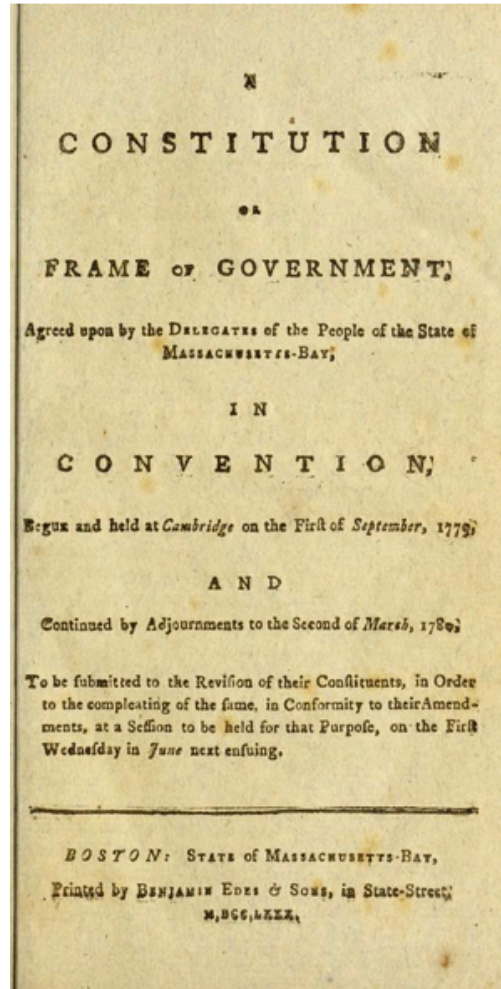


6.6

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

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).

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).

According to many historians, the Massachusetts Constitution is the more expansive and democratic document - providing greater protections and liberties than the federal Constitution. It stated a commitment to education for all through public schools and it protected the free exercise of religion. It 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).

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 mandate an LGBTQIA-inclusive curriculum in its K-12 schools. You can learn more about [people's taxes and how they are spent in Topic 6.9](#) of this book.

Modules for this Standard Include:

1. [INVESTIGATE: Comparing the Federal and Massachusetts Constitutions](#)
2. [UNCOVER: Gender-Inclusive and Anti-Racist Language and Images in State Constitutions, Laws, and Materials](#)
[MEDIA LITERACY CONNECTIONS: Investigating Gender-Inclusive Language in Media Coverage of Women in Politics](#)
3. [ENGAGE: How Can Teachers and Students Develop 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.

Pending before voters in the November 2022 elections is a proposed change to the Massachusetts Constitution called the [Fair Share Amendment](#). This proposal would impose a 4 cent per dollar increase in tax on income over a million dollars, hence it is known as a millionaire's tax. The tax does not apply the first million earned (or \$19,231 per week) of someone's income. Funds from this tax would be used to support transportation and public education in the state.

You can learn more about this proposal at [Voters to Decide on Constitution Change that Allows 'Millionaire's Tax' on Income Over \\$1 Million](#) (WBUR, June 9, 2021).

Go to [Topic 6.9](#) for background on taxes including progressive and regressive taxation.

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 and Anti-Racist Language and Images in State Constitutions, Laws, and Materials

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—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, setting off an ongoing pronoun war in many settings.

Anti-Racist Language and Imagery

The 2020 Black Lives Matter protests that followed the killing of George Floyd have also led to renewed efforts to remove racist imagery and language from state government materials. Across the country, statues of historical figures associated with slavery, racism, and European colonialism have been taken down by governments or toppled by demonstrators. A Jefferson Davis statue was removed from the rotunda of the Kentucky state capitol. At the Dallas airport, a statue of a Texas Ranger was taken down and put in storage - an acknowledgement of a long history of police brutality by the Rangers toward Mexican Americans and Native Americans. In Columbus, Ohio, a statue honoring the explorer was removed. Efforts have been underway to remove the Robert E. Lee statue in Richmond, Virginia ([How Statutes Are Falling Around the World](#), *The New York Times*, June 25, 2020)

Legislators and governors have also been acting to combat anti-racist language and imagery. After 126 years, Mississippi passed a law mandating the removal of the Confederate emblem from the state flag. In Rhode Island, whose official full name is the State of Rhode Island and Providence Plantations, the governor ordered the word "plantations" to be removed from all state documents and websites. Rhode Island was the first colony to abolish slavery in 1652, but as the New York Times reported, historians have concluded that slavery likely continued in the state till it was abolished nationwide ([Fazio, 2020](#), p. 24).

Combating Exclusionary Language in Technology

There is also a movement underway to replace exclusionary language in technology and engineering

vocabulary which has long featured words like "master," "slave," and "blacklist" to describe technical functions in hardware and software ([Conger, 2021](#)). An international group, the [Internet Engineering Task Force](#), has proposed replacing offensive terms with more inclusionary language: "primary" or "main" could replace "master," "replica" could replace "slave," "blocklist" could replace "blacklist."

[Twitter](#) is one social media platform that has actively begun changing terms to be more inclusive and less exclusive. What alternatives would you propose for terms like "man hours," "grandfathered," "sanity check," or "dummy value?" What other technology and engineering-related terms would you change in addition to the ones just listed?

Media Literacy Connections: Investigating Gender-Inclusive Language in Media Coverage of Women in Politics

Does language use by the media impact people's attitudes and behaviors? Does it matter if news reports or reporters say "policemen" or "law enforcement officers" or "firemen" or "firefighters" or if they describe women and men in politics differently?

A recent cross-national study established that **genderless language** or **gender-inclusive language** combats negative stereotypes toward women while promoting broader career opportunities for females in traditionally male-dominated fields, including politics ([Perez & Tavits, 2019](#)).

In this activity, you will examine the use of gendered language in media coverage of women in politics while envisioning how people's views might develop if more genderless language were used instead in politics and in everyday interactions in schools and society.

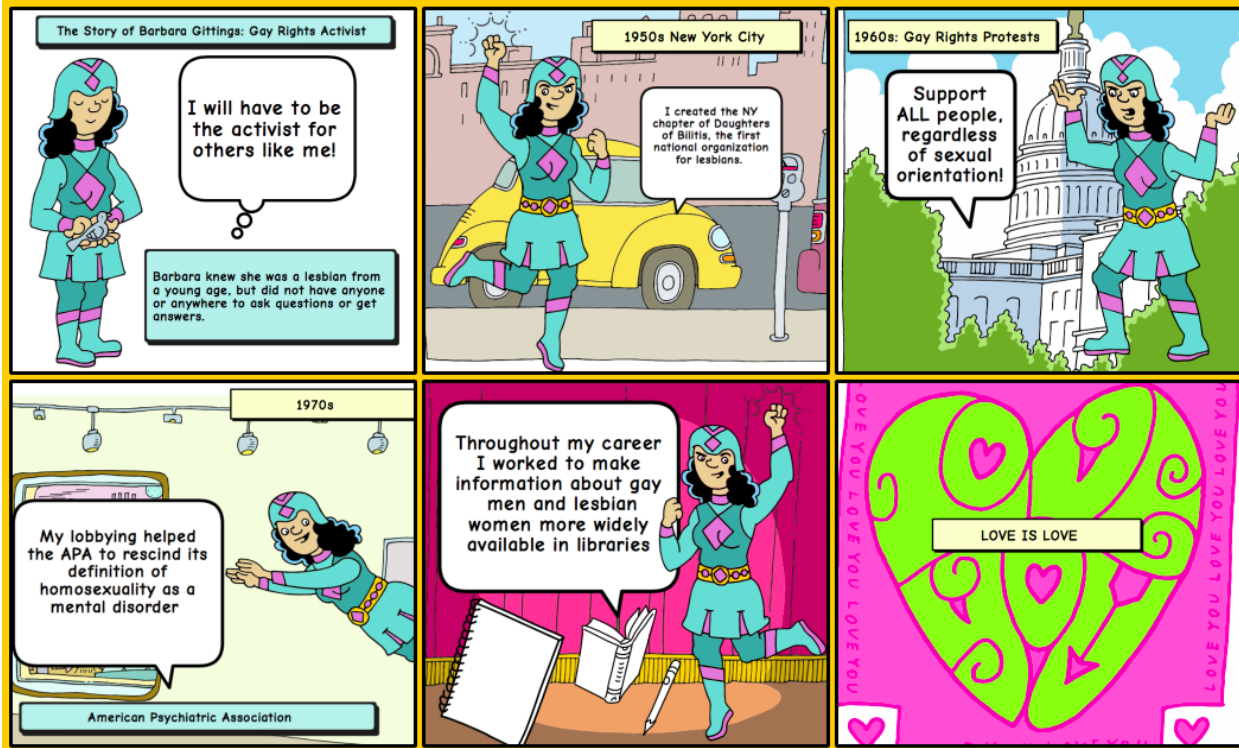
- [**Activity: Examine the use of Gendered Language in the Media**](#)

Suggested Learning Activities

- **Design a Gender-Inclusive, Anti-Racist State Seal and Motto**
 - In January 2021, the [Massachusetts legislature established a commission to recommend a new state seal and motto](#) to replace the current one deemed offensive to Native Americans.
 - Draw online or on paper a new state seal and motto for Massachusetts
 - Research the state seal and motto for other states in the nation.
 - How would you redesign those materials to make them more gender-inclusive and anti-racist?
- **Investigate and Propose Gender-Inclusive Civic Action**
 - 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?
- **Investigate and Propose Anit-Racist Civic Action**
 - What statues, monuments, or other symbols conveying racist messages are found in your community or state?
 - What should be done about them?
 - Remove them?
 - Add plaques with more historical information?
 - Expand Black history and ethinc studies curriculum in schools?
 - Other steps?

3.ENGAGE: How Can Teachers and Students Develop 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 LGBTIA 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](#).

There are multiple entrypoint for the development of LGBTQIA curriculum in schools. In a series of landmark cases, the United States Supreme Court has expanded LGBTQIA rights:

- *Romer v. Evans* (1966)
- *Lawrence v. Texas* (2003)
- *United States v. Windsor* (2012)
- *Obergefell v. Hodges* (2015)
- *Bostock v. Clayton County* (2020)
- [Marriage Equality Court Cases are discussed in Topic 6.4](#) in this book

We discuss the [Electing of LGBTQIA legislators in Topic 3.3](#) in this book. The political leadership of [Harvey Milk is profiled in Topic 4.7](#).

What other topics do you think are essential for students to learn about LGBTQIA people and LGBTQIA history and social issues as well?

Suggested Learning Activities

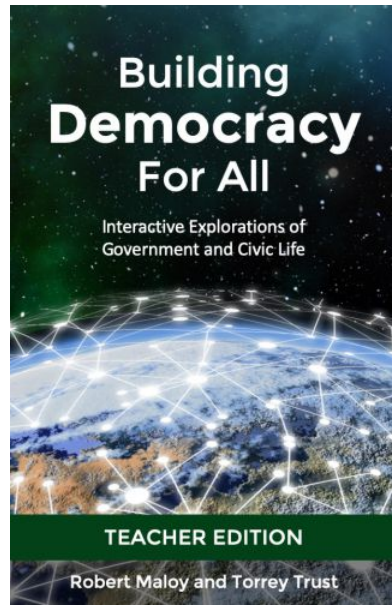
- **Design**
 - A 3D digital model or statue representing a LGBTQIA individual who shaped and changed U.S. history.
 - Host a gallery walk of the printed versions of the models/statues with placards to be read by the class and/or members of the school community.
- **Make a Poster**
 - What topics would 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?
- **Create a Sketchnote** for Landmark [Supreme Court cases dealing with LGBTQIA Rights](#)

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
- [WII Codebreaker Alan Turing Becomes 1st Gay Man on a British Bank Note](#) (June 23, 2021, Turing's 109th birthday)
 - See also wiki pages
 - [Alan Turing, Computer Scientist and Cryptanalyst](#)
 - [Harvey Milk, Gay Civil Rights Leader](#)
 - [Bayard Rustin, Civil Rights and Gay Rights Activist](#)
 - [Marsha P Johnson and Sylvia Rivera, Transgender and Gay Civil Rights Activists](#)
 - [Sally Ride, First American Woman in Space](#)
 - [The Stonewall Uprising](#)
 - [The Lavender Scare](#)
 - [The AIDS Epidemic in the US and the World](#)
 - [LGBTQIA Civil Rights Movement](#)

Standard 6.6 Conclusion

In this topic, 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 along with what historical and modern-day topics might be part of that curriculum.



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