

ACT I: Writing the Constitution

Scene 1: I wonder what will happen?

Cast of Characters (in Order of appearance): Narrator, Ordinary Citizen #1, i.e. OC #1; OC #2, OC #3, OC #4

Narrator: Several ordinary citizens gather around a table at the Purple Grape Inn in Philadelphia, Pennsylvania on May 25th just as the Constitutional Convention begins.

OC #1: I hear they finally got that convention going.

OC #2: Indeed my friend. I heard General Washington wasn't happy that it took so long for enough delegates to arrive.

OC #1: You'd think they'd be more anxious to get started seeing as how bad the old government is?

OC #3: Not everyone thinks it needs fixing.

OC #1: Well, I do! The government can't tax and can't even enforce the laws it passes.

OC #4: Things don't seem so bad. Didn't we just fight the British because of taxes? Why would we want to give a new government the power to tax us?

OC #2: They should be done in a few days. It shouldn't take long to make a few changes in the Articles of Confederation.

OC #1: The last time they submitted an amendment, they couldn't get it passed even though just one state opposed it. What makes them think this will be any different? I understand Rhode Island won't even send delegates.

OC #3: Don't be so sure about the convention meeting for just a few days. I over heard the Virginians talking about proposing a whole new government.

OC #4: They can't do that. The instructions from the Congress say the convention can only revise the Articles of Confederation.

OC #2: I wouldn't count on it.

OC #3: We should know something soon.

OC #4: Not if they keep the meeting secret.

Scene 2: What's Happening

Cast of Characters (In order of appearance): Narrator, Other Ordinary Citizens, i.e. OOC.
OOO#1, OOC #2, OOC #3

Narrator: Citizens kept wondering why it's taken so long to revise the Articles. The inhabitants of Philadelphia continue their conversations about the convention. This one meets at the Blue Anchor on July 4th.

OOO #1: Happy Independence day my dear friends. We had a nice celebration. I enjoyed the parade and of course the fireworks. Even the convention adjourned for two days.

OOO #2: I bet the delegates are glad to get away from Independence Hall. They must be suffering since they keep the windows closed and the shades drawn

OOO #3: You'd think they would have run out of things to say by now.

OOO #1: I doubt it! After all, they're a bunch of politicians.

OOO #2: I've heard a rumor they are planning a whole new government.

OOO#3: How do you know that?

OOO#2: Well it seems Doctor Franklin loosen up some two nights ago after a few ales when he was celebrating Independence Day with some of our citizens.

OOO#4: I bet that upset the general. I heard he made some stern rules about secrecy.

OOO #1: How do you think the states will be represented in any new government?

OOO #2: I think it should be by population. Small states have too much power under the Articles of Confederation. The smallest state, Rhode Island, kept the amendment on taxes from being approved.

OOO #3: What keeps the large states from swallowing up the small states?

OOO#4: How else can the wishes of the majority be fulfilled if small states have too much power?

OOO#2: That's probably why the convention is taking so long. No one can agree on how to represent the people.*

Scene #3: The Great Compromise

Cast of Characters: Narrator #1, Narrator #2, Narrator #3, Doctor Johnson, General Washington, Mr. Ellsworth, Mr. Read, Mr. Hamilton, Mr. Gorham, Mr. Gerry, Mr. Wilson, and Doctor Franklin.

Narrator #1: While ordinary citizens wondered why the delegates took so long to make changes in the Articles of Confederation, some delegates thought they would never reach an agreement.

Doctor Johnson (CONN): Mr. President, it seems clear to me that the large state and small state delegates cannot agree on representation in Congress. The small states want equal representation; the large states want representation based upon population. Perhaps the convention should adjourn.

General Washington (VA): Our business here is too important to give up now.

Mr. Ellsworth (CONN): I urge the delegates not to despair. I believe that some good plan of government can be devised and adopted.

Mr. Read (DEL): The small states have too much fear that the large states will swallow them up.

Mr. Hamilton (NY): I disagree with Mr. Read. If the national government has limited powers, what action can it take that would threaten small states. If we fail now, the nation will surely fall apart.

Mr. Gorham (MA): I would hope the small states would consider who would lose the most if we fail to approve a new government. Large states will better able to take care of themselves than small states.

Mr. Hamilton (NY): Mr. Gorham's point is well taken. If we are not united, European countries would threaten the small states more because they have no means to defend themselves.

Mr. Gerry (MA): Delegates did not seem to come here as a band of brothers belonging to the same family, but instead as individuals seeking state interest.

Mr. Wilson (PA) If we adopt a government based on equal representation in the Senate, a majority of the Senate equal to only one-third of the population could successfully oppose laws favored by two-thirds of the population. It is no wonder large states would not approve such a plan of government.

Mr. Ellsworth (CONN): The argument against equal representation used by Mr. Wilson is not true. The few in the Senate merely save them from being destroyed by the many.

Narrator: #1 Large state and small state delegates continued to debate how the people should be represented in Congress. Finally Doctor Franklin rose to speak.

Doctor Franklin (PA): Mr. President, I've listened to arguments on both sides. The small states contend their liberties are in danger if equal representation is put in place, the large

states say their money will be in danger. When a board table is to be made and the edges of the planks do not fit, a carpenter takes a little from both to make a good joint. To succeed in writing a new government both sides must give a little.

Narrator #1: The delegates agreed with Doctor Franklin's wisdom. They decided on a Congress with two branches. The House would be based on population. The Senate would be composed of two Senators from each state. They still had many decisions to make.

[This less detailed version is written for elementary students]

Scene 4: How should we choose our President?

Cast of Characters: Narrator #1 & Narrator #2, Mr. Sherman, Mr. Morris, Mr. Pinckney, Col. Mason, Mr. Gerry, Mr. Wilson, Mr. Martin, Mr. Madison

Narrator #1: The delegates then began discussing ways to elect the Executive or President. They made many suggestions but could not agree on the best method.

Mr. Sherman (CONN): I think the Congress should choose the President.

Mr. Morris (PA): Then the president would owe his election to members of the Congress and would not be independent.

Mr. Sherman (CONN): The legislature would be better informed on the abilities of the candidates for President.

Col. Mason (VA): The legislature would also be subject to corruption and political deals.

Mr. Pinckney (SC): The people would never be able to agree on a single candidate. This gives the largest states too much power.

Mr. Gerry (MA): The people would never learn about the abilities of various candidates?

Col Mason (VA): I think the country would be safer if the people voted for President.

Mr. Madison (VA): Southern states would lose influence if the people chose the President because fewer people vote in those states. This would not occur if electors choose the President.

Narrator #1: The delegates voted against election of the President by the people.

Mr. Wilson (PA): I propose that electors, chosen from each Congressional district, elect the President.

Mr. Martin (MD): I support Mr. Wilson's motion because it would make the President independent from the Legislature.

Narrator #1: The delegates defeated Mr. Wilson's motion, but could not agree on how to elect the President so they gave the job to a committee.

Narrator #2: The committee submitted a new plan to the delegates. Each state would appoint electors equal to the number of representatives and senators. The electors would then cast a ballot for two candidates. If no candidate receives a majority, the executive would be chosen by a majority of the Senate.

Mr. Madison (VA): In this plan the President will owe his office to members of the Senate. That gives them too much power.

Mr. Sherman (CONN): I move that the House of Representatives, with each state having one vote, replace the Senate when electing the President if no candidate receives a majority vote of the electors.

Narrator #1: Delegates approved Mr. Sherman's motion 11-1.

Narrator #2: The delegates thought the Electoral College the best method for choosing the president because it has little chance of being corrupted. Electors never meet as a group and existed for only a short time. Thus it could not be taken over by some outside group. .

[Note: This scene is detailed and complicated and is directed toward middle and high school students]

Scene 4: How should we select our President?

Cast of Characters: Narrator #1, Narrator #2, Narrator #3, Mr. Sherman, Mr. Morris, Mr. Pinckney, Col. Mason, Mr. Gerry, Mr. Martin, Mr. Wilson, Mr. Patterson, Mr. Madison,

Narrator #1: The delegates still had many decisions to make such as how to choose an executive. . They suggested several ways to choose the president. Debate began on July 17.

Mr. Sherman (CONN): I think the executive should consist of a single person chosen by the national legislature.

Mr. Morris (PA): I oppose electing the executive by the legislature. He would become a creature of the legislature and not be independent.

Mr. Sherman (CONN): The legislature ought to choose the executive because legislators will be better informed on the abilities of candidates for office.

Mr. Pinckney (SC): I oppose election by the people because they would never agree on a single candidate. The people will be led by a few designing men, giving the largest states too much influence.

Mr. Morris (PA): A few designing men cannot organize people of a single state to elect an executive as some delegates have argued.

Col. Mason (VA): I disagree. Some believe electing the executive by the legislature will be subject to intrigue and corruption.

Mr. Gerry (MA): I oppose election by the people because they are uninformed.

Mr. Mason (VA): I believe the people are capable of judging candidates for President.

Narrator #1: The delegates voted against electing the executive by the people.

Mr. Wilson (PA): I propose that the President be elected by electors who are chosen from Congressional districts in each state by persons qualified to vote for the House of Representatives.

Mr. Martin (MD): I support Mr. Wilson's motion.

Mr. Patterson (NJ): I agree with Mr. Wilson that the executive should be chosen by electors from each state.

Mr. Madison: Although I believe the people at-large should elect the executive, this method would lessen the influence of the southern states because they make it difficult for citizens to vote. Using electors would solve this problem. Slaves cannot vote, but three/fifths are counted for representation in the house, thus preserving their power.

Narrator #2: The delegates voted against Mr. Wilson's motion. They then voted that the National Legislature elect the executive. They then argued over the length of the President's term in office. Some delegates wanted shorter terms while others wanted longer terms. Some wanted the President to serve only one term, others wanted two terms.

Narrator #3: Despite an earlier agreement on electing the executive by the National Legislature delegates again debated the methods of choosing the President. Again the delegates could not agree on how to choose the executive, length of terms, and powers. They then did what many groups do when they can't decide what to do-they gave the job to a committee. After several weeks the committee submitted its report to the convention.

Narrator #2: The Committee submitted the following plan. Each state shall appoint electors equal to the number of representatives and senators. The electors shall meet in their respective states and cast a ballot for two persons. If no person receives a majority of votes cast, the executive shall be chosen by a majority of the Senate.

Narrator #3: Some delegates asked why the committee submitted a plan the convention had been rejected earlier.

Mr. Morris (PA) A danger of intrigue and faction always exists when the National Legislature elects the executive. Votes by electors are cast on the same day in separate states. Therefore Electoral College never meets as a single body, thus avoiding intrigue and cabal.

Mr. Madison (VA): This plan makes the president a creature of the senate

Narrator #4: The delegates reached no final decision on electing the President for two more days. They agreed to one change, however.

Narrator #3: Several attempts to change the committee's plan failed. They agreed to one change, however.

Mr. Sherman (MA): I move that the House of Representatives not the Senate choose the President if no candidate receives a majority of electoral votes. Each state will have but one vote.

Mr. Pinckney (SC): I still oppose the plan to have electors choose the president. Since electors will likely choose candidates from their own state, no one will receive a majority of votes, thus giving the House of Representatives the power to elect the President.

Narrator #4: Mr. Sherman's motion passed, 11-1. The delegates had voted 42 times on issues concerning the executive's election and terms of office. They eventually agreed to accept the idea of an electoral college because electors met in separate states thus never meeting as a group. Electors existed for a short time, thus avoiding the danger of corruption, intrigue, and cabal.

Scene #5: The Conventions final moments

Cast of Characters: Narrator #1, General Washington, Doctor Franklin, Mr. Gorham, Delegate #1, Delegate #2, Mr. Mason, Mr. Randolph, Mr. Gerry

General Washington (VA): Well delegates, we've finally arrived at that moment when we can sign our new Constitution. I hope every delegate will put his signature to it.

Doctor Franklin (PA): I agree with General Washington. Although I don't agree with everything in this Constitution, but I'm not sure it will always be so. I've often changed my mind as I've grown older and wiser.

General Washington (VA): I recognize the gentleman from Massachusetts, Mr. Gorham.

Mr. Gorham (MA) Mr. President I think we should make one last change in the Constitution before we sign it.

Several members of the cast: Oh no!!!

Mr. Gorham (MA) I think the people would be more agreeable to this new frame of government, if we changed representation in the House of Representatives from 40,000 to 30,000.

Delegate #1: Changing the document at this time will leave a smudge on the final copy.

Delegate #2: Better a smudge than a document that does not have the support of the people.

General Washington (VA) Having seldom addressed the delegates during the convention, I would like you to indulge my desires for one last time and allow me to speak in favor of Mr. Gorham's motion.

Narrator: The delegates voted in favor of Mr. Gorham's motion and began signing the document. Three delegates who attended the final session refused to sign it and explained their reasons

Mr. Mason (VA): I refuse to sign because the Constitution provides no protection of our rights as do most states.

Mr. Gerry (MA): My state is so divided that I cannot in good conscious sign the document as it will result in a sharp political divide and could lead to civil war.

Mr. Randolph (VA) I refuse to sign because I do not think nine states will approve it and thus will result in civil strife and confusion. I will, however, publicly support the document.

Narrator: Before signing the document a motion was made, and approved, that all the papers of the convention should be deposited in the hands of General Washington who will turn them over to the new government, if approved. The new Congress will decide their fate. Doctor Franklin then made the following concluding remarks.

Doctor Franklin (PA): During our convention I observed the carving of a sun on the back of the President's chair. I often wondered if it were a rising or a setting sun given the ups and downs of this convention. I now have the happiness to know it is a rising and not setting sun.

Scene 5: What do you think now?:

Cast of Characters: Narrator Ordinary Citizen #1, #2, #3, #4, #5, #6,

Narrator: The convention adjourned on Sept.17, 1789 and the delegates soon left for home. Ordinary citizens soon learned about the Constitution. One of the many discussions took place in the Green Dragon.

OC #1: It's finally over. Let's toast to a quick approval of the new Constitution.

OC #2: I'll toast that the conventions finally over, but not that the people approve its work.

OC #3: Why is that?

OC #2: The new Constitution gives the National Government too much power.

OC #1: The present government lacks the powers needed to get things done.

OC #4: What needs to get done? The states can do it all while preserving our freedom.

OC #3: States haven't provided the money needed by the National Government. Therefore it can't function or pay its debts.

OC #2: How can a single government rule over such a large area? It can only do it by taking away our freedoms just like the British did.

OC #4: Why doesn't the Constitution list the rights of the people like the states do? Shouldn't the national government also protect our rights?

OC #5 There's no need to because the National government has no power to interfere with the people's rights.

OC #2: That may look good on paper but I'm not satisfied. I'd feel more secure having our rights listed in the Constitution.

OC #4: Some think the House of Representative is too small to represent so many people. Even some state legislatures have a larger number of representatives.

OC #3: Too many representatives merely cause confusion not provide a better government.

OC #2: Not only is the number of representatives small, nothing in the Constitution says the House of Representatives should increase with the population. It, like the Senate, will become aristocratic.

OC #4: No one as mentioned that the convention did not follow the instructions given them by the Congress to only revise the Articles.

OC #5: No revision of the articles could be approved. Let the people decide

OC #6: Gentlemen, I'm sure these arguments will be heard again in the state ratification debates. Let's toast the convention delegates whether you agree with them or not, for the time and effort they gave in an attempt to make our country better.

OC – ALL Hear! Hear! God Bless America.