5.3 The US Constitution: Principles and the Amendment Process: 30-minute Pack

EDEXCEL 9PL0 · about 30 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short-answer questions may be brief but must be precise. For levels-marked questions (the 12-mark source question and the 30-mark essay) write a developed response with evidence, clear reasoning and a concluding judgement.

1 Evaluate the extent to which the US Constitution has proved too difficult to amend. In your answer, assess the design of Article V, the role of politics and federalism, and the impact of judicial interpretation as an alternative to formal amendment. Reach a reasoned judgement.

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(Total for Question 1 is 30 marks)

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Mark scheme · 5.3 The US Constitution: Principles and the Amendment Process: 30-minute Pack

Question 1

Level 0 No relevant material.	**0**
Level 1 Basic, generalised knowledge of Article V and the amendment process with little or no analysis or evaluation. Limited or no examples.	**1-7**
Level 2 Clear knowledge of Article V, federal factors and alternative mechanisms, with some developed analysis and supporting examples. Evaluation is present but likely one-sided or not fully developed.	**8-15**
Level 3 Detailed, accurate knowledge applied to a sustained analysis that weighs reasons why amendment is difficult against counterarguments. Uses specific examples and considers the roles of politics, federalism and the courts; reaches a reasoned judgement.	**16-23**
Level 4 Sophisticated and balanced evaluation drawing on wide-ranging, accurate evidence and reasoning. Directly engages with the claim that the Constitution is too difficult to amend, evaluates institutional design, political behaviour and judicial alternatives, and reaches a clear, well-justified judgement.	**24-30**

Indicative content:

- Arguments that it is too difficult: Article V sets very high thresholds, two-thirds of both Houses or convention proposal plus three-quarters of states for ratification, which produces a strong status quo bias and explains only 27 amendments by 2026.
- Political explanations: polarization, divided government and partisan tribalism make cross-aisle supermajorities unlikely; powerful interest groups and state diversity can block national consensus.
- Federalism effects: diverse regional interests and the need for 38 state ratifications mean that changes affecting only some regions face blocking by others, amplifying the difficulty of national amendment.
- Institutional alternatives reduce pressure for amendment: Congress can pass laws, executive action can effect policy, and the Supreme Court can reinterpret the text, producing de facto constitutional change without Article V; this weakens incentives to pursue formal amendment.
- Counter-arguments that it is appropriately difficult: entrenchment protects minority rights and prevents transient majorities from making sweeping changes; stability and predictability are valuable constitutional goods.
- Counter-argument, democratic legitimacy: difficult amendment may frustrate democratic change and transfer power to courts or administrative bodies, raising concerns about legitimacy if policy is set by unelected judges rather than by amended text.
- Examples to support each side: successful amendments such as the Bill of Rights (1791) and Reconstruction Amendments (13th to 15th, post-1865) show amendment can succeed in major moments; 20th century proposals often failed due to politics (e.g. Equal Rights Amendment stalled despite congressional passage).
- Evaluation of the courts: judicial interpretation can adapt the Constitution but may be seen as substituting judicial policy-making for democratic amendment; the balance between adaptability and democratic process is central to the judgement.
- A strong conclusion weighs the trade-offs: while Article V makes amendment difficult in ordinary times, this design protects foundational principles and minority rights; however, modern polarization and the availability of non-amendment routes mean vital constitutional change often occurs outside Article V, which can be judged problematic for democratic legitimacy.
- Credit a clear, supported final judgement that takes account of institutional design, political reality and normative values about stability versus democratic change.

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