**How did the Constitution Guard against Tyranny?**

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 come 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 the existing **constitution**, the **Articles of Confederation**, just wasn’t working. Under the Articles there was not chief executive [president], 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 a 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 dictator. Thus the colonist 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.**

**Source: Federalist Papers #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 document that follow and answer the question: **How did the Constitution guard against tyranny?**

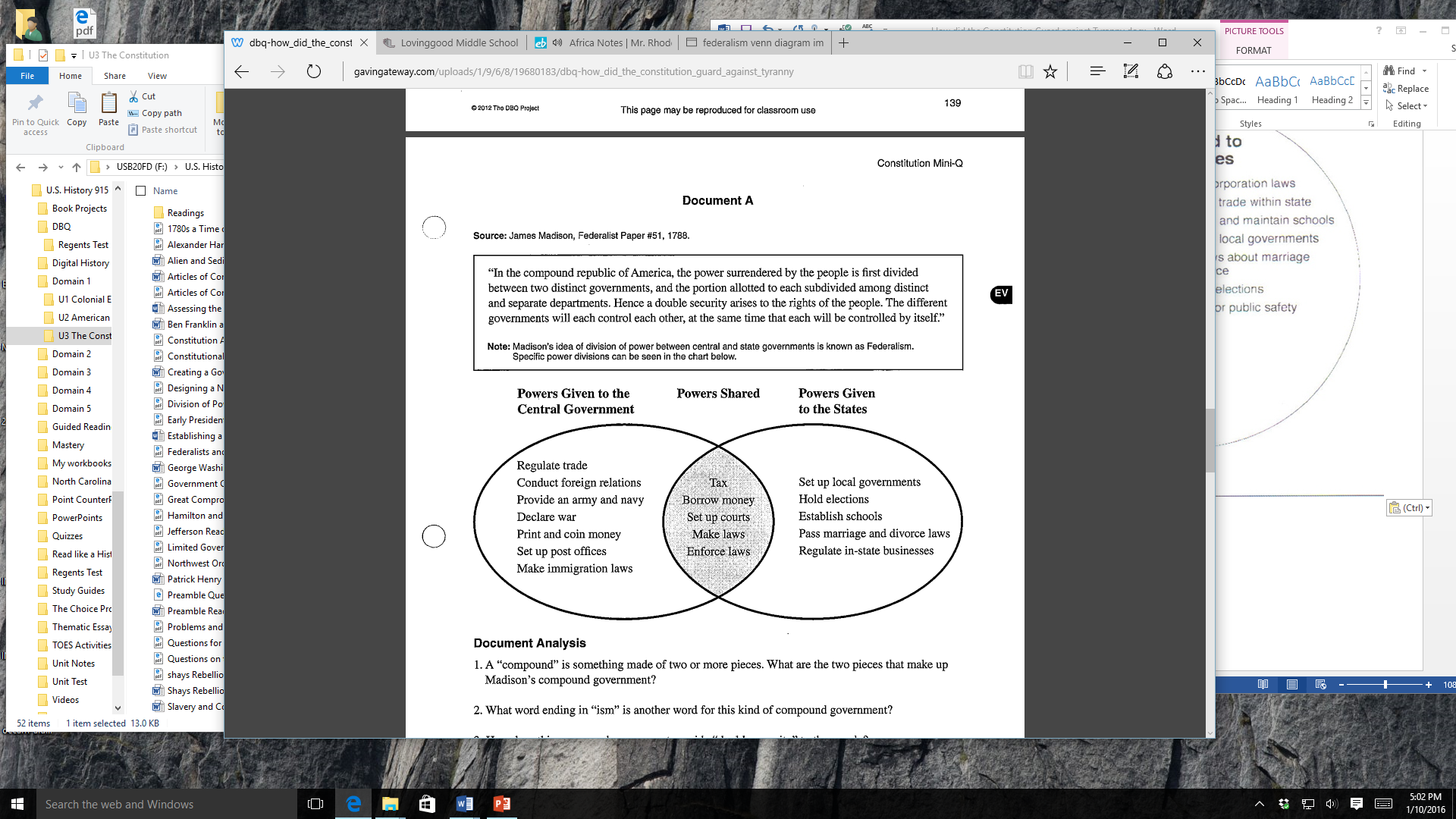
**Document 1: Federalism**

“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 the central and state governments is known as* ***Federalism****. Specific power divisions can be seen in the chart below.*

Source: James Madison, Federalist Paper #51, 1788

**Federalism: Diagram**



**Document 2: Separation of Powers**

“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…. Liberty requires that the three great departments of power should be separate and distinct.”

Source: James Madison, Federalist Paper #47, 1788

**Article 1, Section 1**

All the 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**

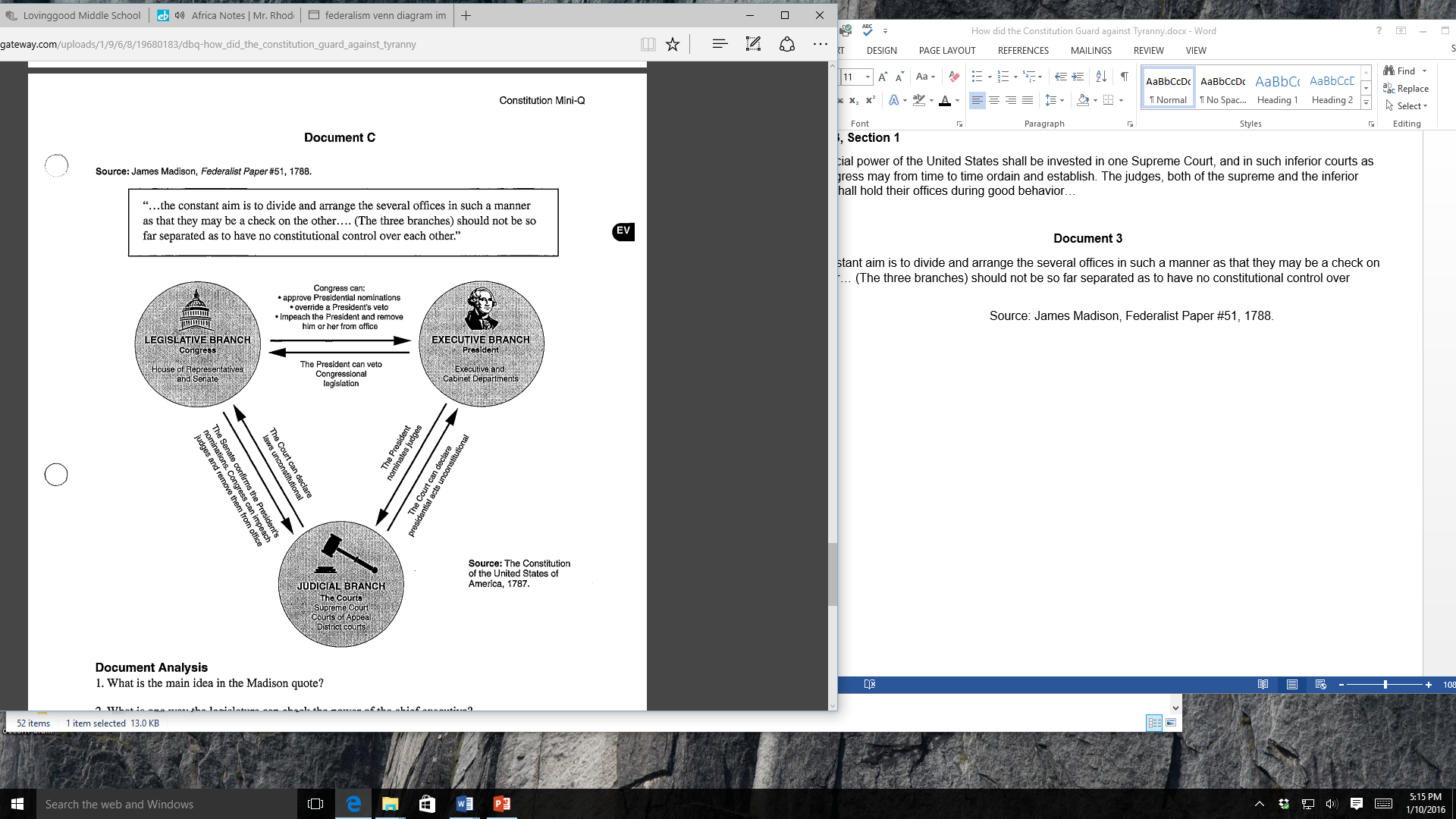
The judicial power of the United States shall be invested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and the inferior courts, shall hold their offices during good behavior…

**Document 3: Checks and Balances**

“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.”

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

**Checks and Balances: Diagram**



**Document 4: Congress**

**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.

Source: Constitution of the United States of America, 1787

**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 these terms:

a. Constitution:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Articles of Confederation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. Frame:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

d. Tyranny:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Document 1: 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 did this compound government provide “double security” to the people?

4. Using the char 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?

**Document 2: 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 of the federal government?

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 3: 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 4: Analysis**

1. On what basis—area, population, or wealth—was the number of representative in the House determined?

2. Which states had the smallest representation in the House of Representatives? How many?

3. Which state had the most Representative? 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?

**How did the Constitution Guard against Tyranny?**

Directions: Write a 5 paragraph essay on how the Constitution guards against Tyranny. There should be and introduction paragraph that discusses the background and history of the Constitution. The three body paragraph should discuss three of the following concepts: Federalism, Separation of Powers, Checks and Balances, Congress. The final paragraph should explain your opinion on how the Constitution guards against tyranny? **Students must cite information from the document analysis to strengthen their opinions?**

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