5.1 US Presidency

EDEXCEL 9PL0 · about 70 minutes · Write-in edition

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 constitutional rules on presidential eligibility and tenure.

(a) State two constitutional qualifications a person must meet to become President. **(2)**

(b) Explain the effect of the 22nd Amendment on presidential tenure. **(3)**

(Total for Question 1 is 5 marks)

2 This question is about alternatives to the treaty process.

(a) Explain the difference between a treaty and an executive agreement. **(4)**

(b) State one advantage to a President of using an executive agreement rather than a treaty. **(2)**

(Total for Question 2 is 6 marks)

3 This question is about informal presidential power.

(a) Identify one informal power available to a US President that is not set out in the Constitution. **(2)**

(b) Explain how a President might use the 'bully pulpit' to influence public opinion or Congress. **(4)**

(Total for Question 3 is 6 marks)

4 Analyse the extent to which the President's veto power is an effective tool for controlling the legislative agenda.

(Total for Question 4 is 9 marks)

5 Analyse the extent to which impeachment is an effective check on presidential power.

(Total for Question 5 is 12 marks)

6 Evaluate the extent to which the US President's formal constitutional powers are more significant than their informal powers in explaining presidential success in office.

(Total for Question 6 is 30 marks)

Mark scheme · 5.1 US Presidency

Question 1

(a) one accurate qualification, e.g. must be a natural-born citizen of the United States **B1**

(a) a second accurate qualification, e.g. must be at least 35 years old, or must have been a resident within the United States for at least 14 years **B1**

(a) Answer: Any two of: must be a natural-born citizen of the United States; must be at least 35 years old; must have been a resident within the United States for at least 14 years.

(b) identifies that the 22nd Amendment limits a person to being elected President twice **B1**

(b) explains that a person who serves more than two years of another President's term may subsequently be elected only once **B1**

(b) explains the resulting maximum of ten years: serving up to two years of another President's term followed by two elected four-year terms **B1**

(b) Answer: The 22nd Amendment limits a person to being elected President twice. A person who serves more than two years of another President's term may subsequently be elected only once. Someone who serves two years or less of that term can still be elected twice, allowing a maximum of ten years in office: two years plus two four-year terms.

Question 2

(a) identifies that a treaty is a formal international agreement requiring Senate advice and consent by two-thirds of senators present under Article II before presidential ratification **B1**

(a) identifies that an executive agreement is made by the President with a foreign power without requiring the Article II Senate advice and consent procedure **B1**

(a) further accurate distinction or developed explanation of either procedure, e.g. executive agreements can be quicker to conclude because they avoid the Article II Senate consent process **B1**

(a) further accurate distinction or developed explanation, e.g. executive agreements are far more numerous in practice than formal treaties, since they avoid the two-thirds Senate hurdle **B1**

(a) Answer: A treaty is a formal international agreement requiring Senate advice and consent by two-thirds of senators present under Article II, Section 2 before the President can ratify it. An executive agreement is made between the President and a foreign government without requiring that Article II Senate consent procedure. Avoiding this hurdle can make executive agreements quicker to conclude and, in practice, they are far more numerous than treaties.

(b) identifies a valid advantage **B1**

(b) brief accurate development of that advantage **B1**

(b) Answer: It avoids the Article II requirement for Senate advice and consent by two-thirds of senators present, so it can be agreed more quickly and is not at risk of being blocked by a Senate minority withholding treaty consent.

Question 3

(a) identifies a valid informal power, e.g. the 'bully pulpit' (using the office's visibility to shape public opinion), agenda-setting, or issuing signing statements **B1**

(a) brief accurate description of that power **B1**

(a) Answer: Example: the 'bully pulpit' - using the high visibility of the presidency to appeal directly to the public and shape opinion, applying indirect pressure on Congress.

(b) identifies the national media platform of the presidency, e.g. televised addresses, press conferences or social media **B1**

(b) explains how the President uses that platform to explain a policy and build public support **B1**

(b) develops the persuasion mechanism, e.g. supporters contact their representatives or public opinion raises the political cost of opposition **B1**

(b) explains how this pressure can encourage members of Congress to support the policy; accept equivalent developed explanations of influence on public opinion or Congress **B1**

(b) Answer: The President can use national addresses, press conferences and public appearances to explain a policy and build public support. Supporters may then contact their representatives, raising the political cost of opposing the policy. Members of Congress may respond to this constituent pressure by supporting the proposal.

Question 4

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of the veto power, with little or no developed analysis. **1-3**

Level 2 Clear, accurate knowledge with some developed analysis of the veto's strengths and/or limitations, though the argument may be one-sided or only loosely evidenced. **4-6**

Level 3 Detailed, accurate knowledge used to construct a sustained analysis weighing the veto's effectiveness against its limitations, using accurate named examples, and reaching a supported judgement on the extent of its effectiveness. **7-9**

Indicative content:

- Case for effectiveness: the veto is a strong formal power because overriding it requires a two-thirds majority in both the House and the Senate (Article I, Section 7), a very high bar that is rarely reached in practice, meaning a veto (or even the credible threat of one) can force Congress to negotiate or abandon a bill.
- Case for effectiveness: the pocket veto (allowing a bill to die without signature if Congress adjourns within ten days of presentment) gives the President an additional, harder-to-override route to block legislation.
- Case against effectiveness: the veto is a purely negative, reactive power - it can block legislation the President dislikes but cannot itself create or pass a legislative agenda, so it does little to advance a President's own priorities without congressional cooperation.
- Case against effectiveness: the President cannot use a line-item veto to strike out individual provisions of a spending bill; the Supreme Court ruled the Line Item Veto Act of 1996 unconstitutional in Clinton v City of New York (1998), so the President must accept or reject an entire bill, which can force acceptance of unwanted provisions bundled with wanted ones.
- A balanced conclusion might argue the veto is highly effective as a blocking tool given the high override threshold, but limited as an agenda-setting tool, so its overall effectiveness depends heavily on whether the question is about stopping unwanted legislation or advancing the President's own programme.

Question 5

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of the impeachment process, with little or no developed analysis. **1-4**

Level 2 Clear, accurate knowledge of the process with some developed analysis of its effectiveness or limitations, though the argument may be one-sided. **5-8**

Level 3 Detailed, accurate knowledge (including relevant historical examples) used to construct a sustained analysis weighing the strengths and limitations of impeachment as a check, reaching a supported judgement. **9-12**

Indicative content:

- Process: the House of Representatives can impeach a President by a simple majority vote (bringing formal charges); the Senate then holds a trial, and conviction and removal from office require a two-thirds majority vote of Senators present.
- Case for effectiveness: impeachment is the ultimate constitutional check, capable of removing a President entirely from office, and the process (public hearings, formal charges, a Senate trial) imposes serious political and reputational cost even short of removal.
- Case against effectiveness as a removal tool: the two-thirds Senate threshold is extremely high, and to date no US President has been convicted and removed from office by the Senate. The House has impeached three Presidents - Andrew Johnson (1868), Bill Clinton (1998), and Donald Trump (impeached twice, in 2019 and 2021) - and in each case the Senate did not convict, showing the removal mechanism itself has never succeeded in practice.
- Case against effectiveness: because impeachment and conviction are ultimately political votes rather than a purely legal process, an outcome may depend heavily on party control of the Senate rather than solely on the underlying conduct, which some argue undermines its effectiveness as a neutral constitutional check.
- A balanced conclusion might argue impeachment is a highly significant symbolic and political check (formal censure, historical record, political damage) but a weak practical removal mechanism given the high Senate threshold and its unbroken record of non-conviction to date, so its effectiveness depends on whether 'effective' is judged by political consequence or by actual removals achieved.

Question 6

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of formal and/or informal presidential powers, with little or no developed analysis or evaluation. **1-7**

Level 2 Clear, mostly accurate knowledge of formal and informal powers with some developed analysis; evaluation present but may be one-sided or only loosely evidenced with named examples. **8-15**

Level 3 Detailed, accurate knowledge used in a sustained analysis that engages with both formal and informal powers using accurate named examples; evaluation weighs the two against each other and reaches a reasoned, substantiated judgement. **16-23**

Level 4 Sophisticated, wide-ranging and accurate knowledge used to construct a tightly argued evaluation that directly compares formal and informal powers, recognises that their relative significance varies with political and institutional context, and reaches a clearly substantiated, balanced judgement. **24-30**

Indicative content:

- Case for formal powers: formal, constitutionally guaranteed powers (Commander-in-Chief, veto, appointment and treaty powers, pardon power) provide a fixed, guaranteed foundation of authority that cannot be taken away and are decisive in specific areas, such as national security and military deployment, where the President's constitutional authority is comparatively strong and less contested.
- Case for formal powers: the veto, backed by a high two-thirds override threshold (Article I, Section 7), gives the President a genuinely powerful formal tool to block unwanted legislation regardless of their personal popularity.
- Case for informal powers: informal tools such as executive orders, the 'bully pulpit', and skilful agenda-setting or negotiation with Congress are often what determine whether a President can translate formal authority into actual policy success, especially during periods of divided government when the President's party does not control Congress.
- Case for informal powers: because many formal powers are shared with, or checked by, Congress and the courts (Senate confirmation, treaty ratification, judicial review), a President's practical success frequently depends more on persuasive, informal skill in building coalitions than on the formal powers alone.
- Context-dependency: formal Commander-in-Chief and pardon powers matter most in national-security or crisis contexts where the President can act with fewer institutional constraints; informal powers matter most in routine domestic legislative contexts where cooperation with Congress is essential, so the relative importance of each type of power depends heavily on the policy area and political circumstances (e.g. unified versus divided government).
- A strong answer might note that formal and informal powers interact rather than operate separately: a President's formal power to issue an executive order is itself often deployed as an informal political tool (to signal priorities or apply pressure) when formal legislative routes are blocked by Congress.
- A substantiated conclusion could reasonably argue either that formal powers are more significant because they are guaranteed and non-negotiable, or that informal powers are more significant because they determine whether formal authority is converted into real-world success, provided the argument is supported by accurate, clearly explained examples and does not simply assert a preference.