



Examiners' Report

Principal Examiner Feedback

November 2021

Pearson Edexcel A Level

In Politics (9PL0) 3A

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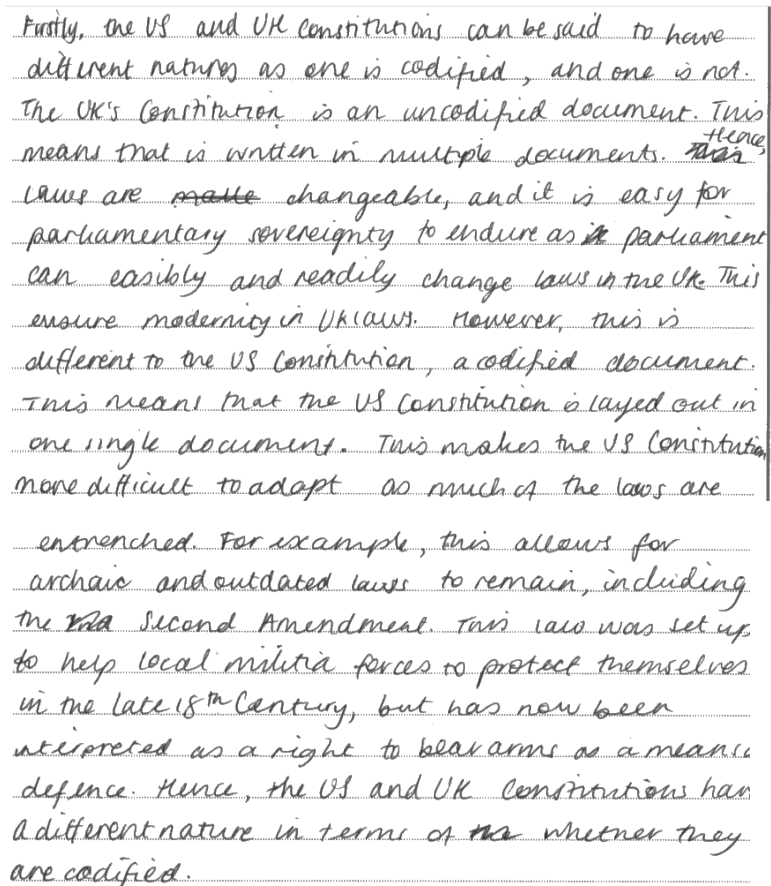
## Examiners' Report US and Comparative Politics Autumn 2021 Series

### 1a

Candidates were directed to consider the various aspects of the UK and US Constitutions that demonstrate differences in the nature of these key parts of the political systems. A range of factors could be considered for comparison, and the strongest answers were able to make explicit and direct comparisons on specific factors, supported by evidence from both countries.

Candidates were not expected to write a narrative account of the historical development of each Constitution, and should be reminded that they need to compare a range of factors to access the higher levels.

Here is an example of a response that uses one clear factor to make direct, explicit comparisons between the countries with exemplification.



Firstly, the US and UK constitutions can be said to have different natures as one is codified, and one is not. The UK's Constitution is an uncodified document. This means that it is written in multiple documents. <sup>there</sup> ~~there~~ laws are ~~more~~ changeable, and it is easy for parliamentary sovereignty to endure as ~~it~~ parliament can easily and readily change laws in the UK. This ensures modernity in UK laws. However, this is different to the US Constitution, a codified document. This means that the US Constitution is laid out in one single document. This makes the US Constitution more difficult to adapt as much of the laws are entrenched. For example, this allows for archaic and outdated laws to remain, including the ~~12th~~ Second Amendment. This law was set up to help local militia forces to protect themselves in the late 18<sup>th</sup> Century, but has now been interpreted as a right to bear arms as a means of defence. Hence, the US and UK constitutions have a different nature in terms of ~~the~~ whether they are codified.

### 1b

Candidates needed to select a range of factors to discuss here in relation to the Supreme Courts in both countries. These factors should have been applied to the Supreme Court in both countries to ensure comparative analysis was

included, rather than looking at each institution separately with different factors selected for analysis. Exemplification for these factors was expected to access the higher levels.

## 2

Candidates were directed to analyse the ways in which the US Senate has greater power than the UK House of Lords. Candidates could choose from a range of factors for this analysis, but needed to ensure that the same factor was used to analyse each institution so that comparative analysis was a core part of their response.

Candidates were also expected to include references to comparative theories here. Candidates could choose from rational, structural or cultural theory for their analysis, but if there was no explicit reference to at least one theory, the mark was limited to level 3, 9 marks.

Exemplification was also essential for candidates to access the top level.

**Here is an example of an well-analysed response, with a clear focus on comparative points and well-selected evidence. The explicit references to structural and cultural theory ensure this response is able to access the top level, although it should be noted that candidates are only required to include one theory to access this level.**

The US Senate has <sup>structural/cultural</sup> greater power than the UK House of Lords because it has an electoral mandate. In the US all 100 senators are elected and hold ~~office~~ for 6 year terms. This means that senators ~~are~~ are more effective in terms of legislation <sup>as they represent the people</sup> ~~as they represent the people~~. However in the UK members of the House of Lords are not elected and therefore do not have ~~an~~ a mandate. As a result there is the Salisbury Convention which means that the the House of Lords is not allowed to block legislation that ~~is~~ is part of a government's manifesto for example Brexit. This difference can be explained through the cultural approach to politics where in the US there was a history of being governed by an unelected

power which was the UK monarch. This has meant that ever since the independence of the US the American society ~~has~~ has wanted to be represented properly in government and therefore ~~have~~ have a the Senate is now elected allowing the electorate to have a say and add further representation.

The US Senate has greater power in checking the executive than the ~~the~~ UK House of Lords as ~~that~~ <sup>in the US</sup>.

they ratify treaties and nominations ~~and~~  
whereas in the UK they can only  
delay legislation. For example in 2010  
the ~~treat~~ START treaty was  
ratified by the Senate which meant that  
the treaty successfully went through  
oversight of ~~long~~ the Senate. The  
Senate also holds great power  
through ratification of ~~judicial~~  
supreme court nominees as the  
nominees can go on to influence  
the US for decades on the Court.

For example Obama never managed  
to get his nomination Garland  
voted on which successfully limited  
the president's power. In the UK  
the House of Lords has at least  
impact in limiting the prime  
minister's power and is unable to  
block legislation but only delay it  
like they did with the Fox  
Hunting ban Bill. This means that  
the executive's power is not  
significantly hindered by the  
UK House of Lords but can be  
in by the US Senate.

number  
2

Another power the Senate has is the ability to hear an impeachment case against the President whereas the House of Lords has no role in removing the Prime minister from office making the Senate more powerful. The Senate heard an impeachment trial against Trump however it was unsuccessful in removing him from office. If still remains a threat to the president and an

important power. In the UK a vote of No Confidence can happen but does not involve the House of Lords only the House of Commons. This last happened with Theresa May who survived it. This demonstrates how the House of Lords doesn't threaten the executives power or hold the same amount of power over like the US Senate does making the US Senate a greater power.

number  
2a  
cont.

### 3a

This question expected candidates to consider the factors that affect the way members of Congress vote. Candidates were directed to evaluate the impact of divisions within political parties, and contrast this with the impact of divisions between the parties, and how these factors may affect how members of Congress vote. Candidates could also legitimately offer other factors to explain how members of Congress vote, including the impact of interest groups, campaign finance and personal ideology.

Candidates were expected to identify policy areas or legislative issues where divisions exist or have existed in the past, and use them to exemplify how individual or groups of members of Congress have voted.

Candidates should be reminded of the importance of the need to develop their points beyond simple comparisons, with detailed development of how the policy area/issue/other factor helps explain how members of Congress vote. Such analysis and evaluation should be supported by specific evidence.

Centres are reminded that candidates are required to answer two out of the three optional essays.

This is an example of a low level 4 response. The candidate makes two well-developed points, with some evaluation, but there is insufficient range and exemplification to progress to the the top level.

Voting in Congress arguably is less dependent on ~~party~~ and between divisions within political parties due to the limits on Presidents' patronage powers and ~~the~~ <sup>greater</sup> binding to public opinions and constituencies due to the House of Representatives being elected every 2 years meaning that they must adhere to constituencies to keep their seats. However, consequences such as loss of committee chairmanship may result in greater party pressure. Overall, I do not believe it to be a major factor determining voting behaviour in Congress.

Congress may be considered to vote within party lines and adhere to the division between political parties. This could be seen in 2009 where none of the Republicans supported Obama's stimulus package due to the Republicans generally being very fiscally conservative across the board and therefore this reflects and impacts how they vote in Congress. Furthermore, ~~Congressmen may face~~ ~~internal consequences~~ party pressure may be a large factor in how they vote due to potential internal consequences for voting outside <sup>the</sup> party line. This can be seen with Nancy Pelosi who has previously taken committee chairmanships from Congressmen who have clashed with her, this loss of power ~~can~~ <sup>potential for</sup> can be have a

large impact on how Congressmen vote. However, while internal potential consequences may occur, they will not lose their jobs due to voting outside their party-line. ~~For~~ This is also supported by the President's reduced patronage powers which mean that the President cannot promise any governmental roles in exchange for votes - this ~~removes~~ <sup>personal</sup> ~~removes~~ motivation for Congressmen to vote along the party-line ~~and~~ ~~therefore this is~~ ~~this cannot be considered as the~~ ~~greatest factor impacting voting~~ For example, 12 Senate Republicans blocked Trump's declaration of emergency along US-Mexican border. This shows that party loyalty is not ~~a~~ a major factor in voting behaviour as Senators are able to vote against the President's ~~of~~ ~~decision~~ proposal without



consequence which is a greater factor ~~is~~ elsewhere such as in the UK where Boris Johnson expelled 20 Conservative MPs for defying party whip. With <sup>little</sup> consequence ~~for~~ ~~dividing~~ diverging from party opinion ~~and~~ as well as a lack of ~~motivation~~ reward motivating members to support party leader, divisions ~~and~~ within and between political parties cannot be considered a major factor in voting behaviour in the ~~US~~ Congress.

Furthermore, it can be argued that public opinion and the views of constituencies are more impactful on voting behaviour. This can be evidenced by the ~~obvious~~ ~~fact~~ fact that <sup>the</sup> House of Representatives ~~is~~ and ~~a~~ a

third of the Senate are subject to an election every 2 years and therefore are subject to their constituents opinions if they want to get re-elected. This poses a greater threat to the ~~of~~ Congressmen's jobs and therefore is greater motivation to vote in line with public opinion. This can be seen <sup>in the</sup> ~~with~~ growing pressure from the public ~~not~~ causing Senator Yoho to place pressure on the President <sup>Obama</sup> to release his tax returns. Congressmen, due to the plurality of the electoral system are at the whim of the public. Opponents may argue that the protection offered by incumbency supported by heavy gerrymandering resulting in very safe seats means that Congressmen are not at the mercy

of the electorate. ~~But~~ This can be seen as 90% of House of Representatives gets re-elected meaning that there is a layer of protection ~~of~~ to Congressmen. However, this is not a cast-iron defence for definite re-election. This can be seen in the case of Jeff Crutcher who was ousted by Alexandria Ocasio Cortez (Alexandria Ocasia Cortez) in 2018 due to talking advantage and supporting the disillusioned voting bloc of ~~the~~ the black and brown working class in Crutcher's previous seat. Therefore, public opinion and ~~the~~ the views of constituents bind Congressmen to a greater degree than ~~the~~ divisions within and between political parties as there is a greater threat to their jobs and

greater reward for compliance through re-election.

In conclusion, ~~the~~ the divisions between and within political parties ~~does not~~ cannot be considered the biggest impact on voting behaviour in ~~the~~ congress as there is a lack of permanent and extreme consequence to voting out of the party line. However, ~~it can~~ public opinion and ~~the~~ the view of the constituency may have a greater impact due to a greater threat to livelihood and support their ultimate aim of re-election.

### 3b

This question expected candidates to focus on how the use of presidential powers have and can affect federalism. The premise suggested that federalism is in decline due to expanding use of presidential power rather than a more general discussion related to the growth of presidential power. Any discussion of presidential powers needed to be explicitly related to an analysis and exemplification of how the use of such powers has affected federalism.

Candidates should be reminded of the importance of the need to develop their points beyond a historical narrative of the development of federalism and the different types of federalism.

Centres are reminded that candidates are required to answer two out of the three optional essays.

This is a mid-level 4 response. Although there is a range of arguments, the analysis and evaluation is unbalanced. More challenge to the premise would give this more balance which, combined with a wider range of evidence, would have lifted this into level 5.

The president's powers has increased in recent years with its informal powers of executive orders & direct mandates. ~~increasing~~ With increasing federal programmes being passed, there are suggestions that there has been a decline in federalism with states having less power over its affairs. However, with the Supreme Court defending federalism, it is clear that the growth in presidential power has not led to a corresponding decline in federalism.

The President's power of executive orders has, arguably, allowed

the President's power to increase & States powers to decrease. Obama's executive order on DACA meant that refugees who had illegally been brought to the US as children were able to remain in the country & gain a temporary work permit. Arguably this limited the States' ability over immigration since they were no longer able to choose how to treat immigrants & refugees or kick them out of the state. Thus, this proves that whilst Presidential power, through executive orders, has increased, the power of states have decreased thus proving that there has been a decline in federalism.

ability over immigration since they were no longer able to choose how to treat immigrants & refugees or kick them out of the state. Thus, this proves that whilst Presidential power, through executive orders, has increased, the power of states have decreased thus proving that there has been a decline in federalism.

On the contrary, States rights have been protected as

they are able to go to court over executive orders. Indeed, in US vs Texas, Texas & several ~~other~~ States challenged Obama's DACA programme which was subsequently shutdown. ~~Similarly, states~~ This proves that state rights have been preserved over their ability to challenge executive orders. Similarly, states are able to choose their actions independently. Whilst Trump pulled the USA out of the Paris Climate Change agreement through his executive powers, several states such as California, have stated their commitment to continue to follow the agreement. This shows states still have power to ignore executive actions, thus showing federalism is still strong.

Overall, executive orders can be overturned both in court & by subsequent Presidents proving that federalism is not in decline despite the growth of the President.

The President is also granted the ability of direct mandates & running federal programmes. Indeed, Bush ran the Race to the Top federal programme which was a competition between states that granted federal grants to top performing states. However, the programme required states to follow certain federal guidelines. This proves that the President's power has increased, through his ability to control funds, whilst state powers have decreased since they are obliged to follow

federal guidelines, thus losing their autonomy since they need federal funds. Similarly, the Resettlement Programme under Obama forced ~~states~~ states such as Texas to accept Syrian refugees, which further undermined their ability to control state immigration policies thus suggesting a breakdown in federalism.

However, the Race to the Top programme arguably boosted federalism & increased state power, as the states were allowed to decide what determined an underperforming school & which school should be abolished. This showed that increase in President's power can also lead to increase in state power

& more autonomy proving federalism is still strong

Overall, direct mandates & federal programmes may increase the President's power, but it doesn't necessarily lead to weaker state powers since it may grant states more autonomy, which proves that growth in presidential power doesn't lead to a corresponding decline in federalism.

The Supreme Court is also able to limit State's rights, thus leading to a collapse in Federalism through its ability of judicial review. In *Cronquist vs Reilly*, the Court ruled that the federal government was able to criminalise the use of cannabis & arrest individuals even if the State had legalised. This is clear proof of weakening State rights as it shows that federal laws can over-rule state laws, proving that the increase in government & presidential power has led to a decline in federalism.

However, the Supreme Court protects state rights through its upholding of the Constitution, which outlines

boundaries of federal power. In 2013 *Shelby vs Holder*, the Court ruled that States were able to create their own election rules, when it took down the Voting Rights Act in Texas. This shows that the Court can increase state power & take down overbearing federal rules. Moreover, in *Plessy vs Ferguson*, the Court respected the rights of states to determine their own segregation policy, which proves that courts protect federalism as it enables states to control their own policies, rather than the president & federal government choosing for them.

Overall, the Supreme Court protects state's rights from presidential power & their federal laws, proving that federalism is still strong.

In conclusion, an increase in presidential power has not led to a corresponding decline in federalism, due to the Supreme Court protecting states from executive orders, & the limited capability of direct mandates.

### 3c

This question expected candidates to analyse and evaluate the impact of both affirmative action and minority participation in Congress on racial equality. Candidates should have been prepared to analyse how much impact each factor has had on racial equality rather than give a narrative description of the development of civil rights in the USA. Evaluation of how far each factor has had more/less significance in terms of promoting racial equality was required to access the higher levels for AO3, with accompanying exemplification for the

higher levels on AO2. Such evidence should include reference to the current situation and recent developments to avoid a historical approach to this paper.

Centres are reminded that candidates are required to answer two out of the three optional essays.

This is a low level 4 response. The candidate directly addresses the question throughout with a range of evidence, including some relevant recent examples. A wider range of arguments with accompanying analysis and evaluation would progress this further through the levels.

Affirmative Action is the use of race as a deciding factor if one should be granted a position due to historical inequalities to provide fairness and improve to promote racial equality. Minority representation Congress can help the electorate and their issues feel represented in congress. I disagree with the view that AA affirmative action has been more significant than minority participation in congress in promoting social equality. due to the fact it does not only help promote social equality in work and so education. Whereas minority Congress officials have brought light to Immigration

and so education. Whereas minority Congress officials have brought light to Immigration Voting issues and pressure groups have had a greater impact. Affirmative action has not been more significant due to its focus on education. Affirmative Action was introduced by Nixon 1971 Executive Order and can be seen as a way to promote racial equality. But it is not permanently enforced in all universities. As the Supreme Court in 2013 Fisher vs Texas did rule to uphold it they also called out earlier cases vs Bakke did uphold it showing a willingness to improve promote racial equality.

The use of racial quotas unconstitutional. With many arguing although it has positively helped black people it negatively affects Asian kids as seen in the Harvard Court case 2019. As the usage of lower grades could make black people unprepared for the high level needed to keep up. Hence why they could have the highest first year drop out rate. As affirmative action mainly helps in education and does not address the other social issues needed to promote racial equality. But there are groups such as the demand coalition against affirmative action showing there is support for it and its use. But black people tend to go HBCU which defeats the point and

overall ~~change~~ <sup>the</sup> affirmative action is considered to be <sup>more</sup> ~~useful~~ <sup>education</sup> which does not solve all the issues to promote <sup>racial</sup> equality. Hence why I believe minority representation is more significant. As <sup>in</sup> <sup>promoting</sup> <sup>social</sup> <sup>equality</sup> the electorate sees people who look like them they are more likely to engage. Seen in the turnout for the first black President Barack Obama who even stated his daughters would not have used affirmative action. Showing minority policies in power is more significant. As you had the first female black VP Kamala Harris who pledged to help the black community. When Omar and AOC voted

constantly represent minority interests. However Congress is still "white male state" upper class which can limit the impact. As even there has been improvement from <sup>President</sup> Wilson who had no black members. The 219<sup>th</sup> is still not representative enough to promote racial equality. But is more significant than affirmative action due to the broad want of the elected minorities in Congress to promote racial equality in all areas. Overall as the minority participation in Congress can cover more issues to promote racial equality.

But it could be argued those outside the political system do better to promote racial equality. Such as Stacey Abrams who is said to have slipped Georgia B line by expanding a bit of the black population. As black people have been historically disenfranchised. The 1965 Voting act Johnson changed that there has still been barriers. Such as poor black population make up over 80% of prison but most prisoners are not allowed to vote. The Shelby County v Holder allowed the

usage of red laws which is an indirect way to disenfranchise minorities. As groups like the NAACP have brought cases to the Supreme Court. do there have been black judges like Marshall Thurgood and Clarence Thomas. But even if racial equality is de jure de facto can prevail in society. The ~~Sanctuary~~ but states have decided in order to promote racial equality as seen in Sanctuary cities. Pressure groups like BLM although a matter of contention for some effect cannot be understated in the promoting of equality and the talk about race. From mass marches to celebrity involvement. But people have found

it hard to promote racial equality in the conservative Republican and Robert Court compared to women. However the reason those outside do well is the promotion ~~via~~ minorities in Congress such as AOC who has given a platform to all above. <sup>overall</sup> Showing again minorities in Congress are more significant than Assymetric Action to promote equality as they can work with outsiders to promote.

As the minority representation look to the outsiders who are promoting racial equality to see

The public consensus of how they should approach promoting racial equality. As seen by the public support

Overall I disagree with the view that Assymetric Action has done more to promote racial equality as it just shows on education whereas minorities in Congress can have a wider breadth to help promote racial equality.



