



Examiners' Report June 2019

GCE Politics 9PL0 3A

Edexcel and BTEC Qualifications

Edexcel and BTEC qualifications come from Pearson, the UK's largest awarding body. We provide a wide range of qualifications including academic, vocational, occupational and specific programmes for employers. For further information visit our qualifications websites at www.edexcel.com or www.btec.co.uk.

Alternatively, you can get in touch with us using the details on our contact us page at www.edexcel.com/contactus.



Giving you insight to inform next steps

ResultsPlus is Pearson's free online service giving instant and detailed analysis of your students' exam results.

- See students' scores for every exam question.
- Understand how your students' performance compares with class and national averages.
- Identify potential topics, skills and types of question where students may need to develop their learning further.

For more information on ResultsPlus, or to log in, visit www.edexcel.com/resultsplus. Your exams officer will be able to set up your ResultsPlus account in minutes via Edexcel Online.

Pearson: helping people progress, everywhere

Pearson aspires to be the world's leading learning company. Our aim is to help everyone progress in their lives through education. We believe in every kind of learning, for all kinds of people, wherever they are in the world. We've been involved in education for over 150 years, and by working across 70 countries, in 100 languages, we have built an international reputation for our commitment to high standards and raising achievement through innovation in education. Find out more about how we can help you and your students at: www.pearson.com/uk.

June 2019

Publications Code 9PL0_3A_1906_ER

All the material in this publication is copyright
© Pearson Education Ltd 2019

Introduction

This was the first assessment of the new specification, and it was pleasing to see how well candidates coped with the requirements of this course. The majority of candidates had been well prepared for the new comparative element of A Level Politics, and had a relatively strong grasp of the conceptual and institutional knowledge and understanding required for the extended response questions.

There are, as with any examination, however, a number of areas to reflect upon and lessons to be learned which will enable future cohorts to address this style of examination effectively.

Question 1 (a)

This was an optional question, and the least popular of the choice given. This was somewhat surprising, as interest groups have historically been a popular choice for candidates, and perhaps reflects the reduction in content on the new specification. Centres are reminded, however, that all of the content on the specification can be assessed in the examinations.

The majority of candidates were able to address the comparative element of this question effectively, making clear and distinct comparisons between interest groups in the USA and pressure groups in the UK. Most candidates were able to recognise that this question required a specific focus on the reasons why US interest groups tend to be more effective than their UK counterparts, and were able to build an answer around this focus. However, there were fewer candidates able to move beyond the Bill of Rights for evidence to substantiate their explanations, and it was noticeable - and disappointing - that contrasting exemplification from the UK was lacking in all but the strongest responses.

The strongest approaches to this question were able to identify clear criteria for effectiveness such as access points, constitutionally protected rights and *amicus curiae*, and explicitly linked these criteria to civil rights.

Weaker approaches were more general discussions of why US interest groups are usually more effective **without** a clear focus on civil rights. Such responses remained in level 1 as the points included were not explicitly linked to the question.

Some candidates adopted the US/UK technique when addressing this question with no direct comparisons, but this was only a small minority of candidates. Such responses would gain no AO2 award, therefore severely limiting their marks. Candidates should be reminded that half the marks awarded on the 12-mark questions are for comparative analysis, which requires direct and explicit comparison of the US and the UK.

A minority of candidates also wasted time countering their own points by arguing that UK pressure groups **can** be more effective than US interest groups, which was not relevant to this question and so gained no credit. Candidates should be reminded to answer the question as set, as this was a common error in all the 12-mark comparative questions.

One reason why the US interest groups are more effective at protecting civil rights than pressure groups in the UK is because the US pressure groups have ~~more~~ ^{more effective} access points than the UK. While the UK pressure groups can influence the government by getting access through the executive, the legislature and the judicial body like the US, the US access points are much more effective due to separation of power which provides the US interest groups many attempts if they fail at one. Contrary to this, due to the UK fusion of power, if UK interest groups fail to access the MP, through lobbying for example, they have lower chance of success as the government controls the Parliament and 'have the power of parliamentary sovereignty'. This example could be seen in the comparison of how the UK group Liberty, although succeeded in persuading the UK supreme court over the case of Brown and Terror-suspect Areen's act, failed later as the government used parliamentary sovereignty to pass the new laws to allow this. However, the US pressure groups had more success in the submission of GLADD's amicus brief in the case of Obergefell v. Hodges, and since the constitution is sovereign in the US, it cannot be overturned like in the UK.

The US pressure groups are also more successful in protecting civil rights than the UK because of US' weaker patron system. Separation of power in the US also means the lack of patronage power unlike the UK which the government holds greater record of a patronage power than what the UK

pressure groups could offer. This means that the US president cannot control congress how to vote, unlike the UK ~~the~~ prime minister's power to use the whip and control their party in the parliament. This allows easier access for the pressure groups in the US. For example, the NRA endorsed around 50 Democrats and led toward success in 4 Democrats opposing Obama's gun control, succeeding in their aims of protecting individual's rights to bear arms. On the contrary, the UK Trade Off failed to challenge the government's decision and as the Conservative had the majority in the government, they voted along the party line, unlike the US case ~~which~~ explained previously. Therefore, the UK failed to protect people's rights in property and environment.

Lastly, the US pressure groups are more successful than the UK in protecting civil rights because there is a stronger enforcement of rights protection in the US. US' rights are written in an entrenched constitution, which is also sovereign, while the UK rights are based in the Human Rights Act and ECHR which ^{the first} seems to be at a threat of removal by the Conservative. With civil rights being ~~more~~ clearer and are enforced stronger by the Bills of Rights and the constitution, the US pressure groups receive a stronger power to protect civil rights compared to the UK. For example, the US ~~group~~ NAACP succeeded in protecting the rights of colored-people as their rights are entrenched in the constitution under the 14th amendment.



This is a high level 4 response which achieved 12 marks. The candidate makes a range of points with strong development and explicit comparisons between the US and the UK. It is clearly focused on the question throughout, with a good range of evidence from both countries.



Substantiating your answer with evidence from both countries helps determine how far in the level your answer can progress. This is a top level response because of the detailed evidence included.

Interest groups in the USA are more effective at protecting civil rights through ^{the tactic of} legal action because the US Supreme Court has constitutional sovereignty. In the UK, interest groups are less effective when using legal action as the Supreme Court cannot overturn acts of Parliament but merely state that acts are incompatible with the 1998 Human Rights Act. The Human Rights Act is also limited because UK parliament has opted out of some of its provisions, e.g. Article 5, while the US Supreme Court's basis of power - the Constitution - cannot be overturned by Congress unless they pass an amendment. This means that legal cases taken to up by the Supreme Court to protect civil rights - such as *Bowman v Bush* in 2008 and *DC v Heller* in 2008 - are more likely to be more success and long-

term for ^{US} interest groups such as the American Civil Liberties Union (ACLU) or the National Association of American Colored People (NAACP).

American interest groups are more successful at protecting civil rights because they are constitutionally protected, which allows them to lobby Congress more successfully than UK interest groups lobbying Parliament. Article I of the US Constitution allows the US public to 'petition the government for a redress of ~~their~~ grievances', meaning that any legislation regulating interest groups for actions, such as lobbying, will be struck down. On the other hand, UK interest groups do not have this protection so can be easily ignored by Parliament. This also links to the differing attitudes to lobbying, as the US are more accepting of large donations (such as the ~~HR~~ National Rifle Association's \$181,000 to Republicans in 2016) for interest groups to campaign for civil rights while the UK are more cynical and dislike large donations.

It could be argued that US and UK groups have equal success through

direct action. Demonstrations such as marches by Extinct Rebellion in 2019 and March for Our Lives in 2018 show how interest groups use direct action to gain publicity to try to affect civil rights legislation. However, in both countries this tactic is not very successful at actual legislative change, meaning ~~the~~ interest groups are less effective at protecting civil rights this way.



ResultsPlus
Examiner Comments

This is a level 3 response which achieved 9 marks. While the first two points outline relevant arguments with explicit comparison of the UK and the US, and is focused clearly on the question, the third point given is not relevant to this question and so gains no credit.



ResultsPlus
Examiner Tip

Underline or highlight the key words and phrases in the question to help you stay focused and avoid including irrelevant material.

Question 1 (b)

This was the more popular of the optional questions.

The strongest responses were able to construct an effective discussion of the contrast between the constitutionally entrenched nature of federalism and the absence of such protections for devolution under parliamentary sovereignty, alongside a discussion of the asymmetric nature of devolution contrasted with the division of power and reserved powers in the US Constitution. There were also a number of excellent responses able to draw upon recent changes in the arrangements for devolution, often contrasting them with the changing nature of federalism.

It was noticeable that the strongest responses referred back to the wording of the question in each paragraph, enabling the candidate to keep the focus of their response on the question rather than drifting into a general description of federalism and/or devolution.

The most effective approaches to this question, as with Q01(a), were able to identify clear criteria for identifying the differences and explained each in a separate section with explicit contrasts made between the US and UK with specific exemplification.

Some candidates adopted the US/UK technique when addressing this question with no direct comparisons, but this was only a small minority of candidates. Such responses would gain no AO2 award, therefore severely limiting their marks. Candidates should be reminded that half the marks awarded on the 12-mark questions are for comparative analysis, which requires direct and explicit comparison of the US and the UK.

A minority of candidates also wasted time countering their own points by including similarities between federalism and devolution, which was not relevant to this question and so gained no credit. Candidates should be reminded to answer the question as set, as this was a common error in all the 12-mark comparative questions.

Common errors on this question that candidates may need additional guidance on included the assertion that federalism allows US states to be more powerful than any of the devolved bodies; the incorrect argument that none of the devolved bodies have legislative power; historical inaccuracies such as that the Constitutional Reform Act 2005 introduced devolution; misunderstandings about the status of the Stormont Assembly; that the Supreme Court can play no role in settling disputes within the UK. There was also some confusion about the differing powers of the devolved bodies in the UK, and a lack of understanding of how this has changed over time in the weaker responses.

Devolution in the UK refers to the expansion of powers to regional assemblies (Edinburgh, Cardiff and Belfast) from the centralised government at Westminster. This began in the late 1990s under Labour Prime Minister Tony Blair under his programme of constitutional reforms, following a series of referenda which were held in the various regions. Alternatively, federalism in the US refers to the ^{de facto} constitutional powers given to state governments (as opposed to the federal governments) under ~~Article X~~ ^{Article X} of the US constitution, which states that powers not enumerated or implied to the federal government in the constitution, are a matter for states or the people.

Arguably the main difference between devolution in the UK and federalism in the US, is the composition of governance. Whilst in the UK, devolved bodies sit in one chamber ~~parliament~~ which fuses the executive and the legislature together, in the US, state governments reflect the separation of powers in the federal government, and have a separate executive, legislature, and judiciary (one must also note that devolved bodies in the UK do not have a judiciary). In ~~the~~ Scotland, for example, the devolved body sits at one parliament.

at Holyrood, and houses the legislature (made up of 8 MSPs) and the executive (headed by the First Minister of Scotland, Nicola Sturgeon - who is also an MSP and thus part of the legislature). As opposed to this, in the US, the different bodies are separated, for example with the executive office being held by the Governor (such as Stacy Abrahams in Georgia), the legislature being composed of both a state Senate and a state House of Representatives, and the ~~legislative~~^{judiciary} sitting in a state Supreme Court.

In terms of the powers that the devolved bodies in the UK hold, as compared to that of the state governments in the US under federalism, there is much disparity. In particular, due to the fact that federalism (although not mentioned specifically in the constitution) is implied through Article X, state governments' existence in the US are much more entrenched than devolved bodies in the UK, and thus hold more power and sovereignty. Whilst in the UK, devolution can be abolished simply through an Act of Parliament at Westminster (in which the devolved bodies have no say). The only means by which federalism can be abolished in the US would be through a constitutional amendment, which requires the approval of 3/4 of state legislatures, and thus cannot solely be

determined by central government. From this, federalism also provides more powers for state governments in the US, than devolution does for assemblies in the UK. Whilst true that in recent years the powers of state governments have been diminished through federal laws (such as *Roe v. Wade* 1973 which made abortion a federal right and thus the issue was no longer a matter for state), overall, state governments in the US still have relatively large amount of power, as compared to devolved bodies in the UK which, in reality, can only legislate on small issues such as agriculture and fisheries (although Scotland does have taxation/fiscal policy powers which it chooses not to use).



This is a strong level 4 response which achieved 12 marks. The points made are directly comparative and demonstrate a thorough and in-depth understanding of the differences between federalism and devolution.

Devolution in the UK is different to federalism in the US because in the US, federalism implies that there is a share of power between the government and the states. For example, certain states having different laws, such as Alabama banning abortion, as of 2019, whereas in California, it is still legal to have an abortion. Whereas in the UK, devolution is where power has been delegated to smaller institutions, such as the Northern Ireland Assembly and the Scottish Parliament. However, the Westminster Parliament is still sovereign and ~~can take back the powers~~ does not share power equally as the states do in the US because of federalism.

Another way in which devolution in the UK is different from federalism in the US is that in the UK, the Westminster parliament can ~~take back~~ take back the powers that have been delegated at any time, whilst it is unlikely that this would happen, the ~~parli-~~

ability to do so is far easier than in the US. This is because a federal government was laid out in the US Constitution, which is codified and entrenched, making it harder to amend and change, meaning the government cannot just take back powers that the states have as easily as they can in the UK through devolution, in theory. This is mainly because the US Constitution created used federalism as a way to ensure one body does not have too much power over everyone else. Therefore because devolution is not written in the UK Constitution, as federalism is in the UK, it is easier to take back the powers.

Also, federalism in the ~~the~~ US means that each individual state has its own set of powers and rules, such as Cannabis being legal in California. Whereas in the UK, there are only certain areas that have devolved powers - The Scottish Parliament, The Welsh Assembly, The Northern Ireland Assembly and The London Assembly. This means that federalism gives power to all separate states, whereas in

the UK, not all areas - such as Const
ituencies) have powers devolved to them.
This therefore shows how more powers
have been given ~~to~~ under federalism
in the US, than through devolution in
the UK.



This is a level 3 response which achieved 9 marks. The candidate is able to identify a number of differences with some exemplification from both the US and the UK. The development of these points, however, is quite descriptive and lacks a detailed understanding of the constitutional versus statutory nature of federalism and devolution.

Question 2

This question had a different focus from the optional Q01(a)/Q01(b).

Here, candidates are required to **analyse** rather than **examine**. The definitions of the command words used in the questions on this assessment can be found on page 63 of the specification.

Candidates must **also** refer to at least one **comparative theory** in their response. There is no expectation that candidates will refer to all three comparative theories, but they **must** refer to at least **one** theory to access level 4 marks. Candidates may choose between **structural, rational** and **cultural** theory. This choice will depend on the analytical arguments selected by the candidates - they must choose the theory that best supports the arguments they have selected.

Having said that, the most common theory selected by candidates for this particular question was **structural**. Many candidates were able to successfully link this to the separation/fusion of powers and the differences between the powers of the legislative bodies in the US and the UK, generally through a comparison of the Senate and the House of Lords. A smaller number of candidates were also able to successfully link **rational** theory to separation/fusion of powers when discussing executive dominance and how this affects the legislative powers in each system of governance.

The strongest responses were able to use the comparative theory selected to **explain** a difference rather than simply state that the theory was relevant. A common successful approach to integrating the comparative theories within an analysis would typically begin with "The structural theory demonstrates how Congress may have more legislative power than Parliament because..."

The most effective approaches to this question, as with Q01(a)/Q01(b), were able to identify clear criteria for identifying the differences and explained each in a separate section with explicit contrasts made between the US and UK with specific exemplification. Common differences identified were contrasting the Senate and the House of Lords, the strengths of the whip systems, the role of party unity, the issue of gridlock and the impact of parliamentary versus constitutional sovereignty.

Weaker responses tended to 'bolt-on' the comparative theories rather than integrate them within their answer. There were also a surprising number of responses where candidates failed to even attempt to include comparative theories, thus limiting the maximum number of marks they could be awarded. Centres are reminded that teaching the comparative theories is a compulsory element of the course, as outlined in Section 6.1 on page 45 of the specification.

The most common error on this question came from misreading the question. Candidates were directed to analyse **legislative** powers in this question, and it was very concerning that a significant minority of candidates seemed unable to understand what is meant by this key concept. This meant that many candidates were unable to access marks beyond level 1 as they largely focused their responses on powers in general rather than **legislative** powers as specified in the question. Erroneous material included impeachment, the power to declare war and power over executive appointments. Such responses were not awarded as they were excluded by the question.

Another common error - also seen in Q01(a)/Q01(b) - was to attempt a balanced answer by including similarities as well as differences. Again, this was not required by the question which clearly stated that candidates were expected to analyse the **different** legislative powers.

The most worrying error seen, however, was demonstrated in a large number of responses, and often seen even in high-level responses. There is a common misconception that Congress requires a supermajority to pass legislation. Another less common error in factual knowledge was the

assumption that there is no filibuster available in the UK. While it is true that filibusters are less common, they are still used on occasion, most often against private members' bills lacking government support. There have been some notable and well-publicised examples of this in recent times, including Philip Davies in 2016 and Christopher Chope in 2018.

One difference in the legislative process between Parliament and Congress is the extent to which the legislative branch is able to override a veto on legislation it passes. In the US, Section II of the US Constitution provides the President with the power to veto legislation passed by Congress, halting its passage, and in the UK, the exercise of royal prerogative power gives the monarch the right to refuse Royal Assent to prevent the passage of an Act of Parliament into law. Yet, in the US, Congress is afforded the right to override a veto ~~passed~~^{issued} by the President by a two-thirds majority vote, as occurred in 2015, when President Obama's veto of the Justice Against Sponsors of Terrorism Act was overridden by Congress and the Act passed regardless. In the UK, this codified legislative power to override a refusal of royal assent does not exist, showing that in ~~legal~~ legal terms the ultimate legislative power does not exist in the same way. This is a structural difference, as the US Constitution provides Congress with the enumerated power to override, yet the uncodified UK constitution gives necessity to Royal Assent for any Act passed by Parliament. While it is

time that Asset has not been repaid since the reign of Queen Anne in the 18th Century, and the doctrine of Parliamentary Sovereignty makes this unlikely in the future, this is nevertheless a structural difference in legislative power.

Secondly, a difference exists in the ability of ~~the~~ powers outside of the executive branch to initiate legislation. In the UK, the power of ~~the~~ powers means that the executive is drawn from and part of the legislative body of Parliament, but the power of initiating legislation is largely reserved to the executive. While opposition days, private members bills and the Business and Communities are allocated times and days in which they can propose legislation, ~~for~~ the majority of the Parliamentary session, it is the ~~government~~ executive government who introduce bills and set the Parliamentary agenda for ~~debate~~ ^{debate}. For instance, it was the government who led the legislative power to introduce the domestic abuse bill in 2012, as on the majority of days, the ^{executive} legislative body has no control or power over the legislative agenda. In contrast, the US separation of powers means the power to introduce legislation in Congress is the exclusive, ~~for~~ ^{reserved} power of the legislative body itself. The President and the executive branch cannot ~~the~~ dictate or control the Congressional agenda other than through guidance in the State of the Union Address. In the House, it is up to the House Rules Committee, ~~part~~ ^{part} of ~~the~~ ^{composed} of members reflecting the

holds the majority in the House, and in the Senate the majority and minority leaders, to decide legislative arrangements, and which bills will be brought before the House chamber. In this way, while the legislative power of initiation in UK Parliament is held for the majority of the year by the executive, in the US the executive does not have this power, and initiating legislation is a constitutional power of Congress.



This is a strong level 4 response which achieved 12 marks. There is an explicit focus on the question throughout with clear and direct comparisons. Structural theory is used to support the analysis on the first page, allowing this detailed response to access the top level.

Depending largely on the culture of government at the time, UK Parliament can remove governments through a vote of No Confidence. For example, James Callaghan's Labour party suffered with strikes throughout the 'Winter of Discontent' of 1978-79, leading to an election being forced after they lost the Vote of No Confidence. Therefore, depending on the cultural impact of various groups, in this case the trade unions, and their effect on government performance, Parliament has the power to remove them if the government is no longer fit to serve.

On the other hand, US Congress has the structural power to impeach a President if found guilty of committing "high crimes or other misdemeanours". For example, Richard Nixon's crime of perjury over denying his involvement in the 1973 Watergate burglary, allowed Congress to use their ^{structural} powers under Article I of the Constitution to impeach the President. Thus, Congress can utilise the powers bestowed upon them structurally through the Constitution, should a

President be ~~excuse~~ found guilty of serious crimes.

US Congress has further structural powers to declare war on other countries. For example, under Article I of the Constitution, ~~the~~ Congress declared war on Japan following the Pearl Harbour attacks during World War II. Therefore, like their ability to impeach, Congress can use the powers structurally given to them through the Constitution to declare war on other countries.



This is an example of a response where the candidate has written convincingly about the differences between Congress and Parliament - however, because there is no reference to legislative powers, the response cannot gain any credit. 0 marks had to be awarded to responses like this for failure to answer the question set.



Every word of the question is there as a signpost for what you are expected to write about. Look for key concepts and phrases that will help make sure you answer the question in the correct way.

In the US, the legislative congress is ~~bi~~-equal and ~~in the US both~~ both parts of congress share legislative powers. This is simply because the founding fathers gave both these chambers legislative powers to ensure that a compromise was taken to make sure that concentration of power, which they ~~were~~ fear due to their liberal nature, was avoided. For a legislation to pass both the house and the senate must vote on it to become law. For example the 2010 DREAM Act failed to reach the requirements in the senate and was dropped. This is a clear example of diffusion of power. This ~~is~~ greatly explains the structured nature of congress because it ensures that all parties agree and come together in a bipartisan manner. This is different in the UK as the two bi-cameral chamber have different legislative powers. ~~For a bill to pass through~~ This is simply due to the fusion of power as the executive sits in the commons. ~~For a bill can~~ ~~start~~ start in either chamber, voted by both house but the commons can simply overpower the lords in cases of parliamentary 'ping pong' to avoid having to compromise and talking on the amendments of the house of lords. For example

the 2005 prevention of terrorism act was the most extreme example of parliamentary pingpong showing the differences in the legislative power of both chambers. ~~imposed by~~ This is different from the US congress because one ~~house~~ chamber can not over power another as they are both co-equal.

Another difference between the legislative power in the US congress and UK is that in the US, both Chambers, house and senate, have the power over taxation whereas in the UK this is not the case. In the UK, the house of lords are not elected and therefore due to the 1914 and 1949 Acts of parliament they can not interfere with the ~~house of~~ money bills. The commons can use this to push through legislation for example the commons rejected 7 of the house of lords amendment on the welfare reform bill arguing that it is largely financial and therefore can not intervene with it. This clearly shows a difference in the legislative power between the UK parliament and US congress because in the US both ~~house~~ house of Representative and senate can ~~inter~~ have a say on money bills. This is a clear example of structural approach as the constitutional prohibits the power one chamber in the UK ~~but~~ but ensure compromise in US congress and constitution.



This is a mid level 3 response which achieved 8 marks. The candidate includes two developed arguments that are directly comparative and include good evidence to substantiate the points, with an integrated reference to structural theory. However, there is insufficient range to reach the top level.

Question 3 (a)

This was the most popular first choice question for candidates.

The strongest responses were able to challenge the premise and consider not only whether one branch was more dominant than the other, but also the extent to which such dominance could be limited by the other branches of government. Many responses demonstrated an excellent and in-depth understanding of the constitutional powers of each branch, and were able to exemplify this with clear and specific evidence. It was pleasing to see a wealth of examples from the Trump and Obama era alongside useful contrasting examples from Bush and Clinton. Centres are reminded, however, that the study of Politics is a current affairs subject, and that they should caution candidates against relying on historic examples - particularly those from the Cold War era - as reliance on such examples alone will limit the mark awarded for AO1.

The most effective approach to answering this question was demonstrated by candidates who analysed and evaluated throughout their responses, thus accessing the AO2 and AO3 marks. Centres are reminded that the balance of the assessment objectives is equal on this new specification - so equal attention should be paid to candidates for AO1 knowledge and understanding, AO2 analysis and AO3 evaluation. All three assessment objectives must be addressed to access the higher levels, and many candidates found their marks restricted here by a reliance on AO1 to the exclusion of AO2 analysis and AO3 evaluation.

Weaker approaches to this question included the more traditional 'for' followed by 'against' structure. Such responses relied heavily on AO1 knowledge and failed to analyse whether or not the president or Congress are dominant in foreign policy as there was no debate over the argument presented. Such responses often attempted to shoe-horn analysis in to one or two sentences at the end of their 'for' or 'against' arguments, but were unable to do so convincingly or with substantiation.

Other approaches which were more successful gave an argument - for example, that the president is the chief diplomat and so responsible for international treaties - with development and substantiation, then attempted to analyse the strength of this argument by qualifying presidential dominance with the constitutional power of the Senate to ratify treaties. This was often then supported and developed further with a discussion of the growing significance of executive agreements. This demonstrated high-level AO2 comparative analysis, and where such responses were then also concluded with a judgement as to which branch seemed more dominant - based on the arguments and evidence included - this would also be high-level AO3 evaluation.

A common error with such an approach, however, was where candidates attempted to counter the argument that presidents dominate foreign policy as chief diplomat with an **unrelated** point about Congress. For example, a number of candidates made valid arguments about treaties and executive agreements, then followed this up with arguments related to the congressional power to reject legislation related to foreign policy. The links and evidence between the presidential point and the congressional point were often tangential at best, and most often unexplained and unsupported. This limited the AO2 marks awarded to such responses.

A minority of candidates, as with the 12-mark questions, failed to read the question carefully, and focused much of their response on comparing presidential and congressional power in general, rather than focusing on foreign policy. Such responses would gain little credit as they were not directly answering the question as set.

Centres should remind candidates that this is not a narrative question. A number of candidates wrote very detailed but descriptive answers about changing foreign policy, but failed to access the higher levels for AO2 and AO3 as there were no explicit attempts to analyse or evaluate.

Due to a bifurcated presidency, in theory the President has more power to ~~be~~ act with regards to foreign policy, and Congress more power over domestic. However, due to the ~~the~~ separation of powers established by the Constitution, it may appear that Congress have the ability to dominate alongside with the president ~~with~~ regarding foreign policy. Yet, the ~~the~~ expanding powers of the President ~~seem~~ seem to challenge this view.

Due to Congress' control over the purse, more specifically the House of Representatives, this may ~~act~~ hinder the actions of the president when acting in foreign policy. For a president to act on their policy or foreign endeavours, they must seek the approval of Congress in order to fund their foreign policy. For instance, President Trump was hindered by Congress in seeking funding to build a wall on the border of Mexico. Demonstrating ~~how~~ ~~the~~ Congress' ability to act alongside the President when achieving a desired foreign policy. However, when ~~government~~ the government passed gridlock, Trump used his powers as the president

to call a state of emergency in order to allow him to achieve his foreign policy and build a wall in 2018. This appears to challenge the idea that Congress have as much power as the president, as the growing powers of the executive allow for a bifurcated presidency.

Although, Congress ~~cannot~~ maintain the ~~power of declaring war~~ maintain significant power over foreign policy, ~~limiting the~~ in theory, limiting the power of the president regarding international affairs. Congress hold the power to declare war, a power protected under the Constitution, which ~~limit presidential~~ appears to allow Congress to dominate over foreign policy as much as the president. However, the president can act around this power ~~as~~ through their role as commander-in-chief. This role, under the constitution allows the president ^{authority} ~~power~~ over the ~~army~~ military and navy, essentially allowing them to deploy troops.

This power was used by both Nixon ~~and~~ ~~both~~ when troops were deployed to Vietnam without need of Congress' permission. However, Congress did display ~~an~~ dominance over this aspect of foreign policy when establishing the War Powers Act as a result of the Vietnam War. This made it necessary that the President sought ^{the} ~~an~~ approval

of ~~the~~ Congress within 60 days of deploying troops. ~~allowing them as~~ This appears to demonstrate Congress with as much power ~~as~~ over foreign policy as the President. However, this may ~~have~~ be challenged by Bush's deployment of troops to both Afghanistan and Iraq in 2001. Bush essentially initiated war in Iraq through deploying troops, as this puts pressure on Congress to approve the president's actions. Some argue that the War Powers Act is disregarded as Congress is highly likely to approve executive action as demonstrated by both Bush and Nixon. It appears in light of this, that the president remains authority over Congress with regards to foreign policy.

However, the ~~anticipatory~~ president's desired foreign policy does face some limitations from Congress. The ratification of treaties lies within the power of the Senate, possibly allowing Congress ~~to~~ mutual power over foreign policy through its ability to limit ~~of~~ presidential actions. Without the approval of Congress, the President can not ~~proceed~~ proceed with ~~the~~ ^{their} international relations. ~~However~~ Although, this too can be challenged by the expanding of presidential power. Constitutionally, ~~the~~ Congress has as much ~~as~~

dominance over foreign policy, however implied and inferred powers have allowed presidential dominance. The evolution of executive agreements ~~on behalf of the president~~ has allowed the president to follow through with international relations without the need for Congress ~~approval~~ approval, as it has the backing of the Supreme Court. This was demonstrated by Obama; ~~as~~ through an executive agreement with Russia, the New START agreement in 2010 was initiated, with regarding nuclear arms. In fact, there ~~has been~~ were over 13000 executive agreements signed between 1940 and 1989 compared to only 800 treaties signed in total. This appears to argue in favour of presidential dominance over ~~foreign~~ Congress regarding foreign policy, despite Congress constitutionally having as much power.

B Although in theory Congress have as much power over foreign policy as the presidency, due to the expansion of presidential power over time, the president appears to be able to act without the approval of Congress as seen by executive agreements and declaration of a state of emergency. ~~Although there has been~~ Congress can still act in attempt to limit presidential power through instances such as gridlock, as seen in 2018, and control over

the budget.



This is a level 4 response which achieved 20 marks. The candidate is clearly well-versed in foreign policy, including a number of examples from both presidential and congressional action. There is an attempt to analyse the extent to which each branch can dominate, and how this can be limited by the other branch, and the evaluation is clearly explained in the conclusion. The response is, however, more reliant on AO1 description of foreign policy eg president can do this, but Congress can do that, rather than a sustained analytical explanation, so the response remains in level 4 rather than reaching level 5 because the AO2 is less well developed. The AO3 evaluation is also summative rather than integrated throughout the response.

Congress

- Constitutional power to declare war - only senate.
- Power of purse - controls pp budget - congress threatened Nixon with withdrawal of funds for Vietnam.
- Power to ratify treaties - SALT

POTUS

- Commander in chief
- Congress only used to sanction military action (Iraq/Syria) not POTUS decides declaring war.
- Power to negotiate treaties - Obama + Iran nuclear deal.

Since the US Constitution was established, the US President has been considered the dominant force in foreign policy. However, the recent actions and constitutional powers of Congress, could be perceived as giving Congress more influence than the President over foreign affairs.

Arguably, the President remains the dominant force in US foreign policy because, according to the constitution, the President is the commander-in-chief of the US Armed Forces. Therefore, they have the authority to deploy troops anywhere in the world; effectively giving the president power of the US military. As US foreign policy is traditionally dominated by military action, this power as commander in chief arguably gives the President unrivalled authority in foreign

efforts. For example, President Bush used these powers to initiate the 'War on Terror' and military action in Afghanistan and Iraq following the 9/11 terrorist attacks.

Alternatively, it could be argued that Congress exerts more influence on foreign policy because Congress has the power of the purse. This means that Congress controls the President's foreign policy budget, which enables Congress to control the President's actions. For example, in the 1970s, Congress threatened to withdraw funding for the Vietnam War if Nixon didn't end it. Thus, as a result of Congress' financial power, it is clear that they share dominance over foreign policy.

Nevertheless, the President retains the right to negotiate treaties and trade deals with other countries. For example, Obama negotiated the Iran Nuclear Deal and agreed to the Paris Climate Agreement while he was President. Hence, though the President's power to forge alliances and make agreements with foreign entities, it is clear that POTUS is able to exert dominance over Congress in relation to foreign policy.

However, according to the constitution, only Congress has the power to ratify treaties agreed by the President, and they can refuse to do so. This, too, is clearly a check on the power of the president and suggests that Congress does have some authority over foreign policy. In the 1970s, Congress

refused to ratify the ~~Strategic Arms Limitation Treaty II~~ due to the resumption of hostility in the Cold War. Therefore, by reserving the right to refuse to ratify treaties envisaged by the President, it is clear that Congress retains power in foreign policy. This power held by Congress is primarily evident in times of divided government, as it is unlikely that a President and Congress from opposing parties will support the same goals in relation to foreign policy.

Arguably, Congress is equal to the presidency in regard to foreign policy because Congress alone has the constitutional right to declare war - an essential aspect of foreign policy. This power was last employed in 1941 when Congress declared war on Japan after the bombing of Pearl Harbor. Therefore, the President cannot declare war, which significantly limits presidential authority in foreign affairs as the President must first seek the permission of Congress before declaring war. Hence, Congress is ultimately dominant in US foreign policy.

In recent years, presidents have circumvented Congress' power to declare war by engaging in wars without declaring it. For example, US military action in Vietnam, Korea, Afghanistan and Iraq were evidently actions associated with war but they have never officially been declared. Therefore, the President is able to avoid the need for Congress' permission through their role as commander in chief, and thus retaining

Presidential dominance in foreign policy

Additionally, Presidents have traditionally dominated US foreign policy due to the dominance of congress and state legislatures in domestic policy. Due to the entrenched federalism in the USA, federal interference in domestic issues such as education and healthcare is not always welcomed by the states. Thus, many presidents have focused on foreign policy where they face less ~~obstacles~~ political obstacles, which has led to presidential dominance in foreign policy and congressional / local dominance in domestic politics.

Ultimately, it is clear that the President is highly influential in foreign policy through the role of commander-in-chief, and their power to negotiate treaties. However, congressional powers over peace, declaring war and ratification ensure that the President is not dominant in foreign affairs. Altogether, the power and influence is balanced between congress and the President, just as the Founding Fathers intended when they created a system of checks and balances in the US constitution.



ResultsPlus
Examiner Comments

This is an example of a narrative response. The candidate outlines very brief arguments in relation to the question, but is mainly focused on describing foreign policy powers with some examples. This response was awarded a low level 3 mark: 14 marks.



Remember that the marks for AO1 are equally weighted with AO2 analysis and AO3 evaluation. Focusing too much on demonstrating knowledge alone will keep your marks in the lower levels.

Traditionally, one would think Congress was not as dominant as the US President, on foreign policy, but they do hold substantial powers to influence the President. Over the issues of treaties, foreign policy, direction and war, they hold both power and checks, but so too does the President.

First, ~~Congress~~ ^{the Senate} must ratify all treaties by a two-thirds majority. In 1997, they rejected Clinton's Comprehensive Test Ban Treaty, which shows how they are just as powerful as the President. Without the Senate, a treaty cannot be passed, so clearly they can dominate policy by preventing or allowing treaties to be signed. A President must, in reality, negotiate treaties with Congress in mind or it cannot be passed, so Congress is equally powerful. Without either the Senate or the President, a treaty cannot be ratified, so both are just as dominant and must work together. Indeed, as a large supermajority is required, it is likely a President must compromise in a bipartisan fashion, showing how important ^{the} Senate is in shaping how the President conducts foreign policy.

However, Congress can only ratify; they cannot negotiate treaties. This limits congressional influence; they

could strip Clinton's treaty, but the Senate cannot actively dominate foreign policy by changing it. Their power is therefore only to keep the status quo, instead of forming new treaties. In addition, a President can use executive agreements to bypass the Senate entirely; by the end of Bush's second term, he was signing 300 a year. This demonstrates that a President is more dominant over foreign policy, as they can make agreements without being checked, a power not available to Congress. Overall, therefore, Congress (i.e. the Senate) is not as dominant over treaties as the President, because they cannot make new ones and can even be bypassed. They are a check, as the Constitution wanted, but no more, and increasingly this check can be got round by the president.

Congress also possesses ^{the} a large power to declare war, as only they are given this power in the Constitution (Article I). The War Powers Act of 1973 also demands that Congress be asked to authorise the use of force; if a President must seek Congressional approval, then Congress is dominant as it can stop his policy and prevent war from being continued. Perhaps their strongest ability to shape ^{policy or} ~~war~~ is their 'power of the purse': Congress (both Houses) must pass a budget, without which a president cannot fund military operations. In 2007, Congress passed a budget, and the Democrat House, to stop funding the war in Iraq.

This highlighted the expediency of the war, and showed a check. Without more, no president can act as an executive, so by being able to ~~decide~~ decide where money is spent Congress can decide where military activity can be taken. They are therefore dominant, as they can decree how the President may act by and prevent him from doing anything without their approval.

In theory, these powers are strong, but in practice the President is dominant over the use of force: as Commander-in-Chief, he can move troops, giving him constitutional power to act. Congress hasn't declared war since 1941, so clearly the President can act without their declaration, showing presidential dominance. The War Powers Act can likewise be bypassed, as Obama and Clinton did by claiming airstrikes (in Libya and Kosovo respectively) were not covered by the Act.

Congress is therefore powerless to stop a president moving troops, as they cannot enforce their power to check him. Moreover, the power of the purse is linked to public support: Bush reduced the bill reducing army and spendy actually increased. As the public deems victory as a patriotic and loyal to the troops, it is politically hard to stop funding a war. A President is thus more dominant over war than Congress, overall, because they can use force without authorisation and, in practice, will get the funding to do so. Congressional powers are only

theoretical, so in reality they are not at all as dominant as the precedents.

As well as individual treaties and uses of force, a President is Head of State and thus can set the overall foreign policy direction and image they choose to. For example, Bush (Junior) followed the 'Bush doctrine' of being able to wage a pre-emptive war in American interests; Obama decided to follow 'soft power' and use more diplomacy. This shows the foreign policy direction is set by the president, as they can change it as they personally like. Congress cannot do this, as they are too divided and too numerous to issue single coherent agendas. With the Secretary of State and National Security Advisor, the president, as a whole shapes relations with other countries and sets both the direction and relationships it chooses. It is the president who discusses big foreign issues and communicates to the world, so they are dominant in choosing policy.

However, a President cannot always follow their preferred course: in 2010, Obama launched a larger coalition ^{in total} against than Bush ever did, despite his 'soft power' agenda. This shows foreign events and the situation inherited shapes the foreign policy direction, not always a president. If the most recent circumstances the President is more powerful than Congress, as both can never react to issues. Moreover, Congress can actively scrutinise a president's direction. Although unable to limit policy, the House Foreign Affairs

Committee scrutinised the Iraq War in 2007, leading with the result of strong public opinion to some extent. If a president is held responsible for their policy, they are not supremely dominant. Presidents are thus checked both by international pressure and congressional oversight, and must change their direction accordingly. This means a President is less dominant, and more accountable to Congress. However, overall in the presidency, it more powerful, even if its power is limited, because it chooses how to react to events: even if it only reacts, it is still his ultimate choice. Congress therefore, can only scrutinise the president's direction; it cannot set one itself, so is inferior in power. In conclusion, Congress is less dominant than the presidency, because its power is merely to oversee and check a president, it cannot set the tone or regulate treaties itself. Moreover, these checks can be bypassed by executive agreements or signing agreements. Therefore, a President is more dominant as he alone ~~intervenes with~~ other sub policy, and is only marginally ~~at~~ limited in how he does so.



ResultsPlus
Examiner Comments

This is a sophisticated response which is clearly analytical throughout, integrates evaluation and substantiates the arguments made with an excellent range of knowledge. This response was awarded full marks.

Question 3 (b)

This was the least popular option for candidates.

As with Q03(a), the strongest responses were able to challenge the premise and consider not only whether interest groups or the Supreme Court was more effective than the other, but also the extent to which each relied on the other to ensure the effective working of the Constitution. Many responses demonstrated an excellent and in-depth understanding of the methods used by each to protect the Constitution, and were able to exemplify this with clear and specific evidence.

Again, the most effective approach to answering this question was demonstrated by candidates who analysed and evaluated throughout their responses, thus accessing the AO2 and AO3 marks. Centres are reminded that the balance of the assessment objectives is equal on this new specification - so equal attention should be paid to candidates for AO1 knowledge and understanding, AO2 analysis and AO3 evaluation. All three assessment objectives must be addressed to access the higher levels, and many candidates found their marks restricted here by a reliance on AO1 to the exclusion of AO2 analysis and AO3 evaluation.

Weaker approaches to this question included the more traditional 'for' followed by 'against' structure. For many candidates, this involved a focus on **just** arguing 'for' then 'against' interest groups **or** the Supreme Court, usually with little, if any, reference to the other part of the question. Such responses relied heavily on AO1 knowledge and failed to analyse whether or not interest groups **or** the Supreme Court are more effective in ensuring the Constitution works as there was no debate over the argument presented. Such responses often attempted to shoe-horn analysis in to one or two sentences at the end of their 'for' or 'against' arguments, but were unable to do so convincingly or with substantiation.

Other approaches which were more successful gave an argument - for example, that interest groups are more able to ensure the Constitution works effectively because of *amicus curiae* - with development and substantiation, then attempted to analyse that this means that even interest groups have to rely on the Supreme Court (or other lower courts). This was often then supported and developed further with a discussion of the inability of the Supreme Court to generate cases, and how this in turn means that they must rely on interest groups or other interested parties to raise constitutional matters. This demonstrated high-level AO2 comparative analysis, and where such responses were then also concluded with a judgement as to which seemed most able to ensure the Constitution works effectively - based on the arguments and evidence included - this would also be high-level AO3 evaluation.

Weaker responses tended to structure their answer around what interest groups can/cannot do, often with limited focus on the question and so drifting on to a more general discussion of how powerful interest groups are. Such responses would be limited across all assessment objectives for lack of relevance to the question set. Another common error was to focus on the power of the Supreme Court without relating it directly to ensuring the Constitution works effectively. In both cases, there was a lack of balance and little, if any, attempt to directly compare interest groups and the Supreme Court - thus severely limiting the AO2 marks available.

Overall, there was a distinct lack of evidence for both interest groups and the Supreme Court, which was surprising given that they are covered in Sections 4 and 5 of the specification. Responses that did include exemplification were heavily reliant on the NRA, particularly for interest groups, which demonstrated a limited range of knowledge and understanding which was disappointing for A Level Politics candidates.

The US constitution is an entrenched and codified document that has the laws of the nation within it. The constitution working means that the constitution is sovereign, that it is still applicable in today's society, despite being written over 200 years ago with only 27 amendments, that it is enforced and that the rights are protected within it. Interest groups ensure the constitution is working through lobbying congress, submitting amicus briefs to the Supreme Court and getting the vote out to ensure politicians they want that respect the constitution are in congress.

The Courts however have a bigger influence in ensuring the constitution is still working through their power of Judicial review of other institutions and states to ensure all abide by the sovereignty of the constitution. As the Supreme Court have the final say in interpreting the constitution. They have more influence than pressure groups in ensuring it works.

The Supreme Court ensures the constitution is still applicable in today's society by ensuring its principles are still intact. For instance ensuring that people's rights are protected, pleasing both

Conservatives and Liberals in different ways. For instance the 2nd amendment right to bear arms was protected in 2010 in the case of DC v. Heller. Please strict constructionists of the constitution. The Supreme court in this way ensures the constitution is still working as its aims are still there. The supreme court please loose constructionists through going back on their decisions if their rulings are not met and enacted adequately, thereby ensuring the constitution sovereignty remains just the sovereign. For instance the court overruled Plessy v. Ferguson 50 years later with Brown v. Board of education of Topeka. As the facilities were not deemed equal. However this ruling only came about through tireless campaigning of pressure groups such as the NAACP which submitted countless amicus briefs to the court and campaigned to raise awareness that the equal protection 14th amendment isn't being enacted on. As the court does not choose what cases it is brought, it is the job of pressure groups to raise awareness to ensure the aims of the constitution is enacted. However despite

This pressure groups cannot make the significant change as the Supreme Court can so is less effective.

Pressure groups can ensure key principles of the constitution remain working effectively, through protecting federalism by campaigning to ensure rights of individual states are protected. For instance Whole Women's Health v. Hellerstedt were successful in ensuring women ~~to~~ had not have an unfair restriction on abortion. This ~~is~~ upheld the federal law of abortion being legal through Roe v. Wade. The pressure group ensured state that federal government had power despite the conservative natured republicans try to impede on a woman's choice. Nevertheless this is arguably being eroded due to Alabama and many other states restricting abortion to a level that can be seen as not complying with their constitutional right to reserve. However this ultimately reverts back to the courts ability to rule on whether restrictions are constitutional or not. Furthermore the court is able to ensure

Federalism remains, which was evident in the NFIB v. Sebelius supreme court decision ensuring that PP and ACA were protected as they were taxes, in compliance with the 16th amendment. Therefore although ~~State~~ Interest groups, especially policy groups can lobby to ensure federal constitutional rights of States are protected. The final decision ~~always~~ often reverts back to the Supreme Court. Thereby establishing its ability to ensure the constitution works effectively.

The Constitution has an extremely difficult amendment process. Interest groups such as the NRA have had capacious impacts on ensuring certain rights in the constitution are protected and not amended. Such as having a rating system of Congress persons, allowing their 500,000 members to see the Congress persons that support their aims. The NRA have a huge war chest so are able fund campaigns such as donating \$30 million to Donald Trump ensuring the 2nd amendment right is protected. However Pressure

groups such as the NRA are only able to influence the Supreme court through amicus briefs. As the Supreme court is an independent and neutral judicial body. They are better to ensure rights of the constitution are protected.

Such as the freedom of speech of Texas v. Johnson which overturned 48 state laws. As most efforts to create amendments of pressure groups fails, such as the Sierra group on climate matters, the Supreme Court is better at ensuring the constitution works.

In conclusion although the effective working of the constitution is helped by pressure groups ~~pressing~~ lobbying Congress to not restrict rights and the key principles. The Supreme Court better protects and ensures the constitution is working through its power of judicial review ensuring rights are protected, and that political bodies do not overstep their powers such as president Nixon v. U.S.



This is a high level 3 response which achieved 17 marks. The candidate does attempt to compare both interest groups and the Supreme Court, and concludes with a judgement that is somewhat supported by the arguments in the essay. However, the argument about the amendments process is less convincing, and the AO3 evaluation is less well integrated, keeping this response in level 3.

Does	Doesn't
Interest groups promote constitutional rights. Groups fund campaigns	Active Court e.g. Warren ↳ is not the only body that can uphold the Court . Only the judicial body that can uphold Court.

Interest groups bring debate about constitutional issues which directly affect the people. Often, due to cultural differences interest groups ~~are~~ ~~form~~ their agenda based on controversial topics.

Interest groups use the media and lobbying in order to achieve their goals. For example, the NRA ~~is~~ ~~not~~ ~~the~~ ~~only~~ ~~group~~ ~~that~~ ~~seeks~~ ~~to~~ ~~uphold~~ ~~the~~ ~~2nd~~ ~~amendment~~ and is arguably ~~the~~ ~~most~~ ~~successful~~ in doing so, as ~~so~~ ~~many~~ ~~gun~~ ~~regulation~~ ~~bills~~ have been dropped or filibustered, for example Clinton's plans, which often do not pass through the Senate. This is important, as interest groups represent views of the people and thus have lots of influence on particular policy areas. There is an argument ~~that~~ ~~due~~ ~~to~~ ~~the~~ ~~constitution~~ being sovereign rights groups and groups such as the NRA are much more successful than UK

pressure groups as there is a single document which outlines citizens rights. Thus, arguably interest groups ~~are~~ are able to influence areas to a greater extent and uphold the constitution due to the concept of constitutional sovereignty.

However, the Supreme Court (SC) is the only judicial body that is able to uphold the constitution the way it does. Arguably, the SC is exempt from pressure group influence due to factors such as life tenure and the appointments process which ensure it is not associated to one political body. Judicial activism, such as the Warren Court which took many controversial cases such as Brown V Board of Education upholds the constitution to a greater extent. This is due to the idea of a living constitution, whereby the court is able to 'mould' the constitution to fit modern societal needs. An active court can be very influential in upholding the constitution to fit an updated society, the idea of 'stare decisis' is also important, as it's the idea that a new court, or different ideologically balanced court respects the decisions and upholds those from previous courts. Thus, the constitution and the

workings of it depend more on the Court and its landmark rulings than interest groups.

However, arguably interest groups can have influence ~~of~~ on policy and thus upholding the constitution as they donate to election campaigns which can influence Presidential or congressional ideology. Interest groups lobby congressional members, with groups such as the NRA ranking ~~the~~ House of Representatives and Senators, giving less funding to those who do not ~~not~~ agree with their ideology. This can lead to a change in voting behaviour, especially on policy or amendments which can affect the working of the constitution. Donald Trump, who received ~~the~~ funding from the NRA during his campaign in 2016 often uses the media to promote the NRA or what they stand for. This is important, as money plays a huge role in campaign success, and thus although not elected interest groups can effect policy and potential constitutional amendments. Thus, ~~interest groups~~ the working of the constitution depends more on interest groups.

However, the SC ~~can~~ ~~can~~ use judicial review to oppose other branches of

government, and is the only branch which can decide cases. Pressure groups do not have this influence, and therefore are not as influential upholding the constitution. The fact that the SC can overturn Presidential and Congressional decisions, as shown in 2017 with Trump's travel ban emphasises the influence it has over other political branches, due to the concept of constitutional sovereignty. The SC could overturn an act of an interest group using the constitution, which is important as it emphasises that the integrity of the ~~constitution~~ constitution depends on SC rulings. Thus, the constitution is more dependent on the SC.

Overall, ~~the~~ interest groups do contribute greatly to the workings of the constitution, as they seek to uphold parts of the constitution aligning to the wishes of the people. This makes them significant as they ~~to~~ put pressure on congress and the President in the interests of their group. They can therefore directly effect policy according to the constitutional issue, which is why we see many US pressure groups advocating for controversial matters. The NRA has huge amounts of influence, it's able to use its

persuasion and ranking system to lobby individuals, which proved successful for the group in the 2016 ~~general~~ election. However, pressure groups cannot try cases and do not have huge constitutional influence over the other branches of govt. The SC is the only judicial body with the ability of upholding the constitution, thus, civil liberties ultimately depend on SC rulings. The concept of constitutional sovereignty allows an active court to exert influence and directly influence controversial policy. Due to the SC being a governmental branch it is able to uphold the workings of the constitution to a greater extent. The power of judicial review enables the SC to place the constitution over governmental institutions ~~the~~ thus, pressure groups have no real power in terms of upholding the constitution and therefore the ~~the~~ workings of it depend more so on the SC. Without the SC there would be no judicial body to enforce the constitution to the extent it does.



This is a low level 4 response which achieved 20 marks. The candidate makes a range of arguments about interest groups and the Supreme Court, with evaluation throughout and some evidence to support the arguments made. However, the AO2 comparative analysis is less successful, with only limited attempt to directly compare the ability of interest groups to the Supreme Court when discussing which can ensure the effective working of the Constitution.

The effective working of the constitution should be held responsible by the supreme court, not to an extent it is. However interest groups have huge amounts of pull in terms of maintaining the constitution. Despite this, this essay will conclude that the effective working of the US constitution depends more on the supreme court than interest groups.

In the US, interest groups are significantly more powerful than pressure groups in the UK. ~~The~~ Mostly single-issue groups are motivated by upholding the constitution such as the National Rifle Association (NRA). This group campaigned for the upholding of the second amendment, the right to bear arms. The NRA have over 2 million members and campaign against all forms of gun control. Their interests are lobbied in Congress, preventing gun control laws to be put in place and upholding the constitution. The ability to rally

Congress means that interest groups are key to the effective working of the constitution.

The main role of the Supreme Court is to make sure that all legislation that passes Congress is constitutional. If they deem legislation to be unconstitutional, it can be struck down. An example of this is the Defense of Marriage Act being struck down in the case of Obergefell v Hodges in 2015. The ability to ~~cancel~~ strike down legislation means that the Supreme Court does not have any other function apart from to uphold the constitution. ~~The~~ ^{the} Supreme Court does not have a list on deciding if cases are constitutional or not, demonstrating a large amount of power in ~~the~~ upholding the constitution.

~~Interest groups influence over Congress does not only mean~~

Groups like the NAACP Campaign for the rights of African Americans at a time where the Supreme Court was doing little to combat the divide between

Whites and blacks in the 1960's, the protesting by the NAACP and similar interest groups arguably caused the end of segregation. If it were not for cases such as *Brown v The Board of Education*, brought forward by interest groups, segregation may have continued.

On the other hand, it can be argued that interest groups have no power beyond lobbying Congressmen and Congresswomen. SCOTUS has the ability to deem legislation unconstitutional whilst unchallenged. This demonstrates that SCOTUS has a lot more power than interest groups which simply seek to influence. Influencing does not always work, and require the Supreme Court is more effective in the working of the US Constitution.

However, interest groups should not be underestimated. Many interest groups receive a great deal of media coverage which enables public opinion to form. This educates the public on the Constitution and elect ~~that~~ Congressmen accordingly.

Two chances, the effect of being represented in the Congress so as not to create unconstitutional bills. The media was key in the case of a man bringing firearms to sell on a school site. Banning this was deemed unconstitutional and it is possible that the media also persuaded the Supreme Court justices to rule the way they did. This demonstrates the effectiveness of interest groups in keeping the US Constitution

Furthermore, SCOTUS can act in a fashion that ~~does not~~ is not in line with the Constitution. This is due to its lack of independence. The president can nominate Supreme Court justices if there is a space available. They will therefore nominate a candidate that follows their beliefs, such as Trump's appointment of Brett Kavanaugh. This undermines the Constitution as a liberal or conservative majority would cause different outcomes. Currently there is a 5/4 split in favour of conservatives, making it likely that rulings would be conservative. Furthermore, Supreme Court justices can make interpretive

amendments, ^{partly of} changing the constitution entirely. For these reasons, the Supreme Court can be seen not to uphold the constitution.

However, the court's independence is evident by ~~the~~ life tenure. This means that SCOTUS justices are on the bench for life and cannot be deposed by the president. This means they will act independently from the ~~the~~ executive and legislative branches.

Further judicial pay is not decided by the president and Supreme justices cannot be "bought off". ~~These~~ These reasons show that the Supreme Court does not rule according to public political sentiment but in keeping with the constitution, making it vital.

However, congressmen can be "bought off". Interest groups often pay - to go to ~~the~~ meals, sports events... with congressmen in order to represent their desires over ~~the~~ constitutional matters. Famously the services of Jack Abramoff were used by the entire American Co

that they would reverse representation in Congress and allow bills to pass concerning land. However, this does not help the effective working of the US Constitution as it can allow scope for unconstitutional matters to pass through Congress.

Overall, both interest groups and the Supreme Court are effective in the working of the Constitution. Interest groups by rallying, utilising the media and lobbying and the Supreme Court striking down unconstitutional legislation such as elements of BICRA 2002, in the case of Citizens United v FEC. However since the Supreme Court is the highest court in the land and has the ability to deem legislation constitutional or not; it should be argued that the effective working of the US Constitution does not depend more on interest groups than the Supreme Court.



This is a level 5 response which achieved 26 marks. There are a good range of arguments made about both interest groups and the Supreme Court and their ability to ensure the effective working of the Constitution. There is integrated AO2 analysis and AO3 evaluation throughout, and a clear judgement made in the conclusion that is supported by the evidence provided.

Question 3 (c)

This was the most popular of the three essay questions, and was the second essay completed for most candidates. There was, therefore, quite a wide variation in the performance of candidates, as many had clearly run out of time on the second question and so were unable to complete the essay in the detail required.

Overall, as with Q03(a) and Q03(b), the strongest responses were able to challenge the premise and consider not only whether congressional elections or presidential elections are fit for purpose, but also the extent to which one may have been more fit for purpose than the other. Many responses demonstrated an excellent and in-depth understanding of the procedures used for both type of elections, and were able to exemplify this with clear and specific evidence.

Again, the most effective approach to answering this question was demonstrated by candidates who analysed and evaluated throughout their responses, thus accessing the AO2 and AO3 marks. Centres are reminded that the balance of the assessment objectives is equal on this new specification - so equal attention should be paid to candidates for AO1 knowledge and understanding, AO2 analysis and AO3 evaluation. All three assessment objectives must be addressed to access the higher levels, and many candidates found their marks restricted here by a reliance on AO1 to the exclusion of AO2 analysis and AO3 evaluation.

Weaker approaches to this question included the more traditional 'for' followed by 'against' structure. For many candidates, this involved a focus on **just** arguing 'for' then 'against' presidential elections being fit for purpose **or** that congressional elections are/are not fit for purpose, usually with little, if any, reference to the other part of the question. Such responses relied heavily on AO1 knowledge and failed to evaluate whether or not one is more fit for purpose than the other, as there was no debate over the argument presented. Such responses often attempted to shoe-horn evaluation in to one or two sentences at the end of their 'for' or 'against' arguments, but were unable to do so convincingly or with substantiation, so losing AO3 marks.

The strongest responses were able to define what they perceived to be 'fit for purpose' with clear criteria for analysis, most often linking this to the original purpose of the Founding Fathers and considering how far the procedures still fulfil those purposes in modern times. Such responses were able to establish a judgement to the question at the outset, and followed this judgement throughout their essay, thus accessing AO3 marks for consistent and sustained evaluation.

Well analysed points included the strengths and weakness of the Electoral College, primaries and caucuses, the role of campaign finance, term lengths and gerrymandering.

A common error, however, was to focus the answer entirely on the Electoral College. Such responses restricted their AO1 marks for lack of range, and particularly limited their AO3 marks for failing to address the premise in the question, which required a discussion of congressional elections as well as presidential.

There were also a number of surprising factual errors, where candidates confused primary elections and the Electoral College delegates, the assertion that incumbent congressmen redraw district boundaries, that members of Congress are chosen by presidents, and confusion between the Electoral College and National Party Conventions. Centres are reminded that the requirements for presidential elections are to be found in Sections 3 and 5 of the specification, and for congressional elections in Sections 2 and 5.

The ~~the~~ democratic legitimacy of the election process of the U.S President and Congress has long been disputed. Due to tradition and convention many systems in place to this day are largely the same as they were hundreds of years ago, is this suitable given socio-economic change since then?

The primary issue with the election procedures in the U.S the electoral college used for Presidential elections. The main function of the electoral college is to vote in accordance with their states wishes, however there is nothing in place to say they must do this, for example Hillary Clinton overwhelmingly won the public's vote but lost to the electoral college. The reason behind the electoral college was to ensure the public didn't vote unwisely ~~for~~ (as the framers were highly ~~are~~pride of presidential power). Arguably this is incredibly undemocratic as the people's vote does not take precedence over the electoral college vote. However many state representatives of the electoral college do in fact vote in

alignment with their constituents, perhaps this isn't an outdated undemocratic practice and simply one that just requires more guidelines and a reduction in power. However the fact that many elements of U.S politics have been replicated in many democratic systems but ~~no~~ never the electoral college perhaps proves its not fit for purpose.

Secondly the election of the Senators is not fit for purpose because ^{1/3 of} senators are voted in every 6 years. Due to having a 6 year term senators can largely ignore the will of the States they represent and vote in accordance to their own view or best interest. This again is an election process questionable in its democratic nature as if Senators are not easily accountable to their constituents are they truly representing the people. However it could be argued that the senate is not necessarily meant to act ~~with~~ according to the will of the people but as a "trustee" voting for what they believe to be best for them. This perhaps does make their election process fit for purpose as they are - according to the framers - meant to be.

the more deliberative body, isolated from public opinion.

~~The~~ Additionally the election ^{process} of the House of Representatives is arguably not fit for purpose ~~due~~ due to the short lived nature of their term (opposed to the senate) being just 2 years. This means that ~~the~~ Representatives should ideally be responsive to their constituents desires because if they ignore the will of the state they represent re-election is highly unlikely. However this means that many Representatives may ~~be~~ prioritise gaining experience, by being members of committees for example and could vote not in accordance with their own beliefs - giving them questionable integrity - . It is this ~~very~~ short lived election process that makes the Representative ~~not~~ perform for re-election rather than authenticity, which ought to be a value in politics. ~~Thus~~ On the other hand this process does force Representatives to perform their very function, to represent. This is of great importance as it is what balances the equal representation in ~~the~~ senate and isolated nature of the Senate, hence making

This election procedure fit for purpose.

Lastly ~~also~~ the election process of the Senate, Representatives and particularly the president is reliant on money and personality politics over an ideological stance. This is an ever increasing trend with spending for the last presidential campaign reaching record highs. Furthermore, more often than not it is the candidate with the greatest ability to raise money that will win, over a strong ideological stance and vision for the future. ~~###~~ Evidence for this can perhaps be seen with Clinton and Sanders, while ~~the~~ Sanders has little spending on his campaigns (especially compared to his competitors) his has strong ideological beliefs with many policy goals at the centre of his campaign such as replacing the Healthcare system in the U.S. Clinton's campaign on the other hand is largely based in personality politics by playing off being a well known figure and the most costly campaign there ever been. This commonly accepted ^{election} process is simply not fit for purpose as it removes ideology from politics and turns politics

into an elitist and unaccessible field, making it unrepresentative.

Overall the election procedures for the President and members of congress are still in a sense fit for purpose, as the Senate was intended to be deliberative (achieved with 6 year terms) and the Representatives responsive to constituents (achieved with 2 year terms). However it is undeniable the electoral college used for presidential elections is a highly undemocratic and outdated practice which does nothing but undermine the voice of the people making it no longer fit for purpose, which is to democratically elect a leader.



This is a level 5 response which achieved 25 marks. Both congressional and presidential elections are analysed, with a clear evaluation overall of how fit for purpose the procedures for electing both are.

In the USA the procedure of voting / election of the three branches of Government are different with the Presidential election being the most rigorous. ~~Congress is voted in to~~ Congressional members are voted in by their members of the State that they represent, allowing for direct democracy. However, there is opposition to election process of the President and Congress as some suggest that elections are too often held and incumbency rates are far too high. This essay will examine whether or not the election process of the President and Congress is fit for purpose and concludes that it isn't.

A point suggesting that the process of electing Presidents and Congressmen is not fit for purpose is due to the often frequent electioneering. In Congress, the members of the House of Representatives are elected every two years and the Senate every 6 years with $\frac{1}{3}$ every two. This is not fit for purpose as the frequent elections mean the congressmen may be more

Focused on being re-elected to congress and they may neglect their job to run an effective campaign. This in turn is damaging to the USA political system as it means that they may not be fulfilling their functions such as legislating as effectively. In addition, the fear of not being re-elected may cause some to avoid divisive and controversial laws in order to remain popular and advance their career. However, the frequent elections may also be seen as positive as it means that electorates can frequently hold their congressmen to account by not re-electing them if they do a sub-satisfactory job. This adds another level of scrutiny towards congressmen. Overall, whilst the frequent elections give another level of accountability ultimately it may lead to more harm than good.

A point suggesting that the electoral process is fit for purpose for the president is because the effectiveness of a president is in part dependent on their mandate. This means that presidents with a small mandate have little power to legislate such as Donald Trump in 2016 who only gained 46% of the popular vote. This suggests that the process is fit for purpose as it limits the

power of weak presidents who may be controversial as they can get voted out if they do little.

Barack Obama got a large mandate in 2008 when he gained 52% of the popular vote and over 300 members of Congress. This allowed him to pass liberal legislation such as ObamaCare in 2009.

There are however ~~limited~~ limitations as the system allows presidents with no majority as Trump was with 3 million less votes than Clinton in 2016; suggesting that the system is not entirely representative (although this isn't a regular occurrence). Overall, the system of ~~voting~~ electing a president is ~~not~~ fit for purpose as mandate can dictate power.

A reason why the process of electing a president isn't fit for purpose is due to the process of electing caucuses and primaries. This is because they ~~are~~ massively lack representation as the turnout for caucuses averages under 20% and primaries are not a great deal better. This is a problem as these ~~select~~ help select the candidates from both parties and the winner is representative of the whole population. In addition, presidential candidates often target the earlier caucuses more significantly as there are around half in the first

Few days. This can mean that the ~~the~~ a candidate can win before all have had their say, causing votes to be unequal and sometimes wasted. Overall, the process of electing a president isn't fit for purpose as candidates may not be representative of the population due to low turnout and disproportionate value of votes.

The process of electing a congressman is fit for purpose as they are elected directly by the voters in the state they are representing. This means that they are fairly voted in as the vote is relatively representative; especially compared to that in caucuses and primaries for presidents. However, incumbency rates are shockingly high, in the House of Representatives it's 97% and the Senate 90% and there is disdore for congress in general as people say 'congress is broken but my congressman is alright'. There is one member of the House of Representatives who has been re-elected every time since 1965. This may however suggest that the electorate are happy with the job done and see little need for change.

To conclude, the process of electing the president and congress isn't fit for purpose. This is

because it is largely not representative and can be abused. In addition, they are too frequent and may hinder their function and duties. Despite the fact that ^{the president} they can be limited in their power by mandate, the system still allows the president to not have a ~~mandate~~ majority and be voted.



ResultsPlus
Examiner Comments

This is a level 4 response which achieved 20 marks. The candidate addresses both congressional and presidential election procedures, with clear analysis and a judgement supported by the arguments made. However, not all points made are convincingly argued, and the evidence throughout is limited, which keeps this at the bottom of the level.

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. Also they **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 eg looking for topic words or phrases, checking for similarities or differences;
- comparative theories are only required for Q02;
- examples are necessary to access high-level AO1 marks in **all** questions;
- 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);
- analysis (AO2) and evaluation (AO3) should be integrated within the essay rather than 'bolted-on' at the end;
- 30-mark essay responses must cover both aspects of the question to access the higher levels. Also, 30-mark essay responses must cover both views presented in the question to access beyond level 2;
- there is no requirement to compare US and UK in the 30-mark essays.

Grade Boundaries

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

<http://www.edexcel.com/iwantto/Pages/grade-boundaries.aspx>

