



Mark Scheme (Results)

Summer 2025

Pearson Edexcel GCE
In Politics

Paper 3: Comparative Politics – USA
(9PL0/3A)

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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.

How to award marks when level descriptions are used

1. Finding the right level

The first stage is to decide which level the answer should be placed in. To do this, use a 'best-fit' approach, deciding which level most closely describes the quality of the answer. Answers can display characteristics from more than one level, and where this happens markers must use the guidance below and their professional judgement to decide which level is most appropriate.

For example, one stronger passage at L4 would not by itself merit a L4 mark, but it might be evidence to support a high L3 mark, unless there are substantial weaknesses in other areas. Similarly, an answer that fits best in L3 but which has some characteristics of L2 might be placed at the bottom of L3. An answer displaying some characteristics of L3 and some of L1 might be placed in L2.

2. Finding a mark within a level

After a level has been decided on, the next stage is to decide on the mark within the level. The instructions below tell you how to reward responses within a level. However, where a level has specific guidance about how to place an answer within a level, always follow that guidance.

Levels containing two marks only

Start with the presumption that the work will be at the top of the level. Move down to the lower mark if the work only just meets the requirements of the level.

Levels containing three or more marks

Markers should be prepared to use the full range of marks available in a level and not restrict marks to the middle. Markers should start at the middle of the level (or the upper-middle mark if there is an even number of marks) and then move the mark up or down to find the best mark. To do this, they should take into account how far the answer meets the requirements of the level:

- If it meets the requirements *fully*, markers should be prepared to award full marks within the level. The top mark in the level is used for answers that are as good as can realistically be expected within that level
- If it only *barely* meets the requirements of the level, markers should consider awarding marks at the bottom of the level. The bottom mark in the level is used for answers that are the weakest that can be expected within that level
- The middle marks of the level are used for answers that have a *reasonable* match to the descriptor. This might represent a balance between some characteristics of the level that are fully met and others that are only barely met.

Indicative content

Examiners are reminded that indicative content is provided as an illustration to markers of some of the material that may be offered by students. It does not show required content and alternatives should be credited where valid.

Paper 3A: Comparative Politics: USA mark scheme 2025

Section A

Guidelines for Questions 1a and 1b
AO1 (6 marks), AO2 (6 marks)
AO1 will be used by candidates to underpin their analysis (AO2). 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.

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).

Question number	Indicative content
1(a)	AO1 (6 marks), AO2 (6 marks) Candidates may demonstrate the following knowledge and understanding (AO1) of the differences in the powers held by the Supreme Courts in the USA and the UK: • Checks and balances are more explicit in the US Constitution than in the UK • US Supreme Court cannot be challenged or overruled by other courts, unlike the UK Supreme Court where human rights issues may be taken to the ECHR • The US appointment system may affect the power of the US Supreme Court as it may be less able to act independently than the UK Supreme Court • The US Supreme Court can declare statute and executive actions unconstitutional, unlike the UK Supreme Court which can only declare actions unlawful or incompatible with the Human Rights Act 2000 • US Supreme Court justices have no limit on their terms in office, whereas UK Supreme Court justices have a mandatory retirement age Candidates may refer to the following analytical points (AO2) of the differences in the powers held by the between the Supreme Courts in the USA and the UK: • the US Constitution is codified and entrenched, clearly outlining the checks and balances on the Supreme Court, but in the UK this is not formally entrenched • the US Supreme Court is the highest court in the land and cannot be overruled by any other court, but UK Supreme Court decisions can be challenged in the European Court of Human Rights (on ECHR cases only) • the political nature of the US appointments process allows the potential for the executive to try to influence the conservative/liberal stance of the court- in the US in particular, e.g. Garland's nomination by Obama, Gorsuch's nomination by Trump, whereas the UK Supreme Court justices are appointed by an independent judicial committee rather than the prime minister • this allows the US Supreme Court more power as when acts/actions declared unconstitutional essentially cancels out those acts, but the UK Supreme Court can only declare statute ultra vires, so relying on the UK Parliament to then amend the law as Parliament is sovereign • this means US Supreme Court justices can- and often do- stay in office for life once appointed, and can only be removed by formal impeachment, whereas UK Supreme Court justices must retire at 75. This potentially gives US Supreme Court justices more opportunities to make decisions on far-reaching issues over a longer period of time- and no US Supreme Court justice has been successfully impeached. Candidates who refer to only one country cannot achieve beyond Level 1. Accept any other valid responses.

Question number	Indicative content
1(b)	AO1 (6 marks), AO2 (6 marks) Candidates may demonstrate the following knowledge and understanding (AO1) of similarities in the legislative powers of the US Congress and the UK Parliament: • Propose legislation • Scrutinise the legislative process • Scrutinise the executive's role in legislation • Participate in legislative committees • Representative function in legislation Candidates may refer to the following analytical points (AO2) of the similarities in similarities in the legislative powers of the US Congress and the UK Congress and Parliament: • Members of Congress in both chambers and the MPs and Lords in the UK Parliament have the right to introduce legislation to the chamber, albeit with different rules about how this is done- if such legislation is successful in the various stages it must pass, then it has to be considered by the second chamber as well • Members of Congress, MPs and Lords have the power to debate legislation, question the proposer of the Bill, propose amendments and vote on the progress of a Bill through their respective chambers • Members of Congress have the power to debate executive action and must introduce legislation on behalf of the president, while MPs can directly question ministers in ministerial question time and special parliamentary sessions about proposed legislation. The Senate also has additional powers to scrutinise foreign policy connected to legislation, which is done by both MPs and the Lords in the UK • Members of Congress, MPs and Lords can serve on committees, where Bills are scrutinised in depth and evidence taken on the potential impact of such legislation, although they are appointed to committees in different ways • Members of Congress and MPs have a representative function to play in legislation, as they may choose to/feel they must introduce legislation or vote on proposals in a way that will benefit their constituents- especially near election time- but this is not evident in the Lords, as they are appointed and so may act more independently in scrutiny and proposing legislation Candidates who refer to only one named country cannot achieve beyond Level 1. Accept any other valid responses.

Section B

Guidelines for Question 2	
AO1 (6 marks), AO2 (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 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 named country cannot achieve beyond Level 1. Candidates who do not make any comparative theory points cannot achieve beyond Level 3. Accept any other valid responses.	

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. Makes limited comparative theory points (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. Makes some relevant comparative theory points (AO1). • Some 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. Makes relevant comparative theory points (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. Makes cohesive comparative theory points (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).

Question number	Indicative content Analyse how the US and the UK Constitutions differ.
2	AO1 (6 marks), AO2 (6 marks) Candidates may demonstrate the following knowledge and understanding (AO1) of how the US and the UK Constitutions differ. • US Constitution is codified and entrenched, UK is part-written and uncoded, coming from a wide range of sources • US Constitution contains a specific Bill of Rights, UK has to pass statute law to protect rights • US Constitution explicitly outlines the powers and limitations on the branches of government, but in the UK this is not always explicitly written down • US Constitution outlines separation of powers, but UK has fusion of powers • US Constitution outlines a federal system, whereas the UK constitution is unitary Candidates may refer to the following analytical points (AO2) when analysing how the US and the UK Constitutions differ. • This makes the US Constitution more structured and rigid, whereas the UK constitution is more flexible and easier to amend because there are more opportunities to amend through statute, case law, convention etc • The protection of rights in the US may be easier because of the Bill of Rights and other amendments contained in the US Constitution, whereas rights may be more easily changed in the UK with the passing of new statute law • This means the system of checks and balances is more enforceable in the US than the in the UK, where checks and balances have often arisen through convention and so may be more easily avoided or changed • This allows each branch of government to act more independently in the US whilst still ensuring that cooperation is essential to pass legislation, whereas the UK's fusion of power can allow executive dominance and lessens the independence of the branches • The US federal system is enshrined by the US Constitution, which protects states' rights, whereas the unitary nature of the UK government means that the Westminster government must choose to devolve power, as they have done in Scotland, Wales, Northern Ireland and some mayoral authorities. Candidates may refer to the following when analysing structural theory: • USA- Constitution is a codified and entrenched document • UK- constitution has many sources, written and unwritten, and is uncoded Candidates may refer to the following when analysing cultural theory: • USA- Constitution is seen as the foundation of the US political system, and is rarely amended as it is so central to how the system operates • UK- constitution is considered to be more flexible and to be amended as and when is necessary, with no desire to make it codified or entrenched to allow the UK government to update it when required Candidates may refer to the following when analysing rational theory: • USA- the federal nature of the Constitution often leads to conflict between the states and federal government over who has power in certain jurisdictions, which at times has to be resolved by Supreme Court rulings • UK- conflict over the powers of the devolved bodies is less common, as these are specified in the Acts that devolve power Candidates who only refer to one named country cannot achieve beyond Level 1. Candidates who do not make any comparative theory points cannot achieve beyond Level 3. Accept any other valid responses.

Section C

Guidelines for Marking Essay Questions 3a–3c	
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.	

Level	Mark	Descriptor
	0	No rewardable material.
Level 1	1–6	• Demonstrates superficial knowledge and understanding of political institutions, processes, concepts, theories and issues, with limited underpinning of analysis and evaluation (AO1). • Limited analysis of aspects of politics with partial, logical chains of reasoning, which makes simplistic connections between ideas and concepts (AO2). • Makes superficial evaluation of aspects of politics, constructing simple arguments and judgements, many which are descriptive and lead to limited unsubstantiated conclusions (AO3).
Level 2	7–12	• 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 analysis of aspects of politics with some focused, logical chains of reasoning, which make some relevant connections between ideas and concepts (AO2). • Constructs some relevant evaluation of aspects of politics, constructing occasionally effective arguments and judgements, some are partially substantiated and lead to generic conclusions (AO3).
Level 3	13–18	• 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 analysis of aspects of politics with focused, logical chains of reasoning, which make mostly relevant connections between ideas and concepts (AO2). • Constructs generally relevant evaluation of aspects of politics, 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	• 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 analysis of aspects of politics, with coherent logical chains of reasoning, which make relevant connections between ideas and concepts (AO2). • Constructs mostly relevant evaluation of aspects of politics, constructing mostly effective arguments and judgements, which are mostly substantiated and lead to mostly focused, justified conclusions (AO3).
Level 5	25–30	• 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 analysis of aspects of politics, with sustained, logical chains of reasoning, which make cohesive and convincing connections between ideas and concepts (AO2). • Constructs fully relevant evaluation of aspects of politics, constructing fully effective substantiated arguments and judgements, which are consistently substantiated and lead to fully focused and justified conclusions (AO3).

Question number	Indicative content Evaluate the view that federalism is declining.
3(a)	AO1 (10 marks), AO2 (10 marks), AO3 (10 marks) Candidates may demonstrate the following knowledge and understanding (AO1) in relation to the view that federalism is in decline in the USA: Agreement • Presidents are increasingly more likely to push for federal policy on issues • Congress has passed/attempted to pass a number of laws that have strengthened the power of the federal government • High levels of partisanship in Congress • Interest groups still focus much of their effort at a federal level • The role of the federal government has increased at times of national crisis Disagreement • Supreme Court rulings have ruled presidential attempts to impose federal rules unconstitutional • Divisions within Congress have made it difficult to pass legislation that limits states' rights • States are increasingly pursuing individual policy in key areas • Public opinion continues to show more trust and support in state/local government than federal government • Federal programs/projects still rely on states to enact them as intended Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when agreeing with the view: • Presidents may campaign on a populist or personally important issue that has national implications such as Obamacare or Biden's Build Back Better which may strengthen federal power/reach at the expense of the states (AO2) this suggests federalism may be declining (AO3) • Such legislation may be in support of presidential proposals, such as tackling national crises, or to consolidate minority rights across the whole of the US, such as Respect for Marriage Act (AO2) this suggests federalism may be declining (AO3) • This leads to a Congress that is more able to push for a national agenda, and be more successful in a time of united government- or to be more able to oppose proposals that impact on states' rights in times of divided government (AO2) this suggests federalism may be declining (AO3) • This is true during the election cycle as well as during presidential terms/congressional sessions, demonstrated by high levels of expenditure, lobbying and the presence of iron triangles (AO2) this suggests federalism may be declining, or alternatively that this demonstrates how the expansion of government over time has inevitably led to more focus on the federal government at the expense of states' power (AO3) • This has been an issue for many years now but become more prominent with the threat of terrorism and the need to coordinate a national response to Covid-19 (AO2) this suggests federalism may be declining, or at least has to give way to federal government power temporarily in times of crisis (AO3)

Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when disagreeing with the view:

- This helps to reinforce the federal system designed by the Founders e.g. Biden was prevented from enacting his student loan forgiveness scheme (AO2) which suggests that federalism is not declining (AO3)
- This ensures federalism performs as intended, as it prevents Congress from dominating the states e.g. it has proven difficult to find a federal agreement on legislation protecting the right to an abortion (AO2) which suggests that federalism is not declining (AO3)
- This uphold the federal system as intended e.g. when Roe v Wade was overturned, large numbers of states adopted a vast range of policies on the legality of abortion. This also applies to other areas such as LGBT+ rights where there is a huge variety of laws across the states (AO2) which suggests that federalism is not declining (AO3)
- This reinforces the parochial nature of Congress in particular, as the need to appeal to state/local issues makes pursuing a national agenda less likely, and demonstrates that federalism is working as intended if the public rely on/trust their state/local representatives more (AO2) which suggests that federalism is not declining and instead is working as intended (AO3)
- This demonstrates that even with a federal program such as Obamacare or Build Back Better, the federal government must work with the states to ensure such programs work in practice (AO2) which suggests that federalism is not declining and is in fact working as intended (AO3)

Accept any other valid responses.

Question number	Indicative content Evaluate the view that Congress fails to adequately hold the President to account.
3(b)	AO1 (10 marks), AO2 (10 marks), AO3 (10 marks) Candidates may demonstrate the following knowledge and understanding (AO1) in relation to the view that Congress fails to hold the President adequately to account: Agreement • Impeachment • Executive orders • United government • Role as Commander-in-Chief • Executive agreements Disagreement • Legislative role • Veto override • Power of the purse • Divided government • Treaties Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when agreeing with the view: • There have been several attempts to impeach presidents without success- ultimately, a president may resign rather than face being impeached (AO2) which suggests that Congress fails to hold the President to account (AO3) Note that this could be used for 'disagree'- arguably, this demonstrates that Congress has and will use this power, and the fact that it has failed is not necessarily showing a failure to hold the President to account • If Congress and the president are unable to agree on legislation, or Congress refuses to propose a presidential policy as a bill, the president may use an executive order to make the required change regardless (AO2) suggests that Congress fails to hold the President to account (AO3) • In times of united government, Congress may be more likely to introduce presidential proposals and to pass them with minimal disagreement rather than fully scrutinising them or preventing unpopular/undesirable proposals from passing (AO2) which suggests that Congress fails to hold the President to account (AO3) • Presidents may use their constitutional role as Commander-in-Chief to be proactive on foreign policy with minimal restraint from Congress e.g. in deploying troops (AO2) suggests that Congress fails to hold the President to account ineffective (AO3) • Presidents may make executive agreements without congressional approval in the first instance (AO2) suggests that Congress fails to hold the President to account (AO3)

Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when disagreeing with the view:

- Presidents must rely on members of Congress to introduce legislation as they have no direct power over Congress due to the separation of powers (AO2) this suggests that Congress may be able to hold the President to account if they do not agree with legislative proposals (AO3)
- While presidents may veto congressional legislation they do not approve of, Congress has the ultimate power to override the veto and pass the legislation regardless, with a 2/3 majority in both chambers (AO2) this suggests that Congress may be able to hold the President to account (AO3)
- The House of Representatives has constitutional control of the budget- presidents must seek approval for funding for executive programs, and cannot overrule Congress to gain funding (AO2) this suggests that Congress may be able to hold the President to account (AO3)
- Congressional oversight of the presidency may be stronger during times of divided government, as the president cannot appeal to members of his party for support as easily, and must rely on the power of persuasion to get approval of their legislative proposals or for funding (AO2) this suggests that Congress may be able to hold the President to account (AO3)
- While presidents may sign executive agreements, formal treaties must be ratified by a 2/3 majority in the Senate (AO2) this suggests that Congress may be able to hold the President to account (AO3)

Accept any other valid responses.

Question number	Indicative content Evaluate the view that
3(c)	AO1 (10 marks), AO2 (10 marks), AO3 (10 marks) Candidates may demonstrate the following knowledge and understanding (AO1) in relation to the view that civil and constitutional rights have been successfully upheld by the Supreme Court: Agreement • Supreme Court's main role is to be guardian of the Constitution- including rights • Supreme Court can deal with issues Congress is reluctant to consider • Supreme Court can and will declare congressional and presidential actions unconstitutional to protect rights • Supreme Court can uphold congressional and presidential actions to protect/extend rights- this includes individual rights and states' rights • Judicial activism can be used Disagreement • Supreme Court cannot be proactive • Supreme Court can only interpret the Constitution • Congress has arguably done more • States' rights have been upheld at the expense of individual rights • Arguably, the upholding of rights is dependent on the ideological makeup of the Supreme Court Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when agreeing with the view: • The power of judicial review established in Marbury v Madison allows the Supreme Court to interpret whether or not rights have been protected and rule actions unconstitutional at all levels of government (AO2) this suggests that civil and constitutional rights may have been successfully upheld by the Supreme Court (AO3) • The Supreme Court can rule on cases brought by individuals and groups who believe their rights have been infringed- this is often related to issues where Congress has been unable to agree or has not attempted to legislate e.g. gun rights, freedom of speech (AO2) this suggests that civil and constitutional rights may have been successfully upheld by the Supreme Court (AO3) • The system of checks and balances allows the Supreme Court to interpret whether congressional or presidential actions may breach rights and declare them unconstitutional e.g. Trump's attempts to reverse DACA (AO2) this suggests that civil and constitutional rights may have been successfully upheld by the Supreme Court (AO3) • Similarly, the Supreme Court can rule congressional and presidential actions <u>are</u> constitutional if they are challenged by individuals or groups e.g. Trump v Hawaii, Obamacare although some provisions were ruled unconstitutional (AO2) this suggests that civil and constitutional rights may have been successfully upheld by the Supreme Court (AO3) • The Supreme Court has the right to choose whether or not to hear cases- and so can exercise judicial activism in choosing to deliberate on cases that may infringe rights e.g. Dobbs v Women's Health Organisation (AO2) this suggests that civil and constitutional rights may have been successfully upheld by the Supreme Court (AO3)

Candidates may refer to the following analytical (AO2) and evaluative (AO3) points when disagreeing with the view:

- While an activist court can choose to hear cases related to rights, the Supreme Court cannot raise its own cases and must wait until issues have been referred to it- so cannot be proactive in seeking out potential infringement of rights cases (AO2) this suggests that civil and constitutional rights may not have been successfully upheld by the Supreme Court (AO3)
- The Supreme Court cannot legislate or amend the Constitution and can only interpret what has been codified- and may in fact disagree with earlier rulings made and overturn them e.g. Dobbs v Jackson Women's Health Organisation overturned Roe v Wade, Citizens United v FEC overturned McConnell v FEC (AO2) this suggests that civil and constitutional rights may not have been successfully upheld by the Supreme Court (AO3)
- Legislation by Congress has enshrined rights, whereas Supreme Court rulings may be reversed or overturned by new Congressional legislation e.g. Respect for Marriage Act was passed in anticipation of Obergefell v Hodges being overturned (AO2) this suggests that civil and constitutional rights may not have been successfully upheld by the Supreme Court as Congress has been more effective (AO3)
- Recent rulings have arguably upheld states' constitutional rights at the expense of individual rights e.g. Dobbs v Jackson Women's Health Organisation (abortion) (AO2) this suggests that civil and constitutional rights may not have been successfully upheld by the Supreme Court (AO3)
- The ideological makeup of the Supreme Court may affect whether or not rights are upheld- a more conservative court may be more likely to uphold states' rights over individual rights, **although arguably this is also upholding constitutional rights** (AO2) this suggests that civil and constitutional rights may not have been successfully upheld by the Supreme Court when considering the rights of the individual (AO3)

Accept any other valid responses.

Please note that a valid alternative response to this question may include a thematic approach- so selecting a number of specific civil and constitutional rights and evaluating how well each right has been upheld by the Supreme Court.