

# Mark Scheme (Results) January 2011

GCE

## GCE Government & 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.

<b>No. 1</b>	What is meant by ‘pork-barrel politics’, and what is its significance in Congress?
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**Indicative content (*this is not an exhaustive account of relevant points*)**

‘Pork barrel politics’ is the obtaining by members of Congress of as many federal benefits as possible for their district or state, principally to aid their own re-election.

It can be argued to be significant as it contributes to:

- the very high rate of incumbent re-election
- the shaping of congressional careers, as congressmen will look for assignments on committees which offer the most pork-generating opportunities
- sprawling and incoherent legislation
- the neglect of the national interest at the expense of the local
- growing government debt

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

<b>No. 2</b>	Explain the ways in which the Constitution seeks to prevent the ‘tyranny of the majority’.
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**Indicative content (*this is not an exhaustive account of relevant points*)**

Among the features of the constitution which seeks to prevent the tyranny of the majority are:

- originally both the Senate and the president were not elected by popular vote
- the separation of powers makes it difficult for one group, however large, to dominate the political system
- checks and balances in the system ensures that no single institution can dominate the political system
- federalism reserves significant powers to the states
- the Bill of Rights guarantees individual freedoms
- the constitutional amendment process requires ‘super-majorities’ in both Congress and the state legislatures
- an appointed Supreme Court is responsible for interpreting the constitution

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<p><b>No. 3</b></p>	<p>How important is the role of the Vice President?</p>
<p><b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b></p>	
<p>Among the ways the role of the vice-president may be seen to be important are:</p> <ul style="list-style-type: none"> <li>• ‘balancing the ticket’ in elections</li> </ul>	

- providing experience or expertise
- taking responsibility for specific areas of policy
- acting as a congressional liaison
- ‘attack dog’ - criticising opponents more forcefully than the president is able to
- standing in for the president
- cheerleader - taking the lead on potentially unpopular policies

Arguably, the role of vice president reached a new level of importance during the tenure of Dick Cheney, principally because of President Bush’s relative inexperience in a number of key areas; Joe Biden has assumed an increasingly high-profile role as vice-president, but is unlikely to match the extent of Cheney’s influence.

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No. 4	In what ways is the independence of Supreme Court Justices protected?
<p><b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b></p>	
<p>Among the ways in which the independence of Supreme Court justices is protected include:</p> <ul style="list-style-type: none"> <li>• the separation of powers means that the judicial function is vested solely in the court, and it is consequently free from political interference in its decision-making</li> <li>• justices are appointed not elected</li> <li>• the two stage appointment process of nomination by the president and confirmation by the Senate reduces the possibility of overtly political appointments</li> </ul>	

<ul style="list-style-type: none"> <li>• justices' salaries cannot be reduced during their period of office</li> <li>• justices have lifetime tenure and can only be removed by impeachment</li> <li>• impeachment is the responsibility of both houses of Congress, making politically motivated impeachment less likely to succeed</li> </ul>	
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No. 5	How and why is federalism enshrined in the Constitution?
<b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b>	
<p>Federalism is the separation of the structure of government into two more or less autonomous layers, and the powers of each are entrenched in the constitution. The term 'federalism' is not mentioned in the constitution, but the role of the states in US government is established in the constitution principally by:</p> <ul style="list-style-type: none"> <li>• equal representation of each state in the Senate</li> <li>• the Electoral College for electing the president</li> <li>• state boundaries cannot be changed without states' consent</li> <li>• the constitution can only be amended with the consent of <math>\frac{3}{4}</math> of the state legislatures</li> <li>• the tenth amendment reserves to the states all those powers not explicitly delegated to the central government</li> </ul> <p>The framers of the constitution wished to establish a political system which protected the role of the states, as the founders of the new country, and to create a central government strong enough to pull the country together into a functioning whole. Thus, both were granted significant powers within a federal system.</p>	

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No. 6	'Judicial activism cannot be justified.' Discuss.
<p><b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b></p>	
<p>'Judicial activism' is a term which lacks precise definition, and is often used as a term of abuse for decisions with which the speaker or writer disagrees. Arguably, the most objective definition is that judicial activism is the overriding by the Supreme Court of a state or congressional law, or the reversal of one of the court's own precedents; thus defined, judicial activism can be practised by both conservative and liberal justices, and cases such as <i>Citizens United</i> and <i>Heller</i> can arguably be seen as part a new era of conservative activism.</p> <p>Arguments justifying judicial activism include:</p> <ul style="list-style-type: none"> <li>• the principles of the constitution are clear, and it is the role of the court to protect them from dilution or erosion by other branches of government</li> <li>• the court's own decisions are not immune from error and must be reversed if necessary</li> <li>• legislators are often risk-averse, and slow to act for fear of offending one group or another; consequently, important social change can only be achieved by the court taking the lead and striking down archaic legislation</li> <li>• state laws in particular are likely to promote values which have long since ceased to be acceptable</li> </ul> <p>Arguments attacking judicial activism include:</p> <ul style="list-style-type: none"> <li>• the constitution is vague in many places and its provisions subject to interpretation;</li> </ul>	



consequently, no one can claim a definitive knowledge of its meaning, and, as an unelected body, the court should defer to the judgment of the other branches

- as the court lacks the legitimacy of the elected branches, it should strike down legislation only if it is in flagrant breach of the constitution
- judges are not expert in social policy and, if they attempt to substitute their judgment for legislators', it is unlikely to produce successful policy
- if justices are seen to use judicial review to advance their own policy preferences, they risk eroding the standing and authority of the court
- if the court reverses its own decisions, especially within a relatively short space of time, again there is a danger that its authority is undermined
- federalism is a cornerstone of the US constitution, and, in striking down state laws, the court is denying states the legitimate right to protect regional ways of life

<b>A01</b>	<b>Knowledge and understanding</b>
<b>Level 3</b> <b>(9-12 marks)</b>	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 2</b> <b>(5-8 marks)</b>	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 1</b> <b>(0-4 marks)</b>	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>A02</b>	<b>Intellectual skills</b>
<b>Level 3</b> <b>(9-12 marks)</b>	Good or better ability to analyse and evaluate political information, arguments and explanations
<b>Level 2</b> <b>(5-8 marks)</b>	Sound ability to analyse and evaluate political information, arguments and explanations
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<b>A02</b>	<b>Synoptic skills</b>
<b>Level 3</b> <b>(9-12 marks)</b>	Good or better ability to identify competing viewpoints or perspectives, and clear insight into how they affect the interpretation of political events or issues and shape conclusions
<b>Level 2</b> <b>(5-8 marks)</b>	Sound ability to identify competing viewpoints or perspectives, and a reliable awareness of how they affect the interpretation of political events or issues and shape conclusions
<b>Level 1</b> <b>(0-4 marks)</b>	Limited ability to identify competing viewpoints or perspectives, and a little awareness of how they affect the interpretation of political events or issues and shape conclusions

<b>A03</b>	<b>Communication and coherence</b>
<b>Level 3 (7-9 marks)</b>	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
<b>Level 2 (4-6 marks)</b>	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
<b>Level 1 (0-3 marks)</b>	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 7	To what extent does Congress remain a powerful body?
<b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b>	
<p>Evidence that Congress is no longer a powerful body includes:</p> <ul style="list-style-type: none"> <li>• complicated legislative process means far more laws are rejected than passed</li> <li>• compounded by growth of partisanship which makes both parties unwilling to compromise</li> <li>• weak party control reduces the likelihood of a policy programme being enacted</li> <li>• parochialism makes Congress often incapable of considering the national interest</li> <li>• ability of the president to circumvent Congress through executive orders and recess appointments</li> <li>• ability of the president to set the tone and direction of foreign policy, and to deploy armed forces without congressional approval</li> </ul> <p>Evidence that Congress remains a powerful body includes:</p> <ul style="list-style-type: none"> <li>• continued dependence of the president on Congress for all legislation and money</li> <li>• continued dependence of the president on Congress for all appointment confirmation and treaty ratification</li> <li>• continued ability of Congress to override presidential vetoes</li> <li>• sometime willingness of Congress to set the policy agenda, e.g. the ‘Contract with America’</li> </ul>	
AO1	<b>Knowledge and understanding</b>
<b>Level 3 (9-12 marks)</b>	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
<b>Level 2 (5-8 marks)</b>	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
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No. 8	'The power of the President is limited to the power to persuade.' Discuss.
<b>Indicative content (<i>this is not an exhaustive account of relevant points</i>)</b>	
<p>Evidence that the power of the president is limited to persuasion includes:</p> <ul style="list-style-type: none"> <li>• the president is dependent on Congress for all legislation and money</li> <li>• separation of powers means congressmen have their own mandate, and their willingness to support the president is more conditional than in a parliamentary system - fundamentally, it will depend on how far it will aid their own election prospects</li> <li>• even a Congress controlled by his own party may ignore - e.g. the Bush second term - or defeat - e.g. the Clinton health care reforms - the president's agenda</li> <li>• consequently the president needs to persuade members of Congress that support for him is in their interests</li> </ul> <p>Evidence that the power of the president extends beyond persuasion includes:</p> <ul style="list-style-type: none"> <li>• mandate of the president may be such - e.g. President Johnson in 1964 - that the president does not need to persuade Congress to adopt his agenda</li> <li>• ability of the president to circumvent congress through executive orders and recess appointments</li> <li>• use of signing statements to implement legislation as the president directs, sometimes in direct contravention of Congress' expressed intent</li> <li>• if persuasion fails, the president can veto legislation</li> <li>• in several aspects of foreign policy, the president can act unilaterally</li> </ul>	
AO1	<b>Knowledge and understanding</b>
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