



Pearson

A level Politics – USA model answers

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1 (a) Examine the ways in which the US House of Representatives differs from the UK House of Commons.

Level 2

There is an attempt to compare both houses here. Although there is some accurate knowledge, the understanding of the differences between the chambers is relatively basic and the answer is weak on concepts so only just merits a level 2 award.

The US House of Representatives is different from the UK House of Commons. The US House of Representatives gets its powers from the constitution but this is really short and doesn't say much about what the powers are. The UK House of Commons doesn't have a list like this in a constitution so its powers are made up by the government. This means the UK's powers can change at any time and really easily but the US's powers can't change much because it's written down for them.

There are different people in charge of the House of Representatives and the House of Commons. The House of Representatives is run by the person from the biggest party but the House of Commons is run by a speaker. The speaker doesn't really have much power though because the prime minister takes over and decides what's going to happen in parliament and what laws to look at. They're both elected though so it means the people have helped choose them as well.

The House is also smaller than the parliament even though America is bigger. It only has 435 people but we have 650. We also have more power than the representatives because we can tell the House of Lords what to do but the representatives can't make the other bit of the American government do what it wants them to do.

1 (a) Examine the ways in which the US House of Representatives differs from the UK House of Commons.

Level 4

There is a direct and explicit comparison of the chambers throughout the response, with mostly accurate and detailed knowledge of several relevant differences between them.

The House of Representatives in the USA is very different from the House of Commons, although there are also a lot of similarities- the Commons and the Representatives are both elected, they both help pass laws, and they both have to work with the leaders of their countries.

The House have very different leaders. The Representatives have leaders for both the big political parties who are the Republicans and the Democrats. The Republicans have a Majority Leader because they are the biggest political party right now and the Democrats have a Minority Leader. The Majority and Minority Leaders are Kevin McCarthy and Nancy Pelosi. Their job is to try to organize the work of the government and help pass laws or negotiate with the other party or the Senate on passing laws. The Commons is very different from this. It does have a main party leader for the biggest political party but this person is also the government leader- Theresa May is the leader of the biggest political party, the Conservatives, but this makes her the Prime Minister who is the head of government. There is another party leader who has a proper job title- this is Jeremy Corbyn who is the leader of the second biggest party which is the Labour Party. He doesn't really have much power though to help organize government.

How political parties operate in both Houses is also significantly different. The parties' functions in the USA and the UK mean they are not as important or powerful in the USA. The USA Republican and Democrat parties don't really work as a team on anything because being in the House of Representatives doesn't mean you have power like the government in the UK does because the government of the USA doesn't come from the House of Representatives but it does in the Commons. Because this is so different it also tells us that the parties work differently because they have different relationships with the government and their leaders. British parties are more likely to do what their leader tells them because they hope they might get promoted to being in the government or because they are scared of being thrown out of the party by the whips who are in charge of punishing MPs. Parties in America can't really do this because they can't promise to give government jobs to representatives. This means they don't always work together as a team. For example President Trump could not get his budget passed this year because he could not get everyone in his party to agree to vote for it but Theresa May got her budget passed easily.

Lastly the powers that each House of the legislatures have are very different because the constitutions in the USA and UK are very different. The UK constitution is not written down or planned so the government can change the powers of the Commons when they want to. For example the government wanted to sort out Brexit themselves without asking the Commons and are only asking them now because the courts said that they have to ask parliament as well. The House of Representatives is different because its powers are written down in the constitution for everyone to see and this makes it much harder to change to give it more powers or less powers.

(b) Examine the ways in which US presidents and UK prime ministers may seek to influence legislation.

(12)

Level 1/2

This is a very brief and partial/superficial response with some accurate knowledge and understanding, but weak on concepts and processes and lacks the range and depth required to progress far into level 2.

Prime ministers and presidents can both write legislation and get the government to vote on it. They come up with the main ideas that get talked about in Congress and Parliament. Donald Trump wanted to build the wall with Mexico and Theresa May wanted to do Brexit.

The prime minister can do more about laws though because she can actually go into parliament to make speeches about the laws she wants but Trump has to get elected people to do that for him because he's not allowed to make speeches in Congress but he can make lots of speeches to try and make the people in Congress do his laws. He also has his own powers like when he banned travelling from some countries to stop terrorism instead of getting a new law passed. This means that the prime minister can make MPs do what she wants more than the president can because he has no power over elected people in America. This happened last year when Trump wanted Congress to give him more money to build the Mexican wall and they wouldn't do it and he couldn't make them. The prime minister can make MPs do what she wants by threatening the whip at them.

(b) Examine the ways in which US presidents and UK prime ministers may seek to influence legislation.

(12)

Level 3/4

Several ways have been selected and explained here with relevant and mostly accurate supporting knowledge and exemplification, demonstrating accurate awareness of political institutions, processes, concepts, theories and issues, which underpin analysis and support logical reasoning

UK prime ministers are also the leader of the biggest party which forms the government in the House of Commons. Theresa May has the most MPs now even though she doesn't actually have a majority. But because she has more MPs than the other parties like Labour she has more chance of getting MPs to vote with her ideas on legislation because she works in parliament with them and can talk to them and debate with them about her laws.

This is very different in the USA because the president is not actually part of Congress but has separate powers. This is called the separation of powers and happens because it is written down in the constitution. This means President Trump has to try to use his power of persuasion to get congressmen to agree to his laws instead. This is very true because he can't offer jobs to congressmen to bribe them into helping him pass laws because congressmen can't be president's men as well because of the separation of powers. Prime Ministers can give people jobs in the Cabinet though and lots of MPs vote with her laws because they want to be in the cabinet and know she won't choose them if they are disloyal against her on votes.

Prime Ministers can also force their party's MPs to do what they want. Because they are the leader of the party they have the right to use whips to tell MPs how to vote and if they don't do that (rebel) they can be sacked from government or party. John Major had to do this when 8 MPs refused to vote the way he told them to about the EU. Presidents can't do this though because they aren't the leader of their party.

Presidents do have some powers over legislation that prime ministers can't have. This is because the constitution says that presidents should be able to overpower congress to stop it being too big. Presidents can refuse to sign legislation that Congress wants to pass. This is called a veto. There is also something called a pocket veto. This is when the president ignores legislation he is supposed to sign for 10 days and then it goes away and Congress has to start passing the law again. Congress doesn't want to get made to do this so will try to work with the president to change the law enough to get him to agree to sign it. This is what they have tried to do about immigration and the DACA because Trump said he wouldn't sign it. Prime ministers don't sign laws like this though because the Queen does but she won't refuse to sign laws anymore. Prime ministers can ignore laws that other parties want to pass though by not giving them any time to look at them in parliament which means they won't get passed.

2 Analyse how independent the Supreme Courts are in the USA and the UK.
In your answer you must consider the relevance of at least one comparative theory.

(12)

Level 4

There is a clear link here between the institutions, processes and concepts themselves and the theories that help to explain the similarities and differences between the USA and the UK. This is supported by accurate and relevant knowledge within the range of the question

The USA looks like it should be more independent than the UK's judiciary because of structural theory- there is a clear separation of powers in the US Constitution that the UK does not have written down in the same way. There have still been rational criticisms of the US Supreme Court not always acting independently.

The structure of the USA makes the Supreme Court seem to be independent because it has separation of powers written into the Constitution from the beginning of the USA as a country. This has been criticized in recent years however because the way that Supreme Courts are chosen is not very independent and can be influenced by individuals (rational theory). Former president Obama for example was accused of deliberately nominating judges who he thought would make decisions that were like his beliefs which were more liberal than many judges. He chose Sonia Sotomayor and Elena Kagan who he hoped would make decisions that the Democrat Party he was in would like. This was seen to be true as both these judges helped to agree the court decision that legalized same-sex marriage in the USA. President Trump is also showing that he wants to change the culture of the Supreme Court by appointing more conservative judges like Neil Gorsuch. He has done this now even though Obama had wanted to appoint a liberal judge to keep the Supreme Court more liberal, but Congress wouldn't let him. This shows that the US Supreme Court is not as independent as it wants to be because individual presidents can change its views so much. It is also affected by the views of Congress, which is political not independent. This is what happened when Congress refused to let Obama appoint another liberal judge.

The UK used to have problems like this structural theory making the Supreme Court not very independent because the Supreme Court actually used to be the House of Lords instead which was chosen by the prime minister who is obviously a politician. But the Supreme Court since 2005 has not been in the political House of Lords and is now picked by a committee of other judges instead of politicians which means they are more independent. This means the UK now has a more structural separation of powers than it used to have and means that judges are not going to be influenced by individuals as much as they can be when they are chosen in the USA by presidents.

Just being a judge makes them be quite political and not independent of politics because they are asked to make judgements on political cases. The Supreme Courts in the USA and UK both have the power of judicial review which is very important when they are asked to make judgements about laws. This happened last- year in Britain when the courts had to tell the government that they had to let parliament have a say on Brexit. This was a judge ruling about political decisions which is not very independent. The only way to stop judges doing this is by passing laws to change the ruling the courts have made.

Overall the structural bits of the UK and USA courts mean that they both try to be independent but have to be influenced by politicians as well.

2 Analyse how independent the Supreme Courts are in the USA and the UK.
In your answer you must consider the relevance of at least one comparative theory.

(12)

Level 2

This response identifies some of the key political institutions, processes, concepts, theories and issues relating to the Supreme Courts in both countries but with no explicit reference to the comparative theories that help explain these differences.

The constitutions of both countries say how independent the courts are but the US constitution is written down and the UK one isn't at all except for some laws. The law said how the UK Supreme Court should be independent because the 2005 law said that judges should be chosen by other judges and not by parliament or the prime minister.

This means that judges should be able to make choices without being told what to do by the government. They can even make judgements about the government's decisions. This is called judicial review and both courts can do this to governments.

But US judges are chosen by the president and he has to get the Senate to agree with him about judges he wants so this makes it very political and unimportant like when Trump nominated someone he liked who had the same views about abortion as him.

Judges both get to make their own decisions without having to ask the government first. They also can't be forced to change their decisions as they are the biggest court in both countries. There are European courts that can tell the UK courts what to do but they don't do this very often. The UK courts have less power than the USA because they can't make decisions about the constitution because it's not written down but the USA courts can make decisions about the constitution because the constitution says that's their job.

3 (a) Evaluate the view that the US Constitution ensures that civil rights are effectively protected by the Supreme Court.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 1/2

This response is not always focused on the question with a clear line of reasoning. Instead, it is more of a general response about the protection of civil liberties by each branch of government, so much of the answer does not directly relate to the question which is partly about the constitution. There is, however, some accurate knowledge and understanding of the role of the Supreme Court, so just reaching level 2.

One the main roles of the Supreme Court is to make sure the Constitution protects the rights of the American people. In recent years the Supreme Court has been criticized for not doing this well enough because of the president and the Congress making changes that they can't stop. In this essay, I will look at the powers of the Supreme Court, the president and the Congress over civil rights.

Firstly I will look at the Supreme Court. The Supreme Court is made up of 9 judges headed by a chief justice who are appointed by the president. This is set out by the Constitution. The Constitution also gives the Supreme Court the power to check the powers of the president and Congress. The Supreme Court can use its powers to help protect civil rights. Some of those civil rights are in the first 10 amendments to the Constitution. This is called the Bill of Rights. The Supreme Court judges look at those amendments when they are thinking about cases that protect civil rights like Brown v Board of Education.

There have been more amendments about civil rights since the Bill of Rights was made in the 1700s. Most of them have been about slavery or voting but they also give the Supreme Court more power to make decisions about civil rights.

The problem with this is that the Supreme Court cannot choose when it looks at protecting civil rights because it has to wait for someone to start a court case and this can take years and years and years. This means that Congress and the president have more power to protect civil rights.

Congress can protect civil rights with new laws. They last did this when Obama was president and they passed a law to make wages equal for men and women. The Supreme Court could not do this because they are not allowed to make laws. Congress can also make new laws when they don't like the decisions the Supreme Court has made and they want to change it. The Republican Party in Congress have been trying to do this since 1973 because of abortion. The Supreme Court made abortion a civil right in Roe v Wade in 1973 which the Republicans don't like because they are against abortion. They keep trying to change the law in Congress to make abortion illegal but they can't get enough people to agree on what the new rules on abortion should be so they haven't changed the law yet but they will keep trying until they do. States have also tried to change the rules about abortion like North Dakota where you can only have an abortion if you have been raped or you are going to die if you have the baby. The Supreme Court can't change the state's rules without a new court case going to them.

The president can also make rules about civil rights. President Obama did this as well when he made a new rule called Don't Ask Don't Tell which let soldiers be gay if they wanted to be as long as

they didn't tell anyone instead of not being allowed to be soldiers because they were gay. This was also not a rule that the Supreme Court could make because they can only make decisions about court cases. They have made rules about being gay though when they made a court decision that let gay people get married if they wanted to. This was in 2015 and was not made because of the Constitution but was made because the Supreme Court wanted to make more equal rights for gay people.

3 (a) Evaluate the view that the US Constitution ensures that civil rights are effectively protected by the Supreme Court.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 4

This answer is explicitly focused on the question throughout with clear knowledge and understanding of political institutions, processes, concepts, theories and issues, which are carefully selected in order to underpin analysis and evaluation, leading to justified conclusions. Both the viewpoint and the alternative to this view are considered, although there is more focus on the viewpoint given. The alternative view is less convincingly argued and evidenced, thus keeping this response in level 4.

The USA has always been very proud of its history of standing up for freedom and democracy and would argue that it boasts the most well protected civil rights in the world. These civil rights are designed to be protected by the judicial institution of the Supreme Court, but whether or not it the Supreme Court can protect rights effectively is something that can be debated.

The US Constitution sets out a number of basic civil rights for the people of America, and has done since it was first created. The Constitution has had more and more civil rights added to it as time has gone on and politicians have decided that not enough rights are written down for protection. This took place very early in the history of the USA when the founders decided to add the Bill of Rights as the first 10 amendments to the Constitution. These rights are the ones most often used in Supreme Court cases to do with civil rights and have made sure that the American people have rights protected that were not written in the original very short Constitution. For example, the right to demonstrate and protest has been protected in civil rights cases by the Supreme Court even when they have been a bit controversial and offensive. The ACLU surprised everyone by supporting a court case in Missouri about the right of the Westboro Baptist Church to protest at military funerals about gay people being allowed in the military because it was a free speech issue (protected by the First Amendment). This was not a Supreme Court decision but if it was then the Supreme Court would probably rule against banning the Westboro protests. It did something similar in Massachusetts when it upheld a decision in 2014 that stopped abortion clinics from banning protests from getting too near their buildings. This only applies to peaceful protests however. Violent protests can still be stopped by the police even if they argue the freedom of speech in the First Amendment should let them protest. However some people would argue that this is not a good protection of civil rights because of the people being protested against. Some people would argue that the First Amendment should not be used like this to allow offensive protests because it affects other people's rights to not be offended or upset and their right to choose e.g. to be gay or to have an abortion.

Abortion is another issue where the Supreme Court has used the Constitution to protect civil rights. The Supreme Court used the Fourteenth Amendment to protect the right to privacy for women in

1973 when they decided in *Roe v Wade* that abortion should be a legal right. This rule is still used today to make sure that abortion is illegal everywhere in America even though the Republicans in Congress and some states want to ban or at least make it harder to get an abortion. Congress has found it too difficult to change this law because the Supreme Court made it a constitutional right in *Roe v Wade*.

However Congress could and has tried to change the law on abortion because they have the power from the Constitution to make new laws including ones about civil rights and also because they have the power to make new laws or change laws that will then overpower the court decisions made in the Supreme Court. This is part of the checks and balances codified in the constitution to make sure that no part of the government is too powerful or can overrule another part of the government. For example Congress passed the Partial Birth Abortion Ban Act in 2003. This was the third time that Congress had tried to ban partial birth abortion. It had failed the first two times because the president vetoed the law. This law does not ban abortion completely but only one type of abortion which means that the rights in *Roe v Wade* are still allowed. The Supreme Court did get asked to make a ruling about this law, showing that it still has a role in protecting civil rights even with a new law, because it was asked to decide if this new limited women's rights to get an abortion too much. The Supreme Court ruled that this law was constitutional because it was only one limit and most women could still get their constitutional right to an abortion if they wanted to. They could have ruled against it if they believed that rights were too limited however (using the Fourteenth Amendment). If they had ruled it was an unconstitutional law then Congress would have had to scrap the law or change it to make it constitutional. This shows that the Supreme Court is very powerful in protecting civil rights when it uses the Constitution.

It can also be debated however that the Constitution does not always help the Supreme Court effectively protect civil rights. Not everything is written down in this 4000 word document and even though amendments have been added later not all civil rights issues are in the Constitution. This means that it feels like the Supreme Court is guessing or making up rules about civil rights which means that it has been criticized for some decisions or told that some decisions should be made by Congress and the president not the Supreme Court. This is because if the Supreme Court makes rulings about things that are not in the Constitution they are technically making law. This is not their job. It is the job of Congress and the president to makes laws which makes some people criticize decisions that have been made.

Another criticism of the Supreme Court and using the Constitution to protect civil rights is that it ignores some civil rights issues that are controversial. For example the Supreme Court does not like making rulings about gun control which is a really controversial issue in America because of the Second Amendment which gives Americans the right to bear arms. Most of the decisions that they do make about guns uphold the Second Amendment which means that the people of America who want more gun control must wait for Congress or the president to want to act on their feelings instead. For example the Supreme Court upheld the Second Amendment in *DC v Heller* in 2008 and just last year refused to hear a case about a new law in California that limited people's rights to carry guns in public.

In conclusion, the Constitution does allow the Supreme Court to protect civil rights in many cases, but it does not always choose to do this because some issues are so controversial or because it believes the issue should be dealt with by Congress and the president because it is their job to make laws and the Supreme Court's job to check laws are constitutional.

(b) Evaluate the view that campaign finance is the most significant factor in determining the outcome of congressional elections.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 3/4

This answer clearly focuses on the question and considers the viewpoint in the question but spends arguably too much time examining other reasons for congressional outcomes, unrelated to campaign finance. A range of arguments are used, although the analysis is not always fully explained or evaluated. The conclusion is summative rather than a fully focused and justified conclusion.

Congressional elections are held every 2 years. There are elections for 1/3 of the Senate (who sit for 6 years), and for all of the House of Representatives who all stand for re-election after 2 years. These are held mid-way through a president's term in office and are called mid-term elections. Mid-terms can be used as an indicator of what the electorate think about the president's performance. Campaign finance is not the most significant factor in determining the outcome of congressional elections. There are often factors which can determine the outcome of congressional elections, such as local factors and incumbency.

Campaign finance is a significant factor in determining the outcome of congressional elections as these elections cost lots and in order to run for them you must have large amounts of money. For example, in the 2016 congressional race, total cost was at \$4.6 billion with 2014 being at \$3.8 billion and 2012, at \$3.6 billion. On average in the 2012 Senate elections, Senate candidates spent an average of \$10.3 million. These are large sums of money, and shows that in order to win an election, you need good amount of finance for your campaigns. These total cost projections include spending by PACs on overhead expenses, which were all attributed to congressional activity (2016 and 2014).

However, campaign finance is not a significant factor, instead incumbency plays a major role in determining the outcome of congressional elections. For example, 90% of congressmen who run are re-elected, with 80% of Senators as well. There is a lack of competitiveness. This may be due to as House of Representatives only serve 2-year terms and they are already prepared to campaign again and get re-elected. Incumbents also have advantages, such as, having their campaign staff already in place and this makes it much more easy for them to get re-elected. Also they have 'safe seats', thanks to Gerrymandered districts, for example, Florida. As congressmen here are already in a so-called 'safe seat', it is virtually impossible for them to lose the seat and thus their chances of getting re-elected are high. Also incumbents have already done their 'case work', for constituents and thus have support from their constituency and again can get re-elected with ease. For example, in the recent House elections incumbents outspent challengers by 3:1 ratio. Incumbents build a 'war chest' to discourage Challengers from running; they have more experience as they have already been in office. Therefore, incumbency is seen as a significant factor in congressional elections.

However, local issues also are a significant factor in congressional elections. Local factors are more important issues for Congressional elections than the status of the president or national issues. People vote for congressman for local issues, a congressman or Senator will only get elected if he has support in his constituency. This was increasingly seen in the recent Alabama election 2017, where the Democrats won an historic win after 20 years of Republican hold. Rep Roy Moore lost his

seat to Dem Doug Jones, Roy Moore was under sexual allegations and as such did not receive much support from his constituency, hence his defeat. As local issues are important, the voting behaviour is volatile and thus differential turnout occurs as certain parts of the country turnout more than ever to resolve local issues, for example, average turnout for midterms elections is only at 37%. This clearly shows volatile voting behaviour and the local issues play a major role in the outcome of congressional elections.

Local issues also means the local issues that a congressman has managed to do something about while they are working in Congress. This is something that all congressmen try to do to improve their chances of re-election, especially in the House of Representatives when they have to go for re-election really soon after their last election. This means that congressmen will try to get money put into laws for their state or their district that will let their home start a new project or build something. They can do this by adding an amendment to a proposed law even if that law has nothing to do with the project the congressman wants money for. This is known as earmarking and happens a lot on really big laws like the Defence budget because nobody reads the whole law or all its amendments so it's easy to add bits and get them passed because everyone wants to get the law passed because defence is popular. 1700 earmarks that cost \$10.3 billion were added to laws in 2010. Earmarks have been banned but there is something new called "zombie earmarks" that congressmen can still use to get money for projects that will probably help their district or state. There were 56 of them in the 2015 defence budget. Doing this kind of thing can help congressmen get re-elected even more than campaign finance because congressmen can talk about this in their campaign and show everyone how hard they have worked and that they deserve to get elected again. This adds to the importance of incumbency as well because you can prove you do things for your state.

However, the popularity of a president can also affect the outcome of congressional elections, also known as the coattails effect. The popularity of the president can determine whether people will mainly vote his/her party in the upcoming congressional elections. For example, in the 2010 mid-term elections, people found Barack Obama to not be really popular due to his actions on increasing tax on businesses for the 'Affordable Care Act'. As a result in the 2010 election, the Republicans had gained control of the House of Representatives. The Republicans gained 63 seats. Also in the upcoming 2018 election, many are predicting a huge Blue Democratic wave as president Trump popularity worsens. He has been the most unpopular president in history and there were widespread protests over the country, such as, Boston, on his inauguration. Therefore, the popularity of a president can influence how voters turnout and therefore can determine the outcome of a congressional election.

Overall, with the information provided above, although campaign finance play a significant role on the outcome of congressional elections, such as total of \$4 billion spent in 2016 congressional election. It is not the most significant factor. There were important factors such as incumbency which play a more significant role in the outcome of elections, for example, 90% of congressmen get re-elected. Also not getting support from your constituency can have a negative impact, such as, losing your seat. Also the popularity of the president can determine the outcome. Arguable it has to be the incumbency factor which plays the most significant factor in determining the outcome of congressional elections.

(b) Evaluate the view that campaign finance is the most significant factor in determining the outcome of congressional elections.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 2

This response attempts to give a balanced view but the arguments made are quite limited, sometimes drifting away from the required focus on campaign finance and lacking in substantiation.

Money is the most important factor for winning an election in America. Without plenty of money you cannot succeed because elections are so ridiculously expensive and getting worse all the time. Other factors do help win elections as well like your personal popularity or how much the president is liked during the election.

Candidates for election need lots of money because America is so huge. There are 50 states but each state is a different size but most congressmen in the House of Representatives have to try and persuade about 70,000 people to vote for them which means they need lots of money to flood TV and radio with adverts and their ideas about why you should choose them. They have to compete with lots of TV and radio stations and lots of other candidates because congressmen sometimes have to win an election to then be allowed to run for election which means they have to buy lots of advert times (primaries).

I think being an incumbent is more important than money. Being an incumbent is a good thing because it means you already have advantages like being known by your state and being able to do the job already and having money already because you have won an election before. People have already won elections and been in the job can also tell you what they've been good at and make you want to choose them again, This doesn't always work if you have been rubbish at your job or no one knows who you are or if you get a bad name like Roy Moore did last year. But if you can say that you've done a good job this might be part of your money because businesses or pressure groups might give you money because they like you already and want you back. If you can help that business or pressure group get money or a new law then they'll definitely help you which is more important than you just getting money yourself because they can campaign for you so you don't need to spend your own money. This means money is still important for winning an election although incumbency is still most important because incumbents will get more money. Nearly every incumbent gets elected again nearly every time in both houses of Congress.

Incumbents also get a better personal popularity because people in their state already know who they are so they don't have to try and teach everyone to remember their name in an election. This means the media will talk about them more as well because they will have more to say about what the incumbent has done while they were last elected. Especially if you have done a lot for your state because the local media will tell everyone all about it. Like Robert Byrd who was famous for raising lots of money for his state by adding bits to laws that gave his state money. Incumbents that end up with a bad name will lose if the media don't like them even if they're an incumbent like the Republican who lost a special election because he'd got a bad name.

Presidents that have a bad name with people or the media will also make elections hard for congressmen. Presidents are really important and people think the president is the leader of his party so if a congressman wants to get elected and he's in the president's party then he might not

get elected again if people hate the president. This happened to a lot of people when Obama got really unpopular because he spent so much money on healthcare and the tea party got popular instead and so Democrats lost and Republicans won.

In conclusion money is probably quite important because you can't make a campaign without it because TV and radio adverts and leaflets and things are expensive but you can still win without a lot of money if you are an incumbent or if the president is really unpopular and you're not in his party. Or if you are in a popular president's party as well this can help you win because people will vote for you just because you're in his party and they like his ideas.

(c) Evaluate the view that the legislative process is more effectively influenced by pressure groups than political parties.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 4

This answer clearly focuses on the question and considers the viewpoint in the question and alternative views. A range of arguments are used, although the analysis is not always fully explained or evaluated. The conclusion is summative rather than a fully focused and justified conclusion thus making this answer's score in Level 4 rather than Level 5.

Pressure groups and political parties often work together in order to influence the legislative process. Whilst political parties have members in the legislature (Congress) and the executive whom create laws and policies, pressure groups have many access points which they can use to lobby and promote their case. They can lobby all three branches of government; the executive, legislature and judiciary, at a local, state and federal level. One could argue that pressure groups influence legislation more effectively than parties as they tend to focus on a cause or aim of interest whereas parties have to take into account all aspects of policy, needing specialist knowledge and expertise which they often gain from interest groups such as the NRA and AARP. In order to assess this, one must look at areas such as Supreme Court case rulings, the role of third parties, the work of congressional committees and Congress voting on bills.

Firstly, the existence of pressure groups is protected by the American codified constitution, especially on the Bill of Rights. As a result, they are able to take cases or file amicus briefs in the Supreme Court against laws passed by the political parties in Congress if regarded to be unconstitutional. Since Supreme Court Justices are guardians of the Constitution whom apply the process of judicial review, they are able to strike laws and decisions made by Congress or the president. In the *Citizens United v. FEC* case, pressure groups like Citizens United and the American Civil Liberties Union (ACLU) filed amicus briefs against the Bipartisan Election Reform Act, passed by Congress in 2012. The Act prevented non-profit organisations, corporations and pressure groups in general from political advertising and campaigning from 60 days before an election. Consequently, the Supreme Court ruled against the Act as it was unconstitutional and went against the First Amendment by curtailing political speech.

Furthermore, pressure groups can also influence the legislative process by lobbying congressional committees. In the 2014 cycle, the NRA spent \$220,250 on 15 US Senate committees and \$998,850 on 19 US House committees. This is because committees are the starting place for legislation and so the NRA uses lobbyists and spending to influence policy makers and try to draft a bill that is in favour of their cause, i.e. in favour of guns, and restricting firearm regulation, Because the

Republican Party tends to favour pro-gun policies whilst the Democrats usually push for gun control, in 2014 Republican congressional candidates received \$769,662 while the Democrats received only \$40,800 from the NRA. This shows that political parties need funding from pressure groups in order to support their candidates, thus pushing for legislation which would benefit powerful, wealthy pressure groups like the NRA. In 2014 the NRA lobbied for 102 House and Senate bills. One of the bills that the NRA lobbied against was the Manchin-Toomey amendment which was introduced in 2013 due to the Sandy Hook Elementary School Shooting in December 2012. The Amendment would have required background checks on people wanting to purchase guns and introduce registration of firearms. However due to intense NRA lobbying, the bill failed to gain 60 votes in the Senate, illustrating the impact of a powerful group such as the NRA on [party politics. This illustrates the overpowering impact a pressure group can have over the passing of legislation in comparison to parties.

On the other hand, due to the rise of partisanship in American politics, it could be argued that political parties have a greater influence in the passing of legislation, especially with crucial Congress bills voted on party lines. Over recent years, there has been a significant increase in party unity votes, from 47% in the 11th Congress (2009-2010) to 69% in the 112th Congress (2011-2012), and 87% in the 113th Congress (2013-2014). In 2015, the figures dramatically increased as the party unity votes in the House of Representatives was 92% for both the Democrats and the Republicans. In the Senate it was 91% for the Democrats and 89% for the Republicans. This indicates that members of Congress are becoming more aligned with their party ideologies and values, hence making a greater impact on the passing of bills as opposed to influence from pressure groups.

Moreover, with the presidency of Trump and the 115th Congress, partisanship has become more prominent as Trump's policies and statements have caused backlash from a strong and united opposition, the Democratic Party in areas such as immigration, healthcare and tax. This was evident from the issues surrounding the federal budget in 2018 when the government went into shutdown as the budget proposal failed to gain 60 Senate votes on January the 19th, the deadline for the spending bill to pass. The Democrats remained united in wanting to preserve provision and funding for the DACA programme, protecting child migrants from deportation, as part of the federal budget. Because the spending bill didn't contain this provision, the vote in the Senate was 50-48, with only 5 Democrats voting in favour and 6 Republicans voting against. Another portrayal of polarisation between the two parties and its effect on legislation is regarding the issue of abortion. Whilst the Republican Party traditional favours socially conservative policies, opposing things like abortion, the Democrats instead favour a pro-choice stance, supporting left-wing liberal values. With a Republican majority in Congress, the Pain-Capable Unborn Child Protection Act passed in the House of Representatives in October 2017, making abortion illegal after 20 weeks of pregnancy as opposed to 24 weeks. 234 Republicans and 3 Democrats voted in favour of the bill whilst 187 Democrats and 21 Republicans voted against the bill, revealing a clear case of partisanship. These examples signify the effect of party politics on the legislative process as law makers in Congress are also members of a political party but not necessarily a member of a pressure group, thus party alliance remains a stronger influence over the process of legislation rather than the interest of pressure groups.

Ultimately, political parties have more influence over the legislative process, as they make up the government, having a direct authority over the passing of legislation. Meanwhile pressure groups can only try to influence this process through lobbying members of Congress, hence limiting their impact. As well as this, the rise of partisan politics also suggests that political parties is becoming a more increasingly significant factor when examining the law making process, surpassing pressure groups' interests.

(c) Evaluate the view that the legislative process is more effectively influenced by pressure groups than political parties.

You must consider this view and the alternative to this view in a balanced way.

(30)

Level 2/3

This response directly addresses the question and considers both the viewpoint and an alternative view. The supporting evidence is not always adequately explained, thus the analysis in places is limited, and the arguments made are not always fully relevant- the 'revolving door' point, for example, lacks a full understanding of the current situation. The conclusion is summative rather than a fully focused and justified conclusion.

It has been argued that the legislative process is more effectively influenced by pressure groups rather than political parties. In recent years, political parties are seen as more effective at influencing the legislative process as opposed to pressure groups. This can be attributed to the fact that pressure groups do not have the same powers as political parties because political parties are responsible for formulating, amending and voting to pass legislation whereas pressure groups are merely influencing the process. Political parties also have had an increasing role in supporting candidates financially as opposed to pressure groups who have had their fiscal powers limited due to banning of 'soft money' in 2002.

It is inaccurate to say that pressure groups have no influence. Pressure groups can still lobby both houses of congress due to many access points such as in the House of Representatives and Senate. Moreover, there is a politician's dependence on campaign contributions resulting in them being more influential in the legislative process.

It is inaccurate to say that pressure groups have more influence however.

This essay seeks to assess the extent to which pressure groups are more influential in the legislative process.

One reason why pressure groups are not as influential as political parties is because political parties have the ability to influence legislation by voting on it unlike pressure groups whom can only influence political parties to vote on legislation, Political parties have direct access to the legislative process, hence they can vote on legislation with or without influence from pressure groups, for example in the House of Representatives in 2017 a vote was conducted for the tax bill. This vote proves that pressure groups have no influence because the house voted across party lines, voting with partisanship meaning that regardless of what a pressure group offered, they would have voted that way regardless. This shows that pressure groups are not as influential on the floor of the legislature because they are ineffective at influencing all decisions because political parties vote along party lines more than they do with pressure group influence.

However, pressure groups still have a bit of influence regardless if political parties generally vote across party lines. Pressure groups have the opportunity to lobby those involved in the legislative process in order to influence them to vote in favour of their ideas. An example of why lobbying illustrates that influence that pressure groups have is how in 2015. AIPAC lobbied \$1.7, to renew an Iran deal. This illustrates that although pressure groups are not directly involved in the legislative process, they can indirectly influence legislation through lobbying the decision makers whom take their position into account.

One reason why pressure groups are more influential as political parties is due to the fact that they are able to fund congressional and presidential elections. This is important as it grants them influence because politicians have to acknowledge the role of pressure groups whilst making decisions. For example the NRA donated \$28.2M in 2016 to the campaign of Donald Trump. However, in recent years the party donation aspect that means pressure groups influential has been cut due to campaign finance reforms such as in 2002, the role of soft money was banned meaning that pressure groups were less influential as they are now. This has resulted in parties taking more of an active role in funding candidates, such as in 2017. This proves that the role of pressure groups to campaign fund is limited and as a result their influence is not that big in the legislative process.

However, pressure groups also can be seen to have a degree of influencing due to the 'revolving door system' where a member of congress leaves office, joining a PAC/pressure group yet still having all the special access points and relations with other members of the house, enabling PACs and pressure groups to become very influential. This gave them the special access points and relations that a member of the house would have which proves that PACs are influential. In contrast, the revolving door system was in fact limited by a reform. This led to the rush door syndrome, leading to many congressmen attempting to leave office to lobby. Overall, this shows that in recent years the availability for pressure groups to lobby has been dramatically cut thus proving that pressure groups are not as influential as political parties when it comes to attempting to pass legislation.

Overall, political parties have more influence over the legislative process. This is attributed to how many reforms, such as in 2002 and 2009 have curbed the influencing of their powers. Moreover, the political parties have specific powers in congress that pressure groups do not, they can vote on legislation, where pressure groups have many influences on their decisions through lobbying or campaign finance. Campaign finance has had a limitation too, political parties donate more money to candidates elections than pressure groups do, proving pressure groups influence is limited compared to political parties.