

A Readers Theater: A Conversation about the Constitution Between George Mason and Tobias Lear

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Primary Source Materials used in the Reader's Theater Script:

[George Mason's Objections to the Constitution, Fall 1787](#)
[Brutus \(Tobias Lear\), *Virginia Journal*, 6 December 1787](#)

Roles in the Script:

Tobias Lear
George Mason
Narrator

Script:

Narrator: Two individuals join us today with very different opinions regarding the recently proposed Constitution. George Mason is an Antifederalist from Virginia and Tobias Lear is a Federalist from New Hampshire. Gentlemen welcome. Let's get right into the heart of the matter. Mr. Mason, why don't you start?

Mason: The first point that is necessary to make is that there is no Declaration of Rights.

Lear: This, at the head of a long string of objections to a government, certainly makes a very formidable appearance, and would of itself be sufficient to condemn the whole system, if it could not be clearly shewn that it was not only unnecessary, but would even have been absurd to have introduced it in the proposed constitution.

Narrator: How so?

Lear: In the enumeration of the rights and privileges of the people [if any] should be omitted or forgotten, the people cannot assume them. They are lost.

Narrator: So, all the rights of individuals need to be listed?

MASON; [yes.]

LEAR: [No.]

Narrator: Please explain Mr. Lear.

Lear: whatever is not there expressly granted remains to the people.— if, in the enumeration of rights and privileges . . . had [any] been omitted or forgotten . . . the people . . . should assume those so omitted, the rulers might [reasonably] dispute their

right to exercise them, [since] they were not specified in the bill of rights.

Narrator: So I would assume you think any listing of rights would be incomplete and therefore present problems in the future?

Lear: [Exactly. Having] a bill of rights, in the proposed constitution, instead of securing to the people those rights and privileges which God and nature has rendered unalienable, might have been productive of disputes, contentions, and, perhaps, ultimately of ruin to them.

Mason: [I would also add that] the laws of the general government being paramount to the laws and constitution of the several States, the Declarations of Rights in the separate States are no security.

Narrator: Mr. Mason, you also have issues with the legislative branch as well?

Mason: In the House of Representatives there is not the substance, but the shadow only of representation.

Lear: Why you should offer this as an objection I cannot possibly conceive.

Mr. Lear, please. Let Mr. Mason continue.

Mason: [This] shadow . . . of representation . . . can never produce . . . or inspire confidence in the people.

Narrator: And this bad representation leads to what?

Mason: Laws will therefore be generally made by men little concerned in, and unacquainted with their effects & consequences.

Narrator: Your response Mr. Lear?

Lear: I shall not . . . insult the understanding of you or anyone as to make a single observation.

Narrator: OK. Let's move on the Senate. Mr. Mason, it's my understanding you take issue with the role of the Senate in spending monies?

Mason: [Yes.] The Senate has the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment in conjunction with the President of the United States; although they are not the representatives of the people, or amenable to them.

Lear: If to this had been added a power to draw money from the treasury, without the concurrence of the other house, there would have been validity in the objection; but as it

now stands it is rendered nugatory by a clause in the ninth section of the first article in the proposed constitution.

Narrator: Which states what?

Lear: [It] says, "No money shall be drawn from the treasury, but in consequence of appropriations made by law:" No law can have effect until it has passed both houses, the House of Representatives must concur in every appropriation of money before it can be drawn from the treasury, and they have an equal right with the Senate to originate appropriations of money;

Narrator: So, for many to be spent it takes both houses to agree to it?

Lear: [Yes.] Any evils which may arise from an improper application of the public money must either originate with, or have the assent of the immediate Representatives of the people.

Mason: But there are many other great powers.

Narrator: Such as?

Mason: [The] appointment of ambassadors and all public officers, in making treaties and in trying all Impeachments. Their influence upon and connection with the supreme executive from these causes, along with their duration of office, will destroy any balance in the government, and enable them to accomplish what usurpations they please upon the rights & liberties of the People.

Narrator: Mr. Mason has a point. There does seem to be a blending of powers in this proposed system.

Lear: The connection . . . between the Senate and the Executive, instead of enabling the former "to accomplish what usurpations they please upon the rights and liberties of the people," will serve as a barrier to resist the torrent of popular influence, which, when unrestrained, will always end in destroying the peace and happiness of society.

Narrator: So you think there are adequate checks on power in the proposed Constitution?

Lear: [Yes.] The jealous eye with which the Senate will be viewed by the House of Representatives and by the people at large, in consequence of their power and connection, will prevent their making an improper use of them;

Mason: [No.] This Government will commence in a moderate aristocracy; it is at present impossible to foresee whether it will, in it's operation, produce a monarchy, or a corrupt oppressive aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.

Narrator: Mr. Lear, your response?

Lear: So long as the national legislature continues to be elective—so long as the members of it will, at the expiration of the time for which they were chosen, mix with, and become the people, where they must feel all the good or ill effects of their doings while legislators

Narrator: So, for you elections are a checks on the legislature?

Lear: [Absolutely. Additionally], so long as titles of nobility and hereditary rank cannot be established, so long will it be impossible for the one or the few to destroy the liberties of American citizens.

Narrator: Mr. Mason, I understand you have issue with the judicial branch as well.

Mason: [Yes.] What about the Judiciary of the United States? It is so constructed and extended as to absorb and destroy the judiciaries of the several states.

Narrator: And the impact of this is what? I would guess you would suggest that if state and local courts were abolished, it would be tough and expensive for regular folks to use the court system.

Mason: [Exactly. The law would become] intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor!

Lear: There is no country under Heavens where the principles of liberty and the rights of men have been more fully discussed and are better understood than in the United States.

Narrator: Mr. Lear, you have not addressed Mr. Mason's objection.

Lear: There is no nation where the body of the people are better informed in their political interests. There are but few citizens who do not know their rights as men, and their privileges as citizens.

Narrator: Mr. Lear?

Lear: The spirit of liberty is deeply engraven in the hearts of the people. All governmental concerns have their foundation in popular elections; and so prevalent is the spirit of democracy that there is ten times more danger of a national government degenerating into licentious anarchy than of its ending in an aristocracy or a monarchy.

Mason: [Under this constitution] law . . . and justice [are] unattainable, by a great part of the community, [as it was] in England, and enabling the rich to oppress and ruin the poor!

Narrator: Well I guess that will have to conclude our discussion for now. Thank-you gentlemen.

Mason: [Thank-you].

Lear: Thanks for having us.