

Mark Scheme (Results)

Summer 2015

Pearson Edexcel GCE in Government &
Politics (6GP03/3C)

Paper 3C: Representative Processes in
the USA

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General Marking Guidelines

- 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.	Why has campaign finance reform had such limited success?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The reasons campaign finance reform has had such limited success include:</p> <ul style="list-style-type: none"> • candidates want to spend as much as possible to gain an advantage over their opposition, and are constantly exploiting the loopholes and pushing the boundaries of legislation, e.g. the delay by Jeb Bush in 2015 in announcing his presidential run so that he could continue raising money for his super PAC. see e.g. http://tinyurl.com/kybawgk ; the presidential election financing system in both primaries and general election has collapsed because candidates can raise more money outside the system and both Obama and Romney self-financed in 2012 • donors want to donate; there is apparently a widespread belief that donations buy influence, and the bigger the donation, the bigger the influence • the role of the Supreme Court and the strength of constitutional rights to free speech: <i>Buckley</i> made all limits on candidate expenditure (except where federally subsidised) unconstitutional in the 1970s and more recently <i>Citizens United</i> made the electoral activities of independent groups exempt from regulation and has led to the growth of 'super PACs' • the difficulty of enforcing regulation, e.g. candidates are not officially allowed to coordinate their campaigns with super PACs which are supporting them but coordination is hard to prove, and problems of enforcement are compounded by the ineffectualness of the FEC, whose six members are perpetually gridlocked at 3-3, see e.g. http://tinyurl.com/nkq5m6o • lack of political will – congressional incumbents have almost always benefited from outspending their opponents and consequently have little incentive to introduce limitations on that spending <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> • Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped. <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> • A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop. 	
LEVELS	DESCRIPTORS
<p>Level 3</p> <p>(11-15 marks)</p>	<p>Good to excellent:</p> <ul style="list-style-type: none"> • knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. • ability to analyse and explain political information, arguments and explanations. • ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.

<p>Level 2 (6-10 marks)</p>	<p>Limited to sound:</p> <ul style="list-style-type: none">• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.• ability to analyse and explain political information, arguments and explanations.• ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
<p>Level 1 (0-5 marks)</p>	<p>Very poor to weak:</p> <ul style="list-style-type: none">• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.• ability to analyse and explain political information, arguments and explanations.• ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

Question Number	Question
2.	Assess the effectiveness of the methods by which pressure groups attempt to influence the Supreme Court.
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The methods by which pressure groups attempt to influence the composition of the Supreme Court include:</p> <ul style="list-style-type: none"> ▪ supporting presidential candidates – the scale of presidential campaign expenditure and campaigns makes it difficult for any one group to create significant leverage with the president through their donations or activity ▪ lobbying the president when a vacancy occurs – very difficult for a pressure group to gain access to the president, e.g. even social conservative groups apparently had little role in President Bush’s nomination of Harriet Miers ▪ lobbying senators during the nomination process – senators will have their own views and are likely to be sympathetic to only one side anyway ▪ media campaigns for or against nominees to the Court – there will be campaigns mounted on both sides which tend to have a self-cancelling effect; the only clear-cut example of success was the liberal campaign against the nomination of Robert Bork, and even the NRA failed to block the nominations of Sonia Sotomayor and Elena Kagan <p>The methods by which pressure groups attempt to influence the court cases include:</p> <ul style="list-style-type: none"> ▪ bringing test cases – there are high profile successes, most famously the NAACP sponsorship of <i>Brown v Topeka Board</i>, but thousands of cases are submitted every year and even if a case is granted <i>cert</i> there is no guarantee of the verdict going the right way ▪ submitting amicus curiae briefs – amicus briefs are sometimes cited in the court’s opinions but so many briefs are submitted that the chances of any one have significant influence are slight; even if a brief is cited in a judgment, it is impossible to know whether it had any actual influence or merely supported a position the justices were going to take anyway ▪ rallies outside the court during case hearings – frequently staged but likely to have an almost purely symbolic value, very improbable that they would influence the court <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> • Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped. <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> • A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop. 	

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Question Number	Question
3.	To what extent are there divisions between the main political parties over racial and ethnic issues?

Indicative content (*this is not an exhaustive account of relevant points*)

Racial and ethnic issues which still divide the main political parties include:

- affirmative action – Republicans have been hostile to affirmative action at least since the 1980s, because they believe the constitution is colour-blind and affirmative action unjustly penalises the white population. Democrats have been consistent supporters since its inception, regarding it as an effective means of overcoming the legacy of slavery and segregation, although their enthusiasm has waned from the 90s onwards. It now rarely features in political campaigns, as both parties are cautious about alienating potential supporters, but traditional divisions still persist; President Obama submitted an *amicus* brief supporting the University of Texas in *Fisher v Texas*; Republicans supported Abigail Fisher
- voting rights - divisions over the implementation of the Voting Rights Act have sharpened in recent years; the act was renewed for 25 years in 2006 by votes of 98-0 in the Senate and 390-33 in the House, but in the wake of the decision in *Shelby County v Holder* several Republican states previously subject to federal control have attempted to tighten voting ID requirements, giving rise to accusations from Democrats that they are attempting to discourage minority participation
- immigration reform - divisions over immigration have also sharpened; the last comprehensive immigration reform bill was signed by President Reagan, and George W, Bush pushed for immigration reform throughout both of his terms, but grass-roots Republican hostility has grown in recent years, and they are implacably hostile to any form of ‘amnesty’ for ‘law-breakers’ . Democrats have been more sympathetic to reform, regarding a path to citizenship for some illegal immigrants as both a practical and humane solution. This divide was evident in the 113th Congress when the immigration reform bill passed by the Democratic-controlled Senate in 2013 (with some Republican support) was never considered by the Republican-controlled House
- hate crime legislation - Republicans continue to oppose hate crime legislation

References to historical disagreements on matters on which there is now no disagreement may be given credit e.g. desegregation.

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Question Number	Question
4.	Assess the reasons why third parties have such a limited impact in US politics.

Indicative content (*this is not an exhaustive account of relevant points*)

The reasons why third parties have such a limited impact in US politics include:

- money – cost of modern elections, particularly TV advertising, means that third parties will always be struggling for exposure
- Winner Takes All election system in all elections means that a vote for a third party candidate will very often be regarded as a wasted vote
- ideology – despite recent polarisation, the two major parties are still broad coalitions of the left and right which means that there is only room at the margins for third parties; recent attempts to launch new centrist parties have so far been unsuccessful
- congressional elections – voters are often looking at a candidate’s track record (or potential ability) in winning federal benefits for the district/state, not ideology, so there is usually little incentive to desert a major party incumbent with the consequent loss of seniority
- presidential elections – third party candidates face significant problems of organisational and ballot access logistics across 50 states; they are not part of presidential debates unless they are polling at at least 15% (only one third party candidate has ever featured in one) and lack of media coverage for their party conventions deprives them of publicity
- traditional party allegiances – support for the two major party may have deep historical and geographical roots which a third party will have difficulty overcoming
- ‘co-optation’ – if third parties’ policies show signs of gaining popular support, major party candidates are adept at subsuming them into their own programs

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A threshold Level 3 response will typically exhibit the following features:

- A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.

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Question Number	Question
5.	Why is the US political system such a favourable environment for pressure groups?

Indicative content (*this is not an exhaustive account of relevant points*)

The reasons the US political system is such a favourable environment for pressure groups include:

- fragmented political system and multiplicity of access points – two houses of Congress and president all elected separately and often under the control of different parties, state governors and legislatures likewise, mean groups are likely to find a sympathetic response somewhere in the system, if not at the federal level then in the states
- weak parties - the traditionally vague ideological identity of parties give groups opportunity to recruit voters for a single issue, and parties' limited control over candidate selection and voting in Congress means politicians are open to group influence
- limited party finance for, and expense of, elections – particularly in primaries, candidates are dependent on groups for the considerable finance needed
- constitutional protection – the first amendment guarantees the right of citizens to petition the government
- diverse population – the US comprises many ethnic groups, all wanting representation
- tradition of civic engagement – the US 'can do' culture means that American citizens are likely to be active in pressure groups
- freedom of information – gives pressure groups more resources to work with

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- A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.
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<p>Level 2 (6-10 marks)</p>	<p>Limited to sound:</p> <ul style="list-style-type: none"> • knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. • ability to analyse and explain political information, arguments and explanations. • ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
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Question Number	Question
6	'The Republicans are now a more divided party than the Democrats.' Discuss.

Indicative content (*this is not an exhaustive account of relevant points*)

Evidence of divisions/lack of division within the Democratic Party includes:

- since the 1970s, the Democrats have acquired the label of a liberal party with a common ideology of 'big government' (acquired through the legacy of the New Deal and Great Society) social liberalism and accommodationist foreign policy
- President Obama alienated liberals by initiating a 'surge' in Afghanistan and air strikes on Libya and ISIS in Syria, by approving the extension of the Bush tax cuts and by conducting the mass surveillance programs of the NSA revealed by Edward Snowden
- the role of the 'Blue Dogs' and moderate senators in removing a 'public option' from health care reform to the dismay of liberals; the role of pro-life Democrats in promoting the Stupak-Pitts Amendment, pitting them against pro-choice groups such as NARAL
- Sen. Elizabeth Warren has emerged as a high-profile champion of the 'middle class' and opponent of the banks, putting her at odds with Democrats dependent on the financial industry for campaign finance such as Hillary Clinton; she has also joined with unions and environmentalists in opposing the Trans Pacific Partnership promoted by President Obama

Evidence of divisions/lack of division within the Republican Party includes:

- since the 1980s, the Republicans have united around the Reagan agenda of limited government (tax cuts, reduced government spending, deregulation) social conservatism and assertive foreign policy, to the extent that liberal Republicans have been banished from the party
- the social conservative agenda has been partly abandoned by the rest of the party - hostility to abortion rights remains party orthodoxy but, as public acceptance of same sex marriage has grown, national Republicans have moderated their opposition, so that none of the 2016 presidential candidates are promising a constitutional amendment banning it
- the Tea Party-influenced populist wing of the party is at odds with the business/Wall St establishment over several issues, including immigration reform, Common Core, both of which business favours and Tea Party politicians reject; Tea Party politicians promoted the government shutdown in 2013 which business was opposed to
- Tea Party-backed candidates, backed by groups such as the Club for Growth, have challenged incumbent 'RINO's seen to be insufficiently conservative and too much part of the Washington establishment, defeating e.g. Sen Richard Lugar in Indiana in 2012 and House majority leader Eric Cantor in Virginia in 2014

- the higher profile of the libertarian wing of the party, largely through Sen Rand Paul, has led to disputes with 'defense hawks' such as Sens John McCain and Lindsey Graham over the role of the US abroad and the reauthorisation of the Patriot Act and the associated surveillance programs

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A threshold Level 3 response will typically exhibit the following features:

- A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.

A01	Knowledge and understanding
Level 3 (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-4 marks)	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
A02	Intellectual skills
Level 3 (9-12 marks)	Good to excellent ability to analyse and evaluate political information, arguments and explanations
Level 2 (5-8 marks)	Limited to sound ability to analyse and evaluate political information, arguments and explanations
Level 1 (0-4 marks)	Very poor to weak ability to analyse and evaluate political information, arguments and explanations
A02	Synoptic skills
Level 3 (9-12 marks)	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

Level 2 (5-8 marks)	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
Level 1 (0-4 marks)	Very poor to weak ability to identify competing viewpoints or perspectives, and a little awareness of how they affect the interpretation of political events or issues and shape conclusions
A03	Communication and coherence
Level 3 (7-9 marks)	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

Question Number	Question
7	'Local factors are more important than national factors.' To what extent is this true of the congressional midterm elections?

Indicative content (*this is not an exhaustive account of relevant points*)

The outcome of the congressional midterms has always been decided by a mixture of local and national factors. In recent years, especially since the 1994 midterms and the Republican 'Contract with America', the national element seems to have become more significant; parties have run national campaigns and the party out of the White House tries to make the election a referendum on the president. Supporting the significance of national factors is the fact that the president's party almost invariably loses seats in the midterms (1998 and 2002 were exceptions, otherwise only 1934 in the last century). As well as discussing factors which relate to specific elections, candidates can rewardably discuss general factors affecting congressional elections, such as the power of incumbency and the factors underpinning it, and the presence or lack of presidential coattails. Low turnout could be cited as indicating a lack of high profile national issues which motivate voters during presidential elections.

National factors in recent elections have included:

- 1998 – voters reacted unfavourably to Republican impeachment proceedings against President Clinton, leading to an unusual gain for the president's party
- 2002 – the aftermath of the September 11th attacks and the impulse to national unity also led to a gain for the president's party
- 2006 – the souring of the public mood over Iraq led to the Democratic takeover of both houses
- 2010 – perception of Obama 'big government' (e.g. stimulus programme and 'Obamacare') a lethargic economy and energised Republican opposition led to the Republicans retaking the House.

Most candidates will concentrate on the 2014 result and the Republican retaking the Senate and increase of their majority in the House:

national factors

- President Obama's low ratings - at 40% two weeks before the elections, lowest point of his six year presidency, combination of the economy and other domestic problems, e.g. flawed rollout of HealthCare.gov, aftermath of Snowden disclosures, and foreign problems
- coordinated negative Republican message - Republican candidates campaigned on the 'failure' of President Obama, and promised to repeal health care reform, roll back new regulations on banks and Wall Street, and stop the Obama administration's plans to curb coal emissions
- flat economy – despite a notional recovery being underway, it was not being felt by most voters; in national exit polls, 45% cited the economy as their chief concern

- lack of Democratic message – Democratic candidates feared any association with the president and his policies but had nothing positive to offer of their own

local factors

- carefully vetted Republican candidates - after defeats in 2010 in winnable Senate seats of candidates such as Sharron Angle in Nevada and Christine O'Donnell in Delaware (and Richard Mourdock and Todd Akin in 2012), Republicans made much more effort to select mainstream candidates and protect incumbent senators, none of whom were defeated in primaries
- successful local Republican campaigns - e.g. Joni Ernst's ad in Iowa in which she described "castrating hogs on an Iowa farm" galvanised her campaign and helped her to victory in a previously Democratic seat
- disenfranchisement - new voting restrictions in 21 states depressed participation and in several crucial races in e.g. North Carolina, Florida, Kansas, and Virginia, the margin between the two candidates closely matched the numbers believed to have been deprived of the vote
- help from outside groups – the role of Super PACs could have been significant in tight races and e.g. made the Senate race in North Carolina the most expensive Senate race in US history, which the Republican Thom Tillis won

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Question Number	Question
8	'Political measures to promote racial equality are doomed to failure.' Discuss.

Indicative content (*this is not an exhaustive account of relevant points*)

Candidates will discuss the extent of the failure of political measure to promote racial equality, the reasons for such failure, and whether they are in any sense inevitable ('doomed to failure').

These measures include:

affirmative action

evidence that it has succeeded includes:

- there is a black president
- more blacks are in middle class white collar jobs than when affirmative action first began
- precise equality of outcome was never the goal of affirmative action, but rather making equality of opportunity more of a reality for minorities

evidence that it has failed includes:

- on every relevant measure, the black population continues to suffer disproportionate deprivation
- 50 years is a more than adequate time span for any social policy to be seen to be succeeding

reasons for its failure could be argued to be:

- it has entrenched racial divisions rather than erase them
- it has embittered the majority population and demotivated those it was supposed to benefit
- it fails to address the real causes of inequality
- it is too mild given the scale of the problem

civil rights legislation

evidence that it has succeeded includes:

- high increase since the 1950s in black enfranchisement

evidence that it has failed includes:

- continuing disenfranchisement through criminal record
- *Shelby County v. Holder*

reasons for its failure could be argued to be:

- continuing Republican hostility

busing

evidence that it has succeeded includes: reduction in segregation

evidence that it has failed includes: continuing *de facto* segregation

reasons for its failure could be argued to be: white hostility

majority-minority districts

evidence that it has succeeded includes: greater number of minority representatives

evidence that it has failed includes: minority representation in Congress still proportionately low

reasons for its failure could be argued to be: now unconstitutional

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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)

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

PART B – ESSAY QUESTIONS (45 marks)

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

A03	
...Level 3 (good to excellent)	7-9
...Level 2 (Limited to sound)	4-6
...Level 1 (Very poor to weak)	0-3

