
How Did the Constitution Guard Against Tyranny?

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Overview: In the summer of 1787, fifty-five delegates representing twelve of the thirteen states met in Philadelphia to fix the national government. The problem was that the existing government, under the Articles of Confederation, just wasn't doing the job. It was too weak. The challenge was to create a strong central government without letting any one person, or group of people, get too much power.

The Documents:

- Document A: Federalism
- Document B: Separation of Powers
- Document C: Checks and Balances
- Document D: Big States vs. Small States

A Mini Document Based Question (Mini-Q)

Hook Exercise: Constitution

Directions: When we use the word “tyranny” (teer-a-nee) we usually mean a government with an absolute ruler like a king, or a dictator. The writers of the Constitution were determined not to let such a person get control of the new American government. However, there are other kinds of tyranny that caused concern, where one group might have too much power over another. With a partner, give an example how each kind of tyranny listed below could be harmful to the people of the United States.

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Questions:

1. Tyranny of individual states over the central government: What if states had the power to ignore a federal tax law they did not like?

This could be a problem because:

2. Tyranny of the Chief Executive: What if there was no legislative branch and the President had the power to both make laws and enforce laws?

This could be a problem because:

3. Tyranny of the President over the Judicial branch: What if the President could fire justices of the Supreme Court if he didn't like a ruling they made?

This could be a problem because:

4. Tyranny of big states over little states: What if New York had a lot more members than Rhode Island in both the Senate and the House of Representatives?

This could be a problem because:

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In May of 1787 they began to drift into Philadelphia, 55 individuals all responding to the call for a Constitutional Convention. Most were wealthy, all were white, all were male. They came from eleven of the rather disunited states stretched along the eastern seaboard. New Hampshire delegates would not show up until July. Rhode Island would not show up at all.

The problem facing this remarkable group of men was that the existing **constitution**, the **Articles of Confederation**, just wasn't working. Under the Articles there was no chief executive, there was no court system, there was not even a way for the central government to force a state to pay taxes. A new constitution, creating a stronger central government, was necessary if the new nation was to hold together.

The decision to go forward with a new constitution presented a special challenge. Was it possible to **frame** a government that was strong enough to serve the needs of the new nation and yet which did not create any kind of **tyranny**? Just four years earlier, the thirteen states had concluded a long revolutionary war to rid themselves of control by a king. Could they create a government that was tyranny-free?

Tyranny is most often defined as harsh, absolute power in the hands of one individual – like a king or a dictator. Thus the colonists called King George III a tyrant. However, in this Mini-Q we will use a broader definition of

tyranny, one provided by James Madison. In his support of the Constitution, Madison wrote as follows:

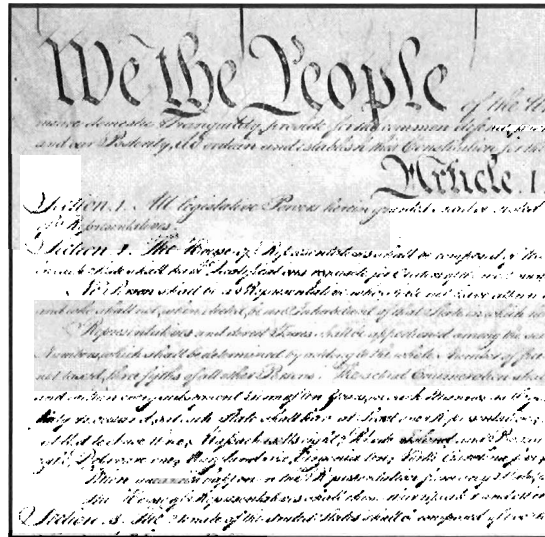
The accumulation of all powers ... in the same hands, whether of one, a few, or many (is) the very definition of tyranny.

Federalist Paper #47

What Madison was saying is that there are many kinds of tyranny. You can have a tyranny of one supreme ruler who takes all power for himself or herself. You can also have a tyranny of a few (when several generals or religious leaders seize control). You can even have tyranny by the many, as when the majority denies rights to a minority.

For Madison and his fellow delegates, the challenge was to write a Constitution that was strong enough to hold the states and the people together without letting any one person, or group, or branch, or level of government gain too much control.

Examine the four documents that follow and answer the question: *How did the Constitution guard against tyranny?*



Background Essay Questions

1. In what city and in what year was the Constitution written?
2. What were two weaknesses of the Articles of Confederation?
3. What was James Madison's big worry about framing a new Constitution?
4. What is an example of tyranny by the few?
5. Define or explain each of these terms:

constitution

Articles of Confederation

frame

tyranny

1783 – Treaty of Paris ends American Revolution

1784 – Ben Franklin invents bifocal glasses

1787 – Constitutional Convention in Philadelphia

1789 – Thanksgiving first celebrated as a national holiday

1793 – Eli Whitney invents the cotton gin

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Understanding the Question and Pre-Bucketing

1. What is the analytical question asked by this Mini-Q?

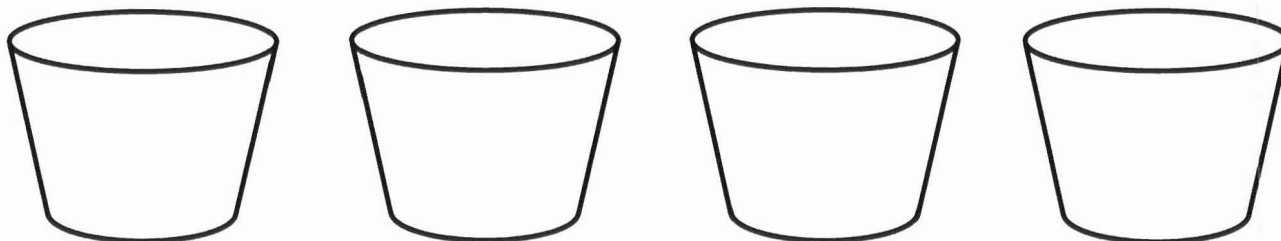
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2. What terms in the question need to be defined?

3. Rewrite the question in your own words.

Pre-Bucketing

Directions: Using any clues from the Mini-Q question and the document titles on the cover page, guess the analytical categories and label the buckets.

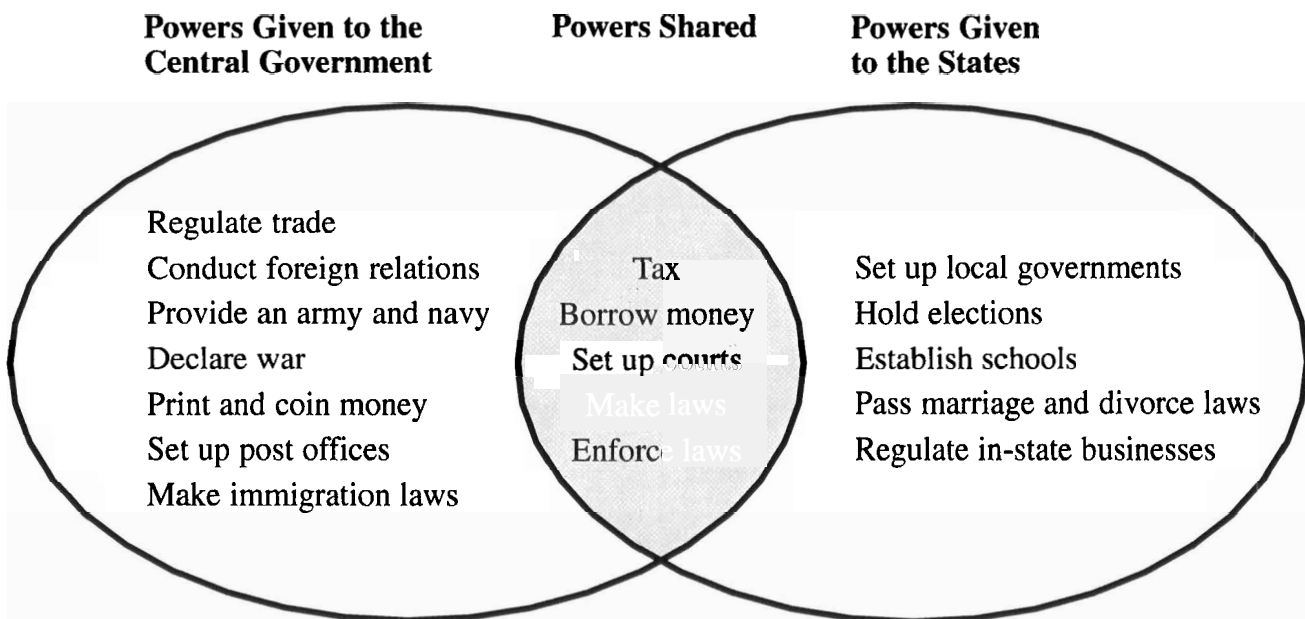


Document A

Source: James Madison, *Federalist Paper* #51, 1788.

“In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will each control each other, at the same time that each will be controlled by itself.”

Note: Madison's idea of division of power between central and state governments is known as Federalism. Specific power divisions can be seen in the chart below.



Document Analysis

1. A “compound” is something made of two or more pieces. What are the two pieces that make up Madison’s compound government?
2. What word ending in “ism” is another word for this kind of compound government?
3. How does this compound government provide “double security” to the people?
4. Using the chart above, can you see a pattern in the types of power the Constitution reserved for the State governments?
5. How does federalism guard against tyranny?

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Document B

Source: James Madison, *Federalist Paper #47*.

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may be justly pronounced the very definition of tyranny.... (L)iberty requires that the three great departments of power should be separate and distinct.”

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Source: Constitution of the United States of America, 1787.

Article 1, Section 1

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article 2, Section 1, Clause 1

The executive power shall be vested in a President of the United States. He shall hold his office during the term of four years, and, (serve) together with the Vice-President, chosen for the same term....

Article 3, Section 1

The judicial power of the United States shall be invested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and the inferior courts, shall hold their offices during good behavior....

Document Analysis

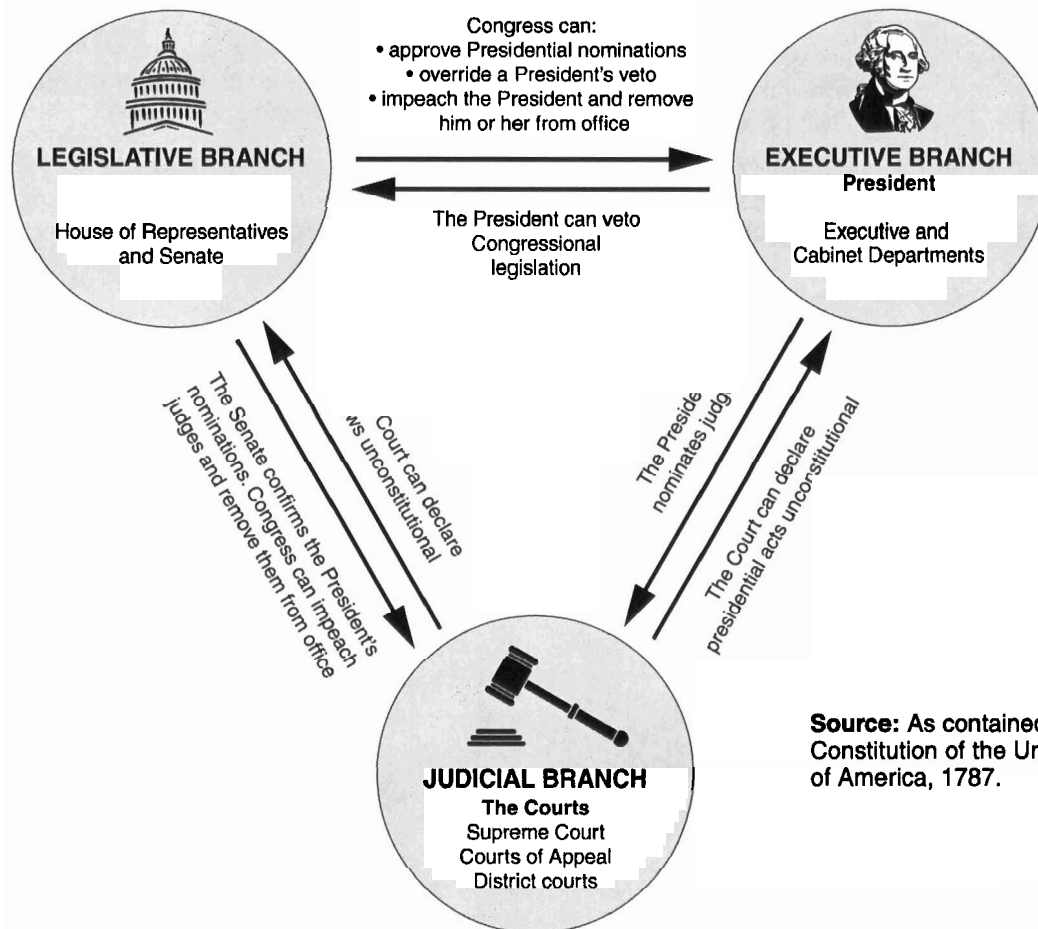
1. What is the main idea of the Madison quote?
2. Does Madison say it is possible to have tyranny in a democracy? Explain.
3. What is the primary job of each branch?
4. What would James Madison say about allowing a person elected to the House of Representatives to serve at the same time on the Supreme Court? Explain his thinking.
5. How does the separation of powers guard against tyranny?

Document C

Source: James Madison, *Federalist Paper* #51, 1788.

“...the constant aim is to divide and arrange the several offices in such a manner as that they may be a check on the other.... (The three branches) should not be so far separated as to have no constitutional control over each other.”

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Source: As contained in the Constitution of the United States of America, 1787.

Document Analysis

1. What is the main idea in the Madison quote?
2. What is one way the legislature can check the power of the chief executive?
3. What is one way the President can check the power of the Supreme Court?
4. What is one way the Supreme Court can check the Senate?
5. According to this document, how did the framers of the Constitution guard against tyranny?

Document D

Source: Constitution of the United States of America, 1787.

Article 1, Section 2, House of Representatives

Clause 3: Representatives ... shall be apportioned ... according to ... (population).... The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until (a census is taken within three years) the state of New Hampshire shall be entitled to three, Massachusetts eight, Rhode Island ... one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Article 1, Section 3, Senate

Clause 1: The Senate of the United States shall be composed of two senators from each state, chosen by the legislatures thereof for six years; and each senator shall have one vote.

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Document Analysis

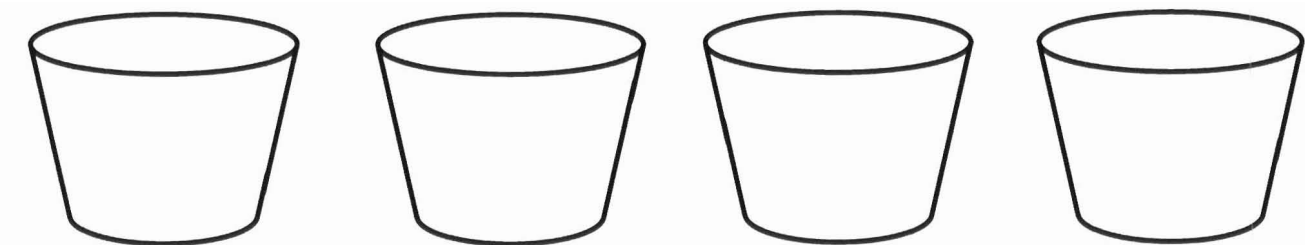
1. On what basis – area, population, or wealth – was the number of representatives in the House determined?
2. Which states had the smallest representation in the House of Representatives? How many?
3. Which state had the most Representatives? How many?
4. Who would have been happier with their representation in the House, small states or large states? Why?
5. Who would have been happier with their representation in the Senate, small states or large states? Why?
6. How did this small state – large state compromise guard against tyranny?

Bucketing – Getting Ready to Write

Bucketing

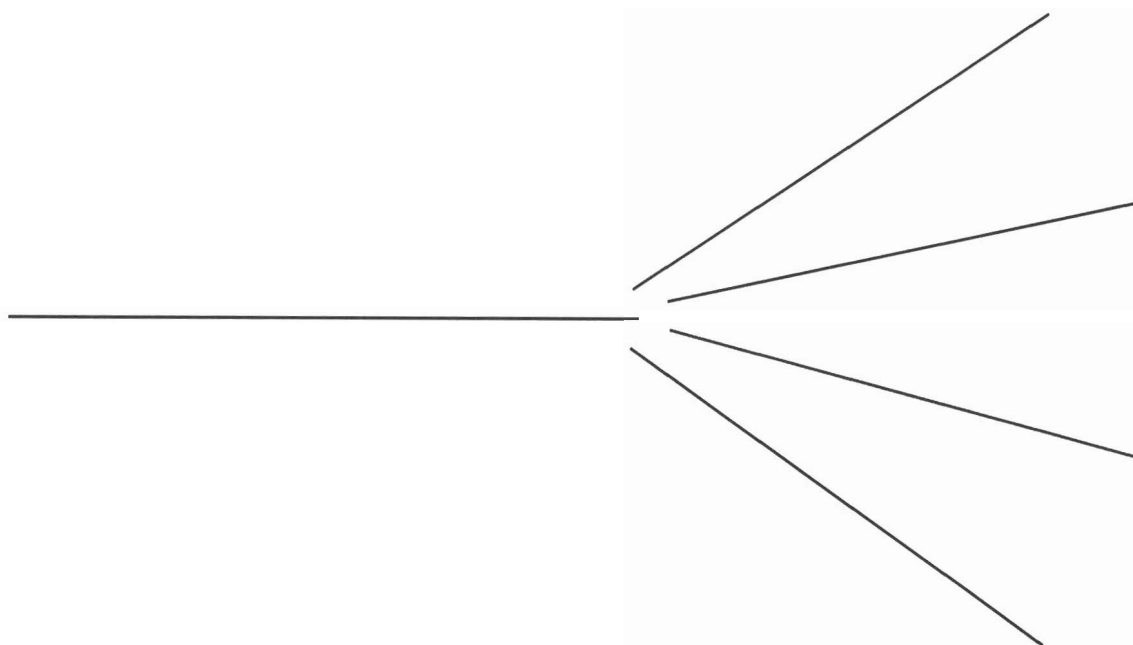
Look over all the documents and organize them into your final buckets. Write final bucket labels under each bucket and place the letters of the documents in the buckets where they belong. Remember, your buckets are going to become your body paragraphs.

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Thesis Development and Roadmap

On the chickenfoot below, write your thesis and your roadmap. Your thesis is always an opinion and answers the Mini-Q question. The roadmap is created from your bucket labels and lists the topic areas you will examine in order to prove your thesis.



From Thesis to Essay Writing

Mini-Q Essay Outline Guide

Working Title

Paragraph #1

Grabber

Background

Stating the question with key terms defined

Thesis and roadmap

Paragraph #2

Baby Thesis for bucket one

Evidence: supporting detail from documents with document citation

Argument: connecting evidence to the thesis

Paragraph #3

Baby Thesis for bucket two

Evidence

Argument

Paragraph #4

Baby Thesis for bucket three

Evidence

Argument

Paragraph #5

Baby Thesis for bucket three

Evidence

Argument

Paragraph #6

Conclusion: Restatement of main idea along with possible insight or wrinkle

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