

# Bill of Rights in Action



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## PURITAN MASSACHUSETTS: THEOCRACY OR DEMOCRACY?

IN THE 1630S, ENGLISH PURITANS IN MASSACHUSETTS BAY COLONY CREATED A SELF-GOVERNMENT THAT WENT FAR BEYOND WHAT EXISTED IN ENGLAND. SOME HISTORIANS ARGUE THAT IT WAS A RELIGIOUS GOVERNMENT, OR THEOCRACY. OTHERS CLAIM IT WAS A DEMOCRACY.

In 1534, King Henry VIII of England broke with the Roman Catholic Church and established the Church of England (the Anglican Church). This Protestant church rejected the authority of the Catholic Pope but kept many practices of Roman Catholicism, such as worship rituals, many sacraments (sacred customs such as baptism), and bishops who governed the church.

By 1600, a growing group of Anglican Church members, or Anglicans, thought their church was too much like the Catholic Church, which they condemned as a false church. Many Anglicans were called Puritans because they wanted to purify the church and make it simpler.

A key difference between the Puritans and the other Anglicans



JOHN F. PARAMINO'S Relief sculpture is the Founders Memorial in Boston, Massachusetts. It shows Boston's first resident, William Blackstone, greeting John Winthrop.

Wikimedia Commons

was over the afterlife and how one was saved from the fires of hell. The Anglican Church taught that a believer in Christ had to follow church teachings and sacraments in order to be saved. Most Puritans, however, adopted the teachings of John Calvin, a major leader of the Protestant Reformation in Europe.

Calvin taught that God alone chose or elected those who would receive salvation and those who would not. The Puritans believed God would give them outward

signs of their salvation (being saved), such as success in life or an appearance of godliness. The Anglican Church, however, rejected Calvin's teaching.

The Puritans gathered in different groups and made a covenant (formal agreement) with God to obey his will as revealed in the Bible. In these "covenant communities," they focused on Bible reading, preaching, and following God's biblical laws.

### Errand into the Wilderness

Back in England, the Puritans were increasingly troubled that so many people did not follow God's laws as written in the Bible. The Puritans feared that God would punish England. They also suffered under the rule of King Charles I who ignored English liberties and enforced the Anglican religion. ➤

### GOVERNANCE

This edition of *Bill of Rights in Action* focuses on governance. The first article examines self-government in the Massachusetts Bay Colony. The second article reviews Cleopatra's means of restoring the dynasty of the Ptolemies. The final article presents connections between the U.S. Constitution and the first state constitutions.

**U.S. History:** Puritan Massachusetts: Theocracy or Democracy?

**World History:** Who Was the Real Cleopatra?

**U.S. History:** How the First State Constitutions Helped Build the U.S. Constitution

Next Issue of *Bill of Rights in Action* Will Be Available Only Electronically (see page 16)

### U.S. HISTORY

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Born in 1588, John Winthrop was the son of a large landowner. He attended college at Cambridge and managed his father's lands. He also studied law and became a minor legal official of the king. At about the time he married in 1605, he got caught up in the Puritan movement.

In 1629, King Charles granted a charter to a group of merchants who wanted to establish a trading colony in New England. The charter formed the Massachusetts Bay Company. Most of the stockholders, including John Winthrop, were Puritans.

At an organizational meeting, the stockholders voted to transfer the company itself to the Massachusetts Bay Colony. They also made as its main purpose a place for Puritans to live under "godly rule." Finally, they elected John Winthrop as governor of the colony. Under the king's charter, the company stockholders had the sole authority to create a government for the colony.

In 1630, shortly before the first group of about 400 Puritans sailed to America, Winthrop delivered a speech that spelled out their religious mission. He placed great emphasis on the need for everyone to unify and help one another for the "common good."

Winthrop also described a special covenant between the Puritans and God to advance God's will in the colony. Winthrop said they would live together to "work out our salvation under the power and purity of His holy ordinances [laws]."

But, most importantly, Winthrop said they would create a model for an uncorrupted church and godly society. He borrowed a phrase from the Bible: "we shall be a City upon a Hill." If this undertaking were to fail, he warned, many would speak evil of God, and the colony "shall surely perish."

Thus, Winthrop described the Puritans' main mission to Massachusetts Bay as setting an example of "godly rule." Those left behind in England would see God's will at work, follow God's laws, and be saved. Later, Puritans called this their "errand into the wilderness."

### **The Congregational Church**

On June 12, 1630, after a two-month voyage aboard four ships, the Puritans landed at Salem in the Massachusetts Bay Colony. At this time, Salem was a poor settlement of huts crowded between the sea and thick forest. Governor Winthrop, however, decided to establish a new town, named Boston that soon became the capital of the colony.

## *The Puritans in Massachusetts Bay believed in a separation of church and state, but not a separation of the state from God.*

The Puritans first focused on establishing their churches. A group gathered together to form a "covenant community," pledging to obey God's laws. Every gathering, called a congregation, elected its own minister and decided its own church rules. Thus, each Congregational Church was independent and self-ruling, unlike the Anglican Church with its governing bishops. One disadvantage of this independence was the possibility of division. This could threaten the colony's unity that Winthrop thought was so important.

Becoming a member of a Congregational Church was not easy.

Individuals had to testify before the congregation and attempt to prove that they had been elected by God for salvation. According to the Puritans, those who failed this test or refused to apply for church membership were destined for hell.

### **The General Court**

The first government in the colony was set up according to the charter of the Massachusetts Bay Company. Only about a dozen company stockholders, including Winthrop, came to the colony on the first voyage. Under the company's charter, they were designated "freemen," and only they were permitted to vote for government officers.

At their first meeting in August 1630, the stockholder freemen confirmed Winthrop as governor, chose a deputy governor, and selected seven assistants to enact the colony's laws. The assistants also acted as the colony's judges and the highest court of appeals. Thus, the nine company officers were also the colony's government, called the General Court.

In October, the nine officers held their first General Court. Governor Winthrop urged that the public be invited. Winthrop convinced the other officers to declare all those adult males present as freemen. The new freemen were allowed to vote their consent for the seven assistants who then selected the governor (Winthrop again) and his deputy. Winthrop believed that the government should be based on the consent (full agreement) of the governed.

The October General Court ended by inviting any other adult males to apply for "freemanship." At the General Court the next year, over 100 men took the oath to become new freemen with the right to elect the assistants. The General Court passed a law, however,

restricting future freemanship and the right to vote only to Congregational Church members in order to guarantee a “godly” government.

Perhaps the first tax revolt in North America occurred in 1631 when members of the Congregational Church in Watertown near Boston protested a tax to build fortifications to protect the colony. The Watertown minister and congregation objected when the General Court enacted the tax without the consent of the people.

Governor Winthrop calmed the revolt. He pointed out that all freemen now had the right to elect the General Court assistants. However, the General Court in 1632 ordered each town to choose two representatives to discuss their views about taxes with the governor and assistants.

In that same year, the General Court authorized all freemen present to directly elect the governor and deputy governor. But the General Court assistants still held the power to make all laws.

In 1634, the newly empowered freemen at the General Court demanded to see the Massachusetts Bay Company charter. The freemen discovered that the lawmaking power was granted to all freemen, not just the assistants.

Governor Winthrop argued against the new freemen participating in the lawmaking process. Electing the General Court officers should be enough, he said. He claimed that having a large number of freemen passing the laws would be impractical.

Eventually, Winthrop and the other General Court officers gave in. From 1634 on, the towns of the colony each elected freeman-deputies to share power with the assistants to pass laws and approve taxes. At first, the assistants and deputies acted together in a single-house legislature.



Wikimedia Commons/Brooklyn Museum

MARY DYER was a Quaker and supporter of Anne Hutchinson. In 1660, Dyer was executed on Boston Commons for disobeying Puritan anti-Quaker laws.

Winthrop became embroiled in another General Court controversy. In 1642, he agreed with the General Court assistants that they should have a “negative voice,” which is a veto over laws approved by the town deputies. “If the negative voice was taken away,” he warned, “our government would be a mere democracy.”

Winthrop typically preferred compromise to resolve differences. He finally proposed that both the assistants and deputies must get each other’s consent for a law to pass. This was an early kind of “check and balance” that later became a major part of the U. S. Constitution. In 1644, the assistants and deputies agreed to separate the General Court into a two-house legislature.

Non-church members could petition the government, participate in town meetings, and, after 1647, vote for town officers. They could not vote for members of the General Court. Massachusetts voters still made up a far larger percent of the population than in England where social rank and property ownership severely limited the people’s right to vote.

## Church and State

The Puritans in Massachusetts Bay believed in a separation of church and state, but not a separation of the state from God. The Congregational Church had no formal authority in the government. Ministers were not permitted to hold any government office. Nevertheless, the Puritans expected the government to protect the Church by punishing sins, including blasphemy (cursing God), heresy (false religious beliefs), and adultery.

John Cotton, a Puritan minister, further explained the nature of Puritan government. Cotton wrote that the Bible approved governments led by kings or an aristocracy of the best people, but it did not approve democracy. Cotton warned against the tendency of men to let power go to their heads. “It is necessary, therefore, that all power that is on earth be limited,” he wrote.

Puritan lawmaking touched all aspects of life. The General Court lawmakers set prices for goods and wages to control inflation. They regulated the sale of alcohol and banned smoking and card playing. ▶

## The Massachusetts Body of Liberties

Below are seven excerpts from the numbered provisions of the “Massachusetts Body of Liberties.” Try to match the liberty in each excerpt with a similar right found in one or more of the ten amendments of the U. S. Bill of Rights.

1. “No man’s life shall be taken away. . . nor in any way punished. . . [or] no man’s goods or estate shall be taken away. . . unless it be by virtue of. . . some express law of the country warranting the same. . . .”
8. “No man’s cattle or goods. . . shall be. . . taken for any public use. . . without such reasonable prices and hire as the ordinary rates of the country do afford. . . .”
18. “No man’s person shall be restrained or imprisoned. . . before the law has sentenced him thereto, if he can put in sufficient security. . . for his appearance, and good behavior in the meantime. . . .”
26. “Every man that finds himself unfit to plead his own cause in any court shall have liberty to [use] any man against whom the court does not except, to help him. . . .”
29. “In all actions at law it shall be the liberty of the plaintiff and defendant by mutual consent to choose whether they will be tried by the bench or by jury. . . . The like liberty shall be granted to all persons in criminal cases.”
42. “No man shall be twice sentenced by civil justice for one and the same crime, offense, or trespass.”
70. “All freemen called to give any advice, vote, verdict, or sentence in any court, council, or civil assembly shall have full freedom to do it according to their true judgments and consciences. . . .”

In 1636, they established Harvard College, the first school of higher learning in the American colonies. In 1642, they required all parents to teach reading to their children so they could understand the Bible.

As judges, the assistants formed juries, conducted civil and criminal trials, and decided sentences for those convicted of crimes. Punishments included fines, whipping, confinement to stocks, banishment, and death.

In the mid-1630s, Roger Williams openly preached Separatist ideas, calling for the Puritans to denounce the Anglican Church as “anti-Christian.” He also argued that the colony’s government should have no role at all in religious matters. Tried for what the colonial government called “dangerous opinions,” he was banned from the colony. He then established the colony of Rhode Island that promoted religious freedom.

Around the same time, Anne Hutchinson was tried for heresy when she spoke out against the Puritan belief in outward signs of God’s salvation. One must look inward to find God’s “Holy Spirit,” she said. She was found guilty, excommunicated, and then banished (sent away). She joined Williams in Rhode Island.

The Massachusetts Bay Puritans opposed the idea of religious toleration. In addition to Williams and Hutchinson, they banned Catholics, Anglicans, Baptists, and Quakers when they attempted to openly worship and preach. John Winthrop approved the banishments, believing they were necessary to prevent disunity in the colony.

### Body of Liberties

In 1635, the General Court’s town deputies established a committee to prepare a written code of laws for the colony. The code would include traditional English

liberties but also reflect God’s laws. In 1641, after several drafts, the General Court accepted “The Massachusetts Body of Liberties,” containing 98 provisions.

Most of document’s provisions actually made up a bill of rights. Many of these provisions included principles that later found their way into the U. S. Bill of Rights (see sidebar above).

Other provisions went beyond our Bill of Rights. They declared equality before the law for all (including foreigners), and prohibited wife-beating, slavery, as well as cruelty to children, servants, and farm animals.

Another section listed twelve death-penalty offenses based on the Bible, such as blasphemy, premeditated murder, adultery, being a witch, and rebelling against the state. In practice, however, the Puritans seldom used the death penalty.

### Decline of Puritan Power

By the 1640s, the Massachusetts Bay government had evolved from a company’s board of officers to an elected representative system based on the consent of the governed. The Puritans accomplished this independent of the king and Parliament, and it was far ahead of what existed in England. Over time, the Puritans grew to cherish their nearly complete independence from England. They also tended to be skeptical about any government, including their own.

After 1660, King Charles II and his brother James II, who succeeded Charles, tried to impose royal rule over Massachusetts Bay. A royal court cancelled the colony’s charter, resulting in strong political resistance and a rebellion in Boston.

After William and Mary came to the English throne in 1689, Massachusetts finally agreed to a new compromise charter. It kept the

General Court's elected town deputies who chose a Governor's Council to replace the assistants. But the king appointed the governor who could veto any law passed by the General Court. The new charter also ended the restriction that limited voting only to Congregational Church members and replaced it with a property-ownership requirement.

John Winthrop's vision of "a city upon a hill" faded after he and the first generation of Puritan leaders died. Gradually, more non-Puritan immigrants came to Massachusetts with interests and purposes other than religious ones. The king demanded religious toleration for Anglicans, Baptists, and Quakers. Some saw Puritan "godly rule" as just another kind of tyranny.

The Puritans' religious mission, "the errand into the wilderness," was largely unfulfilled. Nevertheless, they developed important political and legal ideas that contributed to the founding of the United States more than a century later.

## DISCUSSION AND WRITING

1. According to John Winthrop, what was the main reason for the Puritans emigrating to Massachusetts Bay Colony?
2. Explain the Puritan view of the relationship of church and state. Do you agree or disagree with it? Why?
3. In what ways do you think the Puritan church and government influenced American democracy?

## For Further Reading

Bremer, Francis J. *The Puritan Experiment, New England Society from Bradford to Edwards*. rev. ed. Hanover: University Press of New England, 1995.

Morgan, Edmund S. *The Puritan Dilemma, The Story of John Winthrop*. 2nd ed. New York: Pearson Longman, 2006.

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### State Constitutions

"18th Century Documents: 1700-1799." *The Avalon Project*. 2008. *Yale Law School Lillian Goldman Law Library*. 7 July 2013. < [http://avalon.law.yale.edu/subject\\_menus/18th.asp](http://avalon.law.yale.edu/subject_menus/18th.asp) > . (Contains text of the first state constitutions.) · Adams, Willi Paul. *The First American Constitutions*. Chapel Hill: University of North Carolina Press, 1980. · Connor, George E. and Hammons, Christopher W., eds. *The Constitutionalism of American States*. Columbia: University of Missouri Press, 2008. · Dodd, Walter. *The Revision and Amendment of State Constitutions*. New York: Da Capo Press, 1970 [reprint from 1910]. · Friedman, Lawrence M. "State Constitutions in Historical Perspective." *The Annals of the American Academy of Political and Social Science*. March 1988. No. 496: 33-42. · Long, Breckenridge. *Genesis of the Constitution of the United States of America*. New York: MacMillan Co., 1926. · Maddex, Robert L. *State Constitutions of the United States*. Washington: C. Q. Press, 2006. · Morey, William C. "The First State Constitutions." *The Annals of the American Academy of Political and Social Science*. Sept. 1893: No. 4:1-32. · "No Religious Test Clause." *Wikipedia*. 8 April 2013. 7 July 2013 < <http://en.wikipedia.org> > · Schwartz, Bernard. *The Great Rights of Mankind: A History of the American Bill of Rights*. Expanded ed. Madison: Madison House, 1992.

## ACTIVITY

### Self-Government in Puritan Massachusetts

**Theocracy:** a government under the rule of God and His laws

**Democracy:** a government under the rule of the people and laws made by them or their representatives

*Was the government in Puritan Massachusetts a theocracy, a democracy, or neither?*

Form small groups to investigate, discuss, and decide this question.

1. Each group will prepare two lists of evidence from the article. One list of evidence will support the view that Puritan Massachusetts was a theocracy. The other list will support the view that it was a democracy.
2. Each group will then discuss the two lists to see if one of them has the stronger evidence. The group may decide that both lists are equal in strength.
3. Finally, each group will decide how to answer the question above and prepare to defend their answer before the class.

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See page 16 for more information.

## Standards

### *Puritan Massachusetts: Theocracy or Democracy?*

**National High School U.S. History Standard 3:** Understands why the Americas attracted Europeans, why they brought enslaved Africans to their colonies and how Europeans struggled for control of North America and the Caribbean. Understands social and economic characteristics of European colonization in the 17th and 18th centuries (e.g., changing immigration and settlement patterns of Puritans...).

**National High School U.S. History Standard 4:** Understands how political, religious, and social institutions emerged in the English colonies. Understands characteristics of religious development in colonial America (e.g., the presence of diverse religious groups and their contributions to religious freedom...the major tenets of Puritanism and its legacy in American society... Puritan objections to their ideas and behavior). Understands the similarities and differences in colonial concepts of community (e.g., Puritan's covenant community...).

**Common Core Standard RH.11-12.1:** Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

**Common Core Standard RH.6-8.1:** Cite specific textual evidence to support analysis of primary and secondary sources.

**Common Core Standard SL.11-12.4:** Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

**Common Core Standard SL.8.4:** Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

### *Who Was the Real Cleopatra?*

**National High School World History Standard 3:** Understands the major characteristics of civilization and the development of civilizations in Mesopotamia, Egypt, and the Indus Valley. (3) Understands features of trading networks in Egypt.

**National High School World History Standard 8:** Understands how Aegean civilization emerged and how interrelations developed among peoples of the Eastern Mediterranean and Southwest Asia from 600 to 200 BCE. (7) Understands how Egyptian society saw itself in relation to its gods and how attitudes towards women are indicated in representations of its goddesses.

**National High School World History Standard 9:** Understand how major religious and large-scale empires arose in the Mediterranean Basin, China, and India from 500 BCE to 300 CE. (1) Understands shifts in the political framework of Roman society (e.g., major phases in the empire's expansion through the 1st century CE; how imperial rule over a vast area transformed Roman society, economy, and culture; the causes and consequences of the transition from Republic to Empire under Augustus in Rome; how Rome governed its provinces from the late Republic to the Empire...).

**Common Core Standard RH.6-8.8:** Distinguish among fact, opinion, and reasoned judgment in a text.

**Common Core Standard RH.9-10.8:** Assess the extent to which the reasoning and evidence in a text support the author's claims.

**Common Core Standard WHST.6-8.1:** Write arguments focused on *discipline-specific content*. (b) Support claim(s) with logical reasoning and relevant, accurate data and evidence that demonstrate an understanding of the topic or text, using credible sources.

**Common Core Standard WHST.9-10.1:** Write arguments focused on *discipline-specific content*. (b) Develop claim(s) and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form and in a manner that anticipates the audience's knowledge level and concerns.

**California History/Social Science Standard 6.2:** Students analyze the geographic, political, economic, religious, and social structures of the early civilizations of Mesopotamia, Egypt, and Kush. (3) Understand the relationship between religion and the social and political order in Mesopotamia and Egypt. (6) Describe the role of Egyptian trade in the eastern Mediterranean and Nile valley.

**California History/Social Science Standard 6.7:** Students analyze the geographic, political, economic, religious, and social structures during the development of Rome.

(1) Identify the location and describe the rise of the Roman Republic, including the importance of such mythical and historical figures as...Julius Caesar....

(3) Identify the location of and the political and geographic reasons for the growth of Roman territories and expansion of the empire, including how the empire fostered economic growth through the use of currency and trade routes. (4) Discuss the influence of Julius Caesar and Augustus in Rome's transition from republic to empire.

### *How the First State Constitutions Helped Build The U. S. Constitution*

**National High School U.S. History Standard 7:** Understands the impact of the American Revolution on politics, economy, and society. Understands the differences among several state constitutions (e.g., various applications of 18th-century republicanism, such as virtue in government, balancing the interests of different social groups, service to the common good, representation, separation of powers, judicial independence, and the legitimacy of slavery).

**National High School U.S. History Standard 8:** Understands the institutions and practices of government created during the Revolution and how these elements were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights. Understands influences on the ideas established by the Constitution (e.g., the ideas behind the distribution of powers and the system of checks and balances....

**Common Core Standard RH.11-12.1:** Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

**Common Core Standard RH.6-8.1:** Cite specific textual evidence to support analysis of primary and secondary sources.

**Common Core Standard SL.11-12.4:** Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

**Common Core Standard SL.8.4:** Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

**California History/Social Science Standard 8.3:** Students understand the foundation of the American political system and the ways in which citizens participate in it. (1) Analyze the principles and concepts codified in state constitutions between 1777 and 1781 that created the context out of which American political institutions and ideas developed.

**California History/Social Science Standard 8.9:** Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (2) Discuss the abolition of slavery in early state constitutions.

**California History/Social Science Standard 11.1:** Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence. (2) Analyze...the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

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