

Specimen Response for Study Theme 3C (Exemplar 2)

STUDY THEME 3C: THE UNITED STATES OF AMERICA

Question

Critically examine the view that there are few checks on the powers of the President.

(15 marks)

Response

This essay will look at the relationship between the three branches of government.

The Federal government consists of the Executive (The President), the Legislature (Congress) and the Judiciary (Supreme Court). This is called the triangle of power and this shows that there are checks and balance on power.

The President is the most important person in the USA and has always been a man and white. He must have been born in the USA and must be 35 years old. The President is elected by direct vote of the people in each state. He can only be elected for two terms of four years and this can limit his powers as people will be aware that he will not be in power after a second term. Again if the President's party controls Congress he will be able to get his bills through Congress. Whereas if the opposite party controls Congress his bills might not get through. For a Bill to become law in the USA it has to pass through both Houses of Congress and be signed by the President. Even then it might not be accepted as law if the Supreme Court says it is unconstitutional. Therefore each branch can act as a check on the other two. President Clinton failed to get his health provision reforms through Congress.

The President is the commander of the Armed forces and this gives him power over the the Army and Navy. He appoints White House staff and can sack them if they do not do what they are told. He can make foreign treaties and meets the head of states from other countries. This gets him coverage in the media and increases his prestige. But he cannot declare war – he asks Congress to do this. Bush had to get Congresses approval to send troops to Iraq although they were on their way before Congress voted for the money. He can veto bills passed by Congress but if after further discussion Congress pass it by two thirds it becomes Law. So this limits his powers. However, he can appoint Court Judges including members of the Supreme Court. President Bush has been able to make recent appointments to the Court which can increase his powers

Congress is made up of the House of Representatives and has about 436 members. The larger the state the more congress personnel it has and they are only elected for two years. The senate has only 100 members, 2 senators per state and they are elected for a term of six years. One third of the senate are elected every two years. Congress is in charge of Defence, Foreign relations and domestic issues. There are also state governments which deal with local issues e.g. age you can marry, who can be executed and local taxes. There are 50 states and each has their own government. A major power that Congress has is that it can impeach the President and this happened to President Nixon

The Supreme Court is the highest court in the land and its 12 judges are appointed for life by the President. Its task is to see that all laws operate in the interests of the American people and do not harm their rights and freedom. It can decide if actions by the President or Congress are wrong and can declare it illegal. It can decide on disputes between states and major disputes between citizens and the state. Americans are very proud of their freedom and are proud of the Supreme Court. They see it as part of the American dream where everyone can become rich and where everyone is equal before the law.

Marking Instructions for Study Theme 3C (Exemplar 2)

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Developed, exemplified, balanced and analytical answers may refer to:

- ◆ basic principles of the US Constitution centred around the separation of powers, checks and balances
- ◆ power divided among Executive (President), Legislative (Congress) and Judiciary (Supreme Court)

Presidential powers

- Presidential powers thrive in emergency and crisis conditions
- greater powers granted to President Bush after 9/11
- Patriots Act, 2001, allows suspects to be detained indefinitely
- creation of Department of Homeland Security has strengthened Executive
- Clinton seen as the “defensive President” holding the line against an assertive and partisan Congress. Bush, in contrast, seen as the “Imperial Presidency”
- ◆ in charge of carrying out the laws enacted by Congress
- ◆ power of appointment
- ◆ Commander in Chief of Armed Forces (power to wage war), can order the use of troops overseas without declaring war.
- ◆ can make treaties but must be ratified by Congress
- ◆ can veto an Act of Congress

Congress

- the increased powers granted to Bush by Congress can be taken back
- The Patriot Act was renewed in 2006
- Bush less successful in pushing through his domestic programme – e.g. reform of the pension system
- ◆ sole power to declare war – and finance it
- ◆ a two thirds majority in each House overrides a veto – except a pocket veto
- ◆ House impeaches with a simple majority and the Senate convicts with a two-thirds majority
- ◆ Senate responsible for ratifying treaties
- ◆ Senate must confirm nominations – e.g. to the Supreme Court
- ◆ Significance of separate elections for President and Congress and of the Party composition of Senate and House

Supreme Court

- ◆ President appoints if there is a vacancy and the Senate confirms
- ◆ nine Justices decide on the legality of laws enacted by Congress and executed by the President
- ◆ can redefine the meaning of existing laws

- ◆ other relevant points.

Credit highly candidates who make reference to Bush and Clinton.

‘Achieve’ answers must feature both knowledge and understanding and analysis.

Comments on Specimen Answer to Study Theme 3C (Exemplar 2)

This candidate is good on theory but weaker on exemplification. There are also irrelevancies which take up time and space – notably the paragraph on Congress which has only one relevant sentence.

It is a very mechanical answer but has a little good analysis e.g. the Party control of Congress, the checks and balances between Congress and the President and the powers of the Supreme Court. There is correct use of terminology and some balance.

To gain a higher grade, this candidate would have to develop and exemplify points e.g. appointments to the Supreme Court, party control of Congress and the powers of the Senate to enact taxes and allocate funds etc. Recent exemplification might include a reference to the 'War on Terror' and the use of it by President Bush.

This is a bare pass.

8/15