5.7 The US Supreme Court: Role, Appointment and Judicial Philosophy: Test Pack

EDEXCEL 9PL0 · about 15 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. For levels-marked questions write full sentences and structured argument. The two levels-marked essays/questions require developed analysis and evaluation. Spend about 15 minutes on the whole pack.

1 Name the constitutional article that establishes the federal judiciary in the United States, as taught in US comparative politics.

(Total for Question 1 is 1 mark)

2 State the year of the landmark Supreme Court case Marbury v Madison that established the principle of judicial review in US federal practice.

(Total for Question 2 is 1 mark)

3 Give two powers the US Supreme Court has that make it a coequal branch of government, naming each power explicitly.

(Total for Question 3 is 2 marks)

4 Explain briefly why Marbury v Madison (1803) is important for the balance of power in the US federal system.

(Total for Question 4 is 3 marks)

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5 Explain two political factors that can influence the Senate confirmation vote for a Supreme Court nominee.

(Total for Question 5 is 4 marks)

6 Explain how changes in the Court's composition can affect its rulings, giving one structural mechanism and one political mechanism in your answer. Date any example to 2024 where relevant.

(Total for Question 6 is 6 marks)

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Mark scheme · 5.7 The US Supreme Court: Role, Appointment and Judicial Philosophy: Test Pack

Question 1

Article III of the United States Constitution cao **B1**

Answer: Article III

Question 2

1803 cao **B1**

Answer: 1803

Question 3

identifies judicial review of congressional and executive acts as a power **B1**

identifies final appellate jurisdiction over federal and constitutional questions as a power **B1**

Answer: Judicial review of congressional and executive acts; final appellate jurisdiction over federal and constitutional questions.

Question 4

identifies judicial review as the key principle established **B1**

explains that judicial review allows the Court to declare laws or executive acts unconstitutional **B1**

explains the effect on balance of power, e.g. it enables the judiciary to check the other branches **B1**

Answer: Marbury v Madison established judicial review, allowing the Supreme Court to declare laws or executive actions unconstitutional, which gives the judiciary a concrete power to check and balance the legislative and executive branches and protect constitutional limits.

Question 5

identifies Senate party balance and majority control as a factor **B1**

explains how a small Senate majority makes confirmations easier or harder **B1**

identifies public opinion and media attention as a factor **B1**

explains how intense public scrutiny or protests can influence Senators concerned about re-election **B1**

Answer: Senate party balance and majority control influence confirmations because a President whose party controls the Senate faces fewer obstacles; with a small majority nominations can be defeated or require concessions. Public opinion and media attention also shape votes since Senators may fear electoral backlash if they support a controversial nominee, especially in a closely divided state.

Question 6

identifies a structural mechanism, e.g. appointment of justices with a particular judicial philosophy alters the Court's majority **B1**

explains how a majority of justices sharing a philosophy changes decision outcomes and precedents **B1**

identifies a political mechanism, e.g. politicised confirmation process leads Presidents to nominate ideologically committed jurists **B1**

explains how increased politicisation narrows the range of acceptable nominees and therefore polarises outcomes **B1**

provides dated context, e.g. as of 2024 the Court is widely described as having a 6-3 conservative majority, affecting case selection and outcomes **B1**

explains the consequence for precedent, e.g. the Court may overturn or narrow prior precedents if the new majority disagrees with them **B1**

Answer: Structurally, appointing justices who share a judicial philosophy produces a stable majority that can change case outcomes and create new precedent. Politically, a more politicised confirmation environment encourages Presidents to nominate ideologically committed jurists, narrowing acceptable candidates and polarising judicial outcomes. As of 2024 the Court is widely described as having a 6-3 conservative majority, a fact commentators link to changes in case selection and willingness to revisit or narrow prior precedents.

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