

Constitution

Chapter Two – Nations Basic Law

Articles of Confederation

- a) States had more power- state- centered federalism
- b) Members of the National congress appointed/paid by the states
- c) Each State had one vote
- d) Nine votes to pass law
- e) All 13 votes need for constitutional amendment
- f) Federal government could not collect taxes-passed the basket for state contributions

Shay's Rebellion

- Involved revolt by about 2000 farmers in West MA
- Revolt to stop banks from foreclosing
- Governor of MA appealed to congress for help, no help was given

Constitutional Conference in Philadelphia in late spring 1787

Two plans at Constitutional Conference

- 1) *Virginia Plan (the big state plan)*- representation to be based on population or share of tax collection
- 2) *New Jersey Plan (small State Plan)*- equal representation regardless of population or tax collection

The Great Compromise

- a) Bicameral Legislature
- b) House apportioned based on population
- c) Senate apportioned equally (2 per state)

North-South Compromise

South- agricultural based economy (lots of slaves)

North- Manufacturing economy

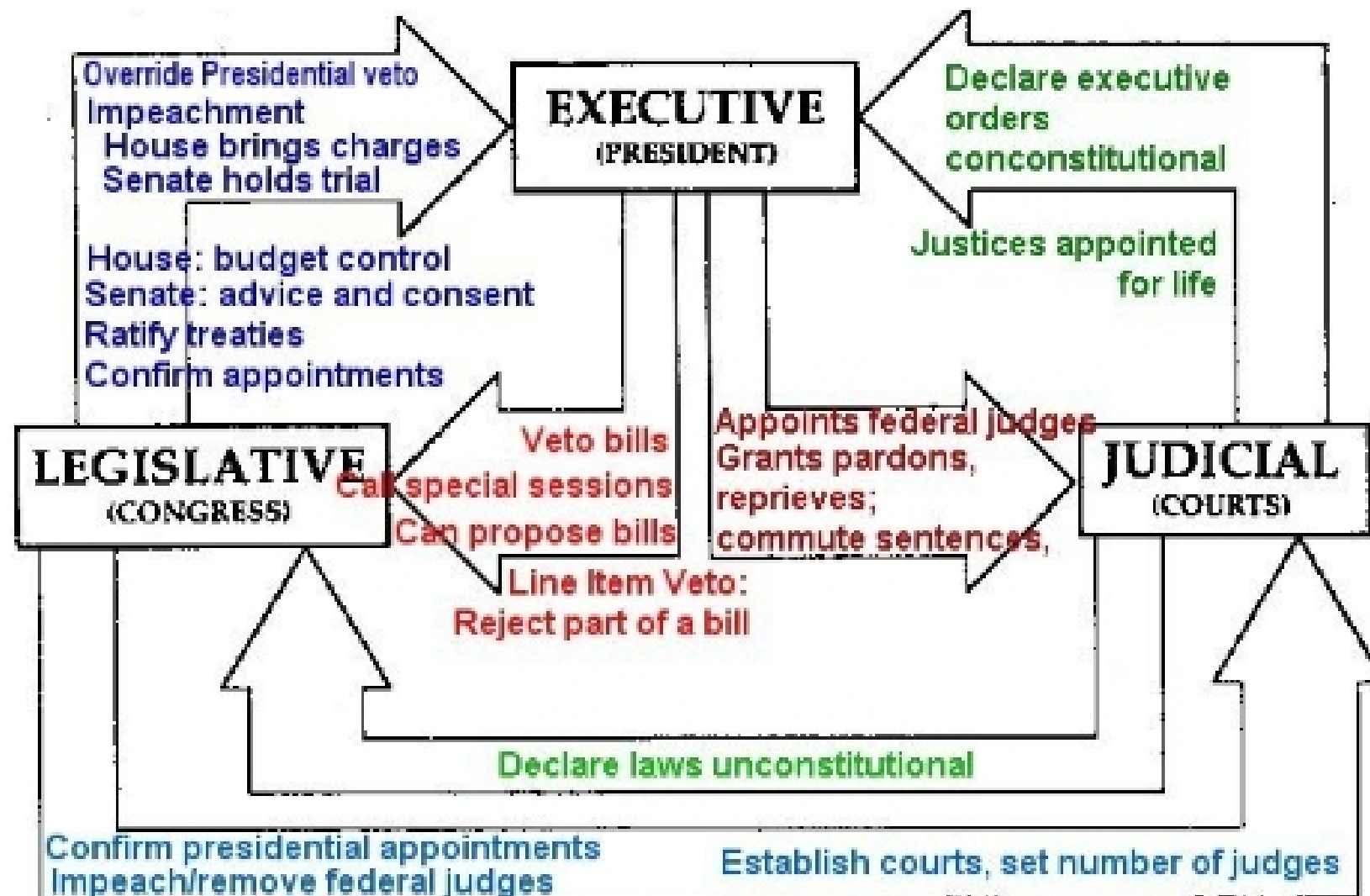
Compromise: Congress could not tax-exports, but could tax imports.

- Could not pass law to end slavery trade until at least 1808
- Each state to return runaway slaves
- 5 slaves counted as 3 free people for the (3/5th compromise)

Constitutional Democracy:

Constitution limits the majority

The US System of Constitutional Democracy:



Judiciary Review not provided for in constitution

- Congress extended it to the Judiciary through the Judiciary Act of 1789
- Supreme Court established it in *Maybury vs Madison* (1803)
 - *Maybury vs Madison*
 - John Adams lost Second term in 1800; Jefferson won
 - Between Nov-Jan, Adams party created 59 Judgeships to fill
 - James Madison withheld Maybury's Commission
 - Maybury appealed to Supreme Court
 - Ruling:
 - Maybury entitled to his commission
 - Court had no power to issue "writ of mandamus" to compel Madison to give Maybury his commission
 - No power to make Madison give letter of appointment
 - Overturn the Judiciary Act of 1789- set precedent

Other provisions of the constitution

- Limited popular rule or limited direct democracy
- House of representatives alone was to be based on popular direct election- senators appointed by states
- House could not have more(>) than 1 representative per 30000 inhabitants
- President selected through electoral college
- Judges were to be appointed

Reforms (Jefferson)

- 1) Electoral college chosen thru the popular vote—winner takes all
- 2) Property ownership abolished as requirement for voting
- 3) Parties developed from the grassroots
- 4) Rotation of public offices—“to the victor goes the spoils”—spoils system