**Enrichment Essay - The First State Constitutions**

Americans faced the task of creating new forms of government long before the U.S. Constitution was written. Almost as soon as the Revolution broke out, legislative assemblies in the former colonies began writing new constitutions. By the end of 1776, 10 states had completed the process. By 1780, every state had a written constitution.

These first state constitutions reflected Americans’ revolutionary thinking. They helped create the context in which the U.S. Constitution was written.

What were the new ideas in these documents? Here are some of the most important ones:

*• A constitution needs to be written down.* Unlike the British constitution, early state constitutions were written documents. Americans believed that putting constitutions in writing would make it harder for state governments to violate basic principles.

*• Power comes from the people.* The first state constitutions reflected republican ideals. A key ideal was that power comes from the people, not from the king or any other authority. For this reason, early state constitutions gave the most power to elected legislatures. In fact, they generally created very weak executives (such as a governor). This reflected Americans’ fear and resentment of the strong executives they had known under British rule.

*• Separation of powers.* State constitutions separated executive, legislative, and judicial powers. They forbade the governor, or any other executive officer, from serving in the legislature. They also tried to protect the courts from executive control.

*• “All men are created equal.”* This republican ideal was, of course, enshrined in the Declaration of Independence. State constitutions echoed this idea. For example, Pennsylvania declared, “All men are born equally free and independent.” In reality, however, the new states did not favor absolute equality. All states established property requirements for voting. Most state legislatures had an upper house that was made up mostly of the well-to-do. In some states, governors had to be quite wealthy. And only New Jersey allowed women to vote. (Women in this state lost the right to vote in 1807.) Still, the ideal of equality would be a powerful influence in the years to come.

*• Basic rights should be constitutionally protected.* Americans agreed early on that basic rights needed protection in the written constitution. Vermont and Massachusetts, for example, devoted part of their constitutions to “A Declaration of the Rights of the Inhabitants” of their states. Such efforts planted the seed of the Bill of Rights in the U.S. Constitution.

A few states even applied the ideas of equality and rights to slavery. The Vermont and New Hampshire constitutions abolished slavery. In Massachusetts, a court declared in 1783 that slavery could not be permitted under the state’s bill of rights. Delaware’s constitution forbade any new importation of slaves. Over time, other northern states passed antislavery laws.

These early constitutions were only a first attempt at self-government. In response to various events, states revised their fundamental laws. In the 1780s, for instance, Americans decided that they had gone too far in weakening the power of the executive branch. States changed their constitutions to make the executive stronger. They also moved toward having constitutional conventions instead of letting the legislatures write their constitutions. Still, the first state constitutions did establish principles that would continue to guide the American experiment in self-government.

1. What were state constitutions?

2. What were some of the key ideas in state constitutions?

3. How did these key ideas affect the U.S. Constitution?

4. Some New England states abolished slavery in their state constitutions. Why do you think states in the South did not do so? Why do you think the original U.S. Constitution did not abolish slavery?

5. In one sentence, why were state constitutions significant?