5.3 The US Constitution: Principles and the Amendment Process: Test Pack

EDEXCEL 9PL0 · about 15 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 Define what is meant by a 'codified constitution' in the context of the United States Constitution as a single written document.

(Total for Question 1 is 1 mark)

2 State the Article V requirement for ratification of a proposed amendment to the US Constitution.

(Total for Question 2 is 2 marks)

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3 Explain the core claim of originalist or strict constructionist interpretation of the US Constitution and why proponents favour this approach. Give one example of a prominent originalist thinker or judge and briefly explain that person's argument or influence. Also identify one criticism of originalism and explain how it may affect interpretation of a modern constitutional issue.

(Total for Question 3 is 6 marks)

4 Explain three reasons scholars give for why only 27 amendments have been successfully added to the US Constitution by 2026.

(Total for Question 4 is 6 marks)

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Mark scheme · 5.3 The US Constitution: Principles and the Amendment Process: Test Pack

Question 1

A concise definition: a single, written, authoritative text that sets out fundamental rules and institutions of government cao **B1**

Answer: A codified constitution is a single, written and authoritative document that sets out the fundamental rules, structures and powers of government, as with the US Constitution.

Question 2

Ratification by three-quarters of state legislatures (or three-quarters of state ratifying conventions) cao **B1**

Three-quarters currently equals 38 of the 50 states cao **B1**

Answer: Ratification requires approval by three-quarters of the states, currently 38 of the 50, either by state legislatures or by state ratifying conventions.

Question 3

States core claim: text should be read according to its original public meaning or framers intent **B1**

Explains why proponents favour this, e.g. democratic legitimacy and constraint on judges **B1**

Names a prominent originalist thinker/judge, e.g. Justice Antonin Scalia **B1**

Gives a brief development/example of that thinker's argument or influence **B1**

Identifies a limitation or criticism of originalism **B1**

Explains how this limitation may affect modern constitutional issues **B1**

Answer: Originalism holds the Constitution should be interpreted according to its original public meaning or the framers intent, arguing this respects democratic legitimacy and restrains judicial law-making. A prominent originalist was Justice Antonin Scalia, who argued for textual and historical methods. Critics say originalism can be rigid or indeterminate about historical meaning, complicating responses to modern issues like digital privacy.

Question 4

Identifies a reason: the high procedural thresholds for proposal and ratification **B1**

Identifies a reason: political polarisation and interstate differences make reaching supermajorities difficult **B1**

Identifies a reason: the existence of alternative routes such as statutory law or constitutional interpretation reduces perceived need for formal amendment **B1**

Explains development of first reason, e.g. two-thirds in Congress and three-quarters of states set a high bar **B1**

Explains development of second reason, e.g. regional interests and federalism mean some states block changes **B1**

Explains development of third reason, e.g. Congress, the courts and presidential action can achieve many policy changes without altering the text **B1**

Answer: Reasons include: the high procedural thresholds in Article V, such as two-thirds of Congress and ratification by three-quarters of states, which make success rare; political polarisation and diverse state interests that prevent building supermajorities; and the availability of alternative mechanisms, such as statutory change, executive action, or Supreme Court interpretation, which reduce political will to pursue difficult formal amendments.

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