

Constitution- Nation's Basic Law

- Jamestown —
- Puritans —

In the end, there were 13 colonies; they were governed by the Articles of Confederation

Articles of Confederation

- A. States had more power (State Centered Federalism)
- B. Members of the national congress appointed/paid by their states
- C. Each state had one vote
- D. Nine votes were needed to pass a law
- E. All 13 votes needed for constitutional amendment
- F. The federal government could NOT collect taxes, instead, it had to pass the basket (accept state contributions)

Shay's Rebellion

- Involved a revolt by about 2,000 Farmers in Western Massachusetts
- Revolt was to stop banks from foreclosing their farms
- Govern of Massachusetts appealed to Congress for help
- Congress was unable to help due to lack of money and marshals
- Became apparent that the U.S. was very vulnerable

Constitutional Conference was called in Philadelphia in late Spring 1787
-was called to rewrite the articles to give congress more power

There were two plans at constitutional conference

- A. Virginia Plan (Big State Plan)- Representation is based on population or share of tax collection (beneficial to big states)
- B. New Jersey Plan (Small State Plan)- Calls for equal representation regardless of population or tax collection

The Great Compromise

- A. Bicameral Legislature
 - two chambers
- B. House Apportioned based on population
 - bigger states have more representation
- C. Senate Apportioned equally (2 per state)

Another issue involved slavery

North-South Compromise

South- Agricultural based economy (lots of slaves)

North- Manufacturing economy

How do you count slaves as population?

Compromise: Congress COULD NOT tax exports but they COULD tax imports

-Couldn't pass law to end slave trade till at least 1808

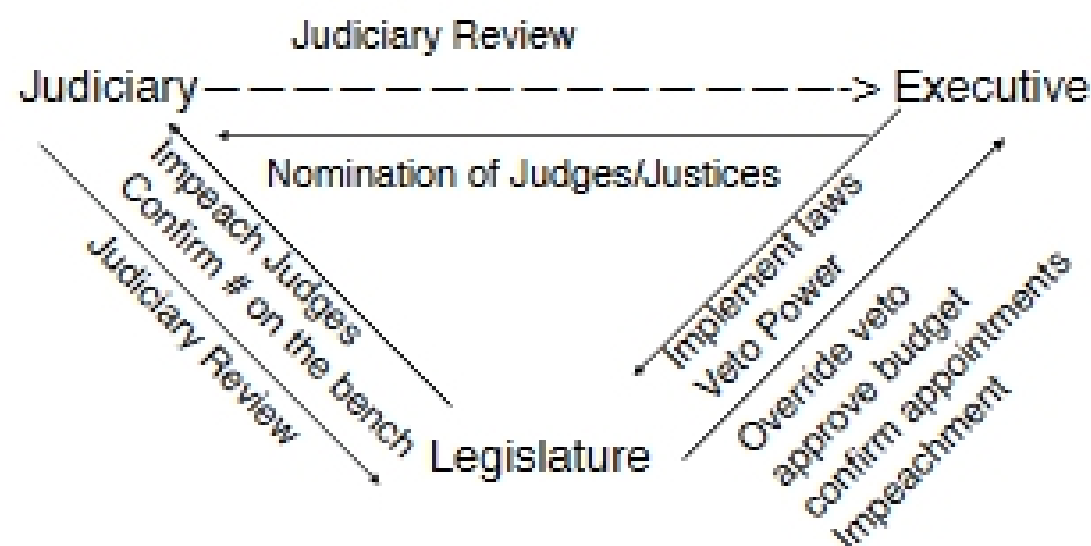
-Each state had to return runaway slaves

-5 slaves counted as 3 free people (3/5 Compromise)

Constitutional Democracy

Constitution limits the majority

The U.S. System of Constitutional Democracy:
Three Branches



Judiciary Review not Provided for in constitution

-so Congress extended it to the judiciary in the Judiciary Act of 1789

-The Supreme Court was established in Marbury vs. Madison (1803)

Marbury Vs. Madison

1. John Adams lost second term bid in 1800; Jefferson won
2. Between November-January Adams party created 59 Judgeships to fill
3. James Madison withheld Marbury's commission
4. Marbury appealed to the Supreme Court

Ruling: Court agreed that Marbury was entitled to his commission

-but court ruled that it had no power to issue a "writ of Mandamus" to compel Madison to give Marbury his commission

-Overturned the Judiciary Act of 1789 (unconstitutional)

*set precedent

-judges look at what was done before to make a decision

Other Provisions of the Constitution

1. Limited popular rule or limited direct democracy
2. House of Representatives was to be based on popular direct election—Senators appointed by the states
3. House could not have > 1 rep per 30,000 inhabitants
4. President selected through electoral college
5. Judges were to be appointed

Reforms:

1. Electoral College chosen through the popular vote—winner takes all
2. Property ownership as a requirement for voting was abolished
3. Parties developed from the grassroots
4. Rotation of Public offices—“to the Victor goes the spoils.”—The spoils system

Progressive Reforms

A. Rejected the notion of representatives as trustees;

Embraced representatives as delegates

Trustee: Somebody who uses his or her own thought to determine what is good for the people

Delegate: follows public opinion

B. Introduced the Initiative—Back of initiative is referendum

C. The Recall—people can start petitions to put something on the ballot

D. Direct election of Senators—Every 6 years

E. Primary Election

Term Limitation Movement

The Supreme Court, in *Thorton v. US* (1995) ruled term limitations unconstitutional at the Federal level because the constitution only specifies age, citizenship, and residency. (35 years old, citizen in the US, must be a resident for at least 9 years of the state in which you are representing)