

# Mark Scheme (Results)

June 2011

GCE Government & Politics 6GP04 4C  
Governing The USA

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## General Marking Guidance

- All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.
- Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.
- There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.
- All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.
- Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

Question Number	Question
1.	Assess the constraints on the President's role as commander in chief.
Indicative content	
<p>Article 2 of the constitution gives the president the role of the commander in chief of the US armed forces.</p> <p>The constraints on the president in this role include:</p> <ul style="list-style-type: none"> <li>• only Congress can declare war, or authorise the president to deploy armed forces; war has however only been declared five times since 1787, and the timing of congressional authorisations may be manipulated by the president, e.g. the vote on action against Iraq shortly before the 2002 midterms.</li> <li>• this relationship was confirmed by the War Powers Act, which however has not yet been used to curtail military action</li> <li>• Congress has sole power of the purse, which it may however be reluctant to exert</li> <li>• as a civilian, the president is dependent on advice from the chiefs of staff, and may additionally receive conflicting advice from different parts of the foreign policy bureaucracy</li> <li>• public opinion, or the anticipation of public reaction</li> <li>• pressure groups</li> <li>• occasionally the Supreme Court may intervene, as in <i>Youngstown</i></li> </ul>	

LEVELS	DESCRIPTORS
<p><b>Level 3</b></p> <p><b>(11-15 marks)</b></p>	<ul style="list-style-type: none"> <li>• Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Good to excellent ability to analyse and explain political information, arguments and explanations.</li> <li>• Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.</li> </ul>
<p><b>Level 2</b></p> <p><b>(6-10 marks)</b></p>	<ul style="list-style-type: none"> <li>• Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Limited to sound ability to analyse and explain political information, arguments and explanations.</li> <li>• Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li> </ul>

<p><b><i>Level 1</i></b> <b>(0-5 marks)</b></p>	<ul style="list-style-type: none"><li>• Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li><li>• Very poor to weak ability to analyse and explain political information, arguments and explanations.</li><li>• Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li></ul>
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Question Number	Question
2.	Why do only a small percentage of bills introduced into Congress become laws?
Indicative content	
<p>The reasons only a small percentage of bills introduced into Congress become laws include:</p> <ul style="list-style-type: none"> <li>• the Senate and House are equal in legislative power and neither can impose its will on the other</li> <li>• the relationship between them is likely to be particularly strained if they are under the control of different parties</li> <li>• Congressmen and senators are resistant to centralised leadership and their support for legislation will depend on their perception of its electoral benefit to themselves</li> <li>• there are multiple blocking points in the legislative process in each house, as well as a conference committee at the end of the process</li> <li>• the president has the power of veto which it is difficult for Congress to override</li> </ul>	

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<b>Level 2</b> <b>(6-10 marks)</b>	<ul style="list-style-type: none"> <li>• Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Limited to sound ability to analyse and explain political information, arguments and explanations.</li> <li>• Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li> </ul>
<b>Level 1</b>	<ul style="list-style-type: none"> <li>• Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories</li> </ul>

<b>(0-5 marks)</b>	or debates. <ul style="list-style-type: none"><li data-bbox="459 230 1348 300">• Very poor to weak ability to analyse and explain political information, arguments and explanations.</li><li data-bbox="459 304 1385 405">• Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li></ul>
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Question Number	Question
3.	Explain the advantages and disadvantages of the process of amending the constitution.
Indicative content	
<p>There are two routes to amending the constitution outlined in its Article V, although the second named, the summoning of a constitutional convention by two thirds of the state legislatures, has never been used.</p> <p>The requirement of the other route, to obtain two-thirds majorities in both the House and the Senate and the approval of <math>\frac{3}{4}</math> of the state legislatures, is very demanding, and only 27 amendments have passed out of many thousands proposed.</p> <p>Advantages include:</p> <ul style="list-style-type: none"> <li>• the principles of the constitution are safeguarded from short-lived popular sentiment</li> <li>• the fact that 27 amendments <i>have</i> passed shows that amendment is possible</li> <li>• it works – the US constitution is the world's oldest functioning example</li> </ul> <p>Disadvantages include</p> <ul style="list-style-type: none"> <li>• the constitution can become 'fossilised' and reforms many regard as desirable – e.g. to Senate representation and the Electoral College, or additional rights, such as the Equal Rights Amendment - are near impossible to achieve</li> <li>• the difficulty of updating the constitution has encouraged the Supreme Court to assume this role</li> <li>• there are uncertainties in the procedure, e.g. the length of time required to secure a <math>\frac{3}{4}</math> majority of the state legislatures, or whether states are permitted to rescind their ratification</li> </ul>	

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<b>Level 2</b> <b>(6-10 marks)</b>	<ul style="list-style-type: none"> <li>• Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Limited to sound ability to analyse and explain political information, arguments and explanations.</li> <li>• Limited to sound ability to construct and communicate</li> </ul>



	coherent arguments, making some use of appropriate vocabulary.
<b><i>Level 1</i></b> <b>(0-5 marks)</b>	<ul style="list-style-type: none"><li>• Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li><li>• Very poor to weak ability to analyse and explain political information, arguments and explanations.</li><li>• Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li></ul>

Question Number	Question
4.	To what extent have Supreme Court justices reflected the political views of the presidents who nominated them?
Indicative content	
<p>Supreme Court justices are not politically neutral in the UK sense; some, such as William Rehnquist, were active in party politics prior to their nomination, and others, such as Elena Kagan, have at least served in a presidential administration. Those who have served as judges prior to nomination such as Samuel Alito usually have a track record of judgments which identify them as conservative or liberal on important constitutional issues.</p> <p>Given that the general direction of their political sympathies in significant areas is established, it is unsurprising that presidents nominate potential justices whose views are known to correspond to their own. President Bush will have been aware of the reputation of his two nominees, Samuel Alito and John Roberts, as conservatives, and in judgments such as <i>Carhart</i>, <i>Heller</i> and <i>Citizens United</i>, they have lived up to it. Supreme Court justices will sometimes though only partly reflect the political views of their nominator:</p> <ul style="list-style-type: none"> <li>• presidents have to take a variety of factors into account when nominating a justice, not only ideology; in particular they need to take account of the acceptability of any potential nominee to the Senate</li> <li>• justices and presidents may be broadly in sympathy but are unlikely to share identical views on every issue; even justices as closely aligned as Antonin Scalia and Clarence Thomas do not always vote the same way</li> <li>• once they are on the court, justices are free agents and may leave their pre-confirmation reputation behind; David Souter, the so-called 'home run' for conservatives, is the best known recent example</li> </ul>	

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<b>Level 3</b> <b>(11-15 marks)</b>	<ul style="list-style-type: none"> <li>• Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Good to excellent ability to analyse and explain political information, arguments and explanations.</li> <li>• Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.</li> </ul>
<b>Level 2</b> <b>(6-10 marks)</b>	<ul style="list-style-type: none"> <li>• Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Limited to sound ability to analyse and explain political information, arguments and explanations.</li> </ul>

	<ul style="list-style-type: none"><li>• Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li></ul>
<b><i>Level 1</i></b> <b>(0-5 marks)</b>	<ul style="list-style-type: none"><li>• Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li><li>• Very poor to weak ability to analyse and explain political information, arguments and explanations.</li><li>• Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li></ul>

Question Number	Question
5.	What are executive orders, and how significant are they for presidential power?
Indicative content	
<p>Definition:</p> <ul style="list-style-type: none"> <li>• executive orders are instructions to the federal bureaucracy, giving guidance on how the president wishes legislation to be implemented</li> </ul> <p>Significance:</p> <ul style="list-style-type: none"> <li>• executive orders are not mentioned in the constitution and the scope of their use is defined by convention; critics allege that they are increasingly used by presidents not to facilitate the implementation of existing law, but to create new law, usurping the role of Congress</li> <li>• recent policy change enacted by executive order includes the imposition (by President Bush) and subsequent repeal (by President Obama) of restrictions on stem cell research</li> <li>• executive orders can be nullified by congressional legislation or judicial intervention but both are uncommon</li> <li>• however, executive orders may give a president less power than equivalent congressional legislation</li> </ul>	

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<b><i>Level 3</i></b> <b>(11-15 marks)</b>	<ul style="list-style-type: none"> <li>• Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Good to excellent ability to analyse and explain political information, arguments and explanations.</li> <li>• Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.</li> </ul>
<b><i>Level 2</i></b> <b>(6-10 marks)</b>	<ul style="list-style-type: none"> <li>• Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• Limited to sound ability to analyse and explain political information, arguments and explanations.</li> <li>• Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li> </ul>
<b><i>Level 1</i></b> <b>(0-5 marks)</b>	<ul style="list-style-type: none"> <li>• Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> </ul>

	<ul style="list-style-type: none"><li>• Very poor to weak ability to analyse and explain political information, arguments and explanations.</li><li>• Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li></ul>
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Question Number	Question
6	'The Supreme Court should interpret the constitution and its amendments by establishing their original meaning when they were adopted.' Discuss
Indicative content	
<p data-bbox="213 528 1350 734">There are a number of schools of judicial interpretation which are linked by a belief in the importance of the original meaning of the text itself. 'Strict constructionism' and 'originalism' are among the two best known: the former emphasises the literal meaning of the text, the latter, whose best known exponent is Antonin Scalia, seeks to establish what a 'reasonable' reading contemporary to the adoption would have been.</p> <p data-bbox="213 775 1155 806">Arguments for interpreting the constitution in this way include:</p> <ul data-bbox="264 846 1340 1196" style="list-style-type: none"> <li>• the constitution is law: every other law is 'dead' and doesn't change its meaning over time; if anything, as a statement of fundamental principles, there is more reason to keep the constitution unchanged</li> <li>• it is the most objective standard available - a 'living constitution' approach means that the constitution becomes a reflection of the values of the current justices</li> <li>• it makes the court's judgments more predictable and stable</li> <li>• the amendment process is available if society's values change</li> <li>• rights which judges 'find' in the text are likely to be seen to lack legitimacy</li> </ul> <p data-bbox="213 1236 836 1267">Arguments against this approach include:</p> <ul data-bbox="264 1308 1340 1800" style="list-style-type: none"> <li>• the constitution was written in broad terms as the framers themselves envisaged the need for it to evolve</li> <li>• the framers misjudged the amendment process to the constitution; the requirement of 2/3 majorities in Congress, and approval by ¾ of the state legislatures is too demanding, so that it becomes the responsibility of the court to bring it up to date</li> <li>• society's values do change and no one would want the framers' view of e.g. 'cruel and unusual punishments' to be applied today</li> <li>• originalism as currently practised is not consistent – e.g. no 'originalist' justice is critical of the decision in <i>Brown v Topeka Board</i>, when there is every indication that the framers of the 14<sup>th</sup> amendment regarded it as consistent with segregated schools (see <a href="http://www.nytimes.com/2009/11/10/us/10bar.html?_r=2&amp;scp=2&amp;sq=scalia&amp;st=cse">http://www.nytimes.com/2009/11/10/us/10bar.html?_r=2&amp;scp=2&amp;sq=scalia&amp;st=cse</a> )</li> </ul>	

<b>AO1</b>	<b>Knowledge and understanding</b>
<b><i>Level 3</i></b> <b>(9-12 marks)</b>	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b><i>Level 2</i></b> <b>(5-8 marks)</b>	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b><i>Level 1</i></b> <b>(0-4 marks)</b>	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

<b>A02</b>	<b>Intellectual skills</b>
<b>Level 3 (9-12 marks)</b>	Good to excellent ability to analyse and evaluate political information, arguments and explanations
<b>Level 2 (5-8 marks)</b>	Limited to sound ability to analyse and evaluate political information, arguments and explanations
<b>Level 1 (0-4 marks)</b>	Very poor to weak ability to analyse and evaluate political information, arguments and explanations
<b>A02</b>	<b>Synoptic skills</b>
<b>Level 3 (9-12 marks)</b>	Good to excellent ability to identify competing viewpoints or perspectives, and clear insight into how they affect the interpretation of political events or issues and shape conclusions
<b>Level 2 (5-8 marks)</b>	Limited to sound ability to identify competing viewpoints or perspectives, and a reliable awareness of how they affect the interpretation of political events or issues and shape conclusions
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<b>A03</b>	<b>Communication and coherence</b>
<b>Level 3 (7-9 marks)</b>	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
<b>Level 2 (4-6 marks)</b>	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
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Question Number	Question
7.	To what extent is the constitutional system of checks and balances an obstacle to effective government?
Indicative content	
<p>The system of checks and balances makes each of the three branches of the federal government dependent on the others to exercise its powers, for example the power of the president to veto congressional legislation and the power of Congress over presidential monies. Congress is checked 'internally' by its composition of two equal chambers, and it is further checked by the powers reserved to the states.</p> <p>Criticisms of the system of checks and balances include:</p> <ul style="list-style-type: none"> <li>• liberals believe that there are too many checks and balances, with the consequence that government can become gridlocked and important change impossible to enact</li> <li>• conservatives believe that the system has been inadequate to prevent the expansion of the federal government at the expense of the states, and of the power of the Supreme Court</li> <li>• when the same party is in control of both the presidency and Congress, the checks and balances may cease to be effective</li> </ul> <p>defences of the system of checks and balances include:</p> <ul style="list-style-type: none"> <li>• the survival of the system shows that it has served its purpose of preventing one branch of government achieving disproportionate power, and of diffusing short term swings in popular sentiment</li> <li>• change can occur but it is dependent on broad-based enduring support.</li> </ul>	
<b>AO1</b>	<b>Knowledge and understanding</b>
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<b>Level 2 (5-8 marks)</b>	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
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Question Number	Question
8.	'Members of Congress are out of touch with the people who elect them.' Discuss
Indicative content	
<p>Evidence that members of Congress are out of touch with their electorates includes:</p> <ul style="list-style-type: none"> <li>• 'safe' states and gerrymandered districts means that many senators and representatives face no serious challenge in the general election, and the only threat to their security is through a primary challenge; consequently the only constituency they have an incentive to represent is primary voters</li> <li>• the high cost of elections deters challengers and means that senators and representatives are beholden to donors rather than voters</li> <li>• lack of term limits creates an unrepresentative elite</li> <li>• consistently low approval ratings of Congress as an institution</li> <li>• the House changing hands in two of the last three elections suggests a high level of voter discontent</li> </ul> <p>Evidence that members of Congress are not out of touch with their electorates includes:</p> <ul style="list-style-type: none"> <li>• high rates of incumbency success, typically over 90% in the House and 80% in the Senate, suggest a high level of voter satisfaction</li> <li>• senators and representatives make considerable efforts to keep in touch with their constituents</li> <li>• senators and representatives devote much of their legislative energy to obtaining benefits for their states and districts</li> <li>• elections every two years in the House mean representatives have to stay in touch to remain electable</li> <li>• senators and representatives often have high individual approval ratings</li> </ul>	
AO1	Knowledge and understanding
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## SUMMARY A2 MARKING GRIDS

*These grids should be used in conjunction with the fuller Level descriptors.*

### PART A - SHORT QUESTIONS (15 marks)

<b>Level 3</b>	Excellent	15
	Very good	13-14
	Good	11-12
<b>Level 2</b>	Sound	10
	Basic	8-9
	Limited	6-7
<b>Level 1</b>	Weak	4-5
	Poor	2-3
	Very poor	0-1

### PART B – ESSAY QUESTIONS (45 marks)

<b><i>A01 / A02 / Synopticity</i></b>	
<b>Level 3</b> (Good to excellent)	9-12
<b>Level 2</b> (Limited to sound)	5-8
<b>Level 1</b> (Very poor to weak)	0-4

<b><i>A03</i></b>	
<b>Level 3</b> (good to excellent)	7-9
<b>Level 2</b> (Limited to sound)	4-6
<b>Level 1</b> (Very poor to weak)	0-3

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