



Examiners' Report

June 2024

GCE Politics 9PL0 3A

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Introduction

This paper assesses the optional comparative element of the Politics specification, the Government and Politics of the USA.

2024 saw a wide and varied approach to the different questions, and it was particularly pleasing to see how many candidates are clearly taking an interest in their studies of Politics beyond the textbook, with many citing recent examples of political debate, cases and divisions within institutions, both in the extended-response essays and the shorter comparative UK and US questions. Centres are to be commended on the interested and engaged culture they are building with their candidates.

More targeted advice on how to succeed can be found in the summary section at the end of this report.

Question 1 (a)

This was the more popular of the optional Question (Q) 01 choices.

The question asked candidates to discuss the differences between how rights are protected in each country, 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 the role of the legislature to Supreme Court cases. This limited the marks available, because this would not be a direct comparison.

As noted in the Introduction, 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, and refer to more recent examples, where appropriate. There was also a notable lack of exemplification from the UK.

Numbers of candidates are still wasting time by constructing their response 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 Q02.

The strongest responses were structured around a thematic approach, identifying key factors such as constitutions, legislation and the role of the judiciary to compare, with examples to support. These did need to be directly comparative – responses that cited the US Constitution contains the Bill of Rights and then simply stated that there is no constitutional Bill of Rights in the UK would have a more limited mark for AO2 for the lack of development.

Stronger responses were able to access the higher marks for AO2 by analysing, using comparative phrases such as 'more protection', 'entrenched/unentrenched' or 'greater access to...', 'more flexible'.

As with previous examination series', a number of misconceptions remains that centres should draw to the attention of their candidates. For example, there is no Bill of Rights in the UK. Some candidates used this term, rather than referring to the Human Rights Act – and there is legislation that protects rights in the US, rather than simply offering protection via the Bill of Rights.

This is an example of a Level 4 response.

One way in which the protection of rights may differ in the UK from the US is due to its uncoded, unentrenched Constitution. The US has an entrenched and codified Constitution which protects rights such as freedom of expression (1st Amendment) and due to constitutional sovereignty it is very hard to change these rights which is different to the UK. Due to the lack of an ~~unentrenched~~ entrenched Constitution it can be easier for the Parliament to change rights, however the HRA (1998) adopted the European Convention on Human Rights showing how there is a legal document protecting human rights like in the US, however it is not as strong as something like the Bill of Rights in the US.

Another difference comes from the power of the judiciary in each country, in the US, the Supreme Court (SC) has much more power as it is an interpreter for the Constitution and may be stronger than the UK's SC at protecting

human rights. The SC in the UK can only issue a 'declaration of incompatibility' with the HRA to new laws proposed but due to Parliamentary sovereignty, this can be ~~over~~ circumvented as seen with the Assisted Dying Act (2010). In the US it is much harder to do this however, the ruling of Obergefell vs Hodges (2015) legalised gay marriage in the US and Congress could not overturn the decision.

The final difference about how Human Rights are protected is over power of the legislature to change them. Congress is not sovereign unlike Parliament in the UK and has therefore struggled to change any laws potentially affecting human rights unless they use the constitution, which has been seen with the 16th Amendment giving the right to vote to women, however with only 27 Amendments in history it shows how hard this is to do. Whereas in the UK, the Parliament is able to make much more change as seen with the Public Order Act (2022) which greatly restricted protests showing how due to Parliamentary sovereignty, rights may in theory be less protected.



This response makes three distinct points:

- constitutions
- the power of the judiciary
- the power of the legislature.

Each point is focused on the question, with some explicit and comparison and evidence, considering that is harder/more straightforward to protect rights in the respective countries eg that there may be less protection in the UK since the passing of the Public Order Act 2022.

Some exemplification is inaccurate, however, eg 16th Amendment. This, plus the fact that point 3 is less well-developed, keeps this response at the bottom of the level.

Level 4

Total: 10 marks



Remember to include examples from both the UK and the USA to reach top marks.

Question 1 (b)

As with Q01a, a number of candidates did not compare like-for-like areas of campaign finance, instead making general comparisons about, for example, spending in elections in the USA versus UK party membership fees. This limited the marks awarded for both AO1 knowledge and AO2 comparative analysis.

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.

Only a minority of candidates chose to answer this question.

The majority of those candidates were able to identify similarities related to campaign finance regulations in place in both countries, with good exemplification in the strongest responses.

However, a sizeable number of candidates found their mark limited because they tended to make simple statements without including AO2 development of the points made. For example, they stated that campaign finance is regulated by the Bipartisan Campaign Finance Reform Act, or that both countries have access to state funding – and then went no further with their explanation. As with Q01a, it is not sufficient to assert a point and then move on to a second point – development is essential to access AO2 marks.

There was, however, a lack of precise knowledge in many responses, particularly on the UK aspect. Significant numbers of candidates were unable to provide any evidence in their responses.

There was also a number of common mistakes about legal limits on donations, whether state funding is available in any form in the UK, and that individuals are banned from donating to political parties in the UK.

It should be noted that the UK regulations were updated by statutory instrument in November 2023, and as many candidates will have studied this topic in Year 1 of their course, credit was given for the previous figures as well as for the recent change.

This is an example of a Level 4 response.

Campaign finance and a well funded party are both vital for the success of political parties in the US and the UK. For example, total congressional elections and the general election cost over \$14 billion dollars in the US in 2020. If a party is ~~well~~ ^{better} funded, their candidates are likely to win. This was the case for Obama and Bush in their two respective presidential races. Similarly in the UK, party funding is vital to finance general elections. The party with the most money is able to spend more on researchers, targeted adverts and pay for the travel of candidates. For example, the Labour Party spent £850,000 the day after Sunak's election announcement on targeted social media adverts. This means that campaign finance is similar in the US and UK ~~as~~ it is fundamental to party success in both countries. This means that parties must spend time fundraising in both ~~Party funding in~~ ~~countries.~~ ~~as~~ ~~federal~~ ~~f.~~

Party funding is also similar in both the US and UK as parties are often funded by donations from wealthy individuals and interest groups. For example,

the Koch brothers in the US spent millions throughout the 2014 mid terms on key senate races. This allowed them to promote their right wing agenda through their 501(c)4 group "Americans for prosperity" as they enabled the Republicans to take back the senate. Similarly in the UK, Frank Heister recently donated £10 million to the Conservatives. The Conservatives also regularly receive donations from insider groups like the Institute of Directors and CBI while the scale of funding is smaller in the US, the similar reliance on individuals and corporations means parties ~~thereof~~ often cater their policies to enable future donations. This means the Conservatives are likely to help big business, Labour are likely to support trade unions, Democrats may also support the AFL-CIO and environment lobby while the Republicans appeal to the Chamber of Commerce.

Campaign finance and party funding are also regulated in both the US and UK. In the UK, for example, legislation in 2009 restricted the maximum spend to £30,000 per constituency. In addition, donations above £7000 had to be declared and the donor registered with the electoral commission. Similarly in the US, the FEC ensures that spending by Super PAC.

is not given directly to campaigns and campaign funds are appropriately used. For example, former President Donald Trump has been accused of using campaign funds to pay off adult filmster Stormy Daniels, which is illegal. This ~~was~~ regulation means that ~~campaigns~~ ^{parties} ~~finance~~ ~~in the 12~~ and interest groups in both countries seek to find loopholes and get around the existing laws to achieve their aims.



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Examiner Comments

This response makes 3 clear points that are well-focused on the question:

- vital for electoral success
- funded by donations
- regulations

The first 2 points are well-developed, with explicit comparative analysis and good, often up-to-date, evidence. This is only held back from full marks by the more implicit comparative analysis in point 3.

Level 4

Total: 12 marks



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Examiner Tip

Remember to explain points of similarity or difference in the 12-mark questions, to gain top marks.

Question 2

As with Q01a and Q01b, centres are advised to instruct candidates to avoid wasting time on unnecessary introductions and conclusions. Other similar areas for centres to improve on are ensuring factors chosen are comparing like-for-like factors, and including up-to-date exemplification (where appropriate) rather than relying on historic evidence.

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.

Centres are reminded that the comparative theory must have some explanation attached to the point being made: in this case, regarding the differences between devolution in the UK and federalism in the USA, rather than simply being tagged on to the end of a point. For example, responses might discuss the differences in terms of equal powers being available to the states, versus the asymmetrical nature of devolution, and then end the point with a comment such as 'and this is a structural difference because of the constitution' with no further development. This type of response would remain in Level 3.

Similarly, the explanation of the comparative theory must apply to both countries, rather than simply stating 'this is a structural difference because the USA has a codified constitution.'

Centres 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, providing the other points made in the response are also well-explained.

Overall, there was a considerable number of strong responses based around entrenchment, asymmetry and the location of sovereignty, often with good exemplification for both countries. Weaker responses tended to lose AO2 marks by describing federalism, then describing devolution, without drawing comparisons between the two.

Common errors included details of the asymmetric nature of devolution in the UK, particularly when discussing taxation powers, and that states in the US are prohibited from having any legislation or regulations on key areas – most often, with sweeping statements related to federal drug laws. There was no recognition that states can, and do, have their own laws on, for example, the use of marijuana.

There was also a degree of misunderstanding of the role of the Supreme Court in the UK devolved bodies, with a number of candidates stating that the UK Supreme Court can only overrule the Scottish Parliament, for example, on matters reserved to the UK government. A very small number of candidates did not understand federalism at all, and simply wrote about the separation of powers versus fusion of powers.

There were, nonetheless, many excellent responses to the question, with strong arguments presented about the origins of federalism compared to the introduction of devolution. There was excellent exemplification, such as the blocking of the Gender Recognition Reform (Scotland) Bill compared to the various state laws related to LGBTQ+ rights.

This is a Level 4 response.

UK	USA
<ul style="list-style-type: none">• Parliament is sovereign therefore devolution can be repealed• Different powers are given to different devolved bodies + funding• 1st Devolution was first brought about in 1998	<ul style="list-style-type: none">• Federalism is protected by 10th amendment → Structural• All states are given the same powers and funding• Federalism was an original intention of the Founding Fathers.
<p>⊛ This can be explained by structural theory as it is codified and entrenched in the US constitution and political system</p>	
<p>In the US federalism is protected by the 10th amendments which states all power is not given to federal government is reserved to the states. This means that federal government is limited and controlled on how much ^{power} can sway and encroach on the ^{rights} of the states. This can be seen in the Affordable Care Act under President Obama in which it was ruled unconstitutional to cut funding to states that did not comply. Therefore, federalism is thoroughly protected by the US' codified and entrenched constitution. ⊛ In the UK, however, Westminster parliament is sovereign meaning the powers of devolved bodies are by no means protected. This can be clearly seen in Sinnott's governments repealing of the Scottish Parliament's Gender Recognition Act. Therefore, in the UK</p>	

devolution is not protected nor entrenched and its powers are subject to diminishment by Westminster Parliament whereas in the US federalism is protected by the bill of rights and this is upheld by the Supreme Court.

In the US all states are equal and given the same powers. This means that no state is superior or ^{more} ~~say~~ influential/independent than any other. An example of a power shared by all states is the legalisation of Cannabis. Some states such as California have legalised this where in others being caught with just a small amount of Cannabis in possession could lead to lengthy jail time despite all the states having the power to legalise this. Similarly, all states have power over elections. Therefore, in the US all states are treated equally and have importance from the Federal government. Differentially, in the UK different devolved bodies and regions have different powers. This means the devolution is not asymmetrical like federalism in the USA. Scotland's Scottish parliament is evidently equipped with more powers than Wales and those of devolved regions in England. Therefore a key difference is that devolution in the UK is not proportional or asymmetrical whereas federalism in the US is.

In the US federalism is set out in Article VI of the constitution and was a key original intention of the

Founding Fathers in 1787. This means that Federalism has been around since the beginning of US government and politics and the Constitution. This can be explained by cultural theory by the fact Federalism is embedded into US culture and was an original intent of the Founding Fathers. Differentially, in the UK devolution was first brought about by Tony Blair in 1998 ~~with~~ with the creation of the Scottish Parliament, Welsh Assembly and the Northern Ireland Assembly. This means that devolution in the UK is a much more recent development. Further powers have been devolved since 2010. Therefore, federalism in the US is a long standing original and highly protected concept of the American political system whereas devolution in the UK is a recent development and is still continuing to evolve.



This response makes three clear points that are well-explained and exemplified, with explicit links to:

- comparative theories (structural and cultural)
- constitution
- equal/asymmetrical, origins

Please note the importance of the * on point 2: this is absolutely essential for an accurate mark to be awarded, because it directs the examiner to a sentence that explains structural theory in the US, which is then compared to the UK in the next, separate sentence.

This is also an excellent example of how to embed cultural theory. This appears to be a separate point because the candidate ends the sentence with a full stop – but the paragraph must be read as a whole. The candidate clearly argues “cultural theory ...embedded...original intent...” . They end the sentence BUT carries on this comparative theory analysis in the next sentence, shown by the phrasing “Differentially...” and then continues this theme/analysis with the final sentence.

Level 4

Total: 12 marks



It is essential to explain the comparative theory, to reach Level 4.

Inserting the word 'structural/rational/cultural' alone is not enough – but you only need to include one comparative theory to access Level 4 marks.

Question 3 (a)

This question asked candidates to evaluate the view that the US Supreme Court is a political body, rather than a judicial one, and was the most popular essay, with most candidates attempting this question.

The majority of candidates were well-prepared for this question, and so had good knowledge and clear themes to discuss. The most common themes were the appointments process, the role of the Supreme Court in the interpretation of the constitution, and judicial activism versus judicial restraint. Other interesting points included issues related to the independence of the judiciary, ideology.

The candidates' ability to analyse and evaluate effectively was the main differentiator on this question. Candidates need carefully to consider their argument to ensure that they are accessing AO3 marks in particular. A simplistic political/judicial response will stay in the lower levels, as will responses that make an assertive statement at the end of each point as a mini-judgment with no substantiation behind it eg 'this shows that the Supreme Court is a political body.'

A number of candidates now commonly use stock phrases such as 'this is a weak argument' – which can work well to embed AO3 evaluation, but only if this statement is then explained in full. It is not, however, expected that candidates use such phrases, and there is no set way for candidates to undertake AO3 evaluation.

Other phrasing is just as valid, provided that it is explained well, such as 'however, the Supreme Court may not be a political body because...!', or 'this does not mean that the Supreme Court is simply a judicial body because....!', or 'this view can be challenged by...!'

Overall, a significant number of responses made excellent use of case studies from the appointments process, as well as cases to illustrate their arguments. It was particularly pleasing to see so many up-to-date references from both the Biden and Trump eras, as well as contrasting relevant examples from previous eras, such as contrasting Trump's appointment of Amy Coney Barratt with the refusal of the Senate to hold Merrick Garland's confirmation hearing.

Key political cases were also often cited correctly and explained well, including recent ones like *Dobbs v Jackson*, with key terminology such as judicial activism used effectively to strengthen AO1 marks. The strongest responses were able to discuss how some decisions could be clearly seen to be overtly political, whilst others showed the court is a purely judicial institution. The ability to say why a decision was political or judicial was the key to the top levels on AO2 and AO3.

However, it is important to note that candidates do need to be able to use terminology accurately. There were significant numbers of responses that were based on incorrect assumptions about the ideology of justices appointed, that then tainted the AO2 and AO3 analysis and evaluation made. One such common error was to state that some Supreme Court justices were Republicans – and that when they dominated the make-up of the bench they always made conservative decisions. These were often implied as being ‘bad’ decisions that harmed US society. Alternatively, the same argument was also presented regarding ‘Democrat justices’ always making liberal, ‘good’ decisions. A similar assumption was also made about judicial activism versus judicial restraint – that only more liberal justices pushed for judicial activism (which was a good thing), and then originalists preferred judicial restraint (which was bad).

This kind of assumption also applied to discussions of court cases, where there was usually an assertion that a decision was/was not political without an accompanying analysis of why. This was most often seen when *Roe v Wade* and *Dobbs v Jackson* were referenced.

It is worth reminding candidates that citing a case without any development or discussion will prevent them from entering the higher levels, because such responses lack AO2 and AO3 analysis and evaluation.

A minority of candidates tried to turn this question into one on checks and balances. While there could be valid arguments and evidence related to this, if this was the sole basis of the response then it would stay in the lower levels for lack of breadth and depth. Similarly, one-factor responses, usually solely on the appointments process, would also stay in the lower levels for the same reason.

A few well-argued responses sadly fell into the trap of weaving an excellent argument around the politicisation of the Supreme Court, whilst completely neglecting the other side of the argument. Such responses were capped at the top of Level 2 for a lack of balance across all three assessment objectives.

This is a top Level 3 response.

plan:

+ appoint

+ DC + NRA

- ABA, scrutiny

- rights / scrut - Rasul ✓

+ activism - Roe
Oberg

- precedent - Dobbs

essay:

The Founding Fathers envisioned the Supreme Court as a body primarily designed to uphold ^{interpret the constitution} rights, and scrutinise the other branches of government in the system of checks and balances. However, with the discovery of the power of judicial review in *Marbury v Madison* (1803), the Supreme Court has taken a more decisive role in defining legal precedents. In addition, outside influences such as interest groups and the appointments process have made the court more political. However, the Court still carries out its functions of protecting rights and providing scrutiny, so can be seen as a mostly judicial body.

One could argue that this is the case

as the Supreme Court has been seen to uphold their function of scrutiny in recent years, so can still be seen as a judicial body. For instance, *Rasul v Bush* (2004) struck down parts of George Bush's anti-terror policies, which shows that the Court is a judicial body as it does assess legislation on its constitutionality. In addition, this ruling defended the rights of terror suspects which reiterates the idea that the Court does fulfill its role as a judicial body. However, it can still be argued that this ruling was politically activist as it came at a time when treatment of terror suspects - particularly at Guantanamo Bay - was unpopular, so the Court could be seen to be pushing a political agenda against this.

The same could be said of other rulings termed to be judicially activist. For example, *Roe v Wade* (1973) extended the rights to have an abortion, whilst *Obergefell v Hodges* (2015) legalised gay marriage. It can be said that these rulings ~~or~~ make the Court political because they both extended

rights not previously enshrined in the Constitution. Therefore, the Court did not uphold the Constitution and can be viewed as a political body with an agenda. Yet, both rulings were based on a lack of clarity around the equality clause of the 14th Amendment. This means that the Court did uphold its function as a judicial body by protecting rights and clarifying the Constitution.

The Court can also be seen to uphold the Constitution in the *Dobbs v Jackson* ruling of 2022. It overturned *Roe v Wade* on the basis that it was an overreach of Court power to legalise abortion at a federal level. Therefore, the Court can be seen as a judicial body as it upheld the principles of the Constitution, like federalism. Yet, even here the Court could be seen as a political body as the conservative-leaning court could be seen to pursue an anti-abortion agenda.

This also highlights problems with the judicial appointments process as it can be seen to make the court political. For instance, the President can be seen to 'stack the court' with justices of a liber-minded ideology. This can be seen with how Trump appointed conservatives like Amy Coney Barrett to shift the court to have a 6-3 conservative majority. This led to rulings like *Dobbs v Jackson* and could show that the court is political as the appointments process could be seen to encourage it to pursue a political agenda.

Similarly, the need to secure Senate confirmation for justices can be political, as well-qualified candidates can be rejected on the basis of their ideological leaning. This was seen when Mitch McConnell refused to hold a vote on the confirmation of Merrick Garland partly because it was close to the 2016 election and a Republican victory would see a conservative justice confirmed to the bench, and not a liberal like Garland.

However, the appointments process cannot be seen to make the ~~so~~ court entirely

political as scrutiny of candidates ensures the best candidates are selected to maintain a judicial body. For example, Harriet Miers was nominated by George Bush mainly for her conservative views. Yet, her lack of judicial experience and poor rating by the American Bar Association meant the Senate rejected her nomination. This proves the court is a judicial body as candidates are not selected solely based on political ideology.

Though outside influences on the court can still show them as a political body. The *District of Columbia v Heller* ruling (2008) could show the court as a judicial body as it upheld the right to bear arms in the 2nd Amendment, so fulfilled its role of interpreting the Constitution. However, this was influenced by a 30-year campaign by the National Rifle Association (NRA) to guarantee this rights as an individual one. Therefore, the influence of outside groups with political agendas could show the court as a political body.

Overall, the Supreme Court can be seen as a political body because of its more activist rulings - like Obergefell v Hodges - and outside influences on it, such as the appointments process. However, rulings such as Roe v Wade show that the Court is still a judicial body as it still maintains its functions, such as upholding rights and interpreting the Constitution.



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Examiner Comments

This response makes three clear points that focus explicitly on the question:

- federalism
- the appointments process
- the influence of interest groups

The points made become stronger as the essay develops. There are clear interim judgements for each point made. There is AO3 evaluation present: it is quite 'back and forth' almost yes/no, but the arguments made demonstrate an understanding of the key issues raised.

It is not quite persuasive or effective enough to reach Level 4 on AO3.

Level 3

Total: 18 marks



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Examiner Tip

Use key phrases to signpost your AO3 evaluation, such as 'this can be challenged by...', or 'however, it can be questioned....', or 'this argument is undermined by...!'

This is a Level 5 response.

The founding fathers creation of the Supreme Court was done with the intention of creating a separate judicial body, free from any political influence. However, following the cases of *Marbury v. Madison* and *Fletcher v. Peck*, the power of judicial review has slowly politicised the Supreme Court. Despite the arguments that the Court ~~remains~~ still has judicial integrity and upholds the constitution and law, it has clearly become a political body. Even though judges are not explicitly affiliated with a political party, the hypothetical appointment process and power of judicial review has led to the Supreme Court becoming an increasingly political body - with this trend becoming more rapid and evident following the rejection of Merrick Garland.

As the most convincing argument for the Supreme Court becoming a political body is the recent over-politicisation of the ~~appor~~ appointment process. Due to the justice's life tenure and large influence, the appointment process has become increasingly crucial in allowing a president to achieve their aims, becoming an affair ~~agitated~~ by partisan politics. For example, Obama's nominee of Merrick Garland was rejected in 2016 due to the nomination being on the same

year as an election. However, Trump had no problem getting through his nominee of Corey Booker, despite the nomination also being on an election year. Clearly, the nomination process takes little consideration for the expertise and personality of the judges, as all the nominees are likely to be well qualified. Instead, nominations like Kavanaugh's 50-48 approval despite sexual assault allegations show that the nomination is far more independent on the political ideologies of the judge, power and sense than the judge's ability, making it a political body.

There is a weak counterpoint that judicial expertise is still taken into consideration, judges are still qualified by the Senate Judiciary Committee. For example, Brown Jackson's appointment was characterised by her past experience and role as a public defender. Thus, there is an argument that a judge's judicial expertise and experience is still crucial to a Justice being appointed - Bush withdrew his nominee of Miles due to fear she would be rejected or lack of expertise - demonstrating how the nomination process could still be judicial. Overall, however, this argument is weak. The nomination process is clearly characterised by the ideological leaning of the president and Senate, and its inherently partisan nature. Since Garland has made it a far more political institution than judicial.

A further highly convincing argument for the Supreme Court being a political body is the increasing level of judicial activism displayed by the court, this arguably began with ~~act~~ activism from the Warren Court, making liberal decisions on landmark cases like *Brown v Board of Education*. Arguably, this activism and level of ideological voting from justices has increased drastically in recent times. The 2022 overturning of national abortion rights in *Dobbs v Jackson* was characterised by Trump appointing of three conservative leaning judges, who were able to swing the decision. Judicial activism in cases such as *Dobbs v Jackson* shows clearly that the court has become too political - it has little for the following of the law and ~~case interpretation~~ correct interpretation of the constitution, and justices today, as far as have focused on voting ideologically and judging the political agendas of the presidents who ~~decide~~ ~~them~~ nominate them.

On the other hand, there is a strong counterpoint that states the Supreme Court continues to have judicial integrity and make correct decisions. Despite the conservative leaning of the ~~sup~~ ~~court~~ Roberts Court, more liberal decisions have been reached. For example, the 2015 legalisation of gay marriage in *Obregon v Hodges*, and the protection of workplace LGBT rights in the 2020 case *Bostock v Clayton County*. Furthermore, there is an argument that

Dobbs v Jackson has a judicially sound decision, rooted in an originalist reading of the constitution and overturning the judicial activism seen in Roe v Wade (1973). Clearly, there is an argument that the Supreme Court continues to uphold judicial integrity, making decisions that, while perhaps activist, are not overly political and simply following the constitution. Despite this, however, it must be agreed that judicial activism makes the Supreme Court a political body. Through decision such as Dobbs v Jackson and DC v Heller (2008), it is clear that whilst judges are supposedly politically impartial, many their decisions are swayed by their political beliefs and personal allegiances, made clear by the use of judicial activism. Since the Court has themselves the power of interpretation in Marbury v Madison, of judicial review in Marbury v Madison.

Against A weaker argument for the Supreme Court being a political rather than judicial body is that the Court's decisions are not always rooted in the law and constitution. Instead, decisions can often be politically motivated by a desire to oppose and impede a president who opposes the Court's overall ideology. This can be seen in the Court's recent striking down of president Biden's \$430 billion student debt relief program. This decision is unpopular, as it ~~also~~ presents the argument that Supreme Court justices are politically inclined, and

will vote against a president who opposes them ideologically - clearly shown by Gorsuch, Kavanaugh and Chief Justice Roberts (all nominated by Trump) opposing Biden. This argument demonstrates further how the Supreme Court has become a political body.

However, an stronger counterpoint to this is that the Court's decisions are always rooted in law and the interpretation of the constitution. The decision to strike down Biden's program, whilst certainly harmful to his political agenda, was rooted in the 2003 HEROES act, which prevented presidents from completely overhauling the student loan system.

Furthermore, the court unanimously ruled in favour of Trump in *Trump v Anderson* 2024, stating that the state of Colorado must allow Trump to run for election.

This is important, as the unanimous ruling in favour of a strongly Republican political figure despite some of the court potentially being ideologically left leaning shows that the fundamental basis of the court's decision lies not in political motivation, but in a fair assessment of the law, and the core upholding of the US constitution - making it a judicial body.

~~Despite this~~ however, to conclude, however, it must be argued that the Supreme Court has become a political body. Despite evidence suggesting that the Court continues to be ~~not~~ practice integrity and uphold the law, as

that these arguments are weak compared to the clearly politicised nature of both the nomination process and the politicised nature of judicial activism. As a consequence of the Court's unclear nature and large influence, the Court arguably was inevitably going to become a political, not judicial body - with this being exacerbated by increasingly partisan vs politics, particularly since the 2016 rejection of Merrick Garland.



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Examiner Comments

This response makes three clear points explicitly focused on the question throughout, with strong and consistent analysis and evaluation:

- appointments
- judicial activism
- decision-making (rooted in law/not rooted in law)

There is good and accurate use of terminology, the knowledge is in-depth and well-used, and it has examples of excellent integration of evidence eg *Dobbs V Jackson*.

The counter-points are relevant and linked to the original point made (stronger argument/a weak counter-point etc), and this ends with a nuanced conclusion, which is focused, justified and substantiated by the essay.

Level 5

Total: 28 marks



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Examiner Tip

Examples must be part of your argument to reach top marks - so explain how the example supports your point.

Question 3 (b)

This question asked candidates to evaluate the view that the American voters are the most important influence on legislation. This was the second-most popular essay.

This question invited a broad range of responses, with the potential to reference a number of different influences on legislation as part of the evaluation of whether the American voters are the biggest influence on voters. Common influences on legislation included direct comparisons to party unity, campaign finance and interest groups.

The strongest responses began with an argument related to the influence of the American voters on legislation, considering both how they can be the biggest influence and also why they may not be the biggest influence. Such responses would then continue with a discussion of how another factor may/may not be a bigger influence, **compared** to the influence of the American voters. This direct comparison was absolutely essential for candidates to access the higher levels, because this is the only way to ensure that candidates are demonstrating their AO3 evaluation skills.

A significant number of candidates, however, did not approach the question in this way. Instead, they adopted a factor-by-factor approach, without any link back to the focus of the question on the influence of the American voters on legislation. In doing so, candidates did not achieve the higher levels, due to the lack of AO3.

Even in responses where AO3 was interwoven, many candidates found it difficult to go beyond superficial points about the influence of American voters choosing who to vote for. There was often only limited reference to the influence on legislation, and there was a distinct lack of evidence to substantiate the points made.

Stronger responses were able to use examples related to the election cycle, 'pork-barrelling' and incumbency, to support their AO2 analysis and AO3 evaluation. They provided a clear mini-conclusion about whether the American voters are/are not the biggest influence on legislation.

A significant number of candidates, however, tried to turn this into a different question, and a number of responses focused on the power of Congress and/or the president to influence legislation, with little or no reference to the American voters.

A number of candidates also wrote a purely narrative response. They described how legislation is passed, or gave lengthy narratives of battles to pass key pieces of legislation, without explicitly relating this back to the question. Such responses stayed in the lower levels for lack of AO2 analysis and AO3 evaluation.

There were several common errors, such as asserting that:

- executive orders are legislation
- the Supreme Court can influence legislation as it is being passed
- a super-majority is required to pass legislation

There was inaccuracy on the terms in office for the House of Representatives and the Senate. There was also some confusion between legislation and constitutional amendments.

The weakest responses focused exclusively on other factors, almost as if the phrase 'the American voters' was not part of this question. Candidates must take care to read the question as a whole, rather than mistakenly focus on just one word and therefore miss the focus of the question.

This is a mid-Level 3 response.

It can be argued that American voters are a significant influence on legislation however they are not the biggest influence. This is because Interest Groups have the biggest influence on legislation due to their ability to lobby and finance the ~~gov~~ congress and other branches of government. However the President is also a significant influence on legislation due to their power of persuasion and veto.

Finally, it can be argued that interest groups provide the biggest influence on legislation because of their ability to lobby and fund the government. This is evident because Citigroup was able to lobby congress into passing a bill which was almost identical to their draft which would override the Dodd Frank Act and increase the ability for banks such as Citibank to trade Saver's money into stocks and

Shares. As well as this interest groups part of 'Big Pharma' committed a total of \$2.2 bn spent in finance to parties in 2020 and supported a total of 2,400 local campaigns which has allowed Big Pharma to receive large and significant Tax exemptions. This highlights how Interest groups have the biggest influence on legislation because they are able to target congress directly by funding their campaigns as well as lobbying them which provides them with significant influence during terms. However interest groups may be limited in their ability to have influence in legislation when there are low majorities of the party they've funded or large amounts of party partisanship and faction. This is evident as there have been limited free trade legislation passed by congress despite the NRA funding Trump \$30 million above in 2020 and the Republican party \$50 million which means that interest groups can't always rely on funding to gain support. Overall it can be argued that Interest groups are the biggest

influence on legislation. because they are able to gain influence through lobbying and by funding government which can help them gain support.

Secondly, it can be argued that the President is a significant influence on legislation because they are able to use their powers of persuasion as well as veto legislation. The President is able to use their powers of persuasion to enable themselves to get a bill or act supported. This can be effective as Obama managed to persuade 39 democrats to support the Affordable Care Act (ACA) which would provide an extra \$600 in benefits to the poorest in America. As well as this Obama managed to veto heavily amended and supported legislation on the Keystone pipeline which was unpopular. This highlights how the president is a significant influence on legislation as they are able to override legislation as well as use their powers of persuasion to influence congress to support them in getting legislative

goals achieved. However the President is limited through the checks and balances of congress to override the President's veto. Evidence to support this is that in 2020 Trump vetoed a popular bill which aimed to reduce defence spending to \$760bn but this bill was overridden by Congress majority. Further evidence is that Trump also tried to repeal DACA which supported children who had immigrated to the USA with or without their parents. This highlights how the President is a significant influence on legislation because the President is able to veto legislation and influence congress.

However, it is not the biggest influence on legislation as interest groups also fund the presidential candidates which may influence their legislative goals.

Thirdly, it can be argued that American voters can be a significant influence on legislation because of the election cycle. Due to the election cycle in the

USA members of congress often operate in a way which is not representative of the district as the election cycle is every 2 years and they want to avoid risk losing. Evidence of this happening is by a bill which was passed in Congress aiming to codify the right to abortion and this saw an outcome of 195 go against the bill which was a faction of social conservatives who were mostly from districts and states which were against Roe v Wade 1973. This highlights how the American voters can have a significant influence unilaterally in regards to legislation because of the election cycle which can keep congress performing its representative function. However, the American voters can hold limited influence on legislation because of the existence of factions in Congress which can mean that congress people may be more aligned with faction rather than representation. This is evident as Moderates and Centrists have been somewhat supportive of each other as they have funded each other \$30 million though

the wall street caucus and therefore supported each other in financial legislation, overall it can be maintained that American voters can be significantly influential on legislation however it depends on the election cycle. However it can be maintained that Interest groups have the biggest influence on legislation because they can influence legislation at anytime and not dependent solely on time of election.

Conclusively it can be maintained that interest groups have the biggest influence on legislation because they have limited restrictions which means that they are able to influence the government through lobbying and campaign and party funding. However it cannot be underwritten that the President and American voters are not influential as they can be influential depending on the election cycle and Bipartisan nature of congress.



This response makes three clear points, all of which have some development, but this is not always linked clearly to the question on the influence of the American voters.

There is some valid exemplification – interest groups, the president, the election cycle – but the AO2 analysis becomes less convincing as the essay goes on.

There is also very little AO3: the response tends to deal with each identified factor as a point with only loose links to the question focus: the influence of the American voters.

Level 3

Total: 15 marks



Remember that every paragraph needs to be linked explicitly to the question: use the wording of the question to keep your answer focused.

This is a Level 5 response.

American voters play a significant influence on legislation, politicians must take voters opinions and wants on board ~~in order~~ when legislating in order to gain re-election. Along with voters, campaign finance and the presidential power of persuasion also play a role. These play a huge role in legislation, while voters are a significant influence campaign finance and presidential power of persuasion (PPOP) play a highly significant role, therefore the American voters are not the highest influence to a somewhat large extent.

~~Interest~~ American voters are not the most significant influence on legislation to a somewhat large extent. This is because of the fact that interest groups play a highly significant role in influence on legislation. The reason for this is because of politicians reliance on campaign funds from interest groups. Politicians want to be re-elected and one of the best ways this occurs is through a ~~so~~ large war chest. In the 2022 mid-term 92% of people nearly with the larger war chest won. Therefore, politicians often are looking to gain funds from interest groups. ~~with this money~~ ~~that~~ when members of congress (MOC) or ~~politicians~~ get their funds, this is a bit-for-bit deal. The interest groups expect the MOC to take in the interest groups funds on legislation. Therefore, in order to secure campaign funds, MOC do vote the way of the interest group therefore having the largest influence ~~on~~ on legislation is interest groups. For example, at some point in the career, 51.1% of congress has been funded by the NRA. This is significant because in ~~the~~ 2012, ~~the~~ from voters, there was significant controversy

gun reform following the Sandy Hook shooting. This led to a bipartisan gun reform bill being drawn up. ~~However~~ However, this bill was vetoed down by NRA supported MOC in the ~~the~~ Republican party, therefore showing that American voters care about the main thing considered when voting on legislation, campaign finance. Furthermore, ~~for~~ this influence from interest groups stems further than just monetary influence. In 2012, Senator Joe Manchin was one of the fewest of the gun reform bill. Because of this, the NRA labelled him as someone trying to violate their first amendment rights. This is significant because that significantly damaged his reputation and therefore potentially his career. In the following election, the contest for his seat was much closer than normal therefore showing the impact the NRA had on his reputation. ~~This, and Manchin's influence both show that this is~~ significant because it means MOC are therefore more likely to vote the way of an interest group to ensure their reputation isn't tarnished by them. This therefore shows that interest groups are highly influential in terms of how MOC voters behave. However, very few interest groups have the power and influence that the NRA do. Most groups cannot afford to fund ~~so~~ campaigns as significantly as the NRA, therefore smaller groups such as the Sierra Club rely on protests rather than campaign funding. The Sierra Club have only had minor success such as requiring retail parks. This is therefore significant because it shows that ~~only~~ only large ~~or~~ interest groups have significant influence on legislation. Having said this, ~~as~~ it shows that on minor issues such as gun reform, interest groups have more influence than voters on legislation. Therefore, American voters are not the highest influence on American ~~the~~ legislators to admit large extent.

How, American voters do have a significant amount of influence ^{to a small extent} on legislation!
This is because of the fact that with frequent elections in the US, MOC are inclined to ensure that they vote in favour of their constituents in order to keep their job. For example, after ~~the~~ MOC will break party lines in order to best represent their constituents. This can be seen by Joe Manchin consistently voting against Clinton Clinger bills, this is because of the fact that many of his constituents rely on industrialised work and therefore would be badly affected by Clinton Clinger legislation. However, this goes against the interests of ~~the~~ Democrats as party lines who vote for the legislation. This is significant because it shows that ~~the~~ MOC will often take the opinions of their voters into account more than party lines when voting on legislation. Therefore showing that voters do have a significant influence on legislation. Furthermore, the impact of voters can be seen during presidential elections too. Following Bush's failed intervention in Iraq, voters were losing faith in the ~~the~~ Republicans. This led to Bush losing the House of Representatives (HOR) in the 2006 midterms. This was significant because it showed that voters were not happy with Iraq. This therefore led to Obama winning in 2008 on the promise to withdraw from Iraq. When he was in office he passed legislation within Congress for the gradual removal of troops. This therefore shows that in presidential elections, presidents are likely to listen to voters ~~in order to~~ take ~~into~~ ~~account~~ to what legislation they want which will therefore help the president to win. Therefore, voters are listened to in order to ensure that both MOC and presidents win elections. However, ~~the~~ the effectiveness of voters being listened to on legislation like a president has promises is often highly limited. ~~The~~ A more pressing issue for the influence on legislators is political gain. For example, despite having an

election mandate to do so, Obama wasn't able to pass Green Biden hasn't been able to ~~pass abortion~~ ~~legislation~~ pass emergency legislation during due to the fact that Republicans don't want to give the Democrats a win (Republicans want ~~to~~ border reform themselves), this is significant because it shows that one of the main right influences on legislation is the parties playing politics. However, this is only most significant in terms of divided government and therefore in terms of divided government, the main consideration is voters. However, in terms of divided government, often party politics is often the most significant factor in influencing legislation. For example, Senator Scott as Joe Manchin once more cause as he functions aligns with the Republicans on policy, therefore most Mac will signify vote with their party. Therefore, whilst voters are a significant consideration when passing legislation, often party politics gets in the way of this, especially in terms of divided government. Therefore, American voters are ~~at~~ the highest influence on legislation to a small extent.

President's Power of Persuasion (POP) is a large influence on legislation to a small extent. This is due to the fact that the President is one of the most influential people in the country and therefore, their words carry weight. For example, ~~the~~ ^{in his} State of the Union address, Biden spoke out and encouraged abortion reform to make it more accessible to women. Whilst Biden's Power of Persuasion was limited in the federal government, (Republicans resisted abortion access measures) the ~~POP~~ POP led to 7 bullet initiatives in Republican States which led to abortion being legalised in these States. This is significant because it shows that the POP can have significant influence

has legislation introduced simply through the power of conviction behind their voice. Similarly, Obama was able to use his power of persuasion to encourage McCain to pass the Affordable Care Act (ACA) which was a flagship bill for Obama's government. Obama was able to encourage 32+ people to switch their vote to pass the bill. This is highly significant because it shows that the ~~political~~ PPOP can change the passage of legislation significantly through influencing the vote to pass. Therefore, both Biden and Obama show that the PPOP can be highly significant in terms of being able to pass significant legislation, especially as their voice has weight around the nation. However, one could argue that the PPOP is simply influenced by public opinion, and interest groups. For example, leading up to Biden's speech. For example, a more popular president will have a greater power of persuasion. For example, Obama has a 67% approval rating (AR) therefore was able to pass the ACA. On the other hand, Trump's PPOP was weakened by the fact that his AR was only 40% at the time of trying to pass legislation to get funding for his wall. This therefore meant that Trump's PPOP was extremely weak ~~at the time~~ ~~due to~~ ~~his~~ ~~low~~ ~~approval~~ ~~rating~~ ~~due~~ ~~to~~ ~~weak~~ ~~public~~ ~~reception~~ ~~of~~ ~~him~~ ~~therefore~~ ~~showing~~ ~~that~~ ~~the~~ ~~votes~~ ~~are~~ ~~a~~ ~~significant~~ ~~influence~~ ~~on~~ ~~a~~ ~~president's~~ ~~ability~~ ~~to~~ ~~persuade~~ ~~and~~ ~~therefore~~ ~~the~~ ~~votes~~ ~~have~~ ~~a~~ ~~significant~~ ~~ability~~ ~~to~~ ~~influence~~ ~~legislation~~. However, whilst this is true, even if a president had a high AR and decided not to persuade, it is likely that a bill ~~is~~ ~~not~~ ~~passed~~, a president like Obama had a high AR and decided not to persuade the 32+ McCain to pass the ACA, it is unlikely that the bill would have passed, therefore showing that PPOP is more significant than American voters on legislation. Voters ~~can~~ ~~influence~~ ~~the~~ ~~president's~~ ~~power~~ ~~over~~ ~~legislation~~. Therefore, American

Voters are not the most significant influence on legislators to a somewhat large extent.

Overall, American voters do have a significant influence on legislation. Often, politicians will craft legislation and voters based on voters. However, while this is true, often other factors do get in the way of the voters best wishes. For example, interest groups and party politics can influence voters are not the most significant influence on legislation. Furthermore, without a president's power to persuade, it is unlikely for many, more controversial bills to pass even if the US widespread public support. Therefore, while American voters have significant influence on legislators, they are not the biggest influence on legislation to a ^{somewhat} large extent.



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Examiner Comments

This response is explicitly focused on the question, with good exemplification.

However, the AO3 evaluation is less successful, with points made related to:

- interest groups
- American voters
- presidential power of persuasion

Because the AO3 is less convincing, this stays near the bottom of Level 5. However, the careful use of evidence, and evaluating the evidence to consider how it supports the points made, means this response does merit Level 5 overall.

Level 5

Total: 25 marks

Question 3 (c)

This question asked candidates to evaluate the view that interest groups in the USA have a negative impact on democracy. This was the least-popular essay.

This question provided candidates a clear pathway to the higher levels by citing various examples to highlight their points, such as campaign finance, Political Action Committees (PACs), Super PACs, amicus curiae briefs, and mobilizing mass support. Many candidates rose to the challenge, achieving high marks on AO1.

The strongest responses were able to build their response around a range of factors. They engaged well with why Factor 1 may appear negative/positive for democracy. However, they also commented on its problems/limitations/issues. There was a clear mini-conclusion coming to an overall judgement for that factor, related explicitly to the overall impact on democracy as negative OR positive. Such responses scored highly on all assessment objectives. However, a number of candidates 'sat on the fence' in their overall judgements on each factor, so limiting their AO3 mark.

Common factors included the representative role of interest groups, their impact on campaign finance/elections, iron triangles, the use of the judiciary and the protection of rights.

The strongest responses were able to substantiate their arguments with a range of evidence from different examples of interest group activities, rather than building their response around a single pressure group. There was a number of responses with excellent, up-to-date, evidence.

However, there was still a heavy reliance on outdated examples, with weaker responses still relying on a few examples such as *Brown v Board of Education, Topeka*, or simplistic evidence regarding how many members the NRA has. Such responses would be limited on AO1 marks if this were the only evidence provided.

The key to success on this question was to keep bringing the points raised, and analysis of the evidence, back to the question focus: what the point and evidence illustrated about the impact of interest groups on democracy, and whether this impact was positive or negative. Using the key words in the question helped with this, because it reminded candidates that they were not simply writing a generalised essay about the influence of interest groups.

Less successful responses took a narrative approach, identifying interest group methods. These often related to campaigning in general, or funding elections, as the sole focus of the response. Consequently, they lost marks for lack of range and breadth in AO1, as well as for AO2 analysis and AO3 evaluation.

There was also a number of responses where candidates took the simplistic positive/negative approach, failing to interweave AO3 evaluation, and so were unable to access the higher levels.

An interesting alternative approach seen was to approach positive/negative impact on democracy through issues eg gun control, womens' rights, minority rights and so. Some stronger responses were able to do this in a comparative way. They used themes such as the constitutional protection of the Second Amendment and how this allowed different pro-gun control and anti-gun control groups to have differing impacts. These were compared directly, to show there is less explicit constitutional protection of other rights so groups focused on other issues find it difficult to have influence. This is arguably negative for democracy.

However, the danger with an issue-based approach, for less-able candidates, is the tendency to write a narrative, or to include simplistic assertive arguments. For example, candidates said that the Second Amendment means interest groups are always negative for democracy, because it gives the NRA so much power. While this is a creditable argument, the lack of nuance with regards to constitutional protection of rights, and how pluralism still allows pro-gun control groups to seek reform – which is a positive impact on democracy – means both the AO2 analysis and AO3 evaluation marks are limited.

Finally, it is also important to note that simply stating an example is not sufficient to access marks. Evidence given should be part of the explanation of the argument to access AO2 marks in particular. For example, a number of responses would state eg 'interest groups are positive for democracy because they can raise awareness of problems like the Black Lives Matter Movement after the death of George Floyd', or that 'the NRA donates money to electoral campaigns so many members of Congress won't support gun control, which is negative for democracy'. Without further discussion of why this is positive/negative for democracy, this is assertion, rather than a reasoned argument.

Question 3 (c)

This is a Level 4 response.

In the United States of America, interest groups have a big power of influence, the more compelling argument can be that their ^{impact} influence is positive rather than negative. This can be seen in ~~B~~ three main areas of discussion: Campaign effect, legal challenges and legislative process.

Firstly, interest groups can have a negative impact in the campaign ^{process}, in primaries and Presidential. This can be seen ~~when~~ when Green Peace and Sierra Club protest against Joe Manchin for voting with pro-coal industry bills, this is negative because Manchin's constituency is West Virginia where the economy relies on the vast coal industry and voting against that industry would cause mass unemployment in the area he represents. This shows that interest groups have the ability to negatively impact because they are unlikely to provide alternative solutions when scrutinising Senators or Representatives which negatively impacts the constituency of the Representative. However, the stronger argument is that ~~the~~ interest groups have a more positive impact in Campaign interests. This can ~~be~~ be seen

when the US chamber of commerce donated \$88 million to republican candidates ^{in the mid terms prior to 2016 presidential election} who supported business intentions. This is positive because many businesses in America rely on republican party members to protect their business in order to keep the local economy going. This therefore shows interest groups positive impact as they support the upkeep of the smaller economies through campaign finance. To conclude, when ~~pro~~ interest groups protest without solution it causes negative impacts but ~~when interest groups~~ interest groups have the power to support industries which of course shows they provide positive impact.

Secondly in legal challenges interest groups may have little ~~inf~~ impact ~~with~~ which negatively impacts. This can be seen in *Dobbs v. Jackson's institution* 2022 as Jackson failed in supporting federal abortion rights which led to states being able to ban abortion. This shows interest groups having a negative impact as Jackson was unable to protect women's rights effectively. This therefore shows that ~~in~~ Supreme Court legal challenges interest groups can fail to protect rights ~~and~~ which almost by

definition shows to have a negative impact. However, the more compelling argument ~~and~~ would be the idea that interest groups have a positive impact on legal challenges. This can be seen in Brown v. Board of Education where the NAACP played a vital role supporting the desegregation of schools in 1954. This shows that interest groups can play a massively positive role in legal challenges and cause great movements for positive impacts for future generations. To conclude, the legal ~~at~~ challenges need to be supported by major interest groups to have positive impact otherwise they have the ability to undermine the ~~cause~~ cause which therefore leads to negative impact.

Finally, ~~the~~ interest groups can have an ability to have a negative impact in the legislative process. This can be seen when the NRA fought to stop the renewal of Federal Assault Weapons Ban in 2004. Their effects led to the allowance of assault weapons with less regulation which therefore likely contributed to many more murders and school shootings. This shows that ~~the~~ interest groups have the ability to negatively impact society as they protest for their own ~~g~~ agenda without concern for the bigger picture outside of

their organisation. ~~The NRA~~ However, the more compelling argument supporting positive impact in the legislative process would be interest groups ability to pass positive bills. This can be seen in California in 2022 where efforts from BLM managed to get California Assembly Bill 392 passed which changed a police officers rights to use force from 'reasonable' to 'necessary'. This is a positive impact as this would help ~~against~~ the fight of police brutality which is common in California. ~~and this was~~ This also shows positive impact as this is likely to encourage other states to try inflict change. To conclude, in the legislative process interest groups can support negative bills but the majority of interest groups will look to support positive bills that improve America overall not just the interest groups agenda.

In conclusion, interests groups have less of a negative impact than positive as they will fight to improve the USA in whatever way they believe. The range of interest groups does however mean negative impacts will happen but overall there is a mostly positive ~~effect on~~ impact from

interest groups.



This response makes three clear points, and has good focus on the question:

- campaigns
- legal challenges
- influence on legislation

This response stays low in Level 4 because the arguments made are not always explicitly related to the question. All points made *are* about the negative or positive impact of interest groups on democracy, but this is implicit, rather than explicitly analysed and evaluated.

There is also a tendency to build an argument based on what appears to be the candidate's own political views. This means the interim judgements are a little superficial in places, but this does become stronger in the latter sections of the response.

Level 4

Total: 19 marks



Keep up-to-date with political developments to improve your AO1 marks.

This is a Level 5 response.

Interest groups in the USA are able to have a range of positive and negative impacts on democracy through political participation, representing the issues that are ignored by Congress, recruiting and endorsing candidates in the election process.

Interest groups are groups that aim to influence policy decisions and legislation without actually gaining power themselves. In this essay I will argue that interest groups in fact are positive for US democracy rather than negative due to a range of factors.

Firstly, interest groups often have large membership that can be seen to increase political participation and influence legislation. For example the AARP (American Association of retired people) have over 38 million members which they have been able to mobilise politically to influence legislation, such as the 2003 Medicare prescription drug improvement and modernization act which made prescription drugs available universally for medical beneficiaries. This highlights the fact that groups can benefit democracy by using their large

membership platform to influence the passing of legislation that benefits the people. However, interest groups can also be seen to have a negative impact on democracy in US by furthering the rights and goals of the most elite individuals and corporations. This is shown by the fact that Citizens United v FEC removed limits of campaign spending from PACs and super PACs due to the first amendment right to freedom of expression. Interest groups utilizing the courts to further ambitions of the top 1% of the US can be purely seen as elitism furthering elitism and thus has negative democratic implications. To conclude I believe that on the whole interest groups do benefit democracy as large membership platforms force congress to act in a way that pleases large portions of the country rather than just them looking at how they can benefit their own personal careers as Congressmen.

Moreover, interest groups can be seen as positive for democracy by representing the issues that Congress chose to ignore as it benefits them. For example the Documented interest group educated the electorate on the issue of extortionate amounts of dark money and campaign spending that influence elections showing what the real factors are that

influence the result of elections. For example between 1994 and 2000 the candidates for both main party's who had the most funding prior to the primaries process resulted in becoming the presidential candidates for the election. Raising awareness of these issues benefit democracy as it increases the transparency between the political parties and voters. However, certain pressure groups can be seen to use their funding to harm the notion of representative democracy. For example the NRA carefully choose candidates to endorse during the primaries process in order to ensure that their personal pro-gun aims are achieved, in ~~2016~~²⁰¹⁶ they donated \$50 million to Trump during his campaign in return for him to attempt to enlarge the right to concealed carry. Overall, by educating the electorate on a range of issues and representing the issues that are ignored by Congress interest groups enhance democracy as they remove the element of secrecy that the parties have that separates them from voters, instead it forces them to be accountable or else they will simply not receive any votes in the following election.

Finally, interest groups can be seen to enhance democracy by scrutinising government/congressmen actions

forcing them to be held accountable. This is best highlighted via the scorecard system that many single issue pressure groups utilise to judge the proposed policies from congressmen and whether they fit in line with their issues, for example environmental based interest groups will likely rank the policies of those running on how well they reduce carbon emissions and improve sustainability in the US. However, the scrutiny from these interest groups can be ineffective if the people are pleased with a candidates performance on other points, potentially why 95% of incumbents are re-elected to congress. For example, those in the district voting for senator Robert Byrd may not be too bothered about how sustainable his policies are due to the fact that he used his position as chair of the senate appropriation committee to gain billions of additional federal funding towards projects in West Virginia which would have greatly pleased all his constituents. To conclude I believe that scrutiny from pressure groups whilst in theory may enhance democracy there are a range of other factors that voters will look at when determining who they will vote for which will likely have a greater impact, however this scrutiny certainly doesn't hinder US democracy.

To conclude after looking at a range of ways that interest groups may enhance or hinder the democracy in the US, I still believe it is clear that interest groups have more positive impacts on democracy than negative. This is due to the fact that they can look to influence legislation that benefits its members, for example the marijuana policy project who despite being an outside pressure group were able to lobby Congress to pass prop 1 which legalised marijuana in the state of Michigan, this demonstrates the enhancement of democracy as it is unlikely that this law would have ever been passed without pressure from the MPP, furthermore their large memberships and representation of key issues ensures that Congress aren't determining legislation in a vacuum and are passing laws that benefit the wills of the people.



This response makes 3 clear points with a good focus on the question throughout most of the response: large membership, representation, scrutiny role.

There is a consistently good and in-depth knowledge demonstrated, with interim judgements throughout, so achieving Level 5 for AO1 and AO2. However, point 3 is less consistently well done so this stays at the bottom of the level – the response drifts off the point when discussing Senator Robert Byrd.

The response does, however, return to the well-focused analysis and evaluation in the conclusion, so merits Level 5 overall.

Level 5

Total: 27 marks

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 and must be directly and explicitly comparative throughout
- Comparative theories are only required for Q02 – but must be explained as part of a point, otherwise they will be capped at Level 3, 9 marks
- Extended-response questions (Q03a, Q03b and Q03c) should have an introduction setting out the judgement and line of argument for the answer – this should set out the criteria for discussion
- Structure the essay around these, with debate and exemplification to support the arguments, using the key terms in the question
- Start with the premise given in the question, rather than turning to an alternative factor/argument – so consistently addressing the question
- Analysis (AO2) and evaluation (AO3) should be integrated within the essay, rather than ‘bolted-on’ at the end of a point
- Top-level responses for all question styles include a range of relevant and contemporary evidence that directly and explicitly supports the arguments being made

Grade boundaries

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