

Mark Scheme (Results)
Summer 2013

GCE Government and Politics 6GP04 4C
Governing the USA

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Publications Code UA036103

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No. 1	Explain the key principles of the US Constitution
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The US constitution sets up a system of limited government which, by a variety of methods, attempts to ensure that power is dispersed and the rights of the individual protected. Its key principles include;</p> <ul style="list-style-type: none"> • the separation of powers – the legislative, judicial and executive functions are administered by separate institutions and no individual may be a member of more than one • checks and balances – each branch of government has extensive checks over the others, e.g, the president’s power of veto over congressional legislation • federalism – the powers of the federal government are closely detailed (the ‘enumerated powers’) and the 10th amendment guarantees that all other power is ‘reserved’ to the states and the people • protecting the rights of the individual – through the first ten amendments, the Bill of Rights 	
LEVELS	DESCRIPTORS
<p>Level 3 (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.

No. 2	Assess the factors that affect the role of the vice-president.
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>Factors that affect the role of the vice-president include:</p> <ul style="list-style-type: none"> • relationship with the president – lack of trust can restrict the ability of the vice-president to exert influence • extent of Washington experience - e.g. Vice President Biden’s decades of service in the Senate mean he is well equipped to play the role of link between the White House and Congress • extent of presidential ambitions – e.g. Dick Cheney’s lack of ambition meant that he was never having to consider the effect of being associated with potentially unpopular policies • personality – e.g. Vice President Biden’s ‘man of the people’ persona allows him to operate as an effective complement to President Obama, whereas Dick Cheney’s perceived lack of warmth arguably limited his appeal outside the party base • personal interests – e.g. Vice President Biden’s experience as a long-term rail commuter led to his championing the expansion of the train network • ‘events’ – e.g. the attacks of September 11th 2001 gave Dick Cheney the opportunity to promote his foreign policy agenda 	
LEVELS	DESCRIPTORS
<p>Level 3 (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.

No. 3

How far was New Federalism successful in achieving its objectives?

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

Begun under President Nixon, New Federalism was an attempt to reverse the trend towards the dominance of the federal government over the states

evidence that it has been successful includes:

- increased use under successive presidents from Nixon onwards of financial measures, such as block grants and general revenue sharing, gave greater independence to the states
- during the 1990s the states benefited from a prospering economy and an influx of tobacco money; several states introduced innovative social measures which suggested a revival of confidence in their role
- the Unfunded Mandates and Welfare Reform Acts signed by President Clinton placed restrictions on the federal government and returned significant powers to the states
- a number of Supreme Court decisions such as *US v Lopez* re-affirmed the constitutional role of the states
- the states continue to exercise a considerable degree of independence from the federal government on a variety of issues, including same sex marriage, gun control, euthanasia and marijuana use.

evidence that it has not been successful includes:

- the eight years of the Bush presidency saw the expansion of the federal government and imposition of federal demands on the states through such measures as *No Child Left Behind* and the Real ID Act
- the Obama administration has expanded the scope of the federal government through e.g. the requirement for states to run health insurance exchanges, and has sought to restrict state power, e.g. its legal action against Arizona
- many states are now in financial difficulties, severely curtailing their activity and making them more dependent on the federal government

LEVELS	DESCRIPTORS
<p><i>Level 3</i> (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><i>Level 2</i> (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><i>Level 1</i> (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.

No. 4	Assess the different factors which influence the votes of members of Congress.
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The different factors which influence the votes of members of Congress include:</p> <ul style="list-style-type: none"> • interest groups and think tanks – dependence of members of Congress on interest groups for campaign finance means they are highly receptive to their wishes; some groups such as the NRA and Americans for Tax Reform seem to exercise very strong influence over some members' votes • party loyalty – increasingly important as Congress has become more polarised, especially if linked to the threat of a primary challenge • presidential persuasion – the president and his staff have a variety of means, such as evenings at the White House, fund-raising visits etc • district and state interests – the views of constituents and district/state businesses are always significant, especially in the House with its two yearly election cycle • ideology 	
LEVELS	DESCRIPTORS
<p><i>Level 3</i> (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><i>Level 2</i> (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><i>Level 1</i> (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.

No. 5	What is judicial review, and why is it controversial?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The Supreme Court is the highest court of appeal in the US, and judicial review is the ability of the court to declare state and federal legislation, and the actions of state and federal executives, to be unconstitutional.</p> <p>The reasons it has been controversial include:</p> <ul style="list-style-type: none"> • it is not a part of the constitution and was awarded by the court to itself • there are no effective checks in the constitution on the power of the court • it has enabled the court to involve itself in controversial issues • it has meant that the court has an effective veto in several areas of public policy • the court has become a 'constitutional convention in continuous session' • it has undermined the legitimacy of the court and led to a perpetual debate over its role 	
LEVELS	DESCRIPTORS
<p>Level 3 (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.

No. 6	'The strengths of the US Constitution now outweigh its weaknesses.' Discuss.
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Indicative content (*this is not an exhaustive account of relevant points*)

The strengths of the constitution could be argued to include:

- producing a stable political system over 200 years
- diffusing power throughout the federal government and preventing tyranny or an unbalanced concentration of power
- balancing the need for an effective central government and protection of state rights and local ways of life
- sufficient vagueness to allow evolution to meet current political needs
- an amendment process which prevents the constitution being hijacked by short term waves of sentiment

The weaknesses of the constitution could be argued to include:

- it is *too* vague, with the consequence its principles have been subverted, e.g. the acquisition of power by the federal government at the expense of the states, and the president at the expense of congress
- the amendment process is too demanding, preventing much needed amendments from being made
- allowing an unelected judiciary excessive power
- the frequent occurrence of 'gridlock'

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

No. 7	To what extent has the Roberts Court witnessed a revival of conservative activism?
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Indicative content (*this is not an exhaustive account of relevant points*)

'Conservative activism' can be defined in a number of ways; the overturning of state or congressional legislation by the court, or the reversal of its own precedents, with the consequence of advancing conservative values, is arguably the most objective.

Candidates may argue in a number of different ways: that the Roberts court has been conservative and activist; or that it is either activist but not conservative, or conservative but not activist; or that it is neither; or that it has lacked a clear ideological direction; or that conservative activism cannot be said to have returned, since the Roberts Court is pursuing a similar ideological direction to the Rehnquist Court.

Evidence that the court has been conservative and/or activist includes:

- with the replacement of Sandra Day O'Connor by Samuel Alito in 2006, there is now a majority of conservative or conservative-leaning justices on the court
- a number of key decisions, notably *Citizens United* and *Heller/McDonald*, have overturned congressional and state legislation, and achieved conservative goals of weakening campaign finance regulation and strengthening the rights of gun owners

Evidence that the court has not been conservative and/or activist includes:

- in arguably its most consequential decision, *National Federation v Sebelius*, the chief justice voted with the liberal bloc and endorsed the constitutionality of the Affordable Care Act
- although arguably conservative-leaning, Anthony Kennedy is a 'swing' justice who has sided with both the conservative and liberal blocs
- in a number of cases, such as *Northwest Austin v. Holder*, the chief justice has stressed the desirability of settling cases on the narrowest possible grounds and avoiding constitutional issues where possible
- some controversial first amendment cases, such as *Snyder v. Phelps*, have been supported by a majority of both conservative and liberal justices
- in some civil liberties and sentencing cases, such as *Hamdan*, *Boumediene* and *Graham*, more liberal values have been advanced

AO1	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
AO2	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
AO2	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
<i>Level 3</i> (7-9 marks)	Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
<i>Level 2</i> (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
<i>Level 1</i> (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 8	'Congress has become the least powerful branch of government.' Discuss.
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>Evidence that Congress does not retain its political power includes:</p> <ul style="list-style-type: none"> • ability of the president to set the domestic agenda and circumvent Congress through executive orders and recess appointments • ability of the president to set the tone and direction of foreign policy, and to deploy armed forces without congressional approval • ability of the Supreme Court to strike down congressional legislation • complicated legislative process means far more laws are rejected than passed • parochialism makes Congress often incapable of acting in a coordinated way • Congress has the lowest public approval ratings of the three branches of government <p>Evidence that Congress remains a powerful body includes:</p> <ul style="list-style-type: none"> • continued dependence of the president on Congress for all legislation and money • continued dependence of the president on Congress for all appointment confirmation and treaty ratification • continued ability of Congress to override presidential vetoes • sometime willingness of Congress to set the policy agenda, e.g. the 'Contract with America' 	
AO1	Knowledge and understanding
<i>Level 3</i> (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<i>Level 2</i> (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<i>Level 1</i> (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

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)

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

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

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Order Code UA036103 Summer 2013

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