5.8 Civil Rights in the United States: Race, Gender and LGBT+ Rights

EDEXCEL 9PL0 · about 50 minutes · Write-in edition

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short answer questions may be brief. For levels-marked questions, write a fully developed essay using precise legal and political vocabulary, named cases and dates where relevant. The final question is a 30-mark evaluation and requires a clear judgement.

1 Explain how the Supreme Court's interpretation of the Fourteenth Amendment has shaped protections against racial discrimination, citing at least one key case besides Brown v Board of Education.

(Total for Question 1 is 6 marks)

2 Evaluate the extent to which civil rights are effectively protected in the United States today, focusing on race, gender and LGBT+ rights, and drawing on constitutional provisions, key Supreme Court rulings and the role of social movements. Your answer should reach a clear judgement.

(Total for Question 2 is 30 marks)

3 Using the two short extracts below about recent US civil rights protest activity, evaluate the argument that protest remains an effective route to protecting and advancing rights in the United States. Extract A: 'Large-scale protests in 2020 over police violence and racial injustice forced rapid corporate and municipal responses, including policy pledges and some police reform measures.' Extract B: 'While protests raise awareness, lasting legal protections often require legislative or judicial action, and protests alone seldom create durable constitutional change.' Using the source, evaluate the extent to which protest is effective in advancing and protecting civil rights in the US today.

(Total for Question 3 is 12 marks)

Mark scheme · 5.8 Civil Rights in the United States: Race, Gender and LGBT+ Rights

Question 1

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of the Fourteenth Amendment's role with minimal or no case detail. **1-2**

Level 2 Clear explanation of how the Fourteenth Amendment has been used to combat racial discrimination with one accurate case example and limited development. **3-4**

Level 3 Detailed explanation using at least one well-chosen case, e.g. Loving v Virginia, showing how the Court applied equal protection principles to limit state racial discrimination and the wider implications. **5-6**

Indicative content:

- The Fourteenth Amendment's Equal Protection Clause provided the constitutional basis for challenging state-imposed racial segregation and discrimination.
- Loving v Virginia (1967) is a key case where the Supreme Court struck down state antimiscegenation laws banning interracial marriage under the Equal Protection and Due Process Clauses.
- The Court has applied varying levels of scrutiny in equal protection cases: strict scrutiny for laws discriminating on the basis of race, making it difficult for states to justify such laws.
- The Court's rulings transformed state practices by making explicit that state racial classifications must meet the highest justification standard, contributing to dismantling legally sanctioned racial barriers across many policy areas.

Question 2

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of civil rights with little or no developed analysis or evaluation. Examples, if present, are generalised or inaccurate. **1-7**

Level 2 Clear, mostly accurate knowledge of constitutional provisions, relevant cases and social movements with some developed analysis; evaluation is present but may be one-sided or only partially supported by evidence. **8-15**

Level 3 Detailed, accurate knowledge deployed in a sustained analysis engaging with protections for race, gender and LGBT+ rights, using well-selected examples and showing balanced evaluation that weighs strengths and weaknesses, leading toward a supported judgement. **16-23**

Level 4 Sophisticated, wide-ranging and accurate knowledge used to construct a tightly argued evaluation directly comparing protections across the three areas, integrating constitutional text, Supreme Court doctrine, legislative variation and social movement influence, and reaching a clearly substantiated, nuanced judgement on the overall effectiveness of civil rights protection today. **24-30**

Indicative content:

- Arguments that protections are effective: the Fourteenth Amendment's Equal Protection Clause remains a powerful constitutional tool; landmark rulings such as Brown v Board (1954), Loving v Virginia (1967) and Obergefell v Hodges (2015) show the Court can extend and protect rights.
- Arguments that protections are limited or uneven: recent Supreme Court decisions, notably Dobbs v Jackson Womens Health Organization (2022), show rights protections can be rolled back; the Court's composition and doctrinal shifts have produced uncertainty for rights based on substantive due process or privacy.
- Legal limits and federalism: many protections depend on federal judicial interpretation and are subject to political change, while state-by-state variation (especially after Dobbs) produces unequal protection of rights across the country.
- Race-specific concerns: despite constitutional rulings, structural racism, disparities in criminal justice, voting access disputes and resistance to some forms of affirmative action show limits to effective protection in practice.
- Gender and reproductive rights: Dobbs returned abortion regulation to the states, producing a patchwork of access and showing the fragility of rights not explicitly grounded in a clear constitutional text.
- LGBT+ rights: Obergefell advanced marriage equality nationwide, but the durability of other LGBT+ protections (e.g. employment, public accommodation) can depend on statutory law and future Court rulings, producing ongoing vulnerability.
- Role of social movements: movements remain crucial for agenda setting, litigation support and legislative change, illustrated by civil rights movement successes, LGBT+ advocacy leading to marriage equality, and contemporary mobilisations around reproductive rights.
- Political and institutional constraints: Congressional gridlock, variable state legislatures, and the role of the Supreme Court in altering doctrine mean legal protections can be incomplete and politically contested.
- A strong conclusion recognises unevenness: significant constitutional and judicial protections exist and have transformed rights, but protections are not consistently effective across all groups or issues, and remain vulnerable to political and judicial shifts; the best judgement is that protections are substantial in some areas but fragile and unequal overall.

Question 3

Level 0 No relevant content.	**0**
Level 1 Basic use of the extracts with limited analysis, typically paraphrase of one extract and little or no evaluation or context.	**1-3**
Level 2 Clear use of both extracts with some developed analysis linking protest actions to specific short-term outcomes or limitations, but limited wider knowledge or evaluation.	**4-6**
Level 3 Good use of the extracts combined with accurate wider knowledge and analysis showing how protests have led to concrete changes and also their limitations in producing durable legal protections, with some evaluative judgement.	**7-9**
Level 4 Sophisticated, critical use of both extracts integrated with wide, accurate contextual knowledge and analysis that weighs evidence for protest as an effective route to rights protection, reaches a clear, sustained evaluation and addresses counterarguments.	**10-12**

Indicative content:

- Extract A supports the view that protest can produce rapid, tangible change in policy and public opinion, citing corporate and municipal responses after the 2020 protests following George Floyd's murder.
- Extract B highlights the limitation that protests rarely by themselves create durable legal or constitutional change, which typically requires legislation or judicial rulings.
- Wider knowledge supporting Extract A: examples where protests pressured institutions to act, such as some city police reform measures, corporate policy changes on diversity, or removal of Confederate monuments after 2020.
- Wider knowledge supporting Extract B: examples where protest did not translate into durable legal rights, such as many protest-driven pledges not becoming enforceable law, or the need to pursue litigation or legislation for long-term protection, e.g. the mixed success of police reform bills in state legislatures.
- Evaluation could consider differences between symbolic and substantive change: protests may shift norms and corporate behaviour quickly, but durable civil rights protections often require statutory or constitutional mechanisms which protests alone cannot deliver.
- Evaluation could argue protests create political pressure that enables litigation or legislative change, so they are an indirect but crucial route to rights advancement, particularly when combined with organised movements, strategic litigation and electoral pressure.
- A developed judgement should weigh immediate demonstrable effects against the need for institutional change for durability, concluding that protest remains an effective element in a broader strategy for advancing and protecting civil rights, though not usually a sufficient condition on its own.