

Mark Scheme (Results)

Summer 2016

Pearson Edexcel GCE in  
Government & Politics (6GP04/4C)

Paper 4C: Processes in 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.	Why could the Senate be regarded as superior in status and power to the House of Representatives?
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>Factors that suggest the Senate can be regarded as superior in status and power include:</p> <ul style="list-style-type: none"> <li>• longer terms (six years v two)</li> <li>• smaller numbers (100 v 435)</li> <li>• movement is always from the HoR to the Senate, never in recent decades the other way round</li> <li>• more significant exclusive powers (nomination confirmation and treaty ratification v HoR powers to initiate money bills and elect the president if the Electoral College is deadlocked)</li> <li>• power of individual senators to filibuster, gives more power to block legislation.</li> <li>• more respected voice on national and foreign affairs (HoR members tend to be more parochial and pre-occupied with the concerns of their district)</li> <li>• serious presidential candidates from Congress almost always come from the Senate.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• A range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

LEVELS	DESCRIPTORS
<p><b>Level 3</b> <b>(11-15 marks)</b></p>	<p>Good to excellent:</p> <ul style="list-style-type: none"> <li>• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• ability to analyse and explain political information, arguments and explanations.</li> <li>• ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.</li> </ul>
<p><b>Level 2</b> <b>(6-10 marks)</b></p>	<p>Limited to sound:</p> <ul style="list-style-type: none"> <li>• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• ability to analyse and explain political information, arguments and explanations.</li> <li>• ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li> </ul>
<p><b>Level 1</b> <b>(0-5 marks)</b></p>	<p>Very poor to weak:</p> <ul style="list-style-type: none"> <li>• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• ability to analyse and explain political information, arguments and explanations.</li> <li>• ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.</li> </ul>

Question Number	Question
2.	Assess the limitations on the power of the Supreme Court.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>Two explicit checks in the constitution:</p> <ul style="list-style-type: none"> <li>• Congress has the power to vary the sorts of case heard by the Supreme Court</li> <li>• Congress has the power to impeach justices.</li> </ul> <p>+ The court is limited by the wording of the constitution itself.</p> <p>Additionally the constitution allows:</p> <ul style="list-style-type: none"> <li>• Supreme Court rulings to be reversed through a constitutional amendment</li> <li>• the Supreme Court to reverse itself</li> <li>• where interpretation of congressional law is at issue, Congress to reverse a Supreme Court decision itself through passage of new legislation.</li> </ul> <p>Practical checks may be more significant:</p> <ul style="list-style-type: none"> <li>• public opinion – the Supreme Court is, in theory, insulated from public opinion, but in practice justices are very aware of public/political reaction to decision</li> <li>• implementation – the Supreme Court requires other branches to interpret and implement decisions, as it lacks ‘the sword and the purse’</li> <li>• self-restraint – the Supreme Court will seek to stay out of areas that are overtly political; justices will often seek to seek resolve cases on narrow grounds, i.e. a statutory basis, through interpreting a law in a particular way, rather than invoking constitutionality</li> <li>• initiation – the Supreme Court is not a legislature. It cannot seek cases out but must wait for a request for a case to be heard; given the volume of cases coming to the Supreme Court though , unlikely would have to wait for long.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.</li> </ul>
<p><b>Level 2</b> <b>(6-10 marks)</b></p>	<p>Limited to sound:</p> <ul style="list-style-type: none"> <li>• knowledge and understanding of relevant institutions, processes, political concepts, theories or debates.</li> <li>• ability to analyse and explain political information, arguments and explanations.</li> <li>• ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.</li> </ul>
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Question Number	Question
3.	Explain the ways in which Cheney and Biden can be seen as powerful vice presidents.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>The ways in which Cheney and Biden can be seen as powerful vice presidents include:</p> <ul style="list-style-type: none"> <li>• experience of vice-president - extensive experience of Cheney as House rep, WH Chief of Staff and Secretary of Defense; Biden's long service in the Senate gave him extensive experience and contacts, and a major role as congressional liaison</li> <li>• experience of president – both Bush and Obama were relatively inexperienced in the ways of Washington and in foreign policy</li> <li>• domestic policy – Cheney oversaw list of potential Supreme Court nominees; shaped and pushed through Bush tax cuts; led energy policy task force and the expansion of presidential authority in response to 9/11. Biden had a lead role in the supervision of stimulus program money, the gun control task force after the Newtown massacre; Biden insisted on being the 'last guy in the room' in presidential meetings</li> <li>• foreign policy - Cheney personally promoted the use of unauthorised surveillance, robust interrogation techniques and the creation of military commissions to try prisoners; Biden was the administration's lead in negotiations with several foreign governments e.g. over Iranian nuclear deal.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	



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Question Number	Question
4.	Assess the impact on public policy of three decisions of the Roberts Court.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>The cases candidates are likely to discuss include:</p> <ul style="list-style-type: none"> <li>• Citizens United v FEC – struck down significant parts of the BCRA, ruled no limits on non-party spending in elections</li> <li>• National Federation v Sebelius – upheld the constitutionality of the Affordable Care Act while striking down the requirement on the states to expand Medicaid</li> <li>• DC v Heller - struck down DC restrictions on gun ownership</li> <li>• Shelby v Holder – struck down requirement on nine states with a history of discriminatory practices to gain preclearance for any changes in electoral administration</li> <li>• Synder v Phelps – upheld right of anti-gay activists to protest at military funerals.</li> <li>• Obergefell v Hodges – created a nationwide right to gay marriage.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

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Question Number	Question
5.	Explain the advantages and disadvantages of the current system for amending the constitution.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>Advantages of the system of amending the constitution include:</p> <ul style="list-style-type: none"> <li>• the principles of the constitution are protected from politicians seeking short-term gain</li> <li>• the principles of the constitution are protected from short-lived waves of popular sentiment</li> <li>• both states and federal government are involved, entailing a variety of viewpoints</li> <li>• it needs a broad-based consensus – amendments cannot be pushed through by a bare majority either in Congress or the states.</li> </ul> <p>Disadvantages of the system of amending the constitution include:</p> <ul style="list-style-type: none"> <li>• a determined minority can prevent the will of the majority prevailing, 'the tyranny of the minority'</li> <li>• the high bar of 2/3 and 3/4 majorities means the Supreme Court has become the principal means of amending the constitution, e.g. the rights created through Brown, Roe and Lawrence</li> <li>• amendments with widespread support are not guaranteed to pass, as the history of the ERA shows</li> <li>• there is the danger of parts of the constitution becoming irrelevant, such as the third amendment</li> <li>• the approval and then rapid repeal of the prohibition amendment shows that the process doesn't always act as a barrier to poor amendments.</li> <li>• one route for amending the constitution, via a national constitutional convention, has never been used</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

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

Question Number	Question
6	'Congress is significantly less effective when different parties control its two chambers.' Discuss.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>Factors that suggest Congress is significantly less effective when different parties control its two chambers include:</p> <ul style="list-style-type: none"> <li>• passage of legislation and budgets depends on cooperation between the chambers and the recent history of Congress suggests divided control leads to very little legislation being passed (the 'do-nothing' Congress), protracted budget disputes and even government shutdowns</li> <li>• single party control of Congress has seen very productive sessions in terms of legislation produced, both in the recent past, e.g. the 2009-11 Congress passed the Affordable Care Act and Dodd-Frank, and the less recent past, e.g. the passage of the Civil Rights Act and Voting Rights Act by the Democratic-controlled Congress of the mid-60s</li> <li>• even when Congress is under the single control of a different party to the president a lot can be achieved, e.g. the 1995-97 Republican Congress passed and President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act 1996.</li> </ul> <p>Factors that suggest control by different parties of its two chambers may not mean Congress is significantly less effective include:</p> <ul style="list-style-type: none"> <li>• even when there is single party control of Congress, passage of legislation may be long and difficult, and presidential proposals may be unsuccessful, e.g. the Clinton health reforms and the Bush social security reforms</li> <li>• there may be other factors, such as the recent phenomenon of rigid partisanship or the president's failure to engage with the opposition party, which render Congress ineffective</li> <li>• Congress may be representing the views of the nation effectively if voters have chosen the two chambers to be controlled by different parties and gridlock ensues</li> <li>• scrutiny may be carried out more effectively when there is at least one chamber controlled by the party opposed to the president.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

AO1	Knowledge and understanding
<b>Level 3 (9-12 marks)</b>	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 2</b>	

<b>(5-8 marks)</b>	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 1 (0-4 marks)</b>	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>AO2</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>AO2</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
<b>Level 1 (0-4 marks)</b>	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

<b>AO3</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

**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	To what extent is 'the power to persuade' the president's most important power?
<b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b>	
<p>Factors that suggest the power to persuade is the president's most significant power include:</p> <ul style="list-style-type: none"> <li>• the president is dependent on Congress for all legislation, money, nominations, declarations of war and treaties</li> <li>• Congress is elected separately and even members of the president's own party have a separate mandate to the president</li> <li>• members of Congress need therefore to be persuaded that the president's proposals are in their interests if they are to support them</li> <li>• as the only nationally elected politician, the president commands a 'bully pulpit' from which they can do this</li> <li>• failure to exercise this power effectively – Presidents Carter and Obama? – may lead to failure to advance the presidential agenda and even political defeat.</li> </ul> <p>Factors that suggest the power to persuade is not the president's most significant power include:</p> <ul style="list-style-type: none"> <li>• the president has a variety of means – e.g. executive orders, signing statements and recess appointments – by which they can circumvent Congress on domestic policy matters</li> <li>• there is a long history of presidents as commander-in-chief deploying military force abroad without reference to Congress</li> <li>• in a highly partisan era, if the president seeks to stake out a position, it may reduce the possibility of opposition support and their best tactic may be to stay silent.</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	

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<b>AO1</b>	<b>Knowledge and understanding</b>
<b>Level 3 (9-12 marks)</b>	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 2 (5-8 marks)</b>	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 1 (0-4 marks)</b>	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>AO2</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>AO2</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
<b>Level 1 (0-4 marks)</b>	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
<b>AO3</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
<b>Level 1 (0-3 marks)</b>	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

Question Number	Question
8	'The three branches of government have failed to protect constitutional rights in recent years.' Discuss.
<b>Indicative content (this is not an exhaustive account of relevant points)</b>	
<p>Constitutional rights are contained in the Bill of Rights, the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> 'Reconstruction amendments' and elsewhere in the constitution.</p> <p>Evidence that the three branches of government have failed to protect constitutional rights in recent years includes:</p> <ul style="list-style-type: none"> <li>• the approval and renewal of the PATRIOT Act</li> <li>• the expansion of the drone program to include the targeting of US citizens</li> <li>• the Edward Snowden revelations concerning the 'Prism' program</li> <li>• protection of minority voting rights has been attenuated through decisions such as Shelby v Holder</li> <li>• increasing limitations on abortion rights</li> <li>• affirmative action has been limited.</li> <li>• the erosion of the 10<sup>th</sup> amendment federal rights of the states through e.g. administration health and education policies</li> </ul> <p>Evidence that the three branches of government have protected constitutional rights in recent years includes:</p> <ul style="list-style-type: none"> <li>• Obama pledge to curtail NSA domestic surveillance programs</li> <li>• Executive intervention to protect rights from state governments, e.g. action against Arizona SB1070</li> <li>• Congressional investigations into the drone program</li> <li>• the first amendment has been upheld through cases such as Citizens United and Snyder, the second through Heller and the eighth through Miller</li> <li>• the Supreme Court - right to same sex marriage has been found and protected</li> </ul> <p>A threshold Level 2 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial and undeveloped.</li> </ul> <p>A threshold Level 3 response will typically exhibit the following features:</p> <ul style="list-style-type: none"> <li>• a range of clear knowledge and understanding, explicitly addressing the question, with detail or evidence to develop.</li> </ul>	
<b>AO1</b>	<b>Knowledge and understanding</b>

<b>Level 3 (9-12 marks)</b>	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 2 (5-8 marks)</b>	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 1 (0-4 marks)</b>	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>AO2</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>AO2</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
<b>Level 1 (0-4 marks)</b>	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
<b>AO3</b>	<b>Communication and coherence</b>
<b>Level 3</b>	

<b>(7-9 marks)</b>	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
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