Room 2B Name_____

ADVANCED PLACEMENT UNITED STATES GOVERNMENT AND POLITICS

Free Response Questions

Unit 3: Civil Liberties and Civil Rights

Part I. Concept Application.

A benign paradox lies at the heart of America's approach to religion. It is far more devout than other wealthy Western countries. While 6% of British adults report praying every day, over half of Americans say they do. Yet, observant but diverse in their beliefs, Americans are remarkably accepting of other faiths…

Thomas Jefferson and James Madison ardently supported the separation of government and religion. The First Amendment duly provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The pair were in the minority, however. Before the revolution, Quakers in Puritan Massachusetts were whipped and hanged. Baptists in Virginia were jailed. The constitution's religious strictures were not fully enforced until the first world war.

Excerpted from "Beyond Belief," by staff, *The Economist*, May 11, 2019

After reading the scenario, respond to A, B, and C below:

A. Describe the paradox at the heart of America's approach to religion according to this scenario.
B. In the context of the scenario, explain how the response in part A is affected by legal protections found in federal legislation or the U.S. Constitution.
C. In the context of the scenario, explain how "religious strictures" were fully enforced in the 20th century and thus profoundly influencing how citizens approach religious life in all fifty states.

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Part II. SCOTUS Comparison.

Although hearkening back to a Supreme Court decision in 1973, a “pro-choice” public policy is anything but “settled law.” The Court has tinkered with the proper interpretation and implementation of relevant constitutional principles. One such example would be the Court’s highly controversial opinion Planned Parenthood v. Casey (1992). In this case, a majority argued:

“…Section 3205's informed consent provision is not an undue burden on a woman's constitutional right to decide to terminate a pregnancy. To the extent *Akron I*, 462 U. S., at 444, and *Thornburgh*, 476 U. S., at 762, find a constitutional violation when the government requires, as it does here, the giving of truthful, non-misleading information about the nature of the abortion procedure, the attendant health risks and those of childbirth, and the "probable gestational age" of the fetus, those cases are inconsistent with [this Court’s] acknowledgment of an important interest in potential life, and are overruled. Requiring that the woman be informed of the availability of information relating to the consequences to the fetus does not interfere with a constitutional right of privacy between a pregnant woman and her physician, since the doctor-patient relation is derivative of the woman's position, and does not underlie or override the abortion right. Moreover, the physician's First Amendment rights not to speak are implicated only as part of the practice of medicine, which is licensed and regulated by the State. There is no evidence here that requiring a doctor to give the required information would amount to a substantial obstacle to a woman seeking an abortion. The premise behind *Akron I*'s invalidation of a waiting period between the provision of the information deemed necessary to informed consent and the performance of an abortion, 462 U. S., at 450, is also wrong. Although § 3205's 24-hour waiting period may make some abortions more expensive and less convenient, it cannot be said that it is invalid on the present record and in the context of this facial challenge…”

From Justice O’Connor, Justice Kennedy and Justice Sutter
Majority opinion in ***Planned Parenthood of SE Pa****. v.* ***Casey*** (1992)

Based on the information above, respond to the following questions.

A. Identify a common constitutional principle used to make a ruling in both Roe v. Wade (1973) and Planned Parenthood v. Casey (1992).
B. Explain how the rulings of Roe v. Wade and the rulings of Planned Parenthood v. Casey appear to be in conflict with each other.
C. Describe how the Congress, other than passing legislation, could respond to similar cases to Planned Parenthood v. Casey if it disagrees with the decision.

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