Mini-Q’s in Civics
Unit IV

How Did the Constitution Guard Against Tyranny?

MINI-Q™ LESSON PLAN

DAY 1 – 45 minutes

Step One: Hook Refer to the Step One teacher notes in the Mini-Q. Read the directions aloud. The purpose is to get students engaged, talking, and wanting to do the Mini-Q.

Step Two: Background Essay Refer to the Step Two teacher notes in the Mini-Q. Students can write out answers to the BGE questions or the questions can simply be discussed.

Step Three: Understanding the Question and Pre-Bucketing The task of recognizing and defining key words in the question is a crucial habit of mind. The second task of pre-bucketing based on clues in the question and in document titles is a huge categorization skill.

Step Four: Document Analysis Do Document A with the whole class, modeling the kind of detail you expect in student answers to the Document Analysis questions. Homework: Analyze the remaining documents and answer the questions that follow.

DAY 2 – 45 minutes

Step Four (continued): Discussion of Documents
Option One: Working in pairs or threesomes, have students discuss the answers to the first set of Document Analysis questions they did for homework. Using a different-colored pen than they used for homework, they may add to their answers. After five minutes, open the discussion of that document to the full class. Then proceed to the next document and repeat. Option Two: Proceed as above, but have a volunteer group lead each of the three or four different document discussions. Students at their desks may add to their notes, again in a different pen.

Step Five: Bucketing and Chicken Foot Have students complete the bucketing and chicken foot work page. This step will help students clarify their thesis and road map.

Step Six: From Thesis to Essay Writing (For homework) Have students fill out the Outline Guide Sheet or write their multi-paragraph essay.

DAY 3 (Optional)

Step Six (continued): Conduct an in-class Writing Workshop.

MINI-Q™ LESSON PLAN: CLEAN VERSION OPTION

If students are ready, use the Clean Version of the Mini-Q, which requires them to handle more of the analysis on their own. Estimated time to complete is 1-2 class periods.
TEACHER DOCUMENT LIST (EV)

There are 4 documents in this Mini-Q. Students are provided with the same document list, but it is not divided into analytical categories or buckets. Students may develop buckets that are different from these.

Dividing Power Between the States and the National Government

   Document A: Federalism

Dividing Power Among Legislative, Executive, and Judicial Branches

   Document B: Separation of Powers

Giving Powers to Each Branch to Check the Other Branches

   Document C: Checks and Balances

Balancing Power Between Big States and Small States

   Document D: Big States vs. Small States
How Did the Constitution Guard Against Tyranny?

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
Directions: The purpose of the Hook Exercise is to create some initial interest in the Mini-Q. Divide the class into pairs and give the students about five minutes to discuss and answer the four questions. Then take a few minutes to process the answers with the full class. Explain the situation to the students. Depending on your school, some students may not know that study hall is a class period for students set aside for them to study and complete homework.

Sample responses to the Hook scenarios:

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 it would make the central government completely dependent on the states for day-to-day operations and for emergency expenses like fighting a war. No one in the country or outside the country could ever know if the central government would be able to do what it said it would do. The country would collapse!

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 the President would be a dictator. A bad President could do whatever he or she wanted. Even if the President was voted in by the people, the people would lose their freedom if the President changed the election laws. He could make himself President for life. This has happened in some countries.

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 it really makes the President the enforcer and the judge. The Supreme Court’s job is to be a check against bad laws that are not constitutional. If the judges are worried about their jobs, they are in the President’s pocket.

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

This could be a problem because little states could be easily outvoted and would be quite powerless to protect their interests. What if the large states said all states had to contribute the same amount of tax money to the central government regardless of their population? What could a small state do?

Teacher Note: The above four scenarios provide an opportunity to introduce the four concepts that make up the anti-tyranny buckets of this Mini-Q. In order they are: federalism, separation of powers, checks and balances, and balancing power between small and large states. Remember, however, that the general purpose of the Mini-Q is to make these concepts clearly understood. A light treatment here is enough.
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.

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:
Establishing the Context

General Instructions
• Review the Timeline and find Philadelphia on a wall map.
• Pre-teach the boldfaced vocabulary.
• Have students read, or read aloud, the Background Essay.
• Have students answer the Background Essay questions on the next page.

Specific Considerations
The main purpose of the Background Essay is to create a context for the Mini-Q exercise. Its job is to provide a sense of time, place, story, and introduce important vocabulary and concepts. Doing this well gives all students a more equal chance to succeed with the Mini-Q.

Time: Be sure students review the Timeline.

Place: Review the inset map in the Background Essay. Make sure students can find Philadelphia. In 1790, Philadelphia was the second largest city in the thirteen states with a population of 28,000. New York City was number one at 33,000. In the summer of 1787 Philadelphia was also a hot place, and the delegates met at Constitution Hall with doors and windows closed to promote candid discussion. Some days were very uncomfortable.

Story: Consider reading the Background Essay aloud. We believe it is good for many students, even good readers, to hear the words as they see them. For many it is important to hear the cadence of the language and to experience pauses and emphasis.

Vocabulary:
You may want to pre-teach the four boldfaced terms in the essay. Understanding “tyranny” and pronouncing it correctly is key. Our feeling about vocabulary is that some pre-teaching is good but keep the word list short. Even for English-language learners, context may provide all necessary clues.

Final Note: James Madison is critical to the Constitution story. Short Madison quotes are part of three documents. Mention to students that Madison was the only delegate to take thorough notes of the proceedings. Also, no delegate had a better grasp of what would be necessary to create a democratic framework that would actually last. His Federalist Papers, written with Alexander Hamilton and John Jay during the struggle for ratification, may well have been the deciding factor in getting key states like New York to vote for the Constitution. By almost any lights, the man is an American hero.
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: Federalism

Content Notes:

- James Madison was one of the principal authors of the The Federalist Papers (the others were Alexander Hamilton and John Jay) which were written and circulated during the ratification process. Political scientists and historians have long regarded them as the most brilliant defense of the Constitution ever written. In all there were 85 essays; this is an excerpt from Number 51.
- Madison's central argument here is that in setting up a compound republic, the framers have created a hedge against tyranny. They created a strong central government and left the state governments in place. For Madison, this is perhaps the leading justification for federalism, that to some extent the central government and the various state governments will check the power of the other.
- The chart lends concreteness to just how Madison's compound republic (federalism) actually distributed power between the central government and the state governments.
- The word "federalism" can cause confusion. Help students understand that the term "federal" can refer to a federal or compound system of government as it does in this document. It can also mean "central" as in the central or national government in Washington.

Teaching Tips:

- Depending on the skill level of the class you might want to start with a pep talk. Madison's writing is not easy and the ideas here are sophisticated. Understanding Madison's words is sometimes like unlocking a puzzle.
- The word "federalism" only appears in the document title. You might want to give students the hint that federalism means about the same thing as "compound republic" which Madison describes. You also may want students to figure that out for themselves.

Discuss the Document Analysis questions:

1. A "compound" is something made of two or more pieces. What are the two pieces that make up Madison's compound government?
   - The central or national government and the state governments

2. What word ending in "ism" is another word for this kind of compound government?
   - Federalism

3. How does this compound government provide "double security" to the people?
   - The central and state governments will check each other's power. Also, the branches within each level of government will provide checks within that level.

4. Using the chart above, can you see a pattern in the types of power the Constitution reserved for the State governments?
   - States seem to have power over the more local and personal issues (school, marriage, etc.). These personal liberties were too important for the framers to put into the hands of a national power. Governments closer to the people (the local and state governments) would be more in tune with the feelings and cultures of their area.

5. How does federalism guard against tyranny?
   - By distributing certain powers between the central government and the states neither could tyrannize (gain absolute power over) the nation or the nation's people.
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.

<table>
<thead>
<tr>
<th>Powers Given to the Central Government</th>
<th>Powers Shared</th>
<th>Powers Given to the States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulate trade</td>
<td>Tax</td>
<td>Set up local governments</td>
</tr>
<tr>
<td>Conduct foreign relations</td>
<td>Borrow money</td>
<td>Hold elections</td>
</tr>
<tr>
<td>Provide an army and navy</td>
<td>Set up courts</td>
<td>Establish schools</td>
</tr>
<tr>
<td>Declare war</td>
<td>Make laws</td>
<td>Pass marriage and divorce laws</td>
</tr>
<tr>
<td>Print and coin money</td>
<td>Enforce laws</td>
<td>Regulate in-state businesses</td>
</tr>
<tr>
<td>Set up post offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Make immigration laws</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Document B: Separation of Powers

Content Notes:

- The first meeting of the Constitutional Convention was May 25, 1787. Early on, with no objection, it was decided to frame a new constitution featuring a separation of powers.
- Establishing a separation of legislature, executive, and judiciary powers implied that a system of checks and balances would be put in place. This is the subject of Document C.
- The key executive powers of the President:
  - appoint and hire workers to enforce and carry out the national laws of the land
  - make treaties; conduct foreign policy
  - appoint executive department heads (cabinet)
  - appoint judges
  - suggest laws
  - suggest budget
- Key legislative powers of Congress (the House and the Senate)
  - make laws
  - approve treaties and Presidential appointments
  - approve budget
- Key judicial powers of the Supreme Court
  - decide meaning of the laws
  - decide on whether a law is constitutional (judicial review)

Teaching Tips:

- Mention that there have been many governments in history where there was no separation of powers. This was true of the pharaohs in Egypt, the emperors in China, the great khans of Mongolia, many kings and queens of Europe, as well as 20th century tyrants such as Adolph Hitler and Joseph Stalin. But there are times even in a democracy when the separation breaks down, as when FDR tried to pack the Supreme Court.
- You might ask students to brainstorm some of the specific powers listed in the content notes. Separating the legislature from the executive from the judiciary meant more than simply putting them in separate buildings, although that was done too.

Discuss the Document Analysis questions:

1. What is the main idea of the Madison quote?
   If one person or group of persons gets all these powers you will have tyranny.

2. Does Madison say it is possible to have tyranny in a democracy? Explain.
   Yes, he says powers can accumulate even when the government is “elective.”

3. What is the primary job of each branch?
   The legislature makes the laws, the executive enforces the laws, the judicial branch judges if the laws have been broken.

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.
   He would say this is one step toward tyranny. You must separate law-makers from judges or you give too much power to one person.

5. How does the separation of powers guard against tyranny?
   By separating the three powers you keep one person, or one group, from doing whatever they want.
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.... Liberty requires that the three great departments of power should be separate and distinct."

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: Checks and Balances

Content Notes:

- Checks and balances are the necessary sidecar to separation of powers. They enable one branch to step in if another branch begins to overreach.
- Madison argued that “while dependence on the people is, no doubt, the primary control on government,” it is not enough. What was needed was separation of powers and the attendant checks and balances. In this way no government created by the people could turn around and abuse the people.
- While there was no disagreement among the delegates over the notion of separation of powers, there was considerable discussion over the various checks and balances. For example, an early suggestion was that the executive and a “convenient number” of the judiciary ought to review every proposal that came out of the legislative branch. This was not approved. Then it was suggested that the executive, be it one, two, or three individuals, be able to suspend any legislative act for a period of years. This was voted down. Eventually, agreement was reached on an executive “negative” (veto) that was subject to a two-thirds override vote by each house in Congress. In such back-and-forth manner were a number of checks and balances arrived at.

- Did checks and balances prevent tyranny by one branch over another branch, or by one branch over the sovereignty of the people, or was it both? (It was probably both. For example, the veto override power of Congress prevents the President from crippling the legislative branch. The same override power protects the people from a President who is disregarding the will of the people’s elected lawmakers.)

Discuss the Document Analysis questions:

1. What is the main idea in the Madison quote?
   The separation of the legislative, the executive, and the judicial branches should not be complete. Each should have some check on the powers of the other.

2. What is one way the legislature can check the power of the chief executive?
   For example, the House can impeach the President.

3. What is one way the President can check the power of the Supreme Court?
   The President can appoint members of the Supreme Court.

4. What is one way the Supreme Court can check the Senate?
   The Supreme Court can rule a law passed by the Senate unconstitutional.

5. According to this document, how did the framers of the Constitution guard against tyranny?
   The framers gave each of the three branches of government several ways they could limit the power of the other two branches. Together these powers are called checks and balances. Checks and balances guard against tyranny by keeping one branch from getting more powerful than the others.

Teaching Tips:

- Review with students the relationship between separation of powers and checks and balances. Students might think of it this way: The framers set up three branches of government and gave each a primary job to do – make laws, enforce laws, judge laws. However, the framers also gave each branch a second job to do and that was to restrain the power of the other branches. Wisely, the framers provided each branch with the tools to do more than simply wag a finger.
- Review some of the checks and balances in Document C.
"...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."


Document D: Big States and Small States

Content Notes:

- Probably the number one issue facing the Convention delegates was how to settle the matter of large states versus small states. It was such a fearful issue for little Rhode Island that it did not even attend. State size and membership is much less an issue today.

- The small state – large state issue centered on one question: how would the states be represented in the legislative branch? There was general agreement that there should be two houses in Congress. (Franklin wanted one house but stayed quiet.)

- Edmond Randolph, the primary spokesman for the Virginia Plan, argued that representation be apportioned by population in each house. William Patterson countered with the New Jersey Plan saying that representation by population would cause his state to be “swallowed up.” Patterson announced he would rather “submit … to a despot than to such a fate.”

- James Wilson of Pennsylvania responded that he would never confederate on Patterson’s principles. “If we depart from the principle of representation in proportion to numbers, we will lose the object of our meeting.”

- John Dickinson from little Delaware thought that he had a way out. He moved that the states should have equal votes in one house in the legislature. On this motion, every delegation voted “Nay!” even though it was to become the eventual compromise. It took several weeks, and a few cool heads like Franklin’s, before agreement on the famous Great Compromise was reached. Dickinson would have his Senate. Wilson would have his House. Few were completely happy. Such is compromise.

- Share any of the Content Note info that seems appropriate. In 1787 Americans were beginning to think of themselves as belonging to a nation rather than just a state. The fears and jealousies that divided big and small states were much greater then than today.

- An interesting side note is that Georgia, while its population was comparatively small, still voted with the large states. Ask students why this might have been. (Georgia, with its large area, anticipated that its population would soon grow.)

Discuss the Document Analysis questions:

1. On what basis – area, population, or wealth – was the number of representatives in the House determined?
   Population

2. Which states had the smallest representation in the House of Representatives? How many?
   Rhode Island and Delaware each had one.

3. Which state had the most Representatives? How many?
   Virginia (ten)

4. Who would have been happier with their representation in the House, small states or large states? Why?
   The large states because their bigger population entitled them to more representatives and therefore more power

5. Who would have been happier with their representation in the Senate, small states or large states? Why?
   The small states because they had the same number of senators as the big states

6. How did this small state – large state compromise guard against tyranny?
   Equal representation in the Senate protected the small states from domination by the large states. Unequal representation in the House rightfully protected the more populous states from being neutralized by a minority.

Teaching Tips:

- It might be a good idea to read Sections 2 and 3 aloud. The main task is for students to see why representation in the House of Representatives favored the more populous states while representation in the Senate favored the less populous states. Students should note that small and large had to do with population and not area.
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.