

# **Government and Politics**

Advanced GCE

Unit **F853**: Contemporary US Government and Politics

## **Mark Scheme for June 2011**

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**Source**

The president is often regarded as the principal force behind changes in federal-state relations. Since the 'Dual' or 'Classical' federalism of the Founding Fathers, various types of federalism have been associated with a particular president. 'Cooperative federalism' is linked to President FD Roosevelt's New Deal, and 'New federalism' with President Nixon. However, there are a range of factors which can influence federal-state relations. Recently, the Rehnquist Court was said to have been the architect of a 'federalism revolution' and the Congress too, with Republican majorities, has had a significant role to play.

**1 (a) Outline three types of federalism. [10]**

*The Constitution: federalism.*

	<b>AO1</b>	<b>AO3</b>
<b>Level 4</b>	7–8	2
<b>Level 3</b>	5–6	2
<b>Level 2</b>	3–4	1
<b>Level 1</b>	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of three types of federalism. This may include some of the following:

- Dual classical federalism
- Fiscal federalism
- Cooperative federalism
- Coercive federalism
- New federalism
- Permissive federalism
- Progressive federalism
- Other variants such as kaleidoscopic, marble cake, fend-for-yourself, mandatory federalism are all acceptable if explained.

Three types needed for level 4. One type only will be level 1. Two types level 2 or 3 depending upon level of detail.

**AO3:** Expect most candidates to reach level 3 and use 2 as a default mark. Three clear paragraphs is the ideal. At level 2 and below, candidates will make frequent and intrusive spelling and grammatical mistakes. The answer will lack focus and be disorganised. Discussion of the reasons behind changing relations will not be rewarded here.

## 1 (b) Account for the changes in federal-state relations since 1992. [15]

	AO2	AO3
Level 4	10–12	3
Level 3	7–9	2
Level 2	4–6	2
Level 1	0–3	0–1

**AO2:** Expect candidates to identify a number of reasons as to why the relationship between federal and state government has changed since 1992. These may include:

- The role of Congress: the impact of the “Republican Revolution”/“Contract with America”/Gingrich. Republican majorities in the House and Senate for most of this period up to 2006.
- This could be linked to ideological consensus and the decline of Keynesian “big government” and development of/return to more classical liberal economics with a smaller (“laissez-faire”) role for government.
- The role of presidents. Clinton’s Third Way/New Democrat approach which moved away from traditional “tax and spend” Democratic policies. Bush’s compassionate conservatism and expansion of federal government in education and health care.
- Candidates may discuss the impact of the “credit crunch” and the fiscal stimulus package on federal-state relations.
- The role of the states. Institutional and fiscal revival in the 80s and beyond.
- The role of the Supreme Court. The “Federalism revolution” in the Rehnquist era with cases such as *Alden v Maine* and *US v Lopez*.
- Any discussion of recent developments, such as California’s budgetary problems or rulings from the Roberts Court, such as *Gonzales v Carhart* and their impact upon federal-state relations will be rewarded.

At the top of level 4, candidates will have identified a range of factors (four or more) and maintained a clear focus on explaining the reasons behind the changes, rather than merely describing changes. Discussion must focus on developments since 1992 and avoid too much historical discussion. There may be attempt to evaluate the most significant force behind change in recent years.

**AO3:** Expect most candidates to reach level 3 and use 2 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

**2 Evaluate the factors which influence the outcome of mid-term congressional elections. [25]**

*Elections, presidential and congressional. Factors influencing the campaign and voting behaviours.*

	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
<b>Level 4</b>	9–10	9–10	5
<b>Level 3</b>	6–8	6–8	4
<b>Level 2</b>	3–5	3–5	2–3
<b>Level 1</b>	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of mid-term congressional elections. This could include discussion of some of the following:

- The outcome of mid-term elections
- Salient issues such as Hurricane Katrina in 2006 and any scandals
- Concepts such as mid-term blues and the end of the honeymoon period
- The state of the economy as an influence on voting behaviour
- Presidential approval ratings
- Party policies and party unity
- Candidates selected to appeal to certain constituencies such as moderate Democrats in Republican heartlands in 2006.

In order to reach level 4, candidates should discuss a range of factors, say 5–6, which explain the outcome of elections. Those who focus on the elections of November 2010 will be rewarded.

**AO2:** Expect candidates to evaluate the factors which influence the outcome of mid-term congressional elections. Discussion may focus on the outcome of the 2010 mid-term elections and the factors which were influential then. Mention might be made of the cyclical nature of presidential – congressional elections and the electorate’s preference for divided government. This might invite discussion of past mid-term elections such as 2006 and 1994.

In order to reach level 4, candidates will identify a range of factors which influence the outcome of elections. Better candidates might make reference to US voting behaviour perhaps highlighting dealignment and the volatility of the electorate in this regard. The importance of incumbency and name recognition might be considered.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

**3 Discuss the view that third parties are doomed to fail.****[25]***Political parties: The role and impact of third parties.*

	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
<b>Level 4</b>	9–10	9–10	5
<b>Level 3</b>	6–8	6–8	4
<b>Level 2</b>	3–5	3–5	2–3
<b>Level 1</b>	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of third parties. This could include discussion of some of the following:

- Third parties such as the Libertarian party, Reform party, Green party
- Candidates' performances in presidential elections
- Their performance in recent elections
- Policy proposals from third parties
- Responses of the two main parties
- Regional differences
- Ballot requirements
- The role of the Electoral College
- Media coverage of third parties
- Voting behaviour
- Party systems.

In order to reach level 4, candidates will display knowledge of various aspects relating to third parties and the hurdles they face.

**AO2:** Expect candidates to discuss the factors which influence the performance of third parties in elections in the US. This could include discussion of the impact of the plurality system of FPTP and the lack of proportionality in the Electoral College. The requirements at state level and the need for money could also be outlined as contributory factors. The extent of partisan alignment and media focus on the "main" candidates could also be offered by way of explanation.

In order to reach level 4, candidates will need to outline a range of factors which explains the failure of third parties to make a breakthrough. Better candidates will focus on the meaning of failure and they may question the extent to which this is inevitable and/or if they have in fact failed. Their ability to influence the policy agenda, adoption of their policies by the two main parties and influence on the outcome of elections could be cited as evidence of success.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

- 4 To what extent is the effectiveness of a pressure group determined by its membership? [25]

*Pressure groups: Methods used; examples of, and reasons for, success or failure.*

	AO1	AO2	AO3
Level 4	9–10	9–10	5
Level 3	6–8	6–8	4
Level 2	3–5	3–5	2–3
Level 1	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of pressure groups and the methods used. This might include reference to:

- Membership in terms of size and quality (in terms of income, education, commitment etc)
- Leadership
- Aims and issues
- Iron triangles, issue networks and the “revolving door”
- The use of technology
- Access points and the legislative and judicial process. Recent examples of Supreme Court decisions (as opposed to the dated NAACP and Brown case) will be recognised
- A range of US pressure groups. Reward candidates who can mention groups beyond the more obvious examples of the NRA and AARP. Whilst organisations such as “Big Tobacco” are acceptable, examples such as ENRON, Timothy McVeigh and the “militia” are not.

At the top of level 4, candidates will be able to identify and develop several methods used by a range of pressure groups.

**AO2:** Expect candidates to evaluate the importance of membership to the effectiveness of pressure groups. This should include an assessment of a range of factors beyond membership. Case studies might be presented to illustrate answers, such as the role of health insurers with regard to Obama’s reform proposals. Consideration might be given to the issue in question and the scale of opposition, such as in the pro-life v pro-choice debate. The preferences of government and the question of compatibility might be considered (eg the religious right and the Bush administration).

At the top of level 4, candidates will not only list a range of factors which influence pressure group effectiveness but attempt to evaluate or rank their relative significance. As opposed to size, the commitment and quality of membership (NRA, AIPAC) might be considered. At this level, candidates may attempt to apply democratic theory to their answer, perhaps suggesting that the US system is elitist rather than pluralist and money (provided by membership) is key. Candidates who do not discuss factors beyond membership will not score above level 3.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

5 To what extent can the Senate and House of Representatives be regarded as co-equal chambers? [25]

*Congress: Functions of legislatures; membership, the legislative process, oversight of the executive.*

	AO1	AO2	AO3
Level 4	9–10	9–10	5
Level 3	6–8	6–8	4
Level 2	3–5	3–5	2–3
Level 1	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of the roles of the House and the Senate. This could include discussion of some of the following:

- The legislative and budgetary process
- Scrutiny and oversight
- The work of committees
- The powers outlined in the Constitution re appointments, treaties, impeachment
- Examples to illustrate the above such as Miers and Sotomayor
- The Senate as a platform for presidential campaigns (Obama, Biden, McCain, Clinton)
- Contemporary examples of the work of the two chambers.

In order to reach level 4, candidates will describe a range of functions performed by the two chambers and provide examples to illustrate these points.

**AO2:** Expect candidates to assess the relative importance of the two chambers. Comparisons of exclusive powers such as nominations, treaties and shared powers such as legislation, oversight and overturn of vetoes, will provide a sound basis for a consideration of the assertion in the title. Consideration might be given to party composition and the proximity of elections.

In order to reach level 4, there will be an effective comparison of the respective powers of the two chambers. Recognition may be given to the exclusive powers of the House (in impeachment and money bills) which could be used to balance the traditional view of the Senate's supposed superiority.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

- 6 Discuss the view that the most important power of the president is that of persuasion. [25]

*The presidency. Powers of the President; presidential policy-making (both domestic and foreign); relations with Congress; theories and practice of presidential power.*

	AO1	AO2	AO3
Level 4	9–10	9–10	5
Level 3	6–8	6–8	4
Level 2	3–5	3–5	2–3
Level 1	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of the powers of the presidency and relations with the Congress. This could include discussion of some of the following:

- The powers of the President as chief executive, legislator, diplomat, manager of prosperity and commander-in-chief
- The powers of the Congress and their ability to check the presidency
- This might be linked to the powers outlined in article 1 section 8 of the Constitution
- The nature of the Congress and its character as a fragmented, parochial and nebulous institution
- Details of presidential and congressional relations past and present
- Case studies of issues such as budgets, health care reform and foreign policy
- Case studies of presidencies such as the differences between first and second term GW Bush.

In order to reach level 4, candidates will identify a range of presidential powers and provide detailed examples of presidential and congressional relations.

**AO2:** Expect candidates to discuss the nature of presidential power. This could include reference to: the constitutional intentions of the Founding Fathers and the principles of the separation of powers and checks and balances. The evolution of the office and impact of events such as 9/11, the Cold War, WWII & the Great Depression. This discussion could be linked to concepts such as the imperial and imperilled presidencies, the resurgent Congress, the resurgent presidency (Reagan) and reimperialisation of the presidency (first term GW Bush). The use of the media/bully-pulpit as part of a bypass strategy could be linked to the “power of persuasion”.

In order to reach level 4, candidates should argue both for and against the assertion in the title. They could highlight differences between the powers of the presidency in the realms of domestic and foreign policies. They will explain presidential – congressional relations and perhaps refer to the “paradox” of the presidency and the symbiotic relationship between the two. The importance of the mandate, political capital, the honeymoon period, party composition in the Congress and the nature of partisan politics could be used to good effect.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

7 To what extent do the rulings of the Supreme Court suggest that the judiciary is independent? [25]

*The Supreme Court. Functions of judiciaries; the rule of law and judicial independence. Membership; appointment process; issues concerning judicial review, accountability and democratic control; theories and practice of judicial activism and restraint.*

	AO1	AO2	AO3
<b>Level 4</b>	9–10	9–10	5
<b>Level 3</b>	6–8	6–8	4
<b>Level 2</b>	3–5	3–5	2–3
<b>Level 1</b>	0–2	0–2	0–1

**AO1:** Candidates will display a knowledge and understanding of the role of the Supreme Court in US government and politics. This could lead to discussion of some of the following:

- The concepts of judicial independence and politicisation, the rule of law, strict and loose constructionism, activism and passivism
- Recent appointments to the Court
- Rulings from the Court
- The balance of the Court and outlook of individual justices
- The constraints upon the Court
- Constitutional arrangements.

To reach level 4, candidates will have a sound grasp of some of the key concepts mentioned above and be able to refer to cases, justices and perhaps opinions. It will be possible for candidates to reach this level if they are able to provide an in depth discussion of a few cases as opposed to a broad range. For example, abortion might be used as a case study to provide the basis for argument.

**AO2:** Expect candidates to evaluate the extent to which the Supreme Court is independent from the executive, legislature and public opinion. This might invite analysis of:

- Recent appointments and arguments relating to alleged politicisation
- Rulings from the Court and evaluation of conservative/liberal bias eg *Gonzales v Carhart* & *Boumediene v Bush* respectively
- The impact of the constraints upon the Court eg *stare decisis* in ensuring the Court retains its independence.

In order to reach level 4, candidates should consider the case for and against before reaching a conclusion. They will have a sound grasp of the key concepts mentioned above and maintain a sharp focus on the question throughout. The debate about the Court being judicial as opposed to a political institution could be used to good effect here.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

**8 Assess the view that the Bill of Rights no longer adequately protects the rights of Americans. [25]**

*Civil rights and liberties. The constitution. The Supreme Court. The role of institutions and of the Constitution in defending rights and liberties; current issues associated with rights and liberties.*

	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
<b>Level 4</b>	9–10	9–10	5
<b>Level 3</b>	6–8	6–8	4
<b>Level 2</b>	3–5	3–5	2–3
<b>Level 1</b>	0–2	0–2	0–1

**AO1:** Candidates will display knowledge and understanding of the rights outlined in the Bill of Rights. This could lead to discussion of :

- political rights as outlined in the first amendment
- the right to bear arms
- the rights of the accused (4th–8th)
- states' rights
- Supreme Court cases, the composition of the Court and the individual outlook of justices
- Concepts such as liberal activism and strict constructionism
- Congressional Acts such as the Patriot Act
- Executive actions such as the closure of Guantánamo Bay's Camp X-ray
- The role played by pressure groups such as the ACLU, La Raza, NOW and NAACP.

In order to reach level 4, candidates should show a good knowledge of the specifics of the Bill of Rights and provide a range of examples relating to their relevance in the US today. This should include reference to several of the amendments.

**AO2:** Expect candidates to assess the extent to which the rights outlined in the Bill of Rights have been threatened and protected. Free speech could be linked to pornography on the internet and pressure group activity. The issues of school prayers, gun control, the use of warrants, the right to a lawyer and speedy trial, the death penalty and abortion have all been prominent in recent times. This provides ample scope for the question to be evaluated.

At the top of level 4, candidates will discuss a range of rights and consider the case for and against their protection. Brief comparisons could be made with the ECHR in the UK and the extent to which a "rights' culture" exists in the US. This might allow a consideration of the role played by the Congress and the executive in this regard.

**AO3:** Expect most candidates to reach level 3 and use 4 as a default mark. Further marks will be awarded if a candidate is able to write with flair and maintains a sharp focus on the question throughout the essay. At level 4, candidates will have made good use of paragraphs to separate arguments. Their essay will have balance. They may also have used short introductions and conclusions to good effect. At level 2 and below, candidates will make frequent and intrusive spelling mistakes and grammatical mistakes. The essay will lack focus and be disorganised.

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