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## **Examiners' Report US and Comparative Politics Autumn 2020 Series**

### **1a**

This was the less popular choice for the optional questions. Most candidates were able to identify the key limitations on each legislative institution, but it was notable that there was a lack of range and depth to these limitations. Frequently, the limitations were referenced with little accompanying explanation or exemplification.

Candidates were more able to address the limitations on Congress, and seemed less confident on UK limitations. There were also some continuing errors on limitations, for example, that Congress require a 2/3 majority to pass legislation, which is incorrect. Similarly, some candidates asserted that Royal Assent is comparable to the presidential veto.

The strongest responses were directly comparative and took note of the explicit key wording in the question- to compare different limitations rather than analyse similarities. In the top levels, this was supported by direct exemplification drawn from both countries.

Going forward, candidates need to be aware that they are expected to directly compare the institutions- rather than describe the US and the UK in separate sections, and should be prepared to use recent rather than historical exemplification as is relevant to the focus of the question.

### **1b**

This was the most popular choice for the optional questions. Candidates were well versed in the roles of the prime minister and the president. However, there was a notable lack of exemplification from both countries, and the exemplification from many candidates was often very historic, when more modern examples could and should have been used.

There was a tendency amongst candidates in the lower levels to drift off the point in to a more generic comparison of prime ministers and presidents, such as one is and MP and the other elected, rather than analysing the roles each plays in their respective country. There was also a tendency to repeat the same point in different ways, for example when describing how the fusion/separation of powers affects the role of each.

As with Question 1a, candidates should be reminded to take note of the explicit key wording in the question- this question asked candidates to compare the ways in which the roles are different, but a significant number of candidates focused solely on the similarities, which was not being examined here.

This is a typical example of a level 4 response- it is detailed and directly comparative, but lacks specific exemplification, so remains in the bottom of the level.

The US president and the UK's prime minister both have different roles in their respective nations, varying in areas, according to their powers. The first main difference would be their positions in each country. The president's role is as a 'singular executive' in charge of the US executive branch and government. The president alone holds the most power a single person can have in the US. All government leads to the president in one form or another and they directly or indirectly can influence all US governmental affairs. The UK's prime minister on the other hand is the 'first among equals', meaning the

first among other ministers which in theory means all ministers have similar power in the cabinet. In practice this is not the case with the prime minister having final say over the government's legislation, policies and overall direction. The key distinction between both roles is the pm unlike the president is not the head of state, the monarch is. This means there is a significant difference between the power dynamic ~~the~~ both people hold. A ~~head of~~ <sup>president</sup> state holds the responsibility of not only leading government but

leading the entire country particularly in difficult times. The head of state is the person people look to when they are ~~worried~~ worried or distressed and this yields the power that if you are a good statesman you will gain the trust and admiration of your people. This is as opposed to the pm simply being a head of government which will still be looked at for leadership in times of crisis, but is often utilised as a position to blame instead.

The difference in roles is also indicated between the relationships each position has with other branches of

Government. The prime minister must be a member of the legislature and as ~~well~~ they are the head of their party, which will have a majority in the legislature they are the chief legislator. They can introduce bills for the government. They also through the executive (Cabinet) have control of the ~~legislative~~ ~~house~~ parliamentary timetable or through the leader of the house. This means they ~~also~~ have a major role in the direction of ~~legislation~~ legislation. US presidents on the other hand have a lot less ~~to do with~~ power in their role with the legislature, they can declare what they are going to try to achieve through their state of the union address and introduce bills to Congress through Senators and representatives but ~~do~~ have a lot less control on such matters and also no control in the timetable

of the house which the Speaker's hold; which is not necessarily controlled by the president's party making their job far harder than the prime minister, when trying to pass legislation.

## 2

Question 2 prompted some excellent examples with strong knowledge and analysis of parties in both countries. However, there were a significant number of responses where candidates missed the opportunity to make comparative points and treated this as two different discussions- one based on unity in the UK and a completely separate discussion about US parties. Many candidates also failed to attempt to make any synoptic points based on the comparative theories, and so consequently failed to access Level 4. The requirement to integrate one of the comparative theories- rational, structural or cultural theory- is essential for candidates to achieve the top level.

The strongest responses here were able to identify themes to discuss for unity, most often based structural areas that may cause division within parties. For example,

candidates were able to draw clear and direct comparisons between the party whip system in each country, or how the federal nature of US parties differs from the more national system in the UK.

Some candidates were able to make comparisons between policy areas that caused divisions, however, this was less successful as such responses tended to lack comparison and instead were more of a description of arguments within the party. A minority of responses were unable to move beyond basic identification of issues that cause divisions between the parties, often in a very generalised way, for example, that gun control is less supported by the Republicans but more supported by the Democrats. Such responses rarely moved out of the lower levels as they lacked analysis and frequently failed to compare the parties. There was surprisingly little knowledge of the factions that exist in both countries.

Here is an extract of a strong level 4 response where the candidate makes clear and directly comparative points.

In the ~~the~~ UK, it is the parties that decide who to put forward as their candidate in every constituency in a general election. In the US, however, the existence of congressional primaries means that a politician can win (for example) the Democratic nomination for a ~~general~~<sup>congressional</sup> election without the support of the party. This structural reason explains why politicians in the UK are more likely to be loyal to their party and vote along party lines than in the US - they depend on them for re-election, whereas US politicians don't.

There has been an increase in partisanship in US politics in recent years, meaning that the majority of Democrats vote in one way and the majority of Republicans vote in another, especially on the most contentious issues - gun control and abortion, for instance. Meanwhile, in the UK, the most contentious issue of recent years (Brexit) has split the Labour and Conservative parties down the middle, with 'leave' and 'remain' voters found in each. Therefore,

### **3a**

This was the least popular of the three optional essays.

A number of candidates misinterpreted the question as requiring a focus on presidential powers. This was incorrect. The focus of the question was on the influences on political party policies and ideas, with the presidential power of persuasion a given factor as just one of the influences on political parties that candidates should evaluate. Such responses tended to evaluate the importance of the presidential power of persuasion for helping presidents become more powerful rather than addressing the question directly.

Candidates who did attempt to address the question directly did so with varying degrees of success, which was dependent on the depth of their knowledge about firstly, what is meant by the presidential power of persuasion, and secondly, the range of factors that affect party policies and ideas.

The strongest responses were able to clearly and explicitly identify a range of factors that influence the parties. Factors included the federal nature of the US system of government, and the impact of this on how parties make policy. For example, there were some sophisticated discussions about the relationship between party leaders in Congress and the president in terms of negotiating the passage of legislation, with good, exemplified contrasts drawn with the impact of interest groups and/or the proximity of elections.

It should also be noted, however, that a significant number of candidates demonstrated a fundamental misunderstanding of what is meant by presidential persuasion- a lot of focus on persuading the public/media/voters rather than Congress. This is an explicit part of the specification that candidates should be well versed in.

As mentioned on the Section A and B questions, there was also a disappointing tendency for candidates to be solely reliant on historical examples, which should be discouraged where there are more recent and suitable modern examples. It is surprising, for example, to see whole essays with references only to Clinton and Bush, and none to Trump or Obama.

Finally, candidates should be reminded of the need to ensure their responses are evaluative rather than descriptive to ensure they are able to access AO3 marks and reach the higher levels. Structuring essays as simple 'for/against' models should be discouraged, as this leads to a heavy focus on AO1 and is likely to lead candidates in to omitting evaluation altogether.

Here is an example of a strong level 5 response where the candidate has interwoven all three AOS throughout their response, with explicit exemplification.

Chosen question number:  Question 3(a)  Question 3(b)  Question 3(c)

Although the presidential power of persuasion can be impacted, the socio-political context and resultant ~~votes~~ popular support ~~and, to a lesser extent, the constitution,~~ ~~both~~ ~~have~~ a greater ~~or~~ influence on political parties' policies and ideas. As a result, the view that the presidential power of persuasion is the most significant influence on the policies and ideas of political parties is somewhat invalid.

The presidential power of persuasion does play a role in the policies and ideas of parties. If a party's candidate wins a presidential election, their policies have proven to be supported by the electorate and as a result are reflected in support by the party's ~~senators~~ politicians and policy creators. For example, following the 2016 presidential election the ~~idea~~, Donald Trump's, policy of building a border wall with Mexico was almost unanimously supported by Trump's Republican Party members and politicians, even though this policy had been frequently opposed by senior Republican politicians (e.g. ex-President George H.W. Bush).



throughout the election campaign. Likewise, the consistent success of leaders of parties, like Bill Clinton's high levels of support as the Democratic candidate in the 1990s, can allow that leader's particular faction or key policies to become the norm for the whole party (in Clinton's case, the widespread Democratic support for his pro-financial deregulation policies). However, perhaps the greatest presidential power of persuasion which has an effect on party policy is the ability to gain support for particular policies through the use of political allies or agencies. In 2002 the Congressional support for George Bush's Iraq War campaign from "Republican" representatives was positively affected by Secretary of State for Defense Colin Powell's presentation to Congress on the progress of the war. This presidential persuasion made the Iraq War policy a key part of the Republican Party's image book. Obama used his power of persuasion to try and gain a level of bipartisan support for his pro-welfare policies (eg. the Affordable Care Act) through the communication link of Vice President and fellow Democrat Joe Biden, and Speaker of the

Morse of Representatives to Republican Paul Ryan.  
Moreover, the failure of this particular use of the presidential power of persuasion reflects a wider limitation of such a device to affect influence party policies or ideas. Because of the high levels of partisanship within the Senate, the House Congress, the President's power of persuasion only really has an effect on their own party (e.g. Republicans have consistently opposed 'ObamaCare' despite the use of the presidential power of persuasion). On top of this even when the 'power to persuade' is successful in changing the President's party's ideas, the alteration is often only temporary and while the President is at the height of their power.

In conclusion, therefore, due to the limitations in influencing both their own party and also lacking any success in influencing their opposing party, the president's power to persuade is not the most significant influence of parties' political ideas and policies.

The socio-political context and resultant <sup>popular</sup> support is the most significant influence, due to party's primary interest being power and therefore ~~adopting~~ being able to quickly adapt to

adopt the preferred policy initiatives of large  
vesting blocks.

Although it could be argued that this  
influence on party policy and ideas is short  
lived, its precedence over the presidential  
powers of persuasion is effectively shown by its  
clear and substantiated effort in altering  
policy of both the president's and opposing  
parties. For example, the Democratic Party's  
policies under President Obama were in  
general in favour of capitalism due to the  
President's confidence in the free market -  
shown by the signing of worldwide free  
trade deals such as the Trans Pacific  
Partnership. However, especially towards the end  
of his presidency due to a reduction in the  
President's power (e.g. due to a divided Congress)  
with both the houses of Congress being having a  
majority of Republicans in them from 2012  
onwards, his powers of persuasion had less of  
an influence of the policy direction of  
the party as a whole. The party's  
members, along with senior politicians including  
Congressman Bernie & Vermont Senator Bernie  
Sanders, became more vocal in their anti-capitalist  
sentiment, contrary to the President's policies. For

example <sup>from</sup> 2016 the progressive Democratic caucus (pursuing economic equality and higher levels of government welfare) began to outnumber the party's pro-capitalist moderate caucus in the House of Representatives, the ideologically-divided AFL-TIO trade union opposed the Obama's TPP trade deal in 2012, and many Democratic voters gave increased support to Sen. the self-described 'democratic socialist' Bernie Sanders in the party's 2016 presidential primaries and caucuses (e.g. gained over 30% of delegates at the party's National Convention). This example clearly shows how, via the altering <sup>inequality</sup> socio-political context of increased levels of poverty leading to more anti-capitalist sentiment, the resultant increase in

popular support amongst Democratic members votes and politicians for such policies to become the mainstream ideology of the party took precedence over the ~~liberal~~ pro-capitalist President's powers of persuasion in the ~~Congress~~ <sup>and/or</sup> they became the main policies of the manifest promises of the party. Democratic Party under Joe Biden, a previous supporter of capitalism as Obama's Vice President, in the 2020 presidential election.

This example clearly shows how the socio-political

context and resultant alterations in popular support for a particular policies or ideas can both to have a long-term impact (e.g. the 2020 Democratic Party's anti-capitalist rhetoric - e.g. regulation on polluting businesses - being initially formed from sentiment of members in 2018) and, more importantly, can take precedence over the presidential powers of persuasion with Obama's pro-capitalist policies being undermined by anti-capitalist sentiment from the wider party members and politicians. Another reason for the ~~the~~ superior influence of socio-political factors in forming party ideas and policies more than the president's powers of persuasion is that it affects both parties, not just the President's. For example, before 2001 both only the Republican Party was in support policy reflected in increased desire for a hawkish foreign policy in the Middle East (e.g. 2000 Democratic that nominated Al Gore's dovish foreign policy ideas). The ~~president~~ <sup>president</sup> Bush's powers of persuasion to support a hawkish military campaign didn't even ~~was~~ <sup>was</sup> received by the vast majority of Republican politicians, and had ~~little~~ <sup>no</sup> effect at all on the new anti-war Democratic Party. However, after the 9/11 terrorist attack and resultant public outrage at the Al Qaeda (Continued on extra sheet)

3(a) group, both parties' ~~almost unanimously~~ <sup>politicians</sup> and members almost unanimously supported the hawkish policy of ~~American~~ the ~~transformation~~ of the Iraq war to destroy the terrorists who committed 9/11.

In conclusion, the examples of the Democrats' anti-apologist and Republican and Democrats' pro-Iraq war policies were influenced much more by the socio-political context and resultant alterations in popular support, and had more long-term effects than the comparatively unsuccessful and limited presidential power of persuasion, showing the former's superior influence in party ideas and policy.

In conclusion, due to its greater long-term impact and effect on both parties, not just the president's, the socio-political context and resultant popular support for a particular policy has a greater influence on such a matter than the presidential power of persuasion. As a result, the view that the presidential power of persuasion is the most significant influence on the policies and ideas of political parties is somewhat invalid.

### **3b**

This was the most popular essay question.

Candidates were well versed in the presidential checks and balances, but were less well prepared for the checks and balances available to the other branches of government.

There was a tendency for candidates to simply describe the checks and balances without directly addressing the question. This meant that a number of responses lost marks for both AO2 analysis and AO3 evaluation. This was often accompanied by a general discussion of the role of each individual branch of government, and again lacked a clear focus on the question.

The strongest candidates were able to identify specific checks and balances for each of the three branches, and analyse how far these checks were an obstacle to effective government. Explicit exemplification of the use of these checks and balances, along with clear evaluation of the impact of the identified checks and balances, distinguished between the higher-level responses.

There was, however, a distinct lack of evaluation in many responses, and in a significant number of responses, the evaluation attempted failed to link that evaluation to the argument presented. For example, some responses tried to draw a parallel between impeachment and majorities in Congress as checks on presidential power, but were unable to explain how far each check caused problems for effective government.

It was also disappointing to see candidates attempting to turn the question into a different one, by solely focusing their answer on how far the Bill of Rights protects individual rights or the impact of the power of judicial review. Candidates should be reminded to address the question as set.

As mentioned on the previous questions, there was also a disappointing tendency for candidates to be solely reliant on historical examples, which should be discouraged where there are more recent and suitable modern examples. It is also worth reminding candidates that exemplification needs to be focused and relevant. Here, there were a number of candidates whose essays led by example- so structuring their essay around descriptions of examples with a simple statement that the example demonstrated an obstacle to effective government, but then failed to link this to a specific check or balance or include analysis and evaluation.

Finally, candidates should be reminded of the need to ensure their responses are evaluative rather than descriptive to ensure they are able to access AO3 marks and reach the higher levels. Structuring essays as simple 'for/against' models should be discouraged, as this leads to a heavy focus on AO1 and is likely to lead candidates in to omitting evaluation altogether.

Here is an example of a strong level 5 response with consistent evaluation throughout.

The system of checks and balances within the U.S. Constitution can be seen as a clear obstacle to effective government within the U.S. whilst there is significant scope for the President to circumvent Congress, ultimately the checks and balances the Constitution provides inhibits the ability for government to enact major reforms, as demonstrated

The separation of powers between the executive and the legislative branch can be seen as a significant obstacle ~~through~~ to effective government. Indeed the ability for divided government, with the President being of one party and Congress of another severely limits effective governance. President Obama was unable to pass meaningful immigration reform in his second term in office due to the Congress being ~~either~~ ~~then~~ partially divided and the divided government. whilst President Obama was able to reform elements of immigration

policy through the executive via programmes of DAPA and DACA, these were limited in the scale of policy reform that Obama was elected on. Separation of powers therefore creates a contradiction of mandates which limits the effectiveness of government. The 2006 100 hour agenda announced by Speaker Pelosi including the introduction of a \$7.25 per hour federal minimum wage was in direct contradiction to President Bush's ~~pledge~~ ~~or~~ pledge of tax cuts. Therefore separation of powers can be seen to produce opposing mandates that create inconsistent policy and therefore ineffective governance. The separation of powers can however promote bipartisanship



on key feature of the Constitution which ensures greater cooperation between parties. The 2002 Bipartisan Election Reform Act is a clear demonstration that the checks and balances provided by the Constitution promotes bipartisanship and more unanimous support for ~~the~~ ~~more~~ ~~important~~ ~~government~~. However bipartisanship can be seen to have decreased in recent years due to the rise in partisanship. Furthermore the ~~check~~ ~~of~~ ~~balance~~ ~~provides~~ ~~co~~ ~~equal~~ ~~power~~ ~~in~~ ~~the~~ ~~between~~ houses in Congress can be seen to limit such ~~a~~ bipartisanship. The ~~passing~~ ~~of~~ ~~the~~ ~~8~~ ~~of~~ ~~Border~~ ~~Security~~, ~~Economic~~ ~~Opportunity~~ ~~and~~ ~~Immigration~~ ~~Modernization~~ ~~act~~ ~~of~~ ~~2013~~ ~~passed~~ the Senate with bipartisanship support with 68-32 votes.

However John Boehner refused to have the bill debate in the House of Representatives on partisan grounds thus demonstrating the fragility of bipartisanship and the effect of excessive checks and balances nullifying the effect of bipartisanship and effective governance. Ultimately there are too many checks and balances that come with the separation of powers that produce conflicting agendas and ineffective government.

Checks and balances can however be seen to enhance the effectiveness and indeed ~~power~~ ~~of~~ ~~state~~ ~~governments~~. Indeed anti-federalists such as Thomas Jefferson ~~at~~ would see the inefficiency ~~of~~ ~~federal~~ ~~governance~~ ~~is~~ ~~caused~~ ~~by~~ ~~checks~~ ~~and~~ ~~balances~~ ~~as~~ ~~a~~ ~~positive~~ ~~empowerment~~ ~~of~~ ~~states~~ ~~rights~~. Indeed Amendment 10 of the Constitution can be seen as an essential check on federal power that can increase the effectiveness of ~~state~~ ~~state~~ ~~governments~~. The ~~1857~~ ~~Supreme~~ ~~Court~~ ~~case~~ ~~Prigg~~ ~~v~~ ~~U.S.~~ ~~lost~~ struck down elements of the Fugitive Slave Bill, restricting

Power of State governments. Indeed anti-Federalists such as Thomas Jefferson would see the increase in federal government caused by checks and balances as a positive empowerment of States Rights.

Indeed Amendment 10 of the Constitution can be seen as an essential check on federal power that can increase the essentialness of State governments. The ~~Prigg v U.S.~~ <sup>Prigg v U.S.</sup> case struck down elements of the Fugitive Bill, restricting gun ownership, on the grounds that under amendment 10 it was for the States to decide.

Whilst this check can be seen to further undermine the essentialness of government on a federal level, indeed the act itself only poses Congress some great difficulty. The case demonstrates the fact that the State government's essentialness is upheld and not entirely eroded by federal power. It can therefore be considered a balancing act between the essentialness of federal and state governments. The essentialness of State governments has however decreased substantially over time through the smothering of Congress' power under the necessary and proper clause. The U.S v Lopez case of 1995 was the first case that held in favour of States

under the clause since FDR, thus demonstrating the erosion of the essentialness for States to determine their own matters and instead being increasingly inessential to govern its own territory.

On foreign policy however, the President can be seen to limit much of Congress in the short term as Congress becomes a ~~the~~ <sup>reactive</sup> largely reactive body, thus demonstrating that checks do not inhibit good governance. Indeed as Command in Chief President Obama was able to order air strikes in Libya in 2011 without Congressional approval, whilst he sought approval

For air strikes in Syria in 2013 he in his own words ~~is~~ believed he had 'the authority' to do so without it, ~~but~~ rather it was a move to spread accountability. Furthermore despite Senate's ~~power~~ <sup>oppose</sup> to ~~sign~~ treaties as seen by its disapproving of the 2010 U.N treaty on disaster rights, the president ~~is~~ is able to circumvent this ~~check~~ through executive agreements such as the Paris Climate accord and Iran nuclear deal signed by Obama. Whilst 97 GOP Senators wrote a letter to Iran not recognising the deal ultimately the deal still stood, demonstrating that the president is not overly limited by checks and balances on foreign policy as ultimately he is the only office holder with a National mandate and is therefore the only appropriate individual to conduct foreign relations.

Whilst the president is fairly unrestricted when it comes to foreign policy and checks and balances ensure state government is still relevant and effective. Ultimately on a federal level the excessive checks and balances has led to ~~gridlock~~ <sup>gridlock</sup>, ~~the~~ ~~Constitutional~~ ~~policy~~, 3 government shutdowns since 2013 and the

breakdown in bipartisanship has exacerbated the fact that the checks and balances within the constitution do indeed restrict the elected government ~~to~~ from being effective.

### **3c**

Most popular second choice.

Candidates were able to describe the presidential role in appointing Supreme Court justices. However, there were a significant number of responses where candidates were unable to move on from describing the presidential role, and were seemingly unaware of the role played by the Senate in approving presidential nominations.

The strongest responses were able to describe both the presidential and Senate roles, and included specific, recent exemplification. This was often linked to analysis and evaluation of other features of the US system that help to uphold the judicial role of the Supreme Court. Most commonly, such responses evaluated the lasting impact of ideological reasons for presidential nominees, linking this clearly to the independence of justices once appointed.

A number of candidates, however, were unable to discuss the political and judicial nature of the Supreme Court beyond the appointment process. Such responses were often very limited in range, and lacked analysis beyond the political aspect of presidents nominating justices in line with their personal beliefs. These responses were also usually lacking in specific exemplification.

Candidates should be reminded of the need to ensure their responses are evaluative rather than descriptive to ensure they are able to access AO3 marks and reach the higher levels. Structuring essays as simple 'for/against' models should be discouraged, as this leads to a heavy focus on AO1 and is likely to lead candidates in to omitting evaluation altogether.

This response achieved a top level 4 award. A wider range of arguments to analyse and evaluate would have lifted this into level 5.

The Supreme Court is the highest court of appeal in the United States and cannot be challenged by any other court or body. It interprets and applies the laws and Constitution and has the power to strike down laws which conflict the Constitution. In considering if Presidential appointments have created a political rather than a judicial body, both the appointments process and court rulings will be considered. Arguably given the slim margins and the usual breakdown to party lines demonstrates it has now become a political body.

To appoint a justice to the Supreme Court, first the President must announce their choice of nominee (this can come after a resignation or death or if a President chooses to add new justices referred to as 'court packing' in the media). A nominee is chosen usually based on shared beliefs with the President after informal interviews with the President and recommendations from the Department of Justice. Then the nominee faces Senate Judiciary Committee hearings where they testify and answer questions, the Committee then makes a recommendation to the Senate where a vote is held - a simple majority confirms the nominee. Many argue that the process for this is so political and that is why the court has turned to a political body in their view. Compared to the UK where the Judicial Appointments Commission,

an independent body, recommends nominations, the US process is littered with political involvement. The President making the choice for nomination has meant all nominees put forward share ideology with the President. This has meant that depending on which party has nominated and had the most justices approved by the Senate is the party whose ideology controls the Court. This has arguably led to a more political court. Furthermore, recent Senate votes have seen the vast majority of Senators vote on party lines. During The Kavanaugh vote saw only one Democrat vote to approve (Joe Manchin WV) and one Republican vote against (Lisa Murkowski AK). This perpetuates the party influence in the process and so long as a party has a majority

willing to back a nominee can have an extreme nominee approved if they choose. However, many argue the system of checks and balances in place, whereby the President nominates and the Senate approves, has meant extreme nominees have been filtered out and that well qualified justices who are independent thinkers get put on the Court. Ronald Reagan nominated Robert Bork for the Supreme Court, but the Senate refused to confirm him as they found his originalist views too extreme for the Court. This demonstrates that the checks and balances work in preventing extreme candidates getting on the Court. This means that often moderate nominees are confirmed instead, who show judicial restraint and keep the Supreme Court a judicial body, or that even particularly liberal or conservative nominees confirmed wouldn't be too

extreme to make the Court a wholly political body. Furthermore, many argue that nominees are well qualified individuals (the American Bar Association has not rated anyone on the Court as unqualified and most are well qualified) who are independent thinkers. In fact, some Justices have even switched ideological stances while on the Court, ~~as~~ such as Earl Warren, demonstrating that justices are not tied to a sense of party loyalty.

Decisions on the Court are another way to assess if the Court has become a political body. ~~But~~ Many point to the high number of 5-4 rulings as a sign of political decisions. Rulings such as *Obergefell v Hodges* 2015 have

ended in a 5-4 decision, and most of these are on party lines such as *DC v Heller* 2008. This demonstrates that when on the court, Justices will support the view of the party which nominated them. ~~exhibit~~ The influence of political parties and the close 5-4 rulings show the court as ~~having moved~~ being a political body. However, many would disagree and point out that Justices will break party lines to make rulings based on the Constitution. The 2019 *Flowers v Mississippi* ruling was a 7-2 decision and the *Redding v Safford School District* was an 8-1. This is evidence of how Justices ~~will~~ don't ~~vote~~ decide based on party allegiance, but rather rulings are a consequence of interpretations of the Constitution as a judicial entity.

Whilst Justices of the Supreme Court arguably demonstrate some ~~at~~ independence in their rulings, it is clear that the political influence in the appointment process leads to political outcomes in Court rulings. This is especially true given the replacement of moderate O'Connor and Kennedy with solid Conservatives and the possible replacement of Ginsberg with Barrett.