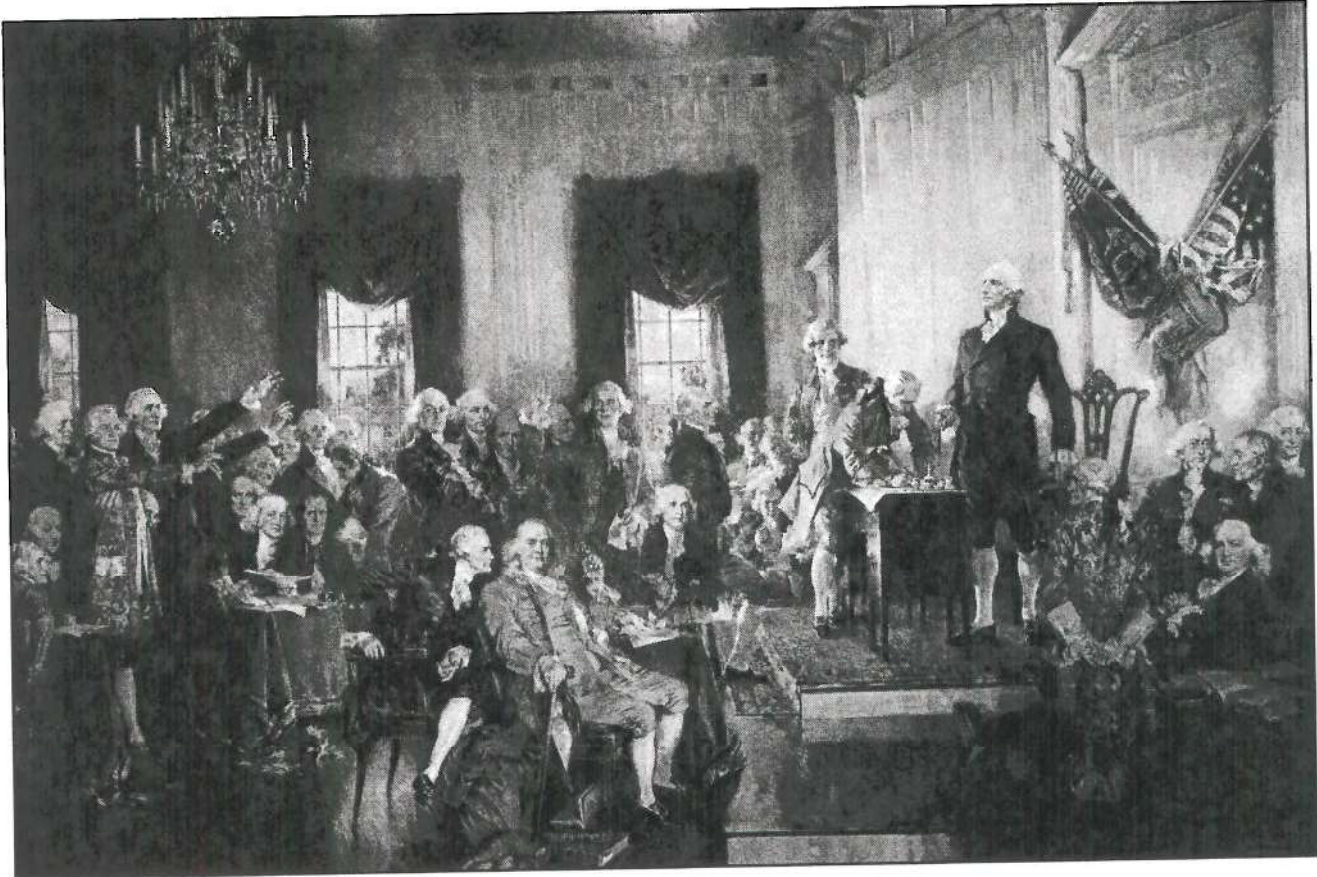

How Did the Constitution Guard Against Tyranny?

CV



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)

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 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.

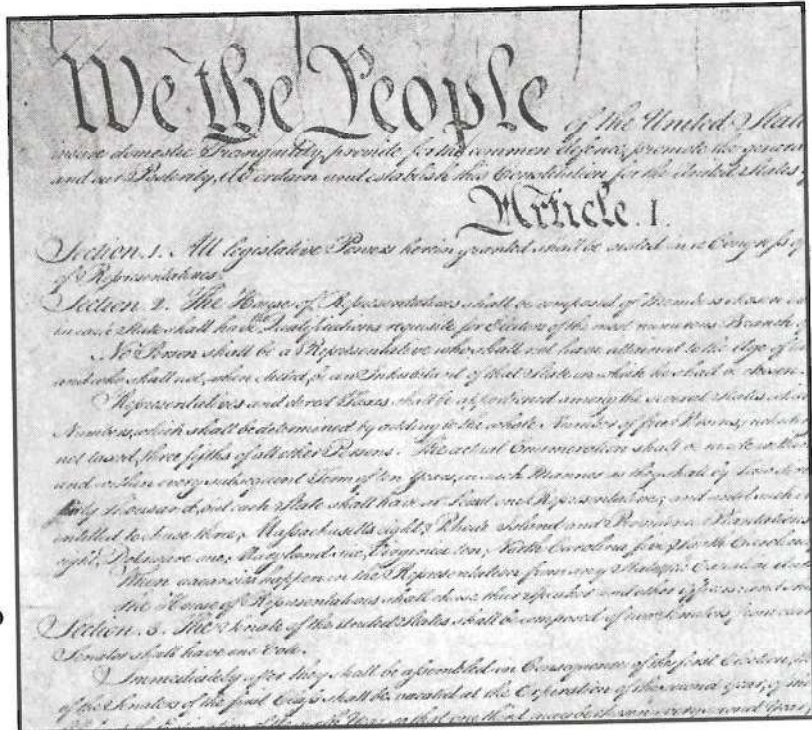
The decision to go forward with a new constitution presented a special challenge. Was it possible to **frame** a government that was strong enough to serve the needs of the new nation and yet which did not create any kind of **tyranny**? Just four years earlier, the thirteen states had concluded a long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

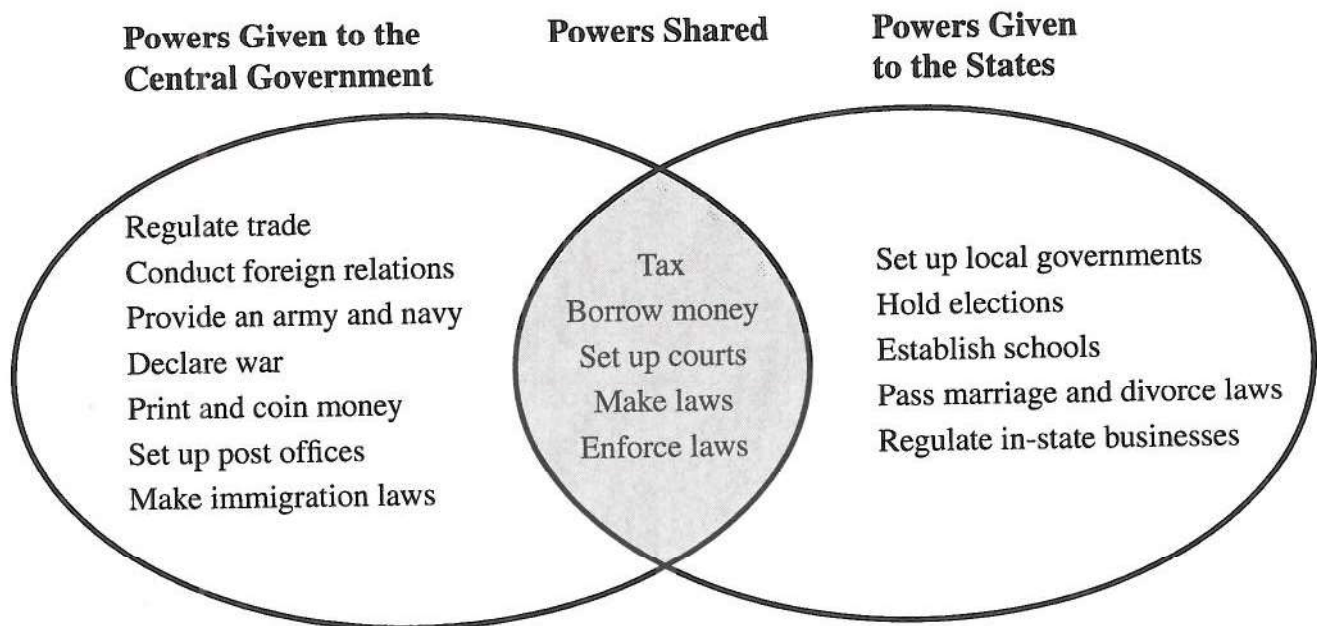
Document A

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.

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Document B

Source: James Madison, Federalist Paper #47, 1788.

“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

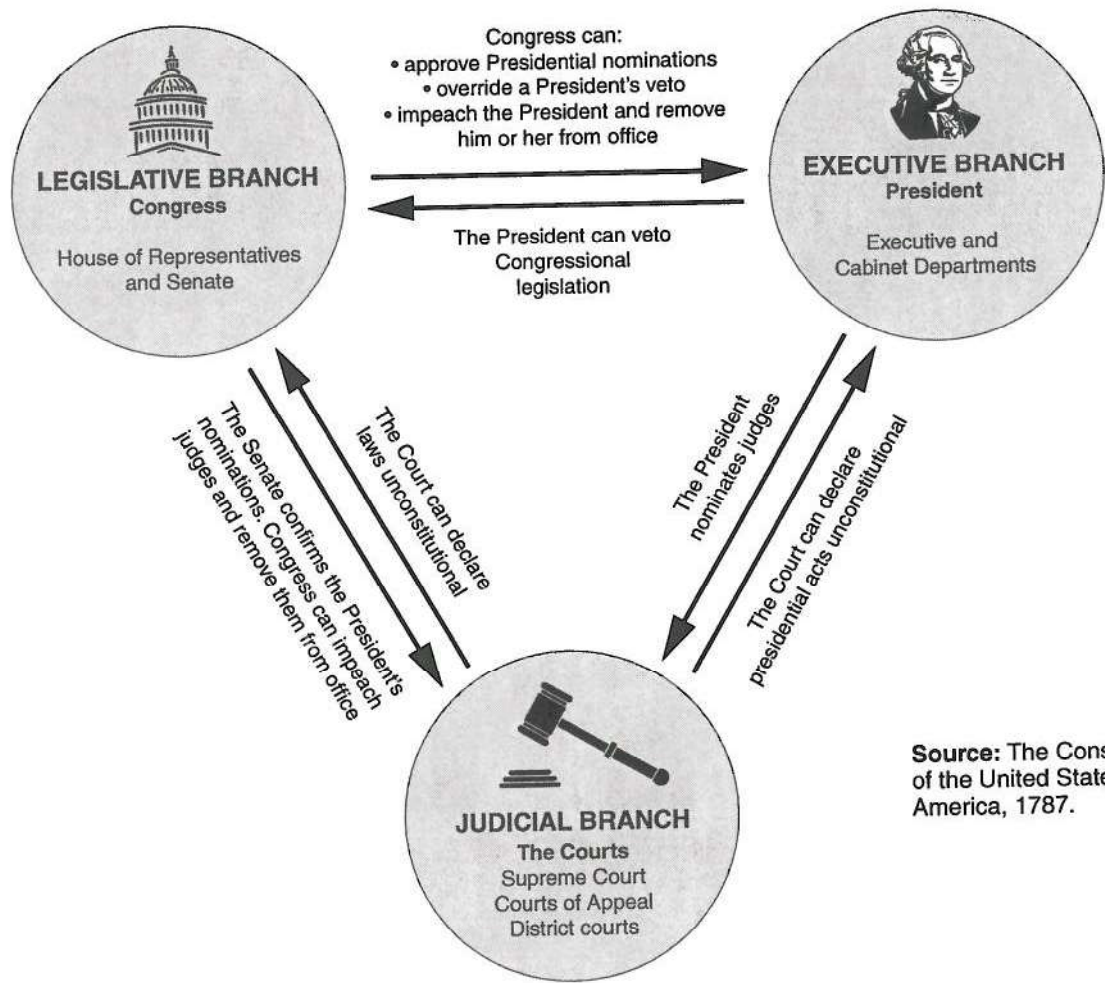
The judicial power of the United States shall be invested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and the inferior courts, shall hold their offices during good behavior....

Document 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.”

CV



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

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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