



Examiners' Report **June 2023**

GCE Politics 9PL0 3A

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Introduction

This paper assesses unit 3A comparative politics in the context of the USA.

Question 1 (a)

This was the more popular of the optional Question 1 choices.

The question clearly asked candidates to discuss the differences between the upper chambers, and it was pleasing to note that the vast majority of candidates were able to do so, rather than drifting on to similarities, which would not be credited.

As with previous examination series, however, lower level responses chose factors to consider that were not like-for-like. For example, some candidates tried to compare legislative powers in the Lords to the power to impeach in the Senate. This limited the marks available, as this would not be a direct comparison.

The lack of exemplification, or very historic evidence only, was notable. Candidates should be provided with more recent evidence as befits a subject focused on current affairs – here, there were significant numbers relying on examples going back to the 1990s and even earlier, where more recent examples would have been more appropriate.

A number of candidates are still wasting time by constructing their answers to the 12-mark questions as essays, with often substantial introductions and conclusions that do not usually add anything creditable to the response. It is also still common to see unnecessary references to the comparative theories here. It is only a requirement to integrate the theories in to Question 2.

The strongest answers were structured around a thematic approach, picking out key factors such as representation, scrutiny and legislation to compare, with examples to support. These did need to be directly comparative – responses that cited a power of the Senate such as the power to ratify treaties, and then simply stated that there was no comparable power for the Lords would have a more limited mark for AO2 for the lack of development.

Candidates needed to have a discussion of the differences identified – simply stating the Senate are elected and represent their constituents while the Lords are not elected and have no constituency is limited AO2 analysis. Stronger answers were able to analyse using comparative phrases such as 'more legitimate', 'less accountable' or 'greater legislative power'.

As with previous examination series, a number of misconceptions remain that candidates should be aware of. For example, it does not require a 2/3 majority in the Senate to pass legislation, and it is not true to state that legislation can never begin in the Lords.

This is an example of a top Level 4 response.

Chosen question number: **Question 1(a)** **Question 1(b)**

One difference between the US Senate and the UK House of Lords is the powers they are granted.

Whilst the US Senate has exclusive powers that the House of Representatives do not have such as the power to ratify treaties. For example, the Senate ratified and approved the START treaty. This means that the President cannot pass any treaties without the approval of Senate. In the UK, the House of Lords do not have any exclusive powers and in addition its powers are limited. For example, Parliament Acts of 1911 and 1945 states that the House of Lords cannot veto but only delay a bill by a year. As a result, a difference between the US Senate and the UK House of Lords is that the Senate has exclusive powers over foreign policy while the House of Lords does not and its power is limited because of its undemocratic nature as it is an unelected body.

Secondly, a difference between the US Senate and the UK House of Lords is that the Senate is equal to the House of Representatives whilst in the UK the House of Lords is not equal to the House of Commons. In the US the two chambers are equal, one does not have

more power than the other and both have exclusive powers. When decisions are made both chambers must agree or the bill will not pass into legislation, for example the DREAM Act under Obama failed to pass because both chambers disapproved. Whilst in the UK, the ~~House~~ chambers are not equal and the House of Commons have primacy over the House of Lords this is because it is an unelected body which means it lacks democratic legitimacy. Therefore a bill can still pass if the Commons approve and the Lords do not, for example, the Hunting Act 2004 was rejected by the Lords but approved by the Commons and was turned into legislation. In addition, the Lords rejected lowering the age of consent for gay people from 18 to 16 but it was still passed as the Commons approved. As a result, the US Senate is part of an equal chamber whilst the UK House of Lords is not.

Finally, a difference between the Senate and the House of Lords is their power over appointments. In the US the Senate has an exclusive power that any appointments made by the President must be approved by them. They have the power to approve appointments such as Amy Coney Barrett in 2018 which Trump nominated as a justice was approved by the Senate or they can choose to reject nominations, for example

Obama's justice nominee Merrick Garland in 2016 was rejected by the Senate. However in the UK the House of Lords does not have any powers over appointments and in addition ~~it has~~ its powers are limited because of its undemocratic nature, such as the Salisbury Convention which limits their ability to block any legislation that was on the party's manifesto. As a result, whilst the US Senate has the power to approve appointments, the UK House of Lords has no such power.



This is a shrewd approach to answering the question. There are three points focused on exclusive powers of the Senate versus no exclusive powers for the House of Lords – this is a valid approach to the question and so it is not necessary to have exclusive powers as one point and then completely different points e.g. on party control to reach Level 4. The exclusive v no exclusive approach avoids the trap of comparing non-alike points by extending the chain of reasoning – so each point is structured around 'The Senate has exclusive power X which means.. but the House of Lords is limited because it does not have a similar exclusive power which is a difference, and so....'

Note that two very well-developed and directly comparative paragraphs could reach Level 4 if they are very well covered, detailed and comparative.

Candidates should be encouraged to practice comparing like-for-like points in retrieval practice and revision notes as well as exam-style questions to help embed AO2 comparative analysis.

Question 1 (b)

There were several alternative ways to answer this question, as the main political parties are not listed in the US part of the specification and so a wide range of comparisons could be credited.

The main comparisons seen were between the Republicans and the Conservatives, or the Democrats and the Labour Party. However, an interesting number of candidates chose to make valid comparisons between the Republicans and the Labour Party, or between the Democrats and the Conservatives.

The question specified that only one comparison needed to be made. However, some candidates attempted comparisons between several parties e.g. Republicans and Conservatives alongside a comparison of the Democrats and Labour. Such responses had the two comparisons considered as two separate answers – the highest mark would then be credited. No extra credit could be awarded here for two or more comparisons.

The question also specified that a comparison of policy was required. There were a significant number of responses, however, that gave generalised answers comparing ideology rather than particular areas of policy. Such responses were largely limited to Level 1 as they did not address the question clearly. Ideology linked to policy would be credited, but ideology alone exemplified superficial knowledge and limited comparative analysis.

As with Question 1a, a number of candidates failed to compare like-for-like areas of policy, instead making general comparisons about for example, health care in the US and the welfare system in the UK. This limited the marks awarded for both AO1 knowledge and AO2 comparative analysis.

There were also a number of very general answers making broad, sweeping statements such as 'Labour have always supported the NHS, and the Democrats support an expansion of affordable healthcare because of Obama'. This is a valid comparison, but lacks the development expected for the higher levels.

As with Question 1a, there is an issue with candidates relying very heavily on historic policies rather than contemporary examples. A number of candidates used examples even as historic as the Falklands War and Vietnam to compare foreign policy. This limited both AO1 and AO2 marks.

Another similar area candidates can be advised to improve on is to avoid wasting time on unnecessary introductions and conclusions, and including the comparative theories where they are not required.

This is an example of a low Level 4 response.

The Republican and Conservative parties agree to a great degree on immigration. The Republican Party, ~~historically has been tough on~~ traditionally is the party tough on immigration with Trump ~~was~~ utilising it and ~~attempting~~ attempting to mitigate it with ~~con~~ the construction of the US-Mexico wall. Additionally, Trump repealed DACA (an executive order from Obama denying children born in the US' right to live in the USA). Similarly in the UK in recent times immigration has been a key issue. Conservative Brexiteers placed huge weight on 'regaining control of our borders' as a reason for Brexit. Additionally, in recent times they have placed stopping the small boats of refugees from France high on the ~~agenda~~ agenda with it making Rishi's 5 pledges, and ~~Brave men~~ ~~the~~ The failed Rwanda policy is a further example of the Conservative Party's commitment to immigration reform.

The Republican and Conservative Parties agree to a large extent on the economy. Trump placed huge importance on lower taxes in order to ~~the~~ incentivise firms to maximise production and boost

the economy. Similarly Liz Truss' low tax state and 'Quazineomics' followed a similar economic belief. The parties ~~are more favourable~~ see the free market as sacred and government intervention as harmful. Furthermore Rishi's proposed UK with free trade ~~and~~ and minimal protectionism further supports this principle.

Lastly Conservatives and Republican's agree on ~~welfare~~ foreign policy. The Conservative party has traditionally been more prone to a more proactive foreign policy for example Bombing in Syria by Theresa May or Thatcher's ~~monumental~~ Falklands war. ~~The party isn't afraid to enact foreign policy~~ Similarly the Republican have ~~been engaged~~ not shied away from aggressive foreign policy. Bush's Iraq war illustrates this. to this day he supports his Iraqi invasion despite millions of death and widespread controversy.



There are three clear points made on immigration, the economy and foreign policy which fulfil the criteria of “accurate knowledge ...carefully selected to underpin analysis”. This response is directly comparative, but this analysis is not always quite explicit enough to merit top Level 4. Nonetheless, the logical chains of reasoning are clearly focused on drawing out similarities when comparing e.g. when discussing foreign policy: “Conservative Party...more prone to a proactive foreign policy.... Similarly the Republican Party have not shied away from aggressive foreign policy...” This combined with the carefully selected evidence are sufficient to reach the bottom of Level 4.

Question 2

As with Questions 1a and 1b, candidates are advised to avoid wasting time on unnecessary introductions and conclusions. Other similar areas for candidates to improve on are ensuring factors chosen are comparing like-for-like factors, and including up-to-date exemplification rather than relying on historic evidence.

This question asked candidates to compare the similarities in the role and powers of the president and the prime minister. Only a minority of candidates misread the question and compared differences instead. However, a number of candidates answered the question they had been revising for rather than the question in front of them, and so some only wrote about the limitations on the president and prime minister. While this could be a valid comparison when discussing how a factor such as the need to gain support in both chambers to pass legislation was a limitation on the power of the president and the prime minister to advance their agenda, discussing limitations needed to be explicitly linked to the role and/or powers of the president or prime minister to reach the higher levels.

This question carries a level cap – if there is no integrated discussion of at least one comparative theory, then Level 4 could not be awarded. Candidates are reminded that the comparative theory must have some explanation attached to the point being made, in this case about the role and powers of the president and prime minister, rather than simply being tagged on to the end of a point. For example, such responses might discuss the role of the president and the prime minister in setting the legislative agenda, and then at the end of the paragraph finish their analysis with ‘and this is a structural similarity because of the constitution’ with no further development. Such responses would remain in Level 3.

Candidates are also reminded that there is no requirement to include all three theories, or to include one or more theory in every point of comparison. One developed and exemplified point, with one well-explained theory integrated into the comparative analysis of the similarity, in this case, is sufficient to allow access to Level 4 – as long as the other points made in the response are also well-explained.

This question requires one comparative theory explained in relation to a comparison made to enter Level 4 – simply naming the theory is not enough, there needs to be at least a simple but correct application of the theory to progress to the top level.

2 Analyse how the role and powers of the US President and the UK Prime Minister are similar.

- foreign policy - structural - prerogative
- legislation - executive vs sitting on SOP.

In your answer you must consider the relevance of at least one comparative theory.

(12)

One way the powers of the UK prime minister and US president are similar is that both have power over foreign policy. For example, the UK Prime Minister acts as a quasi-head of state, and is able to create treaties and agreements with other countries - it was Prime Ministers Theresa May and Boris Johnson who were able to negotiate the Brexit Deal with the EU. Similarly, the president has the power to make treaties and executive agreements with foreign powers. For example, Obama made arms treaties with Russia throughout his presidency. This similarity can be explained with structural comparative theories. In the UK, various legislations, including the Magna Carta, ~~so~~ give the ~~prime~~ Prime Minister prerogative powers - powers that once belonged to the monarch. Such as making agreements with foreign countries, are now given to the Prime Minister. In the US, the separation of powers means the President essentially acts as the face of the US government, and so

is able to make decisions and negotiations on behalf of the government when making treaties. Therefore, both the UK Prime Minister and US President have ~~the~~ powers over foreign policy and treaties.

Another way in which the roles of the UK Prime Minister and US President are similar is that both have some power over legislation. In the US, the State of the Union address enables the president to recommend legislation to Congress, and the power of executive orders enables the president to pass legislation without the input of Congress - for example Obama passed an executive order enabling ^{some} illegal immigrants a 90 day period in the US, to get a job and apply for legal immigration status. In the UK, the ~~prime~~ Prime Minister also has power over legislation, as they sit in Parliament, and so can introduce their own legislation. This similarity can also be explained with the structural comparative approach. In the US, there is a strict separation of powers, and so if the president wants to pass legislation, they have to get it through Congress. Often this is unsuccessful, and so the President has the power of executive orders to bypass ~~the~~

Congress and pass legislation. In the UK, there is a fusion of powers, and the executive, including the Prime Minister, sits in the legislature. This means the Prime Minister can introduce their own legislation into parliament, and because governments almost always have a majority, they can vote through their own legislation. Therefore, both the UK Prime Minister and US President have some power over legislation.



This response gives two points that include an accurate discussion of structural theory so can enter Level 4 – the first point made is well-developed, and the second point includes some development but with some errors e.g. that executive orders are legislation – which is what keeps this low in Level 4. Overall, the comparative analysis is consistent enough for Level 4 – demonstrated by phrases such as “some power over legislation” and “executive orders can be used to bypass Congress”

Question 3 (a)

This question asserted that Congress is unrepresentative, and asked candidates to evaluate this viewpoint – therefore, candidates were expected to discuss points that supported the view and also ones that opposed it.

For AO1, the question naturally offered responses many routes to the higher levels as there was such a wide range of possible factors to evaluate. The majority of candidates referred to the composition of Congress with a significant number able to cite accurate, up-to-date and relevant examples of statistics to reinforce this. However, a common issue related to discussions on diversity within Congress was a tendency to lump the two chambers together with little, if any, discussion on how representation varied between the House and the Senate. There was also a tendency in lower-scoring responses to go beyond Congress for exemplification with details given from representation in the Supreme Court and the executive branch – neither of which was relevant to this question, and so gained no credit. Some candidates – as cited in other questions – relied on very historic data or made generalised comments on how increasing representation of women meant there was more representation and discussion of issues related to women's rights, with no supporting evidence for this. Generalised assertions like this would limit candidates' AO2 marks.

Nonetheless, many responses demonstrated a good level of recent, specific knowledge on the composition of Congress, making clear judgements on representation based on the evidence supplied. Some answers were too narrow and just focused on demographics, this limited the marks available across all three assessment objectives for the lack of breadth and depth. The more successful responses widened the debate by considering other factors such as incumbency or gerrymandering, and by doing so were able to progress into the higher levels.

This is an example of a high Level 5 response where all three assessment objectives meet the Level 5 criteria. There is a clear line of argument established in the introduction that runs clearly throughout this answer, coming to a clear reasoned judgement in the conclusion.

Plan

- Politically → 2 party system + polarisation of
- Demographically
- ~~Represent~~ Can represent in many diff. ways / are also factors with diversity (Party/lobbying etc)

Some would suggest that Congress is unrepresentative. This can be seen in areas such as ~~the~~ how demographically representative it is, in the ~~fact that it~~ factors that influence its ability to represent its constituents in Congress, and in the ~~way that~~ level of choice that the political system provides. Ultimately though, one ~~cannot say that Congress must agree that~~ Congress is not very representative.

Firstly, one can point to the demographic makeup of Congress versus the general population. Indeed there are many positive factors here. Firstly, ethnic minorities, who make up 40% of the US population, are increasingly represented, with now as much as 25% of Congress being non-white, ~~and~~ including prominent figures such as all members of 'the Squad,' like AOC, or Ilhan Omar; this grouping has been credited with having significant influence on Congress as a whole too, ~~as seen by the~~ Biden's supporting of the Inflation Reduction Act through Congress in 2022 which contains

significant climate investment funds, something which this group were strong on pushing for. After all it is accepted that the effects of climate change are more widely felt by minority groups. Similarly, ~~the Black~~ other groupings such as the Black Congressional Caucus ~~have~~ have called ethnic minorities to increase their influence. ~~However, President Obama, the first non-white President is a further example of the~~ However, there are equally many criticisms that can be placed on Congress in terms of it still being generally demographically out of touch. For example, about ~~9~~ 9 in 10 Congressmen/women are ~~white~~ Christians; this is against only 2/3 of the general population. Moreover, other generations are also significantly overrepresented, ~~for example~~ particularly in the Senate where 2/3 are Boomers. A final important problem to note is ~~the~~ how only a quarter are women. This all of course leaves many feeling unrepresented with movements like the Occupy movement inspiring peoples general antipathy towards Congress. Though it is becoming more representative in some areas, ~~5~~ others - such as college education where almost all in Congress have this versus only a third of the general population - things are only getting worse making it clear that in this way Congress is not representative.

Secondly, Congress could be said to be representative due to the level of flexibility and number of options that Congress provides for its members to fulfill roles that allow them to best represent their constituents. For example, one key aspect is the way in which there is little party discipline, though there are an increasing number of party line votes, this is not always the case, and little action can be taken if Congress members do not vote with the party. ~~Another~~ Another notable feature is the way in which members can request membership of Standing Committees that tackle issues/legislation of particular relevance to their constituents; the same goes for caucuses, ~~for~~ such as with Frank Mrvan who is ~~the~~ a Senator for Indiana, is also a member of the Congressional Steel Caucus due to the prominence of this industry there. Clearly there are many ways Congress members can align with causes relevant to their constituency. However, ~~a~~ a significant barrier to this are the many influences that may convince a member of Congress to act in line with the party over constituency concerns, or even in line with ~~a~~ minority outside interests. Most notably, well over 90% of Congressmen ~~are~~ have received campaign donations from Big Pharma, which has collectively spent over \$2.5 billion on lobbying in the past 10 years, such as \$13 million to Mitt Romney alone. Surely this spending does not go without

influencing the decisions made by those in Congress - indeed the influence of bigpharma can be seen clearly when one sees that until recently, almost nothing was done to tackle the 'Opioid Crisis' which has killed over 1 million people since the turn of the century. Therefore, despite the freedom of members of Congress in principle to represent their constituents equally very well, lobbying in particular, - though also things like personal ideology and party loyalty - clearly limit representation, particularly when many may not be aware of such conflicts of interest when voting.

Finally, there is clearly debate to be had regarding the level of choice that people have in ~~the~~ electing a Congress that represents them. In this area, there are clearly many ~~to~~ significant positives. Congress is elected separately to the President, ~~allowing~~ allowing people to decide specifically who they think will best represent their area; there are also primaries which further increase the level of choice ~~by~~ and are important given the otherwise limiting nature of a two party system; finally Congress also sees the ^{separate} election of two Houses due to the bicameral system, with both elected on different term lengths allowing different approaches to legislation. There are an increasing number of examples too to display the merits of this electoral system in terms

of creating a representative Congress. For example, the presence of primaries allowed the people of Queens and Bronx - a particularly liberal district in New York - to elect AOC in place of Joe Crowley in 2018 who was not seen as a particularly representative figure in this majority-minority seat, particularly as he was seen as part of the party elite. Despite this district having voted ^{41%} for Sanders as the presidential nominee ~~for~~ 2016, clearly anti-establishment. However, these advantages are overwhelmed by a great many problems. Firstly, the length of the process requires significant financial backing in most instances, (an average of \$10 million for senators and \$1 million for House members to win in 2016). This furthers the problem of lobbying that has already been discussed, even more so now with the advent of Super PACs in 2010. Furthermore, the influence of ~~incumbency~~ incumbency is also so significant that it often prevents more representative candidates from replacing those who have this advantage, perhaps being forced to wait until their retirement. In many election years, the incumbency rate is well over 90%. ~~Incumbency~~ One advantage is the 'Franklin privileges' that members of Congress get, allowing them to mail their constituents all their successes, with this being extremely state-funded. There are many more problems with

this process, though already one can say it is abundantly clear that Congress is severely limited in representation given the unequal playing field provided in elections.

In conclusion, one can clearly say that Congress is unrepresentative by all of the above measures. Though none of these provide an absolute measure, clearly a lack of demographic representation, an extreme presence of lobbying, and a deeply flawed electoral system all point to a similar deep inability of Congress to be representative in a democratic sense.



This response gives three developed points which clearly address the question with consideration of the alternative viewpoint throughout – it is not consistently well done, so does not quite reach the top of Level 5. Point 1 is the strongest, the most well developed – three points argued like this would have merited full marks. Point 2 on flexibility is unusual but valid, and supported by clear evidence, analysis and evaluation. Point 3 on choice in elections is the least convincing of the points made, but it is still Level 5 on AO1 in this point, however, the AO2 and AO3 would be Level 4 – so if there were 3 points made with this third point’s level of discussion, the whole of the response in that case would be Level 4. This response, however, is brought firmly into the middle of Level 5 by the top-of-the-level strength of Point 1 and how well Point 2 has been argued.

There is one questionable point here in the section about franking privileges – but this would be discounted as marking is done positively, and so the rest of the answer is thorough, perceptive and fully relevant enough to rate mid-Level 5.

AO3 strengths to note are demonstrated in phrases such as “However, there are equally many criticisms that can be placed on Congress...”; “Though it is becoming more representative in some areas...” (mini judgement); “However a significant barrier to this...[barrier links to the argument above about representing constituents]”; page 35 line 6 “Therefore despite the freedom of members of Congress...”. These are just a few examples – there are other examples of AO3 throughout this response in a similar vein that demonstrate why this is a strong Level 5 response.

Question 3 (b)

This question asked candidates to evaluate how effective the checks and balances in the Constitution are. A key weakness demonstrated by a significant minority of candidates was an apparent complete lack of knowledge in regards to what the checks and balances actually are. A minority of candidates were only able to offer general points about how effective the Constitution is overall, usually linked to very limited arguments about how vague the Constitution is, how difficult it is to amend, or how well it protects rights. Such factors were only credited if they were clearly related to specific checks and balances between the branches of government. Candidates are reminded of the need to understand all of the key terminology explicitly stated in the specification to ensure they are well prepared for the range of questions that may be set on this examination.

The strongest responses were able to structure their response around a specific set of checks and balances carefully selected for discussion within the context of the modern USA. Such responses were able to analyse the effectiveness of a range of checks and balances, both in how they can be effective alongside what may limit the ability of that check/balance to be effective – so evaluating the strength of weakness of that check/balance. This was most successfully done by explicitly linking the check/balance discussed to a specific example.

The strongest responses were able to discuss checks/balances related to all three branches. This was not an explicit requirement, and it was possible to access the higher levels with a detailed discussion of two branches. However, it is unlikely that a response could be ‘thorough and in-depth’ (AO1), have ‘perceptive analysis’ (AO2), or contain ‘fully relevant evaluation’ (AO3) without at least some reference to and discussion of each branch. This would not need to be equally well detailed and developed, but there would need to be some consideration to reach the very top marks.

Less successful responses tended to state ‘this is a check/balance’ followed by a simple statement that this check/balance was effective because it existed e.g. the power of Congress to declare war means the president cannot declare war alone, so the check must be effective. Such a simplistic response would be limited in the AO2 and AO3 marks awarded.

Nevertheless, candidates were able to give a really interesting range of evaluative points for this question, with discussions related to the Founding Father’s desire to create a system where no one branch became too powerful, with the need for bipartisan agreement and evaluate how well this works in practice, linking this to gridlock and hyper-partisanship. There was also some sophisticated discussion of the impact of polarisation in Congress on judicial appointments, and the politicisation of the Supreme Court, citing recent case examples as supporting evidence.

However, there were a sizeable number of common mistakes: that Roe v Wade made abortion illegal; citing Supreme Court cases on state issues as examples of legislative/executive checks; that impeachment succeeded (seen in relation to Nixon, Clinton and Trump); that Trump's travel ban was ruled unconstitutional; that the Senate has a veto and so on. It may be worth pointing these out to the next cohort of candidates to help avoid repeating misunderstandings in future exam series.

This is an example of a Level 5 response.

Plan:

checks + balances slow

Defier scrutiny

Pres too much power

SC strikes

SC too much power

Protect Rights

The 116th congress was one of the most unproductive legislative years to date, with legislative gridlock and the president unable to pass effective reforms. This essay serves to show that after considering the factors of scrutiny, presidential and Supreme court power, checks and balances in the US constitution are largely effective.

Proponents of the view that checks and balances in the US are ineffective often cite legislative gridlock as an obstacle to effective governance. Particularly in an era of hyperpartisanship, it proves incredibly difficult for prospective bills to pass through both the House and the Senate. The 116th congress was incredibly partisan and unproductive, with just 3% of bills enacted. This

poses a significant question to the effectiveness of checks and balances, as it indicates that progress is not being made on the reforms candidates were elected upon, and questioning US democracy. A stark example of this was Bill Clinton's 'Jewel in the Crown' healthcare reforms, that he was unable to push through a divided congress. Thus, it could be argued that key overbearing checks and balances on congress cause legislative gridlock and a lack of progression for the electorate.

However, the stronger argument is that such checks that ~~were~~ may seem 'overbearing' were intended to be such a way by the founding fathers of the constitution, in order to provoke scrutiny and compromise in legislature. This is best evidenced by Obama's efforts to push forward with 'Obamacare' healthcare reforms upon which he was elected on. The final bill was significantly watered down from the universal healthcare that Obama desired, due to significant fiscal amendments proposed by Republicans.

Congress members. This highlights scrutiny and compromise in Congress to forge policy that benefits Americans without significant hindrance to others, which is a direct result of checks and balances. Furthermore, this was demonstrated in the 2021 bipartisan Sages Communities Act, in which Biden was able to secure minor gun reform without taking away the right to bear arms which is supported by many Republicans. Overall, it is clear that checks and balances enhance scrutiny in legislature and thus promote compromise, and a United America over legislature.

Advocates of the view that constitutional checks and balances should be criticised would also cite that the president has too much power, and thus checks on the president are ineffective. The founding fathers moulded separation of powers and checks in a way that intended for no branch to dominate the others, and yet the president has shown dominance over domestic and foreign policy. Evidence of such is Trump declaring a national emergency in order to

Secure funding for the Mexican border wall and bypass an unwilling congress. This type of presidential action arguably undermines congress and it's elected members, whilst rendering checks and balances redundant. Obama too demonstrated he could bypass congress to secure his aims, avoiding a divided congress to secure his DACA immigration scheme via executive order, which would see those who arrived in the US as children awarded citizenship. The very fact that such significant immigration reforms can be achieved without the due legislative process and scrutiny highlights failings in checks and balances.

However, there is a strong argument to suggest that other branches have demonstrated they can challenge the president through checks and balances. This was evidenced when the Supreme court struck down Obama's DAPA scheme, an executive order that attempted to extend DACA to parents. The Supreme court has the power to rule executive actions unconstitutional, and thus force reforms

through the scrutiny of congress, albeit that they must be presented with the case first. Congress has also demonstrated willingness to check the president, using the veto override to force through the 2021 Defence budget that Trump attempted to block. Such checks ensure the president cannot act imperially, and demonstrate some degree of effectiveness for checks and balances.

Those that view constitutional checks and balances unfavorably may argue against the overbearing Supreme court. The position of the Supreme court in the constitution is vague, and yet they gained power of judicial review in *Marbury v Madison*, and thus can strike down executive actions as well as ruling congressional legislation unconstitutional. This was evidenced in *Trump vs Hawaii*, in which Trump's muslim travel ban was struck down as unconstitutional by the Supreme court. This is despite immigration reforms being a significant Trump pledge, an arguably significant power for an unelected branch courtesy of vague checks and balances. They have also demonstrated ability to

rule historic legislation unconstitutional as the makeup of the court changes, as they recently handed power back to the states after ruling aspects of the 1965 Voting Rights Act unconstitutional. The powerful nature of Supreme court checks arguably hinder its progression.

However, a strong argument in favour of strong checks by the court is the fact they can uphold ~~the~~ Citizens Rights. This was highlighted as they struck down elements of the PATRIOT Act following 9/11 that violated the 4th amendment right to privacy. Without the check by the Supreme court, rights in the US could be vulnerable to an autocratic president or legislature. Overall, checks and balances ensure the Supreme court is effective at rights protection.

To conclude, it is evident that whilst many may argue that the constitutional checks and balances in the US slow and hinder progression, they are integral to effective legislation and rights protections, and thus can be said to be largely effective.



This response has a clear line of argument throughout that is matched by the introduction and conclusion, although at first glance, this looks like a side-by-side answer where the candidate is trying to compare unrelated points. It should be noted, however, that the alternative approach to answering the question taken here should be credited – instead of answering with a series of individual checks/balances, this candidate has chosen to answer by selecting 3 aspects of the whole system to analyse and evaluate instead.

Three clear areas are chosen and developed for analysis and evaluation – gridlock, presidential power and the Supreme Court. The last section is less well developed, which keeps this low in Level 5 as the AO3 meets the criteria for Level 4 rather than Level 5. AO1 and AO2 both demonstrate Level 5.

Question 3 (c)

This question asked candidates to consider what the most significant problem in the US electoral system is, with the failure to reform campaign finance as the given factor to structure the discussion around.

A common mistake here was to discuss the failure to reform campaign finance in isolation. The question asked whether this was the **most** significant problem; candidates needed to consider whether **something else** might be a more significant problem in order to access the higher levels. Failure to do so meant that AO2/AO3 stayed in Level 2.

A number of candidates limited their analysis and evaluation to simplistic arguments about the cost of elections and how this could limit the ability of many individuals/political parties to stand for election because they could not raise enough money to compete. While this is a valid argument, focusing solely on this aspect meant the response would not reach the higher levels.

A minority of candidates also limited their mark to Level 2 with a lack of balance. Such responses tended to agree that the failure to reform campaign finance was the most significant problem, and then challenge their own conclusion with a discussion of how the Electoral College or other issues such as gerrymandering were also significant problems. Again, this meant the AO2 and AO3 were largely missing, particularly the AO3 as there was no evaluation of the view, just a simplistic judgement.

A significant proportion of the candidates seemed to enjoy the opportunity to evaluate the given factor and then analyse how significant it was in comparison to other challenges in the electoral system, thus producing high quality analysis and evaluation.

Stronger responses did this by referring back to the failure to reform campaign finance throughout their answer, whilst also widening the scope of their analysis by discussing other issues in the electoral system such as the Electoral College or gerrymandering.

It should be noted, however, that a surprising number of candidates were unclear on what reforms have actually been made to campaign finance, so limiting their AO1 marks.

As with the other questions on this paper, it was also striking that there was a lack of specific exemplification that was cited to support the arguments made, or such evidence that was supplied, was often very historic.

This is an example of a Level 5 response which demonstrates an alternative and valid approach to answering the question.

The failure to reform campaign finance is a large issue within the US electoral system because the current system of campaign finance allows third parties such as ~~press~~ interest groups to gain an unfair influence on the election result. However, the US electoral system also has other significant problems such as gerrymandering and a failure to reform the electoral college. Despite the failure of campaign finance reform being a large issue, the ~~view~~ view that the most significant problem with the US electoral system is the failure to reform campaign finance is flawed and unconvincing because the disproportionate representation created by the Electoral College is a ~~greater~~ more significant problem.

Proponents of the view that a failure to reform campaign finance is the most significant problem with the US electoral system might suggest that they hold this ~~view~~ view ^{because of} ~~the~~ the unfair influence gained ~~in~~ in elections by third parties such as

Super PAC's and influence groups. For example, the National Rifle Association (being the largest influence group in Washington) donated more than 50 million dollars to the Republican party in the 2016 presidential election, this means that the Republican party were forced to adopt ~~the~~ many of the beliefs and wishes of the NRA instead of simply advocating what the party and President Trump believed in due to fear of losing the great investment made by the NRA. For this reason, many believe the campaign finance system requires reform because political parties simply become billboards for the interests of whoever donates the most money to them rather than being free to do what they truly believe to be in the best interests of the country. However, the extent to which a failure to reform campaign finance is the most significant problem with the electoral system is limited. Despite there being ~~most~~ ^{large} problems with the current campaign finance system, reformation to this system poses problems of similar magnitude, limiting the significance of the task of reform. There is an argument to suggest that the current system is not unfair because the 3rd party influence donating the most money to each party will be able to do so because they are the most supported

influence group or PAC - thus, it isn't unfair for them to gain an influence on elections because they can only do so through huge public support. Additionally, a proposed reform to the finance system could result in state-funded election campaigns, this would be a similarly flawed system as it would result in influence groups and PAC's using their influence to election results and thus agenda setting - resulting in a decrease in democracy ~~becas~~ and voter engagement because ~~there are less~~ it would become more challenging for the electorate to make their voices heard on the key issues they believe in. Therefore although the current system of campaign finance is not perfect and does allow 3rd parties an influence on election outcomes, it is only reasonable to conclude that the view that campaign finance's failed reform is the most significant problem with the election system is unconvincing because these outsider influences are gained via popular support and enable increased levels of democracy by promoting voter engagement.

Advocates of the view that the failure to reform campaign finance is the most significant problem with the US electoral system might

Suggest they hold this view because they believe a failure to reform the electoral college to be an insignificant issue. This could be because the constitution sets out the Electoral College in order to resolve the issues of the popular vote and other alternative electoral systems. The issue with systems such as popular vote / proportional representation is that a candidate could win an election with as little as 40% of the vote, meaning that 60% of the electorate didn't vote for the winner. This can be evidenced by the alternative system used in the UK (First past the post) whereby David Cameron in 2010 was able to use the help of the Liberal Democrat party to form a government despite the majority of the electorate not voting for the Conservative party. The current Electoral College system could be argued as fit for purpose as it aims to resolve that issue. However, this is a fairly weak argument because under the current system, Donald Trump won the 2016 election despite receiving less overall votes than his Democrat rival Hillary Clinton. Moreover, the disproportionate representation of the

The Electoral College System renders it in need of reform. This is because states with smaller populations such as Wyoming (population of 500k) get the same two senate seats as states with large populations such as California with a population of over 30 million. This means that California has deficit of representation considering its far greater population than many other states. Therefore, a lack of Electoral College reform is a more significant problem with the US electoral system than a failure to reform campaign finance because it creates disproportionate representation and reform is widely supported (72% of voters wanted popular vote instead of the Electoral College in a 2007 study).

~~A devoted~~ Supporters of the view that a failure to reform campaign finance is the most significant problem with the US electoral system might hold this view because they do not believe gerrymandering to be a significant problem. This could be because they believe gerrymandering to be a ~~a~~ simply a political tool that allows a party to gain as much support as possible in a certain state, which

can only be a good thing because it provides ~~the~~ political unity for a state to be controlled mostly by one party. However this again is a very weak argument because the issue of gerrymandering in the US are far from insignificant. This is because gerrymandering results in disproportionate representation within states. This can be evidenced by the Supreme Court's ruling in 2023 that Alabama's district map is unconstitutional because it splits the minority race votes into two districts meaning that only one of Alabama's states are majority racial minority when in fact over 20% of Alabama's population is minority (meaning that two of its 7 districts should represent this section of votes). Thus, the view is unconvincing because gerrymandering is a more significant problem.

Thus, to conclude, the view that the most significant problem with the US electoral system is the failure to reform campaign finance is flawed and unconvincing. Although this is a large problem because it allows unregulated 3rd parties to influence elections, the issues caused by a lack of Electoral College reform and the issues caused by gerrymandering are more significant because they cause disproportionate representation at the state level.



Here, the candidate starts each section of their answer by challenging the question with an alternative significant problem, and then brings each section back to a consideration of whether this makes that problem worse than the failure to reform campaign finance or not. The AO3 here is mostly present through qualified judgements such as more weak/less significant etc – but this is clearly focused throughout on what is the most significant problem throughout and so should be credited accordingly as this is mostly relevant evaluation of the aspect of politics given in the question – what the most significant problem in the electoral system is. The third section on gerrymandering is a weaker argument – it doesn't, for example, come back to discuss campaign finance, and so this limits the AO2 and AO3 as it cannot be perceptive analysis (AO2) or fully relevant evaluation (AO3). Overall, this script is an example of how it is possible to reach Level 5 without scoring Level 5 on all AOs – Level 5 for AO1, and Level 4 for AO2 and AO3.

Paper Summary

Based on their performance on this paper, candidates are offered the following advice:

- 12-mark questions do not require an introduction or a conclusion – many candidates wasted time structuring their responses in the same way that they would answer a 30-mark essay.
- 12-mark responses must be directly and explicitly comparative between the US and the UK throughout the response.
- Candidates must carefully read the question to ensure they answer as effectively as possible e.g. looking for topic words or phrases, checking for similarities or differences.
- Comparative theories are only required for Q02.
- Comparative theories should be embedded within the points made for Q02, rather than simply referred to in passing – there is a cap at level 3, 9 marks, if candidates do not have some relevant explanation of a comparative theory in their responses.
- Substantiation is essential to access high-level AO1 marks in all questions.
- For extended-response questions (Q03a, Q03b and Q03c), introductions should set out the judgement candidates will argue throughout their essay – this should summarise rather than be a detailed start to the essay.
- Many responses included introductions spanning a page which wasted time.
- The strongest responses set out criteria for discussion in the introduction and structure the essay around them with debate and exemplification to support the arguments made.
- Candidates should avoid a narrative approach as this invites description rather than analysis (AO2) and evaluation (AO3).
- 30-mark essay responses must consider both the view presented in the question and arguments that may oppose this view to access the higher levels – but this must be done evaluatively rather than a simplistic agree/disagree structure.
- Analysis (AO2) and evaluation (AO3) should be integrated within the essay rather than ‘bolted-on’ at the end.
- Centres should remind candidates that the strongest responses include a range of relevant and contemporary evidence that directly and explicitly supports the arguments being made.
- Candidates should be advised to very carefully check their revision notes – especially if they choose to make use of resources found outside of lessons – for accuracy, as careless mistakes with key facts and evidence will lose valuable marks.
- Timing is crucial – it was notable on the second 30-mark response that many candidates ran out of time and so did not complete their answer.

Grade boundaries

Grade boundaries for this, and all other papers, can be found on the website on this link:

<https://qualifications.pearson.com/en/support/support-topics/results-certification/grade-boundaries.html>

