



WE THE PEOPLE...*

LESSON 7

WHAT BASIC IDEAS OF CONSTITUTIONAL GOVERNMENT WERE FOUND IN THE COLONIAL GOVERNMENTS?

PURPOSE OF LESSON 7

This lesson describes how the basic ideas of constitutional government were used in the American colonies during the 150 years they were under English rule. Studying how these ideas were used in the colonial governments will help you to understand how the Founders came to create the national government we now have.

When you complete this lesson you should be able to explain how basic ideas of constitutional government were used in the colonial governments. Some new ideas and terms that are contained in this lesson which you should also be able to explain are listed below.

colonial government

common law

magistrate

LOYAL SUBJECTS OF ENGLAND IN AMERICA

The ... law of England is the ... law of the [colonies] ... Let an Englishman go where he will, he carries as much of law and liberty with him, as the nature of things will bear. (Opinion of the counsel to the Board of Trade in London, 1720.)

The English colonists who came to the New World considered themselves loyal subjects of England. They brought with them English customs, English laws, and English ideas about good government. For more than 150 years the colonies were ruled by the government of England. However, because they were so far from England, they needed to have their own local governments as well. Since these thirteen colonial governments were ultimately under the control of the English government, their powers were *limited* and they could not violate the English constitution, laws, traditions, or government policies.

BASIC IDEAS OF CONSTITUTIONAL GOVERNMENT IN THE COLONIAL GOVERNMENTS

You have learned that by the late 17th century, the government of England included many of the basic ideas about constitutional government that you have studied. England had a

* This is a continuation from the I, II and III issue of the journal.

constitution, as it does now, that was not a single written document but was made up of the *common law*, acts of Parliament, and political customs and traditions. The common law of England included unwritten laws based on custom and decisions made by judicial courts that established legal principles over many years. The following basic ideas of English constitutional government were embodied in the governments of the English colonies.

1. NATURAL RIGHTS

The laws of the colonial governments were based in part on the idea that the purpose of government was to protect the people's natural rights to life, liberty, and property. This idea was reflected to some extent in the English common law. It is important, however, in reading the history of this period to realize that legal rights, for example, the right to vote, usually meant the rights of white men who owned a certain amount of property. At the time of the American Revolution, only about 10 percent of the men in Great Britain had the right to vote. People who did not have such rights were (a) women, (b) free white men who did not own property, (c) white men who were indentured servants, (d) free black men, (e) slaves, and (f) Indians. Women, for example, not only did not have the right to vote but, under English law, "the husband and wife are one person... the very being or legal existence of the woman is suspended during the marriage."

2. HIGHER LAW

This idea is reflected in the general rule that members of the colonial governments could not make any laws or do anything that violated the English constitution. The English law was considered a higher law which was superior to any laws the colonial governments might make.

3. SEPARATION OF POWERS

As in England, to protect the people from the possible abuse of power, the powers of government in the colonies were separated among the following three branches of government.

- An *executive* branch. Governors were responsible for carrying out and enforcing the law. In most of the colonies, by the time of the American revolution, the governors were chosen either by the king or the proprietors. Only in Connecticut and Rhode Island were the governors elected by those men in the colonies who were allowed to vote.
- A *legislative* branch. All of the colonies had *legislatures* which were responsible for making laws. Each one was similar to the Parliament in England with an "upper house" like the House of Lords and a "lower house" like the House of Commons. Members of the upper house were either appointed by the governor or elected by the most wealthy property owners of the colony. The lower house was elected by all of the men in the colony who owned a certain amount of property. Pennsylvania was an exception; it only had one house.
- A *judicial* branch. This branch was made up of judges called *magistrates* who were usually



appointed by the governor. Their responsibility was to handle conflicts over the laws and to preside at trials of those accused of breaking the law. They were also responsible for making sure the colonies were being governed in a way that was consistent with English law and tradition.

3. CHECKS AND BALANCES

Power was separated and in some cases *shared* among these branches, so that the use of power by one branch of government could be *checked* by that of another. For example:

- The powers of the *governors* were *checked* by (a) their inability to collect taxes without the consent of the legislature, (b) their inability to have persons imprisoned without a trial by a magistrate, and (c) the fact that their salary was often decided upon by the legislature.
- The powers of the *legislatures* were *checked* by (a) their having to rely on the governor to enforce the laws that they passed, (b) the power of the magistrates to make sure they did not make laws that violated those of England, and (c) in some colonies, the veto power held by the governor.
- The powers of the *magistrates* were *checked* by (a) the fact that they were appointed by the governor, (b) the power of the governor or legislature to remove them if their decisions seemed inappropriate, (c) their reliance on the governor to enforce their decisions, and (d) the basic right of every Englishman to a trial by a jury of his peers from the community.

4. REPRESENTATIVE GOVERNMENT AND THE RIGHT TO VOTE

Representative government began soon after the first colonies were established. The first representative assembly was held in Virginia as early as 1619. As you have learned, the English Bill of Rights of 1689 gave Englishmen who owned a certain amount of property the right to elect representatives to serve their interests in the House of Commons.

Soon after passing the Bill of Rights, the English Parliament insisted upon applying the idea of representative government in the colonies. At least one house in each colony's legislature was required to be elected by eligible voters.

The right of citizens to elect representatives was seen as a way to (a) reduce the possibility that members of government would violate the people's rights and (b) make sure that at least a part of the government could be counted on to respond to the needs and interests of the people, or at least of those people who had the right to vote.

THE COLONISTS' FREEDOM TO GOVERN THEMSELVES

This lesson has described some of the basic ideas and experiences of English government that the colonists brought with them to North America. They were important because the

colonies had a great deal of freedom to govern themselves as they wished. This freedom was a result of their great distance from England. In addition, England was often at war with other European countries and did not have time to supervise the colonies.

As a result, the colonists became used to the idea of having a large voice in their own government. However, after 150 years of being loyal British subjects, a number of events led to the decision to break free of British rule and begin a new nation. Those events are the subject of the next lesson.

PROBLEM SOLVING

CAN YOU IDENTIFY EXAMPLES IN THE COLONIAL GOVERNMENT OF THE BASIC IDEAS YOU HAVE STUDIED?

Complete the following chart by identifying and explaining where each constitutional idea listed can be found in the governments of the American colonies.

Idea

Were found

Basic rights

Limited government

Separated powers

Checks and balances

Higher law

REVIEWING AND USING

THE LESSON

1. American colonial leaders considered themselves Englishmen with all the liberties and rights their ancestors had gained. Colonial governments illustrated English ideas of good government. Describe the similarities between the colonial governments and the English government.
2. Since the colonists believed that one of the main purpose of constitutional government was to protect the individual's property rights, they limited the right to vote to those men who owned property. What arguments can you give in support of this policy? What points would you develop if you oppose this policy?
3. For much of American colonial history, the thirteen colonies were allowed a great amount of freedom to govern themselves as they liked. What circumstances in English permitted this?



LESSON 8

WHY DID THE COLONIES WANT TO FREE THEMSELVES FROM GREAT BRITAIN?

PURPOSE OF LESSON 8

As you learned in the last lesson, for more than 150 years the colonies were a part of Great Britain. For much of that time the colonists had few problems with the British government. Eventually, however, the situation became so unsatisfactory that the colonists decided to fight for their independence from the mother country. The reasons for that decision are the subject of this lesson.

As you read the lesson, look for situations in which the colonists claimed the British government violated some of the basic principles of constitutional government. Be prepared to use these ideas to justify a declaration of independence from Great Britain.

Additional ideas and terms contained in this lesson that you should be able to explain are listed below.

ministries

corrupt government

Continental Congress

abuse of power

Minutemen

PREVENTING THE ABUSE OF POWER

As you have learned, many people in Europe and the colonies believed that the great strength of the English government was that its powers were separated among different branches that represented different classes of people. They thought that the *separation and balance of powers* among the different branches would prevent the king, the nobles, or the people themselves from abusing the power of government. However, during the colonial period, a number of events led some people to think the British system of government was not working properly. Some of the most important of these events are described in this lesson.

ENGLAND BECOMES A WORLD POWER

In the late 1600s, England was becoming a powerful nation. It had an army and navy that could exert its power all over the world. It had many colonies that provided it with great wealth and other resources. The larger and more complicated the nation became, the more need there was for an efficient and effective national government.

To improve their ability to govern the nation, Parliament and the king agreed to establish ministries, or departments of government. These were headed by *ministers*. The ministers' responsibility was to help the king develop new policies and to administer the laws that were passed by Parliament. The king and his ministers made up the *executive* branch of government

CHARGES OF CORRUPTION IN THE BRITISH GOVERNMENT

By the early 1720s there were some people in Great Britain who believed that the executive branch was becoming more powerful than the other branches of government. They were worried that this loss of a proper balance of power among the different branches of government would enable the king and his ministers to gain so much power that they could (a) ignore the limitations placed upon them by the English constitution, (b) violate the rights of the people, and (c) favor their own interests at the expense of the common welfare.

Because of this increase in the power of the executive branch, many critics in Great Britain claimed that the British government was becoming corrupt. It was common for the king to bribe members of Parliament to get them to do what he wanted. He did this by giving them money or by appointing them as ministers or to other positions in the government. The critics pointed to the increases in taxes requested by the ministers and the king and to the large army that the king began to keep. They were concerned that many ministers and the king seemed to be cooperating closely with bankers and businessmen to favor their own selfish interests at the expense of the common welfare. This is exactly what political philosophers meant by corrupt government.

The colonists in America were aware of these criticisms of the British government. However, since that government had left them alone for the most part, they were not, at first, seriously concerned about the warnings of the critics.

THE BRITISH GOVERNMENT TIGHTENS CONTROL OVER THE COLONIES

The American colonists did become alarmed when the British government began to develop an increased interest in tightening its control over them. This interest was at least partially because the colonists had been able to get away with not obeying laws made by Parliament which they didn't like, such as the Navigation Acts which controlled their trade.

Also, Great Britain had been at war with France. During this "French and Indian War", the French had used American Indians to help them fight against the British forts and the colonists' settlements in the west. Although Great Britain had won the war, the cost of keeping their troops in America to protect the colonists was high.



Even after the war there was still trouble on the frontier because the colonists were moving westward and taking the Indians' lands. To reduce this problem, the British government ordered the colonists to move back from the frontier. Parliament increased the colonists' taxes to help pay for the costs of keeping British troops in the colonies to protect them from the Indians. And the British government also tightened its control over the colonists' trade.

THE COLONISTS BEGIN TO RESIST

Although some colonists accepted these acts of Parliament, a number resisted them. This resistance was, in part, because of new taxes and trade laws, which meant that some colonists were going to lose money. But perhaps a more important reason was that over the years the colonists had become more firmly attached to the idea of representative government.

The colonists were convinced that representative government was the best way to be sure that their government would respect their rights and interests. Since the colonists did *not* have the right to vote for representatives to serve their interests in the British Parliament, some of them argued that Parliament did not have the right to pass laws taxing them. They thought that tax laws should only be made in their own colonial legislatures where they had the right to vote for representatives to protect their interests. You are probably familiar with the colonists' demand that there be "no taxation without representation."

The fears of some of the leading colonists were increased when the British government continued to tax the colonies and to increase its control over their trade. It passed acts which placed additional import duties and burdens on the colonies. For example, the *Quartering Act* required the colonists to allow British soldiers to live in their homes. This action increased the colonists' fears of having a large army in the colonies which was controlled by the British government.

Critics in Great Britain had warned about the growing power of the king and his ministers, and of the threat that their control of the army and navy was to the rights of the people. The colonists became more and more alarmed. Their concern over the corruption of the British government was growing stronger, as was their opposition to that government.

The *Boston Massacre* of 1770 was another event that convinced some of the Americans that the British government was a threat to their rights. A mob of citizens that had attacked a sentry at the Customs House in Boston was fired on by British troops. Seven people were killed. Later, the British soldiers who had been charged with murder were found innocent of the charges. Taxes and duties may have been a subtle sign of tyranny, but killing citizens was not. The Boston Massacre made the colonists more resistant to British efforts to control them.

The *Tea Act* of 1773, which actually lowered the tax on tea imported to the colonies, but reasserted the right of Parliament to tax the colonists, was resisted everywhere. The most

dramatic resistance was the *Boston Tea party*, a raid by colonists masquerading as Indians who boarded British ships in Boston Harbor and threw the tea overboard. The British government responded angrily with what were called by the Americans the *Intolerable Acts*, which closed Boston harbor to all trade.

Great Britain also weakened representative government in Massachusetts by giving more power to the royal governor, severely limiting town meetings, weakening the court system, and planning for a massive occupation of the colony by British troops.

THE COLONISTS ORGANIZE TO RESIST BRITISH CONTROL

In the fall of 1774, twelve of the thirteen colonies sent representatives to a meeting in Philadelphia to decide on the best response to the actions of the British government. This meeting was the First Continental Congress. Its members agreed to impose their own ban on trade with Great Britain in an attempt to force the government to change its policies toward the colonies. The British government, however, considered that decision an act of irresponsible defiance of authority and ordered its troops to arrest some leading colonists in Massachusetts.

By this time many of the more radical colonists, especially in New England, were beginning to prepare for war against Great Britain. They believed it was the right of the people to overthrow any government that no longer protected their rights. The colonists formed civilian armies made up of “Minutemen”, so called because of their pride in how quickly they could be ready to fight off the British attack that everyone expected.

THE REVOLUTION BEGINS

On April 19, 1775, British troops tried to march to Concord, Massachusetts, where they had heard that the Minutemen had hidden arms and ammunition. But the colonists learned what was happening. Paul Revere and William Dawes rode through the countryside warning the people that the British were about to attack. On that day, at the towns of Lexington and Concord, war broke out between the colonies and Great Britain – the “shot heard round the world” had been fired.

Representatives from the colonies met in Philadelphia in the Second Continental Congress and decided to resist the British. On June 15, 1775, George Washington was chosen to be commander-in-chief of the colonial army. A year later, the Congress asked a committee to draft a document that would explain to the world why the colonists felt that it was necessary to revolt and free themselves from the government that had established the colonies. Thomas Jefferson drafted this document with the assistance of the other members of the committee. It has become known as the *Declaration of Independence*.



REVIEWING AND USING THE LESSON

1. Critics of the British government believed it was becoming corrupt. What evidence did they have for their opinion?
2. By the 1760s, American colonists began to resist certain actions of the British government. What were these actions and why did many Americans resist them?
3. The British government, for the most part, believed that its policies in the colonies were fair and just. Develop arguments in support of the British government's point of view.
4. List specific events that led to the American decision to revolt against the British government. For each you select, identify the basic idea about government it violated. Then, develop an argument based upon the ideas and events to justify the American Revolution against the British government.
5. Women took an active role in the revolutionary struggle, forming anti-tea leagues and non-importation groups to see that colonists did not buy British goods during the boycott. What does the following quotation tell you about women's views on their role in colonial politics?

Let the Daughters of Liberty, nobly arise,
And tho's we've no Voice, but a negative here,
The use of the Taxables, let us forbear.

LESSON 9

WHAT BASIC IDEAS ABOUT GOVERNMENT ARE CONTAINED IN THE DECLARATION OF INDEPENDENCE?

PURPOSE OF LESSON 9

The Declaration of Independence contains many of the basic ideas about government upon which our nation was founded. This lesson will help you understand the argument of the Declaration and how it includes these ideas in its justification of the separation of the colonies from Great Britain.

When you have completed the lesson, you should be able to explain the main arguments contained in the Declaration.

THE COLONISTS LIST THEIR COMPLAINTS AGAINST THE KING

Thomas Jefferson was a statesman, a diplomat, an author, an architect, and a scientist. Born in Virginia, Jefferson was a quiet member of the Continental Congress during the early period

of the Revolutionary War. He was not known as a great speaker before large groups, but he had a reputation for working well in small committees and was admired for his excellent writing style. Because of his talent for writing, he was chosen to draft the Declaration of Independence.

The Declaration of Independence, adopted by the Continental Congress on July 4, 1776, is the best summary available of the colonists' basic ideas about government and their complaints about British rule that led the Americans to begin the revolution.

In the last lesson, you learned about the colonists' complaints against the British Parliament. However, in the Declaration of Independence, the colonists directed their complaints against the king. This was the first time the colonists had attacked the British king and the idea of monarchies in general.

THE MAIN ARGUMENTS OF THE DECLARATION OF INDEPENDENCE

The Declaration of Independence was an important turning point in the development of constitutional government in America. The following summarizes some of the main points in its argument.

1. The rights of the people are based on *natural law* which is a *higher law* than laws made by men. Neither constitutions nor governments can violate the higher law. If a government violates the law and deprives the people of their rights, they have the right to change or abolish it and form a new government.
2. A *compact* or agreement existed between the colonists and the king. By the terms of this compact, the colonists *consented* to be governed by the king so long as he protected their rights to life, liberty, and property.
3. Since there was no compact between the colonists and Parliament that gave Parliament the right to participate in their governments, Parliament had no right to tax the colonies. This was especially true, argued the colonists, since they did not have the right to send representatives to Parliament.
4. The king had violated the compact by repeatedly acting with Parliament to deprive the colonists of the rights he was supposed to protect. Therefore the colonists had the right to withdraw their consent to be governed by him and to establish their own government.

The Declaration of Independence also sets forth some of the ideals of our constitutional democracy. Much of the history of the United States has been an effort to make these ideals a reality for everyone. In future lessons we will learn how they were gradually gained by blacks, other minorities, and women.



WHAT BASIC IDEAS ARE CONTAINED IN THE DECLARATION OF INDEPENDENCE?

The complete Declaration of Independence, as originally printed, is contained at the end of this text. The following excerpts contain some of its basic ideas. Read them and be prepared to answer the questions that follow.

We hold these Truths to be self-evident that all Men are created equal that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness – That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Government that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it and to institute new Government laying its Foundation on such Principles, and organizing its Powers in such Form as to them shall seem most likely to effect their Safety and Happiness....

The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World....

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Rights of Representation in the Legislature....

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People....

He has made Judges dependent on his Will alone....

He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures....

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their acts of pretended Legislation: For quartering large Bodies of Armed Troops among us: For protecting them, by a mock Trial from Punishment for any Murders which they should commit on the Inhabitants of these States: For cutting off our Trade with all Parts of the World....

In every stage of these Oppressions we have Petitioned for Redress in the most humble

Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in our Attention to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us.... They too have been deaf to the Voice of Justice....

We, therefore, the Representatives of the UNITED STATES of AMERICA in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the world for the Rectitude of our Intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain is and ought to be totally dissolved....

EXAMINING THE DECLARATION OF INDEPENDENCE

1. What is the purpose of government as described in the Declaration of Independence? How is this similar to or different from the purpose of government described by the natural rights philosophers?
2. What does the Declaration say about what people have a right to do if a government is destructive of their rights? How is this related to the ideas of the natural rights philosophers?
3. What do you think Jefferson meant when he said that all men are “endowed by their Creator with certain inalienable Rights”? How is his position related to the natural rights philosophy?
4. What do you think Jefferson meant when he wrote that “all men are created equal”? Did he mean that all had equal ability and character?
5. What basic rights are included in these excerpts from the Declaration of independence? How are they similar to or different from the rights listed by the natural rights philosophers?
6. The Declaration of Independence is one of most influential writing in history for it contains promises of human rights. Can you think of situations in this century in which it has been used to justify peaceful or violent change?

LESSON 10

WHAT BASIC IDEAS ABOUT GOVERNMENT WERE INCLUDED IN THE STATE CONSTITUTIONS?

PURPOSE OF LESSON 10

Soon after the Revolutionary War started in 1775, the new states began to develop their own written constitutions. Never before had so many new governments been created using the basic ideas of the natural rights philosophy, republicanism, and constitutional government. A review of the main ideas contained in the state constitutions will show you how the Founders designed their state governments to protect their rights and promote the common welfare.



When you complete this lesson, you should be able to explain how the basic ideas about government you have studied were included in the state constitutions. You should also be able to explain the major difference in the way the Massachusetts Constitution was designed to protect rights from the way the constitutions of the other states were designed to protect individual rights. To do so, you will need to be able to explain the following ideas.

popular sovereignty

representative government

legislative supremacy

SIX BASIC IDEAS INCLUDED IN STATE CONSTITUTIONS

The experiences of the Founders with the shortcomings of the state governments under their new constitutions greatly influenced the way they wrote the Constitution of the United States. The following describes the basic ideas included in these constitutions and how the Massachusetts constitution differed from those of the other states.

1. Higher law and natural rights

Every state constitution was considered a *higher law* that must be obeyed by the persons running the government. Each contained the idea that the purpose of government was to preserve and protect citizens' *natural rights to life, liberty, and property*.

2. Social contract

Each state constitution also made it clear that its government was formed as a result of a *social contract* – an agreement among its people to create a government to protect their natural rights.

3. Popular sovereignty

All of the state constitutions contained the idea of *popular sovereignty* – that the people are the source of the authority of the government.

4. Representation and the right to vote

One of the most significant things about each state constitution was the importance placed upon representation of the people in their governments. All of the state constitutions created *legislatures* that were composed of *elected representatives of the people*.

In most states, the right to vote for representatives was limited to white males who owned a specified amount of property. However, because it was relatively easy to acquire property in the colonies, this limit on who could vote did not eliminate as many people as it did in Great Britain. In the United States during the period of the American Revolution, about 70 percent of the white males owned enough property to make them eligible to vote. In Great Britain, only about 10 percent were eligible.

In seven states, free blacks and Indians could vote if they met the property requirements. And in New Jersey, the vote was given to “all inhabitants ... of full age, who were worth fifty pounds” and who met a twelve-month residency requirement. Under these rules, both women and free blacks were able to vote until 1807 when the law in New Jersey was rewritten to exclude women. Twelve states specifically denied women the right to vote by inserting the word “male” into their constitutions.

5. Legislative supremacy

While all of the state constitutions included checks and balances and the separation of powers, most of them relied on a strong legislature and majority rule to protect the rights of the citizens. *Legislative supremacy* means a government in which most of the power is given to the legislature. Some of the problems raised by legislative supremacy will be discussed in this and other lessons. The reasons for the belief in legislative supremacy were as follows.

- The *legislative branch* of government, composed of representatives elected by the voters who can also be removed by the voters, is the most democratic branch of government. Therefore, it is considered the safest branch in which to place the most power and the most likely to protect the rights of citizens and to promote their welfare.
- The *executive branch* should not be trusted with too much power because it is not easily controlled by the people. You may remember that the colonists’ greatest problems with the British government had been with its executive branch the king and his ministers – as well as with the royal governors in the colonies.
- The colonists had also had some difficulty with the *judicial branch*, the king’s magistrates, who tried colonists for breaking British law. However, the power of this branch had been limited by the colonists’ right to a trial by a jury of other colonists. These juries often refused to find them guilty of breaking a law with which the colonists did not agree.
- The following evidence of legislative supremacy can be found in the state constitutions.
- The constitutions of most of the states provided for executive branches, but made them dependent on the legislatures. For example, legislatures were given the power to select the governor or to control his salary.
- Governors were allowed to stay in office for only one year. This limit was an attempt to be sure that the governor would not have time to gain much power while in office.
- Appointments made by a governor had to be approved by the legislature.
- Governors were almost totally excluded from the process of lawmaking, which the legislatures kept to themselves. Governors had no power to veto legislation to which they objected.



6. Checks and balances

Although the powers in the state governments were unevenly *balanced* in favor of strong legislatures, there were some *checks* in the state constitutions. However, most of these checks existed within the legislatures themselves. For example, in every state except Pennsylvania and Georgia, the legislature was divided into two houses, just as in the British Parliament. Since most important decisions had to be made by both houses, each had a way to check the power of the other house. However, unlike Parliament, and unlike the colonial governments, both houses of the state legislatures were made up of representatives elected by the people. The voters could check their power by electing new representatives to both houses if they did not like the way the government worked.

You may remember that in Parliament, the House of Lords and the House of Commons were designed to represent different classes of people in the British society. This gave each class a way to check the power of the other, if necessary, in order to protect its interests. Some states tried to organize their legislatures in the same way. Only people with a great deal of property could elect representatives to the upper house, while people with less property were allowed to elect representatives to the lower house.

PROBLEM OF SOLVING

As you have learned, in twelve of the state constitutions the balance of power was heavily weighted in favor of the legislature.

1. How and why was this done?
2. What might be the advantages and disadvantages of this legislative supremacy?

THE MASSACHUSETTS CONSTITUTION

In 1780, Massachusetts became the last state to ratify its constitution. Written principally by John Adams, the Massachusetts constitution was different from those of the other states. In addition to relying upon representation as a means of preventing the abuse of power, it also relied upon the traditional methods of separation of powers and checks and balances. It gave the other branches of government more effective checks on the powers of the state legislature than did the other state constitutions. In this way, it contained more similarities to the British government than did the constitutions of the other states.

Perhaps one of the most important reasons the Massachusetts constitution was different was that during the time that it was being developed, problems arose in the states where the legislatures had been given so much power. These problems will be discussed in the next lesson.

Since the Massachusetts constitution is more similar to the present Constitution of the

United States than are the other state constitutions, it is worth looking at in some detail. The following outlines some of the most important parts of the Massachusetts constitution.

1. A strong executive branch

Under the Massachusetts constitution, the governor was elected by the people. The writers of its constitution believed that because he would be elected by the people, it would be safe to trust him with greater power so that he would be able to protect their rights and welfare.

To enable the governor to be more independent of the legislature and to allow him to check the legislature's use of power, the Massachusetts constitution contained the following provisions.

- The governor's salary was fixed and could not be changed by the legislature.
- The governor had the power to veto laws made by the legislature, and his veto could only be overridden by a two-thirds vote of the legislature.
- The governor could appoint officials to work in the executive branch and judges to the judicial branch with little interference from the legislature.

2. Representation of different groups in the society

Several other parts of the Massachusetts constitution show how that government was organized more like the British government than were those of the other states. You may remember that in Great Britain the powers of government were separated among different groups of British society – royalty, nobility, and commons. A basic reason for separating powers among these groups was to prevent one group from completely dominating the others. In the United States there was no royalty or nobility to take their places in a monarchy or a House of Lords. But the Massachusetts constitution divided the people of the state into groups based upon their wealth.

- Only people with a large amount of property could vote to elect the governor.
- People with slightly less property could vote to elect members of the upper house of the state legislature.
- People with the minimum amount of property that enabled them to vote, could vote for members of the lower house.

HOW WAS THE MASSACHUSETTS CONSTITUTION

DIFFERENT FROM THOSE OF THE OTHER STATES?

The Massachusetts constitution provided for a more even balance among the powers of the different branches of government. It did not make the legislature the most powerful branch as it was in the other states. In some ways this difference reveals different beliefs about the best ways to prevent the abuse of power by members of government.



- The constitutions of the other states were based on the idea that *representation* of the people in a strong state *legislature* was the best way to protect their rights.
- The Massachusetts constitution was based on the idea that *representation, separation of powers, checks, and balances* were all essential for the protection of the rights of the people.

REVIEWING AND USING THE LESSON

1. What ideas stated in the Declaration of Independence were included in the state constitutions written during and after the Revolution?
2. From early colonial days there were property requirements for voting. Do you think these requirements conflict with basic principles of democracy? Explain your answer.
3. Describe the ways by which state constitutions ensured that the legislature would be able to dominate the governor.
4. Why did most state constitutions give most of the powers of government to the legislature at the expense of the executive and judicial branches?
5. The Massachusetts constitution differed in important ways from those of the other states. Describe those differences.
6. What arguments can you make for and against the position taken in the Massachusetts constitution that the best means of protecting citizens from abusive government is by a combination of *representation, separation of powers, checks, and balances*?
7. Should a governor be chosen by the legislature rather than be elected by the people? Should a governor be allowed to veto measures passed by the legislature? Explain your answers.
8. What arguments can you make for and against the idea of *legislative supremacy* that was included in most of the state constitutions?

(Will be continued in the next issue)