

## Constitutions<sup>1</sup>

Historians John Mack Faragher, Mari Jo Buhle, Daniel Czitrom and Susan H. Armitage observe that the United States Constitution was based on the constitutions of the first thirteen states and the Constitution of Vermont (an independent republic from 1777 until 1791). Eight of the state constitutions included declarations of rights patterned after fifteen articles from the Virginia Declaration. These rights included due process and freedom of the press. A number of states adopted rights inadvertently or otherwise omitted from the Virginia Declaration, including free speech and free assembly. These declarations set an important precedent for the first ten amendments to the United States Constitution, The Bill of Rights.

The framers of the United States Constitution were prominent men, much as the framers of the state constitutions had been. Twenty four delegates to the first Constitutional Convention were college educated; thirty-four were lawyers; nineteen owned slaves. Farmers were underrepresented. [*Out of Many: A History of the American People*, Faragher et al., 187-188] Equally compelling, Historian John Wunder argues that Indigenous people were mentioned only twice in the Constitution and not represented in the Bill of Rights. Instead, he observes, the American government used trade legislation to define the rights of indigenous people. [*Retained by the People*, John Wunder, 18-20] Women were not represented in the constitution. Abigail Adams encouraged her husband, John Adams, a delegate to the convention and soon to be president, to “Remember the Ladies, and be more generous and favorable to them than your ancestors.”<sup>2</sup> She was ignored.

Please familiarize yourself with the following and read the United States Constitution.

1. Virginia Constitution
  - <http://www.nhinet.org/ccs/docs/va-1776.htm>
2. Declaration of Independence
  - <http://www.archives.gov/exhibits/charters/declaration.html>
3. United States Constitution
  - [http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)
4. Additional Sources:
  - <http://www.archives.gov/exhibits/charters/constitution.html>
  - <http://www.archives.gov/exhibits/charters/constitution.html>

Historians Robert V. Hine and John Mack Faragher observe that after the framing of the United States Constitution, the relationship between the West and the original states remained unsettled. The

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<sup>1</sup> This test assignment was put together by Lisa Pollard and A. Dudley Gardner.

<sup>2</sup> <http://images.google.com/imgres?imgurl=http://www.vassar.edu/headlines/2008/images/080313.adams-letter.jpg&imgrefurl=http://www.vassar.edu/headlines/2008/080313-adams-project.html&usq=0n-cFh93KBhfaQYUjIYIuzhZjpm=&h=368&w=227&sz=40&hl=en&start=1&um=1&tbnid=qNT6SR9eHgBSwM:&tbnh=122&tbnw=75&prev=/images%3Fq%3Dabigail%2Badams%2Bletters%26um%3D1%26hl%3Den%26client%3Dfirefox-a%26channel%3Ds%26rls%3Dorg.mozilla:en-US:official%26hs%3DSso%26sa%3DX>

Northwest Ordinance of 1787 provided a mechanism for western states to enter the Union. Initially each western state was divided into districts with a governor, secretary, and three judges. When a district reached a population of 5,000, it could create an assembly. When the population reached 20,000 the territory could create a constitution, and when the population reached 60,000 it could apply for statehood. All western states except California and Texas entered the union through this process. Historian John Mack Faragher has argued that the Northwest Ordinance reflects the ambivalent attitude that easterners had towards westerners, fearing the uncouth “riffraff” and “heatherns” roaming western lands. [*The American West: A New Interpretive History*, Robert V. Hine and John Mack Faragher, 113-116]

Though the Wyoming Constitution owes much to the Illinois Constitution, the Virginia Declaration of Rights, and the United States Constitution, it is also unique in many ways. Please familiarize yourself with the Wyoming constitution and consider the ways in which its provisions differ from and are like the other constitutions. First of all, when was the Wyoming State Constitution written and in what historical, political, social, and cultural climate? Who were the framers of the Wyoming Constitution? What status, occupation, age, gender, and race do they represent? What relationship did the Wyoming State Constitution demonstrate towards extent eastern constitutions? And, finally, how does the Wyoming Constitution position itself as a uniquely western document?

Wyoming

<http://legisweb.state.wy.us/statutes/constitution.aspx?file=titles/Title97/Title97.htm>

<http://soswy.state.wy.us/Forms/Publications/07WYConstitution.pdf>

Now, compare Wyoming’s Constitution with those of other western states. For the purposes of this assignment, you should compare the Wyoming State Constitution to *at least* one other western state’s constitution: the Montana Constitution.

Below is the Link to the Montana State Constitution. How do the two documents differ? Why do you think this is the case? How are they alike?

Montana

<http://www.leg.mt.gov/css/Laws%20and%20Constitution/Current%20Constitution.asp>

Now, return to the Wyoming Constitution with the following questions in mind and consider this for the essay test below.

Please look at the following:

- ✓ The Wyoming 1890 Constitution states “Power is Inherent to the People “(compare this to Virginia and Montana Constitutions). What makes Wyoming’s Constitution similar other Constitutions? What is different? Is the Wyoming Constitution distinctive?
- ✓ Equality—what does this mean in the Wyoming Constitution? What does it mean in the Montana Constitution? More specifically how does this apply to women and minorities in these two states?
- ✓ Water—who owns water in Wyoming? Who owns it Montana?
- ✓ Education—what does the Wyoming Constitution say about education? What does the Montana Constitution say about education?
- ✓ Relationship between the constitution and Indigenous people.

### **Test 2 due April 3, 2009**

After reading the above and familiarizing yourself with the US and Wyoming Constitutions submit in 4 to 5 well thought out paragraphs answers to the following two questions. This is an open book test. Send the answers to [dgardner@wwcc.wy.edu](mailto:dgardner@wwcc.wy.edu).

- 1) Based on the documents provided above how does the Constitution of the United States support or create Democracy? In your answer define “democracy.” What would you regard as essential elements, principles, and procedures for a political system to be regarded as a democracy? How well does the American political system, according to your understanding, fit into that conception of democracy? What are America’s democratic strong points? What is missing? Base these answers on the materials from the Constitution.
  
- 2) What were the important elements of Wyoming’s Constitution? Is the Wyoming Constitution more Democratic than the US Constitution? Why? In answering why consider how the concept of power residing in the hands of the people and the principle of equality distinguishes the Wyoming Constitution. Also how would the idea of a citizen’s legislature, as put forth in the Wyoming Constitution, perpetuate democracy in Wyoming?

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