



Mark Scheme (Results)

November 2021

Pearson Edexcel A Level
In Politics (9PL0) Paper 3A

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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.

Guidelines for Question 1(a)**AO1 (6 marks)**

AO1 will be used by candidates to underpin their analysis (AO2).

AO2 (6 marks)

AO2 requires candidates to develop their answers showing analytical skills to address the question – such responses will be underpinned by their use of knowledge and understanding.

1(a) Examine the different natures of the US and UK Constitutions**AO1****AO2**

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|---|--|
| <ul style="list-style-type: none">• US Constitution is codified whereas the UK Constitution is uncodified | <ul style="list-style-type: none">• This means the US Constitution can be found in one single document specifying the rules determining the political system, whereas the UK Constitution is found in a variety of sources |
| <ul style="list-style-type: none">• Convention is more regularly used in the UK political system | <ul style="list-style-type: none">• The codified nature of the US system makes it more difficult to use convention whereas it is more accepted in the UK that conventions can change over time e.g. day/time of PMQ |
| <ul style="list-style-type: none">• US Constitution is formally entrenched whereas the UK Constitution is more flexible | <ul style="list-style-type: none">• This makes the US Constitution more difficult to amend, whereas the UK Constitution can be changed through a variety of methods |
| <ul style="list-style-type: none">• Amendments are less frequent in the US due to the formal and lengthy process required | <ul style="list-style-type: none">• The US Constitution can only be amended if two-thirds of both chambers of Congress and three-quarters of the states agree, whereas the UK can and does regularly change the constitution through statute law e.g. devolution |

<ul style="list-style-type: none"> Human rights are formally entrenched in the US Constitution as the Bill of Rights, but are part of statute law in the UK 	<ul style="list-style-type: none"> This means that certain rights have become embedded in the US political system and culture since the early years, whereas the UK has only comparatively recently added specific protections for human rights to statute law
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Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1-3	Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis (AO1). Limited comparative analysis of aspects of politics with partial, logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make simplistic connections between ideas and concepts (AO2).
Level 2	4-6	Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis (AO1). Some emerging comparative analysis of aspects of politics with some focused logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make some relevant connections between ideas and concepts (AO2).
Level 3	7-9	Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis (AO1). Mostly focused comparative analysis of aspects of politics with focused, logical chains of reasoning, drawing on similarities and/or differences within aspects of politics, which make mostly relevant connections between ideas and concepts (AO2).
Level 4	10-12	Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis (AO1). Consistent comparative analysis of aspects of politics, with coherent, logical chains of reasoning, drawing on similarities and/or differences within aspects of politics, which make relevant connections between ideas and concepts (AO2).

Guidelines for Question 1(b)

AO1 (6 marks)

AO1 will be used by candidates to underpin their analysis (AO2).

AO2 (6 marks)

AO2 requires candidates to develop their answers showing analytical skills to address the question – such responses will be underpinned by their use of knowledge and understanding.

1(b) Examine the features of the US and UK Supreme Courts designed to ensure independence from political influence.

AO1	AO2
<ul style="list-style-type: none">In both countries, there is a separation of powers between the Supreme Court and the legislative and executive branches- this is explicitly defined in the US Constitution and enshrined in legislation in the UK in the 2005 Constitutional Reform Act	<ul style="list-style-type: none">This allows the courts in both countries to operate without fear of interference by the other branches
<ul style="list-style-type: none">the US Constitution clearly outlines the checks and balances on the Supreme Court, but in the UK this is not formally entrenched	<ul style="list-style-type: none">The US Constitution, in theory, prevents the US Supreme Court from being dominated by legislative or executive influence, and also from being over-powerful e.g. appointments process can influence makeup of court; the UK Supreme Court, however, is theoretically more subject to influence as the appointments process is less well scrutinised, and can be altered without a formal constitutional amendment
<ul style="list-style-type: none">Neither country's Supreme Court can be directly overruled or have decisions overturned by lower courts or the legislature or executive	<ul style="list-style-type: none">This allows both Supreme Courts to make rulings based on their interpretation of the law and precedence rather than considering potential appeals

<ul style="list-style-type: none"> The US Supreme Court is the highest court in the land and cannot be overruled by any other court, but the UK's membership of the European Convention of Human Rights allows UK Supreme Court rulings to be challenged in the European Court of Human Rights (on ECHR cases only) 	<ul style="list-style-type: none"> This makes the US Supreme Court more independent than the UK, as it cannot be overruled except by decisions made by later courts whereas the UK can and is overruled at times by appeals to the European Court of Human Rights
<ul style="list-style-type: none"> Removal from office in both countries must be carried out by the political bodies rather than judicial colleagues: justices are tried and convicted by the Senate in the US, and removed by the monarch in the UK after an address by both Houses of Parliament 	<ul style="list-style-type: none"> This enhances the checks and balances that exist in the US, and allows the legislature in both countries to impeach judges for failure to comply with their duties rather than for political reasons

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1-3	Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis (AO1). Limited comparative analysis of aspects of politics with partial, logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make simplistic connections between ideas and concepts (AO2).
Level 2	4-6	Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis (AO1). Some emerging comparative analysis of aspects of politics with some focused logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make some relevant connections between ideas and concepts (AO2).
Level 3	7-9	Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis (AO1). Mostly focused comparative analysis of aspects of politics with focused, logical chains of reasoning, drawing on similarities and/or differences within aspects of politics, which make mostly relevant connections between ideas and concepts (AO2).

Level 4	10-12	Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis (AO1). Consistent comparative analysis of aspects of politics, with coherent, logical chains of reasoning, drawing on similarities and/or differences within aspects of politics, which make relevant connections between ideas and concepts (AO2).
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Guidelines for Question 2

AO1 (6 marks)

This question requires candidates to draw on their knowledge and understanding of the USA, including comparative theories and UK politics (AO1) and this will be used by candidates to underpin their analysis (AO2).

AO2 (6 marks)

AO2 requires candidates to develop their answers showing analytical skills to address the question – such responses will be underpinned by their use of knowledge and understanding.

Candidates who refer to only one country cannot achieve beyond Level 1.

Candidates who do not make any comparative theory points cannot achieve Level 4.

2) Analyse how the US Senate has greater power than the UK House of Lords.

AO1	AO2
<ul style="list-style-type: none">The Senate is constitutionally equal to the House of Representatives, whereas the House of Lords has more limited powers than the House of Commons	<ul style="list-style-type: none">This means that the Senate cannot be overruled by the House of Representatives, whereas the House of Commons can use the Parliament Act to pass legislation the House of Lords has rejected
<ul style="list-style-type: none">The Senate has exclusive powers to confirm presidential appointments, whereas the House of Lords has no similar power	<ul style="list-style-type: none">This can give the Senate significant power within the US political system over a presidential power e.g. when the Republican Senate refused to hold hearings for Obama's nominee for the Supreme Court
<ul style="list-style-type: none">The Senate also has the exclusive power to ratify treaties, unlike the UK where the House of Lords does not play a role in approving treaties	<ul style="list-style-type: none">This gives the Senate influence over foreign as well as domestic affairs, unlike the House of Lords who do not have to be consulted with unless the prime minister chooses to do so

<ul style="list-style-type: none"> • Individual senators have an electoral mandate to call on which strengthens their role within the US political process 	<ul style="list-style-type: none"> • The House of Lords, however, are appointed and so have no specific mandate, which makes the UK government less likely to negotiate with the Lords over legislation where there is disagreement, unlike the US where Senate agreement is required for legislation to pass
<p>Candidates may refer to the following when analysing structural theory:</p> <ul style="list-style-type: none"> • US Constitution grants specific exclusive powers to the Senate 	<p>Candidates may refer to the following when analysing structural theory:</p> <ul style="list-style-type: none"> • There are no specific powers granted to the House of Lords, and indeed these powers have been gradually reduced over time e.g. Parliament Acts 1911 and 1949
<p>Candidates may refer to the following when analysing rational theory:</p> <ul style="list-style-type: none"> • Individual members of the Senate are often perceived to be future presidential candidates, and so can exert a great deal of influence over fellow party members 	<p>Candidates may refer to the following when analysing rational theory:</p> <ul style="list-style-type: none"> • Member of the House of Lords are often former members of the House of Commons or former party leaders, and so can be influential in fostering relations with the government, but are not considered to be possible future leaders
<p>Candidates may refer to the following when analysing cultural theory:</p> <ul style="list-style-type: none"> • Senate is perceived by the media and the public as the more prestigious house 	<p>Candidates may refer to the following when analysing cultural theory:</p> <ul style="list-style-type: none"> • House of Lords is often criticised as being anachronistic and in need of reform

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1-3	<ul style="list-style-type: none"> • Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis and evaluation (AO1). • Limited comparative analysis of aspects of politics with partial, logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make simplistic connections between ideas and concepts (AO2).
Level 2	4-6	<ul style="list-style-type: none"> • Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Some emerging comparative analysis of aspects of politics with some focused logical chains of reasoning, referring to similarities and/or differences within aspects of politics, which make some relevant connections between ideas and concepts (AO2).
Level 3	7-9	<ul style="list-style-type: none"> • Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Mostly focused comparative analysis of aspects of politics with focused, logical chains of reasoning, drawing on similarities and/or differences within aspects of politics, which make mostly relevant connections between ideas and concepts (AO2).
Level 4	10-12	<ul style="list-style-type: none"> • Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis and evaluation (AO1). • Consistent comparative analysis of aspects of politics, with coherent, logical chains of reasoning, drawing on similarities and differences within aspects of politics, which make relevant connections between ideas and concepts (AO2).

Section C

Guidelines for Marking Essay Question

AO1 (10 marks)

Marks here relate to knowledge and understanding. It should be used to underpin analysis (AO2) and evaluation (AO3).

AO2 (10 marks)

Candidates should form analytical views which support and reject the view presented by the question

AO3 (10 marks)

Candidates are expected to evaluate the information and arguments presented. They may rank the importance of the prior analysis. They should be able to make and form judgments and they should reach reasoned conclusion.

Candidates must consider both views in their answers in a balanced way.

The judgement a candidate reaches about these views should be reflected in their conclusion.

Candidates who have not considered both views in a balanced way cannot achieve marks beyond Level 2.

Other valid responses are acceptable.

3(a) Evaluate the view that the main factors affecting voting behaviour in Congress are the divisions within and between the political parties.

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none"> The main parties tend to be broad coalitions that have always divided roughly along party lines on votes on key issues for example gun reform or civil liberties 	<p>Agreement</p> <ul style="list-style-type: none"> This is largely due to the overall ideology of the party rather than a strong national platform or party discipline 	<p>Agreement</p> <ul style="list-style-type: none"> This does not mean that parties will always vote together as the parties are broad coalitions and may contain liberal Republicans or conservative Democrats
<p>Agreement</p> <ul style="list-style-type: none"> Voting in Congress has also been affected as parties have become more polarised in recent times 	<p>Agreement</p> <ul style="list-style-type: none"> This has led to more partisanship when voting, particularly on approving appointments as demonstrated under Trump 	<p>Agreement</p> <ul style="list-style-type: none"> This means that parties are becoming more likely to vote along party lines on key issues and not just on significant ideological differences such as gun reform
<p>Agreement</p> <ul style="list-style-type: none"> The rise of more divisive and populist campaigns for the nominal head of the parties- the president- has strengthened the Republican Party in particular and impacted on voting 	<p>Agreement</p> <ul style="list-style-type: none"> This means that voting within Congress has become more partisan with fewer Republicans in particular voting against the administration's policies 	<p>Agreement</p> <ul style="list-style-type: none"> Conversely, the Democratic Party have become more divided over national leadership and so struggled at times to unify as an effective opposition

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none"> Factions within the parties also affect voting behaviour in Congress 	<p>Agreement</p> <ul style="list-style-type: none"> This was particularly evident with the rise of the Tea Party after the 2008 economic recession, who rallied support outside and within Congress around a more ideological platform 	<p>Agreement</p> <ul style="list-style-type: none"> This meant that a number of members of Congress joined the faction and voted to support their policies to gain wider electoral support and to show support for wider Republican ideological views on limited government
<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Parties tend to be loose coalitions rather than strongly bound by ideology, and so polarising leaders within Congress or the presidency play a role in determining voting behaviour 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Individuals in Congress may choose to vote against a polarising leader even from their own party if they do not support their controversial policies e.g. Obamacare 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> This means that even when a party dominates both Houses of Congress, they cannot assume that their policies will succeed

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Individual members of Congress may choose to vote according to strongly held personal beliefs rather than party ideology 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> This is most often demonstrated in issues that are seen as moral such as abortion or capital punishment, but may also include more wide-ranging issues such as the extent of federalism v state power 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> This means that the parties will not be able to influence such members of Congress to vote in a certain way, particularly if these beliefs are a central plank of their electoral campaign
<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Members of Congress may be more influenced by lobbyists and interest groups than their party when voting 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Many interest groups publish scorecards for individual members of Congress who have/have not supported their policies during election time and so will take this into account when voting on key issues e.g. gun reform 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> This means that members of Congress- particularly in the House of Representatives where there is a two-year election cycle- may be more influenced by lobbyists and interest groups due to the need to raise money and electoral support

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Political climate may be a stronger influence that the political party individual members of Congress represent, particularly in a time of crisis 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Members of Congress will seek to maintain their reputation by supporting policies that are perceived by the media and the wider public as tackling that crisis 	<p>Disagreement Candidates are likely to challenge the premise with alternative factors that may affect voting behaviour in Congress, which may include:</p> <ul style="list-style-type: none"> Being divisive and/or following the party line rather than supporting such policies will endanger a member of Congress's chances of re-election

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1-6	<ul style="list-style-type: none"> Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis and evaluation (AO1). Limited comparative analysis of political information with partial, logical chains of reasoning, referring to similarities and/or differences within political information, which make simplistic connections between ideas and concepts (AO2). Makes superficial evaluation of political information, constructing simple arguments and judgements, many of which are descriptive and lead to limited unsubstantiated conclusions (AO3).

Level 2	7-12	<ul style="list-style-type: none"> • Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Some emerging comparative analysis of political information with some focused, logical chains of reasoning, referring to similarities and/or differences within political information, which make some relevant connections between ideas and concepts (AO2). • Constructs some relevant evaluation of political information, constructing occasionally effective arguments and judgements, some are partially substantiated and lead to generic conclusions without much justification (AO3).
Level 3	13-18	<ul style="list-style-type: none"> • Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Mostly focused comparative analysis of political information with focused, logical chains of reasoning, drawing on similarities and/or differences within political information, which make mostly relevant connections between ideas and concepts (AO2). • Constructs generally relevant evaluation of political information, constructing generally effective arguments and judgements, many of which are substantiated and lead to some focused conclusions that are sometimes justified (AO3).
Level 4	19-24	<ul style="list-style-type: none"> • Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis and evaluation (AO1). • Consistent comparative analysis of political information, with coherent, logical chains of reasoning, drawing on similarities and differences within political information, which make relevant connections between ideas and concepts (AO2). • Constructs mostly relevant evaluation of political information, constructing mostly effective arguments and judgements, which are mostly substantiated and lead to mostly focused and justified conclusions (AO3).

Level 5	24-30	<ul style="list-style-type: none">• Demonstrates thorough and in-depth knowledge and understanding of political institutions, processes, concepts, theories and issues, which are effectively selected in order to underpin analysis and evaluation (AO1).• Perceptive comparative analysis of political information, with sustained, logical chains of reasoning, drawing on similarities and differences within political information, which make cohesive and convincing connections between ideas and concepts (AO2).• Constructs fully relevant evaluation of political information, constructing fully effective arguments and judgements, which are consistently substantiated and lead to fully focused and justified conclusions (AO3).
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Guidelines for Marking Essay Question

AO1 (10 marks)

Marks here relate to knowledge and understanding. It should be used to underpin analysis (AO2) and evaluation (AO3).

AO2 (10 marks)

Candidates should form analytical views which support and reject the view presented by the question

AO3 (10 marks)

Candidates are expected to evaluate the information and arguments presented. They may rank the importance of the prior analysis.

They should be able to make and form judgments and they should reach reasoned conclusion.

Candidates must consider both views in their answers in a balanced way.

The judgement a candidate reaches about these views should be reflected in their conclusion.

Candidates who have not considered both views in a balanced way cannot achieve marks beyond Level 2.

Other valid responses are acceptable.

3(b) Evaluate the view that the growth in presidential power has led to a corresponding decline in federalism.

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none">There has been an increasing use of executive agencies e.g. Medicare, homeland security, Obamacare	<p>Agreement</p> <ul style="list-style-type: none">This means that that there has been more interference by presidential programmes with areas that are usually considered to be reserved to the states	<p>Agreement</p> <ul style="list-style-type: none">Despite challenges to presidential programmes in the Supreme Court, the states have largely had to adopt and accept such programmes, particularly those that prove popular with the electorate

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none"> There has been an increasing use of executive orders for issues that affect individual states or regions 	<p>Agreement</p> <ul style="list-style-type: none"> Presidents in recent years have been accused of trying to rule by 'decree' and use executive orders to bypass Congress and the states 	<p>Agreement</p> <ul style="list-style-type: none"> As executive orders are not subject to the checks and balances included in the Constitution, other than costly and time-consuming appeals to the Supreme Court, it is difficult for states to overturn such orders
<p>Agreement</p> <ul style="list-style-type: none"> There has been an increase in federal spending e.g. economic stimulus plans under Bush and Obama, Trump's attempts to fund the wall 	<p>Agreement</p> <ul style="list-style-type: none"> Some of the increases in federal spending have been due to crisis e.g. 2008 economic crisis, presidents have continued the trend of increasing spending plans and introduce new projects in individual states, often without consulting states 	<p>Agreement</p> <ul style="list-style-type: none"> While some of these projects and the associated funds may be welcomed by some states, there are fears that such actions are setting precedents that may lead the US to a less federal system of government
<p>Agreement</p> <ul style="list-style-type: none"> Use of presidential power has increased with recent presidents with strong domestic ideological platforms on issues normally left to the states to legislate on e.g. No Child Left Behind under Bush 	<p>Agreement</p> <ul style="list-style-type: none"> This has enforced national policy in some areas which seems to contradict the principles of federalism enshrined in the Constitution, causing concern that presidents are interfering with states' rights 	<p>Agreement</p> <ul style="list-style-type: none"> The lack of an explicit list of powers for the states over domestic policy in the Constitution or in legislation means there are fears that creeping nationalisation may become a feature of US politics that continues to erode states' rights

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement</p> <ul style="list-style-type: none"> • Even if it can be argued that presidential power has grown, the Constitution enshrines state powers 	<p>Disagreement</p> <ul style="list-style-type: none"> • While many of these powers are concurrent or reserved rather than explicitly stated in the Constitution, the Tenth Amendment is clear that the states are powerful in the federal system 	<p>Disagreement</p> <ul style="list-style-type: none"> • This ensures that presidential power can be checked using the means specified in the Constitution, and prevents an individual president from over-ruling the states completely
<p>Disagreement</p> <ul style="list-style-type: none"> • Federalism has continued as states legislate on issues federal government are reluctant to do so on 	<p>Disagreement</p> <ul style="list-style-type: none"> • This has become more apparent in recent years with more frequent challenges by the states in the Courts on issues such as gun control and abortion, alongside specific state-wide policies 	<p>Disagreement</p> <ul style="list-style-type: none"> • This has been a feature of state politics even where presidents have stated support for such policies but been unable to gain sufficient support in Congress to pass measures e.g. on abortion
<p>Disagreement</p> <ul style="list-style-type: none"> • Federalism is not in decline, as it is the political climate may have caused presidents to take action that impacts on the states 	<p>Disagreement</p> <ul style="list-style-type: none"> • Such measures could be argued to be necessary in an emergency or for issues that need to be dealt with on a national level, rather than an attack on states powers and a decline in federalism, and welcomed in some circumstances e.g. Hurricane Katrina, financial support in the 2008 recession 	<p>Disagreement</p> <ul style="list-style-type: none"> • Presidential action that impacts on states rights and could harm federalism can and is still challenged for example sanctuary cities in response to Trump's immigration policies

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement</p> <ul style="list-style-type: none"> States are willing to challenge federal government action on a range of policies, even when presidents circumvent Congress through the use of executive orders 	<p>Disagreement</p> <ul style="list-style-type: none"> SC continues to maintain federalism when making rulings that uphold state rights e.g. <i>US v Windsor</i>, <i>National Federation v Sibelius</i> 	<p>Disagreement</p> <ul style="list-style-type: none"> This suggests that presidential power is still limited when it comes to constitutional matters that may be ruled to have impinged on states. rights

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1-6	<ul style="list-style-type: none"> Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis and evaluation (AO1). Limited comparative analysis of political information with partial, logical chains of reasoning, referring to similarities and/or differences within political information, which make simplistic connections between ideas and concepts (AO2). Makes superficial evaluation of political information, constructing simple arguments and judgements, many of which are descriptive and lead to limited unsubstantiated conclusions (AO3).
Level 2	7-12	<ul style="list-style-type: none"> Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis and evaluation (AO1). Some emerging comparative analysis of political information with some focused, logical chains of reasoning, referring to similarities and/or differences within political information, which make some relevant connections between ideas and concepts (AO2). Constructs some relevant evaluation of political information, constructing occasionally effective arguments and judgements, some are partially substantiated and lead to generic conclusions without much justification (AO3).

Level 3	13–18	<ul style="list-style-type: none"> • Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Mostly focused comparative analysis of political information with focused, logical chains of reasoning, drawing on similarities and/or differences within political information, which make mostly relevant connections between ideas and concepts (AO2). • Constructs generally relevant evaluation of political information, constructing generally effective arguments and judgements, many of which are substantiated and lead to some focused conclusions that are sometimes justified (AO3).
Level 4	19–24	<ul style="list-style-type: none"> • Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis and evaluation (AO1). • Consistent comparative analysis of political information, with coherent, logical chains of reasoning, drawing on similarities and differences within political information, which make relevant connections between ideas and concepts (AO2). • Constructs mostly relevant evaluation of political information, constructing mostly effective arguments and judgements, which are mostly substantiated and lead to mostly focused and justified conclusions (AO3).
Level 5	24–30	<ul style="list-style-type: none"> • Demonstrates thorough and in-depth knowledge and understanding of political institutions, processes, concepts, theories and issues, which are effectively selected in order to underpin analysis and evaluation (AO1). • Perceptive comparative analysis of political information, with sustained, logical chains of reasoning, drawing on similarities and differences within political information, which make cohesive and convincing connections between ideas and concepts (AO2). • Constructs fully relevant evaluation of political information, constructing fully effective arguments and judgements, which are consistently substantiated and lead to fully focused and justified conclusions (AO3).

Guidelines for Marking Essay Question

AO1 (10 marks)

Marks here relate to knowledge and understanding. It should be used to underpin analysis (AO2) and evaluation (AO3).

AO2 (10 marks)

Candidates should form analytical views which support and reject the view presented by the question

AO3 (10 marks)

Candidates are expected to evaluate the information and arguments presented. They may rank the importance of the prior analysis.

They should be able to make and form judgments and they should reach reasoned conclusion.

Candidates must consider both views in their answers in a balanced way.

The judgement a candidate reaches about these views should be reflected in their conclusion.

Candidates who have not considered both views in a balanced way cannot achieve marks beyond Level 2.

Other valid responses are acceptable.

3(c) Evaluate the view that affirmative action has been more significant than minority participation in Congress in promoting racial equality.

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none">Democratic Party has historically supported affirmative action as one method of improving racial equality	<p>Agreement</p> <ul style="list-style-type: none">This has led to support in a variety of federal and state legislatures and administrations for affirmative action programs in various areas	<p>Agreement</p> <ul style="list-style-type: none">This support has continued even where the Democrats are in opposition rather than the governing parties, with concerted efforts to oppose the abolition of affirmative action programs

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Agreement</p> <ul style="list-style-type: none"> Affirmative action has been upheld by the Supreme Court 	<p>Agreement</p> <ul style="list-style-type: none"> This has allowed programs to continue, particularly in the field of education where race is allowed as one factor when considering admissions 	<p>Agreement</p> <ul style="list-style-type: none"> Such rulings are seen as ensuring the protection of equal rights in previous landmark cases whilst ensuring one race is not favoured at the extent of the other; arguably this is what led to an increase in university graduations
<p>Agreement</p> <ul style="list-style-type: none"> Statistics show improvements in racial equality since affirmative action began e.g. black middle-class workers 	<p>Agreement</p> <ul style="list-style-type: none"> Some of the increases in federal Evidence suggests that opportunities in education and employment in particular would not have been available without affirmative action programs 	<p>Agreement</p> <ul style="list-style-type: none"> This suggests that affirmative action is a more effective way of moving towards racial equality than minority participation in Congress as it offers practical opportunities and support rather than simply offering role models
<p>Agreement</p> <ul style="list-style-type: none"> Presidents often show support for affirmative action programmes e.g. Obama in <i>Fisher v Texas</i> 	<p>Agreement</p> <ul style="list-style-type: none"> This is often supported by affirmative action programs within the executive administration and executive orders, so leading by example for other organisations and political administrations 	<p>Agreement</p> <ul style="list-style-type: none"> This helps to ensure that affirmative action programs are maintained and address issues of inequality in multiple areas rather than focusing on the issue of political representation alone

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> Minority representation has increased in Congress in recent years which may be more significant than affirmative action 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> Minority participation may be more significant as it has led other measures to be taken by Congress and the presidency to improve racial equality e.g. legislation such as DACA 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> This is particularly evident when the Democratic Party are in power, either in Congress or the presidency, as tackling inequality, and especially racial inequality, is in line with the party ideology
<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> Individual minority figures have become high-profile role models which may be more significant than affirmative action 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> These individuals can then use their position in Congress to highlight racial inequality both within Congress and to directly introduce measures or policies aimed at reducing such inequality 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> The position of power combined with high media profiles can be more influential in persuading other members of Congress to support such initiatives

AO1 10 Marks	AO2 10 Marks	AO3 10 Marks
<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> The current and past two Congressional sessions have been the most diverse ever, with limited use of affirmative action and reliance on majority/minority districts instead 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> Affirmative action is not permitted for congressional elections, and so could not improve racial equality in terms of representation in Congress 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> This suggests that the increase in minority participation is more significant, as it has led to further diversity, particularly when considering that diversity amongst freshmen in the 116th Congress was the highest on record
<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> The first black president was elected without affirmative action after first gaining political experience in the Senate 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> It has been suggested that the election of a black president led to a coat-tails effect in the diversity of Congressional representation which would not have taken place otherwise 	<p>Disagreement Arguments related to minority participation being more significant may include:</p> <ul style="list-style-type: none"> This, combined with an increase in policies related to tackling racial inequality under a more diverse Congress, suggests that minority participation is more significant than affirmative action
<p>Candidates may legitimately challenge the view that racial equality has been achieved.</p>		

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1–6	<ul style="list-style-type: none"> • Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis and evaluation (AO1). • Limited comparative analysis of political information with partial, logical chains of reasoning, referring to similarities and/or differences within political information, which make simplistic connections between ideas and concepts (AO2). • Makes superficial evaluation of political information, constructing simple arguments and judgements, many of which are descriptive and lead to limited unsubstantiated conclusions (AO3).
Level 2	7–12	<ul style="list-style-type: none"> • Demonstrates some accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, some of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Some emerging comparative analysis of political information with some focused, logical chains of reasoning, referring to similarities and/or differences within political information, which make some relevant connections between ideas and concepts (AO2). • Constructs some relevant evaluation of political information, constructing occasionally effective arguments and judgements, some are partially substantiated and lead to generic conclusions without much justification (AO3).
Level 3	13–18	<ul style="list-style-type: none"> • Demonstrates mostly accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, many of which are selected appropriately in order to underpin analysis and evaluation (AO1). • Mostly focused comparative analysis of political information with focused, logical chains of reasoning, drawing on similarities and/or differences within political information, which make mostly relevant connections between ideas and concepts (AO2). • Constructs generally relevant evaluation of political information, constructing generally effective arguments and judgements, many of which are substantiated and lead to some focused conclusions that are sometimes justified (AO3).

Level 4	19–24	<ul style="list-style-type: none"> • Demonstrates accurate knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis and evaluation (AO1). • Consistent comparative analysis of political information, with coherent, logical chains of reasoning, drawing on similarities and differences within political information, which make relevant connections between ideas and concepts (AO2). • Constructs mostly relevant evaluation of political information, constructing mostly effective arguments and judgements, which are mostly substantiated and lead to mostly focused and justified conclusions (AO3).
Level 5	24–30	<ul style="list-style-type: none"> • Demonstrates thorough and in-depth knowledge and understanding of political institutions, processes, concepts, theories and issues, which are effectively selected in order to underpin analysis and evaluation (AO1). • Perceptive comparative analysis of political information, with sustained, logical chains of reasoning, drawing on similarities and differences within political information, which make cohesive and convincing connections between ideas and concepts (AO2). • Constructs fully relevant evaluation of political information, constructing fully effective arguments and judgements, which are consistently substantiated and lead to fully focused and justified conclusions (AO3).