

EC, "Phone Home"

Listen to the ROOM 2B podcast **EC, "Phone Home"** at mrreview.org and complete the following exercise. Be prepared to discuss with your classmates.

1. Explain how the original Electoral College was supposed to work.
Explain how the Twelfth Amendment changed the original Electoral College.
2. Discuss reasons for and against keeping our current Electoral College. What reforms are typically offered?
3. Explain what the U.S. Supreme Court decided in *McPherson v. Blacker* (1892). How does this case impact discussions about reforming the Electoral College? Would there need to be a constitutional amendment to change how the Electoral College works?
4. Complete the **PRACTICE SCOTUS COMPARISON QUESTION** below:

"Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States; but otherwise, the power and jurisdiction of the state is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and federal influence might be excluded.

The question before us is not one of policy. but of power; and, while public opinion had gradually brought all the states as matter of fact to the pursuit of a uniform system of popular election by general ticket, that fact does not tend to weaken the force of contemporaneous and long-continued previous practice when and as different views of expediency prevailed. The prescription of the written law cannot be overthrown because the states have laterally exercised, in a particular way, a power which they might have exercised in some other way. The construction to which we have referred has prevailed too long and been too uniform to justify us in interpreting the language of the constitution as conveying any other meaning than that heretofore ascribed, and it must be treated as decisive."

Source: *McPherson v. Blacker* (1892)

- A. Identify a common power assumed by the U.S. Supreme Court when deciding both *McPherson v. Blacker* (1892) and *Marbury v. Madison* (1803).
- B. Based on the constitutional power identified in part A, explain how the holding of *McPherson v. Blacker* (1892) was different from the holding of *Marbury v. Madison* (1803).
- C. Explain how the decision in *McPherson v. Blacker* (1892) reflects how federalism impacts the choosing of an American President.