

Mark Scheme (Results) January 2010

GCE

GCE Government & Politics (6GP04)
Paper 4C Governing the USA

Edexcel is one of the leading examining and awarding bodies in the UK and throughout the world. We provide a wide range of qualifications including academic, vocational, occupational and specific programmes for employers. Through a network of UK and overseas offices, Edexcel's centres receive the support they need to help them deliver their education and training programmes to learners.

For further information, please call our GCE line on 0844 576 0025, our GCSE team on 0844 576 0027, or visit our website at www.edexcel.com.

If you have any subject specific questions about the content of this Mark Scheme that require the help of a subject specialist, you may find our **Ask The Expert** email service helpful.

Ask The Expert can be accessed online at the following link:

<http://www.edexcel.com/Aboutus/contact-us/>

Alternately, you can speak directly to a subject specialist at Edexcel on our dedicated **Government & Politics** telephone line: **0844 576 0025**

January 2010

Publications Code UA022856

All the material in this publication is copyright

© Edexcel Ltd 2010

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.

No. 1	Using examples, explain the limitations on the Supreme Court's powers.
Indicative content (this is not an exhaustive account of relevant points)	
<p>Answers should demonstrate an awareness that judges are limited in their ability to act as policy-makers by factors such as:</p> <ul style="list-style-type: none"> • Legal process. Judges can only decide matters that are brought to them in the form of legal cases and will not offer advisory opinions. • Court traditions. Judges only consider cases where their decision will make a real difference i.e. cases in which affect a considerable number of people and it is claimed that considerable harm has been caused. • Lack of Enforcement Power. President Jackson said, "John Marshall has made his decision, now let him enforce it". Since, there have been many examples of the Court's decisions being ignored or actively resisted, such as the refusal by southern States to end racial segregation in the 1950's and 60's. • Public opinion. Striking down New Deal legislation in the 1930's created the impression that the Judges were out of touch with ordinary people which undermined the Court's status • Congress can alter the number of judges on the Court, which was successfully used as a threat when the Court was striking down New Deal legislation in the 1930's • Supreme Court judgements can be over-turned by a constitutional amendment eg the 16th Amendment was passed as a result of a Supreme Court declaration that a federal income tax was unconstitutional • Congress can modify laws which have been declared unconstitutional so that, despite a Supreme court ruling, a law continues to apply in an altered form <p>The President's power to appoint judges to the Court when there is a vacancy can be seen as a limitation on judicial power, although it does more to shape the direction of the Court than exert limitations.</p>	
AO1	Knowledge and understanding
Level 3 (4-5 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (2-3 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-1 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

A02	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain formal limitations on judicial power, such as the lack of enforcement power • Ability to analyse and explain informal limitations on judicial power, such as public opinion 	
Level 3 (5-7 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (3-4 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-2 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
A03	Communication and coherence
Level 3 (3 mark)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (2 mark)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-1 marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 2	Why and to what extent, there has been disagreement about the constitutional importance of federalism?
Indicative content (this is not an exhaustive account of relevant points)	
<p>There is a widely held view in the USA, especially on the right of the political spectrum, that liberty is best protected by policies being made in local communities with the policy-makers being held locally accountable and that, conversely, the greatest threat to freedom was/is a powerful central government relative to state governments. Thus federalism is seen as the key constitutional device to protect liberty and any dilution of federalism is seen as undermining freedom.</p> <p>However, other Americans argue that the consistent application of the Bill of Rights can only be done/monitored by the national government and point out that, under the banner of 'States Rights', local communities have been guilty of fostering tyranny of the majority - especially the white communities in the South.</p>	
AO1	Knowledge and understanding
Level 3 (4-5 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (2-3 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-1 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

A02	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to develop the argument that Federalism is the key mechanism protecting liberty • Ability to develop the counter-argument that rights are often best protected by the national government 	
Level 3 (5-7 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (3-4 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-2 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
A03	Communication and coherence
Level 3 (3 mark)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (2 mark)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-1 marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 3	How are Supreme Court judges appointed, and is the process so politically controversial?
Indicative content (this is not an exhaustive account of relevant points)	
<p>Candidates should demonstrate an awareness of the mechanism for appointing judges to the Supreme Court, that are:</p> <ul style="list-style-type: none"> • The President nominates a candidate • The Senate Judiciary Committee holds hearings to assess the suitability of the candidate, with a range of interested parties having an opportunity to make a contribution to the process • The full Senate votes, with a simple majority required for confirmation <p>act that the Supreme Court can, and has, used its power of constitutional interpretation to shape public policy, means that everyone has an interest in the views, attitudes and values of the people who are nominated.</p> <p>ver, because Judges are appointed for life and life-expectancy is growing, anyone who is appointed may be helping to shape public policy for 30 years or more.</p>	
A01	Knowledge and understanding
Level 3 (4-5 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (2-3 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-1 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

A02	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Detailed knowledge of the appointments process • Ability to analyse the significance of appointments in terms of the power that comes with constitutional interpretation combined with lifetime appointments 	
Level 3 (5-7 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (3-4 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-2 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
A03	Communication and coherence
Level 3 (3 mark)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (2 mark)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-1 marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 4	How do Presidents veto legislation, and how significant is the presidential veto?
Indicative content (this is not an exhaustive account of relevant points)	
<p>Candidates should demonstrate an awareness that in some respects, the veto is a weapon that Presidents are reluctant to use, because:</p> <ul style="list-style-type: none"> • Many bills contain provisions that the President supports as well as provisions he opposes. The veto is a blunt instrument, voiding all provisions • Using the veto too often creates an impression that the President is inflexible and unable to reach compromises • Also, if a bill has sufficient support in Congress, a veto can be over-ridden <p>On the other hand, the veto may be useful to the President, because:</p> <ul style="list-style-type: none"> • The White House can use the threat of a veto in negotiations with Congress while a bill is going through the legislative process • Also, with a high proportion of bills not completing passage until the end of Congressional sessions, the President may use the pocket veto that cannot be over-ridden 	
AO1	Knowledge and understanding
Level 3 (4-5 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (2-3 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-1 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the factors that limit the usefulness of the veto to the President • Ability to analyse and explain the factors that make the power of veto a useful tool for the President 	
Level 3 (5-7 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (3-4 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-2 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
AO3	Communication and coherence
Level 3 (3 mark)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (2 mark)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-1 marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 5	How significant is the role of political parties within Congress?
Indicative content (this is not an exhaustive account of relevant points)	
<p>Students should demonstrate an awareness that members of Congress often put local considerations ahead of ideology and party loyalty, especially in the House of Representatives who face re-election every two years. However, in a variety of ways party plays a significant role, including:</p> <ul style="list-style-type: none"> • Members can be most effective when they chair committees and this can only be done if their party holds the majority of seats in the chamber • Also, each of the past three speakers of the House of Representatives have had a strong, overt, ideological agenda • When Congress and the White House are controlled by the same party, oversight tends to be less rigorous • An ever-increasing proportion of votes are along party lines. For example, President Obama's stimulus package got no votes from Republicans in the House and only three in the Senate 	
AO1	Knowledge and understanding
Level 3 (4-5 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (2-3 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-1 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the reasons that members of Congress often put local priorities before the priorities of their party • Ability to evaluate and explain the reasons why, despite this, political parties can play a significant role in Congress 	
Level 3 (5-7 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (3-4 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-2 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
AO3	Communication and coherence
Level 3 (3 mark)	Sophisticated ability to construct and communicate coherent arguments, making good use of appropriate vocabulary
Level 2 (2 mark)	Adequate ability to construct and communicate coherent arguments, making some use of appropriate vocabulary
Level 1 (0-1 marks)	Weak ability to construct and communicate coherent arguments, making little or no use of appropriate vocabulary

No. 6	To what extent is there disagreement about how effectively the constitution protects freedom?
Indicative content (this is not an exhaustive account of relevant points)	
<p>Candidates should demonstrate an awareness that Americans from different ideological positions have contrasting views on how they define freedom and how effectively constitutional mechanisms to protect freedom have operated.</p> <ul style="list-style-type: none"> • Conservatives, who define freedom in negative terms (non-interference) believe that the Constitution was designed to limit the size and power of government, especially the national government, and that it has been largely ineffective at doing so. Each national crisis since the 1930's has seen the growth of the national government with a proportionate disempowerment of the states. This is a dynamic that is inimical to freedom from interference from a government that feels remote • Liberals, who define freedom in positive terms (fulfilment of potential) believe that the Constitution was designed to protect rights and that it has had a mixed record at best. Infringement of rights has often been the result of bigotry at local level and the Constitution has often made it difficult for the national government to intervene • Centrists argue that the Constitution strikes the best possible balance between freedom and effective government. There have been times when this balance has been lost, such as when Japanese Americans were interned during World War II, but it has always been restored 	
AO1	Knowledge and understanding
Level 3 (9-12 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (5-8 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-4 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the contrasting ideological viewpoints on constitutional protections • Ability to evaluate the strengths and weaknesses of the arguments 	
Level 3 (9-12 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (5-8 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-4 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
AO2	Synoptic skills
Level 3 (9-12 marks)	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
Level 2 (5-8 marks)	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)	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

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

No. 7	Members of Congress are more concerned with local issues than national or international issues.’ Discuss
Indicative content (this is not an exhaustive account of relevant points)	
<p>Candidates should demonstrate an understanding that there are political forces that lead to members Congress prioritising local issues over matters of national importance, such as:</p> <ul style="list-style-type: none"> • Elections every two years that mean that members of Congress have to demonstrate that their term has been productive to the community they serve. • This leads to pork barrel politics • It also makes them reluctant to vote to increase taxes to pay for federal spending, leading some commentators to argue that deficit spending in the USA is a consequence of the priorities of the legislators <p>er, Congress has many responsibilities that are often not affected by local concerns, such as:</p> <ul style="list-style-type: none"> • The oversight of foreign policy and the implementation of federal law • Also, Senators can have a moderating influence as they have six year terms of office • Congressional elections have become increasingly ideological in character, reducing the importance of appealing mainly to local concerns 	
AO1	Knowledge and understanding
Level 3 (9-12 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (5-8 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-4 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

AO2	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the political forces that lead to members of Congress emphasising local issues • Ability to analyse and explain the political factors that lead to members of Congress taking national issues seriously • Ability to evaluate which of these forces is stronger 	
Level 3 (9-12 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (5-8 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-4 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
AO2	Synoptic skills
Level 3 (9-12 marks)	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
Level 2 (5-8 marks)	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)	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

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

No. 8	There are no effective checks on presidential power.' Discuss.
Indicative content (this is not an exhaustive account of relevant points)	
<p>Candidates should demonstrate an awareness of the ways in which Congress checks the executive, including:</p> <ul style="list-style-type: none"> • the confirmation of appointments • ratification of treaties • oversight of government departments • investigations and impeachment • consideration of presidential legislative proposals • the congressional power to declare war <p>There are a range of valid viewpoints on the effectiveness of congressional checks but because of the number of loopholes the President benefits from in respect of foreign affairs there is wide consensus that Congress is more effective in domestic affairs.</p> <p>The judiciary has only one check - the power of judicial review over presidential actions. However, these have proved significant cases ranging from the Pentagon Papers (effectively ending Nixon's presidency) to declaring the line item veto to be invalid. In recent years the Supreme Court has extended its role by over-ruling the President's decision to hold detainees indefinitely at Guantanamo Bay and use military tribunals to try them</p>	
A01	Knowledge and understanding
Level 3 (9-12 marks)	Full and developed knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 2 (5-8 marks)	Satisfactory knowledge and understanding of relevant institutions, processes, political concepts, theories or debates
Level 1 (0-4 marks)	Poor knowledge and understanding of relevant institutions, processes, political concepts, theories or debates

A02	Intellectual skills
<p>The skills that are relevant to this questions are:</p> <ul style="list-style-type: none"> • Ability to analyse and explain the Congressional mechanisms for checking the Executive • Ability to analyse and explain the Supreme Court’s single mechanism for checking the Executive • Ability to evaluate which of these powers is more significant 	
Level 3 (9-12 marks)	Good or better ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 2 (5-8 marks)	Sound ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
Level 1 (0-4 marks)	Limited ability to analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences
A02	Synoptic skills
Level 3 (9-12 marks)	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
Level 2 (5-8 marks)	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)	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

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

Further copies of this publication are available from
Edexcel Publications, Adamsway, Mansfield, Notts, NG18 4FN

Telephone 01623 467467
Fax 01623 450481

Email publications@linneydirect.com

Order Code UA022856
January 2010

For more information on Edexcel qualifications, please visit www.edexcel.com/quals

Edexcel Limited. Registered in England and Wales no.4496750
Registered Office: One90 High Holborn, London, WC1V 7BH