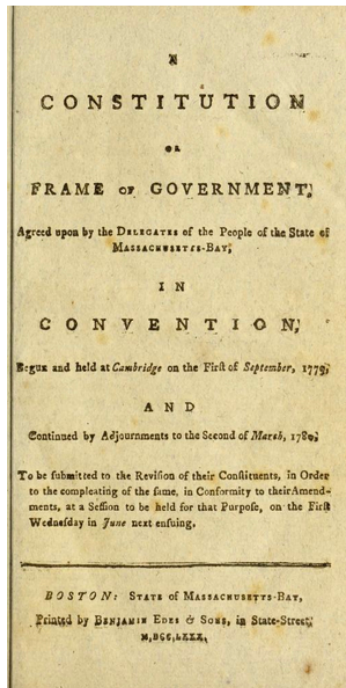


Additional Provisions of the Massachusetts Constitution

Standard 6.6: Additional Provisions of the Massachusetts Constitution

Identify additional protections provided by the Massachusetts Constitution that are not provided by the U.S. Constitution.
(Massachusetts Curriculum Framework for History and Social Studies) **[8.T6.6]**



[Title page of the first published edition of the original 1780 Massachusetts Constitution.](#)

State of Massachusetts, Public Domain

Written by John Adams in 1780, the [Massachusetts State Constitution](#) is the oldest still-functioning written constitution in the world. It served as a model for the federal Constitution. It set forth a "government of laws, and not of men" (see [John Adams & the Massachusetts Constitution](#) by Mass.gov). It stated a commitment to education for all through public schools. The free exercise of religion was protected.

The Massachusetts Constitution included "provisions dealing with search and seizure, self-incrimination, confrontation of witnesses, cruel and unusual punishment, freedom of the press and right to petition" and stated that people had the right to frequent elections, an independent judiciary and a clear separation of powers between the

branches of the government ([Teaching American History Project](#), Ashbrook Center at Ashland University, 2020, para. 1). Accordingly, many historians believe the Massachusetts Constitution is the more expansive document - providing greater protections and liberties than the federal Constitution.

Now in the 21st century, the state of Massachusetts, guided by the Massachusetts Constitution, continues to expand liberties and protections for individuals and groups. To explore this standard, we look at the differences between the federal and state constitutions and examine the effort to incorporate gender-inclusive language in state constitutions and laws. In addition, we consider whether Massachusetts, the first state to legalize marriage for same-sex couples, should also mandate an LGBTQIA-inclusive curriculum in its K-12 schools.

Modules for this Standard Include:

1. [INVESTIGATE: Comparing the Federal and Massachusetts Constitutions](#)
2. [UNCOVER: Gender-Inclusive Language in State Constitutions and Law](#)
3. [ENGAGE: Should States Offer an LGBTQIA-Inclusive Curriculum in Schools?](#)

1. INVESTIGATE: Comparing the Federal and Massachusetts Constitutions

An article from WGBH News, "[4 Things Worth Knowing about the Massachusetts Constitution](#)" discusses key differences between the federal and Massachusetts Constitutions. The first section of the Massachusetts Constitution lists 30 fundamental rights while the federal Bill of Rights has only 10. The more expansive set of rights in

the Massachusetts Constitution were the basis for court decisions that ended slavery in the state (*a 1781 court case, Brom and Bett v. Ashley*; see [Standard 6.2 Elizabeth Freeman \(Mum Bett\) and the Abolition of Slavery in Massachusetts](#)) and in 2003 granted same-sex couples the right to marry in the state (*Goodridge v. Dept. of Public Health*; see section [Standard 6.4: Core Documents: The Protection of Individual Rights](#)).

There are other differences as well. The Massachusetts constitution has been amended 120 times; the federal constitution only 27. One of the Massachusetts amendments placed an environmental rights provision into the state's constitution in 1972.

Suggested Learning Activities

• Writing Activity

- What rights would you include if you were writing your state's constitution?
 - For example, Article 19 of the Massachusetts State Constitution states: "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good."
 - Would you include that right in your constitution? Why or Why Not?

• Research & Design

- Create an infographic, website, or presentation comparing and contrasting the Massachusetts and federal Constitutions.

Online Resources for Comparing the Massachusetts and Federal Constitutions

- [Comparing Constitutions: Massachusetts](#), iCivics
- [Compare State and Federal Constitutions](#), American Bar

Association

- [State Constitutions and Environmental Bills of Rights](#)

2. UNCOVER: Gender-Inclusive Language in State Constitutions and Laws

Words matter in everyday conversations and in government documents, laws, and Constitutions as well. The **Massachusetts State Constitution uses the word "he" 84 times and "she" once.** This explicit gender bias led activists to urge lawmakers to replace the word "he" with the gender-neutral pronoun "they." For more information, read [Lawmakers Want Gender-Neutral State Constitution.](#)



Image for Humankind
Image by [OpenClipart-Vectors](#) from [Pixabay](#)

"Roughly half of all U.S. states have moved toward using such gender-neutral language at varying levels, from laws that are drafted to revisions proposed to their state constitutions" (Wade, 2019, para. 11). Vermont, Maine, New York and Rhode Island have changed their state constitution to gender-neutral terms (Wade, 2019). In 2019, the city of Berkeley, California replaced 40 gender-specific words in the city code with gender-inclusive alternatives: manholes are now maintenance holes; manpower is now human effort ([Fuller & Bogel-Burroughs, 2019](#)).

Changing the wording of state constitutions, state laws and city codes is part of a wider movement to replace **gendered language** with **gender-inclusive language**. Gendered language happens when speakers and writers use masculine nouns and pronouns to refer to individuals and groups who are not men ([Gender-Inclusive Language](#), The Writing Center, University of North Carolina at Chapel Hill).

The word "**Ms.**" is a widely known example of efforts to establish gender-neutral language as the preferred form of communication.

Ms. as a replacement for "Mrs." and "Miss" was first proposed by an anonymous writer in the Springfield (Massachusetts) *Republican* newspaper in 1901, but it was not till the early 1970s that the word only gained prominence following the [Women's Strike for Equality](#) led by Betty Friedan (Zimmer, 2009; Pollitt, 2020). The word was powerfully liberating for millions of women and helped propel the feminist movement of the time. Read about history of the term in the New York Times On Language Feature [Ms.](#)

How else might legal documents, governmental laws, and everyday language be changed to become more gender-inclusive? Mankind can be replaced by humankind. Policemen can be referred to as police officers—after all, 12.5% of police officers in the United States are women. Many colleges now encourage students to designate pronouns for use on class rosters. However, conservative groups object to changing pronouns in documents and in everyday speech. An ongoing

pronoun war is happening in many settings.

Suggested Learning Activities

- **Brainstorm**

- Read [Using Gender Neutral Language in Your Classroom](#)
- Develop a list of gendered words and gender-inclusive alternatives to use in the classroom and in everyday conversations (e.g., freshman --> first year; you guys --> everyone, ya'll, friends)

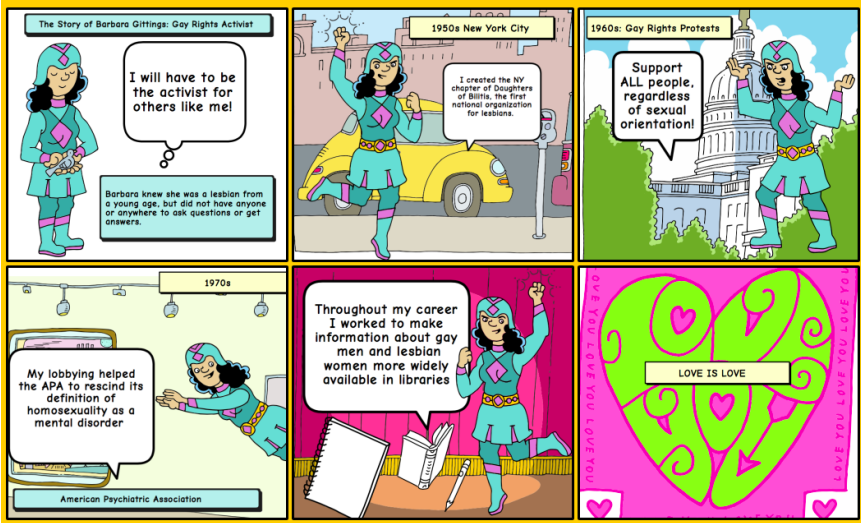
- **Investigate & Discuss**

- Examine the use of gendered language in your state laws/Constitution and the federal Constitution. Massachusetts' constitution changed "men" to "people." Reading the wording of the U.S. Constitution, do you think "all men are created equal" means all persons are created equal?
- What wording revisions would you propose to your state or the federal Constitution?

3.ENGAGE: Should States Offer an LGBTQIA-Inclusive Curriculum in Schools?

Changing public attitudes about gay rights have intensified calls for states to offer an LGBTQIA-inclusive curriculum across the elementary and secondary school grade levels. In 2019, Illinois joined California, New Jersey, Oregon, Maryland and Colorado to add LGBTQ history requirements in the public schools. Several other states are moving in that direction or have included LGBTQIA topics in their curriculum frameworks. At the same time, six states—Alabama, Louisiana, Mississippi, Oklahoma, South Carolina and Texas—have

laws prohibiting teaching about lesbian, gay or bisexual people.



Designed by Tyler Volpe-Knock

Other organizations have started to incorporate LGBTQIA history and topics into their programs. October is now established as [**LGBTQ+ History Month**](#). The National Park Service has issued a first-ever report on historic LGBT sites: [LGBTQ Heritage](#) and [LGBTQ America: A Theme Study of Lesbian, Gay, Bisexual, Transgender and Queer History](#). Newsela, a web resource used by 25 million students, has launched an [LGBTQIA+ Studies Collection](#).

What do you think it is essential for students to learn about LGBTQIA political figures and LGBTQIA history and social issues as well?

Suggested Learning Activities

- **Design**
 - A 3D digital model or statue representing a LGBTQIA individual who shaped and changed U.S. history.
 - Host a gallery walk of the printed versions of the models/statues with placards to be read by the class and/or members of the school community.
- **Make a Poster**
 - What topics would you include in an LGBTQIA-inclusive curriculum?
 - How would you integrate LGBTQIA topics in English/language arts, science and math as well as history/social studies classes?

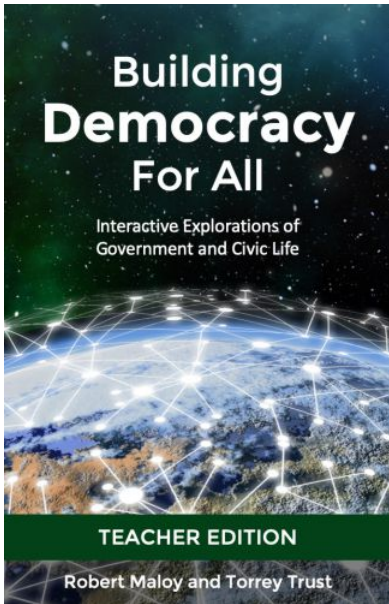
Online Resources for LGBTQIA History

- [Teaching LGBTQ History](#): Instructional Resources for California Educators, Students, & Families
- [Contextualizing LGBT + History with Social Studies Curriculum](#), Position Statement from the National Council for the Social Studies, 2019
- [Making Gay History](#), Podcast series

Standard 6.6 Conclusion

In the United States, constitutions establish the essential framework for democratic government at the state and national level. Despite peoples' different genders, ethnicities, religions, and social and economic positions, a constitution "binds us all together" as members of a nation ([Is the Constitution Important?](#) Bill of Rights Institute, 2011, para. 2). INVESTIGATE examined the differences between the Massachusetts and federal Constitutions. UNCOVER looked at

ongoing efforts to add gender-inclusive language to constitutions and laws. ENGAGE asked whether the equal protections guaranteed by the Constitution requires that states offer an LGBTQIA-inclusive curriculum in K-12 schools.



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All*. EdTech Books. Retrieved from <https://edtechbooks.org/democracy>



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