

Were the Founding Fathers guilty of treason?

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This play is based on Charles Beard's *An Economic Interpretation of the Constitution of the United States*. Thomas Jefferson's dialogue and the court of inquiry are imaginary. However, the words spoken by Alexander Hamilton, George Washington, Abigail Adams, John Adams, James Madison and Benjamin Franklin are direct quotes from their writings.

I usually use the play and the class deliberations that follow to summarize a unit on Revolutionary America and the United States Constitution. The play takes one 40-45 minute period. Students are asked to write their views for homework. The second day, students discuss the issues, first in their cooperative learning teams and then as a full class. Often, I ask students to defend their individual positions as an essay question on a test.

Over the years, I have cast the play in different ways. If it is being used for a regular full class lesson, I divide up the parts among volunteers. Generally, unless I have a particularly adept actor in the class, I play Thomas Jefferson. This helps to give the play dramatic continuity. I find it best to give the rest of the class the script after the performance. Otherwise, they read along instead of following the action. To help set the stage, I hang pictures of the different historical characters and provide the actors with simple costumes.

Dramatic presentations also make excellent cooperative learning team projects. The play can be assigned to a team as their semester project. Students on the team are given the script and it is their responsibility to divide the parts amongst themselves, arrange rehearsals and prepare costumes and scenery.

Students have responded to this play in different ways. Some students complain that the court of inquiry isn't fair because the investigation is not impartial and the Founding Fathers don't have a lawyer. One group of students appointed themselves as defense attorneys, looked through the *Federalist Papers* and social studies texts for more favorable quotes, and wrote a new script that presented the Bill of Rights as evidence of good faith by the Founding Fathers.

Homework- Examine the testimony of each witness and the statements made by Thomas Jefferson and the narrators.

- 1- Which speaker or speakers do you agree with the most? Why?
- 2- Which speaker or speakers do you disagree with the most? Why?
- 3- In your opinion, were the Founding Fathers guilty of treason against the principles expressed in the Declaration of Independence? Use evidence from this play and from other materials studied in this unit to support your point of view.

Cast

Narrator(s)- this part can be divided among a number of students

Thomas Jefferson, Principal author of the Declaration of Independence, 3rd President of the United States
Alexander Hamilton, First Secretary of the Treasury, an author of the *Federalist Papers*, member of the Constitutional Convention

George Washington, President of the Constitutional Convention, 1st President of the United States

Abigail Adams, Correspondent, wife of John Adams

John Adams, 1st Vice-President, 2nd President of the United States

James Madison, Secretary of the Constitutional Convention, an author of the *Federalist Papers*, 4th President of the United States

Benjamin Franklin, Member of the Continental Congress and the Constitutional Convention

Narrator(s):

We know that the authors of the United States Constitution were by and large a socially conservative, well-to-do group including lawyers, merchants, shippers, land speculators, planters and slaveholders. There were no women, African Americans or Native Americans at the Constitutional Convention. Not a single one of the 55 delegates even represented the poorer white debtor group in American society. Forty of the delegates owned depreciated Articles of Confederation-issued securities and stood to gain financially if the principal and interest were repaid at face value.

When the Founding Fathers met in secret in Philadelphia during the summer of 1787, were they acting as defenders of hard won liberty or as self-serving aristocrats interested in preserving their own economic and political positions? Were they meeting as supporters of a social and democratic revolution in American society or were they its opponents, frightened by its implications and hoping to stop it in its tracks?

James Madison, in his famous essay known as Federalist #10, defended the Constitution by noting its ability to prevent either minority or majority factions from seizing the reins of power. Yet in every respect, the group that gathered to write the Constitution represented a minority faction of the rich and powerful. Could they write a Constitution with rules fair to all groups and individuals in the new country?

It would be unfair to smear the reputations of these men, brandishing them as traitors to the American Revolution, simply because they were rich, articulate, literate and powerful. We need proof that their actions were designed to promote their own interests. Therefore, we declare this class a court of inquiry and empower it to investigate the motives of the Founding Fathers when they wrote and ratified the United States Constitution. George Washington, President of the Constitutional Convention, James Madison, its Secretary, and Alexander Hamilton, one of the convention's most influential members are suspected of treason for violating the philosophical principles and formula for government described in the Declaration of Independence, which states:

"We hold these truths to be self-evident; that all men are created equal; that they are endowed with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Because of his familiarity with these principles, and because he did not participate in the Constitutional Convention, Thomas Jefferson, the author of the Declaration of Independence, will conduct the investigation. Jefferson will question witnesses who will offer into evidence the actual statements that they made at the time the Constitution was written and ratified.

Fellow citizens, in order to insure that a fair conclusion is reached, at the end of the investigation you will decide whether the Founding Fathers are innocent or guilty of treason.

T. Jefferson:

For our first witness, I call Alexander Hamilton. Mr. Hamilton, please take the stand.

Mr. Hamilton, you were one of the leading participants at the Constitutional Convention of 1787, an active advocate of a strong central government under the leadership of a powerful chief executive appointed for life. As an advocate of the Constitution after it was written, you helped write the Federalist Papers under the name Publius. Mr. Hamilton, why did you endorse this Constitution?

A. Hamilton:

"We may... be said to have reached the last stage of national humiliation. There is scarcely any thing that can wound the pride or degrade the character of an independent nation which we do not experience.... Do we owe debts to foreigners and to our own citizens...? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained.... Are we in a condition to... repel the aggression? We have neither troops, nor treasury, nor

government.... Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it.... Is commerce of importance to national wealth? Ours is at the lowest point.... Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty...."1

T. Jefferson:

Mr. Hamilton, you were born the illegitimate son of an unemployed beachcomber in the British West Indies. How did you rise so rapidly to a position of power in this country? Did you use your influence as General Washington's Aide-de-Camp during the Revolutionary War? Or perhaps you made use of the prominence of your father-in-law, the influential and wealthy Philip Schuyler of New York? You practiced law after the war. Did this help you enrich yourself as a land speculator? Did a new, stronger national government threaten your economic position or enhance it?

Mr. Hamilton, as the first Secretary of the Treasury, you developed a plan to pay off the national debt at face value, despite the fact that many of the securities were held by speculators who had purchased them from impoverished farmers at a fraction of their initial value. While there is no evidence that you personally profited, do you expect us to believe that your friends, relations and partners did not profit from investments in these securities?

One last question Mr. Hamilton. What is your view of the Declaration of Independence's claim that "all men are created equal"?

A. Hamilton:

"Inequality would exist as long as liberty existed..., it would unavoidably result from that very liberty itself..... Inequality of property constituted the great and fundamental distinction in Society."2

"All communities divide themselves into the few and the many. The first are the rich and the well-born, the other the mass of the people.... The people are turbulent and changing; they seldom judge or determine right."3

T. Jefferson:

Thank you Mr. Hamilton. You may return to your seat.

(Jefferson addressed the class) Fellow citizens, I hope you enjoyed this talk with a revolutionary leader. Or would I be more correct to say, this traitor to democracy? For our next witness, I call that noted slaveholder, planter, land speculator, creditor, soldier, President of the Constitutional Convention, and first President of the United States of America, the father of our country, George Washington. Mr. Washington, please take the stand.

Mr. Washington, why did you endorse the new Constitution?

G. Washington:

"The political concerns of this Country are suspended by a thread..... if nothing had been agreed on by that body, anarchy would soon have ensued, the seeds being richly sown in every soil." 4

"Illiberality, jealousy, and local policy mix too much in all our councils for the good government of the Union.... The confederation appears to me to be little more than a shadow without the substance.... Indeed, it is one of the most extraordinary things ... that we should confederate as a nation, and yet be afraid to give the rulers of that nation... sufficient powers to order and direct the affairs of the same.... From the high ground on which we stood, we are descending into the vale of confusion and darkness."5

T. Jefferson:

But specifically, wasn't it because of your concern about Shay's rebellion in Massachusetts in 1786? We know that your friend Henry Knox wrote you claiming that it was a "rebellion against reason, the principle of all government, and against the very name of liberty."6

G. Washington:

"If government shrinks, or is unable to enforce its laws; fresh maneuvers will be displaced by the insurgents, anarchy and confusion must prevail, and everything will be turned topsy turvey in that State."7

"General Knox...says, their creed is, that the property of the United States, has been protected from confiscation of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he that attempts opposition to this creed is an enemy to equity and justice, and ought to be swept from the face of the earth."8

"They may be instigated by British counsel; actuated by ambitious motives, or being influenced by dishonest principles."9

"Know precisely what the insurgents aim at. If they have real grievances, redress them if possible.... If they have not, employ the force of government against them at once..... Let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended."10

T. Jefferson:

I wonder Mr. Washington, did you and your supporters consider whether the suppression of dissent in Massachusetts and the overthrow of government under the Articles of Confederation violated the principles established in the Declaration of Independence?

G. Washington:

"The legality of this Constitution I do not mean to discuss,... that which takes the shortest course to obtain them, will, in my opinion, under the present circumstances, be found best. Otherwise, like a house on fire, whilst the most regular mode of extinguishing it is contended for, the building is reduced to ashes."11

T. Jefferson:

Now I think I understand your reasoning Mr. Washington. Ordinary people like the Massachusetts farmers have to obey the laws. But for the rich and powerful, you are saying that the ends justify the means.

G. Washington:

"Without an alteration in our political creed...we are fast verging to anarchy and confusion.... What stronger evidence can be given of the want of energy in our government, than these disorders?... Thirteen sovereignties pulling against each other, and all tugging at the federal head, will soon bring ruin on the whole...."12

"The better kind of people, being disgusted with these circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme to another.... Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend."13

T. Jefferson:

"The better kind of people," are they your only concern. Mr. Washington? What about the ordinary people? Don't you trust the judgment of ordinary Americans?

G. Washington:

"Mankind, when left to themselves, are unfit for their own government. I am mortified beyond expression when I view the clouds that have spread over the brightest morn that ever dawned upon any Country."14

"We have probably had too good an opinion of human nature in forming our Confederation. Experience has taught us that men will not adopt, and carry into execution, measures the best calculated for their own good, without the intervention of coercive power...."15

T. Jefferson:

But who exercises the coercive power? It sounds to me like you would prefer monarch or oligarchy, rule by the elite.

G. Washington:

"I am fully of opinion that those who lean to a Monarchical government have ... not consulted the public mind.... I also am clear, that even admitting the utility; nay necessity of the form, yet that the period is not arrived for adopting the change without shaking the Peace of this Country to its foundation.... If the system proves inefficient, conviction of the necessity of a change will be disseminated among all classes of the People. Then, and not till then, in my opinion can it be attempted without involving all the evils of civil discord."16

T. Jefferson:

Mr. Washington, you argue that your support for the Constitution is based on principles. I mean no disrespect sir, but I have a serious problem with your testimony. Mr. Washington. Please step down. For our next witness, I call Abigail Adams to the stand. As a woman, Mrs. Adams was not deemed qualified to hold an official position either in the colonial administration or the new government of our republic. However, while her husband John was overseas representing the new country as an ambassador to foreign governments, Mrs. Adams' extensive correspondence kept him abreast of events at home. I believe that this makes her an expert witness, highly qualified to explain the elite's version of events leading up to the writing of the Constitution. Mrs. Adams, please take the stand. Mrs. Adams, what do you see as the underlying cause of Shay's Rebellion, the farmer's revolt in Western Massachusetts that so frightened George Washington and Henry Knox? I am particularly interested in a letter that you wrote me in which you denounced the "mad cry of the mob."

A. Adams:

"With regard to the tumults in my native state which you inquire about, I wish I could say that the report had exaggerated them. It is too true Sir, that they have been carried to so alarming a height as to stop the courts of justice in several counties. Ignorant, restless desperadoes, without conscience or principles, have led a deluded multitude to follow their standard, under pretense of grievances which have no existence but in their imaginations. Some of them were crying out for a paper currency, some for an equal distribution of property. Some were for annihilating all debts, others complaining that the Senate was a useless branch of government, that the court of common pleas was unnecessary, and that the sitting of the General Court in Boston was a grievance. By this list you will see the materials which compose this rebellion, and the necessity there is of the wisest and most vigorous measures to quell and suppress it. Instead of that laudable spirit which you approve, which makes people watchful over their liberties and alert in the defense of them, these mobbish insurgents are for sapping the foundation, and destroying the whole fabric at once."24

T. Jefferson:

Desperadoes you say! Ignorant, restless, desperadoes! Mrs. Adams, aren't these the same brave men who fought against the British, who saved your wealth and way of life?

What alternative did they have Mrs. Adams? Isn't it true that representation in the State Senate was limited to large property holders and that the western part of the state was intentionally underrepresented in the legislature to minimize the influence of poorer farmers and debtors? Mrs. Adams, weren't these

Revolutionary War veterans losing their lands and facing debtor's prison? Can you honestly claim that they were calling for anarchy and the destruction of government, or were they simply demanding justice?

Mr. Adams, Mr. John Adams, do you wish to defend your wife? I'm sorry if I have offended our Puritan sense of propriety. Of course Mr. Adams, as the second President of the United States, you have every right to testify.

Thank you Mrs. Adams. You are excused.

John Adams, please take the stand.

Mr. Adams, which do you value more highly, protection for the private property of the economic elite or democratic principles of government? Wealth or justice? An unfair question Mr. Adams? Didn't you write that "property is surely a right of mankind as really as liberty"?

J. Adams:

"Property is surely a right of mankind as really as liberty. Perhaps, at first, prejudice, habit, shame or fear, principle or religion, would restrain the poor from attacking the rich, and the idle from usurping on the industrious; but the time would not be long before courage and enterprise would come, and pretexts be invented by degrees to countenance the majority into dividing all the property among them.... The moment the idea is admitted into society, that property is not as sacred as the laws of God...anarchy and tyranny commence...."25

T. Jefferson:

You have some peculiar notions Mr. Adams. You fear the idle will usurp the wealth of the industrious. Who is as idle as the banker and the lawyer who lives off the sweat of our industrious yeoman farmer? You claim property as a sacred law of God, but what about the liberty of those without property? Don't they have the natural right to create a government to serve their interests? Or are god's blessings only reserved for the rich and powerful?

I have no further questions Mr. Adams. Please return to your seat.

Citizens, I want to call on the last of the three men who is being investigated today; the Secretary of the Constitutional Convention, the fourth President of the United States, the author of Federalist #10, the man considered by many to be the key influence behind a number of the compromises that were written into the Constitution, James Madison.

Mr. Madison, please take the stand.

Mr. Madison, is it true that you argued that the first purpose of government is to protect property -- not liberty, not the democratic rights of man, but property?

J. Madison:

"The diversity in the faculties of men from which the rights of property originate is...an...obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results, and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of society into different interests and parties."26

T. Jefferson:

Mr. Madison, correct me if I am wrong. Aren't you arguing that the job of government is to endorse economic and class divisions in society and to protect the ability of the few to monopolize the vast wealth of the nation?

J. Madison:

"The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society."²⁷

T. Jefferson:

While I agree that this is an accurate description of our government the way you and your co-defendants designed it at the Constitutional Convention, I challenge whether the primary responsibility of government is to protect the property of the rich against the desires of the majority. Are you saying that you reject the idea expressed in the Declaration of Independence that "it is the right of the people... to institute new government ... as to them shall seem most likely to effect their safety and happiness?" Mr. Madison, was the revolutionary rhetoric of the war for Independence all a lie? Did the poor fight to make you their new masters, solely so your wealth could be protected?

J. Madison:

"A pure democracy can admit no cure for the mischief of factions. A republic promises the cure for which we are seeking."²⁸

T. Jefferson:

But Mr. Madison, who is seeking it? The rich, the propertied? Mr. Madison, the disease you fear is democracy -- rule by the majority. I am forced to agree with Patrick Henry's evaluation of your constitution, it squints of a return to aristocracy and monarchy!

No further questions Mr. Madison. Please return to your seat.

Fellow citizens. I want to close this investigation by calling Benjamin Franklin as a witness. Mr. Franklin participated in both the Continental Congress that approved the Declaration of Independence and the Constitutional Convention. While he support the adoption of the Constitution, Mr. Franklin has always been skeptical about the motives of its framers. Mr. Franklin, please take the stand.

Mr. Franklin, what is your advice to this court of inquiry?

B. Franklin:

"Few men in public affairs act from a mere view of the good of their country, whatever they may pretend; and though their activity may bring real good to their country, they do not act from a spirit of benevolence."²⁹

T. Jefferson:

Thank you Mr. Franklin.

Fellow citizens. The future of the nation now rests in your hands.

1 Federalist #15 in Clinton Rossiter, ed., *The Federalist Papers* (NY: New American Library, 1961), pp. 106-107.

2James Madison, *Notes of Debates in the Federal Convention of 1787*. Athens, OH: Ohio University, 1966, p. 196.

3Max Farrand, *Records of the Federal Convention, Vol I*. New Haven, CT: Yale Univ., 1911, p. 298.

4George Washington, Letter to Patrick Henry, September 24, 1787, in George Washington, *The Writings of George Washington*, vol. 29, ed., John C. Fitzpartrick (Washington: DC: Government Printing Office, 1939), p. 278.

5Washington, Letter to James Warren, October 7, 1785, Fitzpartrick, vol. 28, p. 289.

6Washington, Letter to James Madison, November 5, 1786, Fitzpartrick, vol. 29, p. 51.

7Washington, Letter to Henry Knox, February 3, 1787, Fitzpartrick, vol. 29, p. 151.

8Washington, Letter to James Madison, November 5, 1786, Fitzpartrick, vol. 29, p. 51.

- 9Washington, Letter to David Humphreys, December 26, 1786, Fitzpartrick, vol. 29, p. 125.
- 10Washington, Letter to Henry Lee, October 31, 1786, Fitzpartrick, vol. 29, p. 33.
- 11Washington, Letter to Henry Knox, February 3, 1787, Fitzpartrick, vol. 29, p. 151.
- 12Washington, Letter to James Madison, November 5, 1786, Fitzpartrick, vol. 29, p. 51.
- 13Washington, Letter to the Secretary for Foreign Affairs (John Jay), August 1, 1786, Fitzpatrick, vol. 28, p. 501.
- 14Washington, Letter to Henry Lee, October 31, 1786, Fitzpartrick, vol. 29, p. 33.
- 15Washington, Letter to the Secretary for Foreign Affairs (John Jay), August 1, 1786, Fitzpatrick, vol. 28, p. 501.
- 16Washington, Letter to James Madison, March 31, 1787, Fitzpartrick, vol. 29, p. 188.
- 23Washington, Letter to Patrick Henry, October 29, 1785, Fitzpartrick, vol. 28, p. 303.
- 24Abigail Adams to Thomas Jefferson, Jefferson Papers, ed., Julian Boyd, Princeton, NJ: Princeton University, 1955, cited in Bernard Feder, Viewpoints: USA (American Book Co., 1967), p. 44-45.
- 25John Adams, Works, ed. C.F. Adams, Boston: Little, Brown, 1851, cited in Feder, p. 59.
- 26Federalist #10, Rossiter, p. 78.
- 27Federalist #10, Rossiter, p. 79.
- 28Federalist #10, Rossiter, p. 81.
- 29W.B. Munro, The Invisible Government, NY: Macmillian, 1928, cited in Feder, p. 60.