

Mark Scheme (Results)

January 2012

GCE Government & Politics 6GP04 4C
GOVERNING THE USA

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General Marking Guidance

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

1.	What has been the effect of appointments to the Supreme Court since 2005?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>Relevant points include:</p> <ul style="list-style-type: none"> • in recent years, two Supreme Court judges have been appointed by President Bush and two by President Obama • the court has been divided for some time into two competing ideological blocs and three of the four appointments – John Roberts, Sonia Sotomayor and Elena Kagan – were ideological ‘like for like’s and so far have not significantly changed the ideological balance of the court • the appointment of Samuel Alito was arguably the most significant, since, as a judge with a solidly conservative track record, he took the place of the then ‘swing justice’ Sandra Day O’Connor • some decisions of the Roberts court, e.g. <i>Boumediene v. Bush</i>, could be seen as centrist but, arguably, the general direction of the court has been to the right, particularly in the areas of rights of corporations, e.g. <i>Citizens United</i>, and gun rights, e.g. <i>Heller</i> and <i>McDonald</i> • Justice Kennedy has assumed the status of the ‘swing justice’ 	
LEVELS	DESCRIPTORS
Level 3 (11-15 marks)	<ul style="list-style-type: none"> • Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. • Good to excellent ability to analyse and explain political information, arguments and explanations. • Good to excellent ability to construct and communicate coherent arguments, making good use of appropriate vocabulary.
Level 2 (6-10 marks)	<ul style="list-style-type: none"> • Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. • Limited to sound ability to analyse and explain political information, arguments and explanations. • Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary.
Level 1 (0-5 marks)	<ul style="list-style-type: none"> • Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates. • Very poor to weak ability to analyse and explain political information, arguments and explanations. • Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary.

2.	To what extent are parties the most significant influence on voting in Congress?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>There are a number of different influences on voting in Congress:</p> <ul style="list-style-type: none"> • as the parties have become more polarised, party leaderships in Congress have exerted increasing influence on their members • members of Congress are very willing however to vote against their party if they believe a vote against will be more favourably received by their constituents • the executive branch will attempt to persuade members of both parties to support the administration's proposals • pressure groups, especially those who have contributed to campaign funds, will make their views known on issues which concern them • members of congressional caucuses may vote the same way 	
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3.	What are the most significant factors that influence a President when choosing the Cabinet?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>Presidents will have a variety of motives in selecting their cabinets. They may aim to:</p> <ul style="list-style-type: none"> • recruit policy specialists • build links with Congress through the appointment of serving congressmen and senators • bring trusted advisers into government • strengthen links with key racial groups and with women • represent different wings of the party and different regions of the country <p>President Obama could be seen to want to:</p> <ul style="list-style-type: none"> • bury campaign divisions through the appointment of Hillary Clinton as Secretary of State • send a message of bipartisanship through the retention of Robert Gates at Defense • make his Cabinet 'look like America' through the appointments of, e.g., Eric Holder Steven Chu, Hilda Solis and Eric Shinseki 	
LEVELS	DESCRIPTORS
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4.

To what extent has federalism been eroded as a constitutional principle?

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

Evidence that federalism has been eroded includes:

- since the constitutional convention of 1787, the model of dual federalism it is usually thought to have created has been undermined by the increasing power of the federal government
- despite the detailed provision of congressional powers in article one, and the reservation of all other powers to the states by the tenth amendment, the 'necessary and proper' and the 'provide for the ... general welfare' clauses have given this process constitutional sanction
- it was most marked in the periods of the New Deal and the Great Society program
- the eight years of the Bush presidency saw the further expansion of the federal government and the 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 the health care insurance mandate, and has sought to restrict state power, e.g. in its legal action against Arizona

Evidence that federalism has not been eroded includes:

- New Federalism attempted to reverse the trend towards the dominance of the federal government over the states.
- increased use under successive presidents from President 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 rising economy and an influx of tobacco money; several states introduced innovative social measures which suggested a revival of confidence in their role

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

5.	What is the 'separation of powers'? Does it help or hinder the US system of government?
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Indicative content (*this is not an exhaustive account of relevant points*)

Definition:

- the separation of powers is the separation of the legislative, executive and judicial functions of governments
- the US system is commonly held to exemplify the separation of powers, although the extensive checks and balances created by the constitution has diluted the degree of separation and led to the system being described as 'separated institutions sharing powers'
- most significant for the operation of the system is the separation of personnel, meaning no individual can be a member of more than one branch

Consequences:

- the separation of powers is a safeguard against tyranny as no individual or group is able to dominate the political system through control of more than one branch
- it has the consequence that members of Congress are not elected on a joint mandate as members of a prospective government, as would be the case in a parliamentary system, but to represent the interests of their districts and states, and on a separate mandate from the president
- arguably this is a hindrance, as the president only has limited influence over Congress, and this creates the potential for gridlock and contributes to the weakening of parties
- arguably it is a positive, since legislation is the product of compromise and consensus and it is therefore better founded than, for example, legislation whipped through the House of Commons
- the weakness of parties creates more opportunities for pressure groups to exercise influence
- a separated judiciary is able to keep an effective check on both the other branches

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

6.	'A political, not a judicial institution.' Discuss this view of the Supreme Court.
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Indicative content (*this is not an exhaustive account of relevant points*)

Arguments that the court is a political institution could include

- justices are nominated and confirmed by politicians; it is accepted that a president will nominate a candidate sympathetic to his agenda, and nominees will come to the confirmation process with a track record of judgments and/or writings suggestive of their ideological perspective.
- the power of the court through judicial review to declare the laws and actions of the elected branches unconstitutional inevitably gives their role a political element

judicial interpretation cannot be value-free, and judicial activism imposes the political values of justices on the constitution

- the court is used for political ends; interest groups bring test cases and lobby the court through amicus curiae briefs
- justices' decisions which cases to take reflect a value judgment as to which are important
- the judgment process itself is political; in the process of reaching a decision, justices will try to ensure their view prevails; they will form alliances against opponents, strike bargains and offer compromises
- judgments are not arrived at in a judicial vacuum; justices are aware of public opinion and the likely impact of their decisions

Arguments that the court is not a political institution could include:

- justices themselves claim to be 'neutral umpires' and that it is possible to apply the constitution to the cases they consider in a 'restrained' and non-political way
- many cases are decided by purely technical and legal considerations, and only a few high-profile cases have overtly political implications
- justices are constrained by precedent, which they are reluctant to overturn, and by the law itself
- justices may rule against their own stated preferences, e.g. Justice Kennedy in the *Texas v Johnson* judgment wrote "The hard fact is that sometimes we must make decisions we do not like. We make them because they are right, right in the sense that the law and the Constitution, as we see them, compel the result."

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

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

7	To what extent does Congress have a meaningful foreign policy role?
Indicative content (<i>this is not an exhaustive account of relevant points</i>)	
<p>The constitution sets out a clear role for Congress in foreign policy, and, amongst the powers it grants, are those to provide for the common defence, to declare war, to regulate commerce with foreign nations, to raise and support armies, to confirm ambassadors and to ratify treaties.</p> <p>Constitutionally then, Congress shares responsibility for foreign policy with the president, and this division sets up what has been termed an 'invitation to struggle' for control of foreign policy.</p> <p>Arguments that Congress retains a meaningful foreign policy role include:</p> <ul style="list-style-type: none"> • Congress continues to control all financing of the armed forces and arguably brought the Vietnam War to an end through its withdrawal • Congress' power to declare war was reaffirmed by the passage of the War Powers Act • congressional leaders sometimes attempt to run an alternative foreign policy to the president's, e.g. the Helms Burton Act passed during the Clinton presidency, and the visit to Syria by Speaker Pelosi in 2007 • Congress can choose to withdraw 'fast track' trade authority from the president and has not currently granted it to President Obama • significant presidential treaties have been rejected by the Senate, e.g. the Comprehensive Test Ban Treaty in 1999 <p>Arguments that Congress no longer has a meaningful foreign policy role include:</p> <ul style="list-style-type: none"> • since World War Two, the executive branch has had responsibility for the tone and direction of foreign policy • the president has a vast foreign policy bureaucracy to advise him and implement policy • the president's power as commander in chief means he can deploy armed forces without congressional authorisation, such as in the attacks on Libya in March 2011, and even in the face of an explicit refusal by Congress to authorise it, e.g. the Kosovo campaign in 1999 • congressional attempts to exercise the power of purse, e.g. the Democratic Congress's attempts in 2006-08 to impose a timeline for withdrawal from Iraq, usually end in failure • congressional interventions, e.g. the repeated attempts to pass resolutions on the Armenian 'genocide', are often inimical to the national interest • the president can bypass the Senate's powers of ratification and confirmation 	
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8.	'Presidential careers can never live up to expectations.' Discuss.
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Indicative content (*this is not an exhaustive account of relevant points*)

This question invites discussion of whether there is too big a disparity between the expectations of the presidency and what any actual president can realistically achieve, given the restraints upon him.

Arguments that the expectations and restraints are too great include:

- during the Cold War, the president assumed the role of the 'leader of the Free World', at the same time as the growth of television greatly increased his public exposure
- the need for any presidential candidate to overstate the potential of the office and generate inflated expectations
- the need for any first term president to focus on re-election only just after halfway into their first term (President Obama launched his re-election campaign in April 2011)
- the almost inevitable decline of a second term president into lame duck status
- dependence on Congress for all finance and legislation
- limited time and political capital
- the power of the federal bureaucracy
- the power of pressure groups
- the president is held responsible for parts of the system he has little or no control over, e.g. the aftermath of the Deepwater Horizon explosion in the Gulf of Mexico in 2010

Arguments that the president has the resources to become a success include:

- the ability to evade congressional control, e.g. through executive orders and signing statements, to the extent that the president may become 'imperial'
- even working with a Congress controlled by the opposition party, the president can achieve favourable poll ratings, e.g. President Clinton from 1994-2000
- relative autonomy in foreign policy
- as head of state, the office of president commands respect; the public want their president to be a success

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Level 3 (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
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SUMMARY A2 MARKING GRIDS

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

PART A - SHORT QUESTIONS (15 marks)

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

PART B – ESSAY QUESTIONS (45 marks)

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

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

THRESHOLDS

1. What has been the effect of appointments to the Supreme Court since 2005?

Threshold guidance

To attain level 2, candidates typically need partially accurate knowledge of at least two recent nominees, and make two points with fairly simple and/or superficial explanation

To attain level 3, candidates need mostly accurate knowledge of at least three recent nominees, a range of points (typically at least three/four well developed distinct points), a sense of competence and control in their handling of the material, and a logical structure.

2. To what extent are parties the most significant influence on voting in Congress?

Threshold guidance

To attain level 2, candidates typically need to consider two possible influences on members of Congress with fairly simple and/or superficial explanation

To attain level 3, candidates need to consider at least three possible influences on members of Congress, a sense of competence and control in their handling of the material, developed use of contemporary/recent examples to support most points, some degree of balance and a logical structure.

3. What are the most significant factors that influence a President when choosing the Cabinet?

Threshold guidance

To attain level 2, candidates typically need to consider two possible factors that influence the President with fairly simple and/or superficial explanation

To attain level 3, candidates typically need to consider at least three possible factors that influence the President, a sense of competence and control in their handling of the material, developed use of contemporary/recent examples to support most points and a logical structure.

4. To what extent has federalism been eroded as a constitutional principle?

Threshold guidance

To attain level 2, candidates typically need two points with fairly simple and/or superficial explanation

To attain level 3, candidates need a range of points (typically at least three/four well developed distinct points), a sense of competence and control in their handling of the material, developed use of contemporary/recent examples to support most points, some degree of balance and a logical structure.

5. What is the separation of powers, and does it help or hinder the US system of government?

Threshold guidance

To attain level 2, candidates typically need two points with fairly simple and/or superficial explanation

To attain level 3, candidates need a range of points (typically at least three/four well developed distinct points), a sense of competence and control in their handling of the material, developed use of contemporary/recent examples to support most points and a logical structure.

6. 'A political, not a judicial institution.' Discuss this view of the Supreme Court.

Threshold guidance

To attain level 2, candidates typically need a couple of undeveloped points on each side of the argument, with some simple explanation; points need only be partially accurate; the argument may not be consistently clear, and some points made may not be relevant to the question.

To attain level 3, candidates typically need at least three reasonably developed points on both sides of argument; the answer conveys a sense of competence and control in both explanations and direction of argument; expression is mostly precise, and relevant contemporary examples are fairly consistently used to develop and qualify points; the argument keeps the question firmly in focus and has a convincing conclusion.

7 To what extent does Congress still have a meaningful foreign policy role?

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8. 'Presidential careers can never live up to expectations.' Discuss.

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