



Kansas Standards

Social Studies:

- KH8B3I5: Evaluate the Wyandotte Constitution with respect to the civil rights of women and African Americans.
- CG8B2I1: Define rights guaranteed, granted and protected by state and federal constitutions.

Others:

Reading8S1B4I9: Use organizational skills to summarize information from appropriate-level expository texts in logical order.

Objectives

Knowledge:

- Kansas became a state under the Wyandotte Constitution.
- This constitution did not provide equal rights for all Kansans.

Skills:

- graphic organizer
- organizing information
- compare and contrast
- primary sources

Focus Questions

- What is the Wyandotte Constitution?
- How did the civil rights guaranteed to Kansans in the Wyandotte Constitution differ by gender and race?

Assessment Tools

- graphic organizers

Activities

1. Introduce the Wyandotte Constitution through the student reading.
2. Explain that the class will be examining the fundamental civil rights granted to people under the Wyandotte Constitution.
3. Use the worksheet "Reading the Wyandotte Constitution" to identify what rights Kansans were guaranteed under the state constitution of Kansas.
4. Use the graphic organizer "Civil Rights and the Wyandotte Constitution" to compare and contrast people's rights by race and gender.



TEACHING INSTRUCTIONS

This lesson plan was prepared by the Education and Outreach Division, Kansas State Historical Society for Territorial Kansas Online. This cooperative project of the Kansas State Historical Society and the Kansas Collection, Spencer Research Library, University of Kansas was made possible with funds provided by the Institute of Museum and Library Services--National Leadership Grants Program. This lesson plan may be reproduced for classroom use. Any other use or distribution of this lesson plan MUST CREDIT the web site www.territorialkansasonline.org, the Institute of Museum and Library Services, the Kansas State Historical Society, and the Kansas Collection, Spencer Research Library, University of Kansas.

Prior Knowledge

Students

- understand the purpose of a state constitution
- have a basic understanding of the Kansas territorial period
- can define the term “civil rights.”

Lesson Background

The purpose of this lesson is to explore the fundamental civil rights granted to Kansans under the state’s constitution, the Wyandotte Constitution. To fully understand this it is necessary to understand the context in which the constitution was created. See the Student Reading included in this lesson for an explanation of the process a constitution went through when being developed.

Although the Wyandotte Constitution made slavery illegal in Kansas, it did not guarantee equal rights to everyone. The Wyandotte Constitution is a complex document. This lesson deals only with how peoples’ civil rights differed because of race and gender according to the constitution.

Worksheet Answers

	Who has the right to be free from slavery?	Who has the right to vote?	Who has the right to hold a legislative office?	Who has the right to hold an executive office?	Who has the right to vote in school elections?	Who has the right to be in the militia?	Who has the right to own property separate from his or her spouse?	Who has rights to the possession of his or her children?
White-male citizens of the United States	X	X (21 years & older)	X (21 years & older)	X	X (21 years & older)	X (ages 21-45)	X	X
White-male immigrants who are not citizens of U.S. but have filed an intent to become a citizen	X	X (21 years & older)	X (21 years & older)	X	X (21 years & older)		X	X
Male citizens of other races (ex: African American and Native American)	X			X			X	X
White females, U.S. citizens, and non-citizens who had filed an intent to become a citizen	X			X	X (21 years & older)		X	X
Females of other races (ex: African American and Native American)	X			X			X	X



Lesson Extenders

1. Constitutions change over time. Have students compare the rights guaranteed in the 1859 Wyandotte Constitution with those guaranteed today through constitutional amendments.
2. Have students explore the concepts of judicial review, the role of the courts, and constitutional interpretation.
3. Have students explore why non-citizens were given the right to vote. This issue is discussed in a letter Thomas Ewing Jr. wrote to U.S. Senator Crittenden in an effort to convince the senator to support the Wyandotte Constitution. This letter is Document ID: 100599 in Territorial Kansas Online 1854-1861.
4. Have students research the rights of women and minorities in Kansas in 1861 compared with those in other states at the same time.



What is the Wyandotte Constitution?

The Wyandotte Constitution is the document under which Kansas became a state. The constitution records the basic laws for the state, determines the powers and duties of the government, and guarantees certain rights to those people being governed. Writers of the Wyandotte Constitution never planned for it to provide answers for every issue and question that might arise. Instead the constitution provided a basic structure for the state and guidance for solving problems throughout the life of the document. Issues could be resolved in any number of ways such as by the legislature, an amendment to the constitution, or through the judiciary process. This flexibility helps keep the constitution a current and viable document.

What was the process of writing a constitution in Kansas and getting it approved?

The Kansas-Nebraska Act formed Kansas Territory and instructed residents to write a constitution and become a state. The process of creating a constitution begins with territorial voters electing delegates to a constitutional convention. These delegates gathered at the convention, discussed what they wanted the constitution to say, and wrote the constitution. Territorial voters then had to approve or reject the constitution. After being approved by territorial voters the Wyandotte Constitution then went to Washington where it was voted on and approved by Congress. The final step was the signature of the president of the United States.

When was the Wyandotte Constitution written?

In July 1859 the delegation gathered in Wyandotte, Kansas Territory, to write a constitution. The product of this constitutional convention would become the fourth, and final, constitution written for the creation of the state of Kansas. The first three failed to make it through the process of becoming a constitution. All four constitutions were named after the towns in which they were written—Lecompton, Topeka, Leavenworth, and Wyandotte. President Buchanan signed the Wyandotte Constitution into law on January 29, 1861, and Kansas became the nation's 34th state.

Who wrote the Wyandotte Constitution?

The Wyandotte Constitution was written by a delegation of men from Kansas Territory. Only men could vote or run for office according to the nation's laws in 1859. Clarina Nichols, a women's rights activist living in the territory, was allowed to listen to the discussions taking place in the constitutional convention. When the delegates took breaks she lobbied that the constitution provide women with more rights than they had throughout most of the nation. Any rights specifically granted to women in the Wyandotte Constitution are attributed to her.



Name: _____

Reading the Wyandotte Constitution

Constitution	Definitions	Questions
<p>Bill of Rights, Section 6 There shall be no slavery in this State, and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.</p> <p>Article I, Section 1 The Executive Department shall consist of a governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General and Superintendent of Public Instruction, who shall be chosen by the electors of the State at the time and place of voting for members of the Legislature, and shall hold their offices for the term of two years from the second Monday in January, next after the election, and until their successors are elected and qualified.</p> <p>Article II, Section 4 No person shall be a member of the Legislature who is not at the time of his election a qualified voter of and resident in the county or district for which he is elected.</p>	<p>Bill of Rights = That portion of a constitution establishing and guaranteeing citizens their fundamental civil rights.</p> <p>involuntary servitude = Forcing people to work, or serve, against their will.</p> <p>Executive Department = The executive branch of state government. No qualifications for this office were given. It was believed that unqualified candidates for these offices would be weeded out through the political party system before being placed on the ballot.</p> <p>Legislature = The legislative branch of state government.</p> <p>county or district = Legislators are elected at the local level to represent people in their county or district. There was concern that unqualified people might run for office at the local level.</p> <p>qualified voter = A person eligible to vote under Article V, Section 1, of this constitution.</p>	<p>Will slavery be allowed in the state of Kansas?</p> <p>Who has the right to run for an executive office?</p> <p>Who has the right to hold a legislative office?</p>

Constituitions	Definitions	Questions
<p>Article II, Section 23 The Legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.</p>	<p>formation and regulation of schools = Refers to election of people on a county or district level to create and manage schools. County superintendent is one example. no distinction between = Voter criteria established in Article V, Section 1, will be applied to both to males and females.</p>	<p>Who has the right to vote in school elections?</p>
<p>Article V, Section 1 Every white male person, of twenty-one years and upward, belonging to either of the following classes, who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days next preceding such election, shall be deemed a qualified elector: First, Citizens of the United States. Second, Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.</p>	<p>declared their intention = Filling out and submitting a declaration of intent is the first step in becoming a U.S. citizen. It was not unusual in the 1800s to allow non-citizens to vote in an effort to entice more people to settle in an area.</p>	<p>Who has the right to vote?</p>
<p>Article VIII, Section 1 The militia shall be composed of all able-bodied white male citizens, between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States or of this State; but all citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempted there from, upon such conditions as may be prescribed by law.</p>	<p>militia = The militia of the 1800s is part of the defense structure that became today's National Guard. scruples of conscience = Reluctance for ethical or moral reasons.</p>	<p>Who has the right to be in the militia?</p>

Constitution	Definitions	Questions
<p>Article XV: Miscellaneous The Legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.</p>	<p>real property = Land, structures, or other real estate.</p> <p>personal property = Any property that is not considered real property.</p> <p>possession of their children = Provided mothers with rights equal to the father's in regard to the custody and raising of their children. For example, in terms of raising a child a mother would have equal input deciding whether to send a child to a boarding school.</p>	<p>Who has the right to own property separate from his or her spouse?</p> <p>Who has rights to the possession of his or her children?</p>



Name: _____

Civil Rights and the Wyandotte Constitution

	Who has the right to be free from slavery?	Who has the right to vote?	Who has the right to hold a legislative office?	Who has the right to hold an executive office?	Who has the right to vote in school elections?	Who has the right to be in the militia?	Who has the right to own property separate from his or her spouse?	Who has rights to the possession of his or her children?
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