



USC3 US Presidency

EDEXCEL 9PL0 · Calculators not allowed · about 65 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 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 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 one significant change to the Senate confirmation process introduced since 2013. (3)

(Total for Question 3 is 7 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** This question is about executive orders.
- (a) Define the term 'executive order'. (2)
- (b) Explain one way in which an executive order can be checked or challenged. (4)

(Total for Question 5 is 6 marks)

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

(Total for Question 6 is 12 marks)

7 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 7 is 6 marks)

8 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 8 is 5 marks)

9 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 9 is 30 marks)

10 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 10 is 4 marks)

Mark scheme · USC3 US Presidency

Question 1

- (a) **B1** one accurate formal power, e.g. Commander-in-Chief of the armed forces, or the power to grant pardons and reprieves for federal offences
- (a) **B1** a second accurate formal power, e.g. the power to nominate federal judges and Cabinet officers, or to make treaties (subject to Senate ratification)
- (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 (subject to two-thirds Senate ratification); power to veto legislation passed by Congress.**
- (b) **B1** identifies that the President negotiates treaties but they do not take effect until ratified
- (b) **B1** states the correct ratification threshold, a two-thirds majority vote of the Senate
- (b) **B1** explains the consequence, e.g. a determined minority of just over one-third of Senators can block ratification, so the President must build broad, often bipartisan, Senate support
- (b) **Answer: The President negotiates treaties, but under Article II, Section 2 they only take effect once ratified by a two-thirds majority vote of the Senate, meaning a determined minority of just over one-third of Senators can block a treaty, forcing the President to build broad Senate support.**

Question 2

- (a) **B1** identifies that a treaty is a formal international agreement requiring two-thirds Senate ratification under Article II
- (a) **B1** identifies that an executive agreement is made by the President with a foreign power without requiring Senate ratification
- (a) **B1** further accurate distinction, e.g. executive agreements are generally considered less binding on future Presidents/Congresses than ratified treaties
- (a) **B1** further accurate distinction, e.g. executive agreements are far more numerous in practice than formal treaties, since they avoid the two-thirds Senate hurdle
- (a) **Answer: A treaty is a formal international agreement that only takes legal effect once ratified by a two-thirds vote of the Senate (Article II, Section 2); an executive agreement is made directly between the President and a foreign government or leader and does not require Senate ratification, making executive agreements both quicker to conclude and, in practice, far more numerous than treaties, though generally regarded as less binding on future administrations.**
- (b) **B1** identifies a valid advantage
- (b) **B1** brief accurate development of that advantage
- (b) **Answer: It avoids the need to secure a two-thirds Senate majority, so it can be agreed more quickly and is not at risk of being blocked by a determined Senate minority.**

Question 3

- (a) **B1** identifies that major presidential appointments (e.g. Cabinet secretaries, federal judges, ambassadors) require Senate confirmation
- (a) **B1** explains that the Senate can reject a nominee, or force a President to withdraw a nomination that lacks sufficient support
- (a) **B1** explains that confirmation hearings allow public scrutiny of a nominee's record and suitability before a vote is taken
- (a) **B1** explains the wider consequence, e.g. this obliges the President to nominate candidates likely to command Senate support rather than purely personal preference
- (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) **B1** identifies the change, e.g. the 'nuclear option' lowering the vote threshold needed to end debate (invoke cloture) on nominations from 60 votes to a simple majority
- (b) **B1** correctly dates the initial change to most nominations, 2013 (invoked by the then Senate majority)
- (b) **B1** correctly notes the 2017 extension of the simple-majority threshold to Supreme Court nominations
- (b) **Answer: In 2013 the Senate lowered the vote threshold needed to end debate (invoke cloture) on most presidential nominations from 60 votes to a simple majority (the 'nuclear option'), and in 2017 this simple-majority threshold was**

Question 4

- **Level 0** (0): No relevant content.
- **Level 1** (1-3): Basic, limited knowledge of the veto power, with little or no developed analysis.
- **Level 2** (4-6): 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.
- **Level 3** (7-9): 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.
- **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

- (a) **B1** 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
- (a) **B1** further development, e.g. it does not require congressional approval to take effect, though it must be grounded in existing constitutional or statutory authority
- (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) **B1** identifies judicial review as a route by which an executive order can be struck down
- (b) **B1** 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
- (b) **B1** 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)
- (b) **B1** 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
- (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.**

Question 6

- **Level 0** (0): No relevant content.
- **Level 1** (1-4): Basic, limited knowledge of the impeachment process, with little or no developed analysis.
- **Level 2** (5-8): Clear, accurate knowledge of the process with some developed analysis of its effectiveness or limitations, though the argument may be one-sided.
- **Level 3** (9-12): 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.
- **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 7

- (a) **B1** 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
- (a) **B1** brief accurate description of that power
- **(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) **B1** identifies that the President has an unmatched national media platform (e.g. televised addresses, press conferences, social media)
- (b) **B1** explains that this can be used to build public support for a policy, which in turn creates political pressure on members of Congress to act
- (b) **B1** explains that this is an informal, persuasive power rather than a formal constitutional one, and its effectiveness depends on the President's popularity and communication skill
- (b) **B1** notes a limitation, e.g. it cannot compel Congress to act, and can be undermined by low approval ratings or a hostile media environment
- **(b) Answer: The President can use their national media platform (addresses, press conferences, public appearances) to build public support for a policy directly, creating political pressure on members of Congress to respond to constituent opinion; this is an informal, persuasive tool rather than a formal constitutional power, so its effectiveness depends heavily on the President's popularity and communication skill, and it cannot itself compel Congress to act.**

Question 8

- (a) **B1** one accurate qualification, e.g. must be a natural-born citizen of the United States
- (a) **B1** 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
- **(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) **B1** identifies that the 22nd Amendment limits a person to being elected President twice
- (b) **B1** correctly dates the amendment, ratified in 1951
- (b) **B1** accurate development, e.g. a Vice President who succeeds to the presidency and serves more than two years of their predecessor's term may only be elected in their own right once, meaning a maximum of up to ten years in office overall
- **(b) Answer: The 22nd Amendment (ratified 1951) limits a person to being elected President twice. A Vice President who succeeds to the presidency and serves more than two years of the term they are completing may only then be elected in their own right once, meaning a person could serve a maximum of up to ten years as President in total.**

Question 9

- **Level 0 (0):** No relevant content.
- **Level 1 (1-7):** Basic, limited knowledge of formal and/or informal presidential powers, with little or no developed analysis or evaluation.
- **Level 2 (8-15):** 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.
- **Level 3 (16-23):** 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.
- **Level 4 (24-30):** 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.
- **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.

Question 10

- (a) **B1** one accurate constraint, e.g. Congress controls federal spending (the 'power of the purse') and must appropriate funds for presidential initiatives to be carried out
- (a) **B1** development of that constraint, e.g. Congress can refuse to fund a programme the President wants
- (a) **B1** a second accurate constraint, e.g. the Senate can refuse to confirm a presidential nominee, or refuse to ratify a treaty
- (a) **B1** development of that constraint, e.g. Congress can override a presidential veto with a two-thirds vote in both chambers
- (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 ratify a treaty; 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.**