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## Examiners' Report June 2010

### GCE Government and Politics 6GP04 4C

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## Introduction

Many of the comments which introduce the report on Paper 3 are also relevant here.

The questions all covered familiar territory and most candidates were aware of the need to address synopticity. It is worth stressing that synopticity involves not just rehearsing arguments from opposing sides but, additionally, assessing their merits, for example through questioning evidence or pointing out inconsistencies. Thus, in answering the Supreme Court question, candidates needed not only to show awareness of what the liberal and conservative positions on the court's powers are, but to reach a conclusion on which side's case is more persuasive. Only a few candidates are really attempting to do this at present.

Short answers present fewer challenges of technique but an issue worth mentioning is the tendency of many candidates, particularly in their first answer, to load their answers with information and points which are not rewardable.

In an answer to the first question on the relative powers and influence of the House and the Senate, a candidate would not need to comment on the relative decline of Congress's power to declare war, given that both houses have equal influence.

A significant number of candidates only completed two short answers, which could be a consequence of spending too much time in this way.

### Question 1

This was an inviting question for many candidates: the shared and exclusive powers and roles of the two houses of Congress were well known, and there were a good number of answers which could be placed in Level 3.

Although most candidates took the view that the Senate is superior to the House, stronger answers recognised the force of the House's powers in relation to impeachment, its greater prestige in budgetary matters, and its dormant power to select the president in the event of deadlock in the Electoral College.

Some also noted the public prominence of the Speaker of the House of Representatives, when in contrast the majority leader in the Senate is a relatively anonymous figure. Weaker answers confused the roles of the two chambers and the various thresholds of votes required, and in particular many believed that a two-thirds majority is required to pass a bill. There was also a widely held view that the House has 'sole power of the purse'.



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Examiner Comments

This answer was awarded full marks. It does not cover every possible point but there is an intelligence, and command of its material, which is impressive.



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Examiner Tip

Remember to evaluate in this question, which asks about the relative powers and influence of the two houses of Congress, the exclusive powers of each are not just listed; the point is made that 'the powers given to the Senate trump those given to the House', which is stronger.

Indicate your first question choice on this page.

You will be asked to indicate your second question choice on page 6.

Put a cross in the box  indicating the first question you have chosen.

If you change your mind, put a line through the box

and then indicate your new question with a cross .

Chosen Question Number:

Question 1

Question 2

Question 3

Question 4

Question 5

To what extent are the two chambers of Congress equal in power and influence?

The ~~From~~ Founding Fathers gave the two chambers of Congress certain different roles to carry out, ~~to carry out~~ all of which are important in the functioning of the legislature. He also gave them concurrent powers. They are of ~~to~~ equal importance in these, though the Senate is viewed as more prestigious.

Originally, ~~for~~ the House of Representatives was the only ~~to~~ directly elected chamber. It was therefore given the ~~power to~~ power to start 'money bills' (the Senate cannot). It also ~~to~~ starts impeachment hearings, and chooses the President if the Electoral College is in deadlock (as in 1800 and 1824). The Senate ~~also~~ also has powers reserved ~~only~~ solely for that chamber - ones which are perhaps more important overall. ~~to~~ ~~power to~~ The Senate must decide whether to ratify treaties with a  $\frac{2}{3}$  majority (it toned down 7 in the 20<sup>th</sup> century) and presidential appointments to the executive (for example, Secretary of State Hillary Clinton was ratified by all but 2 Senators) and to the judiciary - especially the Supreme Court.

Here the Senate can exert great influence and power on the make-up of the court - disapproval from the powerful Senate Judiciary Committee and Senate Republicans led Harriet Miers to withdraw her nomination in 2005. The ~~exact~~ exclusive powers given to the Senate trump those given ~~to~~ to the House because though the power to start money bills is significant, the Senate must agree to them, <sup>and the Senate tries impeachment hearings</sup> the Senate routinely ~~is~~ checks other branches and makes it will felt. In addition, the 100 Senators are more prestigious than the 435 Reps: there are 48 former Congressmen in the Senate but no former Senators in the House, indicating it is the junior partner.

On the other hand, certain concurrent powers make the chambers equal. On passing legislation, both have equal power: the Senate, though the upper chamber, is equal to the House. The bill must be passed in the same form by both chambers and so different versions must be resolved in conference committee, or more informally. Both scrutinise bills and the executive, and carry out investigations. Both must declare war, both can start amendments, and both ~~can~~ must pass amendments with a  $\frac{2}{3}$  majority. In these ways, which cover some of the most important functions of Congress, the chambers are equal; the added exclusive powers of the Senate give it ~~a~~ slightly more influence and power.



## Question 2

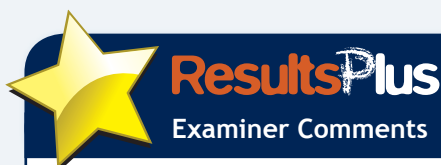
This question proved to be a good discriminator.

Nearly every answer could describe checks and balances within the system, but many were confined to Level 2 because of a failure to adequately assess the effectiveness of the check they had identified.

To establish effectiveness, more was required than to simply describe the operation of a check, such as the power of the Supreme Court to declare federal law unconstitutional, and to give an example.

In some ways, it was easier to argue that a check had proved to be ineffective, and stronger answers discussed, for example, the failure of Congress to maintain a check on the president's deployment of troops into conflict.

It is fair to say that the checks imposed on Congress are the most effective, due partly to the bicameralism of the system. Not only is the legislature subject to checks from both the executive and judiciary, but also the other house. For example, the houses are in charge of different affairs: the House of Representatives economics and finance; and the Senate foreign policy. By all legislation passing through both houses, all legislation is effectively checked. The legislature is also subject to checks from the executive in the terms of veto. If the president feels the bill is inappropriate, it is within his powers to veto it. It is safe to conclude that the checks imposed upon Congress are quite effective.



Rather than simply describing a check, in this clip the candidate is trying to evaluate, '...checks imposed on Congress are the most effective,' and presents evidence to support this claim. If sustained, this sort of analysis will move an answer into Level 3.

### Question 3

The focus of this question was relatively narrow and weaker answers struggled to find sufficient things to say.

A significant number of candidates were not aware of the changes that have occurred in the way committee chairs are appointed, and that seniority has been at least in part superseded.

A few candidates were impressively knowledgeable about individual chairs and could draw on the recent passage of legislation to illustrate their understanding of their powers. A characteristic of stronger answers, as always, was their engagement with the question, which asked why chairs have been "criticised"; some argued, for example, that a criticism of committee chairs that might now be made, given appointment can depend on party loyalty, was that they have become subservient to party interests.

The role of Committee Chairmen in Congress is far reaching. They have the ability to pigeon hole Bills at the committee stage which is a highly influential power. Committee Chairmen schedule Bills for debate and oversee their progress in hearings where members from pressure groups are invited to attend.

Committee Chairmen have been subject to criticism as ~~that~~ it is stated they have too much power and influence as they can pigeon hole Bills, which means Bills can be killed as the Chairmen can simply refuse to present them to the Committee. Committee Chairmen have also been subject to criticism as the reason for which they can refuse to schedule Bills are undemocratic such as personal consideration, the Chairmen may have had a previous personal battle with the member of Congress who initiated the Bill, personal preference is



hardly a reason to not present a Bill to the Committee. Another criticism being they ~~mainly refuse to present bills due to~~ are parochial, they are only interested in their constituents' wishes and fail to see the bigger picture and the effect which their actions could have on national interests. Another criticism being Committee Chairmen of a Committee is usually from the party which has a majority in Congress, this means that ideological/ideological preference plays a large deciding factor whether Bills should be presented, a far right wing Republican is hardly going to agree with a Bill produced by a left wing Democrat. Again this means that national interests is often put at risk over party affiliation.

~~Can~~ The Chair Committee chairmen are usually from the party with a majority in Congress and the longest serving member of the Committee, their selection is not due to merit but rather length of service. This is undemocratic and means Committee Chairmen may lack experience making them <sup>due to this</sup> inadequate.

As it tends to be older Committee members who become Chairmen this means

Due to their age they may not be up to  
the job of chairing a committee.



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Examiner Comments

This is a strong answer. Not every point is entirely convincing, but it shows detailed knowledge and is well focused on the question. It could be improved by the use of examples to support and illustrate the points that are made.



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Examiner Tip

Make it clear to the examiner you know which question you are answering by using the key terms of the question. This candidate writes that committee chairmen 'have been subject to criticism' at the beginning of the second paragraph, and uses the phrase 'Another criticism' twice more.

#### Question 4

The reference to the legislative process in the question prompted some candidates to give a detailed description of its many stages, but the majority recognised that it was the extent of president's involvement that was at issue.

Weaker answers concentrated on the president's power of veto, which was certainly relevant but not by any means the whole story. Recent examples always add to the quality of an answer, and a number of candidates were able to draw on their knowledge of the progress of health care legislation through Congress this year, when a variety of presidential techniques were seen to be deployed.

Contrary to what the founding fathers intended, whereby Congress would preside over the whole legislative process, the President has become chief legislator. Through the state-of-the-union address each January the President establishes what legislation they wish to be passed through Congress. ~~That~~ This power is enhanced given the President ~~has the power~~ sets the budget for each year. While this gives the President great influence over the legislative process, when the ~~Congress~~ majority in Congress party in Congress is different from the party that controls the White House (divided government), ~~the~~ Congress may attempt to block the President's budget proposal. This was shown clearly when

in 1994, the Republican majority in Congress blocked President Clinton's budget proposals.

~~The deliberation~~ However, the President has minimal influence over the deliberation phase and he cannot directly propose a bill to Congress. Nevertheless, he may use his power as 'boss in chief' to influence certain members ~~of~~ ~~certain~~ ~~body~~ to insure the bill passes or fails, depending on their desired outcome.

The final power the President has with which to influence ~~Congress~~ the legislative process, is the power of veto. He may use this power to block a bill he doesn't like. Although the veto can be overridden with a two-thirds majority this is a difficult target to achieve. Therefore even a threat of a veto may cause Congress to make the amendments the President desires.

To conclude therefore, the President's influence over the legislative process is much greater than the founding fathers desired.

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Examiner Comments

This is a fairly typical answer to this question. Three rewardable points are made, concerning the State of the Union address, the control of Congress by the opposing party to the president, and the president's power of veto. Only one supporting example is given, which is undeveloped, and there is no attempt to evaluate by arguing which is most significant. Nevertheless, it is a secure Level 2 answer.



### Question 5

The enthusiasm which the Supreme Court generates in candidates is striking, especially when contrasted with the relative unpopularity of the judiciary as an AS topic.

Some candidates were uncertain of the focus of this question, perhaps because it was not a question exclusively about the appointment process, although that was certainly relevant, nor was it an opportunity to present an edited version of the long answer they were about to write for question 6. Stronger answers were aware of the issues surrounding the nomination of Elena Kagan, and the several reasons it has generated controversy.

The Composition of the Supreme Court largely depends on the president and Senate. Supreme Court judges are appointed by the president and confirmed by the Senate. This process is criticised by the liberal side of the political spectrum because they claim it politicizes the Supreme Court, and brings into question their independence from the other branches of government. Therefore this is controversial due to the argument of how effective the Separation of Powers are and the Checks and Balances which derive from the system.

The way in which the Supreme Court is composed is also controversial, because it is another way in which the president can hold significant power. Following the Bush presidency and the claim that he was 'Imperial' brings into question the effectiveness

of the scrutiny which the Senate practices.

The controversy of the Supreme Court's composition also depends very much on circumstances, and when the opportunity arises for a president to appoint another justice, the judge he chooses to replace the former justice can be very controversial. For example, when Bush replaced the moderate swing vote with a far-right conservative, this was hugely controversial, as it drastically shifted the balance of the court.

Finally, and perhaps most significantly, is that the composition of the Supreme Court, will always be controversial, due to the cases which it must rule on. Constitutional Interpretation cases bring into question a justice's jurisprudence, and this will be controversial in terms of the political spectrum. Conservatives favour a minimalist, strict approach to cases, whereas liberals, a more activist, loose approach, so the political composition of the court will always be controversial.



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#### Examiner Comments

This answer makes four points, all of which are relevant, and shows some accurate knowledge. As was true of many answers to this question, there is a slight uncertainty of focus, and a sense of overlap between the points. It would also be strengthened by some supporting examples.



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#### Examiner Tip

Structure - try and keep your structure for short answers as clear as possible. Use paragraphs to show when you are moving on to a new point, and, in the first sentence, make it clear what the new point is going to be.

### Question 6

This was the most popular long answer question and often very well answered. Most candidates were able to score synoptic marks through a recognition of the conservative-liberal divide on the power of the court, and answers were differentiated by the sophistication with which the discussion around judicial review, and activism and restraint, was developed and supported.

The strongest answers showed what one examiner described as a “truly remarkable” knowledge of recent cases, which were incorporated into highly detailed and coherent answers. Because the Supreme Court is a court and works on precedent, it can certainly be relevant to refer to cases from decades ago; many candidates cited “Brown v Topeka Board”, for example, to argue that, as the Supreme Court relies on the other branches to enforce its decisions, this is a major restraint on its power. However, while no one can be unaware of the significance of “Brown” in the history of the court, a more recent case would provide stronger support and, if no more recent one can be found, it may be that the point is not actually a particularly strong one.

Moreover, the court also has significant power to choose which area of society is going to be changed and influenced. Their power of certiorari means that they decide which cases will be heard. 7000 cases per year are submitted yet they only try 90. This therefore shows that for an unelected body, they wield a significant amount of power as they can actively set about helping some individuals.



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Examiner Comments

This paragraph is contributing to the case that the Supreme Court does have too much power. It takes one piece of evidence, the contrast between the huge number of cases submitted to the court and the number actually heard, and argues intelligently that the ability to choose its cases adds significantly to the scope of its power. The argument would be strengthened if it considered evidence, which certainly exists, that the court does not in fact have unfettered discretion.

### Question 7

This question generated a good proportion of strong answers, and candidates in many cases had a confident grasp of the recent history of American foreign policy, stretching back to the Korean and Vietnam Wars. They also understood the political struggle which had gone on since the 1970s between Congress and president on this issue. Surprisingly, there was often a lack of understanding of the significance of the most recent foreign policy developments, which suggest that presidents have largely regained control.

Some candidates were obviously struggling to extend their discussion of the presidency in relation solely to foreign policy, and brought in the president's powers at home as well as abroad. While some contrasts between the president's foreign and domestic control may have been illustrative, the main bulk of the argument should have concerned war and diplomacy.

The president and vice-president are the main 'torch-bearers' for the United States, and are most commonly the ones that travel far and wide to represent the US in matters of foreign policy. In March of this year, president Obama made his first trip to Afghanistan since being sworn into office. He hailed troops for their efforts and outlined the date of May 2011 to begin troop withdrawal from the country. This is evidence that shows the President is the main representative face in foreign policy, acting as messenger and motivator for troops in combat zones.



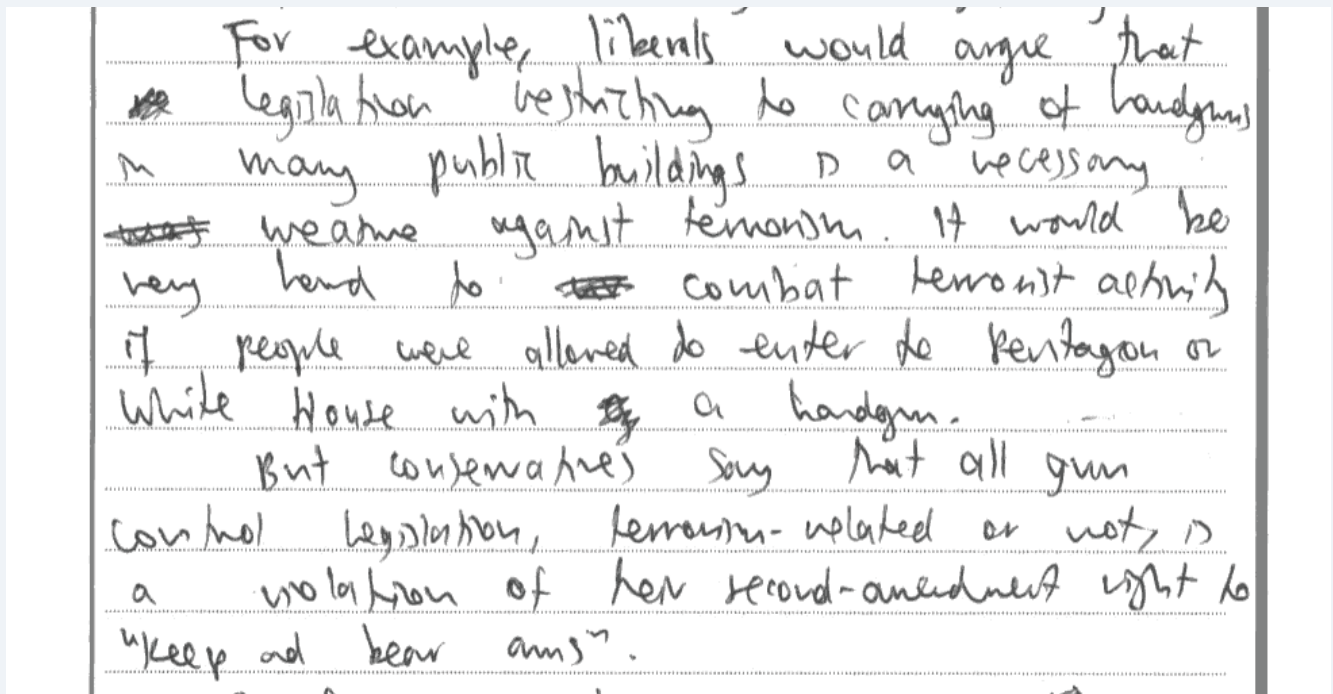
This is the second paragraph of the essay and the candidate is developing the case that the president is the dominant voice in foreign policy. While it is certainly recent evidence that has been chosen, it is not the most compelling and, especially for this stage of the answer, reference to a more central issue would have been stronger.



### Question 8

This was the least popular of the long answer questions and, on the whole, it was not successfully done.

Candidates often used their answer as a vehicle for a newspaper-style editorial, using the broadest of brushes. Weaker answers showed a little knowledge about the Bill of Rights and could refer to the Patriot Act, but the relationship between them was not clearly explained. Stronger answers discussed the importance of recent Supreme Court judgements on the detention in Guantanamo Bay of 'enemy combatants', and the constitutional implications of these cases.



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Examiner Comments

Many candidates were at pains to demonstrate their awareness of the need to consider competing viewpoints, and this is evident in this clip. Both points could be more fully developed, but the candidate certainly conveys a sense of a debate.



**Grade Boundaries:**

Grade	Max. Mark	A	B	C	D	E	N
Raw boundary mark	90	54				27	
Uniform boundary mark							

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