

# Mark Scheme (Results)

Summer 2018

Pearson Edexcel GCE Government and Politics (6GP04) Paper 4C

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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.	Explain the significance of three principles of the original US
	Constitution.

The principles of the original US Constitution include:

- separation of powers part of the Constitution because the accumulation of all power in the same hands 'may justly be pronounced the very definition of tyranny' (Madison Federalist 47), significant because the president and Congress are elected separately and this weakens the president's hold on Congress
- checks and balances 'Ambition must be made to counteract ambition' (Madison Federalist 51), significant because each branch requires the cooperation of the others to carry out its functions
- democracy the 'consent of the governed' is vital to government legitimacy but founding fathers were distrustful of the mob, so qualified democracy – only the HoR is directly elected and the Senate and the president both elected indirectly, significant as established the USA as the first representative democracy of modern times
- federalism significant as set up potential for conflict between federal government and states
- individual rights anti-federalists wanted protection from the federal government, significant because US citizens are protected by the Bill of Rights, which is subject to interpretation by the Supreme Court

A threshold Level 2 response will typically exhibit the following features:

Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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

LEVELS	DESCRIPTORS
<i>Level 3</i> (11-15 marks)	<ul> <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>
<i>Level 2</i> (6-10 marks)	<ul> <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>
Level 1 (0-5 marks)	<ul> <li>Very poor to weak:</li> <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 factors that influence the president's choice of Supreme
	Court nominees.

The factors that influence the president's choice of Supreme Court nominees include:

- judicial ideology critical factor, presidents will want a nominee either liberal or conservative who is sympathetic to their agenda
- judicial experience critical factor, the nominee will need to be seen to be credible
- party control of the Senate critical factor, if the Senate is controlled by the opposition party the president will need to appeal to them
- gender/race/home state important factor, the court needs to be seen to be representative
- Pressure groups groups will submit lists of who they see as suitable nominees, some may have personal access to the president
- Public opinion the president may consider possible public reaction to his nominees and the effect this may have on the senate confirmation process

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Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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Question Number	Question
3.	How significant are the differences between the powers of the House of
	Representatives and the powers of the Senate?

The differences between the powers of the House of Representatives and the powers of the Senate lie in their exclusive powers:

- the House's exclusive powers are significant (impeachment, initiating financial bills, electing the president if the Electoral College does not have a clear majority)
- However, they are dependent on the Senate or have only rarely been used
- the Senate has two important exclusive powers (confirmation of presidential nominees and treaty ratification), which the House has no part in; the power of filibuster and the consequent need for 60 votes to pass legislation means that the senate has more power to stop legislation

Their shared powers could be argued to be more significant:

- legislation and appropriations
- declaration of war
- override presidential veto
- confirmation of vice-president replacement

Answers which only discuss the powers of one chamber will not be placed in level 3

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

LEVELS	DESCRIPTORS
Level 3 (11-15 marks)	<ul> <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>
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Question Number	Question
4.	Assess the significance of the Executive Office of the President (EXOP)
	within the executive branch.
Indicative content (this is not an exhaustive account of relevant points)	

## Significant because:

- composition –only very few have to be confirmed by the Senate, so means the
  president has a free hand in appointment and can get his most trusted advisers into
  the EXOP
- president doesn't have to worry about EXOP members being distracted by running big departments or divided loyalties between the executive and legislature
- heads of policy office within the EXOP often exercise as much/or more influence over policy than cabinet equivalents

## Insignificant because:

- staff recruited from campaign team may have minimal experience of government
- EXOP members are simply advisers to the president, so have no jurisdiction over the federal bureaucracy
- the existence of two competing bureaucracies may create confusion and friction

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A threshold Level 3 response will typically exhibit the following features: A range of clear knowledge and understanding, explicitly addressing the question, with supporting detail or evidence.

LEVELS	DESCRIPTORS
Level 3 (11-15 marks)	<ul> <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>
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Question Number	Question
5.	Explain the disagreements between liberals and conservatives over any
	three constitutional rights.

Liberals and conservatives have disagreed in recent years over constitutional rights, e.g.:

- Freedom of speech conservatives believe freedom of speech should be extended to corporations, as the Supreme Court held in *Citizens United*, liberals believe regulations should be able to prevent corporations spending unlimited sums on political campaigns
- Gun ownership conservatives believe the Second Amendment creates an individual right to own weapons, liberals believe gun control regulation should be able to limit most or all gun ownership
- Punishment liberals believe that the death penalty is 'cruel and unusual punishment', conservatives do not
- States' rights conservatives believe the 10<sup>th</sup> Amendment renders nearly all of the expansion of the federal government since the 1930s unconstitutional, liberals do not
- Abortion liberals believe that the 'due process' clause creates rights to abortion and conservatives do not
- Same sex marriage liberals believe that the 'due process' clause creates rights to same sex marriage and conservatives do not

A threshold Level 2 response will typically exhibit the following features:

Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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

LEVELS	DESCRIPTORS
Level 3 (11-15 marks)	<ul> <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>
Level 2 (6-10 marks)	<ul> <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>
<i>Level 1</i> (0-5 marks)	<ul> <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	'The Supreme Court has become too powerful.' Discuss.

Arguments that the Supreme Court has become too powerful include:

- the Supreme Court's power of judicial review means it effectively has the power to amend the Constitution, and its rulings can have huge significance
- Unelected judges are overruling decisions of the people's elected representatives
- The Supreme Court has interpreted the Constitution too broadly and has found rights in the constitution that were unknown to the framers, e.g. on abortion and gay rights
- there are no effective checks on the Supreme Court in the Constitution

Arguments that the Supreme Court has not become too powerful include:

- the informal and self-imposed checks on the court are effective in limiting its power
- the 'rights' created by the court are often not very strong, e.g. the delays in desegregation after *Brown*, the weakness of abortion rights created in *Roe*
- the court plays an important role in updating the Constitution to reflect the values of modern society
- excessive difficulty of the formal process of amending the Constitution means only very few are ever passed, so the court has to assume this role

A threshold Level 2 response will typically exhibit the following features:

Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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

A01	Knowledge and understanding
Level 3 (9-12 marks)	Good to excellent knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (5-8 marks)	Limited to sound knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

Level 1 (0-4 marks)	Very poor to weak knowledge and understanding of relevant institutions, processes, political concepts, theories or debates		
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		

AO3	Communication and coherence	
Level 3	Good to excellent ability to construct and communicate coherent	

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

Question Number	Question	
7	To what extent has presidential power become increasingly constrained?	

Evidence that presidential power has become increasingly constrained includes:

- growing partisanship in Congress means that even when Congress is controlled by his own party it is difficult for the president to secure the passage of legislation, e.g. the prolonged passage of the Affordable Care Act or funding for projects e.g. Trump and the "Great Wall"
- and when Congress is controlled by the opposing party the president's agenda completely stalls
- nominations to the judiciary are ignored by the Senate
- the Supreme Court is increasingly willing to rule presidential power invalid, e.g. over DACA and DAPA in 2016
- Media/pressure group influence can force a change in policy e.g. Trump and child migrant detention

Evidence that presidential power has not become increasingly constrained includes:

- president can circumvent Congress through the use of executive orders and signing statements – GW Bush issued more signing statements than all previous presidents combined
- Congress is often too disunified to use power of purse to thwart the presidential agenda, e.g. the Democrats failed to impose a timeline for the withdrawal of troops from Iraq in 2007, the shutdown of October 2013 did not succeed in defunding the Affordable Care Act
- presidential power of veto means he can resist any attempt by Congress to advance its own agenda, e.g. the Keystone pipeline veto
- in foreign policy the president is still relatively unencumbered by congressional restraints

A threshold Level 2 response will typically exhibit the following features:

Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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

A range of clear knowledge and understanding, explicitly addressing the question, with

supporting detail or evidence.

AO1	Knowledge and understanding		
Level 3 (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		
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		
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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	
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	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	
AO3	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	
Level 2 (4-6 marks)	Limited to sound ability to construct and communicate coherent arguments, making some use of appropriate vocabulary	
Level 1 (0-3 marks)	Very poor to weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary	

Question Number	Question	
8	'Congress does not carry out its functions effectively.' Discuss.	

Evidence that Congress does not carry out of its functions effectively includes:

- legislation the structure of congress makes the passage of legislation difficult; more recently, a decreasing amount of legislation has been passed, there have been government shutdowns actual and threatened
- scrutiny scrutiny is carried out for partisan advantage, either in support of the president when Congress is controlled by the same party, or to undermine him when controlled by different parties; nominations are voted on party lines
- representation the dependence of members of Congress on pressure group donations means they are more attentive to their needs than those of their constituents; congress does not represent the gender or racial composition of the population; gerrymandered districts undermine representation
- foreign policy the president has increasingly assumed Congress's powers, war-making especially

Evidence that Congress does carry out its functions effectively includes:

- legislation decreasing amount of legislation may not reflect ineffective government; significant legislation has been passed e.g. Affordable Care Act, Trump tax reform
- scrutiny scrutiny has been carried out effectively in the recent past, e.g. into Iran-Contra
- representation high rates of incumbency suggest constituents are happy with their representatives' performance
- foreign policy Congress has been willing to assert its powers in foreign policy and oppose the president, e.g. over the Iran nuclear deal

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Some limited knowledge and understanding, some attempt to make a relevant response to the question, but superficial, and only limited development.

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

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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)

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

PART B – ESSAY QUESTIONS (45 marks)

AO1 / AO2 / Synopticity	
Level 3 (Good to excellent)	9-12
Level 2 (Limited to sound)	5-8
Level 1 (Very poor to weak)	0-4

AO3	
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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