

WHAT THE CONSTITUTION MEANS TO ME

by Heidi Schreck

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[NOTE: After years of research, I developed large sections of this piece through extemporaneous storytelling and the style of the written text reflects this. This script is a blueprint for a living encounter, and it is essential that the performer establish a genuine and spontaneous connection with the audience. Occasional ad-libs that elide the distance between performer and audience are encouraged. This might take the form of saying “bless you” if someone sneezes or responding to audience members if they have a particularly vocal reaction. It’s also helpful for the performer to allow whatever might be happening in the country that day to affect their performance once they transition from teenager to adult.]

Part One: The Contest

HEIDI enters and introduces herself to the audience. The house lights are still up. She stands outside the frame of what appears to be an American Legion hall in a small, rural town. The hall is not depicted in an entirely realistic fashion; it’s more like a diorama of a Legion hall that a teenage girl might have made in high school. An American flag and too many photos of Legionnaires line the walls. A live plant lurks in a corner, a reminder that although this place is filled with ghosts, it also welcomes the living.

HEIDI:

Good evening. Thank you all for coming out tonight.

When I was 15 years old, I travelled the country giving speeches about the Constitution at American Legion halls for prize money. This was a scheme invented by my mom, a debate coach, to help me pay for college. I would travel to big cities like Denver and... Fresno, win a whole bunch of money, and then take it home to keep in my little safety deposit box for later. I was able to pay for my entire college education this way. Thank you— it was 30 years ago and it was a state school, but thank you.

A few years ago, I was thinking about the Constitution and I started to wonder what exactly it was that my 15-year-old self loved so much about this document. Because I did, I loved it. I was a zealot. So I called my mom, I asked her send me the speech, and she had thrown it away.

Which is weird because like most moms, she saves *everything*. When I was twelve, I got a buzzcut so I could look like Annie Lennox, and she still has the bag of hair. But for some reason she threw away my prize-winning speech. So I decided I would... resurrect the speech, and the contest, based on what I remember about myself at 15.

Here are a few things I remember: In addition to being terrifyingly turned on all the time, I had an active fantasy life that it was... sinister... filled with violence and... well, violence. I was also obsessed with witches, theater (here I am!), and most importantly, Patrick Swayze.

HEIDI turns and walks through the frame and up onto the stage.

HEIDI:

This is the American Legion Hall in Wenatchee, Washington. This is where I'm from: "The Apple Capital of the World." This hall is not— it's not a naturalistic representation. I got my friend Rachel to help me reconstruct it from my dreams. It's like one of those crime victim drawings.

She looks around, feeling slightly uncomfortable now.

HEIDI:

Also, I forgot a door.

She discovers a book from her childhood in the room.

HEIDI:

Oh! This is the actual book I used to prepare for the contest: *Your Rugged Constitution*. It's fantastic. There are little cartoons that explain all the amendments to you. It's endorsed by Herbert Hoover! I noticed the other day that this copy was published in 1954 which means that it didn't have all the amendments, but that never stopped me from winning. Actually, I didn't lose very often because I was really fucking good at this contest. My fiercest competitor was this genius girl named Becky Dobbler from Lawrence, Kansas who gave a speech every year about

how the Constitution was a “Patchwork Quilt.” The thing she was so good at though is that— . Well, in order to win this thing, you had to draw a personal connection between your own life and the document, and Becky was amazing at this. She would tell these incredible stories about her pioneer grandmother, who I don’t know, like ate people along the trail. This part was harder for me when I was 15. I was uh, pretty emotionally guarded. And I didn’t want to talk about my grandmother.

A beat. HEIDI really takes in the audience for a moment. She makes eye contact, maybe smiles at someone in particular, allows herself a moment to prepare for what’s about to come.

HEIDI:

We performed these speeches to audiences of older— mostly white— men and in my memory, they were all smoking cigars. I would love it if you would be the men for me. You are all men now. Thank you. *(Beat.)* Okay, I’m going to start. I’m going to be 15, but I’m not going to do anything special to make myself 15. So here I am. I’m 15.

HEIDI sits in one of the “contestant” chairs. There is a subtle shift in the energy of the room. The sound of a door opening at the back of the house. THE LEGIONNAIRE walks down the aisle and onto the stage. He is dressed in a blazer decked out with American Legion pins and wears a Legionnaire hat from LCW Legion Post Number Ten in Wenatchee. Now we really are in an American Legion Hall in 1989.

LEGIONNAIRE:

Good morning. Welcome to the regional finals of the American Legion Oratory Contest here at LCW Legion Post Number Ten in Wenatchee, Washington. This contest exists to develop a deeper appreciation for the U.S. Constitution among high school students and to help them pay for college. Since 1938, the American Legion has awarded over three million dollars in college scholarships. Past winners have included several politicians and genuine celebrities including former presidential candidate Alan Keyes and Moneyline host Lou Dobbs.

Before we begin, I ask that you do not applaud until the contest is completed. We don't want you to sway the judges. I would also ask that you refrain from taking pictures or recording any video. It would be a good idea if you put your camera away until the end of the contest so that there is no temptation to take a picture and also to prevent accidental picture-taking. I would also ask that anyone wearing an alarm-type watch or carrying a pager to please deactivate it now. Except doctors. We may need you.

He laughs. Regrets it.

LEGIONNAIRE:

Also, please show these kids the respect of only smoking in between speeches. Here are the rules: This is a two-part contest. In Part One, the contestants will get seven minutes to deliver a prepared oration that demonstrates his or her understanding of the Constitution, and draws a personal connection between their own lives and this great document. In Part Two, the contestants will draw an amendment from this can, right here in full view of the audience. They will not have time to prepare a speech. They will have to speak extemporaneously on this amendment.

This part of the contest is tough, and I'm not going to make it any easier on these kids. They're smart; they can take it. During their speeches, I may challenge them on certain points. I may not. We want to give them an idea of what it will be like when they're arguing in front of the Supreme Court one day.

Today's contestants are Becky Lee Dobbler from Lawrence, Kansas who brings us "The Constitution is a Patchwork Quilt." And Heidi Schreck from Wenatchee, Washington: "Casting Spells: The Crucible of the Constitution."

He applauds for the kids and encourages the audience to join him.

LEGIONNAIRE:

Let's give these kids a hand before the contest starts. Get it out of your systems.

He turns to HEIDI.

LEGIONNAIRE:

Heidi Schreck.

HEIDI joins THE LEGIONNAIRE center stage. They shake hands.

LEGIONNAIRE:

Please approach the podium.

She walks to the podium.

LEGIONNAIRE:

Your time begins... now.

THE LEGIONNAIRE starts the stopwatch.

HEIDI:

The Constitution is a living document. That is what is so beautiful about it. It is a living, warm-blooded, steamy document. It is *not* a Patchwork Quilt. It is hot and sweaty. It is a Crucible. Do you know what a crucible is? It is a... pot in which you put many different ingredients and boil them together until they transform into something else. Something that is sometimes magic. So you see, our Constitution is like a witch's cauldron.

Of course, you all know so much more about the Constitution than I do because you have all fought in wars. Thank you. Thank you for fighting for our country, and also for giving me so much scholarship money. Looking at all of you reminds me of a fantasy I used to have as a little girl. About being attacked by a rapist or murderer. A rapist or murderer who is a man. Like all of you. In my fantasy, I am able to convince the murderer and rapist not to murder me because I make you see that— just like you— I am a human being.

You say, “I’m here to murder you,” and I say, “No. Think about this for a moment. Just like you, I am a human being.” And then you see me for the first time as a human being and you say, “You’re right! Oh my god, you are a human being!” And you start to cry and I forgive you and a rainbow appears, and we climb up on that rainbow together. And by this time a big crowd of my friends from school has gathered on the street below and they’re so jealous to see me walking on that rainbow— “Doesn’t she have to go to school? How can she be so special?” And I’m like “I’m delivering this poor man to heaven, have a good time in P.E.”

How does this relate to the Crucible of the Constitution?

Well you see, a crucible is a witch’s cauldron— that is one definition. But a crucible is also a severe test... of patience or belief. A severe test such as the one you and I went through together when you wanted to murder me. Exactly like with our situation, the Constitution can be thought of as a boiling pot in which we are thrown together in sizzling and steamy conflict to find out what it is we truly believe.

This is why it’s such a radical document. Two hundred and two years ago, a bunch of magicians came together during a sweltering summer day in Philadelphia, and they wanted to murder each other, but instead they sat down and performed a collective act of ethical visualization. Or as I like to call it: a spell.

Now did they get everything right? No. But that’s what amendments are for, aren’t they? And that’s why to conclude my speech, I’d like to talk about the most magical and mysterious amendment of them all: Amendment Nine.

Amendment Nine says: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

This means that just because a certain right is not listed in the Constitution, it doesn’t mean you don’t have that right. The fact is there was no possible way for the framers to put down every

single right we have— the right to brush your teeth, sure you’ve got it, but how long do we want this document to be?

Here’s an example: When I was a little girl, I had an imaginary friend named Reba McEntire. She was not related to the singer. Just because the Constitution does not proclaim the having of imaginary friends as a right, does not mean I can be thrown in jail for being friends with Reba McEntire. Isn’t that amazing! Think about this for a second: The Constitution doesn’t tell you all the rights that you have... because it doesn’t *know*.

When the great Supreme Court Justice William O. Douglas talked about this amendment, he used the word “Penumbra.” What is a Penumbra? Well, Gentlemen, here I am standing in the light. And there you are, sitting in darkness. And this space between us... this space of partial illumination, this shadowy space right here: This is a Penumbra.

People laughed at Douglas for calling it this but I like it. I think it’s a helpful way to think about the Constitution and maybe even about our lives. Here we are, trapped between what can we see, and what we can’t. *We* are stuck in a Penumbra.

THE LEGIONNAIRE holds up a card that reads “Two Minutes.” HEIDI clocks this and moves quickly toward her conclusion.

HEIDI:

It’s like how when I was a kid, I used to believe that I was a changeling. I mean, I still think I might be a changeling but I’m going to keep acting like a human being until my real family comes along to claim me. I would sit on the shores of Spirit Lake in the shadow of Mount Saint Helens and wait for my real family— the swimming fairies— to grab me by the legs and drag me under the water. And we would swim down as deep as we could possibly go, and just when I was about to drown, we would pop up in another lake on the other side of the world. And when I stepped onto the shores of this new land, I would finally understand who I really was.

This is why I love Amendment Nine so much. It acknowledges that who we are now may not be who we will become. It leaves a little room... for the future self?

THE LEGIONNAIRE holds up a card that reads "10 seconds." HEIDI rushes to finish her speech.

HEIDI:

And we just have to hope we don't drown in the process of figuring out what that is. Thank you.

THE LEGIONNAIRE rings the bell. If anyone applauds, he warns them to stop.

LEGIONNAIRE:

No applause please.

He approaches her, carrying a coffee can.

LEGIONNAIRE:

Now for the extemporaneous part of our contest! These kids have spent all year studying six different Constitutional Amendments. Today, they are going to pick one of them to speak about, right here, off the top of their heads. Miss Schreck, I am going to ask you to pick an amendment from this can.

HEIDI:

(to the audience) I loved this part of the contest. The adrenalin. Trying to remember all the facts about the amendment. Also, my dad coached me on this part and it was nice because— well, I was 15 so we were having a really hard time and talking about the Constitution was a way for us both to pretend I wasn't becoming a woman.

She looks back at THE LEGIONNAIRE and draws an amendment. She reads it out loud.

HEIDI:

Amendment 14. Section One.

LEGIONNAIRE:

Amendment 14 is big, folks. It contains four different sections that have changed the lives of every person in this room. Because 14 is such a bear, the contestant will only address Section One of this amendment. *(to Heidi)* You ready?

HEIDI recites the text of the 14th Amendment, Section One from memory, as if re-enacting her long-ago practice sessions with her father.

HEIDI:

Amendment 14, Section One: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

THE LEGIONNAIRE nods. Proud.

LEGIONNAIRE:

Well done. You will now have one minute for your overview and two minutes to address each of the *four clauses* of Amendment 14, Section One. And just a reminder: Make this as personal as possible. Tell us how this amendment has affected your life.

THE LEGIONNAIRE checks his watch.

LEGIONNAIRE:

Your time begins now.

HEIDI launches in as quickly as possible in order to fit everything into the two-minute time limit.

HEIDI:

Okay. Okay. So the 14th Amendment is like a giant, super-charged force field protecting all of your human rights. It comes right after the 13th Amendment— which as you all know abolished slavery— ending the most shameful chapter in our nation’s history. Lincoln knew though that just ending slavery would not be enough though, so he got his friend John Bingham to help him write the 14th and 15th Amendments: The Reconstruction Amendments. These amendments made the newly freed slaves citizens, guaranteed them equal protection under the law, and protected their right to vote.

This amendment was a huge force in the Civil Rights Movement. It facilitated the desegregation of schools, buses and hospitals— although would take almost a hundred years. And let’s be clear, somebody had to activate the force field. It took the heroic work of Civil Rights leaders like Martin Luther King Jr., Dorothy Height, Rosa Parks, Bayard Rustin to rouse the great powers of Amendment 14.

I want to emphasize that this amendment guaranteed equal rights only to men. Black women were not given these rights. No women were given these rights. The question of Native American rights never even came up. Even Lincoln was trapped in a penumbra on that one.

This is the first time the word “male” is explicitly used in the Constitution. So, whereas before there was a little room for interpretation about whether women could vote, now it was explicit: We could not vote. Lincoln asked us to wait a tiny bit longer to get the vote. Just like 54 years longer—

LEGIONNAIRE:

Voting is outlined in Section Two. Please stick to Amendment 14, Section One.

HEIDI:

Right, sorry. Wonderful. *(to the audience)* My dad says this is what we call the penalty box of democracy. Sometimes you have to wait for things. Sometimes it's better to fix one bad thing than to try to fix two bad things and fail.

THE LEGIONNAIRE rings the bell. HEIDI heads for the podium.

LEGIONNAIRE:

Clause One. Any persons born on U.S. soil — and subject to the jurisdiction thereof — are citizens of the United States. Your time begins now.

HEIDI thinks for a moment, and then launches in with confidence.

HEIDI:

Clause One overturned the most disgusting Supreme Court decision in history: *Dred Scott v. Sandford*.

Dred Scott was a slave who sued for his freedom in 1857 after living as a free man in with his wife and daughters in Illinois. Not only did our Supreme Court decide that Dred Scott would have to remain a slave, they decided that no person of African ancestry could ever become a United States citizen. Four members of this court owned slaves themselves.

Although he lost, Dred Scott's brave action ignited the forces of abolition, led to Lincoln signing the Emancipation Proclamation, and ultimately enshrined in law right here in the 14th Amendment the right of every person born on U.S. soil to become a citizen, except Native Americans.

One other tricky thing about this clause is that it doesn't say anything about *how* immigrants can become citizens. It leaves it up to the whims of lawmakers to decide who they think is a "good" immigrant or a "bad" immigrant. For example, in 1882 the government decided Chinese

immigrants were “dangerous” and “stealing jobs.” So they passed the Chinese Exclusion Act, which made immigration from China illegal until 1943.

THE LEGIONNAIRE holds up a 30-second card. HEIDI clocks it, panicked.

HEIDI:

On a personal note, my great-great grandmother Theresa was considered a “good” immigrant. She came to Washington State from Gengenbach, Germany in 1879 because my great-great grandfather ordered her from a catalogue! The reason she was considered a “good” immigrant is because at the time the male-to-female ratio in Washington State was nine to one.

THE LEGIONNAIRE holds up a 10-second card.

HEIDI:

I don’t know if my great-great grandmother wanted to come to America or not. I do know that she died at age 36 in a mental institution, and therefore she was never able to become a—

THE LEGIONNAIRE rings the bell.

HEIDI: *Thank you!*

Disoriented, HEIDI heads back to the podium and attempts to regroup.

THE LEGIONNAIRE:

Clause Two. “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” Your time begins now.

HEIDI:

Clause Two ensures that you, as Americans, are free to travel from state to state without restraint; free to buy property in any state; and free to pursue happiness in every state.

HEIDI pauses, gives sideways glance to THE LEGIONNAIRE. Then moves out from behind the podium, determined to somehow loop her speech back around to her great-great grandmother.

HEIDI:

Here's a fascinating story... about interstate travel.

The lack of women during my great-great grandmother's time was considered such a big problem in Washington State, that in 1865 a man named Asa Mercer cooked up a scheme to deliver 500 women to Seattle.

He went back east to Lowell, Massachusetts and told the women there — many of whom had been working in factories since they were seven years old — that Seattle was a paradise for ladies. The kind of place where they could live free and independent lives— become teachers, writers, milliners. Then he went back to Seattle and told the men if they gave him 300 bucks, he could guarantee them a bride.

Now, even with all this money, Mercer couldn't afford a boat. So, he wrote to Lincoln and asked for an old military ship to transport the women. Lincoln did not write back— it was 1865, he was busy. So, Mercer hopped a train, took it all the way to D.C. to talk to Lincoln in person, only to arrive and discover the capital was wreathed in black, because Lincoln had just been assassinated.

Now you think this might have stopped Mercer's plan, but no. Instead, he went to Ulysses S. Grant and said he *had* talked to Lincoln— like a while back— and that Lincoln had promised him this boat. And yes, he was sad about Lincoln, but the boat? Grant said, "Take it."

A few days into the journey, the ship's crew began to spread rumors onboard that Seattle was *not* a paradise for ladies. The men there were loggers and drunks who beat up their wives. So, when the boat reached Chile, 15 women demanded to get off the boat. Mercer said sure, they could disembark in the morning, and then in the middle of the night he pulled up anchor, effectively kidnapping them.

THE LEGIONNAIRE holds up a 10-second time card. HEIDI speeds up to get the personal part.

HEIDI:

My great-great grandmother was probably purchased for around 75 dollars when my great-great grandfather ordered her from the “Matrimonial Times”—

LEGIONNAIRE rings the bell.

HEIDI:

(to LEGIONNAIRE) Uh wait, wait, hold on. *(to the audience)* Since I started making this, I’ve been wondering about my great-great grandmother. She died of melancholia. That was her official diagnosis: “Melancholia. Age 36. Western State Mental Hospital.” I also grew up believing that all the women in my family inherited chemical depression from my great-great grandma and her melancholia. We all take various forms of medication for it— they’re working! We also all cry in the same loud, melodramatic way. I like to call it “Greek Tragedy Crying.” It’s where no matter what happens to you, you howl and you wail as if— well as if you’ve just killed your own son because under the spell of Dionysius you thought he was a lion, and now you’ve realized your mistake and your cradling his bloody head in your arms, and it sounds like this:

She wails. And wails. Very loudly. She recovers.

HEIDI:

I lost so many boyfriends this way. One of them told me the crying just felt too aggressive. It felt like I was crying right “at him.” Anyway, lately I’ve been wondering about Theresa’s diagnosis. There are no records of what her daily life was like, but it seems like it must have been hard.

HEIDI slips index cards from her pocket.

HEIDI:

Here are some headlines I found in the Cowlitz County Register, her hometown newspaper. These events all happened in one week:

“Napavine Man Shoots Wife in Back”

“Husband Stomps Wife’s Face with Spiked Logging Boots”

“Jealous Husband Ties Woman to Bed for Three Days”

And this one: “B. Phelps ran into her daughter’s apartment to find her son-in-law in the act of shooting her fleeing daughter. ‘Get out of here,’ he said. ‘Everything here belongs to me.’”

THE LEGIONNAIRE rings the bell.

LEGIONNAIRE:

Clause Three.

HEIDI looks at the LEGIONNAIRE. Really? She reluctantly returns to the podium.

LEGIONNAIRE:

Clause Three: “Nor shall any State deprive any person of life, liberty, or property without due process of law.” Your time begins now.

15-year-old HEIDI’s face lights up. She loves this clause.

HEIDI:

This is one of the most important clauses in our entire Constitution! The due process clause. We stole it from the Magna Carta. It ensures that the government cannot lock you up, take your stuff, or kill you— without a good reason. It is also the heart of the 1973 Supreme Court Case *Roe v. Wade*, a case that’s all about penumbras.

HEIDI checks in quickly with THE LEGIONNAIRE and presses on.

HEIDI:

With the help of Justice William O. Douglas’s beautiful penumbra metaphor, Justice Harry Blackmun used the Ninth Amendment to shine a light into the other amendments, and he found

there, in the shadows of the Constitution, the right to privacy and he declared that this gave a woman the right to decide what to do with her own body. Well, technically, he argued that a doctor and his patient have a right to privacy, so that he can decide what to do with her body.

This was a special moment for the 9th and 14th Amendments. They came together in a “wonder twins activate” kind of way to guarantee to protect this right to privacy. Of course, depending on your view, Gentlemen, you may consider this an unholy alliance. My view, which I feel obligated to share even if it endangers my scholarship money, is that I support a woman’s right to choose. Although, it’s a choice I would *never* make personally. (*to the audience*) I said that. I did, I said that in the contest. And then six years later I got pregnant, so that was confusing.

She sneaks away from THE LEGIONNAIRE to confide in the audience.

HEIDI:

I got pregnant while playing Miss Julie at a tiny theater in Seattle. By the actor playing Jean, obviously. We were performing on a double bill with a beautiful Maria Irene Fornes play called *Springtime*, which was a tender love story between two women and in retrospect, I wish I had been cast in that play instead.

I didn’t know what to do. I was 21. I had just graduated college and I was back in Wenatchee living in my parents’ basement. I was helping my dad paint houses for the summer so I could save up money to move to Siberia. I studied Russian language and literature in college, and I was going to teach English there for one million rubles a month. (Which, at that time was about 200 dollars because we had just helped Russia destroy their economy with disaster capitalism, setting us up for the very situation we’re in right now, but that’s a whole other play. I will let you know when it’s ready.)

I decided to take a pregnancy test, mostly because I was hoping it was one of those hysterical pregnancies like ladies in soap operas get. I couldn’t go to Planned Parenthood though, because my mom’s best friend worked there and I couldn’t buy a test at a drugstore because it’s a small town, someone might see me and tell my parents. So I looked in the phonebook, I found this

listing that said “Free Pregnancy Testing. Quick. Confidential!” (to *THE LEGIONNAIRE*) Sir, I’m gonna keep going.

I went downtown to Wenatchee Ave., I snuck in the back door of this unmarked building, and the first thing I saw when I walked inside is that the walls were covered with pictures of fetuses. I panicked. I wanted to run, but in case you can’t tell by this point in the show, I was raised to be psychotically polite. So, when Marcy the receptionist smiled and told me how happy she was that I had come, I smiled back and said, “Me too.”

Marcy took my hand. She said “Heidi, if you are pregnant, will this be good news or bad news?” and I started to cry, loudly, but because I didn’t want to disappoint Marcy, I said, “Good! Really good news!” and then she hugged me, and she smelled so good— she smelled just like my Grandma Bette, like White Shoulders perfume that’s been left out in the sun a little too long.

My town was an abortion free zone. You had to drive three hours west to Seattle or five hours east to Spokane to get an abortion. I decided to go eight hours south to Eugene, Oregon (using my right to travel from the Privileges and Immunities Clause of the 14th Amendment) because there’s a clinic there called “The Feminist Women’s Health Collective” run by lesbians and I thought that must be the safest possible place on the planet to get an abortion.

And that’s what I wanted. I wanted an abortion. I knew it was my right, I knew it was legal. I knew it had been technically legal for the first hundred years we were a country. Because I’d been able to go to college, I knew abortion hadn’t become a crime until the late 19th century, right before the government started forcibly sterilizing women of color and indigenous women.

I knew that Gloria Steinem had had an abortion and Billie Jean King and Susan Sontag. I knew that Penny from Dirty Dancing had had an abortion. And I knew that when Jennifer Grey asked her dad, Jerry Orbach, to save Penny’s life after her back-alley abortion almost killed her, I knew she was asking a lot of her dad because this was the 1960s and Jerry Orbach could have been arrested for getting anywhere near an abortion. And I knew that this is how we were supposed to

understand that Jerry Orbach was a good man, and also how we knew that Jennifer Grey and Patrick Swayze's love was *real*.

That is everything that was going through my head while Marcy and I were hugging. I didn't say any of that to her though. She told me my test was positive. I said, "thank you!" with a big smile, and headed for the door, and she followed me. She shoved a pamphlet in my hand that explained if I chose to have abortion I would end up suicidal and barren, and then she tucked in the tag at the back of my dress. "I can't help myself," she said. "I'm always a mother."

I didn't tell my own mother what I was really thinking or feeling either. I didn't tell her I was pregnant. I don't know why. My mom's a feminist. She marched for the Equal Rights Amendment. She even had one of those white lady feminist theatre troupes that did puppet shows of like "The Yellow Wallpaper," but for some reason I didn't feel like I could tell her. In fact, the only person I told for 25 years was Jean. He was so chivalrous. He offered to pay— for half of it— and he even suggested we drive down Highway 101 and camp on the beach to save money, make some kind of vacation out of it.

Heidi checks in with THE LEGIONNAIRE, suddenly self-conscious again.

HEIDI:

I shouldn't have to say this, but I was on birth control when I got pregnant. I had been on the pill since I was 15 years old. My friend Renee and I snuck in the back door of Planned Parenthood before my mom's friend worked there. Neither of us were having sex yet but we wanted to be on birth control in case we went in a hot tub and the sperm swam up and attacked us. Or, you know, in case of a real attack.

I remember it was such a nice day. We went to McDonalds and washed down our first pills with chocolate shakes, and I could kind of feel it working right away. I felt very womanly. I felt like something came alive inside of me. (*She might be inspired to do a womanly dance here.*)

What I didn't know at the time was that birth control had been technically legal in this country for just 15 years. I mean, I was 15, so, I thought it had been legal since the dawn of time! But no, no, in 1965 this incredible woman, Estelle Griswold, got herself arrested for providing birth control to poor women at her Connecticut Planned Parenthood. She faced a year in prison, took her case all the way to the Supreme Court and this, *this* is when William O. Douglas brought out the Ninth Amendment, together with his beautiful penumbra metaphor, and declared that one thing the Constitution surely contains is the right to privacy, and that this allows a woman to put in an IUD — as long as she is married and as long as her husband says that it is okay!

This was a such scary moment for William O. Douglas, he really put himself on the line for us! Because the truth is *nobody knows what the Ninth Amendment means*. Justice Scalia said he didn't even remember studying it law school. Scalia said he couldn't tell you what the Ninth Amendment meant if his life depended on it— and I guess his didn't!

So poor William O. Douglas had to dig up this amendment that nobody really uses, nobody understands because there was no other way to deal with a female body. Because our bodies, *our bodies*, had been left out of this Constitution from the beginning! The framers were just like (*deep "man's voice"*) "*Er, er. We don't know... (patting her body) "We don't know what to do with this kind of a hrrrmph."* (*HEIDI finds a "man" the front row and gives him a charming 15-year-old smile.*) I'm sorry sir, I know that you do not speak like that.

She will not stop smiling.

HEIDI:

He dug up this amendment that nobody understands because he *wanted* to make birth control legal, he wanted to because, well, because it turns out that William O. Douglas — who was 67 years old — was having an affair with a 22-year-old college student! And three other Justices may have been having sex with young women as well. So, I'm thinking— right? — he needed to find a way to get the birth control flowing! (*HEIDI looks up to the stage manager's booth.*) Terri, can you?

Since we're out of time already, sir (*she curtsies to THE LEGIONNAIRE*), I'm gonna play you a snippet of the actual Supreme Court recordings because the arguments are fascinating.

Trenchant. (*to the stage manager's booth*) Terri? (*to the audience*) Remember it's 1965. There will not be a woman on this court until Sandra Day O'Connor arrives in 1981. So, here are nine men deciding the fate of birth control. Four of whom are cheating on their wives.

Terri plays a recording from the Griswold v. Connecticut Supreme Court hearing in 1965.

HEIDI stands and listens, trying to parse the arguments as if hearing them for the first time. She may sneak a few glances to THE LEGIONNAIRE as it plays.

JUSTICE POTTER STEWART (VO):

Now that I've interrupted you, you've told us that in Connecticut the sale of uh... these devices is uh... not molested because they're sold for the prevention of disease. Is this uh... true about all of these devices that are covered uh... that each of them has the potential dual function of acting in a contraceptive capacity and as a prevention of disease, or only with respect to some of them?

WILLIAM I. EMERSON (VO):

It's probably only true with respect to some, but some get by under the term feminine hygiene, and uh... others uh... (*cough*) uh... (*cough*) uh... I-I-I just don't know about, but uh (*cough*) uh... (*cough*) They are, they are all sold in Connecticut drug stores on one theory or another.

JUSTICE EARL WARREN (VO):

Is there anything in the record to (*cough*) to indicate uh... (*cough*) the uh, stem of the birth rate in Connecticut vis-à-vis the states that don't have such laws?

The recording ends.

HEIDI:

It's like four hours of that.

A beat. She might move closer to the audience.

HEIDI:

Birth control became officially legal for single women in 1972, the year after my mom got pregnant with me. This is what I was thinking when my mom drove me to Seattle to meet Jean for our vacation, which is what I told her I was doing. I was thinking about the fact that she was my age when she had me, that she had dreamed of moving to New York to become an actor and a writer (which is of course what I'm going to do, but I don't know that yet), and as soon as I have that thought I'm overcome by a sudden wave of nausea. I ask her to pull the car over, I open the door, I puke on the side of the road and when I sit back up, I can tell that she knows.

And I'm waiting for her to tell me that it's okay— that it's my body, and like she taught me this is my decision. But when I look at my mom, she has this wild look in her eyes and then she starts hyperventilating, she's having some kind of panic attack. And suddenly she shouts: "You better not be pregnant!" and I shout: "I'M NOT PREGNANT!"

THE LEGIONNAIRE rings the bell.

HEIDI:

Clause Four!

HEIDI returns to the podium.

LEGIONNAIRE:

"No state shall deny to any person within its jurisdiction the equal protection of the laws."

HEIDI:

This is the most miraculous clause in our entire Constitution! The Equal Protection Clause. It says that we all must be treated equally, that we cannot be discriminated against on the basis of race, sex, religion or immigration status. It actually uses the word "person," not "citizen." Which means that if you are an undocumented immigrant, you must be given all the protections of

Clause Three, the due process clause. You cannot be locked up without a fair trial. You cannot have anything— or anyone— seized from you—

Heidi drops the 15-year-old's smile.

HEIDI:

I've been talking about this clause for a long time, over ten years. And I find it harder and harder to talk about every day. Although it wasn't that easy 10 years ago either. Also, I uh. I do have a personal connection to this clause, the Equal Protection Clause, but I never would have talked about it at 15. I didn't tell anyone. And whenever I get to this part, I have a desire to protect my 15-year-old self from talking about it.

She starts to take off her sunny yellow blazer.

HEIDI:

So I'm going to talk about the Equal Protection clause as myself, now. In fact, I'm just gonna go ahead and be myself now all the time now.

She lays her blazer carefully on the chair. She returns to the podium.

HEIDI:

...an adult woman in my late 40s. Hello. (*She turns to THE LEGIONNAIRE*) I'm not sure what your purpose is anymore, sir.

THE LEGIONNAIRE is not sure either. HEIDI releases any last remnants of the buoyant, performative girlishness that is one of her lifelong coping mechanisms.

HEIDI:

This equal protection clause really is miraculous. People have used it to do so much good in this country. It was the heart of Civil Rights Act. It was used to overturn desegregation. Twenty-six years after this contest, it will be used to make same sex marriage possible. It was used to win all

sorts of rights for working women, including the right to equal pay and the right to be free from sexual harassment.

A few years after the contest, lawyers tried to use the equal protection clause, unsuccessfully, to address the problem of sexual and physical violence toward women. The idea being that a person can't possibly be considered equal if they are subject to epidemic levels of gender-based violence.

As you may already know, and if you don't know you should read more, four women are murdered every day in this country by a male partner. (It was three women when I started performing a year ago. It's gone up.) One in four girls will be sexually abused before they turn 18. One in four women will be raped by the time they are my age now. And 10 million American women currently live with violent male partners.¹

My mom lived in a house like this. So did my Grandma Bette. And most likely my great-great grandma Theresa— though there isn't any evidence of this except maybe, *maybe* the fact that she died of melancholia at age 36.

HEIDI turns to THE LEGIONNAIRE.

HEIDI:

Will you hand me my Grandma index cards?

HEIDI walks to THE LEGIONNAIRE as he finds the Grandma evidence cards. She takes them and shuffles through them.

HEIDI:

I know this story well but I prefer to read it.

¹ These numbers are based on published statistics from the National Sexual Violence Resource Center in the year 2019. They should be updated in performance to reflect the current reality.

She begins to read from the cards. Each paragraph is written on a separate card.

HEIDI:

My Grandma Bette married my grandpa when she was 19. He was what I call a “good man,” meaning he didn’t beat up his wife and kids.

He was a six foot six logger who built the one-bedroom house they lived in with his bare hands. Legend has it he chopped down the trees to build her a house, and then he dragged the lumber up from the base of Mount Saint Helens on his back like a horse. (I’ve never understood why because he had a truck.)

Grandma Bette and her good husband had two kids when my grandma got pregnant with my mom. One day she was feeling antsy and she wanted to go to the Cowlitz County Fair. My grandpa took an extra logging shift to pay for the tickets. He and his partner Ray were sawing a 150-foot evergreen tree. They misjudged the trajectory of the tree and it fell on my grandpa, killing him.

My mom was born while my grandma was still grieving.

My widowed grandma supported her three kids by working as a waitress at the local diner. A charming young barber came in often. He was very good-looking. My grandma loved good-looking men. As do I. My grandma married the barber pretty quickly and pretty quickly he started to beat her up. They had three more kids together. He beat them up, too.

When my mom’s sister turned 16, my grandma’s husband raped her. She got pregnant and went away to have the baby. He raped her again. She went away again. She came back home after giving birth to a second child, and graduated at the top of her class—

By the way, all of these kids grew up to be pretty happy. They all had families that they loved and jobs that like most of us, they kind of liked. They are all kind and loving people. None of them perpetuated the abuse that had been inflicted on them. I realize it’s not great storytelling to

skip to the end like that, but I don't want you to have to worry about them for the rest of the show. They are okay. Like so many people in this country who go through similar things — and there are so many people who do — they are mostly okay—

THE LEGIONNAIRE takes the index cards from HEIDI's hands without being summoned and returns them to their place. He now seems to be transforming into her ally and assistant.

HEIDI:

I was so pissed off at my mom when she told me this story. I was 15 when she told me and I was— I was *furious* with her because I was a deeply heterosexual 15-year-old girl. I wanted to make out with boys, like all the time! I did not want to think they could be violent. I mean sure, yes, they could be troubled. I loved it when they were troubled. They could be a... down-and-out dance instructor at a Catskills resort.

The thing I remember saying to my mom, though, is: “Why didn't Grandma just take all of you and run away?” My mom had no answer, she went into her room and shut the door and wouldn't come out, but my dad took me aside and explained that Grandma was sick. That she had this thing women get called “Battered Woman Syndrome.” Which— I was so confused by this. Like “Oh no, how did you catch that?” And also, if you'd ever met my Grandma Bette you'd know this was an absurd way to describe her. She was almost six feet tall. Half-German, half-Swede. Big muscles. Wild black hair. In addition to waitressing, her other job was *log runner*— that is where you stand on a wooden raft in a raging river...

HEIDI begins to enact this.

HEIDI:

...and you take this giant stick and then you push logs down the river, all day, until they— I have no idea where the logs go.

If she's having a good time, HEIDI might keep log rolling for a bit before she finally gets back to her story. She might even aim some of her log dance at THE LEGIONNAIRE, who of course has

no choice but to sit and endure it in silence because she hasn't written anything for him to say here.

HEIDI:

This was not my Grandma's dream job! What she really wanted to be was a painter. She um, she taught herself to paint by copying Picasso, who was her favorite, so her one-bedroom house was covered with all of these... shitty-looking Picasso reproductions, and when I was a little girl, I thought they were her paintings. It wasn't until high school that I realized Picasso, not my Grandma, had invented "The Weeping Woman."

Whenever I think about the things the women in my family wanted to be, I get this weird pain in my back, and my throat squeezes up, like I can't get my voice out, and I guess I have this intense physical sensation of survivor's guilt.

It's funny— Jean and I stopped to visit my Grandma on the way to my abortion and I wanted to tell her what I was doing because I thought she might be happy for me. My great grandma had 16 children, my Grandma had six children and a violent husband. I was the first generation in my family for whom childbirth was not obligatory, not mandated by the government. And I thought she might be excited that I might get to do something different with my life. After the way my mom reacted, though...

We were sitting at the breakfast table eating these beautiful popovers she had made for us and I wanted to say: "Grandma I'm pregnant!" and instead I said "Grandma, I miss George!" I don't know why I said that. George was this sock monkey she sewed when I was three years old. I loved this sock monkey to death. Truly, I murdered him with my love. He was missing an eye, he was missing a tail. Eventually, I had to put him in a little monkey coffin.

I told my Grandma that I wished I still had George so I could take him to Siberia with me. She went: "Hm!" because she was very unsentimental but the following Christmas she sewed me a brand-new sock monkey and she sent him all the way to Siberia, and I named this new sock monkey George the Second! And then when I turned 40, I decided George the Second was

lonely and I bought him a friend: A tiny red-and-white striped monkey I named George the Second's Friend, and to this day— I am married— George the Second's Friend is the most important person in my life. I bet you're wondering how this relates to the 14th Amendment?

She stalks over to THE LEGIONNAIRE, who is standing and ready to hand her the next set of index cards. He has now transformed into her assistant.

HEIDI:

In 2005, the due process clause of the 14th Amendment was invoked in a case called *Castle Rock v. Gonzales*. Jessica Gonzales obtained a permanent restraining order against her violent husband. A month later, he kidnapped their three daughters. Jessica, terrified, called the police seven times and went to the station twice in person to beg them to look for her daughters. The police not only refused to help Jessica, they told her to stop bothering them.

By morning, Mr. Gonzales had legally purchased a semi-automatic weapon while their daughters waited in the car, and then killed them.

Jessica Gonzales — who now goes by her original name Lenahan — Jessica Lenahan very bravely sued the Castle Rock Police Department for failing to show up to protect her and her kids. The state of Colorado had recently passed a law that required police to arrest a person for violating a restraining order. So Jessica sued, she won, and then the city appealed and took the case all the way to the Supreme Court. This court, led by Antonin Scalia overturned her case, killed the Colorado law, and gutted the Violence Against Women Act by ruling that he could not find a clear Constitutional argument to uphold her lawsuit.

I've listened to this case so many times and the thing I noticed is that the justices spend very little time talking about Jessica Lenahan as a human being. They don't talk about her daughters. Rebecca, who was eight, Katheryn, who was ten, and Leslie, who was seven. Instead, they spend a long time arguing about the word "shall." As in the phrase "the police shall enforce a restraining order." And look, I understand even as a layperson that precise language is important in law, but I find the balance of these two things...

At one point, Justices Scalia and Breyer got into a little discussion about whether either of them understood what the word shall *meant*. (*She looks up to the booth.*) Terri, will you...?

Terri plays a clip of the justices debating the definition of the word “shall”:

JUSTICE ANTONIN SCALIA (VO):

Wait wait, I thought we were just talking here about state law as to whether shall means shall. Do you think that it’s a matter of state law whether— whether, if it does mean shall it creates a property interest for purposes of the Federal uh, Constitution?

JOHN C. EASTMAN (VO):

No, Justice Scalia, I don’t—

JUSTICE STEPHEN BREYER (VO):

Suppose shall does mean shall. Fine. But you might have a statute that says the fire department shall respond to fires. And the police department shall respond to crimes. The Army shall respond to... uh uh uh attacks. Even the words shall doesn’t necessarily mean...

HEIDI:

Scalia ultimately decided that “shall” did not mean “must.” Which is confusing because Scalia was a devout Catholic. Feminist legal scholars have called this decision the death of the 14th Amendment for women and children. This ruling is most devastating for women of color, transwomen, binary and non-binary folx, women with disabilities, immigrants — people who are less likely to be helped by police than I am. It’s especially devastating to indigenous women, who suffer the most violence in our country.

She thinks for a moment. She is grappling with a problem in real time, trying to find a way to connect feeling to thought.

HEIDI:

Because of my personal connection to this kind of violence, I wanted to understand how the court came to this decision. I wanted to know *why*. So, I talked to a few Constitutional scholars and here is what I learned.

I learned about two kinds of rights: negative rights and positive rights. Negative rights protect us from the government taking our stuff, locking us up, killing us. Positive rights are active rights. They include things like the right to a fair trial, the right to counsel, in some countries to the right to health care. Our Constitution primarily, with some exceptions, is a negative-rights document, and Scalia, an originalist, was adamantly a negative-rights kind of guy, which is in part how they decided that Jessica Gonzales was not entitled to any active protection from the police. I also learned that if we had an Equal Rights Amendment, she might have been protected under that. And I understood for the first time why my mom cried when it didn't pass.

So, what I'm trying to understand now is...

HEIDI searches for a way to articulate something.

HEIDI:

What does it mean if this document offers no protections against violence of men? Sorry, I don't mean to—I really have no desire to vilify men. I love men. I do, I fucking love you. I'm the daughter of a father! But the facts are extreme. Here's one statistic, just one: This century, the 21st century, more American women have been killed by their male partners than Americans have died in in the war on terror — including 9/11. That is not the number of women who have been killed in this country; that is only the number of women who have been killed by the men who supposedly love them.

That's such a staggering figure that I just kind of have to... forget it to get through the day. Except, I think you can't forget it about. Even if you don't know the statistics, I think you can feel the truth of that underneath everything... humming. (*Unsure*) Right?

She looks to THE LEGIONNAIRE for confirmation. He gives her no response. She approaches

him and talks directly to him for the first time.

HEIDI:

When I was 17, I used the money from your contest to go to college. I registered pre-law. I also auditioned for the fall play *Red Noses*. It was about a medieval theater troupe trying to survive the plague. I played a one-legged tap dancer who dies. At the first rehearsal this senior boy asked me if I wanted a ride home and I said sure, and as soon as we got to my dorm he said: “I’ve been wanting to kiss you for so long,” which was weird because we’d known each other for three hours, but he was cute so I kissed him, and then suddenly he took off my pants.

I was really smart when I was 17. I was! I was way smarter than I am now. Plus, I had read everything— I thought. I had read Audre Lord and Gloria Steinem and bell hooks. I was taking Advanced Feminist Studies. And yet I just decided to go ahead and have sex with this guy because it seemed like the polite thing to do. I think.

Or maybe... Now, I don’t know.

When I think back about being in the car, I remember how dark it was outside. I remember there was nobody on the street, my dorm was way, way out on the edge of campus. I remember having this kind of sick feeling in the pit of my stomach and then this fleeting thought— so quick, I almost can’t put it into language. But if I had to say it out loud, it would sound something like “stay alive.”

Which is... It’s strange because this guy would not have hurt me. I know he wouldn’t. We’re friends to this day. Well, we’re Facebook friends. I’m 99 percent sure he would not have hurt me, so why did I feel like my life was in danger?

HEIDI turns to THE LEGIONNAIRE.

HEIDI:

Could you read those Hammurabi index cards?

THE LEGIONNAIRE stands. He reads the cards.

LEGIONNAIRE:

- The first law pertaining to domestic violence comes from Hammurabi in 1800 B.C. It decreed that a husband could inflict punishment on any member of his household for any reason.
- The Roman Code of Paterfamilias said a man could kill his wife for adultery or for walking outside without her face covered.
- In Renaissance France, when it became clear that too many women and children were being beaten to death and it was hurting the economy, men were restricted to blows that did not leave marks.
- In nineteenth century England, the law said that a man could only hit his wife with a whip or stick no thicker than his thumb. Although many people think this is where the phrase “rule of thumb” originated, that’s not actually true.
- In 1910, the U.S. Supreme Court ruled that a wife could not press assault charges against a husband because it would open the doors of the courts to accusations of all sorts of one spouse against the other.
- In 1977 the California Penal Code stated that wives charging husbands with criminal assault must suffer more injuries than commonly needed for charges of battery.
- In 2005, the Supreme Court ruled that Jessica Gonzales could not sue the Castle Rock Police Department for failing to show up to protect her and her children.
- In 2014, the Inter-American Commission on Human Rights ruled that the United States violated the human rights of Jessica Gonzales and her daughters.

HEIDI:

Thank you, Mike. Everybody, this is Mike Iveson. Mike is a wonderful actor, a wonderful man, and I uh... when I realized I was going to be talking about so much violence, I really wanted some positive male energy up here with me.

She turns to him. He looks a bit confused. Then he begins to speak. As he tells his story, he starts to remove his Legionnaire accoutrements: jacket, hat, tie. He is now MIKE.

MIKE:

I'm representing a real person from Heidi's life, Mel Yonkin, who was a Legionnaire. Fought in World War II. He was an incredibly sweet man who would travel around the country with Heidi and her parents from contest to contest. He told her all the time how proud he was of her, and when she won he would get kinda... misty. Pretend he had a cold.

I was real excited that Heidi asked me to be in the show, though I thought it was like a serious responsibility to be representing "positive male energy." I feel like I spent so many years refusing to be boxed in gender-wise, and I guess I thought of myself as like having "gender-neutral" energy? Which, given that I always present myself as male, just seems sorta irresponsibly privileged to me these days.

Also, I really wish I could say I was in love with Patrick Swayze when I was younger like Heidi was, but the truth is I was kind of more into Mel Gibson. Yeah. I remember really wanting to be him in *The Road Warrior*. After that movie came out I talked constantly to my friends about (*bad Australian accent*) "oh I'm gonna dye this little tuft of my hair blond" like Mel had in the movie. I thought my Australian accent was hilarious but really it was kind of much more like a Cockney accent.

Which is weird because my father is a British working-class immigrant from Wales and Yorkshire, which is a totally different accent than Cockney. I'm not going to do them and you *are* welcome. He is a super charming dude, my friends are all crazy about him and I remember when I was a kid both admiring his like, masculine charisma, and also feeling like I could tell it wasn't quite... him. Knowing it was kind of put on?

At one point, he got really into CB radios. Once when I was in high school, my dad and I were driving across the country. I was driving one car and my dad was driving another, and he wanted us to stay in touch via CB radios. My dad would say stuff like "Head's up, Mike, we're gonna

take a left at the next exit” and I would say stuff like “Hey Dad, when are we going to get a bathroom break?” and one time another guy’s voice busted in: “Coupla queers on the line.” Some trucker or somebody— definitely a deep male voice, probably deeper than mine or my dad’s. There was an awful pause and a kind of pit in my stomach. Was my dad, like, lisping? Like, inadvertently? Or was I? Or something? And then my dad responded: “And a faggot listening in!” All things considered, good save. I must not have been out to him at the time. I can’t imagine he would have responded like that if he’d known I was gay back then.

I mean I didn’t think I was gay back then either. Maybe I thought of my sexual orientation as “nerd.” At some point during college, I was going to drive from Maine to Boston to live with my girlfriend. I was still dating women at the time. On this day in particular I was wearing a slate blue YSL suit vest as a shirt; a pair of tight cotton pants with big red, white, and blue stripes that had been bell bottoms before I had made them knee-length; and brown ankle boots with thick pink socks peeking out the top. My dad saw me as I was about to leave and he freaked out kind of angrily: “You cannot wear this. You look ridiculous.” I know he was just trying to protect me.

And maybe he had a point because years later when I was first living here in the city, I was walking from the Tunnel Bar to a bar that was just called The Bar with four of my friends. I was wearing Patricia Field hot pants that were like black nylon with little red velvet polka dots. We passed a group of teenagers, and one of them punched me in the face.

As I’ve gotten older, I’ve felt most comfortable presenting as basic male. It feels, I don’t know, more “me.” I think?

I was in Baltimore a couple years ago and my good friend and I were in a sports bar called Pickles Pub. There was a guy at the bar— white dude, maybe six foot two, real big like 230 pounds or something, bald. While the woman behind the bar was running around taking orders, he turns to me and says, “Don’t you want to fuck her?”

There was a weird moment where I just didn’t know how to respond. Was he really asking me? Was he testing me to see if I was gay? Was he capable of violence? (*to HEIDI*) Is that woman feeling like how you felt with the guy in the car? He was a beast physically, but I also had this

weird sympathy for him. So, I slapped him on his massive shoulders and said, "Good luck, man." And then I walked out of the bar.

He looks to HEIDI. She looks around at the American Legion Hall.

HEIDI:

I'd really like for all of this to disappear now. This contest. All of... this. I wish we could have one of those spectacular Broadway set changes now. Since it's not that kind of play maybe we could all just imagine that we're somewhere else. Maybe we could imagine something else. And you are welcome to be yourselves again. If you haven't already done that now is a perfect time. You are so welcome to be yourself.

HEIDI gives the audience a few beats of silence to imagine something new.

HEIDI:

My mom and my aunt reported their stepfather to the police, when they were teenage girls, because my Grandma Bette was too scared to do it. They had been born a little farther out of the penumbra than my grandma. They were born after women had the right to vote. Also, my mom had this woman teacher who took her aside, told her something else was possible, and also taught her this newly fashionable word feminist.

When my mom's stepfather found out he'd been reported, he got his constitutionally protected gun and threatened to kill the whole family. And my Grandma Bette finally decided — in spite of the fact that she'd inherited the pretty logical belief that her life and her kids lives did not matter in the eyes of the law — in spite of that, she finally decided to take her children and run away.

The police showed up for my family. It was a small town. They were white. They arrested my mom's stepfather but my Grandma Bette was too scared to testify against him, so my mom did

that too, in support of her sister, when she was 15 years old. And then my Grandma Bette said that she was lying. She wasn't lying. Her stepfather was sentenced to 30 years in prison. He served two. But the fact that he went to prison at all though is probably why I get to be here right now, telling you these stories. When I think about how brave my mom and my aunt were as teenage girls, well it gives me such respect for them, but it also makes me think about the fact that progress doesn't only move one way. I've learned so much from younger people lately. You all seem braver than I remember being when I was your age, more compassionate. You certainly have a more sophisticated understanding of gender. Sometimes, I feel like you're shining a light backwards into the darkness so I can follow you into the future.

I've struggled life to forgive my grandmother for not standing up for my aunt. For my mom. I'm not sure I know how forgive her. But that's also confusing because I loved my Grandma Bette so much. We all loved her. My mom loved her. My aunts and uncles loved her. And the Grandma Bette who didn't protect her kids is not the Grandma Bette I knew. The Grandmother I knew loved us all like crazy. She gave her whole life to her kids, her grandkids, her great grandkids. She would have done anything for us. She sent me that sock monkey all the way to Siberia. I know she would have thrown her body in front of a truck for me. I don't know how to make sense of my two grandmothers. Except while I've been making this, I've realized how many of us are forced to be two people in this culture.

I learned something recently from a younger person recently, a younger feminist, that helps me understand my grandma a little bit better. They taught me about this concept called covert resistance. Covert resistance is the idea that seemingly passive, victim-like behaviors, people-pleasing behaviors, may actually be a smart and sane response to living in a violent culture. A culture, and a country, that is making it clear every single day, it has no interest in protecting you.

In the case of my grandma, covert resistance is all the invisible, brave actions a woman takes while wearing her mask of compliance. The subversive actions she takes inside a violent relationship she can't leave because she doesn't make as much money as a man, because the police might not show up when she calls, or if they do show up, depending on the color of her

skin, something terrible might happen, because she doesn't have decision making power over her own body.

Covert resistance doesn't fit into our traditional narratives of heroism. It involves a lot of tiny, daily actions— like a woman feeding her kids, hiding money away for them, making sure they get a good education (helping them graduate at the top of their class.)

It can also include less positive actions: getting sick, maybe dying of melancholia, and choosing not to leave, because in this country, the moment a woman tries to leave is the moment her life and her kids' lives are in the most danger. When my Grandma Bette died, my uncle found 30 thousand dollars hidden under her mattress with a note that said to give five thousand dollars to each of her kids. She had been saving it for 50 years.

She looks to THE LEGIONNAIRE, still nothing. She decides to shift gears.

HEIDI:

I took George the Second's Friend with me on a business trip to Los Angeles recently. He loves the West Coast. He was in my shoulder bag, wrapped up in a wool stocking cap to protect him. Then it got cold on the plane, so I took him out, put on the stocking cap, and wrapped him in up airplane blanket, so I wouldn't be like, an adult woman with a stuffed monkey on my lap.

Then suddenly I was at baggage claim and I realized I had left George the Second's Friend on the plane.

I don't even know how to—. The only way to describe my reaction is to say that if Meryl Streep and I had been at the audition for that "dingo ate my baby" movie together, I would have gotten the part. I was WAILING. SOBBING. I was doing the Greek Tragedy crying! I ran up to the help desk and the woman took one look at me: "Are you okay?" And said (wailing): "NO. NO. I LEFT SOMETHING VERY VALUABLE ON THE PLANE." And she was like, "What is it?" And I said: "MY CHILD'S FAVORITE TOY." It gets worse: "And my child is very sick."

I know! I know— but she really leapt into action! She called up to the gate: “GET THAT MONKEY OFF THE PLANE!” And then she swiped me through security, and I start running, racing, running faster than I’ve ever run in my entire life. I ran raced past like 14 Starbucks. And when I got to the gate I could see George the Second’s Friend just sitting happily on this guy’s counter so I ran up, tears still streaming down my face, but this guy paid no attention to me, so I was just like FUCK IT! and I grabbed George the Second’s Friend, and collapsed to the airport floor and kept wailing and wailing and wailing. And I have no idea what I was crying about. I don’t know if I was crying for my Grandma Bette, or because of chemical depression, or because he’s such a cute little monkey, or because of centuries and centuries of fucking inherited trauma, or maybe IT’S THE APPROPRIATE RESPONSE TO EVERYTHING RIGHT NOW.

My mom says when you are paralyzed by rage and despair, you have to imagine a woman running along a beach with a dog. If you watch the dog it keeps running ahead and then running backwards, so that if you only keep your eye on the dog it seems like progress is constantly being undone. But if you watch the woman, you can see that she is moving steadily forward and forward and forward... I think?

I told my mom about my abortion recently because— well, I had to because I was gonna tell you all. She was so blasé about it. I was like why did you freak out back then? She said, “I can be calm about it now that I know your life turned out ok.” She wanted to know if I was angry with her. I was like, “No, because my life turned out okay.” I think there were two mothers in the car with me that day. There’s the first mother, who’s a feminist, who made me do this contest so I could go to college, who helped end the legacy of violent men in our family by testifying, and by giving me a good father. And then there’s second mother, the mother who’d been terrorized as a child, the mother whose first memory at age three was seeing her stepfather punch her grandmother and thinking “oh no this is what life is like.” And it is what life is like. The mother who’d inherited centuries of belief in her own worthlessness.

No, not just belief: centuries of laws that explicitly told her she was worthless.

Which just makes me think: Maybe we shouldn't think of the Constitution as a crucible, in which we're all fighting it out together, in which we go in front of a court of nine people to negotiate for our basic human rights, which is what we have been doing for 230 years. Because if this is battle, or even a negotiation, then people who have always been in power, always dominated, always oppressed— men, white people— will continue to dominate and oppress.

There are so many countries that have created modern, positive rights constitutions. Constitutions that actively protect human rights, guarantee health care, have provisions to protect the environment.

One hundred and seventy-nine constitutions have explicit gender protections written into them. Ours is not one of them.

Our Constitution is *so old*.

Of course, the problem with adding explicit human rights protections to our Constitution is that we still have to trust the people interpreting those protections, right? We still have to trust the people who are in charge.

Terri plays the Ruth Bader Ginsburg recording. HEIDI puts her jacket back on and steps out of the frame.

JUSTICE RUTH BADER GINSBURG (VO):

The excuse for not hiring women in the criminal division was... they have to deal with all these tough types and... women aren't up to that. And I was amazed. I said: Have you seen the lawyers at Legal Aid who are representing these tough types? They are women. People ask me sometimes when... when do you think it will be enough. When will it— will there be enough women on the Court. And my answer is: When there are nine.

Part Two: The Debate

HEIDI steps out of the diorama and looks back at the American Legion Hall.

HEIDI:

I loved this contest. It made me believe that people would listen to me when I spoke. Also, I was 15: I had braces and horrible acne and it was nice to be valued for my brain. While I was working on this re-creation, I met with young women who are doing these kinds of contests today.

The shadow of a teenage girl appears along the back wall.

HEIDI:

I wanted to find out what they are thinking about the Constitution. About our country. And I invited one of these brilliant young women to join us here tonight.

ROSDELY CIPRIAN, age 14, now stands where HEIDI stood at the beginning of the show.

ROSDELY:

Hi. My name is Rosdely Ciprian. I'm 14 years old and I am a debater here in New York City. I've been involved in Parliamentary debate since the second semester of sixth grade. I've competed in around 30 tournaments. I've argued topics such as legalizing marijuana and whether the United States should increase its diplomatic engagement with the People's Republic of China.

Mr. Beattie is my debate teacher. He coaches us to argue both sides of a topic, which is the reason Heidi invited me here today: to dig deeper into some questions about the Constitution. Is it protecting us, or is it the source of our problems? Personally, I think the answer is both. But for the sake of having a good debate, we are each going to take a different side.

Before I explain to you the rules of Parliamentary debate, let me say that the Constitution is *not* a crucible. At least that's not how I like to think of it. Why not just think of the Constitution as a human being? I mean, it was made by human beings so it's not a big stretch. Are human beings

perfect? No. Are we capable of perfection? No. But that doesn't mean we are not valuable. We are always growing and changing. Learning. Just like us, this document is flawed. But just like us, it is also capable of getting better.

My opponent brought up the Ninth Amendment in her prepared speech, which went *way* over time by the way. Sure, the penumbra metaphor is an interesting way to understand the Ninth Amendment. I am not arguing against it, but let me help you understand it another way:

I don't have any imaginary friends. But I have invented a character I like to play in rehearsal named Boxellia. Boxellia is scrillion-year-old AI Robot who can tell the future. She can tell you what you're going to do next summer and she knows what life on earth will be like a thousand years from now. To me, the Ninth Amendment is like Boxellia. She holds the memory of the future. Too bad for us, we won't know what that is until we get there. *(to HEIDI)* Okay, let's start this debate!

HEIDI joins ROSDELY centerstage.

HEIDI:

For the past few years, Rosdely and I have been debating some of the questions that have come up tonight, and like she said, we are going to have a real live debate for you, right here right now.

ROSDELY:

Our topic is: Should we abolish the United States Constitution?

HEIDI:

And there are some amazing folks passing out pocket Constitutions for you so you can follow along. Check our work.

ROSDELY:

Usually there are three people on a team, but we are going to do this one-on-one

tonight. This style is called “Iron Man.” Typically, in Parliamentary debate we do a form called PO-POOP which is “proposition, opposition, proposition, opposition, proposition, proposition,” but we’ve made up a special style that we are calling POPOPO: “Proposition, opposition, proposition, opposition, proposition, opposition.”

MIKE:

The debaters have been training me to be the moderator and my most important duty is to flip a coin to determine which side of the argument our debaters will take. Rosdely, please call it in the air.

MIKE flips a coin. ROSDELY and HEIDI call out heads or tails. MIKE turns to the person who wins the coin toss.

[NOTE: Rosdely and Heidi have developed their arguments through years of debating extemporaneously together and portions of this debate change from night to night. The following is a transcript from a performance in September 2018.]

MIKE:

Heads it is, which side would you like to take?

ROSDELY:

Uh...? Opposition.

HEIDI:

Proposition.

MIKE:

Okay. Debaters, you have 90 seconds to prepare. Starting now.

HEIDI and ROSDELY rush to sit at the two card tables MIKE has set up for them. They are covered with index cards, legal pads, pens, highlighters, water, and other supplies they might need. They prepare in silence. Writing their points on index cards, etc.

MIKE:

Rosdely has also told me that in Parliamentary debate, audience participation plays a huge role in determining the outcome. That means when one of these debaters makes a point that really lands with you, positively or negatively, you gotta make some noise. You can do this by stomping your feet, smacking the armrest of your chair, cheering or booing. So, let's run a test right now. If Heidi or Rosdely says something you love, what are you gonna do?

The audience responds.

MIKE:

And if they say something you hate, what are you gonna do?

The audience responds.

MIKE:

Very nice. One more thing: At the end of this debate, one of you is gonna be selected to pick the winner, so please pay attention!

MIKE gives the debaters an update on time left then steps to the side while the debaters continue to prepare.

MIKE:

30 seconds. *(still timing)* 15 seconds.

After the time is up, MIKE rings the bell.

MIKE:

Are you ready?

ROSDELY: Yes.

HEIDI: Yep.

MIKE:

I'll remind you to please participate with passion. You are not just spectators here. You can really influence the outcome of this thing. Let's do one more test. This time, let's hear what it sounds like if they say something that you both hate and love.

The audience responds.

MIKE:

Will the Proposition please approach?

HEIDI stands facing MIKE, who now sits with the audience.

[NOTE: The following debate points were prepared ahead of time but the debate changes on any given night so they may not entirely reflect what actually happens on stage in the moment. This script also contains an addendum with four additional debate transcripts that reflect how the debate changes when Heidi argues to keep and Rosdely to abolish, or when the other champion high-school debater, Thursday Williams, argues to keep or abolish.]

MIKE:

You have two minutes. Your time begins now.

HEIDI launches in, speaking as quickly yet as clearly as possible.

HEIDI (FIRST ARGUMENT):

Good evening, Judges, my name is Heidi Schreck and I'm here to represent the proposition:
"This house ought to abolish the Constitution of the United States."

Would you please raise your hand if you are a white man who also owns property? Under the original terms of this document, you are the only people in this room who are considered citizens. How would the rest of you feel if they went into another room and made all the rules for the rest of us? Here, let's flip through the Constitution to reveal the exact page on which the rest of us become full human beings in the eyes of this document. I'm right here on page 34 —

ROSDELY:

Point of order! You can't use props in a debate.

MIKE:

Noted.

HEIDI:

Fine. 34. My second point, Judges, is this: The Dead Should Not Govern the Living. Thomas Jefferson himself said we should draft a new constitution for every generation; we should not be living by the laws of corpses. The framers have been in their graves for over 200 years. They lived in a world without indoor plumbing, electricity. They took like two baths a year. George Washington died because he had a cold and decided to treat it with blood-letting! We should be looking at the world with our own eyes, deciding what we believe to be right and wrong, not going back ten generations to try to figure out what Alexander Hamilton would have done. It's as if we are being ruled by zombies. End zombie law. Thank you, Judges.

MIKE rings the bell, encourages applause this time. ROSDELY takes her stand.

ROSDELY:

Hello, Judges. My name is Rosdely Ciprian and I am the First Opposition Speaker to the motion that we should abolish the United States Constitution. I will first refute my opponent's points and then if time allows, present points of my own.

My opponent quotes Thomas Jefferson who said that the dead should not govern the living. But Thomas Jefferson himself is dead so WHY IS SHE LISTENING TO HIM?

The proposition also says she wants to make an all-new constitution. But who gets to make this new perfect utopian constitution? Will kids be involved? Do you want me to go into another room and decide what's best for all of you? No you don't! This new constitution will be made by politicians, and since Congress is still made up of mostly white men, what are the chances they will write a better constitution? I'll tell you what they are: About ten trillion to one— the same chance that the actual zombies from The Walking Dead will take over our planet.

Now for my first argument. "The Constitution is the Key to our Liberation."

ROSDELY (FIRST ARGUMENT):

We have the oldest active constitution in the world. My opponent wants you to think this is a bad thing, but the reason it has lasted so long is because it gives "we the people" the tools we need to free ourselves from tyranny. It is undeniable that America is more equal and democratic than it was 229 years ago. In fact, just 75 years ago here in DC it would have been illegal for me, as a woman of color to be sitting in the audience, watching this play.

The great abolitionist Frederick Douglass had more reason to hate this document than most Americans. And yet he supported it because it quote "contained the means to mount a critique of slavery from within." We will not erase the sins of our history by simply tossing out a piece of paper, especially when this piece of paper is capable of shining a light into our blind spots.

Judges, a zombie is someone who has no connection to their past. They think about one thing: eating brains. If we throw away our own history, we are the ones who will become The Walking Dead. Thank you.

MIKE rings the bell.

MIKE:

Proposition will have one minute for rebuttal.

HEIDI (REBUTTAL):

Judges, my opponent's point that Jefferson is dead so why should we listen to him— I uh. I'm gonna give her that. I will also grant that I do not yet have a plan about who will create this new document, but I would like to say for the record, I would love for brilliant young women Rosdely to be involved.

ROSDELY:

Pandering!

HEIDI:

My opponent argues that our country is more equal and democratic than it was 229 years ago. However, we are no longer considered a full democracy. That's right. In 2017, we were demoted by the International Democracy Index. We fall below countries like Spain, Uruguay and Mauritius.

This is because voter suppression is rampant and was basically just endorsed by our Supreme Court, two of our presidents in the past 20 years did not win the popular vote, the electoral college is an impediment to democracy, nine unelected people have decision-making power over our basic human rights, and because every day in this country, this Constitution fails to protect communities of color, LGBTQIA folx, people with disabilities, immigrants, indigenous peoples, and women!

MIKE rings the bell.

HEIDI:

Thank you.

MIKE:

The Opposition will have 30 seconds to cross examine.

ROSDELY: Where do you think we would land on the Democratic Index if we abolished our Constitution tomorrow?

HEIDI: Look I don't know about tomorrow but I—

ROSDELY: Don't you think we'll be *lower* than we are now?

HEIDI: If we don't make fundamental changes to create a more humane system of government—

ROSDELY: But you do believe *now* is the right time to abolish our Constitution. Like, *right now*?

HEIDI: I never said we should do it right now.

ROSDELY: When should we do it then? Don't you think this (*holds up Constitution*) is what holds us together as Americans?

HEIDI looks to the judge in disbelief.

HEIDI: Props! She's using props!

MIKE rings the bell and continues to ring it if either debater goes over time.

MIKE:

Time. Time! Opposition will have one minute for rebuttal.

ROSDELY (REBUTTAL):

Judges, I agree that we have moved backward on some issues. But we all know there are ebbs and flows to progress. I would like to remind you all of the woman and dog running along the beach. Yes, I was listening from backstage.

This brings me to my final argument: If we abolish the Constitution, we risk sending the country into *complete chaos*. Our country is more divided than it has ever been. The only thing holding us together right now as Americans is faith in this document. We may choose to interpret it differently, but without it we risk complete collapse. If we abolish the Constitution tomorrow, here is what will happen. Same-sex marriage would be illegal in 14 states. Abortion would be illegal in 30 states. Segregation would technically be legal in 32 states.

Judges, this document is the only thing protecting most of us right now. Abraham Lincoln said the people should not throw out the Constitution, but to throw out the men who abuse it.

MIKE:

Proposition, you have 30 seconds to cross examine.

HEIDI: Many European countries have made brand new constitutions peacefully. Why are you so sure we can't do the same?

ROSDELY: Because our country is more diverse than those countries. We might not have the same peaceful outcome, and that's a risk I'm not willing to take.

HEIDI: Yes, but don't you agree that the Supreme Court could roll back most of the rights you just listed even if we keep this Constitution?

ROSDELY: NO, I don't agree. Because Supreme Court decisions establish something called precedents and those precedents are very strong.

HEIDI: The Supreme Court just overturned precedent a few months ago in the Hamilton Bank decision.

ROSDELY: I believe that was an exception.

HEID: I think that you're wrong.

ROSDELY: Well, I think that you're wrong. Thank you.

MIKE:

Time. Each side will have one minute to conclude.

HEIDI:

Judges. As a kid, I believed this document was a tool of justice. I knew it was created by slaveholders. By people who did not consider most of us as fully human. But I believed in its genius and in its ability to transform over time. Today, however— I actually don't think our Constitution is failing. I think it is doing exactly what it was designed to do from the beginning, which is to protect the interests of a small number of rich, white men.

I believe we need a brand new positive-rights Constitution that is designed to actively rectify the inequality at the heart of this country and to actively protect human rights, and finally our planet. Because if we don't do that, there is no future for any of us.

I also believe that to have a negative rights constitution, a "neutral" constitution, is to have a Constitution that continues to perpetuate the status quo in this country, and therefore perpetuates white supremacy and misogyny and violence.

Judges, why should most of us be banished to the margins of this document? Why should we remain on page 30? On page 34? Or nowhere in the document at all (*gesturing to ROSDELY*) because we're kids. We all belong in the preamble. Thank you.

ROSDELY:

Judges, my opponent wants to endanger our lives for the sake of some utopian document that hasn't even been written yet. She has the luxury for this thought experiment, most other people do not. It's going to be my generation, my community, that will have to be the guinea pigs for this grand experiment. It is my future she wants to put at risk, and I'm not going to stand for that.

Throwing out the Constitution doesn't mean we would be throwing out sexism or racism. It would be at best, a superficial change. Democracy is not something that happens to us because we magically change a piece of paper. Democracy is something *we* have to make happen, *we* have to fight for, every single day. If you want to change the country, you need to wake up. Run for local office, run for student government. Protest. Put pressure on your representatives. Start with your own personal constitution and build your way out. Thank you.

HEIDI joins ROSDELY centerstage and they shake hands.

HEIDI:

Now it's time to choose our judge. Rosdely will be choosing our judge.

ROSDELY chooses an actual audience member from the front row to be the judge. Ideally, the front row tickets are sold at a discount to young people. If an audience member declines the honor, ROSDELY or HEIDI may say: "This is how democracy dies."

The following is a transcript of what happened when ROSDELY chose the judge in September 2018 at New York Theatre Workshop.

ROSDELY:

Hi. Would you mind being our judge?

AUDIENCE MEMBER:

Uh, sure.

ROSDELY:

What's your name? Where are you from?

AUDIENCE MEMBER:

Amber. I'm from southwest Missouri.

ROSDELY:

Whoa. Wow.

HEIDI:

Do you mind standing up for us, Amber?

HEIDI turns to the audience.

HEIDI:

Since we don't live in a real democracy, Amber will be representing all of your interests. *(to AMBER)* Okay Amber, you have such an important decision to make: to keep or abolish the United States Constitution.

HEIDI hands AMBER two envelopes. One is labelled "keep" and the other "abolish."

HEIDI:

We would love for you to make your decision in silence and then open the corresponding envelope and read the official language out loud to "the people." We'll be over here so we can't see what you're deciding.

ROSDELY and HEIDI move to the side as AMBER opens one of the envelopes.

AMBER:

On behalf of the audience of What the Constitution Means to Me, I, Amber Treadway, do hereby vote keep the Constitution.

Some audience members cheer, some boo. HEIDI turns to the audience.

HEIDI:

Okay, fine. Since you voted to keep it, you can keep your pocket Constitutions too. Take those home with you. We're now the end of our evening, but we always do one final thing after we debate.

ROSDELY:

Heidi and I ask each other a couple of questions to get to know one another as human beings. These questions were submitted to us by last night's audience. Feel free write your own questions on the way out.

MIKE trots down and hands Heidi the question cards. ROSDELY turns to the stage manager's booth.

ROSDELY:

Terri? Can you please dim the lights?

TERRI (*from the booth*):

Absolutely. Here you go.

[NOTE: Each night, Heidi and the young debater receive a curated set of questions that audience members have submitted and answer them extemporaneously. The young debater always answers the final question, which is planted. It should always be some kind of question about how the young debater imagines her future — in ten years, in 50 years, etc. The following is a transcript from June 2017.]

ROSDELY and HEIDI sit back-to-back in the semi-darkness.

ROSDELY:

If you had to win a dance contest, what song would you pick to dance and why?

HEIDI:

Uh... Well as you know from the other night, I really always wanted to be a Prima Ballerina. So, um... I would dance to the Dying... I would dance The Dying Swan.

ROSDELY:

(skeptical) Oh... okay.

HEIDI:

(reading from the card) Rosdely, what is your favorite holiday and why?

ROSDELY:

Oh, this is easy. My favorite holiday is Christmas. I get to watch movies nonstop, I get to drink hot chocolate. We sing songs and I get presents and I get to spend some time with family and sometimes we do a nice family dinner.

HEIDI:

What do you have at your family dinner?

ROSDELY:

Oh, a lot of good stuff. Some lasagna, some roast pork, some rice, egg or potato salad... I don't... I can never tell the difference between egg salad and potato salad. *(reading from the card)* Heidi, what was one of your fittest teachers... wait... *favorite* teachers and why?

HEIDI:

Um... My favorite teacher was Ms. Perkins. She was my tenth-grade P.E. teacher. She wore... she drove a corvette with a personalized license plate that read "Ms. Perkins." And she was gay, but she couldn't be out in our town at that time, and we all adored her.

ROSDELY:

Okay.

HEIDI:

Rosdely, what's your favorite movie?

ROSDELY:

Oooh. My fa... I can't choose. Either *White Chicks*... yeah, *White Chicks*. (*reading from the card*) Heidi, if time and money were no obstacle, what's one thing you would want to do?

HEIDI:

Uh... Wow. Huh. If time and money were no... (*Beat.*) If time isn't an obstacle, I want to time travel. (*reading from the card*) Rosdely, what do you imagine your life will be like in 30 years?

ROSDELY:

Oh, I uh— In 30 years... I'll be? 44. Whoa. I'll be... yeah. Old. Hopefully, I'll be done with college. Maybe I'll be an actress. Or a pediatrician. And I'll have a nice house. And I'll have a kid. One kid. I don't want... I definitely don't want more than one because, ugh, kids. Stressful. And I'll... I'll be pretty happy. Yeah. Uh. That's what I imagine.

Beat. Terri takes out the lights.

End of play.

EPILOGUE: ALTERNATE DEBATE

[The coin toss is real and the debaters argue different sides depending on the outcome. The following is a transcript of a debate that took place on Broadway, at the Helen Hayes in New York City in March 2019. Rosdely Ciprian argued to abolish the Constitution and Heidi Schreck argued to keep it.]

ROSDELY:

Good evening, Judges. My name is Rosdely Ciprian and I am here to represent the proposition: "This house ought to abolish the United States Constitution." Will everyone please raise your hand. Now, if you're a white man who owns property, please put your hand down. Under the

original terms of the Constitution, those of you with your hands up are not considered citizens. Let me ask you a question: How would you feel if these white men went into another room and made all the rules for the rest of us?!

That's what I thought! You can put your hands down now. Let me ask you a second question: How many rich white men who own property are still in control of our government today? I know, RIGHT!? Why don't you look through your pocket constitutions to see where people like us belong? I am right here on page 34.

HEIDI:

Point of order! We can't use props in the debate.

MIKE:

Noted.

ROSDELY:

Who said that?

HEIDI:

You taught me that.

ROSDELY:

Did I? Moving on. My second point, Judges, is that the dead should not govern the living. Thomas Jefferson himself said that we should draft a new Constitution for every generation. The framers have been in their graves for over 200 years. They lived in a world without toothbrushes, deodorant and toilet paper. The great Benjamin Franklin didn't even take a bath with fresh water, but instead took something called an "air bath," thinking that the air would bathe him, walking around naked. Our very own George Washington died because he had a cold and decided to treat it with blood-letting. So why are we listening to "Air bath" Franklin and "Blood-letting" Washington?

Judges, our Constitution is like the Horcrux in Harry Potter. It is the piece of our founding fathers' souls that is still somehow still alive, ruling over the rest of us. Let me explain: In Harry Potter, a Horcrux is an object in which a dark wizard has hidden a fragment of their soul for the purpose of gaining immortality. It's time to destroy the Horcrux so that we can move on from the sins of our past and finally write a document that is truly democratic and fully alive.

HEIDI:

Judges, my name is Heidi Schreck. I am the first opposition speaker to the motion that we should abolish the United States Constitution. My opponent quotes Thomas Jefferson, who said that the dead should not govern the living, but Thomas Jefferson himself is dead. So why is she listening to him?

She also wants to make an all new Constitution. But who gets to make this brand new, utopian Constitution? Will those of us who had our hands up get to make it? I don't think so. This Constitution will be made by politicians, and since Congress is still made up of mostly old white men, why does she think they will write a better Constitution? Finally, Judges, I do not know what that Harry Potter thing is, so I cannot debate it.

Judges, we have the oldest living Constitution in the world. My opponent, who is young, wants you to think that this is a bad thing, but the reason it has lasted so long is because it gives "We the People" the tools we need to free ourselves from tyranny. It is undeniable that America is more equal and more democratic than it was 230 years ago. 150 years ago, it would've been illegal for my opponent and I, as women, to be having this debate in public. Progress is happening! It is because of this Constitution, not in spite of it, that she and I can stand up here today and insist on a better future for our country! Thank you.

MIKE:

Abolish, you have one minute for rebuttal.

ROSDELY:

Judges, my opponent's point that Thomas Jefferson is dead so why should we listen to him? I guess she can have it, I don't need it. I will also grant that I do not yet have a plan for who will create this document, but I do know that it will not be fully created by white men. Congress is more diverse than it has ever been and I have faith that people like me will be involved in this redesigning process, whether those men like it or not.

We have all these amendments that are supposed to correct the wrongs of our history. However, let's look at the 13th Amendment: It abolished slavery only for it to be reimagined as a prison industry that is a new systemic form of oppression. That is something I consider to be an illusion of progress. Also, how do we expect to make any real progress when the electoral college is a hot mess?! Two of our last three presidents did not win the popular vote! Different branches of the government are overstepping their powers. Voter suppression is rampant. Nine people have disproportionate power over our basic human rights. And communities of color, women, people with disabilities, LGBTQIA folx and immigrants have their rights violated on a daily basis. Thank you.

MIKE:

Keep, you have 30 seconds to cross examine.

HEIDI: Our document was designed to make the changes you want to make. Why are you willing to risk all of our lives instead of just passing an amendment?

ROSDELY: We haven't passed an amendment in my lifetime. We've been trying to pass the Equal Rights Amendment for 100 years, Heidi.

HEIDI: We're one state away. You wanna stop now?

ROSDELY: We're not one state away. The time limit has expired.

HEIDI: The Constitution that you love doesn't say anything about time limits for Amendments. There's no reason the time limit can't be revoked.

ROSDELY: You really think that's going to happen?!

HEIDI: I believe it's possible, yes. Thanks. Okay, let me ask you this: What is to stop private lobbying organizations like the NRA from influencing this document with their money?

ROSDELY: That's exactly why we need a new constitution. To stop big corporations who are using their money to tilt the boat that is our laws.

HEIDI: How? How are you going to stop them?

MIKE rings the bell.

ROSDELY: By making a new constitution!

MIKE:

Time. Keep! You have one minute for rebuttal.

HEIDI:

Judges, I agree that we have moved backwards on some issues but if we throw out this document, we throw away progress people have fought and died to achieve. If we abolish the Constitution tomorrow, here is what would happen: Same sex marriage would be illegal in 14 states. Abortion would be illegal in 30 states. Segregation would technically be legal in 32 states. The only thing protecting most of us right now is this Constitution. And the only thing holding us together right now, at a very divided time, is a collective faith in this document. Yes, you and I might interpret it differently, but without it we risk complete collapse.

Judges, Abraham Lincoln said the people should not throw out the Constitution, but to throw out the men who abuse it. Thank you.

MIKE:

Abolish, you have 30 seconds to cross examine.

ROSDELY: Would you agree that this Supreme Court could roll back most of the rights you just listed even if we keep this Constitution?

HEIDI: I think it's unlikely because Supreme Court precedents are very strong and extremely difficult to overturn.

ROSDELY: But it has happened. Didn't it just happen recently?

HEIDI: Yes, but—

ROSDELY: How long is it gonna take to write a climate change amendment? At this rate, we'll be extinct.

HEIDI: I don't think it will take longer ratify that amendment than it will to write a whole new Constitution.

ROSDELY: Out of the 4,500 words and 27 Amendments in the Constitution, is the word "woman" even mentioned once?

MIKE rings the bell.

HEIDI: Uh, no.

MIKE:

Time. Each side will have one minute to conclude. Starting with abolish.

ROSDELY:

Being a young brown girl in modern America, I never really thought about the Constitution that deeply. I had other things to think about: friends, conspiracy theories, Netflix and food. I now realize that the Constitution's harms outweigh its goods. And this is why we need to get rid of it.

The Constitution was a radical upstart visionary document created by passionate people like James Madison and Gouverneur Morris (Google him!) who were trying to envision a new beginning and a framework for making change. But today, it is being used by a small segment of the population as a conservative force to prevent change. The farther we get from its inception, the less it speaks to who we are now. This document is old and arthritic.

I am one of this generation's founding daughters telling you what I want for the rest of my life. I want a document that takes action on climate change, that believes that health care is a human right, that protects gender equality, and says that education is a fundamental pillar of our society. So join me, if you will, to take a step together to make a new document that actively protects us all.

HEIDI:

Judges, the truth is that I totally agree with my opponent. In a perfect world, I would make a brand, new Constitution like the one she describes. However, I sadly don't think there's a way to do this without endangering the most vulnerable people in this country.

I also believe that democracy is not something that just happens to us magically because we change a piece of paper. Democracy is something that we have to fight for, that we have to make happen, that we have to keep alive every single day.

The great civil rights activist Diane Nash said: "Freedom is, by definition, people realizing that they are their own leaders." Let's pass a climate change amendment, let's pass the Equal Rights Amendment. Or you know what? Let's run for congress ourselves! Rosdely Ciprian, I am ready to start knocking on doors for you!

ROSDELY: Pandering!

HEIDI:

Fine, I'm pandering. But it's also true. Thank you!

END OF DEBATE.