

**MARK SCHEME for the May/June 2011 question paper  
for the guidance of teachers**

**9770 COMPARATIVE GOVERNMENT AND POLITICS**

**9770/01**

Paper 1 (Concepts and Institutions),  
maximum raw mark 100

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes must be read in conjunction with the question papers and the report on the examination.

- Cambridge will not enter into discussions or correspondence in connection with these mark schemes.

Cambridge is publishing the mark schemes for the May/June 2011 question papers for most IGCSE, Pre-U, GCE Advanced Level and Advanced Subsidiary Level syllabuses and some Ordinary Level syllabuses.

<b>Page 2</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

### Generic marking descriptors for Paper 1 (short essays)

- The full range of marks will be used as a matter of course.
- Examiners will look for the 'best fit', not a 'perfect fit' in applying the Levels.
- Examiners will provisionally award the middle mark in the Level and then moderate up/down according to individual qualities within the answer.
- The ratio of marks per AO will be 3:2.
- The weighting of marks for each AO should be considered, but this is reflected in the descriptor: marking should therefore be done holistically.
- Question-specific mark schemes will be neither exhaustive nor prescriptive. Appropriate, substantiated responses will always be rewarded.

<b>Level/marks</b>	<b>Descriptors</b>
5 25–21 marks	<p>ANSWERS MAY NOT BE PERFECT, BUT WILL REPRESENT THE VERY BEST THAT MAY BE EXPECTED OF AN 18-YEAR-OLD.</p> <ul style="list-style-type: none"> <li>• Excellent focused explanation that answers the question convincingly. Towards the bottom, may be a little unbalanced in coverage yet the answer is still comprehensively explained and argued.</li> <li>• Excellent knowledge and understanding of relevant Political terms and/or institutions. Answer is comprehensively supported by an excellent range of concepts and examples that are used to sustain the argument.</li> <li>• Excellent substantiated synthesis bringing the explanation together.</li> <li>• The answer is fluent and the grammar, punctuation and spelling are all precise.</li> </ul>
4 20–16 marks	<p>ANSWERS WILL SHOW MANY FEATRURES OF LEVEL 5, BUT THE QUALITY WILL BE UNEVEN ACROSS THE ANSWER.</p> <ul style="list-style-type: none"> <li>• A determined response to the question with strong explanation across most but not all of the answer.</li> <li>• High level of knowledge and understanding of relevant Political terms and/or institutions. Answer is well illustrated with a variety of concepts and examples to support the argument. Description is avoided.</li> <li>• Good substantiated synthesis.</li> <li>• For the most part, the answer is fluent and shows accuracy in grammar, punctuation and spelling.</li> </ul>
3 15–11 marks	<p>THE ARGUMENT WILL BE COMPETENT, BUT LEVEL 3 ANSWERS WILL BE LIMITED AND/OR UNBALANCED.</p> <ul style="list-style-type: none"> <li>• Engages well with the question, although explanation is patchy and, at the lower end, of limited quality.</li> <li>• Fair display of relevant political knowledge and understanding, but this tends to be used to illustrate rather than support the argument. Explanation starts to break down in significant sections of description</li> <li>• Synthesis is patchy in quality.</li> <li>• The writing lacks some fluency, but on the whole shows accuracy in grammar, punctuation and spelling.</li> </ul>

<b>Page 3</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

<p>2</p> <p>10–6 marks</p>	<p>ANSWERS WILL SHOW A LIMITED LINK BETWEEN THE QUESTION AND ANSWER.</p> <ul style="list-style-type: none"> <li>• Some engagement with the question, but explanation is limited.</li> <li>• Limited explanation within an essentially descriptive response.</li> <li>• Patchy display of relevant political knowledge and understanding that illustrates rather than supports any argument.</li> <li>• Synthesis is limited/thin in quality and extent.</li> <li>• The answer shows some accuracy in grammar, punctuation and spelling, but contains frequent errors.</li> </ul>
<p>1</p> <p>5–0 marks</p>	<p>ANSWERS WILL SHOW A CLEAR SENSE OF THE CANDIDATE HAVING LITTLE IF ANY ENGAGEMENT WITH THE QUESTION.</p> <ul style="list-style-type: none"> <li>• Little or no engagement with the question.</li> <li>• Little or no explanation.</li> <li>• Little or no relevant political knowledge.</li> <li>• Little or no synthesis.</li> <li>• The answer shows significant weaknesses in the accuracy of grammar, punctuation and spelling.</li> </ul>

<b>Page 4</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

### Generic marking descriptors for Paper 1 (full essays)

- The full range of marks will be used as a matter of course.
- Examiners will look for the 'best fit', not a 'perfect fit' in applying the Levels.
- Examiners will provisionally award the middle mark in the Level and then moderate up/down according to individual qualities within the answer.
- The ratio of marks per AO will be 1:2.
- The weighting of marks for each AO should be considered, but this is reflected in the descriptor: marking should therefore be done holistically.
- Question-specific mark schemes will be neither exhaustive nor prescriptive. Appropriate, substantiated responses will always be rewarded. Answers may develop a novel response to a question. This is to be credited if arguments are fully substantiated.

<b>Level/marks</b>	<b>Descriptors</b>
5 50–41 marks	<p>ANSWERS MAY NOT BE PERFECT, BUT WILL REPRESENT THE VERY BEST THAT MAY BE EXPECTED OF AN 18-YEAR-OLD.</p> <ul style="list-style-type: none"> <li>• Excellent focused analysis that answers the question convincingly.</li> <li>• Excellent sustained argument throughout with a strong sense of direction that is always well substantiated. Excellent substantiated conclusions.</li> <li>• Excellent understanding of relevant Political knowledge (processes, institutions, concepts, debates and/or theories) illustrated with a wide range of examples.</li> <li>• Towards the bottom, may be a little unbalanced in coverage yet the answer is still comprehensively argued.</li> <li>• Candidate is always in firm control of the material.</li> <li>• The answer is fluent and the grammar, punctuation and spelling are all precise.</li> </ul>
4 40–31 marks	<p>ANSWERS WILL SHOW MANY FEATURES OF LEVEL 5, BUT THE QUALITY WILL BE UNEVEN ACROSS THE ANSWER.</p> <ul style="list-style-type: none"> <li>• A good response to the question with clear analysis across most but not all of the answer.</li> <li>• Argument developed to a logical conclusion, but parts lack rigour. Strong conclusions adequately substantiated.</li> <li>• Good but limited and/or uneven range of relevant knowledge used to support analysis and argument. Description is avoided.</li> <li>• For the most part, the answer is fluent and shows accuracy in grammar, punctuation and spelling.</li> </ul>
3 30–21 marks	<p>THE ARGUMENT WILL BE COMPETENT, BUT LEVEL 3 ANSWERS WILL BE LIMITED AND/OR UNBALANCED.</p> <ul style="list-style-type: none"> <li>• Engages soundly with the question although analysis is patchy and, at the lower end, of limited quality.</li> <li>• Tries to argue and draw conclusions, but this breaks down in significant sections of description.</li> <li>• Good but limited and/or uneven range of relevant political knowledge used to describe rather than support analysis and argument.</li> <li>• The writing lacks some fluency, but on the whole shows accuracy in grammar, punctuation and spelling.</li> </ul>

<b>Page 5</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

<p style="text-align: center;">2</p> <p style="text-align: center;">20–10 marks</p>	<p>ANSWERS WILL SHOW A LIMITED LINK BETWEEN QUESTION AND ANSWER.</p> <ul style="list-style-type: none"> <li>• Limited engagement with the question, with some understanding of the issues.</li> <li>• Analysis and conclusions are limited/thin.</li> <li>• Limited argument within an essentially descriptive response. Conclusions are limited/thin.</li> <li>• Factually limited and/or uneven. Some irrelevance.</li> <li>• Patchy display of relevant political knowledge.</li> <li>• The answer shows some accuracy in grammar, punctuation and spelling, but contains frequent errors.</li> </ul>
<p style="text-align: center;">1</p> <p style="text-align: center;">9–0 marks</p>	<p>ANSWERS WILL SHOW A CLEAR SENSE OF THE CANDIDATE HAVING LITTLE IF ANY ENGAGEMENT WITH THE QUESTION.</p> <ul style="list-style-type: none"> <li>• Little or no engagement with the question. Little or no analysis offered.</li> <li>• Little or no argument. Assertions are unsupported and/or of limited relevance.</li> <li>• Any conclusions are very weak.</li> <li>• Little or no relevant Political knowledge.</li> <li>• The answer shows significant weaknesses in the accuracy of grammar, punctuation and spelling.</li> </ul>

Page 6	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

### Section A (UK)

- 1 Explain how power is shared between the Westminster Parliament, the Scottish Parliament and the Welsh Assembly. [25]

#### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

#### Specific

The purpose of this question is to explain how power is divided between the three institutions.

The candidate could explain that there are **three categories of power** that can be devolved, namely **administrative** powers, **financial** powers and **legislative** powers.

The question requires:

- The candidate to show an **understanding of some of the powers that are reserved for the Westminster Parliament** e.g. Constitutional changes, foreign policy, defence policy, economic and financial policy, trade and commerce.
- The candidate should also show an **understanding of the powers devolved to the Scottish Parliament** e.g. health, education, local government social services, housing, varying tax rates, criminal and civil law and public transport.
- Finally the candidate should include an **understanding that the powers devolved to the Welsh Assembly** are similar to those of the Scottish Parliament but they are more limited, in particular and very importantly the Welsh Assembly does not have legislative or tax-varying powers.

Page 7	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

## 2 Explain the functions of the House of Commons.

[25]

### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

### Specific

The purpose of this question to focus on explaining the range of functions of the House of Commons. There are a number of functions that candidates could include, such as:

- The role of '**sustaining government**'. The House of Commons usually supports the government giving it authority and legitimacy.
- **Legislation**. Formal process of passing laws. In order for a law to be enforced in the courts, it must be passed through the formal procedures of both Houses of Parliament.
- **Law making**. This is to be distinguished from legislation. Through Private Members' Bills and free votes the House of Commons can play a part in creating laws.
- **Making government accountable**. Basic principle of British parliamentary system that ministers answer to Parliament, particularly the House of Commons.
- **Representation**. The House of Commons represents the people. When it debates an issue the people as a whole are involved.
- **Redress of grievances**. MPs frequently take up issues raised by their constituents with relevant ministers and officials.
- **Influence**. Government is subject to variety of influences e.g. pressure groups and the media. The House of Commons can be regarded as another avenue for influence.
- On occasions the House of Commons **can determine the nature of a government** following a General Election when there is no clear outcome.

Page 8	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

**3 Explain the strengths of an uncodified constitution.**

**[25]**

**General**

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

**Specific**

The purpose of the question is for candidates to explain the arguments put forward by opponents of a written constitution to justify the existence of an uncodified constitution. Candidates do not need to include all the following arguments but should be judged on the quality of their explanation.

- The sovereignty of Parliament would be lost because a **written constitution would remove the most basic feature** of the British political system.
- The **unelected judiciary would become more influential** because the courts would more likely to be used to resolve constitutional disputes.
- There would be a **loss of flexibility in the system**.
- The feature of 'strong' government would be lost because the **government would lose some of its power to act decisively**.

<b>Page 9</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

**4 To what extent, since 1979, has 'cabinet government' been replaced by a 'presidential' style government'? [50]**

**General**

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

**Specific**

The purpose of this question is to focus on a discussion of whether the style of government is more determined by the Cabinet or the Prime Minister. There are many issues that candidates could discuss and some of them could include:

It would be expected that for a candidate to be awarded high marks, examples from recent PMs should be included. Also the effective use of political theories and practice, such as Core Executive should be demonstrated.

**Arguments for 'presidential' style government:**

- The formal powers of the PM are considerable.
- No constitutional limits to the power of the PM.
- PM has significance influence in Parliament due to single party style of government and strict party discipline.
- PM has significant influence over both the executive and legislative branches of government.
- The office of PM has accumulated more power over time.
- PM's importance is increased by media attention.
- PM represents the country in well-publicised international meetings.
- PM's Office and the Cabinet Office are increasingly linked under the direction of the PM.

**Arguments for Cabinet government:**

- Modern government is so complicated it cannot be run by one person.
- Important political factions in the Party need to be represented in Cabinet.
- PM has powerful and ambitious rivals. Not all can be ignored.
- PM needs to listen to many different groups and individuals.
- The media can be a powerful critic of the PM. This can weaken a PM.
- PM's Office is relatively small.
- PM is not the only senior Cabinet member who represents Britain abroad.

<b>Page 10</b>	<b>Mark Scheme: Teachers' version</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>Pre-U – May/June 2011</b>	<b>9770</b>	<b>01</b>

**5 Evaluate the part played by judges in interpreting the British Constitution. [50]**

**General**

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

**Specific**

The purpose of the question is for the candidate to discuss whether the courts play an important part in safeguarding people's rights and the Constitution.

The following are some of the arguments that could be used:

**Arguments that Judges are important:**

- The judges are independent of politics.
- Judges are legally qualified to make sound decisions.
- Judges are not subject to public pressure.
- Parliament is controlled by Government and so is not independent enough.
- The Human Rights Act of 1998 has put senior judges into the political arena because high profile cases will be fought in the courts.
- With the introduction of devolution and the continued importance of the European Union there is an extra burden on the judiciary. The distribution of power is steadily changing and judges will continue to decide where some of those divisions of power lie.
- The Role of the Supreme Court which was set up in 2005 and commenced work in 2009.

**Arguments that judges are not important:**

- Judges are effectively political appointments, although it is arguable that this is less so, given that there is now a Judicial Appointments Commission.
- Constitutional and rights issues should be determined by elected politicians.
- Judges are not elected, not accountable and, therefore, are unrepresentative.
- Constitutional and rights issues should be determined by elected politicians.

Page 11	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

**6 Assess the advantages and disadvantages of the first-past-the-post electoral system. [50]**

**General**

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

**Specific**

The purpose of the question is for the candidate to evaluate the various strengths and weaknesses of the arguments put forward concerning the merits of the first-past-the-post system.

The following are some of the arguments that could be used:

**Advantages of the system:**

- It is an **easy system to understand**.
- It produces **clear and usually decisive results**.
- **A single party usually wins outright** and, therefore, the doctrine of mandate and manifesto can operate.
- **There is a strong traditional link between MPs and their constituencies**. The single-member constituency system safeguards this link.

**Disadvantages of the system:**

- The system is unfair as **it discriminates against small parties** and does not give equal value to all votes.
- **It encourages tactical voting**.
- There is **not the opportunity for voters to choose between candidates from the same party**.
- Though the system produces a single MP to represent constituents, it could be argued that **people would prefer to have a representative from the party they support**.
- There is **controversy over the merits of single-party government**.

Page 12	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

### Section B (USA)

#### 7 Explain how power is shared between the Federal and State governments. [25]

##### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

##### Specific

The purpose of the question is that Candidates could initially explain the concept of Federalism in the US. They might briefly explain that there was a significant debate amongst the Founding Fathers concerning the relationship between central and state governments. Eventually a compromise was found with both federal government and state governments having their own powers and each checking the other.

The candidate should then briefly explain the separation of powers between the federal and state governments. There are three categories of power:

- **Powers exercised only by federal government.** These include foreign policy, defence policy, trade regulations, and currency regulations.
- **Powers only exercised by state governments.** These include taxation on property and goods, control of local government, control over city government.
- **Powers exercised by both federal and state governments.** These include enforcement of criminal and civil law, health care, welfare and housing, transport, taxation and education.

Page 13	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

## 8 Explain the functions of the Senate.

[25]

### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

### Specific

The purpose of the question is for the candidate to explain the main features of the Senate. There is a wide range of information that the candidates could include. The main areas that could be expected are:

#### 1 Composition

The main points that could be included are:

- There are 100 Senators – 2 from each State
- Senators are elected for a 6-year term of office.
- Every 2 years one-third of the seats are contested.
- Senators must be 30 years old or more.
- Senators have been US citizens for nine years or more,

#### 2 Some features/aspects

- The Vice-President is the President of the Senate.
- President of the Senate cannot vote, but does have a casting vote in the case of a tied vote.
- Senate Majority leader is a key figure, who is chosen by the members of the largest party in the Senate.
- Senate Minority leader plays a similar role for the smaller-represented party.
- Both Parties have their own committees.
- Senators sit on Congressional committees.
- From time to time, all Senators will meet to discuss matters of common concern. Such sessions are known as caucuses or conferences.
- Senate has few formal rules.
- Generally Senators have more influence than individual members of the House.
- Party pressures are fewer.
- The Senate's principle responsibility is foreign affairs.
- Senators tend to have high status because they represent a large number of people and serve long terms of office and have a national profile. The Senate can offer an effective starting point for those considering a presidential bid.

Page 14	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

9 Explain the role of the Electoral College in recent US Presidential elections. [25]

### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

### Specific

The purpose of the question is for the candidate to explain the part played by the Electoral College in the election of the President.

The main features that could be included are:

- **Each State holds its own election** and the winner is declared.
- **The winner in each State receives all the Electoral College votes for that State.**
- The number of Electoral **College votes is determined by the size of the State.**
- **There is a procedure in place for settling any problems if there is a deadlock.**
- **The Electoral College system can distort the election result.** It would be desirable if the candidate made references to the evidence of specific elections e.g. 2000 when Gore gained more votes than Bush but lost due to ECV.
- The candidate could give some indication as to **why the Founding Fathers introduced the Electoral College:**

The following reasons could be included:

- 1 To reassure States against the dangers of centralisation
- 2 It allowed States to maintain their own laws governing the franchise.
- 3 The Founding Fathers were concerned that the electorate might make an inappropriate choice.

Page 15	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

**10 Assess the role of the Supreme Court in upholding the rights of American citizens. [50]**

**General**

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

**Specific**

The purpose of this question is for the candidate to focus on a balanced discussion of the importance of the Supreme Court in US politics. There is a range of issues that could be discussed and that include:

**Arguments that Supreme Court is important:**

- The **Court has a wide jurisdiction**: Article III of the Constitution.
- **Judicial review extends beyond the legal system to the actions of government**, both Federal and State.
- The Court's **judgements can only be reversed through the process of constitutional amendment**.
- The Court has **immense authority and prestige**.
- The **Court judges are protected from the pressures of public opinion** due to the fact that they are appointed for life.
- The Supreme **Court created a wide appellate jurisdiction for itself** in Marbury (1803) and Fletcher (1810).

**Arguments that the Supreme Court is not important:**

- The **Court is limited in its ability to enforce its rulings**.
- The **Court has no power of initiative** and cannot consider a hypothetical legal question.
- **Congress has powers over the federal courts**.
- **Congress has the power of impeachment**.
- **Congress can initiate a constitutional amendment** if they oppose a ruling of the Court.
- **The Court, in the long run, cannot ignore public opinion**.
- **It can only rule on cases deemed 'justiciable'**.

Page 16	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

11 “The most serious weakness of the US Constitution is its inflexibility”. Assess this view. [50]

### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for ‘best fit’, not ‘perfect fit’. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

### Specific

The purpose of this question is for candidates to focus upon a discussion of the weaknesses of the US Constitution.

The candidate should write at least a paragraph arguing that the **main weakness is inflexibility**.

Some of the arguments that could be used are:

- The process of amending the Constitution was made intentionally difficult.
- An amendment must be proposed by either a two-thirds majority in both houses of Congress or by a special constitutional convention convened by two-thirds of Congress.
- Any amendment arising would have to be ratified by three-quarters of the States.
- No constitutional convention since 1787
- Over 10 000 amendments proposed only 33 gained the required majority in Congress and only 27 ratified by the States.

The candidate should also discuss **the relative importance of other weaknesses**, such as:

- In the wake of the recent elections, such as 2000, the Electoral College system has been criticised and regarded as a weakness.
- There is growing criticism of the constitution which prevents change taking place, for example:  
Checks and balances have gridlock over some issues, such as the Equal rights amendment. At times it is difficult to make a decision due to insufficient agreement between different branches of government.
- Weakness of political parties has added problems for reform, particularly in easing the tensions between the President and Congress.
- The system of government lacks accountability. Power is widely distributed; it is difficult to know who is responsible at times.

Page 17	Mark Scheme: Teachers' version	Syllabus	Paper
	Pre-U – May/June 2011	9770	01

## 12 Evaluate the role of Congressional Committees.

[50]

### General

The generic mark scheme is the most important guide for examiners and drives the marking of all answers. Assess which level best reflects most of each answer. No answer is required to demonstrate all the descriptions in any level to qualify. Examiners are looking for 'best fit', not 'perfect fit'. Provisionally award the middle mark in the level and then moderate up or down according to the qualities of the answer, using the question-specific marking notes below.

No set answer is expected. Candidates may answer the question from a wide variety of different angles, using different emphases, and arguing different points of view. The marking notes here are indicative and not exhaustive. What matters is the quality of the evaluation and the argument. That said, candidates must answer the question set and not their own question.

### Specific

The purpose of this question is to explain and discuss the role of Congressional committees. Candidates will need to show evidence of prioritisation. There are a range of issues that could be discussed and include:

- **The Constitution makes no mention of congressional committees** due to the fact that volume of business in Congress was relatively small.
- **The business of Congress has grown in size and complexity** and now thousands of measures are proposed. They must be studied, sifted and considered. Hence both Houses have a variety of committees to deal with different issues.
- **Distinction between the different types of committees** e.g. Standing Committees, Rules Committee, Policy Committee, Sub-committees, Select committees.
- **The features of Congressional Committees can include:**
  - 1 They are both legislative and investigatory committees.
  - 2 They may develop, draft and pass their own legislation.
  - 3 Legislation developed elsewhere may be accepted, amended or rejected in full.
  - 4 Committees have large staffs to support them.
  - 5 They may call witnesses from a wide range of institutions.
  - 6 Most hearings are in public and their voting recorded.
  - 7 The procedural committees have the ability to hinder, or even cease the process of legislation.
  - 8 Committee chairpersons are powerful political figures, but this has been weakened in recent years.