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# **POLITICS:** **US POLITICS**

SECOND EDITION

- + Plan and organise your revision
- + Reinforce skills and understanding
- + Practise exam-style questions

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# 3 The presidency

## The formal powers of the president

The Constitution gives the president ten powers, outlined in Table 3.1.

**Table 3.1** The ten powers of the president

1 Propose legislation	<ul style="list-style-type: none"><li>+ Often uses the annual State of the Union Address to Congress</li><li>+ For example, Trump (2018) announced a plan to spend \$1.5 trillion on infrastructure</li><li>+ This power also includes submission of annual budget</li></ul>
2 Sign legislation	<ul style="list-style-type: none"><li>+ May hold bill-signing ceremony to claim credit</li><li>+ For example, Trump tax cuts (2017)</li></ul>
3 Veto legislation	<ul style="list-style-type: none"><li>+ Even the threat of a veto is a significant power</li><li>+ When used, the president usually prevails — Trump won 9 of his 10 vetoes (2017–21)</li></ul>
4 Act as chief executive	<ul style="list-style-type: none"><li>+ In charge of running the <b>executive branch</b></li><li>+ Is head of government</li><li>+ Assisted by cabinet: department and agency heads</li><li>+ Executive Office of the President (EXOP)</li></ul>
5 Nominate executive branch officials	<ul style="list-style-type: none"><li>+ Department and agency heads</li><li>+ For example, Trump appointed Mike Pompeo as Secretary of State (2018)</li></ul>
6 Nominate federal judges	<ul style="list-style-type: none"><li>+ Including Supreme Court justices</li><li>+ For example, Trump appointed Brett Kavanaugh (2018) and Amy Coney Barrett (2020)</li></ul>
7 Act as commander-in-chief	<ul style="list-style-type: none"><li>+ Has overall control of the armed forces — this was especially important from the 1940s to the 1980s during the Cold War hostilities with the Soviet Union</li><li>+ For example, Bill Clinton ordered the bombing of Kosovo in 1999 and Barack Obama presided over extensive bombing in Libya which led to the downfall of the Gadhafi regime</li></ul>
8 Negotiate treaties	<ul style="list-style-type: none"><li>+ Symbolises the peace-making role alongside the commander-in-chief role</li></ul>
9 Pardon and commutation of prison sentence	<ul style="list-style-type: none"><li>+ Controversial power, especially when used to benefit close friends and supporters</li><li>+ Bill Clinton made a total of 140 pardons while in office, Barack Obama 212 and Donald Trump 237</li></ul>
10 Act as head of state	<ul style="list-style-type: none"><li>+ Is the public face or representative of the nation, both internationally and in <b>domestic politics</b></li></ul>

**Executive branch** The branch of government that has responsibility for exercising authority across the governed territory and for implementing and enforcing the laws created by the legislative branch.

**Domestic politics** The decisions and policies that the executive and legislature make that are specifically to do with issues or events within a country.

### Compare

There are certain powers that both the US president and the British prime minister have, but others that are unique to the president. Using two different colours, highlight which of the powers in Table 3.1 are applicable to both and which are unique to the USA.

## Now test yourself

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- 1 What powers does the president have concerning legislation?

## Remember

If asked about the powers of the president in an exam question, you will need to group powers together so as not to have too many points to deal with: for example, 1. legislative powers (1–3); 2. executive powers (4); 3. appointment powers (5–6); 4. foreign policy powers (7–8); 5. head of state powers (9–10).

- 2 What is the president's annual address to Congress called?  
 3 What appointment powers does the president have? Give two examples.  
 4 What foreign policy powers does the president have?

**Answers on p. 114**

## The vice president

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The vice president is elected on a joint ticket with the president — for example, Donald Trump and Mike Pence in 2016, and Joe Biden and Kamala Harris in 2020.

The president can fill a vacancy in the vice presidency by appointment, as has occurred twice (Gerald Ford in 1973; Nelson Rockefeller in 1974). This appointment must be confirmed by Congress.

The Constitution gives the vice president five powers (see Table 3.2).

**Table 3.2** The five powers of the vice president

1 Presiding officer of the Senate	+ Chairs debates (but usually this is done by junior members of the majority party)
2 Voting in the case of a tied vote in the Senate	+ Vice President Mike Pence voted 13 times in the Senate, more than all except 6 of the 36 vice presidents who have held the office since 1789
3 Counting the Electoral College votes after the presidential election	+ Mike Pence presided over the counting of the Electoral College votes in January 2021 following the 2020 election
4 Becoming president in the event of the death, resignation or removal of the president	+ Has occurred on nine occasions + Vice President Gerald Ford became president when President Nixon resigned (1974)
5 Becoming acting president if the president is declared, or declares himself, disabled (by the Twenty-Fifth Amendment)	+ Vice President Dick Cheney twice became acting president while President George W. Bush underwent exploratory surgery

### Making links

The US Constitution states that, to be eligible for the vice president position, a person must be a natural-born citizen, at least 35 years of age, and have been resident in the USA for at least 14 years.

It is clearly the second, fourth and fifth of these powers that give the vice president the most potential significance.

## Now test yourself

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- 5 How is the vice president elected?  
 6 What happens if the vice presidency falls vacant?  
 7 What are the two most significant powers of the vice president?

**Answers on p. 114**

# Informal sources of presidential power

**Informal powers** of the president come from sources not mentioned in the Constitution as well as outside factors over which the president has limited control (see Table 3.3).

**Table 3.3** The sources of the informal powers of the president

Informal source of presidential power	Details
The cabinet	An advisory group set up by the president to aid in making decisions and coordinating the work of the federal government.
Executive Office of the President (EXOP)	Contains the top staff agencies in the White House that assist the president in carrying out the major responsibilities of the presidential office.
White House Office (WHO)	Part of EXOP, the WHO is the personal office of the president containing the staff who facilitate the president's communication with Congress, department and agency heads, the press and public.
National Security Council (NSC)	Part of EXOP, the NSC is the president's official forum for deliberating national security and foreign policy.
Office of Management and Budget (OMB)	The office within EXOP that reviews budget requests, legislative initiatives, and proposed rules and regulations from the executive departments and agencies.
<b>Powers of persuasion</b>	The president uses personal influence, authority of office and political capital, and makes deals to obtain the support of key political actors.
Executive orders	Issued as a form of direct authority. They are often used by presidents frustrated by congressional resistance to their agenda as an alternative to legislation.
Executive agreements	Agreements between the president and a foreign nation, often used as alternatives to formal treaties.
Signing statements	Statements issued by the president on signing a bill which may challenge specific provisions of the bill on constitutional or other grounds.
<b>Electoral mandate</b>	The larger the president's electoral mandate, the more likely they are to achieve their legislative agenda.
Public approval	The president's public approval rating can affect their ability to get things done.
National events	National events can affect presidential power, enhancing or weakening their position in relation to Congress, the states and the president's personal approval ratings. For example, the aftermath of the 9/11 terrorist attacks increased the popularity of George W. Bush, whereas the handling of the Covid-19 pandemic negatively affected Donald Trump's approval rating.

**Informal powers** Political rather than constitutional powers.

**Powers of persuasion** Using personal influence to convince others to provide support.

**Electoral mandate** The size of the majority won by the president at the election — the higher the majority, the bigger the electoral mandate.

**Cabinet** The advisory group selected by the president to assist in making decisions and coordinating the work of the federal government.

## The cabinet

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The **cabinet** is not mentioned in the Constitution.

- Article II states that the president 'may require the opinion in writing' of the heads of each executive department.
- It is an advisory and coordinating, not a decision-making, group.

## Membership and appointment

The heads of the 15 executive departments are traditionally members of the cabinet, plus others whom the president designates as having cabinet rank (e.g. US Trade Representative).

- + In 2017, Trump had eight such additional members, plus the vice president.
- + It is difficult to recruit cabinet members from incumbent members of Congress as they must then resign from Congress.
- + Cabinet members are drawn from former members of Congress, state governors, big-city mayors, academia, etc.
- + They tend to be policy specialists.
- + Appointments must be confirmed by a majority vote in the Senate.
- + Ideally presidents would appoint a cabinet that is balanced in terms of:
  - + gender
  - + race
  - + region
  - + age
  - + ideology
- + However, the cabinet often looks like the president in terms of these criteria (e.g. the Trump cabinet was mainly white, male, older, wealthy business executives).

### Compare

In theory both a president and a prime minister are free to choose whomever they want to join their cabinet. In reality, what constraints exist for them both?

### Remember

The following comment is the kind of scholarly quotation that you should aim to use in your essays:

‘The cabinet has become institutionalised by usage alone’ (Richard Fenno). In other words, it’s used because it’s used.

### Compare

Cabinet ministers in the UK come from a much narrower range of places than US cabinet officers. Which institution are cabinet ministers most likely to come from? Can they stay members of this institution?

### Remember

Don’t use the term ‘cabinet ministers’ when discussing the USA. The correct term is ‘cabinet officers’.

### Compare

Unlike in the USA, UK cabinet meetings are held on a regular basis. How often does the UK prime minister hold cabinet meetings? What does this indicate about the importance of the cabinet to the UK executive, in comparison to the USA?

## Meetings

Frequency of cabinet meetings varies from one president to another.

- + Trump held nine in 2017 (well above the recent average).
- + Presidents tend to hold fewer cabinet meetings as their presidency progresses. Trump held only two full cabinet meetings in his final year in office – 19 May and 16 December 2020.
- + Cabinet meetings can fulfil different functions for the president:
  - + Engender team spirit
  - + Promote collegiality
  - + Exchange information
  - + Debate/promote policy, especially ‘big-ticket’ items
- + Cabinet officers may see meetings as a chance
  - + to get to know colleagues
  - + to resolve interdepartmental disputes
  - + for manual praise and congratulation (Trump)
  - + to speak to the president

### Debate

#### Is the president’s cabinet important?

Yes	No
<ul style="list-style-type: none"> <li>+ It contains some of the most important people in the executive branch (e.g. secretary of state, secretary of defense).</li> <li>+ All the heads of the 15 executive departments are automatically members</li> <li>+ The president always chairs the meetings.</li> <li>+ Cabinet meetings can fulfil a number of important functions, both for the president and for cabinet officers.</li> <li>+ Some presidents hold frequent meetings (e.g. Reagan).</li> </ul>	<ul style="list-style-type: none"> <li>+ Article II of the Constitution vests ‘all executive power’ in the president.</li> <li>+ There is no doctrine of collective responsibility.</li> <li>+ The members are neither the president’s equals nor political rivals.</li> <li>+ Presidents often view members of their cabinet with some suspicion because of their divided loyalties.</li> <li>+ EXOP is the main source of advice-giving for the president.</li> </ul>