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Examiners' Report
June 2011

GCE Government & Politics 6GP04 4C

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Introduction

As is traditional, most centres continue to enter their candidates for unit 4 in June and this was reflected in the size of the entry, a quarter again the size of the entry for unit 3.

This paper was a mixture of the familiar and less familiar. Most of the short answers were central to the specification, although some candidates did not find question five on executive orders straightforward. Slightly unusually, the question on the constitution was the most popular of the essays, and more candidates attempted it than the other two questions combined. The enthusiasm for the Supreme Court which is often referred to in these reports seemed, as six months ago in January, again to be absent in both sections of the paper, and the short answer on presidents and justices was the second least popular. It is an interesting reflection on the inter-connectedness of the different elements of this unit that candidates could reuse material from four of the five short answers in the essay question on the constitution.

A point of technique worth drawing attention to, with regard to essays particularly, was the tendency of candidates to lose sight of the question; for many, the question on the constitution became a general discussion of checks and balances, and the question on the Supreme Court a discussion of judicial activism and restraint. It can be a useful means of keeping the arguments relevant to mention the key terms of the title, e.g. 'effective government', at least once every paragraph, often most effectively in the opening sentence.

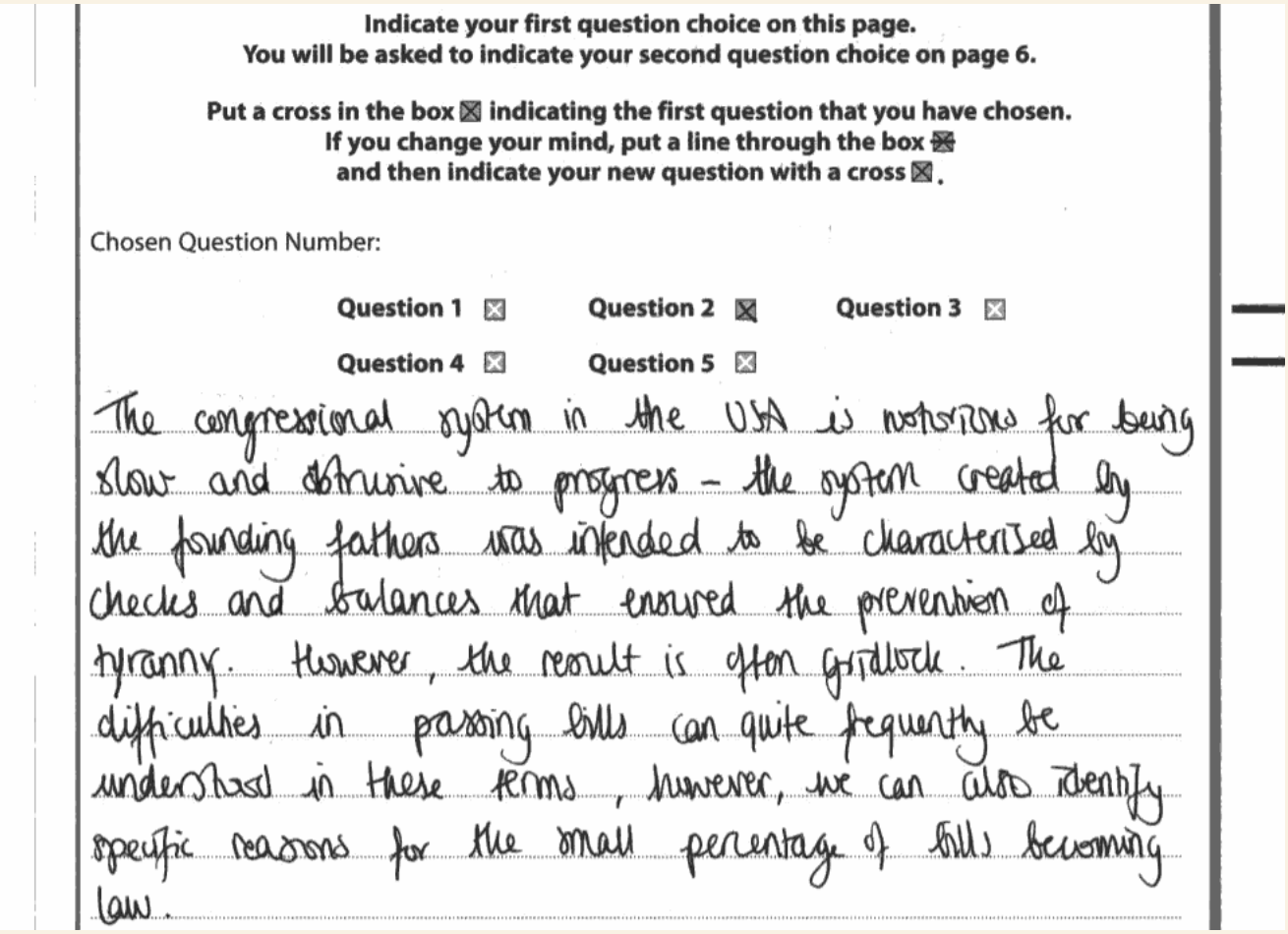
All of the Unit 4 topics are covered in the new notes of guidance which are now available on the Edexcel website, (http://www.edexcel.com/quals/gce/gce08/gov/Pages/default.aspx), under 'Teacher Support Materials'.

Question 1

This was the second most popular short answer question, and many candidates seemed well prepared for it. A good number were able to refer rewardably to the current action in Libya, and Congress's inability to exert any meaningful influence on the commander in chief. The president's power to negotiate treaties is a separate power in the constitution, and discussion of the Senate's role in ratifying the president's treaties was not rewarded. There was quite a common view that a declaration of war requires a 2/3 majority in Congress, sometimes exclusively in the Senate, and many candidates believe that President Bush conducted the campaigns in Iraq and Afghanistan in defiance of Congress's wishes. The War Powers Act was frequently and rewardably referred to, although the number of days required for its stages was given a variety of quotes, and it was confused by some with the Case-Zablocki Act.

Question 2

Congress's problems in passing legislation seemed to have found a receptive audience in this year's entry, and this was the most popular of the short answer questions. As a topic, it has its fair share of recurring misconceptions, for example, that a 2/3 majority is required for the passage of legislation, the legislative process is prescribed by the constitution, and the filibuster is a constitutional provision, to name three. The most basic approach adopted was to describe the various stages through which a bill passes and only link to the title in the conclusion, if then. Use of recent examples always raises the quality of an answer and many candidates rewarably discussed the passage of the 'Obamacare' legislation and the current situation of divided control of Congress. Some went on to discuss the role of judicial review, but this cannot be validly considered as part of the legislative process.



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 that 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** ☒

The congressional system in the USA is notorious for being slow and obtrusive to progress - the system created by the founding fathers was intended to be characterised by checks and balances that ensured the prevention of tyranny. However, the result is often gridlock. The difficulties in passing bills can quite frequently be understood in these terms, however, we can also identify specific reasons for the small percentage of bills becoming law.

Firstly, we might consider the sheer magnitude of bills introduced into Congress - within one Congress (2 years) anything from 10-15 000 bills might be introduced ~~etc~~ - it simply isn't feasible for all these bills to be considered, as a result only about 3-5% of bills are actually ~~passed~~ considered. Of those that do get to the committee stage, many are likely to be held back when it comes to timetabling (by the House Rules Committee in the House & by the party leaders in the Senate).

Furthermore, two other significant characteristics of the

You should start the answer to your second question choice on page 6

American congressional system is that it is bicameral and that the two houses are equal in the passage of legislation - all legislation must be agreed on both houses. With the weak party system in America, obtaining the necessary support for legislation ~~for~~ is already of prime difficulty. However, this is made a greater challenge by the ~~separation of powers that mean~~ fact that the two houses are likely to be controlled by different parties. Indeed, following the 2010 mid-terms and the loss of Democratic majority in the House, Obama has faced increasing opposition to his policies by the Republican led House and its speaker Boehner. In fact, attempts to pass his 2011 ~~Bu~~ Budget resulted in near shutdown - the House's proposal was incompatible with that approved by the Senate.

Another key characteristic of the US political system is that of the separation of powers - effectively means that the legislature and the executive ~~of~~ may be controlled by different parties. At times of divided govt, partisanship often increases - In 1994-5 when Republicans regained control, partisanship in the House reached 73%. However, in terms of the passage of legislation, this is detrimental - it often means that the President is less likely to see his bills passed through successfully as they are ~~likely~~ more

You should start the answer to your second question choice on page 6

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Examiner Comments

This is an impressive answer and scores close to full marks. Four separate factors are identified and developed in detail with supporting evidence; the only slightly surprising omission is the lack of a reference to the president's power of veto, but no 15 minute answer can be exhaustive.

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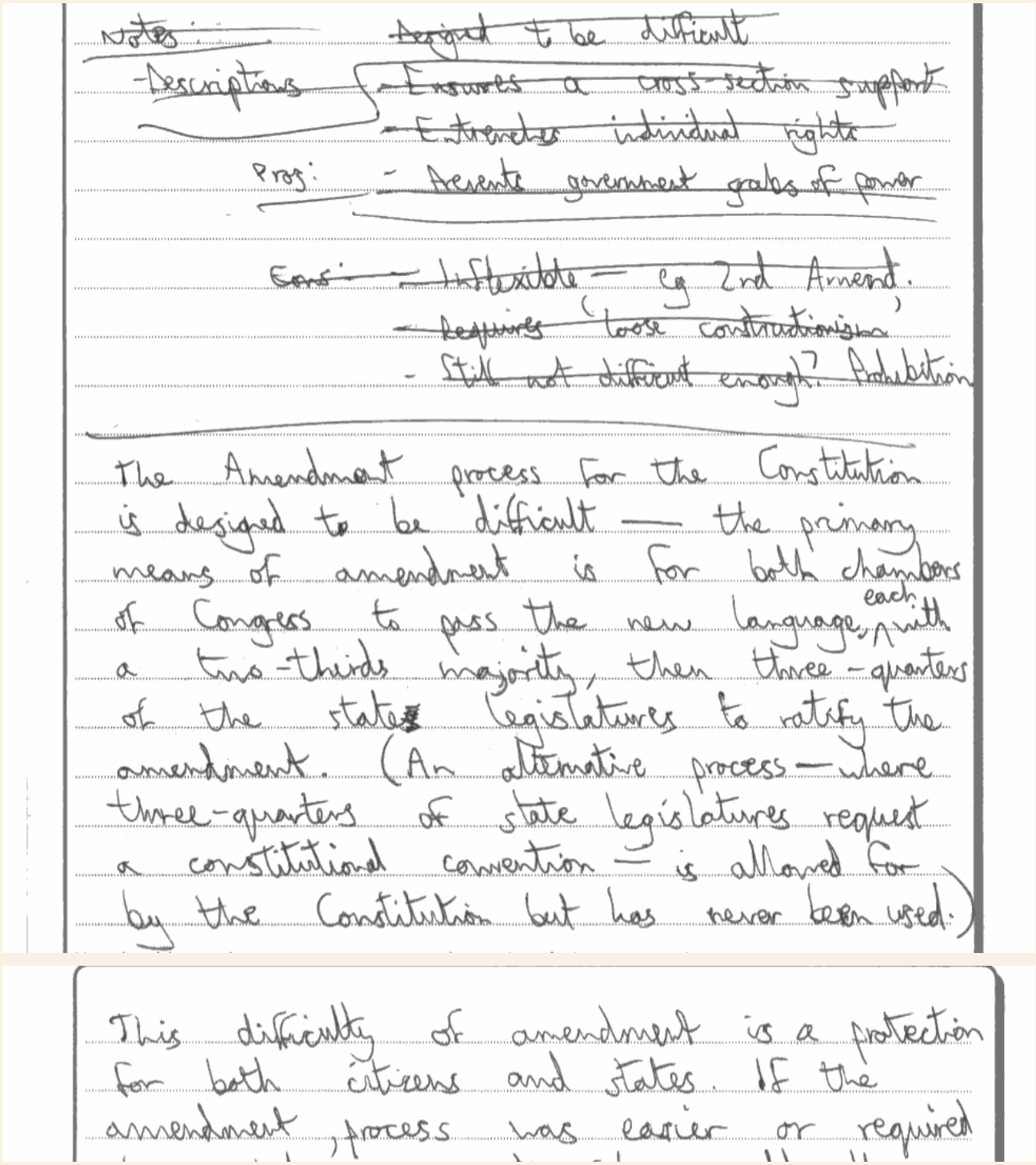
Examiner Tip

Clarity of structure: one of the strengths of this answer is its clear structure. There are four paragraphs, each beginning with a sentence indicating the point to be covered which is then developed and explored.

Question 3

The process for amending the constitution was fairly widely understood, but beyond this a good number of candidates struggled to find more than a couple of points to make. Predictably enough, an array of fractions were claimed to be required for the two stages of the process, and it was fairly widely believed that the civil rights acts of the 1960s were constitutional amendments. Some candidates tried to expand the scope of the question to include the Supreme Court, but judicial review is not a part of the formal process of amendment. The two prohibition amendments were frequently referred to, although some candidates were slightly at a loss to incorporate them into their argument that the process for constitutional amendment was made deliberately demanding to prevent it becoming a vehicle for short-lived enthusiasms.



less states' agreement, it would allow federal government to expand its own powers at citizens' and states' expense with ineffective checks on this power. The three-quarters of states requirement ensures a cross-nation consensus for the change. The result of this is the effective entrenchment of the human rights and liberties expressed in the Bill of Rights, preventing government from overriding these without overwhelming national support. The protection for minorities of states is also a key advantage ~~to the state~~ states — if a minority of states would be severely disadvantaged by an amendment, the majorities in favour of it would not necessarily be able to override them.

However, the entrenchment of the Constitution also brings disadvantages. The first is rigidity or inflexibility. The high bar set for new Amendments prevents remedying of a number of problematic anachronisms in the Constitution, such as the gun-deregulating Second Amendment arguably responsible for so many US gun crimes. This leads to a second disadvantage: in order to apply the principles of the Constitution to the

modern era, Supreme Court interpretations based on 'loose constructionism' have been required to address failings that arguably should have been addressed by amendments (e.g. the lack of a privacy right in the Constitution, which judges have had to 'read into' the text to protect abortion and other rights). Judge-made Constitutional law, while necessary in this case, has been highly controversial.

Of course, a last argument against is that the amendment process is not difficult enough; the example of the controversial (and damaging to society) ~~Pro~~ Prohibition amendments quick passage being often cited.

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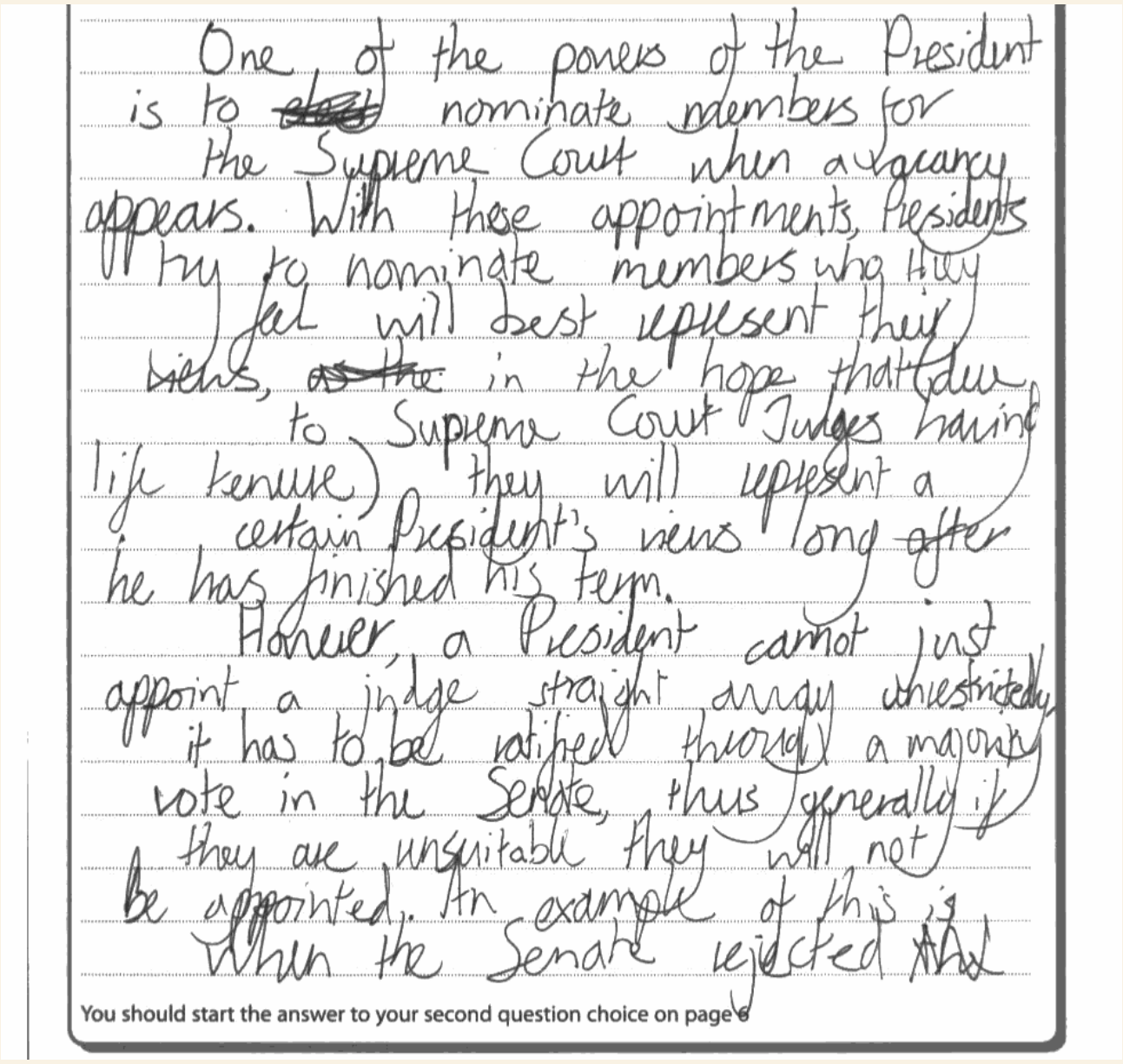
Examiner Comments

This is one of the best answers produced for this question. There is accurate knowledge of the formal process of amendment, and both advantages and disadvantages are discussed confidently. The role of the Supreme Court is particularly well handled.

Question 4

For a Supreme Court question, this was not particularly popular, and drew a surprisingly limited response from many candidates, whose answers consisted of a purely descriptive account of the extent of agreement between justices and presidents, without any attempt at analysis. Although they are not allocated separately by examiners, it is worth remembering that AO2 marks for analysis are half the marks out of 15 for short answers, and those candidates who were able to analyse the different factors surrounding the president's choice of nominee were able to move into Level 3. Many candidates could give examples of justices who had and justices who had not reflected the views of the presidents who had nominated them; slightly surprisingly, many used Chief Justice Warren as an example of a renegade justice, when Justice Souter was available as a much more recent example. Some candidates made the logical point that if two justices appointed by the same president find themselves on different sides of a decision – as, for example, the two Bush appointees did in *Snyder v Phelps* – at least one of them is not reflecting his views.



One of the powers of the President is to ~~elect~~ nominate members for the Supreme Court when a vacancy appears. With these appointments, Presidents try to nominate members who they feel will best represent their ~~views~~, ~~as the~~ in the hope that (due to Supreme Court Judges having life tenure) they will represent a certain President's views long ~~after~~ he has finished his term.

However, a President cannot just appoint a judge straight away unrestrictedly it has to be ratified through a majority vote in the Senate, thus generally if they are unsuitable they will not be appointed. An example of this is when the Senate rejected the

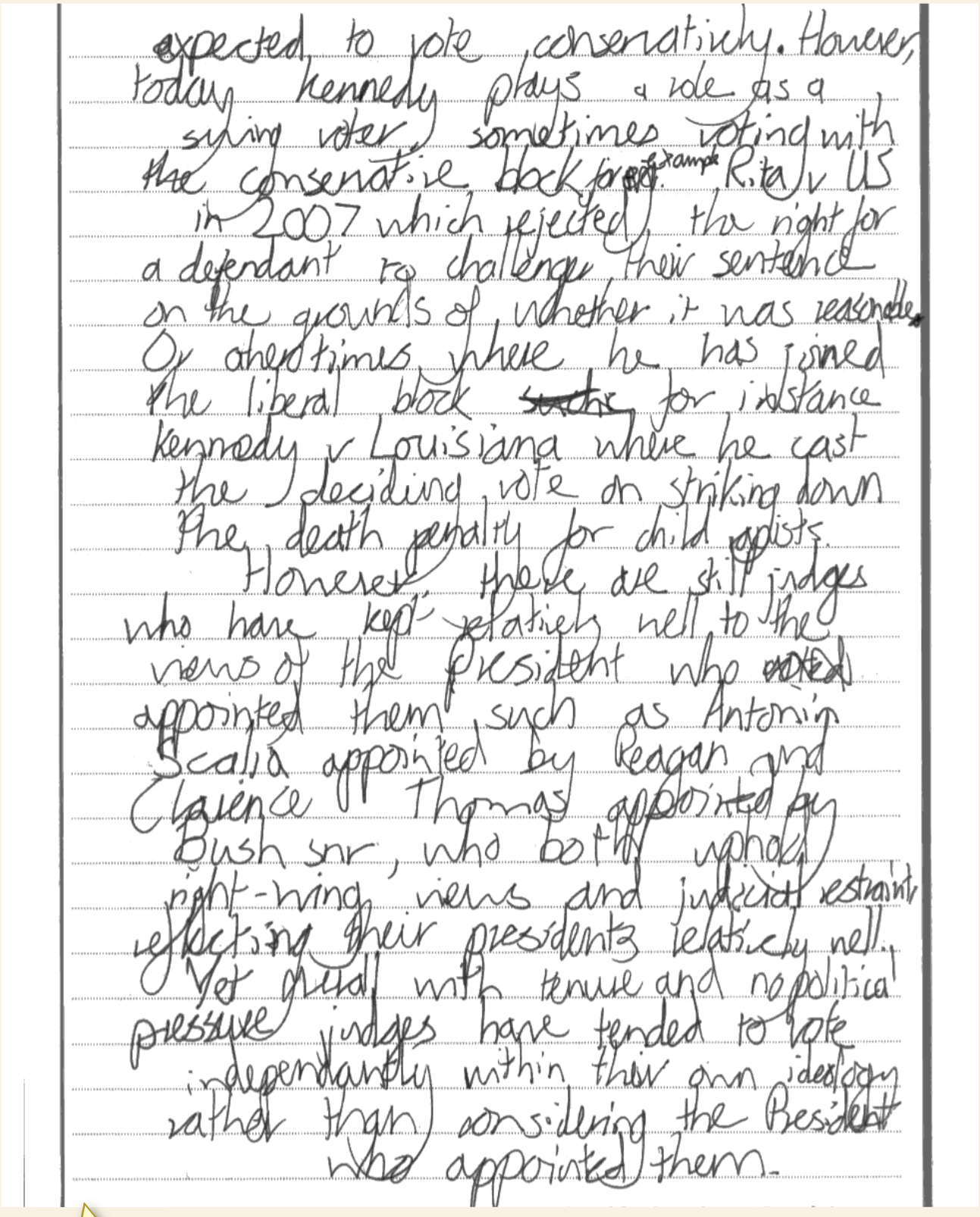
You should start the answer to your second question choice on page 6

President Reagan's nominee, Robert Bork in 1988 mainly on the grounds that he held extreme right-wing views and had openly criticized judicial activism.

Also, over the years, many judges once they have been elected have seemingly changed their views, whilst in an environment without the pressures of election campaign. For example President Eisenhowers appointee Earl Warren was appointed as Eisenhower believed he would express right-wing views and judicial restraint. However, Warren ended up being one of the most influential judicial activists the court has ever seen, Eisenhower noting that his appointment of Warren was "the biggest damn fooled mistake I ever made".

Even traditionally where ~~judges~~ supposed right-wing judges become seemingly more liberal is not uncommon. Reagans appointee, Anthony Kennedy in 1987 was never going to be as right-wing as Reagan would have liked after the Bork rejection, yet he was still

You should start the answer to your second question choice on page 6


expected to vote conservatively. However, today Kennedy plays a role as a swing voter sometimes voting with the conservative block for example R.ta v US in 2007 which rejected the right for a defendant to challenge their sentence on the grounds of whether it was reasonable. Or other times where he has joined the liberal block for instance Kennedy v Louisiana where he cast the deciding vote on striking down the death penalty for child rapists. However there are still judges who have kept relatively well to the views of the president who appointed them such as Antonin Scalia appointed by Reagan and Clarence Thomas appointed by Bush snr, who both uphold right-wing views and judicial restraint reflecting their presidents relatively well. Yet despite with tenure and no political pressure judges have tended to vote independantly within their own ideology rather than considering the President who appointed them.

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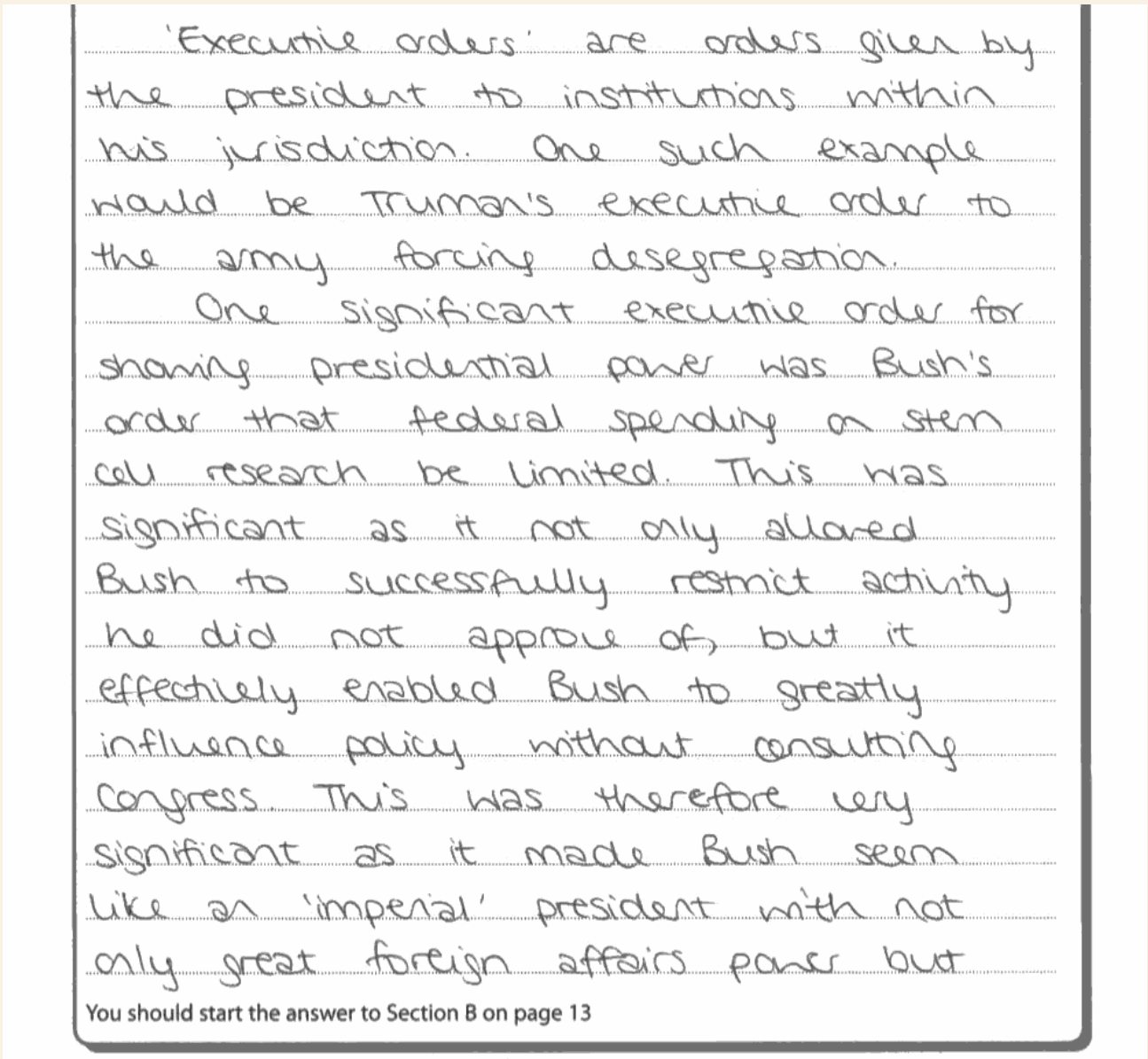
Examiner Comments

Unlike many answers to this question, this answer attempts to adopt an analytical approach, instead of a straightforward description of the extent of justices' agreement with presidents. The point about the appointment of Anthony Kennedy after the failure of the Bork (and Ginsburg) nominations is particularly well made.

Question 5

This was the least popular question. Although executive orders have not been the named subject of a question before, it would perhaps have been expected that candidates would have some familiarity with them through their study, for example, of theories of the 'imperial presidency'. Two recurring misunderstandings were, firstly, between a numbered executive order and an order of the president (for the assassination of Osama Bin Laden, for example), and secondly, between an executive order and an executive agreement. A minority of candidates had an impressively detailed knowledge of a range of executive order, often correctly numbered, and were able to use examples from the Obama presidency, such as the order closing Guantanamo Bay, to illustrate their limitations.



'Executive orders' are orders given by the president to institutions within his jurisdiction. One such example would be Truman's executive order to the army forcing desegregation.

One significant executive order for showing presidential power was Bush's order that federal spending on stem cell research be limited. This was significant as it not only allowed Bush to successfully restrict activity he did not approve of, but it effectively enabled Bush to greatly influence policy without consulting Congress. This was therefore very significant as it made Bush seem like an 'imperial' president with not only great foreign affairs power but

You should start the answer to Section B on page 13

also domestic power.

However, Obama's executive order to shut down Guantanamo bay was effectively over-ruled by Congress through their ability to ban the detainees from being imprisoned in mainland America. This not only shows that the president's power was 'imperilled' by making him go back on his promise to end military trials, but also shows that while executive orders do not need ~~to~~ the consult of Congress, Congress can still greatly effect the outcome

Nevertheless, overall executive orders are extremely significant in presidential power, as the President effectively controls the army (as Commander-in-Chief) and the intelligence agencies (like the CIA and FBI) meaning operations like the recent killing of Osama Bin Laden can be signed off by the President. Furthermore, the President also controls institutions like NASA meaning his influence is very wide. However, it must be

You should start the answer to Section B on page 13

noted that their significance is limited by Congress' ability to not only control the federal budget, but also to over-rule certain executive orders.

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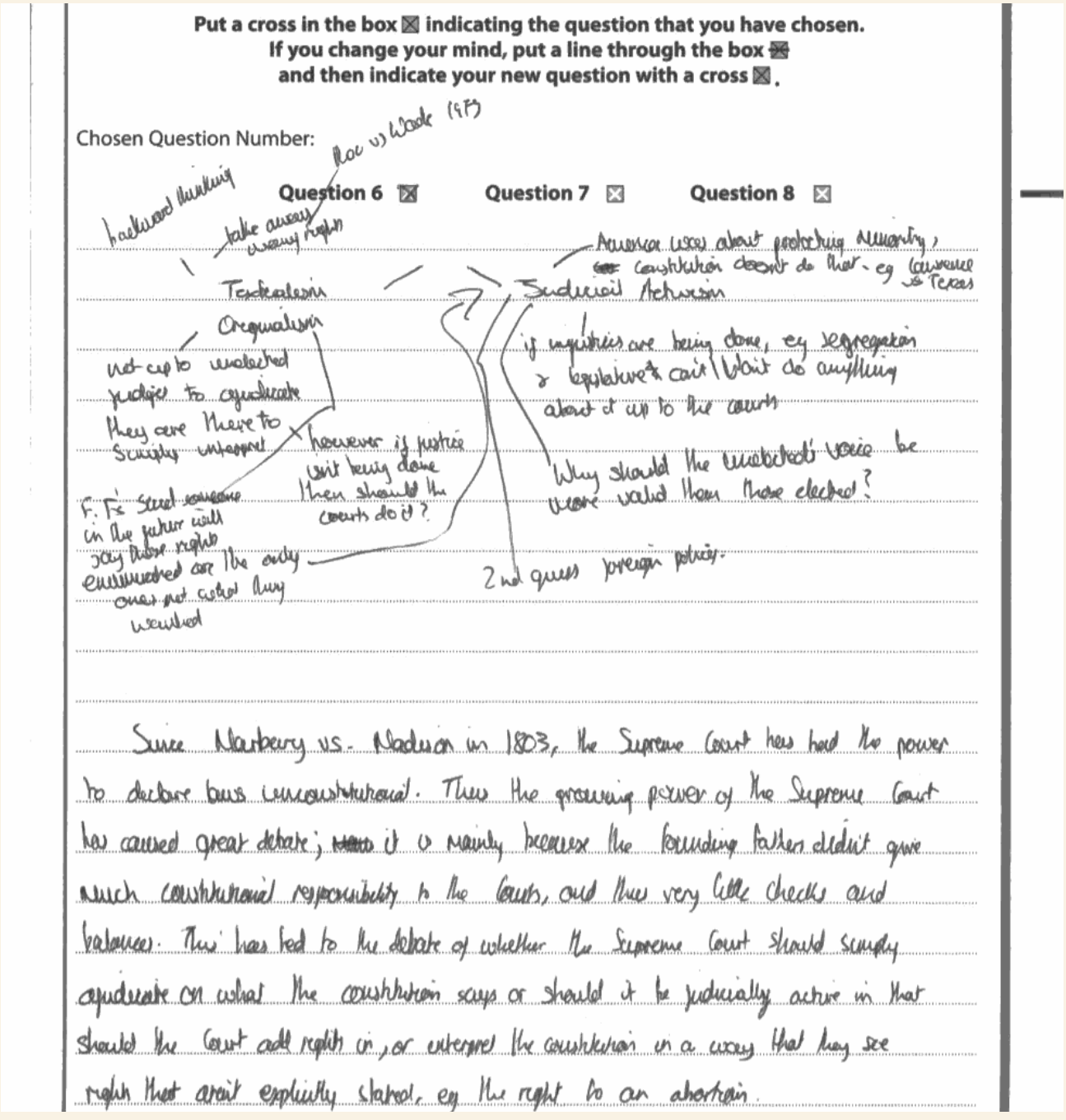
Examiner Comments

This was one of the best answers seen to this question. The definition is accurate, if a little terse. The two examples are particularly well chosen, the stem cell order illustrating the scope of executive orders and the order relating to Guantanamo Bay their limitations.

Question 6

This was a conceptually demanding question and many candidates found it difficult to keep the different arguments clear. It was evident that many candidates were happier talking about judicial restraint and activism, and slipped almost immediately into using them to the exclusion of the terms of the question. This was not always to their advantage, as both judicial restraint and activism are ambiguous terms, and there was the tendency noted in January to equate judicial activism and loose constructionism, and judicial restraint and strict constructionism, which rarely served to clarify the argument. Slightly illogically, a good number of candidates claimed that originalists believe the constitution should never be amended, even by the process laid out in the constitution itself. Many candidates have an impressively detailed knowledge of Supreme Court cases and the arguments which decided them, although they were often not used relevantly, and indeed it was not obvious which question they could have been made relevant to.



Put a cross in the box ☒ indicating the question that 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 6** ☒ **Question 7** ☒ **Question 8** ☒

Since Marbury vs. Madison in 1803, the Supreme Court has had the power to declare laws unconstitutional. Thus the governing power of the Supreme Court has caused great debate; it is mainly because the founding fathers didn't give much constitutional responsibility to the Courts, and thus very little checks and balances. This has led to the debate of whether the Supreme Court should simply adjudicate on what the constitution says or should it be judicially active in that should the Court add rights in, or interpret the constitution in a way that may see rights that aren't explicitly stated, eg the right to an abortion.

Firstly one may argue, as textualists and originalists (or Strict Constructionalists as some may call them) do, that the Supreme Court should interpret the constitution by establishing its original meaning when its provisions were adopted. This is because justices, an originalists such as Scalia or Thomas would argue that

Supreme Court judges have no right to be judicially active. This is because they were not elected, they were appointed to their role as a Supreme Court Justice. Thus because they aren't elected they would argue they have no mandate to interpret the constitution in any other way than when each of its provisions were written. If they were to do this, they would be overstepping their constitutional limitations which is to adjudicate, and not legislate (like many of their counterparts (particularly the Warren Court in the 1960s and 1970s) have been accused of doing.

The view that judges should only interpret the constitution and its amendments by establishing their original meaning when they were adopted is also held by conservatives. Conservatives as well as originalists would argue that if people want more rights they should be done the proper way, i.e through constitutional amendments or laws being made. It is not up to an unelected judge to instil these rights by trying to update the constitution to what it could mean now. Such as what happened with Roe vs Wade, when the liberal court of the 1970s decided that it was part of a women's right to privacy to be able to get an abortion. However an originalist would argue that the right to an abortion wouldn't have been in the founding fathers mind when they wrote the constitution and the right to privacy; there it will be impossible for an unelected judge to say that the right to privacy means that women can have abortions. Therefore they will adjudicate on something such as civil rights as the civil rights bills (14th, 15th and 16th amendment) is in the constitution, but it would shouldn't be impossible for a

judge particularly an originalist to say a woman has the right to an abortion as it exist in the constitution, nor in the founding fathers thoughts when the constitution was written

Furthermore a judge shouldn't simply be swayed by public opinion, as was the case in Lawrence vs Texas 2003, and Brown vs ~~Boar~~ Board of Education 1954. By a judge succumbing to popular support for an ideal, and it not being in the constitution, they are showing a political side in their rulings, and not being completely independent as judges should be. Thus an originalist would argue that the only way to be neutral in a case is to follow what the constitution said when it was written, hereby providing a fair trial (as you can't be biased to one side) and remaining politically neutral.

However the given statement has come under severe criticism, and the style of ~~g~~ adjudicating has also been criticised. This ~~criti~~ criticism mainly comes from, judicial activists such as the Warren Court or Sandra Day O'Connor, or even Civil liberties groups such as the ACLU (American Civil Liberties Union).

Firstly they would argue that the originalist style of adjudicating (that the given statement ~~always~~ always is, is backward in thinking. Judicial activists would argue the constitution is not a 'dead' document, it is living and interpretation of the constitution must evolve as times evolve. Indeed on writing the constitution, one of the founding fathers stated that the problem ~~with~~ with the bill of Rights is that someone in the future will come a long and say that ~~these~~ these are the only rights people have. Thus showing that the originalist interpretation of the constitution and their rulings through this reading go against the ~~stated~~ ideals of the Founding Fathers; thus one should not merely adjudicate on what the constitution says and what it meant at the time, as times have changed and things such as women's equality are not in the constitution but are accepted in this day and age, so should be a right, and should be considered when interpreting the constitution.

Moreover judicial activists such as Sandra Day O'Connor, or the Warren Court in the 1970s and 1960s would argue that ~~of~~ originalists

case being done, and the elected ~~repres~~ representatives aren't going to make an amendment for change then the courts need to do it. This was the case in 1954 with Brown vs. Board when minorities rights were being unprivaged on, and Lawrence vs Texas when gay rights were being unprivaged on. The constitution doesn't say anything about gay rights, but arguably the constitution is based on a protection from the tyranny of the majority, eg the 2nd amendment. Thus the court has the right to protect Minorities.

However an originalist would argue against this and say if the courts make ajudications not based on the constitution, they can inhibit governments of the future with their political / personal readings eg in the early 1800s, ajudications on States rights on trading meant the New Deal was struck down in the 1930s, when it was needed. This is the problem with not reading the constitution and interpreting it on ~~how it~~ what it ment when it was written.

In conclusion, one cannot argue that judges should interpret the constitution on when it was written as judges aren't elected, thus it can't up to them to legislate from the bench is people want new laws, rights and amendments it is upto ~~them~~ Congress to do this, not judges as judges would overstep their constitutional limits and become politicians in robes, and could lead future governments for the worse.

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Examiner Comments

This answer is reproduced in full as, like the answer to question 5, it shows an unusual clarity of understanding. The positions of both originalists and their opponents are explained, and, although there are elements which could be developed or made more precise, it is a secure Level 3 answer.

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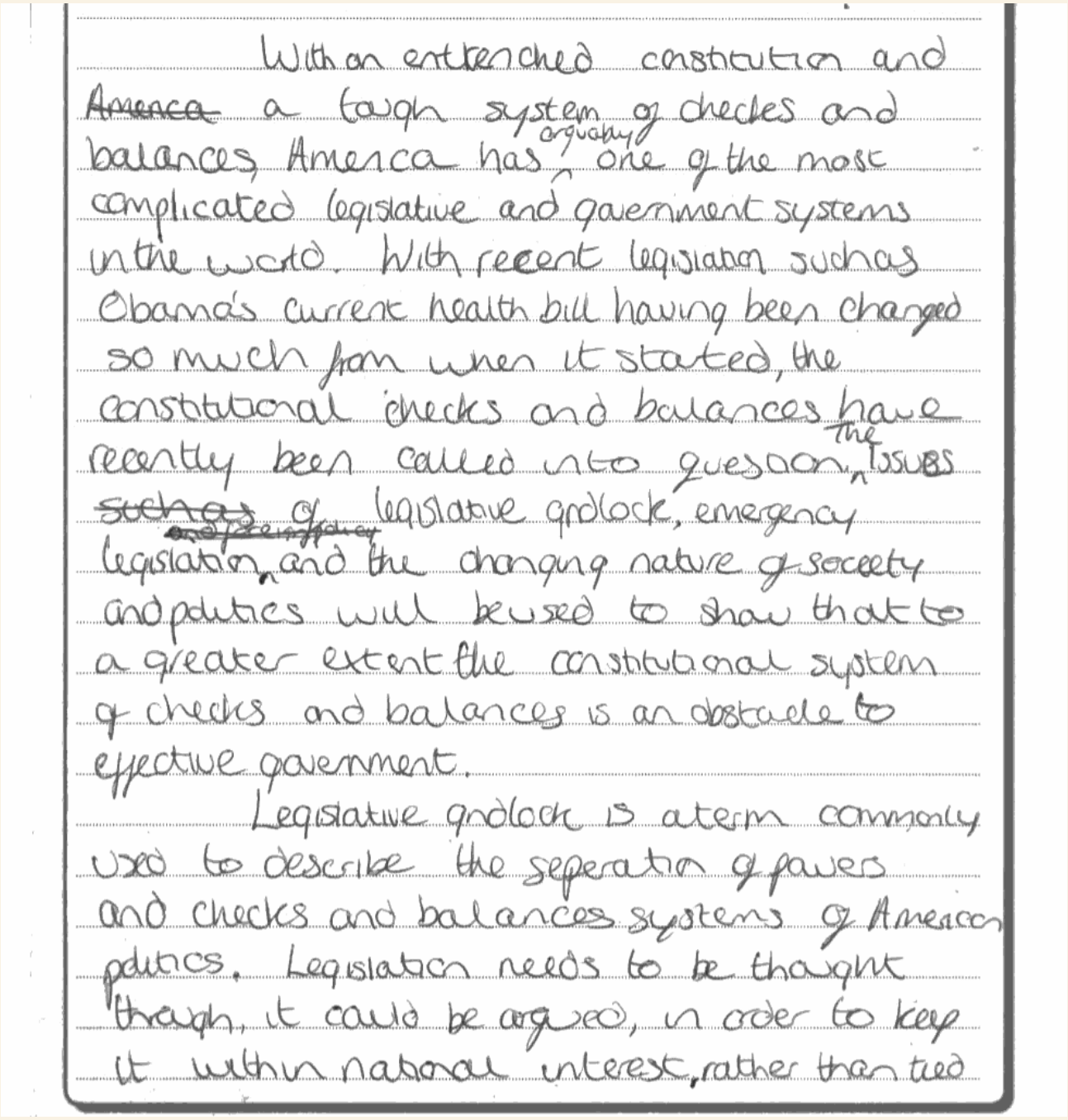
Examiner Tip

One of the ways this answer could be improved would be if the direction of the argument was made clear throughout. The exposition is very clear, but it would be impossible to be certain from what precedes it on which side the conclusion will come down, Ideally, make clear which side you believe is stronger in your introduction and argue for it throughout your answer.

Question 7

As indicated earlier, the key to a successful answer to this question was to keep 'effective government' in focus throughout the answer. Many candidates saw the opportunity to offer a commentary on the checks and balances on all three branches of government, only adding the words 'effective government' at the end of the paragraph (if then), in a judgment which amounted to little more than assertion. It was often claimed, for example, that Congress' tardiness in the passage of the president's health care legislation amounted to a denial of effective government, with no recognition that a competing view might exist. A slightly different mistake was to misread the question, and it had to be assumed that some candidates did that when they never mentioned 'effective government' at all, but consistently referred to 'executive government' or even 'executive power'.



With an entrenched constitution and ~~America~~ a tough system of checks and balances, America has originally one of the most complicated legislative and government systems in the world. With recent legislation such as Obama's current health bill having been changed so much from when it started, the constitutional checks and balances have recently been called into question, the issues ~~such as~~ of legislative gridlock, emergency legislation, and the changing nature of society and politics will be used to show that to a greater extent the constitutional system of checks and balances is an obstacle to effective government.

Legislative gridlock is a term commonly used to describe the seperation of powers and checks and balances systems of American politics. Legislation needs to be thought through, it could be argued, in order to keep it within national interest, rather than tied

too closely to party politics. The fundamental intentions of the Founding Fathers when the constitution was written in 1787 was to protect the country from tyranny of the majority. It can be argued that this is why the system is so complicated. For example the seperation of powers and fully bicameral ~~parliament~~ congress allows for independence of ideology for congress and independence for politics of the justices of the Supreme Court. Other checks and balances for such as the veto system and super majorities needed for constitutional ammendments (and three-quarters of the states) in both congressional chambers ensure that tyranny of the majority is prevented. But legislative gridlock is often the result. The staggered elections of Congress ~~and~~ and the President can cause mass disruption in the legislative process, such as in Clinton's second term. Alternatively it can cause for legislation to be passed arguably too easily such as in 2002 to 2006 when the republicans held both congressional chambers and the Presidency. Legislative gridlock can cause problems in many areas, such as Obama's health bill. Although it could be argued that the checks and balances ensured changes were made to the legislation, Obama has struggled to get it through congress, and it has considerably changed from the.

original proposal. Legislative gridlock caused by the constitutional checks and balances cause a lot of problems for ~~the~~ effective ~~running of~~ government.

Emergency legislation, it could be argued, must be thought through and not rushed - constitutional checks and balances ensure that. The legislation introduced after the 9/11 attacks in New York could have easily been based on emotional decisions. The checks and balances outlining the stages of the legislative process ensured that the anti-terrorism legislation took six months to pass through Congress. As conservatives would argue, these checks and balances prevent Presidents and national government from 'gaining too much power from national crisis'. But the legislation was incredibly important and took just seventeen hours to pass in the UK, demonstrating how much of an obstacle the checks and balances can be. The permission needed from congress to go to war, it could be argued, is unnecessary and often bypassed anyway, as was the case in Vietnam. Emergency legislation, as liberals would argue, is needed to protect American citizens' rights to safety and well being, also outlined in the constitution.

Emergency legislation is often blocked or greatly

changed by the checks and balances system, proved by the recent judicial review of Guantanamo Bay detainees, and this causes obstacles for effective government as it slows down the ability to protect the citizens' right to safety.

The changing nature of society has been reflected in the first ten, and other ammendments to the constitution. Often prompted by judicial review and supreme court cases (such as Brown Vs The Board of Education, which resulted in a federal law of the abolition of racial segregation in schools. Changing rights, and a wider acceptance of race, religion, gende and race have been reflected in the constitutional ammendments, for example ammendment I, ~~accepting~~ drawing right to speech, religion, association and protest. The first ten ammendments, known as the Bill of Rights, reflect the quickly changing nature of society and the system of federalism in politics (Ammendment X outlining that states have right to all powers not constitutionally given to central government). But these ammendments are, it could be argued, near impossible to pass. A good example of which is that the right for women to vote went through congress 118 times before it was passed. Due to the system of checks and balances the

constitution, it can be argued, is changes more slowly than necessary and doesn't always make with the times. African American rights for example weren't fully recognised by the constitution until the 1960s, despite slavery being abolished a long time previously by President Lincoln. Checks and balances cause great obstacles for civil rights ammendments to be made ~~for~~ to the constitution, causing problems for the effective ~~running of~~ government.

To a greater extent the constitutional checks and balances cause obstacles for the effective running of government. Although the system does its job in protecting citizens from tyranny of the majority and an ~~outrageous~~ autonomous leader, it prevents civil rights from being upheld in keeping with the changing society. ~~and~~ It also causes alot of legislative gridlock, causing alot of problems for effective running of government. It remains to be seen whether Obama will be able to pass much more legislation after losing control of both chambers of Congress in his midterms elections.

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Examiner Comments

This is not an untypical answer to this question. The candidate discusses several different areas of the constitution and their effects, but they are not always convincingly linked to 'effective government'. Many candidates, both for this question and the question on amending the constitution, wrote about problems the US system has in responding to emergencies, but the Patriot Act was passed in six weeks, not the six months claimed here.
amending the constitution, wrote about problems the US system has in responding to emergencies, but the Patriot Act was passed in six weeks, not the six months claimed here.

Question 8

This was the least popular and least successfully attempted of the essay questions, and some answers were short of rewardable points. A number of candidates devoted a significant part of their answer to the extent to which the composition of Congress mirrored the composition of the population, which, while rewardable, was not really an issue at the heart of the question. The same answers tended to make much of the problems America's size creates for members of Congress, which again was relatively minor. Elizabeth Dole has been one of candidates' favourite politicians for some time, and having appeared in many Unit 3 answers (including in the current series) as an early exiter from the presidential primary of 2000, she now frequently popped up, slightly more convincingly, to illustrate the perils for a senator of neglecting their state.

Put a cross in the box ☒ indicating the question that 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 6 ☐ **Question 7** ☐ **Question 8** ☒

Pig Picnic + National Interest?

Plan

Yes → Wiener - R, NY (Spending Fed $ on personal pleasure
→ Elizabeth Dole, 2005
→ Congress faces this, up to 3000km away
→ Senators more so, every 6 years re-election
→ Iron triangles
↳ Lobbyists?
• Self-interest + Self-promotion → VP → President etc

No → Pork-Barrel + Log-rolling
→ Have constituents, up for re-election every 2 years → Senators
→ Constituents vote people back in - Offices open for constituents
→ National campaigns in 2010 mid-terms proved to gather huge public support

The three main roles of Congress are; legislating, scrutinisation and representation. In the system of representative democracy, the "Trustee System", it only seems right and fair that members of Congress are fully in contact with the people that elect them. There is some evidence to suggest that members of Congress do not engage with the electorate, unless of course, there is an upcoming election. Firstly some argue that some members of Congress are only in politics for their own benefit. For example, the recent case of Representative Wienier, who has been found to be abusing his power and position and use of federal funds, for his own personnel pleasure. Clearly, as President Obama pointed at, the waste of federal funds in this manner is inappropriate during this time of slow economic recovery. Many Americans, especially the low-income Americans, believe Congress does not understand their current problems.

Some would argue that Senators are more out of touch with their constituents than House members. Firstly they have a whole state to represent - which is difficult when many different ideologies are in place, and the time constraints do not permit ease of communication. Yet the fact that Senators are in Congress for six-years at a time, makes them less responsive to their electorate than their equivalents in the House. Possibly the best example of this is Senator Elizabeth Dole, who in 2005 only spent 13 days in her own state, but managed to spend 12 days campaigning in 12 other states on behalf of then-President Bush. She was duly not re-elected in the 2006 mid-term elections.

Another argument in the favor of the statement is the fact that some constituencies are over 3000 miles from Washington D.C, which makes it difficult to be in touch with constituents much of the time. However, counter to this [illegible] members of Congress have the power of free stamp usage, so, some argue, have no excuse for not being in touch with their constituents. Added to this is the expense of the internet, and many, if not all, representatives have their own websites as tools for communication between the Representative and the electorate. Some would argue that as a result of this technological increase, Representative Congressional duty of representation is made easier than their predessors.

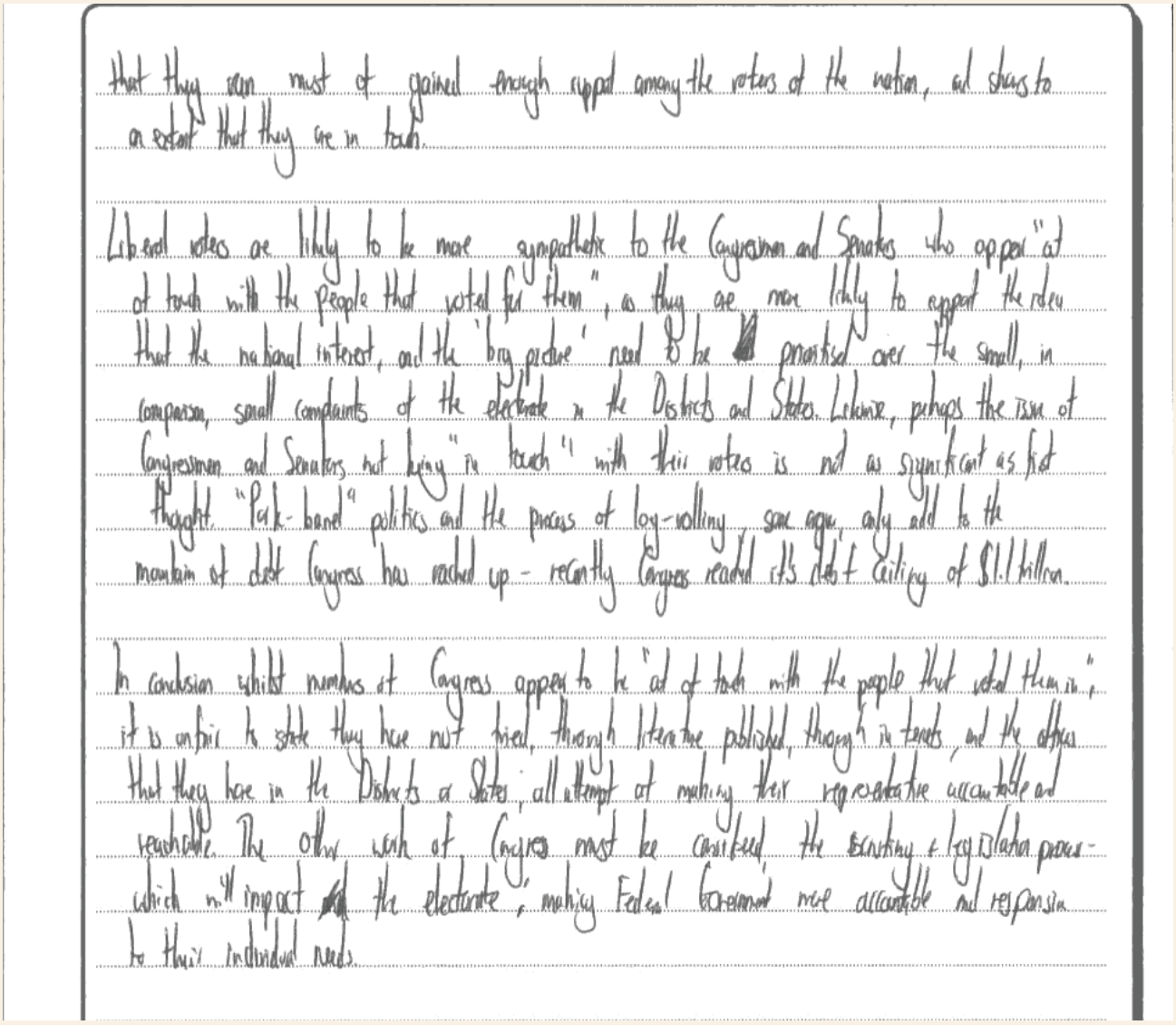
Finally, some argue the presence of "special interest" groups, such as the National Rifle Association, have too much power over members of Congress, making these members more responsive to special interests, and becoming a part of an "Iron Triangle", than representing the views and wishes of their electorate. In 2009 over $10bn was spent on lobbyists alone. Linked to this is the pressure exerted over members of Congress by the administration. This year, it was widely reported that Obama treated senior leaders in each chamber of Congress (plus members of the House who had not affirmed a position on his budgetary proposals) to a ride with him on Air Force One. Is it possible that the representatives could have voted against the wishes of their constituents all after a plane flight with the President? Some people suggest the answer is a profound 'yes'.

- Plus, addition of panel to the Congress, rather than referendum

On the other hand some argue that this statement is simply not true and unfair. Firstly, the members of Congress are also responsible for intense scrutiny of the Executive Branch of the Federal Government. For example, in the April 2010 the Senators John McCain and John Kerry visited Libya and other Arab nations during the "Arab spring" to ensure US operations and national interests were in place. Some Many argue that the oversight of the Legislative branch over the Federal Government is a significant check and balance on the Presidential power and that in areas such as defence and national security the members of Congress should remember the big picture, and they do what is right for the national interest.

The process of 'pork-barrel politics' also highlights that members of Congress are in touch with their electorate. "Pork-barrel" politics refers to the pet additions on of bills, undergoing legislative process, in the form of the earmarks - federal funds for the representative district or state. For example, the late Senator Ted Stevens of Alaska was considered the best "pork-barrel" politician, who famously secured $200 million for the building of the "Bridge to Nowhere." Linked to this is the process of log-rolling, whereby the Senator or Congressman will vote a certain way in for certain beneficiary to their state or district. These are usually added to Pork-barrel Bills, and become "Christmas Tree" bills, with presents for the electorate.

House of Representatives members are argued to be in touch with their constituents, and are more likely to vote the way the majority of their constituents want - as they are up for election every two years, making it difficult for House members to make unpopular decisions among their constituents, for fear of losing their fourth coming election. Linked to the House is the last result of the mid-terms in 2010, which, it can be argued, proved that the majority of Republican candidates were more in contact and in touch with the electorate, than the Democrat candidates - as they won a majority of seats. The 46 national campaign



that they can must of gained enough support among the voters of the nation, and shows to an extent that they are in touch.

Liberal voters are likely to be more sympathetic to the Congressmen and Senators who appear "at at touch with the people that voted for them", as they are more likely to support the idea that the national interest, and the 'big picture' need to be prioritised over the small, in comparison, small complaints of the electorate in the Districts and States. Likewise, perhaps the issue of Congressmen and Senators not being "in touch" with their voters is not as significant as first thought. "Pork-barrel" politics and the process of log-rolling some argue, only add to the mountain of debt Congress has racked up - recently Congress reached its debt ceiling of $1.1 billion.

In conclusion whilst members of Congress appear to be "at at touch with the people that voted them in", it is unfair to state they have not tried, through literature published, through in touch, and the offices that they have in the Districts & States, all attempt at making their representative accountable and reachable. The other work of Congress must be considered, the scrutiny & legislative process - which will impact the electorate, making Federal Government more accountable and responsive to their individual needs.

ResultsPlus

Examiner Comments

Like the sample answer for question 6, this answer is reproduced in full as a Level 3 answer to a question many candidates struggled with. There is the sense that the candidate is intelligently adapting what they know, for example the recent problems of Anthony Wiener, to the question, which is a valuable skill for any examinee.

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