

Mark Scheme (Standardisation)

June 2008

GCE

GCE Government and Politics (Unit 5)
Governing the USA

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	Indicative content
1	<p>Indicative Content</p> <p>Candidates should demonstrate awareness that presidents have adopted a range of programmes introduced by Presidents since the late 1960's designed to reverse the centralisation of power over the previous three decades.</p> <p>Its evolution has taken the following forms:</p> <p>Nixon and New Federalism. He introduced a policy of General Revenue Sharing, in which many categorical grants, given to cities for specific purposes, were replaced by block grants which could be spent as each State saw fit.</p> <p>Carter and New Federalism. Although a Democrat as a former Governor he believed that Governors should have as much freedom as possible to decide what was in the best interests of their States. He did not alter the system of General Revenue Sharing and, to reduce the Federal deficit he reduced financial aid to the States, forcing them to depend to a greater extent on their own resources.</p> <p>Reagan and New Federalism. He reduced Federal anti-poverty programmes, cutting expenditure by \$18 billion in his first two years in office. He proposed "swaps" in which the States would take full responsibility for two of them (welfare and food stamps) and the Federal government would take full responsibility for the third (Medicaid – medical care for the very poor).</p> <p>Clinton and New Federalism. Like the previous Democratic President, Jimmy Carter, President Clinton had previously been a Governor, and believed that Governors should have the freedom to decide what was in the best interests of their States. During his presidency, the United States enjoyed the longest economic boom in modern times, which led to a dramatic increase in tax revenues for the States and less reliance on income from the Federal government. This was accompanied by a series of financial settlements with the tobacco industry in which the States were provided with billions of dollars to pay for the medical costs associated with smoking-related diseases.</p> <p>Post 9/11. With an economic downturn and the demands of homeland security states are finding themselves increasingly dependent on Washington DC in the 21st Century. Despite a professed presidential commitment to New Federalism, the extension of central control in policy areas from education (No Child Left Behind Act) to disaster management (Hurricane Katrina) appears to be accelerating.</p> <p>Each was of limited effectiveness, although (with the exception of George W Bush) they all contributed to greater empowerment of the states. The most visible evidence of increased state power occurred under the presidency of Clinton.</p> <p>In making judgements, consider the following:</p> <p>Understanding of the meaning of New Federalism and its purpose (AO1)</p> <p>Evaluation of how each phase has altered the relationship between</p>

	the States and the government in Washington DC (AO2) Evaluation of New Federalism under President George W Bush warrants more credit than the other factors (AO2)
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Level	Mark	Descriptors
Level 1	1-6	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication.</p> <p>A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Candidates who provide a generic response, covering the complete history of Federalism, cannot rise above this level. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	7-12	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Use should be made of political vocabulary and a reasonable level of written communication. Candidates who provide a list of relevant factors, however comprehensive, but fail to analyse them or illustrate them with appropriate examples, cannot rise above this level. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>
Level 3	13-20	<p>A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. A comprehensive list of factors is not required to reach this level, but candidates must demonstrate awareness that New Federalism has taken a variety of forms under different presidents and be able to provide some explanation of each approach. Strong candidates, likely to be earning close to full marks, will be recognise that political factors in recent years have made states once again more reliant on central government despite no change in policy in Washington DC. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>

Question Number	Indicative content
2	<p>Candidates should recognise that since the Republicans captured control of Congress with the Contract with America in 1994, the party leadership has actively strengthened party discipline: The party platform has been a significant factor in the political success of Republicans in recent elections, especially 1994, 2002 & 2004.</p> <p>Party loyalty, as well as seniority, is used by the Republican leadership in determining Committee Chairmanships. (Arlen Specter was threatened with losing the Chairmanship of the Senate Judiciary Committee in November 2004 for a comment which suggested a lack of party solidarity.)</p> <p>Since 2004, House Speaker Hastert has applied a policy of only allowing bills to complete their passage if they have the support of a “majority of the majority”, meaning that he will not allow the Democrats to claim credit for measures even if they have bi-partisan support.</p> <p>As the Republicans in Congress have become more unified, Democrats have responded in kind leading to a growing proportion of votes on party lines</p> <p>As a consequence of these factors, the Republican controlled Congress only not put President George W Bush in the position of having to veto a bill on one occasion in his first six years in office</p> <p>Following the Democratic capture control of Congress in 2006, again on a national platform of opposition to the war in Iraq and presidential incompetence over Hurricane Katrina, the Speaker, Nancy Pelosi, has adopted a similar approach, although a strong cohort of conservatives in the party (Blue Dogs) has meant that she has been somewhat less effective at imposing her will on the party than the Republicans were.</p> <p>Answers may be influenced by the events following 9/11, when there was a high degree of bi-partisanship. However, it is important to recognise that this period was atypical, with party divisions were largely set aside, and the short phase of national unity did not arrest the trend towards greater party discipline in Congress, possibly it accelerated it as Republicans used the terrorist threat to their political advantage in both the 2002 and 2004 election campaigns.</p> <p>In making judgements, consider the following:</p> <p>Understanding that party discipline has been strengthened since the Republicans gained control of Congress in 1994 (AO1)</p> <p>Evaluation of the factors which have caused the strengthening of party discipline in Congress (AO2)</p> <p>Credit examples of bi-partisanship in the aftermath of 9/11 only insofar as they are used to illustrate the fluid nature of party politics. They are not a reflection of the current state of party politics (AO2)</p>

Level	Mark	Descriptors
Level 1	1-6	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. Answers which demonstrate no understanding of that there is party discipline in the USA cannot rise above this level.</p> <p>A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	7-12	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>
Level 3	13-20	<p>A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. To reach this level, candidates have to demonstrate understanding of factors which have strengthened party discipline in Congress. It is not sufficient to provide a general analysis of the factors which tend to unite/divide parties in general. The very strongest candidates, likely to be earning close to full marks, will be able to use examples from the 108th and 109th Congresses to illustrate their points. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>

Question Number	Indicative content
3	<p>Candidates should demonstrate awareness that even though there are no formal constraints on Presidents when nominating Supreme Court Justices, there are a range of traditional considerations that have to be taken into account, including:</p> <p>The American Bar Association: Since 1952, the Association’s committee on the Federal Judiciary has been consulted concerning almost every Federal judicial appointment, rating each nominee as “exceptionally well qualified”, “well qualified”, “qualified” or “not qualified”</p> <p>Balance: Throughout the history of the judiciary, most judges have been white Anglo-Saxon men. On the Supreme Court, the first Jewish Justice, Louis Brandeis, was appointed in 1916, the first African American, Thurgood Marshall, in 1967, the first woman, Sandra Day O’Connor, in 1981 and the first Italian American, Antonin Scalia, in 1986.</p> <p>Geography: Since its earliest days, Presidents have done their best to ensure that all regions of the United States have been represented on the Court. In 1932, the principal objection to the strongest candidate, Justice Cardozo, arose from the fact that he was from New York and there were already two justices from that State on the bench. One of the other Justices from New York generously offered to resign so that Justice Cardozo could be appointed.</p> <p>In addition, Presidents have to consider the obstacles to nomination and whether the preferred candidate is likely to clear them. These include:</p> <p>Pressure Groups, which take a special interest in the work of the Courts, keep files on all potential nominees. As soon as an announcement is made, they will issue press-releases and produce television adverts which support or oppose the nominee with a view to putting pressure on the Senators. Famously, Reagan’s nominee, Robert Bork, was discredited by the process and he was not confirmed.</p> <p>Senators, who meet nominees to discuss any issues or concerns they may have, provide the nominees with exploring their approach to making judgements and indicating their views on the major issues of the day (President George W Bush’s nominee, Harriet Miers, withdrew at this stage in 2005) and hold hearings.</p> <p>Even if the President’s preferred nominee negotiates these obstacles, he or she may not behave in the way expected. In general, Democrat Presidents tend to be more liberal and prefer to appoint this kind of “activist” judge. Alternatively, they can nominate judges who believe that it is the role of the legislature, not the courts, to pass laws which govern people’s daily lives, according the will of the electorate as expressed at the most recent election. In general, Republican Presidents tend to be more conservative and prefer to appoint this kind of “restrained” judge who is reluctant to use the powers available to the courts to shape US society. However, Conservatives, especially, have been dismayed that a significant proportion of Supreme Court Justices have proved to be far less conservative than the Presidents who</p>

	<p>nominated them expected. In the 1950's President Eisenhower described his appointment of Earl Warren to Chief Justice as "the biggest damn fool mistake I ever made". Of the justices currently on the Supreme Court two of the more liberal members, Justices Stevens and Souter, were appointed by Republican Presidents.</p> <p>In making judgements, consider the following:</p> <p>Understanding of the appointment process of Supreme Court Justices and how has restricted presidential choices (AO1) Evaluation of the impact of these factors on the current balance of power between the conservatives and liberals on the Supreme Court (AO2)</p>
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Level 1	1-6	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication.</p> <p>A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	7-12	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Candidates at this level are likely to limit their responses to the three most well-known factors of vacancies arising, Senate scrutiny of nominees and Justices not voting as expected on controversial issues. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>
Level 3	13-20	<p>A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>

Question Number	Indicative content
4	<p>Candidates should demonstrate an understanding that separation is a constitutional principle, first outlined by the French philosopher Montesquieu, that each branch of government should have defined roles and powers, without any overlap of personnel. In the USA, as the political scientist Neustadt pointed out, while there is strict separation of personnel (no person may serve in two branches at the same time) there is some overlap of powers, such as the President and the Senate both contributing to the process of appointing a Federal judge.</p> <p>Candidates should also recognise that the concept of separation of powers is necessarily complemented by a system of checks and balances to ensure that none of the branches of government encroaches on the powers or roles of the others.</p> <p>One criticism of the system is that it has not worked in the ways intended by the authors of the constitution, as illustrated by the following points: The Supreme Court, through judicial review, has acquired quasi-legislative powers The Presidency has effectively nullified the foreign policy powers of Congress, deploying troops on a huge scale without declaring war and signing Executive Agreements instead of Treaties (that require two-thirds Senate approval) Where one party controls both the White House and both chambers of Congress, as in the period 2002-2006, high levels of co-operation may negate the effects of both Separation of Powers and Checks and Balances</p> <p>Another criticism is that it works in precisely the ways intended by the founding fathers, limiting the ability of Federal politicians to govern by causing gridlock as illustrated by the following points: Since the Democrats captured Congress in 2006, few bills have been passed When the Republicans controlled Congress during the Presidency of Bill Clinton, gridlock was so severe that the government had to be shut down twice Government departments are accountable to both the President and to Congress, making it difficult for the President to organise and run the bureaucracy in ways that s/he may wish</p> <p>In making judgements, consider the following:</p> <p>Understanding of the concept of Separation of Powers, with a recognition that it must be complemented by checks and balances to be meaningful (AO1) Evaluation of the practical effects of separation of powers (AO2)</p>

Level	Mark	Descriptors
Level 1	1-6	A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.
Level 2	7-12	A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Answers which demonstrate an understanding of the concept of Separation of Powers but fail to evaluate criticisms may be at the bottom of this level. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.
Level 3	13-20	A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary. A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.

Question Number	Indicative content
5	<p>Candidates should demonstrate that they understand that the term 'imperial judiciary' relates to the idea that the Supreme Court has usurped the policy-making powers that the Founding Fathers reserved for the elected branches of government.</p> <p>In developing an analysis, candidates may consider the factors which enable Supreme Court justices to take decisions which may reasonably be seen as 'political' but that there are also factors which encourage them to avoid entering the 'political thicket'.</p> <p>Factors which enable justices to adopt a political stance include: The power of judicial review, which gives justices the right to overturn laws of Congress and state legislatures as well as the right to over-rule the actions of the President and state governors. As the highest court of appeal they are entitled to overturn decisions, with constitutional implications, of state courts, lower federal courts and reverse previous Supreme Court decisions Under the 9th Amendment they can create new constitutional rights, most famously the right of privacy in <i>Roe v. Wade</i> Strikingly, in recent years the Court has been willing to intervene in security issues (which have traditionally been seen as the preserve of the Executive) in cases such as <i>Hamdi v. Rumsfeld</i> (2003), <i>Hamdan v. Rumsfeld</i> (2006) and <i>Boumediene v. Bush</i> (2008).</p> <p>Candidates may legitimately interpret the term "imperial judiciary" to mean "liberal" courts/decisions that have extended constitutional rights, particularly for minorities. If so, they may use examples covering a range of issues from Civil Rights for African Americans, Gay Rights, the rights of suspects etc. However, this approach must be placed in the framework of loose constructionism, including an analysis of the justifications for this judicial philosophy.</p> <p>Factors which inhibit justices from taking a political stance include: Court tradition: justices do not think of themselves as politicians and may refuse to rule on issues they see as overtly political. They make distinctions between their personal views and what the law requires Lack of enforcement power: their decisions have to be enforced by the President or state governors who cannot always be relied upon to do so Public opinion: decisions which are clearly out of step with public opinion tend to be unsustainable Checks and balances in the constitution should lead to the appointment of justices whose views are moderate. Congress has the power to remove judges who have clearly exceeded their powers</p> <p>For those candidates arguing that the term "imperial judiciary" means "liberal", it will be necessary to explore the argument that courts/decisions may be "conservative". If so, some of the illustrations they use may, legitimately, be from the New Deal era, such as <i>Schechter Poultry Corporation v US</i> or <i>Butler v US</i>. However, there is a rich vein of conservative decisions in the</p>

	<p>Roberts Court that candidates could mine, including <i>Community Schools v Seattle School District</i> (restricting affirmative action in high schools) <i>Gonzales v Carhart</i> (partial birth abortion) and <i>FEC v Wisconsin Right to Life</i> (Campaign Reform Legislation). Again, this approach must be placed in the framework of strict constructionism, including an analysis of the justifications for this judicial philosophy.</p> <p>Insightful candidates may recognise that, while justices associated with left wing policies such as Earl Warren are most often associated with politically-charged judgements, right wing justices such as Scalia and Thomas can also be judicial activists.</p> <p>In making judgements, consider the following:</p> <p>Understanding that there are two sets of factors which determine whether judicial decisions are ‘political’ (AO1) Evaluation of the factors which enable justices to adopt a political stance (AO2) Evaluation of the factors which inhibit justices from adopting a political stance (AO2)</p>
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Level 1	1-6	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication.</p> <p>A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	7-12	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Candidates at the top of this range may be able to support their points with famous cases which illustrate judicial activism but may not be able to do so as effectively with cases which demonstrate judicial restraint. Answers which only consider one side of the argument cannot rise above this level. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>
Level 3	13-20	<p>A high level of skill demonstrated in analysis, interpretation and</p>

	<p>evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. Candidates must illustrate their points with cases which demonstrate both judicial activism and judicial restraint to reach this level. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>
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Question Number	Indicative content
6	<p>Candidates should demonstrate that they understand that Presidents face a number of challenges in managing the executive branch effectively and have tried a number of strategies Federal Bureaucracy responsive to their political priorities accountable for their actions.</p> <p>The President has limited freedom of choice in organising the executive branch to reflect his priorities, for the following reasons: the President cannot adjust the number of Departments, or their responsibilities, to help promote his policy priorities. This can only be done by Congress</p> <p>by convention, the head of each Department has a background which is compatible with the responsibilities of the Department.</p> <p>by convention, the heads of Department (who make up the Cabinet) are expected to be broadly representative of the population of the country. Presidents may use the “egg formula” as one of the factors when considering candidates to ensure that each ethnic group, both genders and all geographical regions are represented in the Cabinet. This is particularly important when a State Governor becomes President, as was the case with both Bill Clinton (Arkansas) and George W Bush (Texas).</p> <p>Consequently, the fifteen Executive Departments may be run by people whose commitment to the President’s agenda may be limited.</p> <p>Further, other parts of the federal government have, by law, a significant measure of independence from the White House: Independent Regulatory Commissions are agencies, established by Congress and independent of the President, with responsibility for regulating important aspects of society. They are empowered to establish rules for the policy area they regulate, which have the force of law, and to enforce their rules.</p> <p>Independent Agencies which, in most respects, are organised like the fifteen main government departments, headed by people responsible to the President. As such, the President has more control over these bodies than the Independent Regulatory Commissions but they tend to complicate the organisation of government and lines of responsibility.</p> <p>Government Corporations, which are public services, which are administered as business enterprises, such as the United States Postal Service and the national passenger rail service, Amtrak. While the President plays a minimal role in the daily functions of these organisations, public perception of the effectiveness of his administration may be significantly affected their performance.</p> <p>Strategies used by all presidents to exert control over this bureaucracy include:</p> <p>The “spoils system: since George Washington, Presidents have appointed political sympathizers to senior jobs in the government.</p> <p>The Executive Office of the Presidency: this group of departments, inside the White House, monitors the implementation of presidential priorities and provided co-ordination and direction across the Executive branch</p>

	<p>Additionally, each President has introduced their own measures to hold the Federal Bureaucracy to account. President George W Bush introduced the Management Agenda, a package which included:</p> <p>Grading federal departments and agencies on the results they achieved, with the White House defining “success”</p> <p>Increased White House oversight of regulations issued, to ensure that they were consistent with the President’s aims</p> <p>The introduction of performance-related pay to make it easier to reward or fire employees according to the administration’s goals</p> <p>“Competitive sourcing” which would force federal workers to compete against private contractors to run programmes</p> <p>Creating a “sunset” process, which would require federal programmes to justify their existence every ten years</p> <p>In making judgements, consider the following:</p> <p>Evaluation of the factors which determine which make it difficult for the President to exert control over the federal bureaucracy (AO2)</p> <p>Evaluation of the strategies used by all presidents to control the federal bureaucracy (AO2)</p> <p>Evaluation of the strategies used by President George W Bush to control the federal bureaucracy (AO2)</p>
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Level	Mark	Descriptors
Level 1	1-20	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication.</p> <p>A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Answers which only evaluate the impact of “iron triangles” cannot rise above this level. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	21-38	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Candidates at this level are likely to limit their answers to evaluation of the Cabinet and the Executive Office of the Presidency. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>

Level 3	39-60	<p>A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. Answers which evaluate the challenges posed by the federal bureaucracy as a whole, not just the fifteen executive departments, are likely to be at this level. Candidates who can evaluate the strategies used by recent presidents to control the federal bureaucracy are likely to be at the top of this level. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>

Question Number	Indicative content
7	<p>Candidates should demonstrate an awareness that the Constitution was written to ensure that civil liberties would be protected at all times, especially when the security of the nation was threatened when civil liberties would be most at risk. However, not everyone in the USA agrees that the constitution strikes the right balance between, on one hand, entrenched rights and, on the other hand, flexibility, in such circumstances.</p> <p>Those who believe that the right balance has been struck would argue that, even in times of crisis, governments have been able to respond effectively without infringing the liberties of the citizens. Or, on the rare occasions that the core principles of freedom and liberty have been breached, such as President Lincoln suspending Constitutional freedoms during the Civil War or Japanese-Americans being denied their Constitutional rights during World War II the balance has been restored once the crisis passed. The developments since the camp for “enemy combatants” was established on Guantanamo Bay may be used to illustrate this point. Although hundreds have been detained for up to six years in the camp, without trial, the Supreme Court ruled, with increasing impatience, that the inmates are entitled to constitutional protections in the cases of <i>Rasul v Bush</i> (2004), <i>Handan v. Rumsfeld</i> (2006) and <i>Boumediene v. Bush</i> (2008).</p> <p>Others argue that the constitution is too flexible and complain that it has allowed the government, especially the Executive branch, to use periods of crisis to steadily undermine those mechanisms in the constitution which protect liberty, which should protect citizens from the accumulation of power by the national government. Thus, when it was revealed in 2005 that the Bush administration had authorized eavesdropping on overseas phonecalls made for the USA, the President argued that as Commander in Chief he was constitutionally mandated to do anything within his power to protect the American people. The result is that the balance between effective government and personal freedom has tilted dangerously away from liberty, undermining the core principle of the Constitution.</p> <p>A third group argue that civil liberties are paramount and that government (especially the Supreme Court) should be quicker to intervene when liberties are undermined by measures such as the Patriot Act and the establishment of the prisoner camp at Guantanamo Bay. Groups such as the American Civil Liberties Union (ACLU), believe that the traditional deference shown by the guardians of the Constitution towards the elected branches of government mean that they take too long to restore rights if Congress and the President sacrifice liberty of fear of being accused of doing too little to promote security.</p> <p>In making judgements, consider the following:</p> <p>Evaluation of the viewpoint that constitutional safeguards are too weak to withstand the pressures for increased governmental</p>

	<p>intervention at times of crisis (AO2)</p> <p>Evaluation of the viewpoint that the constitution strikes the right balance between the protection of civil liberties and providing for national security (AO2)</p> <p>Evaluation of the viewpoint that Supreme Court tends to be too reluctant to intervene are protect civil liberties and that this tendency is exacerbated at times of national crisis (AO2)</p>
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Level	Mark	Descriptors
Level 1	1-6	<p>A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. A limited demonstration of knowledge of political institutions and processes and some of the relationships between them. Superficial contextual awareness of part of the question may be evident, with limited examples. Limited analysis with some awareness of differing viewpoints and basic attempts at evaluation. Conclusions may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p> <p>may have limited relevance to the preceding discussion. A basic level of written communication with occasional use of political vocabulary.</p>
Level 2	21-38	<p>A sound ability demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner. Use should be made of political vocabulary and a reasonable level of written communication. A good demonstration of knowledge of political processes and some of the relationships between them. Sound comprehension of the context of the question, with some good examples. Answers at this level may well demonstrate knowledge of the balance the constitution aims to strike between entrenched rights and effective government without evaluating viewpoints on how effectively this has been achieved. Analysis displays an awareness of differing viewpoints and good attempts at evaluation. A reasonable level of written communication with some use of political vocabulary.</p>
Level 3	39-60	<p>A high level of skill demonstrated in analysis, interpretation and evaluation. Arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of vocabulary.</p> <p>A comprehensive demonstration of knowledge and excellent contextual awareness with detailed evidence and examples. Analysis displays a sophisticated awareness of differing viewpoints and clear and full evaluation of the issues. Some use of political vocabulary with an excellent standard of written communication.</p>

		Answers at this level will analyse at least two viewpoints on whether the constitution strikes the right balance between entrenched rights and effective government.
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