

Principal Examiner Feedback

January 2013

GCE Government and Politics
Governing the USA

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Paper Introduction

Unit 4 continues to be a minority pursuit in January, and the entry was again only about a quarter of the entry for unit 3. As has been pointed out before in these reports though, in many ways it is a more logical choice than unit 3 if one unit is to be taken first, as it is surely the case that more background knowledge of unit 4 is required for unit 3 than vice versa. Many candidates who took unit 3 this January were uncertain for example about the role of the Senate in the short answer pressure group question. In any event, such considerations are now of course academic, as this was the last January sitting, for the time being at any rate.

As usual, the paper was a mixture of the new and the familiar. Examiners' overall perception of the answers they saw was that candidates tended to struggle with the short answers, perhaps with the exception of question four on the Cabinet, but that they enjoyed the long answers better; there were some really outstanding answers to all three questions, particularly perhaps to the Supreme Court question. That 17 and 18 year olds can acquire such mastery of such a complex subject matter after, in most cases, a term's work, is no small tribute to them.

Question 1

This question was not popular and often not done particularly well by those who did attempt it. This was surprising as the role of congressional leaders, particularly the House Speaker, has received extensive coverage recently in the context of the recent congressional crises. The most recent of course was the 'fiscal cliff' (shortly at the time of writing to be replaced by the 'sequester') which was resolved at least temporarily only a few weeks before the exam took place. Only a few candidates though could refer for example to the failure of John Boehner to persuade his own party to support his 'plan B', or the divisions in the GOP caucus, both in the 'fiscal cliff vote' and the vote to provide federal aid to the victims of 'Sandy'. Some candidates showed awareness of the rise of the party leadership in Congress and discussed the role of Newt Gingrich and the significance of the 'Hastert rule'. Others took the term 'party leaders' to refer to the president and discussed the relationship of the executive to Congress; this wasn't the intention of the question, but such discussion could receive limited reward.

Question 2

Constitutional law and interpretation are complex topics and for many candidates the handling of even the basic concepts represents a challenge. Many candidates who attempted this question made a straightforward equation between judicial restraint and originalism (or strict constructionism) and went on to discuss the criticisms of an approach to constitutional interpretation which centred on the intentions of the framers. Where such answers made no reference to deference to the elected branches or the importance of precedent, they had to be placed in Level 1. Even some stronger answers were wanting to describe the decision in *DC v Heller* to overturn DC gun laws as restrained, or the decision in *National Federation v Sebelius* as activist. For many candidates, thorough assimilation of core terms such as 'judicial review', 'activism' and 'restraint' needs perhaps to be a more central part of their course.

Question 3

Most candidates who attempted this question knew enough about the formal process of amending the constitution and the history of the 27 amendments to get into the bottom of Level 2, but relatively few were able to develop their answers and move them much further up the mark range. Stronger answers discussed the difficulties of assembling a 'super majority' in Congress in an era of polarised parties, the likelihood of 38 states endorsing any amendment which did emerge from Congress and the significance of the history of the Equal Rights Amendment and the Prohibition amendments. Some went on to discuss the role of decisions of the Supreme Court in making effective amendments to the constitution; very few made the fairly obvious point that while it may be a little less demanding than the formal route, it is hardly an easy option to get a case before the Supreme Court and then persuade the justices to vote the way you want. Such considerations deterred the NRA for a long time from sponsoring cases on gun rights.

Question 4

Candidates clearly felt most at home with this question of all the short answers, and this certainly made it the most straightforward to mark. There were almost no Level 1 answers, and nearly all candidates were able to discuss two or three functions of the Cabinet and their contribution to its significance in the executive branch. The role of appointment to the Cabinet in restoring party unity, evident in the appointment of Hillary Clinton, was frequently commented on, as was the contribution of disputes between its members, for example between Colin Powell at State and Donald Rumsfeld at Defense in the George W. Bush cabinet. As was true for all questions, a common characteristic of better answers was the intelligent discussion of recent supporting evidence, and a number of answers made the point that the difficulties President Obama has experienced in getting Susan Rice and Chuck Hagel confirmed cannot strengthen the usefulness of the Cabinet to the president.

Question 5

Answers to this question in one way resembled those to question three, in that most candidates were able to make two basic points but then struggled to make much further headway. The pressure of a two year election cycle for the House, as opposed to six for the Senate, and the fact that nearly all senators represent more, in most cases many more, constituents than House representatives were the key elements of most candidates' case that the House is more representative. A good number were also aware of the greater diversity of members of the House, although most claimed that women are better represented in the House than the Senate which, while it may have true in the past, is not currently the case. A certain amount of ingenuity is required to make the most of a question like this with a relatively narrow focus, and one candidate interestingly discussed the implications for the representative function of the Senate of two senators from the same state voting different ways.

Question 6

This was as broad a question as could be wished for, and those who attempted it were fairly evenly divided in their verdict on whether the constitution is or is not fit for purpose. A significant number of candidates focused much, or in some cases all, of their answer on the bill of rights, and perhaps unsurprisingly there were some extended discussions of the second amendment and its role in recent mass shootings. While this was not unrewradable, such answers failed to engage with the central issue the question really raises, the functioning of the entire US system of government. Some of the stronger discussions centred on how far the flexibility of the constitution had enabled it to adapt as society changed, or whether in fact it had meant that its core principles had been lost. The recent history of relations between the House of Representatives and the president provided plenty of material for debate on whether confrontation and gridlock are a reflection of sharp divisions within society or a sign of institutional failure.

Question 7

This was the least popular of the long answer questions but produced some of the strongest answers. As always, the distinction between a Level 2 and a Level 3 answer was the extent to which a potential check on the court – the president's power of appointment and the Senate's power of confirmation, for example - was just described, and the extent to which its checking power in practice was evaluated. Some stronger answers argued that both of these were scarcely an effective check at all. The court's decision in *National Federation v Sebelius* was a good source of evidence for this paper; some answers referred to it in question three, and perhaps the same candidates argued in this question that Justice Robert's vote to endorse the constitutionality of 'Obamacare' was a recognition of the strongest check of all, the need to maintain the legitimacy of an unelected court in the eyes of the public.

Question 8

Questions on the president are always popular, due perhaps to the accessibility of their subject and the plethora of evidence available. A neat structure adopted by a number of candidates was to divide the essay into four sections; evidence of weakness at home and strength abroad in two paragraphs, followed by a further two on the converse, strength at home and weakness abroad. Some candidates devoted a paragraph to outlining the ideas of presidential scholars before embarking on their argument, and names such as Neustadt and Howell were often referred to; it is very difficult for an A level student to convey much sense of genuine engagement with the work of these writers, most obviously because they will almost certainly not have read it, and such paragraphs add little to an answer. Unsurprisingly the presidency of George W. Bush was extensively referred to, since it provides plenty of evidence on both (or should it be four) sides of the argument. One persistent misconception is that President Bush launched the invasions of Afghanistan and Iraq without congressional authorisation; while it is of course true that in neither case was there a formal declaration of war, the president had the authority of congressional resolutions for both actions.

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