"We, the People v. We, the States": The Virginia Ratifying Convention
Middle School Script

ACT I: *The calling for the ratifying convention; the election of officers and the rules of debate are agreed to, delegates debate on the Preamble, and Article I.*
("The Newspaper Boy" posts and distributes the broadside "Virginia, to wit:")

Narrator 1

On December 12, 1787, the General Assembly called for the election of delegates to a convention that would meet in June to debate ratification (or approval of) and to vote on the newly created Constitution.

Narrator 2

When the 168 delegates to the Virginia Ratifying Convention arrived in Richmond in June 1788, the future of the Constitution was in doubt. Ratification depended on the approval of nine of the thirteen states.

Narrator 3

While eight states had approved the new system of government, of the remaining five, North Carolina and Rhode Island were not going to ratify, leaving the future of the new government up to Virginia, New York, or New Hampshire. In New Hampshire, supporters (called **Federalists**), and opponents (called **Anti-Federalists**) of the Constitution were evenly divided. In New York the Anti-Federalists outnumbered the Federalists by nearly 2 to 1.

Narrator 4

In Virginia the Federalists and the Anti-Federalists were also evenly split, and the debate promised to be intense. The delegates in Richmond included some of the nation's leading political thinkers. The Federalists were led by James Madison, primary author of the

Constitution, and other leading Virginia politicians including Edmund Pendleton, George Nicholas, John Marshall, and George Wythe.

Narrator 5

The Anti-Federalists were led by Patrick Henry, nationally famous from before the Revolutionary War, and George Mason, who publicly refused to sign the Constitution and immediately began working against its approval. William Grayson and future president James Monroe were also prominent Anti-Federalists.

Narrator 1

There were questions about Edmund Randolph's position. He and Mason had refused to sign the constitution, but there were rumors that he had changed his mind and now sided with the Federalists.

Narrator 2

As they gathered in the state capitol, these Virginia delegates clearly understood the importance of the situation. They debated the merits of the Constitution for more than three weeks. Talk about pressure. I wouldn't want to be in their shoes. Would you?

Narrator 3

Look—they are gathering now. The date is June 2, 1788. They elected Edmund Pendleton to be president of the convention. After some debate, the delegates set ground rules. The most important came out of an agreement by two leaders—Mason for the Anti-Federalists and Madison for the Federalists. They agreed that the Constitution was to be read and fully discussed "clause by clause" in the "Committee of the Whole."

Narrator 4

They actually began debating on June 4. For nearly two weeks the debate centered on the **Preamble** and Article I, with particular focus on sections 1 and 2, which dealt with the origins of the Constitution, the powers granted to Congress, and the issues of taxation and representation as it related to the House of Representatives.

Let's listen in on their discussion now.

. . .

Edmund Pendleton

We are here on this Solemn Occasion as Trustees for a Great People, the Citizens of Virginia, to deliberate and decide upon a Plan proposed for the Government of the United States.

Patrick Henry

The public mind, as well as my own, is extremely uneasy at the proposed change of Government. Who authorized the Philadelphia delegates to use the language of *We, the People,* instead of *We, the States*? States are the actors in a **confederation**. This language is an indication that this proposal government represents a drastic change in government. The people did not give them the power to use their name. That they exceeded their power is perfectly clear.

Governor Edmund Randolph

In Philadelphia I refused to sign this constitution, and if the circumstances were the same, I would again refuse. The Gentleman [*pointing at Patrick Henry*] asks why we used the words *We, the People*. I ask why not? The Government is for the people; and the misfortune was that the people had no active role in the Government before. I have always acted in what I believe to be my duty to my country. I refused to sign before, but with eight states already supporting the constitution, a vote against it is a vote against the Union. I am a friend to the Union.

George Mason

It is clear that the proposed government is totally different than any system that has previously governed us. The right to tax the people clearly makes this system a national government with the power to totally destroy the State Governments. These two powers cannot exist long together; the one will destroy the other. The question then will be whether a stronger Government can preserve the freedom and secure the great rights of the people. I wish for such amendments, and only those that are necessary to secure the dearest rights of the people.

Edmund Pendleton

The phrase *We, the People* is thought improper. I want to ask the Gentleman [*indicate Patrick Henry*], who made this objection, who but the people can delegate powers? Who but the

people have a right to form Government? The proposed plan for Government is much better than the Articles of Confederation to serve this country's needs.

Patrick Henry

It is said eight States have adopted this plan. I declare that if twelve States and a half had adopted it, I would still reject it.

I would like to explain my problems with the proposed form of government: As I mentioned before, the Preamble uses the words *We, the People*, and not *We, the States*. This constitution is too different from the Articles of Confederation, and as a result, I still believe that the delegates in Philadelphia went beyond their authority. I fear that the rights of the people are not protected by a bill of rights. And contrary to our existing laws, the people of Virginia will not be able to change their form of government, because under this plan they will be tied to the people of all of the other states. If all of Virginia's delegates are against taxation, Virginians may still be taxed because of the votes of other states.

I have, I fear, tired the Committee, but I have not said a fraction of what I have on my mind.

Governor Edmund Randolph *(in a state of frustration and exhaustion)*

Mr. Chairman—If we go on in this way, rather than clause by clause as we agreed, instead of three to six weeks, it will take us six months to decide this question!

Our safety, our political happiness, and our existence depend on the Union of the States. As such, I will vote for the constitution. I believe that it secures the ideals for which we fought the Revolutionary War. I believe that there are real dangers under our current form of government, and that the Articles of Confederation are damaged beyond repair. The constitution will provide us with the necessary national government.

If we lose the Union now, I fear it will be lost forever.

When I look at the advantages of the Union (*gesturing with right hand)*, as opposed to the option of **dissolution** (*gesturing with left hand)*—when I see safety on my right, and destruction on my left—I cannot hesitate to decide in favor of the Union.

James Madison *(speaking so low that it is difficult to hear him)*

We should be focused on the merits of the constitution itself, and its ability to promote happiness and security for Americans. If there are dangers in this system, let us clearly examine them. Contrary to the claims of Mr. Henry, Americans do not now live a state of "perfect **tranquility** and safety."

The constitution is an entirely new form of government, unlike any before it. The power of taxation is necessary for a government to guarantee the security of its people, and it would be in the best interest of the government to use it only when necessary.

The power of raising and supporting armies is called both dangerous and unnecessary. I wish that it was not necessary. But suppose a foreign nation were to declare war against the United States. Must not the general Legislature have the power of defending the country?

George Nicholas

Mr. Henry has talked about the unnecessary and dangerous nature of the constitutional powers; but his arguments are inconclusive and inaccurate. It is necessary to give powers to a certain extent to any Government. If they are too small, the Government will decay away—If too extensive, the people will be oppressed. As there can be no liberty without Government, it must be as dangerous to make powers too limited, as to make it too great.

Governor Edmund Randolph

What could the General Government do without the power to raise taxes in order to raise money? I ask the friends of the Union to consider the need for this power—Without it we may abandon the Government altogether—It is the soul of the Government.

James Madison (*soft spoken, other delegates straining to hear)*

What will make us secure and happy at home, and what will make us respectably abroad? If we be free and happy at home, *we must be* respectable abroad. We have needed to borrow money, even to pay off the interest of our debts. Is this a situation on which America can rely for security and happiness?

Patrick Henry

The power of direct taxation was called by the Honorable Gentleman [*Edmund Randolph*] the soul of the Government: Another Gentleman called it the lungs of the

Government. We all agree that it is the most important part of the body politic. If the power of raising money be necessary for the General Government, it is the same for the States. If money is so necessary to Congress, is it not precious for those individuals from whom it will be taken? Must I give my soul—my lungs, to Congress? Congress must have our souls. The State must have our souls. This is dishonorable and disgraceful.

James Monroe

What are the powers that the Federal Government ought to have? There are some that belong to the Federal, and others I believe should be left to the State Governments. The Federal Government should have control over the national affairs; the States should take care of the local interests. Neither the Confederation, nor this constitution, make this division properly. I am strongly impressed with the need for a firm national Government, but I am against giving it the power of direct taxation because I think it threatens our liberties.

I am a friend to a Bill of Rights—the polar star, and great supporter of American liberty; and I agree, that the general powers outlined in the constitution should be guarded and checked by a Bill of Rights. Upon reviewing this plan, under my present impression, I think it is a dangerous Government, and calculated to secure neither the interests, nor the rights of our countrymen.

John Marshall

The friends of the constitution value liberty as much as its enemies. They don't want to give power that will endanger it. They want to give the government powers to secure and protect it. Our debate here must be whether the power of taxation is necessary to achieve the goals of the constitution, and whether it is safe to give this power. The prosperity and happiness of the people depend on the performance of these important duties of the general government. Can these duties be performed by one state? Can one state protect us, and promote our happiness? The honorable gentleman who has gone before me [*pointing to Governor Randolph*] has shown that Virginia cannot do these things. How, then, can they be done? By the national government only. Are we going to refuse to give it power to do them?

George Nicholas

We have been debating this for eight days, and have accomplished very little. The clause-by-clause rule has been completely broken. Instead of following the rules the delegates try to frighten us. It has been said that if the constitution be adopted, the Western counties will be lost. It is better that a few counties should be lost, than all America.

James Madison

I beg my colleagues to obey the clause-by-clause rule, and I will strive harder to stick with it myself.

William Grayson (*sarcastically*)

The dangers that we face have been exaggerated since the beginning of this Convention. Our Governor now tells us that we will face wars and rumors of wars, and that we will be ruined and disunited forever, unless we adopt this Constitution. Pennsylvania and Maryland will fall upon us from the North, like the Goths and Vandals of old—The Indians will invade us with numerous armies on our rear, in order to convert our cleared lands into hunting grounds—And the Carolinians from the South, mounted on alligators, I presume, will come and destroy our corn fields and eat up our little children! These, Sir, are the mighty dangers that await us if we reject. Dangers that are imaginary, and ludicrous!

As to direct taxation—give this up and you give up everything, because it is the highest act of **sovereignty**: Surrender this inestimable jewel, and you throw a pearl away richer than all your tribe.

George Mason

When the people of Virginia formed their Government, they protected certain powers in the Bill of Rights. They would not trust their own citizens with those great powers protected in the Bill of Rights. Why then, do we suppose that our fellow Virginians would support this plan? In this system we give up a great part of our rights to a Government where the Representatives will have no communication with the people. I say that there are great and important powers that need to be transferred to the State Governments, and given up to the General Government by this constitution.

Patrick Henry

The necessity of a Bill of Rights is greater in this Government than ever it was in any Government before. A Bill of Rights may be summed up in a few words. What do they tell us?—That our rights are reserved.—Why not say so? Is it because it will consume too much paper?

These Gentlemen's arguments against a Bill of Rights do not satisfy me. A Bill of Rights is a favourite thing with the Virginians, and with the people of the other States. A Bill of Rights, even if unnecessary, will prevent any dispute.

George Mason

There is a fatal section that creates more dangers than any other.—The first clause in section 9 of Article I allows the slave trade to continue for twenty years. As much as I value a Union of all the States, I would not admit the Southern States into the Union unless they agreed to stop this disgraceful trade, because it would bring weakness to the Union. Furthermore, how can we include a clause to continue this **abominable** practice yet not include any protection for the property of that kind that we already have. I have ever looked upon this as a most disgraceful thing to America. I cannot express my **detestation** of it. Yet they have not secured us the property of the slaves we have already.

James Madison

I admit that this clause is inappropriate, and wish that it were possible for it be excluded. The Southern States would not have entered into the Union without the temporary permission of that trade. And if they were excluded from the Union, the consequences might be dreadful to them and to us.

We are not in a worse situation than before. That traffic is prohibited by Virginia laws, and we may continue the prohibition. The Union in general is not in a worse situation. Under the articles of Confederation, it might be continued forever: But with this clause an end may be put to it after twenty years.

Great as the evil is, losing the Union would be worse.

ACT II: *Debate on Articles II, III, and IV of the Constitution*

Narrator 5

After nearly two weeks of debate, the delegates now turn their attention to the other articles of the constitution. From this point forward a greater attempt is made to follow the clause-by-clause form for debate, with some notable exceptions. There is considerable concern about the roles of both the executive and judiciary branches.

George Mason

This is the most important section of the constitution. This clause removes the element of responsibility from the Executive position. The President is elected without rotation. My opponents will say that the Executive may be removed and replaced by a new election, but history tells us that if the President of the United States can be reelected, he will be. Our governor, after a given period, is obliged to return to private life. It is so in most of the states. Under this plan the President will be elected time after time and will be in office for life. Returning to the masses and experiencing their problems is the best way to make sure a man remembers the interests of his **constituents**.

The Vice President appears to me to be not only an unnecessary but dangerous officer. As President of the Senate, the state from which he comes may have two votes, when the others will have but one.

James Monroe

The President should depend on the people of America for his election, and should be responsible to all of the states in an equal degree. Under the constitution he is to be elected by electors, in a manner that I disagree with. I believe that with this system he will owe his election to the state governments, and not to the people at large. He will then be elected by a majority of the states, and not necessarily by a majority of the people, giving an undue advantage to the small states. I also see the Vice President as an unnecessary office, and must disapprove of this clause in its present form.

William Grayson

I don't like the structure of the Electoral College. The way it is set up, the seven eastern states are able to determine who is President. And because he can make treaties that will help with the trade and shipping in those states, he will give them what they want and they will keep making him president. The two sides will keep scratching each others' backs. It will be a government of special interest, and because they are a majority, they will do what they please.

James Madison

While a number of my colleagues object to this system, none have come up with a better alternative. This was a difficult debate in the Philadelphia Convention, and will continue to be difficult for anyone attempting to find a perfect method for electing the President. I will not argue with some of these gentlemen's objections, but will remind them that there are many different needs in these States. The people should elect the President. I have not found a better way of selecting him than that plan before us, and our opponents have not provided one.

George Mason

I must object to the third Article dealing with the Judiciary. The way I see it the majority of the powers given here are unnecessary and dangerous, and will at least damage if not destroy the state courts and state legislatures. There is no limit on the reach of the Judiciary; it goes to everything.

James Madison

With regards to the article establishing the federal court, I think there is nothing dangerous in it. My colleagues fear that members of Congress will behave badly at every chance while ignoring all of their responsibilities. I would agree with them if this was a reasonable belief, but I don't believe that it is. I believe that these men are at least as willing to do their duty as to avoid it, and I believe in this great republican principle, that the people will have the virtue and intelligence to elect men of virtue and wisdom. If we cannot find enough virtue in the people to make this selection, then no form of government will secure liberty or happiness for us. We need not depend on the virtue of our rulers, but in the people who are to choose them.

John Marshall

This part of the plan dealing with the Federal Court is much better than the current system.

Our opponents claim that the federal courts will not make decisions with the same level of fairness as other courts. It seems to me that they object to federal **jurisdiction** because they don't believe they can receive a fair trial in the federal courts. If a federal judiciary is not created, then how will the people be protected from an **infringement** on the constitution? There is no other body that can afford such a protection.

There are objections about a jury trial. The right of challenging the jurors is not secured in the Constitution. But it is not done by our own state Constitution, or by any **provision** of the English government. It is not done by their Magna Charta, or the bill of rights. Why should its omission be objected to in the American Constitution? We are secure in Virginia without mentioning it in our Constitution, so why not this security for the federal court?

Patrick Henry

The whole history of human nature cannot produce a government like that before you. The way the judiciary and other branches of the government are designed make the states powerless and threatens the liberties of the people. I have waited with pain to discuss this part of the plan because I observed others admit its defectiveness, and I hoped they would have proposed amendments. But their defense of this part convinces me of the need for amendments before the constitution is adopted.

Adam Stephen

The gentleman [*pointing at Patrick Henry*] means to frighten us by his bugbears of hobgoblins and other horrors. I think I know as much as he does. I have travelled through the greater part of the Indian countries. I know them well, sir. If the gentleman does not like this government, let him go and live among the Indians. I know of several nations that live very happily; and I can furnish him with a vocabulary of their language.

William Grayson

I declare that I do not believe there ever existed a social **compact** upon the face of the earth as vague and unspecific as this constitution.

ACT III: *Final Debates and Voting*

Narrator 1

After nearly three weeks of constant debate, the delegates were close to making a decision. Most delegates had made up their minds, but the question of amendments to the Constitution still needed to be settled.

George Wythe

While the constitution is obviously an improvement from the Articles of Confederation, there is still room for improvement. The constitution provides a process for making amendments, and it seems to me that any changes we find necessary could be made after ratification. All of the states desire some changes, and many states have already suggested changes. I propose that this committee should ratify the constitution, and submit our own list of amendments for the consideration of the Congress.

Narrator 2

Mr. Wythe then read his proposal for ratification.

Patrick Henry

Please forgive my immediate objection, but if I understand correctly, we are admitting that the new system we are ratifying is flawed from the beginning? Immediately after the proposed ratification, there comes a declaration that the paper before you is not intended to violate any of these three great rights—the liberty of religion, liberty of the press, and the trial by jury. What about all other rights? If they aren't listed, they don't exist. Congress will not negotiate with you about the effect of this constitution. They will not take the opinion of this committee. They will interpret it as they please.

In this state there are two hundred and thirty-six thousand enslaved people, and there are many in several other states. But there are few or none in the Northern States. What would prevent them from calling every black to fight? Did we not see this last war? We were not so hard pushed as to emancipate all the slaves; but the General Assembly passed laws that every slave who would go to the army should be free.

Another thing will contribute to the desire for emancipation. Slavery is detested. We feel its fatal effects—we deplore it with all the pity of humanity. What will Congress do about it? They will search that paper and see if they have power of **manumission**. And don't they have it? Don't they have the power to provide for the general defense and welfare? Won't they think that justifies the abolition of slavery? The majority of Congressmen live in the north, and the slaves are to the south. In this situation, Virginian's properties are in jeopardy, and their peace and tranquility gone. Let me not dwell on it. I will only add that our slaves, as well as every other property of the people of Virginia, are in jeopardy, and put in the hands of those who don't understand our situation. This is a local matter, and I can see no benefit in turning it over to Congress.

James Madison

I am sure that the gentlemen who want to amend the Constitution before we approve it are not aware of the dangers that must result. If we were to make changes and then ratify the constitution, the other ratifying states would challenge us, because they would not have had the chance to suggest or vote on our additions. As far as Mr. Henry's amendments are not objectionable, or unsafe, then they may be recommended after ratification—not because they are necessary, but because they aren't dangerous and will answer their concerns. But I never can consent to amendments before ratification, because they are filled with dreadful dangers.

Patrick Henry

He [*pointing at James Madison]* tells you of important benefits that he says will come to us and mankind in general, from the adoption of this system—I see all the dangers it contains—I see it—I feel it—I see *beings* of a higher order, anxious and concerned with our decision. This isn't just about us—All nations are interested in this debate. We have the ability to secure the happiness of one half of the human race. The adoption of the constitution may result in the misery of other hemispheres…

Narrator 3

Here a violent storm arose, which put the House in such disorder that Mr. Henry was obliged to conclude.

George Nicholas

I do not mean to keep the debate going. The friends of the Constitution don't want to take up any more time with what's being discussed. We have agreed to look at some amendments after ratification, and we can agree to any others that will not destroy the spirit of the Constitution, or that will better secure liberty.

Patrick Henry

If my colleagues feel as though the matter has been fully discussed then they are more satisfied than I am. I would apologize to the other delegates for surely taking more than my share of the time, and thank them for their patience and attention. If I am outvoted, I know that I will have lost fighting for the right cause. I will be a peaceful citizen! I will work to correct the defects of this system, but in a constitutional manner! I will wait in to see that Government changed to be compatible with the safety, liberty and happiness of the people.

Narrator 4

One final motion was voted on prior to the vote for ratification. The delegates considered whether a declaration of rights, asserting protection of civil and religious liberty and other rights of the people, along with other amendments to the Constitution ought to be suggested for their consideration before ratification of the new Constitution.

Edmund Pendleton

All those in favor please indicate … all opposed … [*Patrick Henry, James Monroe, William Grayson and George Mason all vote YES—Edmund Pendleton, George Nicholas, John Marshall, George Wythe, Edmund Randolph and James Madison all vote NO*].

Narrator 5

The motion failed—ayes, 80; noes, 88. The delegates then turned to the main question: would the convention agree to ratify the Constitution along with a list of recommended amendments?

Edmund Pendleton

All those in favor please indicate … all opposed … [*Edmund Pendleton, George Nicholas, John Marshall, George Wythe, Edmund Randolph and James Madison all vote YES—Patrick Henry, James Monroe, William Grayson and George Mason all vote NO*].

Narrator 1

Seventy-nine voted "no" but eighty-nine voted "yes"—meaning Virginia approved the ratification of the Constitution on June 25, 1788. Following the vote, the delegates met for two days in order to create a document certifying ratification along with a list of twenty Bill of Rights proposals and twenty amendment proposals, which were sent to the First Congress for consideration.

Narrator 2

With this vote Virginia becomes the tenth state to ratify the Constitution. The delegation from New Hampshire had ratified four days prior to this vote, effectively putting the Constitution into effect regardless of the decision from Virginia.

Narrator 3

However, it was the decision of the Virginia delegates that affirmed that the Constitution was to become a legitimate force, and helped to set a new course for the new nation.

Narrator 4

Copies of Virginia's decision were published in New York on July 2, making it clear to those delegates that they too must ratify the Constitution if they wished to have any political influence in the nation that surrounded them.

("The Newspaper Boy" posts and distributes a copy of the ratification with amendments.)

Narrator 5

The major characters from the Virginia Ratification Debates went on to serve the United States in a variety of ways:

William Grayson

After opposing the ratification of the Constitution, I was elected to the U.S. Senate and served from March 4, 1789, until my death in Dumfries, Virginia, on March 12, 1790.

George Nicholas

Following the Convention I moved to Kentucky, where I authored their Constitution and served as the state's first attorney general and as a law professor until my death in Lexington in 1799.

George Mason

Following the Convention, I was invited to become one of Virginia's Senators in the first U.S. Senate, but declined the offer, retiring to my home, Gunston Hall, where I remained until my death on October 7, 1792.

Patrick Henry

I declined an appointment as President Washington's secretary of state in the mid-1780s, due to my Anti-Federalist feelings. However, the events of the French Revolution led me to change my mind, and I ran and was elected to the Virginia House of Delegates as a Federalist. Unfortunately, I died in 1799 before I was able to take the seat.

Governor Edmund Randolph

After the Convention I served as the first United States attorney general, and also as secretary of state under George Washington. A scandal forced me to retire from that position and from politics in 1795, after which I returned to my law practice until my death in 1813.

John Marshall

I served as the minister to France and as a member of Congress before accepting an appointment as the secretary of state under President John Adams, and was then appointed by Adams to be the chief justice of the United States in 1801. I served in this post until my death in 1835. I am one of few people to have served in all three levels of government—local, state, and national—along with all three branches of government—legislative, executive, and judiciary.

James Monroe

After siding with the Anti-Federalists, I was elected to the U.S. Senate, served as a minister to France, and was also elected governor of Virginia. I also served as secretary of state and secretary of war under President James Madison, prior to being elected the fifth president of the United States, where I established the Monroe Doctrine. Following my life in politics I practiced law until my death on July 4, 1831.

James Madison

Following the ratification convention, I served Virginia in the first U.S. Congress, where I crafted and ensured passage of the Bill of Rights. I later served as secretary of state under President Thomas Jefferson, and was elected the fourth president of the United States. After my terms as president, I retired from public life to my Montpelier estate in Orange County, Virginia, where I remained until my death in 1836.