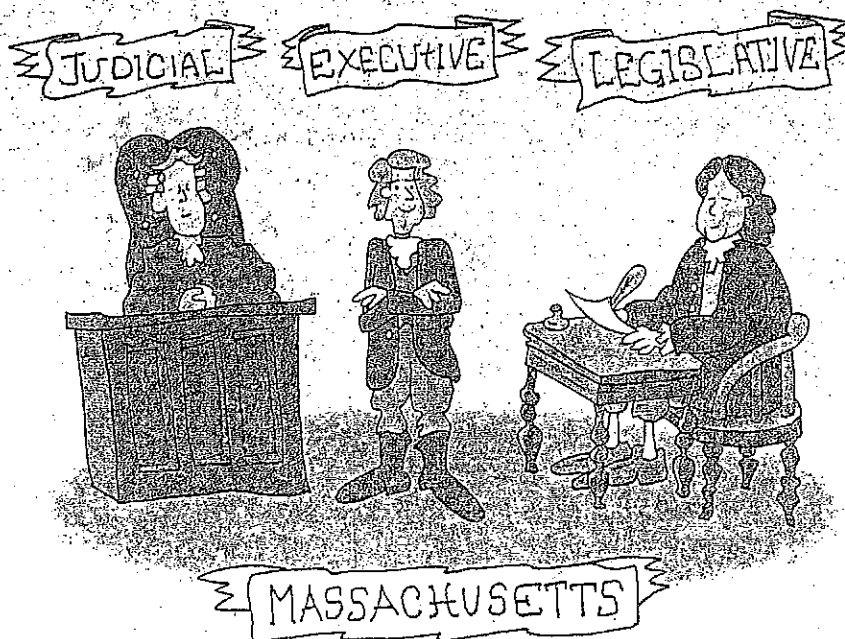
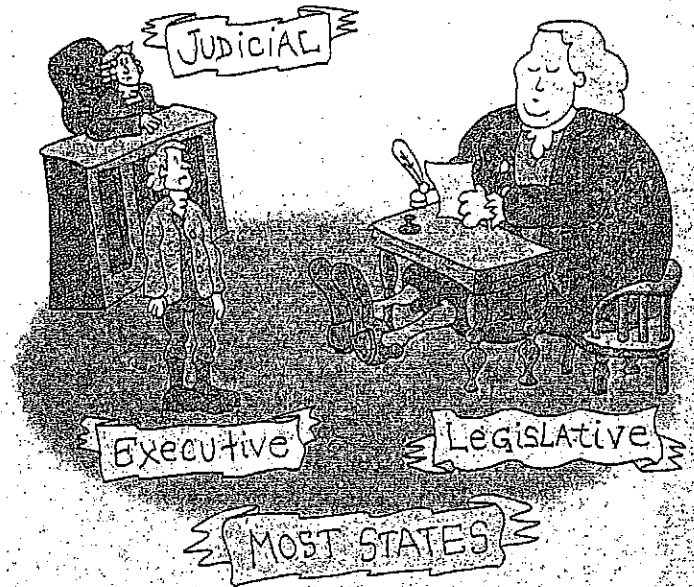


How was power distributed by the state constitutions?

Look at the two illustrations on this page and answer the questions that follow. Share the answers with the class.

- ❶ How was power distributed in most states?
- ❷ Compare the distribution of power in Massachusetts with the distribution of power in the other states. How is the distribution of power different in Massachusetts?
- ❸ What might be the advantages and disadvantages of giving most of the power of a government to the legislature?
- ❹ What might be the advantages and disadvantages of the system of government in Massachusetts?



What was important about the Massachusetts constitution?

Massachusetts was the last state to write its constitution. The citizens adopted the state constitution in 1780. The people there had learned some important lessons from the experiences of the other states. They used this knowledge in creating their state government.

Most of the other states used the idea of legislative supremacy to protect people's rights. The Massachusetts constitution, however, distributed power more evenly

among the branches of government. The governor had more power and was more independent of the legislature. This was possible because the people elected the governor directly. The people expected the governor to protect their interests.

Here is how some of the powers of the governor of Massachusetts were balanced in relation to the legislature.

- * The governor received a fixed salary. His salary could not be changed by the legislature.
- * The governor could veto—refuse to sign—proposed laws put forth by the legislature. A two-thirds



This is James Bowdoin II, who, along with John Adams and Samuel Adams, drafted the Massachusetts constitution. What were the strengths and weaknesses of the Massachusetts constitution?

vote of the legislature was needed to override his veto.

- The governor could appoint officials in the executive branch. He could also appoint judges in the judicial branch.

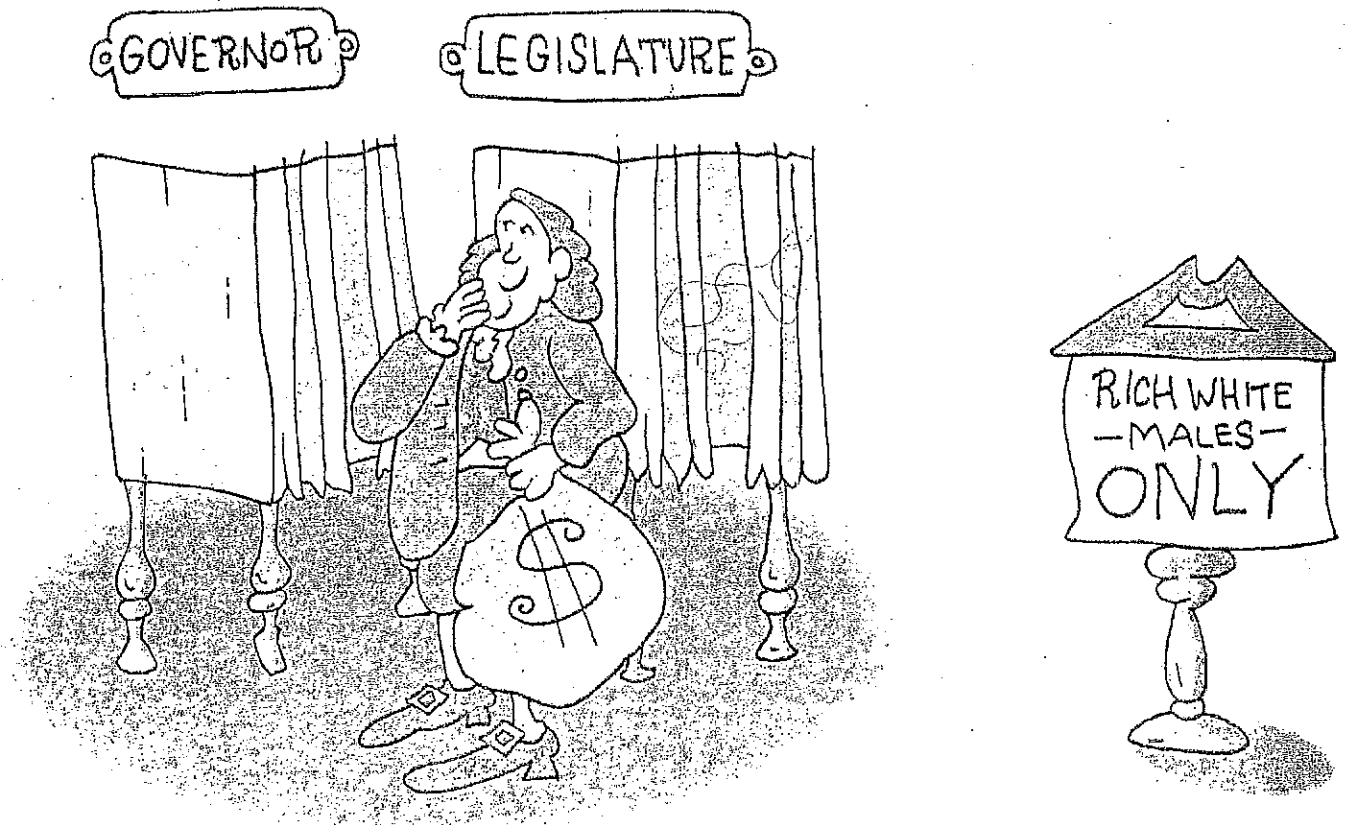
The Massachusetts constitution also divided the people into voting groups based on their wealth. They expected that government would then more accurately represent the interests of the groups that elected them.

- Only people with a large amount of property could vote for both the governor and the legislature.

People with slightly less property could vote for both the upper and lower houses of the legislature.

People with the minimum amount of property could only vote for the lower house of the legislature.

The experience of writing state constitutions was a useful one to the Founders. Americans were learning what type of government worked best. The differences between the Massachusetts constitution and those that were written earlier were a result of these experiences.



Did the Massachusetts constitution contradict the idea of popular sovereignty? Why or why not?

What were the state declarations of rights?

The states did not depend solely on a system of separation of powers to protect people's rights. The first part of most state constitutions was a declaration of rights, or bill of rights. This section of the constitution listed the basic rights of citizens.

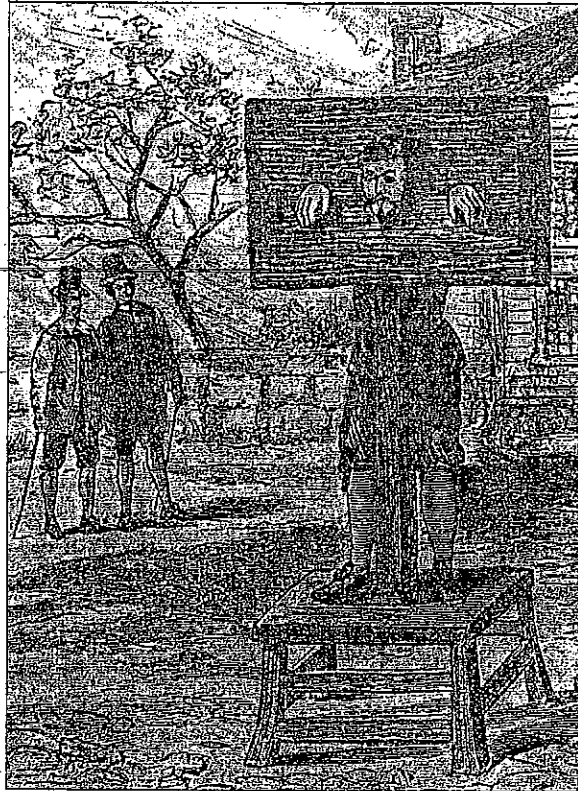
Listing the rights of the people first showed that citizens had certain basic rights that existed before the creation of the government. No constitution or government could take away these rights. Although the declarations of rights were different from state to state, they were all based on the idea that people have certain basic rights that must be protected.

What important ideas are in the Virginia Declaration of Rights?

Virginia was the first state to adopt a bill of rights. George Mason wrote most of the Virginia Declaration of Rights. Mason later was opposed to the U.S. Constitution because it did not include a bill of rights. In writing Virginia's bill of rights, Mason relied on the writing of John Locke and the ideas of republican government.

The Virginia Declaration of Rights stated that

- all power comes from and is kept by the people
- all men are by nature equally free and independent; they have certain basic rights that no social contract can take away



Why do you think most states included protections against cruel and unusual punishments in their constitutions?

- government is created for the common good, protection, and safety of the people; if a government does not serve these purposes, the people have an inalienable right to alter or abolish it

The Virginia Declaration of Rights also listed many of the rights that we enjoy today. These include the right to

- trial by jury
- protection against forced self-incrimination
- protection against cruel and unusual punishment
- freedom of the press
- free exercise of religious beliefs

What rights were protected in the other states?

Most states adopted bills of rights like Virginia's. Some states' declarations also included the idea that civic virtue was essential to preserving freedom.

The states' bills of rights were different in the rights they chose to include or leave out. Most included such political guarantees as

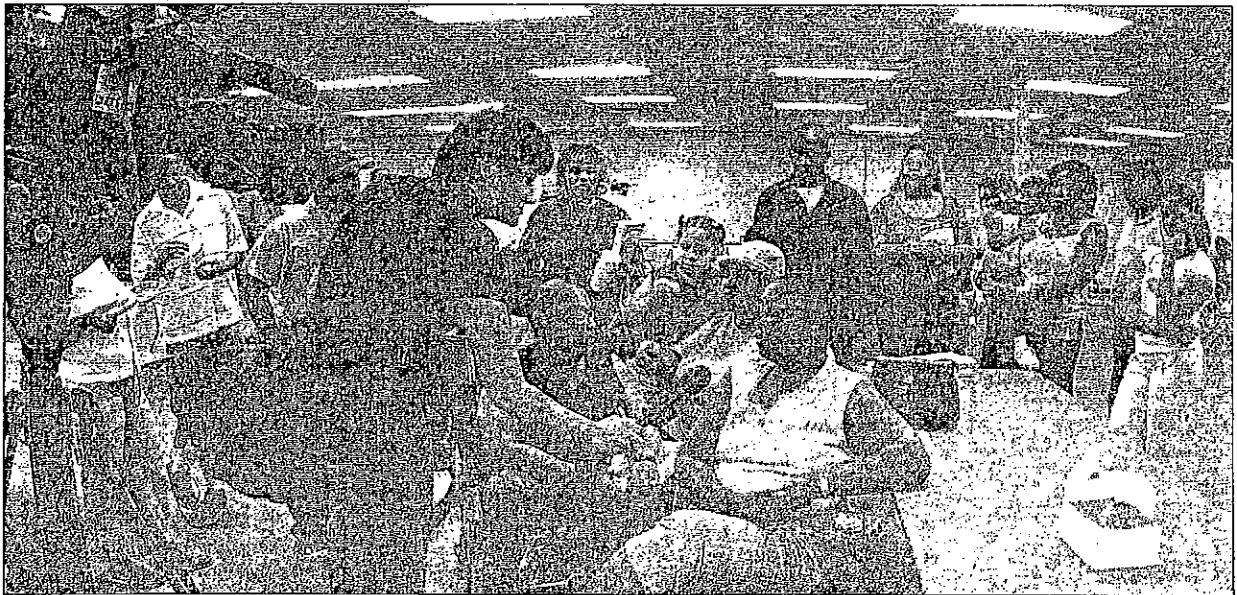
- * the right to vote by men who met certain property qualifications
- * free and frequent elections
- * freedom of speech and the press
- * the right to petition (make a formal request of) government
- * no taxation without representation

All the states' bills of rights included rights for people accused of a crime.

These included the right to have

- * an attorney
- * a jury trial
- * protection from illegal searches and seizure
- * protection against forced self-incrimination
- * protection from excessive bail and fines
- * protection against cruel and unusual punishment

Most of the states' bills of rights expressed a fear of standing armies. The bills of rights condemned standing armies in time of peace and the quartering of soldiers in civilian homes. Many bills of rights included the right of citizens to bear arms. The Vermont bill of rights was the first to outlaw the practice of slavery.



What is the importance of freedom of speech and the press?

- ① What basic ideas about good government were included in the state constitutions?
- ② Why did Americans believe that the legislature was the most democratic branch of government?
- ③ Why did some Americans distrust the executive and judicial branches of government?

- ④ How did the Massachusetts constitution differ from the constitutions of other states? Why was this important?
- ⑤ What was the Virginia Declaration of Rights? What rights of citizens did it include?
- ⑥ What rights did the state constitutions protect?

ACTIVITIES

- ① These are a few examples of the rights listed in the Maryland constitution of 1776. Examine each and write a brief explanation of what the right means and why it is important.
 - * That every man hath a right to petition the Legislature, for the redress of grievances, in a peaceable and orderly manner.
 - * That no...tax...ought to be set...without consent of the Legislature.
 - * That no freeman ought to be taken, or imprisoned...or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.
 - * That the liberty of the press ought to be inviolably preserved.

- ② Create a news interview set in 1780. Interview your classmates acting as representatives of the states of Massachusetts and Virginia. During the interview, the representatives should discuss the differences between their state constitutions and why they are important.
- ③ Find a copy of your state's constitution. What are some of the rights that your state constitution protects? How does your state constitution compare with the Virginia Declaration of Rights?

Name _____ Period _____ Date _____

Interview on Massachusetts Constitution

How many states had written their constitution before Massachusetts completed theirs?

How is the constitution of Massachusetts different than the other state constitutions?

What do the people of Massachusetts expect their governor to be able to do for them?

What are three ways that the powers of the governor of Massachusetts balanced in relation to the legislature?

Explain how voting groups worked in Massachusetts-