the budget, they can also check the executive agencies through formal investigations. Congressional oversight can still have a tremendous effect on controlling federal agencies despite their broad use of empowering discretionary authority.

## BUREAUCRACY ARGUMENT FRQ ANSWER

Presidents have been known to complain, "I say do this and do that and nothing gets done." The federal bureaucracy has become like an independent renegade branch of government difficult to check. Of the three branches of government I think the judiciary is most effective at constraining the powers of the federal bureaucracy **because** of their independence from partisan disputes and their power of judicial review.

The U.S. Constitution supports my claim. The U.S. Constitution enumerates a number of specific powers to our three branches of government. Congress writes laws, an overtly partisan activity. Presidents enforce the law, also an overtly partisan activity. But the judiciary was created to be independent of partisanship when they interpret our laws. **Because** of this independence our judiciary is best positioned to constrain the powers of the federal bureaucracy. Unified governments, Congress and president of the same party, would be unlikely to constrain a partisan bureaucracy. Divided governments, where Congress and the president are of different parties, would only fight over bureaucratic decisions. Yet a free and independent judiciary can in either unified or divided governments constrain our federal bureaucracy. **Because** our constitution created an independent judiciary the courts are our best protection against a renegade bureaucracy.

Federalist 78 supports my claim. Federalist 78, written to advocate for our new constitution back in 1789, assured skeptics that our Supreme Court would be an independent judiciary empowered to interpret our laws. In many ways Federalist 78 foreshadowed the courts' use of judicial review. Judicial review is the power the court has to rule on the constitutionality of our laws. **Because** of judicial review our courts are the most effective branch at constraining the powers of the federal bureaucracy. For example, when a federal agency acts outside of the law, Congress might neglect to investigate and the president might approve. This leaves the court, via a legal case, to use judicial review to strike down a federal agency action.

Presidents have been known to complain, "I say do this and do that and nothing gets done." The federal bureaucracy has become like an independent renegade branch of government difficult to check. Of the three branches of government I think the judiciary is most effective at constraining the powers of the federal bureaucracy **because** of their independence from partisan disputes and their power of judicial review.