

**Script for re-enactment of the climactic Wise-Baldwin Debate**  
**April 17, 1861**

*This version of the Wise-Baldwin debate is specially adopted from the version in the Freehling-Simpson edition, solely for the purpose of a classroom performance. The text has been slightly shortened, ellipses have been removed, and Latin phrases have been translated into English, to make the script easier to perform.*

MR. BALDWIN: I do not wish to obstruct [this body's] business. But I do desire to draw the attention of this Convention to great and high considerations affecting whether we are a body limited by the Constitution of the State or whether, these being revolutionary times, we are invested with all manner of power.

MR. WISE: This Convention is authorized to change the whole Constitution of the State.

MR. BALDWIN: Not without the sanction of the people. The people themselves in calling the Convention together stated [our] limitations.

MR. WISE: Suppose that they have required us to submit all questions back to them, is there any man here, when the car of war is rushing over the people themselves, crushing them under its wheels; when the whole frontier West, North and East; when the edge of every bay and estuary in the bay is endangered by invasion; whilst your steamers are seized in New York; whilst your people have risen up and sunk hulks in the channel at Norfolk—will you tell me, sir, whether the welfare of the people does not require us to take the responsibility of doing in the

interim whatever we can do for their defence between now and the election in May? Sir, the safety of the people for every law, moral, divine, political or popular, justifies the overriding for a time at least of acts and statutes and even the Constitution itself.

Mr. BALDWIN: Not under our system.

Mr. WISE: Under our system civil war attacks the safety of all; attacks the very vitals of the State, the happiness of the people, and destroys the Constitution itself. Now, to tell me that this Convention is bound, before it can do anything to defend the people at this moment; before it can prevent this navy yard from being taken with all its immense stores, shipping and ordnance; before it can take steps to capture the forts which are held by the Federal Government, and all the arms which are lying on our territory, among a people destitute of arms; to tell me that before all this is done we must await the sanction of the people is to present to me an argument too conservative for any man to recognize in a crisis such as is now upon us.

My friend from Augusta [Mr. BALDWIN] I have no doubt is conservative. As a general thing, in peaceful times, in ordinary exigencies—even extraordinary exigencies—his principle is undoubtedly a safe conservative principle. The question now is, when invasion is upon us, whether we dare stop to await the vote of the people upon an action which the welfare of the people imperatively demands at our hands with the least possible delay? Such a policy would be disastrous.

Mr. BALDWIN: The gentleman from Princess Anne [Mr. WISE] informs us that the welfare of the people is a sort of higher law known in free government. I deny it. I deny that we have any higher law under our system of government than the Constitution. I deny that there can be any welfare of the people in violation of fundamental constitutional principles. The gentleman seems to think that we are in revolutionary times now, and that, therefore, the great

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principles of free government are all to be forgotten. It seems to me if ever there was a time to appeal to the great cardinal principles of constitutional power, it is in a time like this. The fact that this is war time, is offered as an apology for a violation of the Constitution; but if we once adopt the principle of that the welfare of the people is the supreme law, there is no knowing what we may practice in the name of this welfare of the people. In the various revolutions recorded in history, we know what was practiced under the euphonious name of liberty. It is the beauty of our government that all the functions of government are limited by constitutional restrictions.

An intimation from this body, that it felt itself free from the obligation to refer back its action to the people, would raise a revolution among our own people. They would instantly check so gross an assumption of unyielded power, and rise in their majesty and turn this body out of doors, if necessary, at the point of the bayonet.

This Convention, like the people themselves, are under obligations to observe the Constitution of the State until it is lawfully changed. It cannot be lawfully changed until it is submitted to the people and ratified by them. I imagine, if the people felt that they were calling a Convention to change the Constitution, without reference to their subsequent sanction and approval, they would never have constituted such a body under Heaven. They constituted this body, believing that it was under the restraint of the Constitution of the State, [and that] they had prohibited it from changing the fundamental law of the State, except by a vote of the people.

Mr. WISE: If the argument of the gentleman and his principle be correct, you can do nothing whatever, until after the election in May. Are we to stand still—we, the conservators of the people—and do nothing between now and May? If the invaders come down upon us, you are certain to have no election. If the invading army is to cross the line, West, North, and East, by

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sea and by land, where and how is the election to be held? Invasion can and will suspend the elective power of the State from doing anything.

Take the other horn of the dilemma. Let the people say, we have seceded; our Convention has advised us to secede. In order to defend ourselves, in case we elect to secede, we will take the arms necessary to defend ourselves—we will take the forts that now threaten our lives and liberties; we will take the Navy-yard, that holds all the ship timber, the best in the United States. If we will take that Navy-yard now, we will have plenty of arms and ammunition. If we do not take it, when we vote to secede, we will have no ships, no muskets, no ordinance, no powder. Yes, sir, there lies 3,000 barrels of powder, and the gentleman's argument is that you can do nothing in self-defence; but must permit the enemy to invade us without raising a hand in resistance. The enemy has told you that he intended to invade if you dare to secede; and has told you that he intended to re-possess all the forts and arsenals, as if in utter contempt of the declared purpose of Virginia to resist any such attempt. The amount of the gentleman's argument is, that we are to do nothing; that we are to let the powder go, the navy-yard go, all the arms at Harper's Ferry go, and all this because of a mere stickling upon a point between tweedledum and tweedledee.

I believe that you cannot have an election next month. My opinion is, that so many of the counties will be engaged in preparations for war, and so many absent in the camp, that no election will exhibit the true state of feelings. I say, then, our policy is to seize at once upon the arms and ammunitions within our reach. This doctrine of adherence to technical constitutional requirements, suited to ordinary circumstances, will not do; for the people must look to their own defence. I have no fear but that the people will settle this thing for themselves. They will take this welfare of the people into their own hands. Election or no election they will take Harper's

Ferry; they will take the Gosport Navy Yard; and if you do not give them an opportunity to do so now, they will take them when the enterprise will involve imminent dangers, and it may be, a sacrifice which we cannot now contemplate.

Let the people have an opportunity to protect their homes. The arms to protect them are now within their reach, and they ought to have them, so that when an election is fairly held they may be able to act efficiently in defence of their homes and their liberties.

Mr. BALDWIN: By what authority is war upon us? Who has declared war? Who has authorized it? The President of the United States, it is true, has threatened a war against the Confederate States, and a war in which I am perfectly disposed to make common cause with the Confederate States. But it is not yet our war until we adopt it. It is not a war threatened or declared against us; but against those States which had seceded before the President's proclamation was issued. There was and is no military necessity in the way of an intended attack upon the State of Virginia, unless that military necessity has been created without authority or law.

I understood from the gentleman from Princess Anne [Mr. WISE], to-day that an unauthorized expedition has been instructed to seize upon the armory at Harper's Ferry. If that be true, and that act is ratified and adopted by the Governor of the State, those persons engaged in it are acting in violation of law and in violation of the rights of the people of this State; and the Governor, in ratifying and adopting this act, is acting in violation of the Constitution of the State ... [and] the rights of the people. If this Convention adopts that unauthorized act, the people of this State [can not decide] a question which they have reserved for their own decision.

Sir, what right have we, when the people have said, that our action shall go back before them, to bring about a state of things that would prevent them from having the right to pass upon

it? They say revolutions never go backwards, and if we start at the outset without regard to the proper limitations of power, cautious as we may hereafter be, I tell you we are in danger of emerging from this revolution anything but a free people. It may be that we will make this war at a disadvantage, as a people governed by constitutional law; it may be that constitutional law may be unfavorable to the success in the State; but I would rather go into a war with all the disadvantages resulting from constitutional power than to throw off the reserves necessary for the safety of the people.

For one, I never can consent to leave the principle of constitutional law, of limited government and of representative responsibility and restraint, to launch out upon any principle so vague, so ominous of evil as the principle announced in the maxim of the welfare of the people. In the name of my constituency; in the name of constitutional law; in the name of constitutional liberty; in the name of representative responsibility, I protest against this act.