### Constitutional Underpinnings

#### Models of Representative Democracy

- **Participatory Democracy** – broad participation in politics and society.  
- **Pluralist Democracy** – organized group based activism by citizens with common interests all striving for the same political goals.  
- **Elite Democracy** – discourages participation, the majority of citizens cede power to the wealthy/educated.

#### The Declaration of Independence Essential Document

- Has five sections: the Preamble, the Statement of Human Rights, Charges against Human Rights, Charges against the King and Parliament, and the Statement of Separation.  
- A statement of political philosophy and not a governing document. Jefferson was inspired by the writings of John Locke.

#### Articles of Confederation Versus The Constitution

- **THE GREAT COMPROMISE**  
  - Bicameral legislature: 2 house congress  
  - House of Representatives: States representation would be based on population. (directly elected)  
  - Senate: State representation would be equal. (chosen by state legislatures until 17th amend)  

- **THE THREE FIFTHS COMPROMISE**  
  - 5 slaves counted as 3 people in counting for congressional representation.

#### Ratifying the Constitution

- 9 States had to agree to the Constitution at State ratifying conventions.

- **FACTIONS**  
  - Federalists: supported the new constitution due to the need for a strong central government.  
  - Anti-Federalists: opposed the new constitution because the national government would be strong and people’s liberty was at stake.

- **Federalist Papers**: 85 Essays written by Alexander Hamilton (wrote 2/3rds), James Madison, and John Jay in support of the Constitution.  

- **Federalist 10 (ESSENTIAL DOCUMENT)**: Madison advocates to control faction through a large commercial republic (elected officials). Angry mobs will not have power elected officials will.

- **Federalist 51 (ESSENTIAL DOCUMENT)**: Madison thinks faction will be controlled through a system of checks and balances and separation of powers in the new government (3 branches dilutes power).

- **Brutus I (ESSENTIAL DOCUMENT)**: Necessary and Proper Clause will continually increase the power of the central government. People in power will do everything to expand power. No way Congress can be big enough to represent the will of the people.
### Federalism

#### Federalism in the U.S.

**ENUMERATED POWERS**
- Belong to National government
- Ex: coin money, declare war, regulate interstate commerce

**CONCURRENT POWERS**
- Belong to both National government & State governments.
- Ex: levy and collect taxes, establish courts, define crimes

**IMPLIED POWERS**
- Necessary and Proper (Elastic) Clause (National Bank)

**RESERVED POWERS**
- Belong to State governments
- Ex: establish local government, establish public schools

**DENIED POWERS**
- Titles of nobility, taxes on exports, Habeas corpus suspension (unless during time of rebellion/invasion), Ex Post Facto laws, Writ of attainder

#### Major Events in Federalism

**DUAL FEDERALISM (LAYER CAKE)**
- 1789-Civil War---National gains power
- Civil War Amendment---National gains power
- Post Reconstruction---States gain power

**COOPERATIVE FEDERALISM (MARBLE CAKE)**
- New Deal---National gains power
- Civil Rights---National gains power

**NEW FEDERALISM**
- Devolution Era---States gain power

- Example of devolution. State power enhanced as the Court rules that Congress has exceeded its authority through the commerce clause (Gun-Free School Zones Act)

#### Direct Democracy (STATE LEVEL ONLY)

**INITIATIVES**
- Start when people sign a petition to have the measure go to the ballot for residents to determine if it will become law.

**REFERENDUMS**
- Start in state legislatures and then goes to the ballot for residents to determine if it will become law.

**RECALL**
- Voters can petition for a special election to remove an office holder before their term ends (Example - Gray Davis California).

### Grant-In-Aid Programs

**CATEGORICAL GRANT**
- Grants for specific purposes (strings attached)
- States do not prefer these because they have less control over their budget.

**BLOCK GRANT**
- Grants for broad purpose (less strings)
- State prefer these because they have more control over their budget

**MANDATE** (no money given to State)
- National government make States do something—Americans with Disabilities Act/update public buildings

### Relations Among The States

**ARTICLE IV**
- Full Faith & Credit Clause: Judicial decrees and contracts made in one state are binding in another.
- Privileges & Immunities Clause: Citizens of each state are given same rights as citizens in all other states.  
- Extradition Clause: States must extradite or return criminals.

**ARTICLE I (Section 10 Clause 3)**
- Interstate Compacts: contracts between States that carry the force of law (drivers license compact)

### Case: McCulloch v. Maryland 1819 (REQUIRED CASE)

**CASE ISSUE**
- Maryland attempts to tax the federal bank in their state. - They also question constitutionality of national banks existing.

**CASE RULING**
- No state can tax the national government. The bank is constitutional because the Necessary and Proper clause says that Congress has implied powers in order to carry out their expressed powers. (Thus giving Congress more power than some thought it should have)