

## Reconsidering Key Elements of Your Constitution

For Problem #3 in the packet, you were to **create a legislature** that allowed big states a bit more voice, but had to be careful not to allow big states so much more power that a few of them could control the country.

1. Some students came up with the following solution:

*Each state will get one representative per 10,000 people.*

What is wrong with that? Explain why this is NOT a correct answer.

2. Other students wrote that *each state would get five representatives.* It should be easy to see why this does **not** solve the problem.

For Problem #5, you were given three tasks that would help you stop a “Tyranny of the Majority.” A) Make a **list of rights** that no law could ever take away. B) Create **a watchdog group** that could stop laws that they judge to go against this list. C) Create a way for people to serve on this watchdog group that does **not** leave them **beholden to the public**.

3. For step one—the List—a common answer looked like this:

*No law can mess with anyone based on race or religion.*

*There will be free speech and free press.*

(and then each group put one or two other items like guns or voting).

For the year 2009, that is a poor list!

What rights have we carved out for our citizens over the last 250 years?!

There have been gender issues, racial issues, and issues with sexual orientation. There are differences between children and adults that groups didn't take into consideration. Now, you don't have to write a 50-item list, but it should be more than just free speech and religion...

So, what rights should every group have put in their list? --Rights that women, ethnicities, the poor, and others enjoy today?

4. For step two—creating a watchdog group that stops laws that they judge will go against the aforementioned list, here are some common student solutions:

A. *Members of this judging branch shall be elected by the people every two years.*

This is NOT a valid solution. Based on what Mr. Kabat said was in the original handout, explain why this is wrong.

B. *Whenever a new president comes into office, he or she will choose 19 new people to sit in the watchdog group.* (I can only assume the 19 people who were there leave, otherwise the group could get pretty big.)

What is wrong with a new watchdog group coming in with the new President, chosen by the President?

C. *The President and the legislature will decide if a judge should be taken off of the watchdog group.*

This idea completely destroys the ability of the group to get rid of laws they judge as going against basic rights. Explain.

D. *Each state will select a citizen to sit on this council of law-judges. Each state will hold an election for their council representative every four years.*

Again, this undermines any council-member's ability to act against an unfair law. Explain.

E. *When a vacancy occurs, the President will appoint a replacement.*

What's wrong with this idea?

F. *Once on this panel of judges, a person can serve for the rest of their life or until they decide to retire.*

Problem?