5.1 US Presidency: Test Pack

EDEXCEL 9PL0 · about 20 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. For levels-marked questions, write a well-structured, developed response using accurate political knowledge, named examples and precise terminology. This pack forms part of Edexcel Paper 3A (9PL0/3A): Comparative Politics - USA.

1 This question tests recall of the President's formal constitutional powers.

(a) State two formal constitutional powers of the US President under Article II of the Constitution. **(2)**

(b) Explain how the President's power to make treaties is checked by Congress. **(3)**

(Total for Question 1 is 5 marks)

2 This question is about congressional checks on the President other than impeachment.

(a) State two ways in which Congress can constrain a President's ability to act, beyond impeachment. **(4)**

(Total for Question 2 is 4 marks)

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3 This question is about executive orders.

(a) Define the term 'executive order'. **(2)**

(b) Explain three ways in which an executive order can be checked or challenged, including one named example. **(4)**

(Total for Question 3 is 6 marks)

4 This question is about the Senate's role in checking presidential appointments.

(a) Explain how the Senate's power of 'advice and consent' acts as a check on presidential appointments. **(4)**

(b) State how the Senate changed the cloture threshold for presidential nominations in 2013 and extended the change in 2017. **(3)**

(Total for Question 4 is 7 marks)

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Mark scheme · 5.1 US Presidency: Test Pack

Question 1

(a) one accurate formal power, e.g. Commander-in-Chief of the armed forces, or the power to grant pardons and reprieves for federal offences **B1**

(a) a second accurate Article II power, e.g. the power to nominate federal judges and Cabinet officers, or to make treaties with Senate advice and consent by two-thirds of senators present **B1**

(a) Answer: Any two of: Commander-in-Chief of the armed forces; power to grant pardons and reprieves for federal offences; power to nominate federal judges, ambassadors and Cabinet officers; power to make treaties with Senate advice and consent by two-thirds of senators present.

(b) identifies that the President negotiates treaties but needs Senate advice and consent before ratification **B1**

(b) states that advice and consent requires the agreement of two-thirds of senators present **B1**

(b) explains the consequence, e.g. more than one-third of senators present can withhold consent, so the President must build broad Senate support **B1**

(b) Answer: The President negotiates treaties, but under Article II, Section 2 must obtain Senate advice and consent by two-thirds of senators present before deciding whether to ratify. More than one-third of senators present can block consent, so the President must build broad Senate support. The Senate consents to ratification; it does not itself ratify the treaty.

Question 2

(a) identifies one accurate congressional constraint, e.g. control of federal spending, Senate confirmation, treaty advice and consent, veto override or oversight **B1**

(a) states how that constraint limits presidential action, e.g. withholding funds prevents a presidential initiative; a complete statement of the constraint can earn both this mark and the identification mark **B1**

(a) identifies a second accurate constraint, e.g. the Senate can refuse to confirm a presidential nominee, or withhold advice and consent to a treaty (which requires two-thirds of senators present) **B1**

(a) states how the second constraint limits presidential action, e.g. withholding Senate consent prevents the President from ratifying a treaty; a complete statement of the second constraint can earn both this mark and its identification mark **B1**

(a) Answer: Any two of: control of federal spending ('power of the purse'), allowing Congress to withhold funding for a presidential initiative; Senate refusal to confirm a nominee or withholding of treaty advice and consent, which requires two-thirds of senators present before the President can ratify; overriding a presidential veto by a two-thirds vote in both the House and the Senate; congressional oversight hearings and investigations into executive branch conduct.

Question 3

(a) identifies that an executive order is a directive issued by the President to manage the operations of the federal government, with the force of law **B1**

(a) further development, e.g. it does not require congressional approval to take effect, though it must be grounded in existing constitutional or statutory authority **B1**

(a) Answer: An executive order is a directive issued by the President, with the force of law, to manage the operations of the federal government; it does not require congressional approval, but must be grounded in authority the President already holds under the Constitution or existing statute.

(b) identifies judicial review as a route by which an executive order can be struck down **B1**

(b) accurate named example, e.g. Youngstown Sheet & Tube Co. v Sawyer (1952), in which the Supreme Court ruled President Truman's executive order seizing steel mills during the Korean War was unconstitutional **B1**

(b) identifies a second route, e.g. Congress can pass legislation to override or restrict the order (subject to the President's veto and the usual override threshold) **B1**

(b) explains that a successor President can also simply revoke or replace a predecessor's executive order, since it does not have the permanence of a statute **B1**

(b) Answer: An executive order can be challenged in the federal courts if it is found to exceed the President's constitutional or statutory authority - for example, in Youngstown Sheet & Tube Co. v Sawyer (1952) the Supreme Court ruled President Truman's executive order seizing the nation's steel mills during the Korean War was unconstitutional. It can also be overridden by new legislation from Congress, or simply revoked or replaced by a later President, since it lacks the permanence of a statute.

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Question 4

(a) identifies that major presidential appointments (e.g. Cabinet secretaries, federal judges, ambassadors) require Senate confirmation **B1**

(a) explains that the Senate can reject a nominee, or force a President to withdraw a nomination that lacks sufficient support **B1**

(a) explains that confirmation hearings allow public scrutiny of a nominee's record and suitability before a vote is taken **B1**

(a) explains the wider consequence, e.g. this obliges the President to nominate candidates likely to command Senate support rather than purely personal preference **B1**

(a) Answer: Under Article II, Section 2, major presidential appointments (Cabinet secretaries, federal judges, ambassadors) require Senate confirmation by a vote following public hearings, giving the Senate the power to reject or force the withdrawal of a nominee it judges unsuitable, and obliging the President to select nominees likely to command sufficient Senate support.

(b) identifies that the 'nuclear option' lowered the threshold needed to end debate (invoke cloture) on nominations from 60 votes to a simple majority **B1**

(b) states that the 2013 change covered executive and judicial nominations except Supreme Court nominations **B1**

(b) states that the 2017 change extended the simple-majority cloture threshold to Supreme Court nominations **B1**

(b) Answer: In 2013 the Senate lowered the threshold needed to end debate (invoke cloture) on executive and judicial nominations, except Supreme Court nominations, from 60 votes to a simple majority (the 'nuclear option'). In 2017 it extended this simple-majority cloture threshold to Supreme Court nominations. These changes concerned ending debate, rather than the ordinary confirmation vote.

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