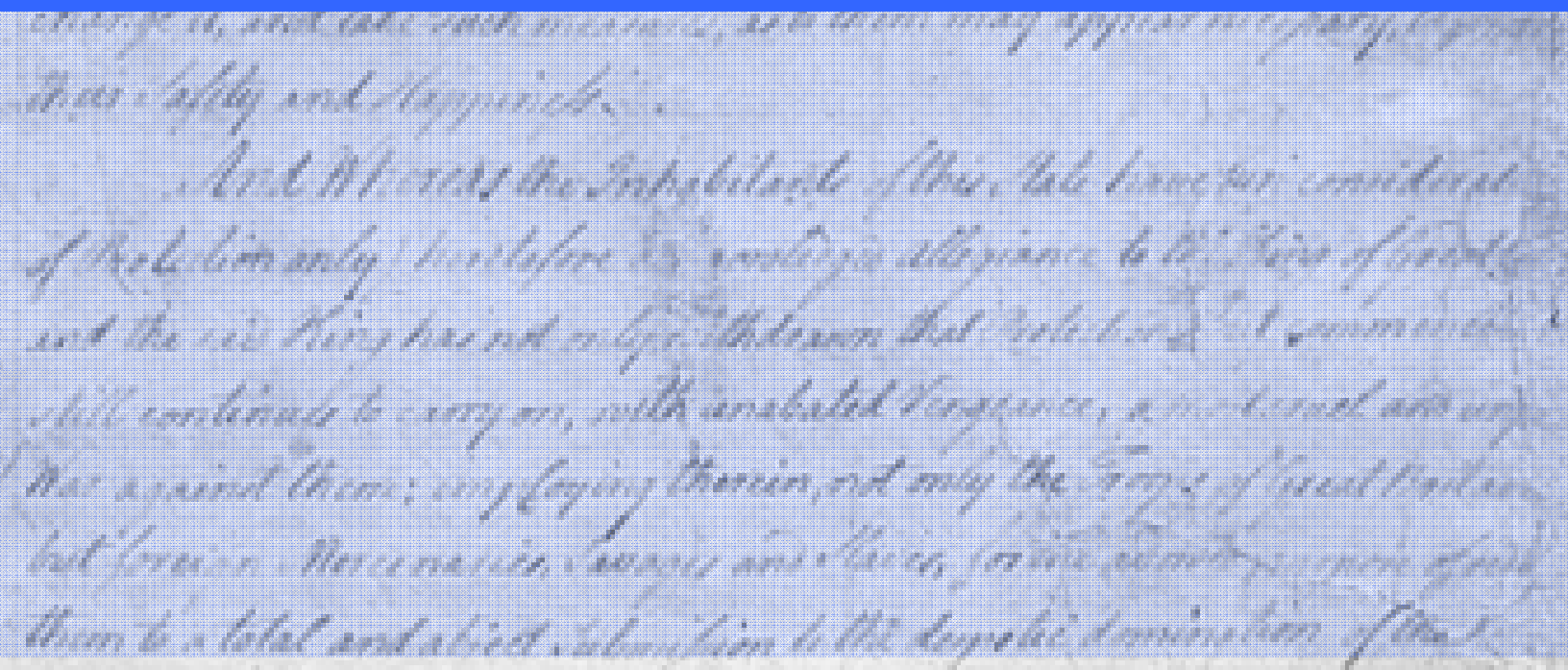




# Revolution, Rights and Rules:

## A Student's Guide to the Vermont Constitution

**Deb Markowitz**  
Vermont Secretary of State





August 2009

Dear Students and Educators:

On July 2, 1777, Vermonters from across the state gathered in Windsor, Vermont, to draft and ratify our first constitution. Since that time the constitution has endured with only minor changes.



As you study Vermont's constitution please keep in mind that the constitution is more than a list of rights and rules. It addresses important questions. What kind of government should we have? How do we limit the power of any one individual or group of people? How do we ensure that individuals are protected from the power of the State? These are questions that are as important today as when the constitution was first written in 1777.

In addition to information about the historical context, creation, and content of Vermont's constitution, we have provided classroom activities to help reinforce and supplement learning. They have been organized into three types of activities as follows:



1. "SOAPBOX: Stand Up and Speak your Mind" : This icon denotes discussion questions that go along with the material on the page. These questions are meant to encourage critical thinking, help students formulate their own opinions, organize an oral presentation (either individually or in small groups) and share their developed arguments with their peers.



2. FROM THE INKWELL: This icon denotes a writing prompt. The questions that follow are designed to give enough background information for students to use in short writing exercises or analytical essays. These activities are designed so that teachers may use them for homework assignments or general lesson follow up to check comprehension of the material in the booklet.



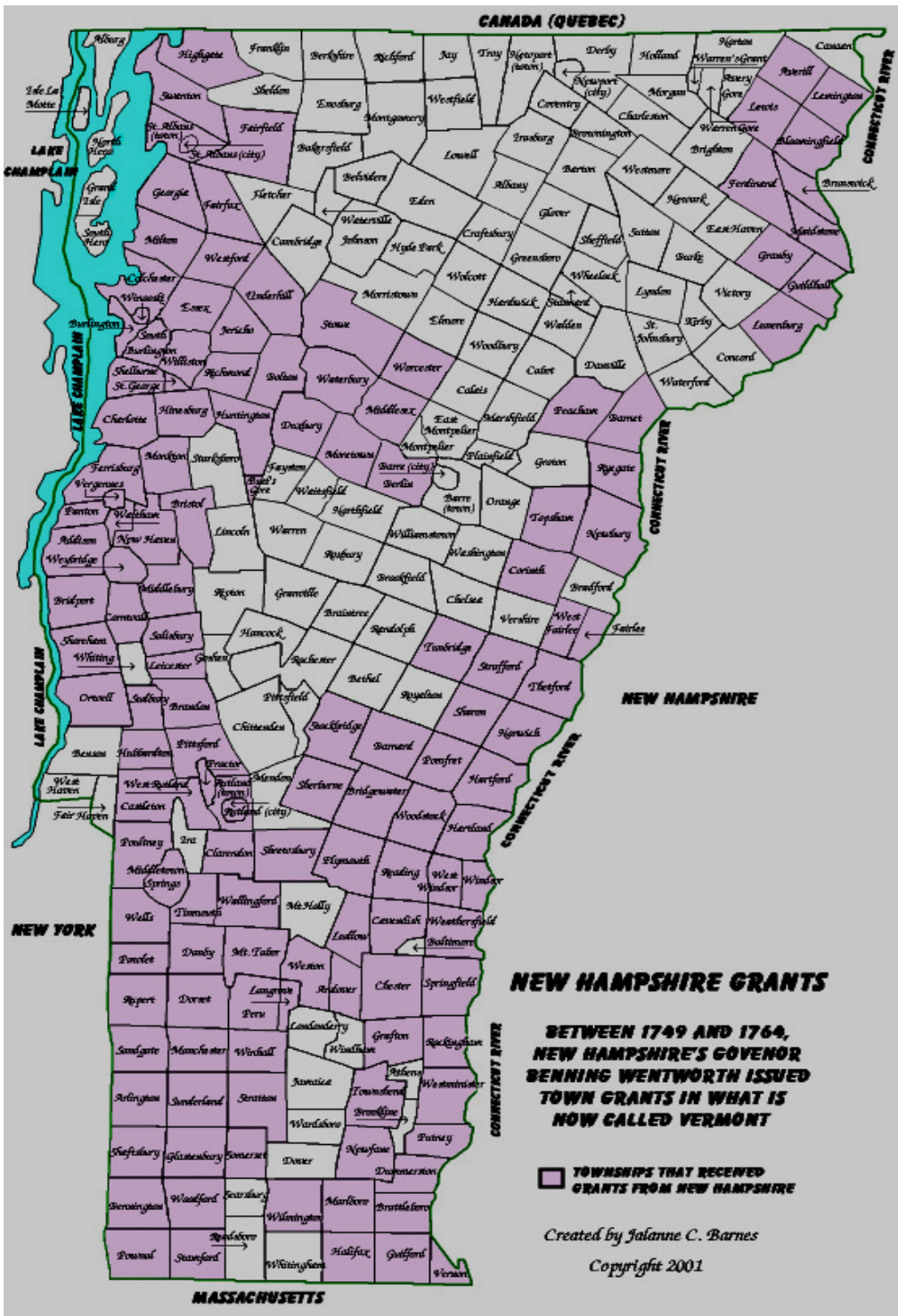
3. THE DRAFTING TABLE: Use your creativity! This icon denotes a follow-up activity designed to test students' understanding through the use of their imaginations! These activities demand the use of creative writing and illustrating skills.

A special thanks to former Montpelier High School students Jessie Ebersole, Ryan Wingate and Aleah Starr who helped to develop this booklet. Enjoy!

A handwritten signature in black ink that reads "Deborah Markowitz".

Deborah Markowitz  
Secretary of State

# Vermont Before The Constitution



## Whose land is it?

Vermont did not exist until 1777. Before this time, the land that is now Vermont was known as the New Hampshire Grants. Both New York and New Hampshire considered this land to be theirs. The New Hampshire government sold many settlers land in Vermont to establish homesteads. When these settlers arrived they discovered that families from New York were already living there. The families had been given rights to the same land from the New York government.

King George the III tried to end the argument in 1764 by stating that the New Hampshire Grants belonged to New York. There were still conflicts. Settlers who had bought land from New Hampshire did not want to have to pay money to New York, or lose their land. In 1775, a group of men organized to defend the New

Hampshire land grants from the New Yorkers. They called themselves the Green Mountain Boys, and their main leader was Ethan Allen.

# Vermont in the Revolutionary War

Not only did the Green Mountain Boys defend the New Hampshire land grants from the New Yorkers, but they also made several important contributions to the American Revolution.

## Fort Ticonderoga

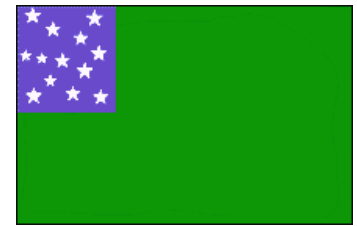
On May 10, 1775, Ethan Allen led 82 Green Mountain Boys on a surprise attack on Fort Ticonderoga in the middle of the night. It only took them ten minutes to capture the fort from the shocked and sleepy British soldiers. This was the first American victory of the Revolutionary War.

## The Battle of Hubbardton

In July 1777, British General John Burgoyne led a large invasion from Canada. He forced the Continental Army (the colonists) to retreat farther and farther south. As the British approached Hubbardton, Vermont, the Green Mountain Boys took a stand on a grassy hill. They hoped to slow the British down so that the rest of the Continental Army could escape and recover. The British Army won the battle, but the Green Mountain Boys achieved their goal. The British were forced to temporarily stop the chase in order to help their many wounded soldiers. This allowed the Continental Army to escape.

## The Battle of Bennington

In August 1777, the British army was still pushing the Continental Army south. Although the British were fighting successfully, they badly needed more provisions. General Burgoyne sent two units of British soldiers to raid the supply depot in the town of Bennington, Vermont. The Green Mountain Boys, along with troops led by General John Stark, prevented the Redcoats from taking the supplies in the Battle of Bennington.



### The Flag of the Green Mountain Boys 1777 and Today!

The Green Mountain Boys had their own flag. The green represented their name and the Green Mountains, and the blue square with the 13 white stars was for the 13 colonies. Although it has been a long time since Ethan Allen roamed the mountains of Vermont, the flag is used today. It is now the official flag of the Vermont National Guard. But that's not all. Sometimes the Vermont National Guard is called the Green Mountain Boys.

Did you know the Battle of Bennington actually took place ten miles away in Walloomsac, New York?

## Small Battle, Big Difference

Two months later, following the Battle of Saratoga in New York, General Burgoyne surrendered all of his troops. One reason for the surrender was because he did not have enough supplies to continue fighting. The Battle of Saratoga was the turning point of the Revolutionary War, in favor of the colonists. If General Burgoyne had captured the supplies from Bennington, he would have had a better chance of winning the battle and winning the war.

## Burgoyne's Fury

After the battle of Bennington, Burgoyne wrote: *"The New Hampshire Grants in particular now abounds in the most active and rebellious race on the continent and hangs like a gathering storm on my left."* He is saying that the people who lived in Vermont were causing him more problems than the people in any other place.

### The Great Cannon Journey

The quick fight and capture of Fort Ticonderoga made a big difference to General George Washington. Washington desperately needed cannons and other arms. The Green Mountain Boys had captured cannons and weapons from the British at Fort Ticonderoga. Despite the fact that Washington was fighting in Boston, 300 miles away, determined soldiers transported the cannons all the way to Boston. They suffered through mud, snow, and the freezing cold and used both sleds and boats to get to the battle. Using the British's own cannons, George Washington and his army forced the Redcoats (the British) to leave Boston.



**From the inkwell:** Use three or four sentences to explain the following: "Without the help of Vermonters during the American Revolution the United States may have been a very different place today."



# The Vermont Republic

## Why did Vermont become a republic and not a state in 1777?

When the 13 original colonies declared independence from Great Britain in 1776, Vermont asked to be the 14th state. The Continental Congress, the national government during the war, debated whether or not Vermont should become a state. The Continental Congress did not let Vermont become a state for two reasons:

### Reason #1: Too much revolution?

Many leaders of the 13 original colonies would have answered yes to this question. There were groups of settlers in Pennsylvania, Virginia, and the Carolinas who wanted to become their own states, just like Vermont wanted to be separate from New York. Leaders were afraid that if they recognized Vermont's right to split from New York other colonies would begin to splinter as well. They believed this would hurt the fight for independence because the colonies would be distracted by their own internal fighting, and it would be harder to unite against the British.

### Reason #2: Nay-saying New York

Of course, another reason Vermont was not recognized by the Continental Congress is that New York still claimed that it belonged to New York. In 1791, Vermont satisfied New York by paying the state \$30,000 dollars. At the time, this was a lot of money. After this payment was made, Vermont became a state.

The United States of America was formed in 1776 by the thirteen original colonies. At this time Vermont declared itself an independent state and began to craft a constitution at a convention held in Westminster, Vermont. So for 14 years (from 1777 to 1791) Vermont was not a part of the United States - it was its own country!



### Runaway Gold

Paying New York in order to join the United States was quite a task for Vermont! In 1791, they could not just write a check. The state treasurer had to transport chests filled with gold coins from Vermont to New York. The boxes traveled through the night and one box burst open as the wagon it was in climbed a hill near the Clarendon Meeting House. Coins scattered everywhere. Because it was still dark out the treasurer had to wake up people in the town and ask them to use torches to help him find all of the coins!

## A Double Revolution

For Vermont, the war was a revolution within a revolution. The 13 original colonies fought the Revolutionary War against unfair treatment by the British. Vermonters thought that the rules of New York and New Hampshire were equally bad. On January 15, 1777, Vermont declared independence "In defiance of New York, New Hampshire, King George and...of all the evil powers of the earth and air." The 13 colonies declared independence from Great Britain. Vermont declared independence from Great Britain and New York. From 1777 to 1791, it was its own country, the Vermont Republic.

Did you know that for its first six months of independence Vermont was called the *Republic of New Connecticut*? On July 8th, 1777, it was officially changed to *Vermont*.

### What is a republic?

In a republic, citizens elect people to represent them in government. The elected representatives make laws and rules that govern the people and they decide how to spend the tax dollars for the common benefit.

### Why become a republic?

Vermonters were tired of not having a voice in their own affairs. The king made demands from across the ocean without asking their permission, and New York tried to force them to follow rules in which they had no say. Many Vermonters were ready to have their own government run by the people of Vermont. So, they decided to become a republic.

### Why did the early Vermonters want to adopt a constitution?

All republics have constitutions. This is a written set of supreme laws governing the people of the state and its leaders. After declaring independence, Vermont needed to create its own constitution to explain how the government would operate, and to establish the rights guaranteed to the people of the state.

Vermont called itself an "independent state" rather than a country. As an independent state it ran its own postal service and minted its own money. The money was called "Vermont Coppers."



For more information about Vermont coppers and for some great photographs of real coins go to [www.money.org](http://www.money.org) and search for Vermont coppers.



**"Do Your Research!"** Find an encyclopedia or a website about both the British monarchy and the Vermont Republic. How do each of these forms of government work? Who is in charge and how is the power distributed? With this information in mind, what do you suppose were the pros and cons of the British monarchy and the new independent republic?

# The Creation of the Constitution - 1777

On July 2, 1777, Vermont's constitutional convention began. Delegates from around the state met in Windsor to draft and then adopt a constitution for Vermont. The constitution was ratified by the delegates on July 8, 1777.

## Who drafted the constitution?

Each town chose two people, called delegates, to help create the constitution. Twenty-three towns were represented by 46 delegates. Many of the delegates traveled long distances to Windsor. Traveling was very difficult in the 1700s and the journey was uncomfortable. Delegates had to travel to Windsor on horseback or by wagon, buggy, or ox cart. The roads were unpaved and filled with ruts and left travelers dusty or muddy during the summer months.

## Where did they meet?

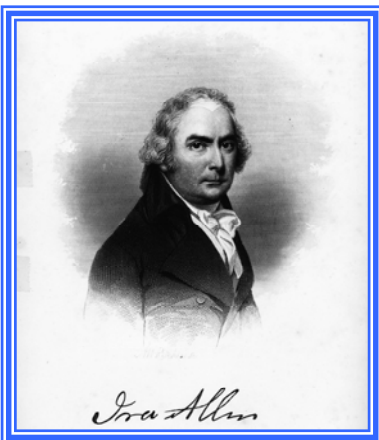
The delegates were supposed to meet at the Windsor Meetinghouse. Instead, the delegates decided to meet at Elijah Wood's tavern. Today, the people in Windsor call the tavern The Old Constitution House.

Militias are groups of citizens who are ready to fight in an emergency.

## Who were the delegates?

The delegates to Vermont's constitutional convention represented a cross-section of Vermonters. There were lawyers, mill owners, doctors, and even a poet. Most delegates farmed their own land, and had worked in their town's government. They were all soldiers in the state or local militia.

## Meet some of Vermont's Founding Fathers:



### Ira Allen

Ira Allen was Ethan Allen's youngest brother. He was a delegate to the convention from Colchester and wrote the preamble to Vermont's Constitution. Allen also signed Vermont's Declaration of Independence. He was Vermont's first state treasurer, and he wrote one of the first histories of Vermont. Allen went to France to purchase arms for Vermont but after the ship carrying the arms was seized by the British, Allen ended up going back to France only to be thrown in prison as a spy. He was finally released and returned to Vermont in 1801. In his absence most of his property had been sold for taxes. To avoid debtor's prison, Allen left Vermont. He later died a pauper in Philadelphia.



## **Ebenezer Allen**

Don't confuse Ebenezer Allen with Ethan Allen! They are not related. Ebenezer was 34 when he represented Tinmouth at the constitutional convention. Ebenezer was a lieutenant in the Green Mountain Boys. After the convention he fought in the Battle of Bennington where his soldiers captured a group of British soldiers. The British had with them a slave named Dinah Mattis, and her child. Ebenezer set the slaves free. After the war, Ebenezer moved to South Hero. He served in the Vermont House of Representatives for four years.

## **General Jacob Bayley**

General Jacob Bayley served in the colonial militia during the French and Indian War. He once had to escape by running barefoot for 12 miles. During the Revolutionary War, he helped capture Fort Ticonderoga. He was the first selectman of Newbury, and represented Newbury at the constitutional convention. Bayley absolutely hated the plan to become a state as presented by Ethan Allen and Thomas Chittenden. He insisted that his town was a part of New York until 1776, when he changed his mind and sided with Vermont. In 1782 British soldiers tried to capture him, but they failed. People who knew Bayley called him the strongest man in the mountains.



## **Thomas Chittenden**

Thomas Chittenden was born in Connecticut. He was in the Connecticut legislature for three years before moving to Vermont. Chittenden was a colonel in Vermont's militia and he founded the town of Williston. He represented Sunderland at the convention. Chittenden was elected Vermont's first governor in 1778 and he served every year, except for the year of 1789, until he died in 1797. Some people called him Vermont's George Washington.

## **Alexander Harvey**

Alexander Harvey was born in Gargunnock, Scotland. He sailed across the sea with other Scottish immigrants. He traveled along rivers in New York and Vermont looking for land. When he reached Barnet, Vermont, he wrote that it was the "best we had yet seen." He settled down, cleared the land to plant crops, and built a house. He represented Barnet at the convention.



## **Joseph Marsh**

Joseph Marsh came to Vermont from Connecticut and he settled in Hartford. Although he only had one month of formal schooling he accomplished a lot in his lifetime. He signed the Vermont Declaration of Independence, and was vice president of the constitutional convention. He was Vermont's first lieutenant-governor. Later, he represented the town of Hartford in the legislature. He was chief judge of Windsor County for nine years. He was a big man, weighing over 200 pounds and he was a daring and talented horseback rider.

## From Enemies to Allies

The constitutional convention brought together people from across Vermont. These Vermonters had held a variety of view points on independence from New York prior to the convention. Some were for it and some were against. Everyone was concerned first and foremost about whether they would be able to keep their land.

During a famous incident in 1775 angry but unarmed citizens took over a courthouse in Westminster. They were afraid they would lose their land. A New York sheriff entered the courthouse with some men and shot at the citizens, killing one. The sheriff's action made a lot more people angry at New York.

Two years later, court officials and some of the angry citizens who entered the courthouse became allies. As delegates to the constitutional convention they worked together to craft and adopt Vermont's constitution.



**“To the Table”** Think about the fact that many of the delegates to the constitutional convention were very different from one and other—not only because of where they came from, but also because of their values and the expertise that they brought to the table. What are the benefits and what are the challenges of having a diverse group people working together on the same project? In turn, what are the benefits and what are the challenges of having a group of people who share similar goals and beliefs working together?

## How was the constitution drafted?

The delegates did not start from scratch when they gathered to write Vermont's constitution. Dr. Thomas Young from Philadelphia helped. He wrote a letter suggesting the delegates base the Vermont Constitution on Pennsylvania's constitution. The delegates agreed. Benjamin Franklin helped to draft Pennsylvania's constitution, so a lot of his ideas are found in Vermont's constitution.



### The Lightning Storm



The constitutional convention that began on July 2<sup>nd</sup> almost ended without the approval of the new Vermont constitution on July 8<sup>th</sup>! After drafting and debating for over five days, a sentry arrived in Windsor to announce that Fort Ticonderoga had just fallen to the British and that parts of Vermont were in danger from British attack. Delegates who lived on the western border of Vermont needed to go home to protect their families and farms. The story is told that just as the delegates were preparing to leave a violent thunderstorm developed, trapping them in Windsor. Unable to travel, the delegates completed the constitution to the flash of lightning!

## No pens or paper here: *How the constitution was written.*

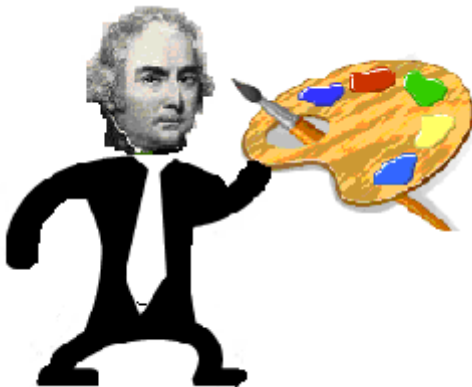
The delegates who drafted the constitution could not simply type their ideas up on a computer and print them out. They could not even go to the store and buy a box of No. 2 pencils and a sheet of paper. Instead of pens or pencils, people in the 1700s used the pointed tip at the bottom of a bird's feather. This was called a quill. To write, people dipped the quill into a pot of ink. Paper was also not readily available. Instead, people wrote on parchment or vellum. Vellum is very thin, smooth, calfskin and parchment is made from cloth. The Vermont Constitution is written on parchment with an ink quill.



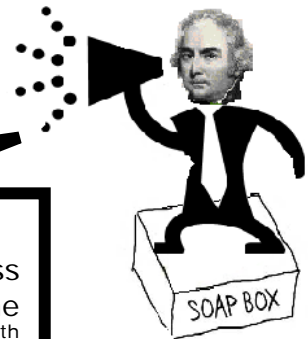
## Classroom Questions:

1. How did Vermonters contribute to the Revolutionary War?
2. Why do some people say that Vermont had a double revolution?
3. Why wasn't Vermont allowed to join the United States right away?

## It's Your Turn!



**Art Connection** - Design a flag for the Republic of Vermont. The Green Mountain Boys used 13 white stars to symbolize the 13 colonies. What symbols would you include on your flag?



### "To Be or Not to Be"

Pretend that you are standing before the Continental Congress trying to convince the members that Vermont should join the Union. How would you argue that Vermont should be the 14<sup>th</sup> state? Switch sides and become a member of the congress who is not in favor of welcoming Vermont. How would you make your case to your peers as well as to the Vermonters who have come to make the request?



### From Enemies to Friends

How do groups of people that disagree manage to work together? Think of examples from your own life when you and your group members had very different opinions. How did you, just like the delegates to the convention, settle your differences? Write your response on a separate sheet of paper.

# The Role of a Constitution

## What is a constitution?



A constitution is the supreme law of a country or state. A constitution does two very important things:

**1. It creates the structure of government.**

For example, Vermont's constitution creates three branches of government: the executive, legislative and judicial branches.

**2. It protects individuals by establishing rights that the government must respect.**

For example, Vermont's constitution guarantees citizens the right of free speech.

**Each branch of government must follow the constitution.**

For example, when legislators enact laws they must be sure that the laws do not violate the constitution. Courts will consider whether a law violates the constitution, and if the judge determines that it does, the law will be overturned by the court.

Vermont's constitution has been amended a number of times since it was first adopted in 1777. In this booklet, with one exception (the preamble), we will study the language of Vermont's constitution as it exists today.



# The Vermont Constitution

## What are the components of the Vermont Constitution?

The Vermont Constitution has two parts:

**Chapter I** – “A Declaration of the Rights of the Inhabitants of the State of Vermont.” Chapter I gives people in Vermont basic rights, like the right to vote, and the right to follow any religion.

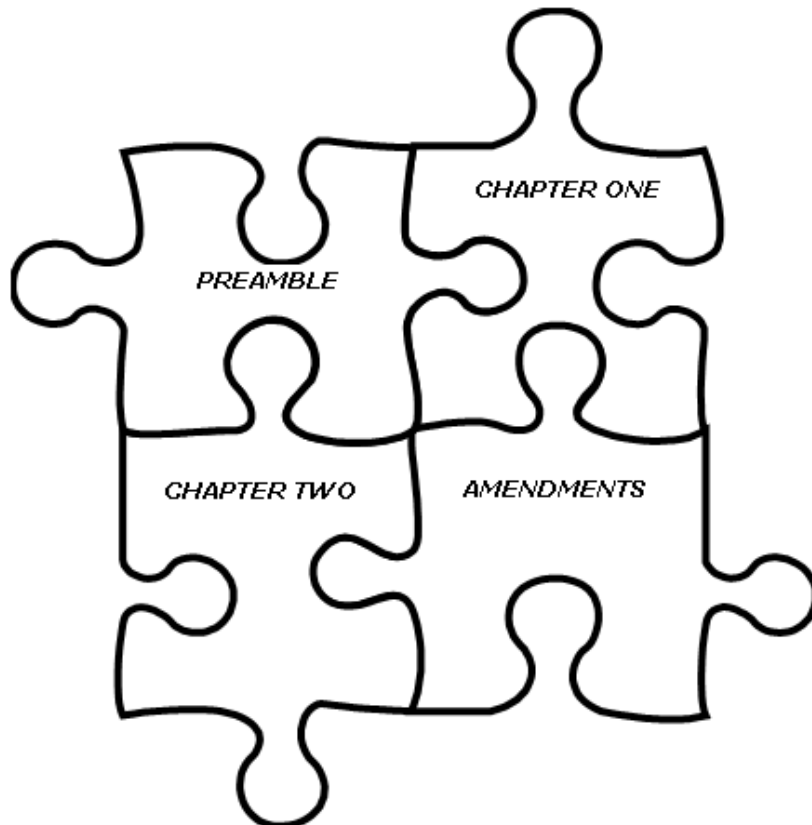
**Chapter II** – “A Plan or Frame of Government.” Chapter II sets up the government and describes how it will work.

The original constitution also had:

**The Preamble.** Until the adoption of the 1793 Constitution, Vermont’s constitution also included a preamble. The preamble explains the reasons for creating a new government and the purpose of the constitution.

The current constitution is different from the original because it has been amended.

**Amendments.** Amendments are changes made to a constitution after it was first adopted.





# The Preamble

Until 1793, Vermont's constitution had a lengthy preamble. When Vermont joined the United States it revised the constitution and removed the preamble.

## Who wrote the preamble?

The preamble to Vermont's constitution was written by Ira Allen, Ethan Allen's youngest brother. He had some help from Thomas Chittenden, who later became the governor of Vermont. Some historians have said that Ira Allen drafted the constitution not because he was specially qualified to do so, but because he was a person who volunteered to do jobs that other people were reluctant to take on.

## What did it say?

The preamble said that people have the right to change their government when the government is not protecting the community or promoting the safety and well being of the citizens. It went on to say that the governments of Great Britain and New York had policies which were unfair to Vermonters. It argued that because Vermonters were being harmed by these policies they had the right to form their own state.

Since the preamble was written during the Revolutionary War it begins by attacking Great Britain. However, Vermonters were angrier with the New Yorkers than they were with the British because New York's policies about land ownership directly affected the people of Vermont. Ira Allen devoted one short paragraph to criticizing Great Britain, and then devoted the rest of the preamble to making a case for Vermont breaking away from New York.

### First Sentence of the Preamble

"Whereas, all government ought to be instituted and supported for the security and protection of the community as such and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness."

### What happened to the preamble?

When Vermont became a state in 1791 it made a few revisions to its constitution. These revisions were adopted in the constitution of 1793. One of the changes was removing the preamble. The preamble no longer seemed necessary. The dispute with New York had been settled and the Revolutionary War was over. Indeed, since New York and Vermont were now a part of the same country it no longer seemed right to criticize a neighboring state.

# Chapter I

## “A Declaration of the Rights of the Inhabitants of the State of Vermont.”

In Vermont’s constitution, the rights of the people are listed in the very first chapter. This is different than the United States (U.S.) Constitution; the rights of the people were added shortly after it was created in what we call “The Bill of Rights.” The Bill of Rights is the first ten amendments to the U.S. Constitution.

Chapter I of the constitution is divided into different parts called articles. Each article lists individual rights that the government must respect.

What are some of the rights established by the Vermont Constitution?

### **Article 1. The right to life, freedom and property ownership.**

#### *Vermont Constitution - Chapter I, Article 1*

*“That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore no person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after arriving to the age of twenty-one years, unless bound by the person's own consent, after arriving to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.”*

### **What does this mean?**

Article 1 of the Vermont Constitution says that there are certain rights that every person is born with that cannot be taken away by the government. They are:

- The right to enjoy and defend your own life and freedom (liberty);
- The right to acquire and own property and the right to protect that property;
- The right to pursue your own happiness and safety.

Article 1 concludes by saying that because all people have the rights listed above, no one can be forced by law to be a slave once he turns 21. (In the original constitution Article 1 says that no woman can be a slave once she turns 18.)

## Why is there an age exception to the ban on slavery?

We aren't sure today why the ban on slavery only applied to adults. Some people think it was so parents could hire their children out to be indentured servants. An indentured servant worked as a servant, a farm hand, or as a helper in a business or trade in exchange for room and board and often a small payment made to his or her parents. The exception also allowed children to apprentice. Apprentices would stay with a master and learn a trade, such as how to be a blacksmith.

## Did other states have similar provisions in their constitutions?

No, Vermont was the very first state to outlaw slavery. Other states followed, but slavery was not illegal everywhere in the United States until the Civil War ended and the 13<sup>th</sup> Amendment to the United States Constitution was ratified in 1865. Before the Civil War, many slaves escaped to Vermont using the Underground Railroad. Vermonters helped some of these slaves travel to Canada. Other former slaves settled in Vermont and started new lives as free people.

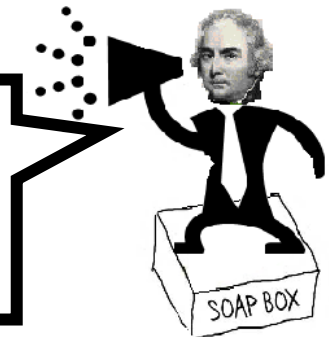
### One slave's story

Pompey Vanderburgh was separated from his parents and sold many times. One day he heard that he was going to be sold again, in exchange for a "mouse-colored horse." He escaped from New York and came to Vermont. He lived in Bennington, married, and had nine children.

### Which statement do you agree with more?

1. The Vermont Constitution was the first one to outlaw slavery, or
2. The Vermont Constitution was the first one to outlaw adult slavery.

Explain your answer



The Vermont Constitution guarantees the right to acquire, possess and protect property. What do you think this means? Does the constitution give us the right to shoot someone who is trying to steal from us? What if a neighbor's new driveway causes water to run off and erode our land? Can we protect our land by making our neighbor change his driveway? How far can we go to protect our property?



## Article 2.

### The right to be paid for property the government takes from you.

#### *Vermont Constitution – Chapter I, Article 2.*

*“That private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.”*

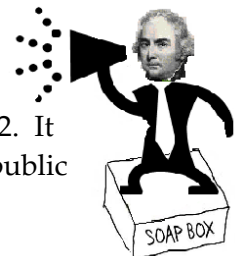
### What does this mean?

Article 2 of the Vermont Constitution says that the government may take someone’s land for the benefit of the public if it needs to, but when it does this, the government has to pay the owner. This means that if the state wants to take a person’s land so that it can build a new park, the state has to show that the park is needed for the good of the public, and it must pay for the land.

### Why is this important?

This rule makes it clear that the government does not have the power to take land from a person without paying for it; and without a process for proving that it is needed by the public. In England in the 1700s the king had absolute power and could take a person’s property without any process at all and without paying for it.

#### Taking Homes to Build a Hotel - A True Story



The United States Constitution has a provision that is similar to Vermont’s Article 2. It prevents the government from taking property from a person without showing a public need and then paying for it. This constitutional provision made news recently. Here is what happened:

The city of New London, Connecticut, was down in the dumps. There was a rising crime rate. People did not want to come into town and lots of the stores were closing up. The local officials decided that they had to take action to revitalize the city so they decided to take the homes and businesses owned by seven families right on the waterfront and sell it to a developer who would build a hotel, health club, and office buildings. The city was prepared to pay the families for their property but the families did not want to sell and went to court to stop the city.

This court case went all the way to the United States Supreme Court. A majority of the court said that because the development would create jobs, increase tax revenues and help the local economy, it satisfied the constitution's public-use requirement so the city could go ahead with the taking.

## Article 3. Freedom of religion

### *Vermont Constitution – Chapter I, Article 3:*

*“That all persons have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no person ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of conscience, nor can any person be justly deprived or abridged of any civil right as a citizen, on account of religious sentiments, or peculia[r] mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.”*

### **What does this mean?**

Article 3 of the Vermont Constitution says that the government may not interfere with a person's right to practice his or her own religion. It guarantees individuals the right to worship God in their own way and prohibits forcing people to follow a particular religion. Article 3 also prevents discrimination on the basis of religion and prohibits the government from requiring people to pay to support a church. This article also says that if you are Christian you should observe the Sabbath and go to church!

### **Why is this important?**

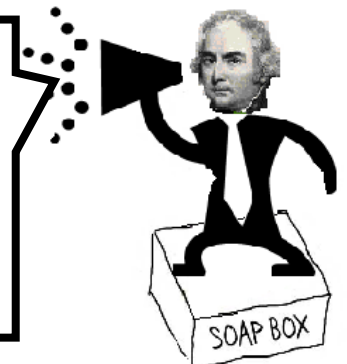
Many settlers came to Vermont because they were escaping religious persecution in England or in other colonies. This means that it was important to ensure that the government of Vermont would permit every person to follow their own religion.

### **What if you don't worship “Almighty God”?**

Note that Article 3 only protects the right to worship “Almighty God.” It is believed that this language was intended to exclude “heathen” religious practices from protection (e.g. traditional Native American religious practices.)

### **“Freedom and Justice for All?”**

In Chapter I, Article 3 of the constitution, religious freedom is promised to the citizens of Vermont. On second glance, however, this is not really the case. Read over the article and develop an argument as to why religious freedom, as written in the constitution, was not exactly a reality. Who is excluded from this right? Do you think there is religious freedom for all today? Why or why not?



## Article 8. The Right to Vote

### *Vermont Constitution – Chapter I, Article 8:*

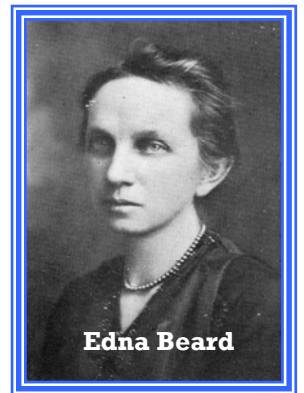
*“That all elections ought to be free and without corruption, and that all voters, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.”*

### **What does this mean?**

Article 8 says that elections should be honest and that every voter has the right to elect officers and be elected to office. The 1777 constitution gave all “freemen” the right to vote. This was notable because it was the first constitution to allow all men to vote – even those who did not own property.

### **Wait! What about women?**

Today’s constitution gives both men and women the right to vote. The 1777 constitution, however, only recognized men’s right to vote. Women did not win the right to vote in state and federal elections until 1920 when the 19th amendment to the United States Constitution was ratified.



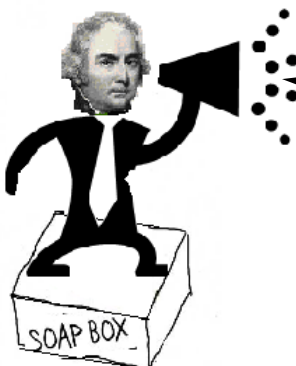
### **What did women in Vermont do before 1920?**

In Vermont women had the right to vote in school board and municipal elections before 1920, and many women participated actively in public life.

Women petitioned the government to protect the welfare of children and families. Many women argued for “temperance” (banning the sale of alcohol) and spoke out against slavery and for the right to vote in state and federal elections.

### **Did women’s right to vote make a difference in Vermont?**

Yes, it did. The very first year that women were allowed to vote in state elections, Edna Beard became the first woman elected to Vermont’s general assembly. She wrote a bill that increased the amount of money the government gave to single mothers to help them care for their children. Her bill was passed and became a law. Women gained a greater voice in government.



#### **“The Voice of Reason!”**

Do you think that our history would have been different if women had been given the right to vote from the very beginning? Research the women’s suffrage movement. Find out when it happened, who its leaders were and what issues they cared about. Do you think it is important that women as well as men participate in political life?

## Article 13. Freedom of speech

### *Vermont Constitution – Chapter I, Article 13*

*“That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.”*

### What does this mean?

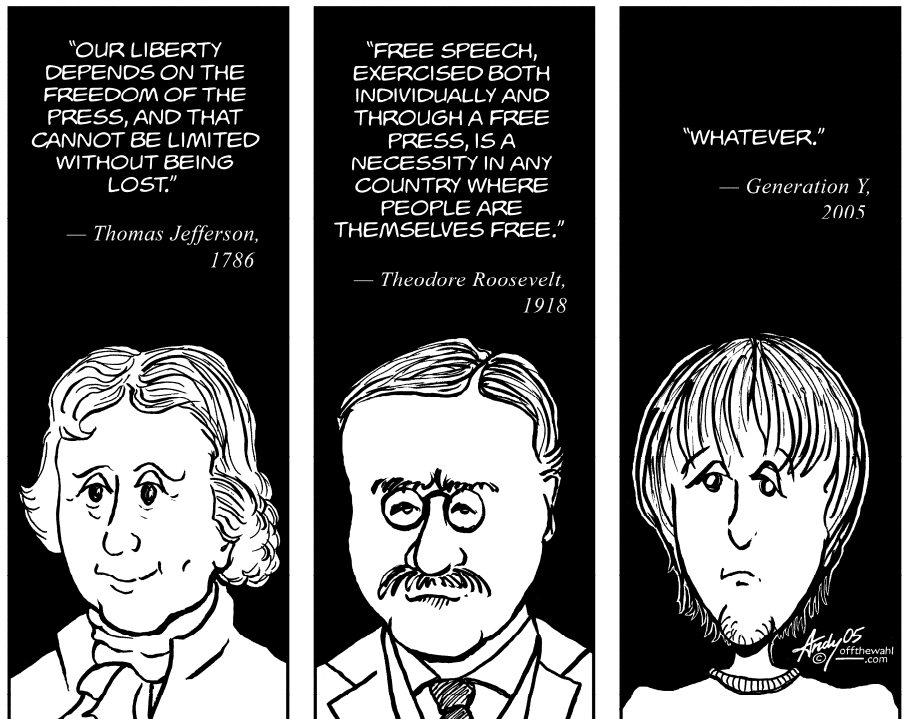
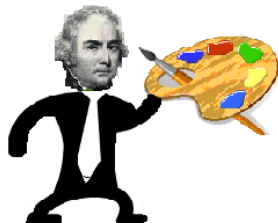
Article 13 says that people have a right to express their opinions about the government, and that newspapers and other press (for example, radio, television, and internet) may publish what they like without the government interfering.

### Why is this important?

The founders of Vermont agreed with Thomas Jefferson when he said in 1799, that “when the press is free and every man able to read, all is safe.” Our founders believed that in a democracy a free press is important to keep citizens informed about what the government is doing. Some of Vermont’s founders were persecuted for criticizing the governments of Britain and New York. Article 13 guarantees that Vermonters may criticize the government without fear of getting in trouble with the law.

#### **“Freedom to Sketch Your Mind!”**

Analyze the comic. What statement does it make about freedom of speech? Do you agree with this statement or not? Do you feel that students at your age are able to freely “write and publish their sentiments” as written in Chapter I Article 13? Make a comic strip like this one to illustrate your response.



### STATE OF THE FIRST AMENDMENT



## Article 18 A List of Civic Virtues

### *Vermont Constitution – Chapter I, Article 18*

*“That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the State.”*

### **What does this mean?**

Article 18 is different from the other articles in Chapter I of the Vermont Constitution. It does not list individual rights. Rather, this article lists civic virtues that the founders of Vermont believed citizens and elected leaders needed to have in order to keep the government of Vermont democratic and the people of Vermont free. The civic virtues they identified include: a commitment to justice; moderation (not being too extreme); temperance (self control); industry (hard work); and frugality (being careful with money).

**Civic virtue** means the habits or qualities of a person that are important for the success of the community.

### **Why is this important?**

In a democracy people govern themselves. Sometimes this is done by electing representatives (such as the legislature or governor) who make decisions for the community, and sometimes this is done directly when people vote on issues that affect themselves and their communities (such as voting at town meeting on the school budget). Consequently, democracy will only succeed if its citizens and elected officials are good. This is true even today. What characteristics do you think a good citizen or elected official must have in today’s world?

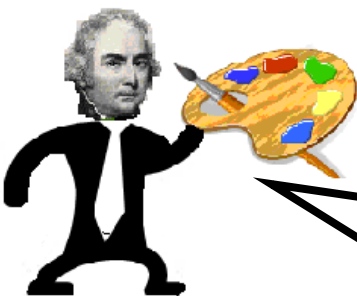


### **“All Politics are Personal ...”**

Think of an issue that is important to you. It can be an issue that affects your hometown, the state, the country or the world. When you think about this issue, think about the civic virtues that would be necessary to help address this issue. Make a list of these civic virtues. Are they similar to the ones listed in Article 18? Should we amend Article 18 to add new civic virtues that would be more relevant today?

## **A short description of the rest of the articles of Chapter I of the constitution:**

- Article 4** – Every person has an equal right to be protected by the law.
- Article 5** – The state has the sole right to control a police force for the state.
- Article 6** – All officers of government are accountable to the people.
- Article 7** – Government must operate for the benefit of all people.
- Article 9** – People must pay taxes to help pay for the common defense.
- Article 10** – People accused of crimes have a variety of rights, including, for example, the right to know what they are accused of and the right to a fair and speedy trial.
- Article 11** – The government cannot search people’s houses or take their belongings unless a court decides that there is a good reason to do so.
- Article 12** – The right to a jury trial is held sacred.
- Article 14** – Legislators cannot be sued for things they say during legislative debate.
- Article 15** – Only the legislature may suspend the laws of the state.
- Article 16** – People have the right to “bear arms” (to own guns) to defend themselves and the state; but the military must be under the control of the government.
- Article 17** - Only people in the military may be subject to martial law.
- Article 19** – People have the right to leave Vermont and to come here from other states.
- Article 20** – People have the right to hold meetings and to tell their elected representatives what to do, and they can ask the legislature to help find a solution to a problem when they think that something is unfair.
- Article 21** – No person may be taken out of state for a trial for a crime that was committed in Vermont.



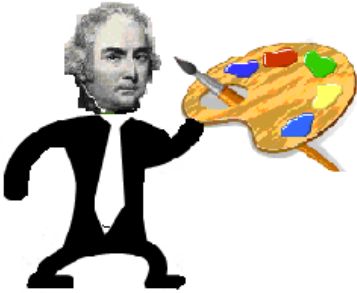
### **“Lawlessville!”**

Pick two of the articles from Chapter I of the constitution and create either an image or a short story about life in Vermont without them. For example, what would Vermont look like if people were not required to pay taxes (Article 9)? Use your imagination!

## Big Ideas:

- What is one difference between the Vermont Constitution and the U.S. Constitution?
- Name one thing which Vermont's constitution was the first to do.
- What is the purpose of government?
- Which right do you like the best? Why do you think it is the most important?
- If you could have only one right in Chapter I of the Vermont Constitution which would it be? Why?
- Why is voting important?

## Your Turn!



**Creative Writing** – It is time...to go back in time. Pick an historical event you have learned about and write a story about it. In the story, pretend you are a person who was actually there. You could be a faithful revolutionary slogging through miles of snow and dirt to bring cannons to General Washington, or a soldier sneaking onto Fort Ticonderoga in the dark of night. You could be a woman, standing up for your right to vote, or a slave escaping to freedom in Vermont. Or you can come up with something else. There are lots of possibilities!

# Chapter II - “A Plan or Frame of Government”

## The Three Branches of Government

### *Vermont Constitution – Chapter II, Sections 1 and 5*

*“The Commonwealth or State of Vermont shall be governed by a Governor (or Lieutenant-Governor), a Senate and a House of Representatives . . .”*

*“The Legislative, Executive, and Judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the others.”*

### What does this mean?

Chapter II of the Vermont Constitution creates the structure of Vermont’s government. It divides the government into three branches and sets up checks and balances to ensure that no single part of government or any individual becomes too powerful.

The three branches of our government are:

**Legislative** – The legislature adopts laws. Some laws establish rules and policies that govern our behavior, such as criminal laws or environmental laws. Other laws establish how the government will spend tax money (the budget bill), and how those taxes will be raised (the tax bill). Different laws are made every year to respond to the changing needs of Vermont.

Note that in Chapter I the Vermont Constitution calls the individual sections “Articles.” In Chapter II, they are called “Sections.”

**Executive** – The executive branch makes sure that laws adopted by the legislature are carried out. The governor is the head of the executive branch and oversees the many state agencies that do the work of the state government. The governor can stop a bill from becoming law if he or she disagrees with it by vetoing the law. The lieutenant governor, the treasurer, the secretary of state, the auditor and the attorney general are also members of the executive branch. In some states these offices are appointed by the governor, but in Vermont, they are elected positions that are independent from the governor.

**Judiciary** – The judicial branch of government is made up of the courts of the state. In Vermont, the highest court is the Supreme Court. Courts interpret the meaning of laws and apply those laws to specific cases. The court will also invalidate a law if it determines that it is inconsistent with the Vermont Constitution or the United States Constitution.





Here is how the balance of powers works: every time a branch of government is given authority to do something, another branch is given a power to limit the exercise of this power. The system of checks and balances means that all three branches of government have to work together to create and enforce laws that are in the best interest of the people of Vermont.

Here are some examples of checks and balances:

## CHECKS AND BALANCES



### The legislature's power is limited because . . .



It is the legislature's job to pass laws.  The governor may veto a law if he or she disagrees with it,  and the courts may overturn a law if it decides it is unconstitutional.



### The court's power is limited because . . .



The courts interpret and apply laws,  but the legislature may write a new law if they don't like the court's interpretation,  and the governor appoints the judges (with the advice and consent of the Senate).

### The executive's power is limited because . . .



The governor is the head of the state agencies,  but the courts can order the agencies to stop taking actions that violate the laws or constitution,  and the legislature adopts the laws that govern the agencies and it decides how much money the governor may spend to run each part of the government.

Key :  = legislative     = executive     = judicial



### Who is the Boss?

It takes a long time for the legislature to make laws, and it is very expensive to bring a case to court. Wouldn't it be better for everyone to just let the governor be the boss? Do you think we need a separation of powers? Why or why not?

# The Legislative Branch

## *Vermont Constitution – Chapter II, Sections 6, 13 and 18*

*“The Senate and the House of Representatives shall be styled, The General Assembly of the State of Vermont. Each shall have and exercise the like powers in all acts of legislation; and no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law, without the concurrence of the other.”*

*“The House of Representatives shall be composed of one hundred fifty representatives.”*

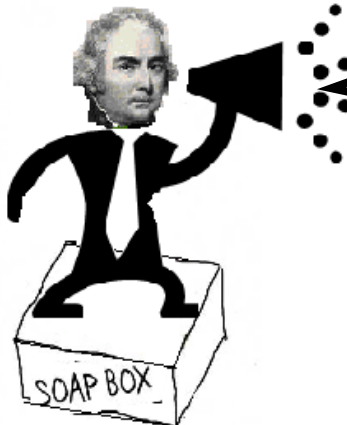
*“The Senate shall be composed of thirty Senators to be of the senatorial district from which they are elected.”*

## What does this mean?

Chapter II, sections 6, 13, and 18 of the constitution create the Vermont legislature. The legislature is called “the general assembly.”

The general assembly is “bicameral.” This means that it has two parts. One is the House of Representatives and the second is the Senate. Representatives and senators are elected by the people in their districts. In order for a bill to become law in a bicameral legislature it must pass both the House of Representatives and the Senate.

The Senate is small. It is made up of only 30 senators. Each senator represents around 20,295 people in districts that cover an entire county or sometimes sections of more than one county. The House of Representatives is much bigger. It is made up of 150 representatives who each represent around 4,059 people who live in a single town, a part of a city or town, or sometimes parts of two or more towns.



### Does size matter?

As a member of the House of Representatives you can get to know many of the people in your district, but you are only one voice among 150 when it comes to passing laws. In the Senate your district is so large you cannot know everybody in it, but you are only one of 30 people making decisions. Would you rather be in the House or in the Senate? Explain why.

## **The constitution makes rules for the legislature:**

- ★ The constitution limits who may run for the House or Senate: only voters who have lived in Vermont for at least two years, and who have lived in the community that he or she wishes to represent for at least a year before the election.
- ★ The legislative session begins in early January. Legislators serve for a term of two years.
- ★ Legislators must take an oath of office whereby they swear to uphold the constitution and the laws of this state and of the nation and to vote according to what they believe is in the best interest of the people of the state.
- ★ A majority of the members of each body must be present in order to conduct business, except that a two-thirds majority must be present to vote on bills that would create or raise a tax. The legislature makes its own rules and can expel members for bad behavior, unless the behavior was known to the voters prior to their election.
- ★ The lieutenant-governor is president of the Senate. The president of the Senate is in charge of the Senate proceedings. The Senate elects a senator to serve as the president of the senate, pro tempore when the lieutenant governor is absent or when he or she is exercising the office of governor. The president of the Senate only votes to break a tie.
- ★ If five members of the House or one member of the Senate requests it, a record must be made of how each legislator voted on a particular bill. This is called a roll-call vote. A roll-call vote lets the public know how each legislator voted on a particular matter. It is generally used for bills which are controversial.
- ★ Once a bill is passed by the Senate and House of Representatives the bill is presented to the governor. If the governor signs it, or does nothing for five days it becomes law. The governor can also choose to veto the bill by sending it back to the legislature with his objections to it in writing. (This is called a “veto message.”) After the legislative session is over, if the governor does not sign the bill within three days, it is considered vetoed.
- ★ If a bill is vetoed and the legislative session is not over the legislature may choose to reconsider the bill. If two thirds of the members present pass the bill again then the governor’s veto will be over-ridden and the bill will become law over the governor’s objections.

*Vermont Constitution, Chapter II, Section 8*

## The People's House

Did you know that you can watch Vermont laws being made? The constitution guarantees the right of the public to go to the Vermont State House and watch the House of Representatives or the Senate in action.

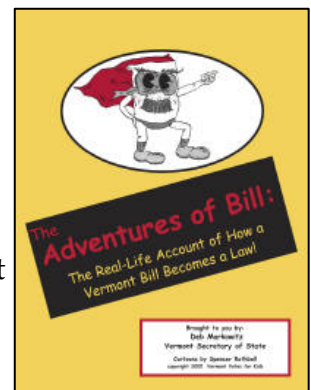
*“The doors of the House in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.”*



### “Chambers of Secrets?”

What are the benefits of a participatory democracy? In a participatory democracy citizens are able to speak with their elected officials to express their opinions about the issues being debated. Are there reasons it might be better to keep the public out of the process and to allow the legislature to debate behind closed doors? Do you think it is a good idea that the “doors of the House (and Senate) shall be open for the admission of all persons” as written in Chapter II Section 8?

For more information about how a bill becomes law see the Vermont Secretary of State publication, **The Adventures of Bill: The Real-Life Account of How a Vermont Bill Becomes a Law.** You can get a copy by calling 802-828-2148 or online at <http://www.sec.state.vt.us/kids/pubs/bill.pdf> . Or, take a role-play tour of the Vermont State House and see for yourself what it is like to sit in the legislators’ seats and debate a bill. For more information about tours call 802-828-1411.





# The Executive Branch

## *Vermont Constitution - Chapter II, Section 3*

*“The supreme executive power shall be exercised by a Governor, or in the Governor’s absence, a Lieutenant Governor.”*

### **What does this mean?**

The head of the executive branch is the governor. The governor is in charge of the state agencies and represents Vermont as its leader. The governor presents a budget to the legislature, but the legislature can decide whether to approve or change the proposed budget.

The lieutenant governor is the second-in-command. This means that when the governor is out of state or is unable to serve the lieutenant governor takes over the roles and responsibilities of the governor. A person may only become governor or lieutenant governor of Vermont if they have lived here for at least four years.

### **What does the governor do?**

- ★ The governor must see that the laws adopted by the legislature are faithfully executed and spends money that is appropriated by the legislature.
- ★ The governor oversees the business of the state and proposes changes to laws when he or she believes it is necessary.
- ★ The governor is commander-in-chief of the forces of the state but may not personally command in time of war or insurrection unless the Senate permits him to do so.
- ★ The governor decides whether or not the legislature’s bills become law. The governor signs into law those bills he or she agrees with; but if the governor does not like a bill the governor may veto or let it go into effect without his or her signature.

## Other Executive Offices:

There are three other executive offices recognized in the Vermont Constitution. All of these offices, plus the office of the attorney general, are independent of the governor. This means that the governor is not their boss. Rather, they are elected every two years and are directly accountable to the voters. They are:

**State Treasurer** - The treasurer manages the state's money and makes sure that the government only spends money that the legislature has authorized in the state budget.

**Secretary of State** - Oversees the state's records, runs the elections, provides licenses to businesses and professionals, and helps the cities and towns understand the laws that apply to them.

**State Auditor** - Ensures that the state treasurer is managing the state money properly and that the money is being spent according to law.

**The Attorney General** is not recognized in the Vermont Constitution, but he or she is the state's top lawyer. The attorney general brings lawsuits in the name of the state, enforces state laws, represents the state agencies and defends the state when it is sued.

### Who is the boss?

The founders of Vermont wanted a weak executive. This may be the reason the constitution establishes executive offices that are independent from the governor.

Why do you think the founders made the state treasurer, the person who is in charge of the state's money and who pays the bills, independent from the governor?

Why would they make the secretary of state, the person who is in charge of deciding what records to keep and what records to destroy, to be independent from the governor?



# The Judicial Branch

## *Chapter II, Section 4:*

*The judicial power of the State shall be vested in a unified judicial system which shall be composed of a Supreme Court, a Superior Court, and such other subordinate courts as the General Assembly may from time to time ordain and establish.*

### **What does this mean?**

The judicial branch of government is made up of all of the courts of the state. It includes criminal court (called “district court”), family court, environmental court, superior court (non-criminal matters), probate court (wills and trusts) and traffic court.

The highest court in Vermont is the Supreme Court. There are five people on the Vermont Supreme Court, called justices. The chief justice is the head of the Supreme Court. In all other Vermont courts a single judge will hear and decide cases.

### **What do the courts do?**

Judges apply the laws of the state to particular cases. Some cases involve people suing each other, like when two people get divorced or when a person gets hurt from a car accident and wants the person whose fault it was to pay the doctor’s bills. Some cases involve the state enforcing a law against an individual or a company, like when a company pollutes or a person robs a bank.

Judges, sometimes with the help of one or more elected “side judge(s)” or a jury of citizens, will determine what the facts of a case are and then apply the state law or the constitution to the case to decide what the outcome should be. After a court makes a decision in a case, the people involved may choose to appeal the decision to the Supreme Court. The Supreme Court will take a second look at whether the law was applied correctly. Sometimes, if a case involves the United States Constitution or an interpretation of federal law, a decision of the Vermont Supreme Court can be appealed to the United States Supreme Court. In most cases, however, the Vermont Supreme Court has the final word on the matters that come before it.

### **The courts and the constitution.**

Vermont’s constitution is the highest law in the state. Courts sometimes are asked to decide whether Vermont’s constitution would permit a particular law. A law which is not allowed by the constitution is unconstitutional and cannot be enforced.

## ***Baker v. State of Vermont* -- An Example of a Vermont Supreme Court Decision Holding a Law Unconstitutional:**

In 1999, two same-sex couples sued the state because they were not allowed to get married. The lower court heard the case and decided that state law did not give the couples a right to marry. The couples appealed the ruling to the Vermont Supreme Court. The Supreme Court ruled that Chapter I, Article 7 of the Vermont Constitution guarantees all citizens equal benefit and protection of the law, and that this provision guarantees same-sex couples the same right to the benefits and protections of marriage that are enjoyed by opposite sex couples. Because of this, the court ruled that Vermont's marriage statutes were unconstitutional. The court directed the legislature to change the law to comply with the requirements of the Vermont Constitution. The legislature listened to the court and adopted a law that permitted same-sex couples to enter into "civil unions" which would give them the same legal rights and benefits as married couples. A decade later the legislature changed the law so that every couple – whether same-sex or opposite sex can get married in Vermont.

### **The constitution makes rules for the court:**

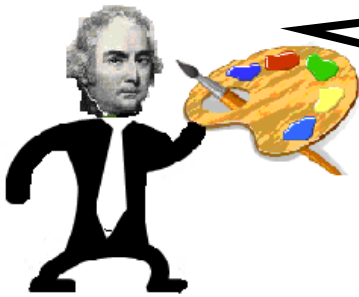
The following are some constitutional provisions that apply to Vermont's judicial branch:

- ★ Justice must be "impartially administered, without corruption or unnecessary delay."
- ★ The Supreme Court oversees the courts of the state. It can set up special courts, like the Family Court that only deals with divorce, child custody, child support and other similar issues, and the Environmental Court that enforces Vermont's environmental laws. The court also sets rules and procedures for the courts and decides who is eligible to serve as an attorney in the state.
- ★ The governor appoints judges and justices with the approval of the Senate. The governor must pick a person from a list of people presented to him by a judicial nominating committee that has been established by the general assembly.
- ★ A judge or justice serves for a six year term and then must go before the general assembly for reappointment.

## Big Ideas:

- Name the three branches of government. In one sentence, what is the role of each branch?
- The governor vetoes a bill that you like. You are a legislator. What can you try to do?
- You are a Vermont Supreme Court justice. How can you make sure the legislature is making good decisions?
- As a student, what are some ways that you could get involved with government decisions?
- If a friend asked you what a constitution is, what would you say to him or her?

## Your Turn!



### **"HELP WANTED"**

Pretend that the Secretary of State's Office wants to hire someone to illustrate the balance of powers for kids in elementary school. Describe the roles each branch of government play and illustrate the way they balance each other so that no one branch has too much control. Use the illustrations to make these ideas easier for the students to understand.



### **"Acting Out"**

Get into a group with a few other people. Make up a skit which explains something you have learned about how government works in Vermont. Each of you could pretend to be a different branch of government, or you could act out checks and balances. Be creative!



# Elections

## *Vermont Constitution Chapter II, Section 43*

*The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives, Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 1914.*

### What does this mean?

The constitution establishes the framework for our democracy including the right citizens have to participate by electing representatives to the legislature, executive branch officials, and certain judges. Election Day is the first Tuesday in November of even-numbered years. Almost every elected official in Vermont must run for office every two years.

The constitution requires candidates for governor, lieutenant governor, and treasurer to get a majority of the votes in order to be elected. In the event that no candidate receives a majority then the legislature votes to fill the office. The legislature must choose between the three candidates who received the most votes for the office. Most of the time the legislature will pick the person who received the most votes in the election, but on occasion they have chosen another candidate.

### Did you know?

Vermont is the only state besides our neighbor New Hampshire that elects its governor and other executive branch officials every two years. In other states these officials serve for four years.



The first time an election failed to produce a majority winner in the gubernatorial race was in 1789. The highest vote getter received 44.1 percent of the vote, and the next highest vote getter had 26 percent of the vote. The House and Senate met as required by the constitution to elect a governor. They chose the second place finisher. Thus the incumbent governor, Thomas Chittenden, was unseated by Moses Robinson, even though more Vermonters had voted for Chittenden than Robinson.

In all other races, with the exception of the governor, lieutenant governor, and treasurer, a majority vote is not required. The person who receives the most votes for office will be the winner.

## Who can vote?

The constitution creates rules for who is eligible to vote in Vermont. To be a voter you must be 18 years old, a citizen of the United States, a resident of Vermont and you must take the voter's oath.

The constitution also says that voters must be of a "quiet and peaceable behavior." This provision allows the moderator at town meeting remove a person who is disruptive to the meeting.

## It's your turn to interpret the constitution!

It's not easy to read the constitution. The way people wrote 200 years ago is pretty different from how we write today! Take a close look at Section 55 of the Vermont Constitution and answer the following questions:

### The Voter's Oath

*"You solemnly swear or affirm that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person."*

This is a pledge to vote using your best judgment, and to not sell your vote or be forced to vote in a particular way.

### Vermont Constitution Chapter II, Section 55

*All elections, whether by the people or the Legislature, shall be free and voluntary: and any elector who shall receive any gift or reward for the elector's vote, in meat, drink, moneys or otherwise, shall forfeit the right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as the legislature shall direct.*

#### Words to Know

"elector" = voter

"forfeit" = to give up

"rendered" = made

"incapable" = unable

"ensuing" = next

This section says that voters may not \_\_\_\_\_.

This section says that candidates for political office may not \_\_\_\_\_.

Is it important in a democracy that candidates neither buy nor sell votes? Why or why not?

Is it important in a democracy to include a section in the constitution like this one? Why or why not?

# Amending the Constitution

The rules about how Vermont's constitution could be amended have changed over time. When the constitution was first written the framers wanted to be able to make changes to it as the need arose. For this reason the original constitution established a council of censors to propose amendments.

The Council of Censors was a group of 13 men elected every seven years for a one year term to evaluate whether the government was running correctly. If they believed it was necessary they could call a new constitutional convention. The purpose of the convention would be to debate and vote on amendments to the constitution proposed by the council.

In 1870, the constitutional convention changed the way the constitution was to be amended. They made it much more difficult to amend the constitution. As a result, Vermont has one of the least amended constitutions in the country! Since 1870 it takes three steps to amend the constitution:

**Step One: Proposal and adoption by the legislature.** The amendment process begins in the Senate. Until 1974 the Senate could only begin the amendment process once every ten years. Today the Senate may consider a constitutional amendment once every four years. Once the Senate passes the amendment by a two-thirds vote it goes to the House where it must be passed by a majority vote.

**Step Two: Adoption by a new legislature.** After the legislature adjourns the secretary of state publishes the proposed constitutional amendment in newspapers around the state so that voters can instruct candidates for the House and Senate about whether or not they should support the proposed amendment. After the new legislature is elected and sworn in, the constitutional amendment must pass by a majority vote of each chamber (both the House and the Senate).

**Step Three: Ratification by the voters.** If an amendment is approved by the new legislature, at the next election it is put before the voters to ratify. If the voters approve the amendment then it becomes law.

## Why did lawmakers make it so hard to pass an amendment?

The goal of a constitution is to create a stable government that will endure over time. If the constitution can be changed too easily then whenever people are unhappy with the government they can respond with an amendment. It is not uncommon for an issue to excite people's interest only to seem less important in a year or two. If a proposed change to the constitution is passed after many years of consideration and debate then it is likely to be a change that will make the government stronger over time. If a proposal does not make it through the process it is a sign that it was probably not necessary after all.

## The Song of the Vermonters, 1779

This ballad was written in 1828 by the American Quaker poet John Greenleaf Whittier. It describes Vermont when it was fighting for independence from New York and New Hampshire. It was initially published anonymously with rumors that it was written by Ethan Allen himself.

*Ho—all to the borders! Vermonters, come down,  
With your breeches of deerskin and jackets of brown;  
With your red woollen caps and your moccasins come,  
To the gathering summons of trumpet and drum.*

*Come down with your rifles!  
Let gray wolf and fox  
Howl on in the shade of their primitive rocks;  
Let the bear feed securely from pig-pen and stall;  
Here's two-legged game for your powder and ball.*

*On our south came the Dutchmen, enveloped in grease;  
And arming for battle while canting of peace;  
On our east crafty Meshech has gathered his band  
To hang up our leaders and eat up our land.*

*Ho—all to the rescue! For Satan shall work  
No gain for his legions of Hampshire and York!  
They claim our possessions—the pitiful knaves—  
The tribute we pay shall be prisons and graves!*

*Let Clinton and Ten Broek with bribes in their hands,  
Still seek to divide and parcel our lands;  
We've coats for our traitors, whoever they are;  
The warp is of feathers—the filling of tar:*

*Does the 'old Bay State' threaten?  
Does Congress complain?  
Swarms Hampshire in arms on our borders again?  
Bark the war dogs of Britain aloud on the lake—  
Let 'em come; what they can they are welcome to take.*

*What seek they among us?  
The pride of our wealth  
Is comfort, contentment, and labor, and health,  
And lands which, as Freemen we only have trod,  
Independent of all, save the mercies of God.*

*Yet we owe no allegiance, we bow to no throne,  
Our ruler is law and the law is our own;  
Our leaders themselves are our own fellow-men,  
Who can handle the sword, or the scythe, or the pen.*

*Our wives are all true, and our daughters are fair,*

*With their blue eyes of smiles and their light flowing hair,  
All brisk at their wheels till the dark even-fall,  
Then blithe at the sleigh-ride the husking and ball!*

*We've sheep on the hillsides, we've cows on the plain,  
And gay-tasselled corn-fields and rank-growing grain;  
There are deer on the mountains, and wood-pigeons fly  
From the crack of our muskets, like clouds on the sky.*

*And there's fish in our streamlets and rivers which take  
Their course from the hills to our broad bosomed lake;  
Through rock-arched Winooski the salmon leaps free,  
And the portly shad follows all fresh from the sea.*

*Like a sunbeam the pickerel glides through the pool,  
And the spotted trout sleeps where the water is cool,  
Or darts from his shelter of rock and of root,  
At the beaver's quick plunge, or the angler's pursuit.  
And ours are the mountains, which awfully rise,  
Till they rest their green heads on the blue of the skies;  
And ours are the forests unwasted, unshorn,  
Save where the wild path of the tempest is torn.*

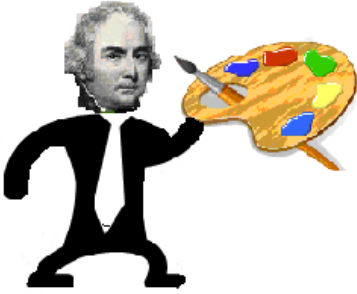
*And though savage and wild be this climate of ours,  
And brief be our season of fruits and of flowers,  
Far dearer the blast round our mountains which raves,  
Than the sweet summer zephyr which which raves breathes  
over slaves!*

*Hurrah for Vermont! For the land which we till  
Must have sons to defend her from valley and hill;  
Leave the harvest to rot on the fields where it grows,  
And the reaping of wheat for the reaping of foes*

*From far Michiscom's wild valley, to where  
Poosoonsuck steals down from his wood-circled lair,  
From Shoticook River to Lutterlock town  
Ho—all to the rescue! Vermonters come down!*

*Come York or come Hampshire, come traitors or knaves,  
If ye rule o'er our land ye shall rule o'er our graves;  
Our vow is recorded—our banner unfurled,  
In the name of Vermont we defy all the world!*

## Your Turn!



### "Call to Arms!"

As John Greenleaf Whittier did in 1828, write your own call to arms. Think about the parts of his song that are the most motivational and would be the most convincing if you were thinking about fighting for his cause. What are you fighting for (less homework or more recycling) and how will you persuade others to fight on your side?

## Hold Your Own Convention

Now that you have learned about the Vermont Constitution it is time to test your knowledge of this important document by writing one of your own. All of the steps you will take when writing your own constitution should follow those of the founding fathers of the State of Vermont.

- 1. Choose Your Delegates** Whose ideas do you want to use in your constitution? Think about your teachers, classmates, and family members. Who do you work well with, and who has information that you think would be helpful? Once you have decided who you want to ask, make a list of their names so you can remember to elect them to the convention
- 2. Draft a Preamble** Why are you writing this constitution in the first place? Is it because you found something missing in our present day constitution, or because you think things should change in the way your classroom or sports team works? The preamble doesn't have to be as long as the one in the Vermont Constitution, but make sure you get your point across clearly!
- 3. Hold Your Constitutional Convention!** Get together with your chosen delegates and make a list of the changes you want to make and the points you want to address in your new constitution. Will it have a Declaration of Rights like the Vermont Constitution? Will you make it an easy document to change or will your citizens have to work very hard to make amendments? Make sure you think about the way you want your government to be structured. How will the power be divided among your leaders, and who will choose them to be in charge?
- 4. Write it in Pen!** Start writing your constitution! Will you divide up the work, or will you and your delegates work on them all together? How much do you want to say about the structure of your government? Will you be detailed or leave things open for interpretation?
- 5. Make Your Case:** Once you have finalized your constitution, present it to your classmates. Think about how you are going to convince other people that your constitution is the way to go!
- 6. Take a Vote!** Don't forget to call a vote of the delegates to approve your constitution.



For more information on the Vermont Constitution, visit:

<http://vermont-archives.org/>



For more information about civics education programs, contact:

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26 Terrace Street  
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[www.sec.state.vt.us](http://www.sec.state.vt.us)