

The Constitutional Convention Play

Setting: a meeting room in the Philadelphia State House. Tables at stage left covered in green cloth. Large chair sits on a short platform stage right. It is George Washington's chair.

NARRATOR #1: After the Revolutionary War, the people of America had their independence, but the nation was not united. The Articles of Confederation led to many problems for the young United States. The country could not defend itself and the nation's economy was awful. The situation became so bad that farmers led by Daniel Shays began to rebel. The United States was on the verge of falling apart unless the problems with Articles of Confederation could be fixed.

NARRATOR #2: Patriots like Alexander Hamilton and George Washington, worked hard to convince leaders in all 13 states to meet in order to make changes to the Articles of Confederation and to save the nation. They knew that America needed a stronger central government. In 1787, after Shays Rebellion, a Grand Federal Convention was organized. The purpose was to improve the existing form of government. Today we call it the Constitutional Convention.

NARRATOR #1: The convention began on May 25, 1787. Fifty-five delegates were sent to Philadelphia to represent the thirteen original states. It was a long, hot summer!

G. WASHINGTON (standing): Gentlemen, welcome to the Federal Convention that will someday be known to 8th grade students across America as the Constitutional Convention." We have the finest collection of political minds in America gathered here to solve our nation's problems. Let me remind you of the rules. What happens in these meetings stays within these walls. Don't talk about it; don't even write home about it. The doors to this room stay locked, and the windows will stay shut. And keep an eye on Ben Franklin when he's out and about; he talks too much. (Smiles at BEN and sits down) No offense.

BEN FRANKLIN (cheerfully): None taken.

G. WASHINGTON: We will start these proceedings by introducing ourselves for those who must become acquainted. I will begin . . . (Each member will not do their biographical introduction)

(after the last introduction, JAMES MADISON holds his quill up and waits to be recognized. GEORGE WASHINGTON nods to him.)

G. WASHINGTON: The Chair recognizes James Madison.

JAMES MADISON: Thank you, General Washington. (stands to address the others) I know that William Jackson is the official Secretary of this convention, but I'm taking notes as well. I feel it's my duty since I was a leading advocate for assembling this convention. Besides, I'm not yet married, so I don't have a wife to write home to as do many of my esteemed colleagues. So I shall be content to take notes every day for as long as it takes. (Sits down)

GEORGE MASON (standing, speaking forcefully): It had better not take too much longer! It's hot in here! We have a right to fresh air! I make a motion that we open the windows and let the breeze flow through!

RUFUS KING (raising his hand): I second that motion!

G. WASHINGTON (glaring and sitting forward): The chair does NOT recognize (point axe at men) George Mason or Rufus King, and the motion is not carried. Now let's proceed with the business at hand. (Sits back and lays axe in lap). Now we seem to have a problem. The State of Rhode Island has not sent a delegation to this convention. In order to change the Articles of Confederation, all 13 states must agree to the changes.

Alexander Hamilton (pounding his fist on the desk) Gentlemen, we cannot continue to allow the fruits of our Revolution to be squandered under the Articles of Confederation. The past ten years under that weak form of government have ruined this great nation and sent rioters like Shay into our communities. I move that we scrap the Articles of Confederation and create a new plan of government (yelling) a new Constitution that makes the federal government stronger!

LUTHER MARTIN (angrily) Excuse me sir but the states must keep the majority of power and the Articles are very clear in that all states must agree to any changes.

Alexander Hamilton (laughing and arrogant) But sir, it does not take a genius like me to realize that the Articles of Confederation are not working. Our economy is in ruins, we cannot defend ourselves, the states are not united, and people are rioting. I for one will not see the “United States” ruined by your failed system of state governments and one small state that refused to attend this convention.

GEORGE MASON (slams hands down on the table and leaps to feet):
Outrageous! We were sent here to revise the Articles of Confederation, not destroy them!

Ben Franklin (Standing up) I second Mr. Hamilton’s motion to relieve ourselves from the ineffective Articles of Confederation in favor of a new more effective government in which the best judgment of this convention may create.

George Washington (Standing) All in favor of Mr. Hamilton’s motion to scrap the Articles of Confederation and to create a new federal government say “EYE”

Franklin/Hamilton/Madison/Mason/Randolph/King/Paterson: (Shouting) EYE!

George Washington (Standing) All opposed say “Nah”

MARTIN/SHERMAN/Mason (Shouting) “Nah”

George Washington (Standing) The eyes have it. We will scrap the Articles of Confederation upon approval of a new constitution of which this convention shall create. Therefor we must now begin the difficult work. . . (shaking his head) and where shall we begin?

JAMES MADISON (acting very shy): Mr. President, since I found out that I would be attending this convention, since my mentor Mr. Jefferson is still in Paris, I have been studying the successful governments of the past. I have also learned much from the many new ideas and philosophers of the Enlightenment. I have written down some ideas that I think can help us get started.

George Washington (nodding): That is fantastic Mr. Madison! Can you please explain?

JAMES MADISON (acting very shy): Well sir, you might call me the Father of the Constitution, but I am going to let my esteemed friend Mr. Randolph go over the details.

(EDMUND RANDOLPH walks to the front of the room and faces the others, carrying a poster. The poster will have the likeness of a tree with three main branches and leaves on the end.)

E. RANDOLPH (displaying the poster toward audience): I respectfully wish to propose a plan for our new stronger federal government created by my esteemed friend from Virginia James Madison. Mr. Madison is shy and typically does not like to address large bodies. Our delegation refers to Mr. Madison's plan as the "Virginia Plan" to the convention. Our new federal government should be made up of three "branches" of government that include a legislature, executive, and a judicial. The legislative branch will make laws, the executive branch will enforce the laws, and the judicial branch will interpret the laws. By separating all of the powers of government, we can avoid creating a government that would abuse the people and a government that will become corrupt!

RUFUS KING (sitting and nodding): Yes sir please continue, I like what I hear. I think we can use your Virginia plan as the foundation of our new government! Tell us more!

E. RANDOLPH: Over here (pointing to another branch) we have the Legislative Branch. We all agree that we need to create a legislature or a group of people who make laws. My esteemed friend from the State of Virginia, James Madison, came up with the best way to represent each state in our new congress. The Virginia Plan says that the states with the largest populations will have the most representative, the most votes, and the most power in the new congress. After all, we are basing our new government on the ideas found in ancient Greek democracy and the Roman Republic. Therefore the more people a state has the more representation they must have in congress. That is only fair of course.

WILLIAN PATERSON: (raising his hand outranged) Mr. President if I may?

George Washington: The chair recognizes the gentleman from New Jersey.

WILLIAN PATERSON: But what of the smaller states? In your Virginia Plan we would have little representation, little say, and no power in the new congress. It would be best to have ALL the states remain EQUAL in the new congress.

RUFUS KING (standing): I represent Massachusetts. Will a national government created by this Virginia Plan be as interested in our wishes as it is in the wishes of the larger states? Or will we be ignored?

BEN FRANKLIN: I am 81 years old, and it is hot here in Philadelphia. Surely this esteemed group of men can work out a compromise over the new congress.

ROGER SHERMAN (speaking confidently) I see your point Mr. Paterson. . . .Mr. King. We would not want to exclude the smaller states among us as England once did. In Connecticut, we believe in compromising. Perhaps we could create a congress with two parts. We could have a House of Representatives based on state populations, and a Senate where all the states would be equal. Both would play a role in the law making process giving all states fair representation and power. Assuming the Virginia delegation would be agreeable to this solution.

LUTHER MARTIN (facing RANDOLPH, speaking firmly): I think the Connecticut Compromise is a good idea. I could support that.

RUFUS KING (raising his hand): I would be happy to chair a committee to work out the details of setting the number of representatives each state should have.

E. RANDOLPH (forcefully): I tell you that the Connecticut Compromise is a bad idea!

BEN FRANKLIN: (waking up) Mr. President, I would submit to this body that the Connecticut Compromise of creating a new congress made up of two parts is no less than a (holding up his figure and smiling) Great Compromise!

E. RANDOLPH: And what of those who are enslaved? Surely they must be counted and fully represented in the new congress.

RUFUS KING (laughing): Mr. Randolph you cannot be serious. You wish to gain more representation on the backs of those who you deny freedom and use at cheap labor?

WILLIAM PATERSON: Northern states with few slaves should not give up power in the new congress to those southern states who profit from plantations

ROGER SHERMAN (raising hand) Mr. President, if I may.

George Washington: The chair recognizes Mr. Sherman

ROGER SHERMAN (standing) I would propose another compromise, in which, slaves might be counted as merely part of a person . . . a fraction if you will that could be applied to both representation and taxes.

JAMES MADISON: I second that idea Mr. Sherman! Perhaps 3/5's would suite all. For every 5 slaves within a states population, we shall count only 3 people for representation and taxes.

Ben Franklin: (waking up) Ah yes another compromise to bring the nation together ... 3/5's indeed!

George Washington: Mr. Martin

LUTHER MARTIN: The federal government will make laws? I don't agree with that. I believe each state has the right to make its own laws. As a matter of fact, (turning to face the other delegates) I have prepared a speech on the subject of states' rights -

ROGER SHERMAN (stiffly, but honestly): Mr. Martin, we're well aware of your stance on states' rights. Can you assure us that your speech will not take up the better part of two days?

LUTHER MARTIN (offended): Do you have a problem with two-day-long Speeches?

GEORGE MASON (jumping to his feet): Yes! It's too hot and stuffy in here to be forced to sit through long, boring speeches! We have our individual rights, you know! (pound fist on table once while saying last line)

BEN FRANKLIN: You could do what I do, George. Sleep through the boring parts.

(general laughter)

G. WASHINGTON (rising, still holding axe): My fellow delegates, I agree with Mr. Franklin, now is not the time. Please take your seats and allow Governor Randolph to continue. (ALL sit)

E. RANDOLPH: Thank you, General. This (pointing to the remaining branch) represents the Judicial Branch. It will be made up of federal courts and headed by a Supreme Court. This branch will make sure that our laws are constitutional. It will also make sure our laws are properly obeyed.

ALEXANDER HAMILTON (quickly standing): I for one think this is an excellent plan. It will create unity among the states, and I support it!

(ALL freeze)

NARRATOR #1: Much time was spent arguing for and against a new, national government. Many fears surfaced. Who exactly was going to run the government? Would it be run like a monarchy? On the other hand, would the common people be given too much power? Then there were other concerns ... (gesture toward actors)

NARRATOR #2: The Constitutional Convention continued. The delegates resumed their discussions. Governor Randolph assured the men that the three separate branches of government would share power equally. One could not overpower the others.

NARRATOR #1: This was called the system of checks and balances. Each branch was balanced by the other two. Each branch could check the power of the others by granting or denying permission to do certain things.

NARRATOR #2: Now they must decide how to choose an executive that would be called The President of the United States. The delegates argued about how much power to give the president, whether to pay the president, and how long he would hold office. Many delegates were very concerned about placing power in the hands of one man. They had all despised the King of England and how he took away the rights of the people.

BEN FRANKLIN: I make a motion that the President of the United States serve without pay. After all, (gesturing towards WASHINGTON) General Washington led our army for eight years without a salary. Service to our country should be based on patriotism.

JAMES MADISON (standing): You can't count on patriotism alone to draw the right man to the office. (begins to spread his arms out, palms up) Some truly capable candidates couldn't afford to work without pay!

ALEXANDER HAMILTON (standing): I propose that our president serve a long term—perhaps a life-long term. If we go for short terms for the office of president, we'll have a lot of ex-presidents wandering around like ghosts, gumming up the works. The President of the United States should serve for life much like the English model.

ROGER SHERMAN (outraged): What! You would create an American King Mr. Hamilton! How dare you sir!

BEN FRANKLIN: I understand your concern, Alexander. However, we wouldn't want to be stuck with a bad president. That would be like being stuck with a bad king. The only way we could remove him from office would be to shoot him! (said in a joking manner)

(general laughter)

G. WASHINGTON: This has been a productive meeting so far. The assembly of delegates has agreed to the following: The President shall receive pay each year. He shall serve terms of just FOUR years. If necessary, he can be removed from office by being impeached by Congress. (takes a deep breath) We will continue to discuss the many other ideas presented for consideration before we take a vote.

ROGER SHERMAN (standing): We need to talk about states' rights.

LUTHER MARTIN (moving to stand with Sherman): Sherman is right. We need to make sure that in creating this new federal government, that states keep their rights as well. The states must have their right preserved and reserved.

GEORGE MASON (angrily): But what about individual rights? We talk of federal rights and states' rights. What about the rights of the people? I fear they are going to be trampled! Why have we not written included a complete Bill of Rights for the people in this new constitution?

ALEXANDER Hamilton (confidently): This constitution allows us to easily amend, add, or make changes to it. We can always add a Bill of Rights later?

GEORGE MASON (angrily): How much later Mr. Hamilton? When your new king sees fit?

BEN FRANKLIN (fingertips together, palms apart): Gentlemen, please. . . I have a suggestion to make. Before we come to blows, lets consider how much progress we have made during this convention. When we arrived the nation was falling apart. In fact, I have often looked at that carving in Mr. Washington's chair and wondered if it was a rising or setting sun. But now I... know that it is a rising...sun. I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve . . . while I am not sure if this new constitution is perfect, I do not know that it is not . . .

James Madison: Mr. Hamilton, would you please assist me in writing the Federalist papers? They will be a series of essays defending the new constitution and selling it to the states.

ALEXANDER Hamilton (confidently): It would be my honor!

George Washington (standing): Then gentlemen, we shall conclude this convention with the signing of this new constitution and send it to the states for ratification or approval. May God Bless the United States of America!

NARRATOR #1: The Constitution was ready for signing. (WASHINGTON lays the document on a table, as men line up to sign it with MADISON's quill) Thirty-nine of the delegates signed it. Three refused (RANDOLPH and MASON fold their arms and turn their back on the others) - two of them being Edmund Randolph - who had presented the Virginia Plan, and George Mason - an ardent supporter of individual rights. Thirteen others - including Luther Martin - had already left the convention. (MARTIN walks out without signing)

NARRATOR #2: The new Constitution would still need to be voted on by delegates from each state. That would occur later. The first ten amendments to the U.S. Constitution, known as the Bill of Rights, were ratified in 1791. This event must have pleased George Mason. He had not signed the Constitution because to him it did not seem to protect individual rights.

NARRATOR #2: Now we present to you the Preamble of the United States Constitution.

(PREAMBLE walks center stage. All those on stage give their attention to him or her)

NARRATOR #3: (spoken slowly and clearly): We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.