

Center *for the Study of the* American Constitution

NO. 3: THE LAST DAY OF THE CONSTITUTIONAL CONVENTION, 17 SEPTEMBER 1787

The presence of George Washington and Benjamin Franklin in the Constitutional Convention was critical. They gave the Convention credibility. Washington was unanimously elected president of the Convention, and as such he did not participate in debates. At several critical points in the Convention, Franklin alleviated tension by offering a humorous analogy or suggesting a compromise. (Because he was ill and unable to stand, Franklin had a fellow Pennsylvania delegate read his speeches.) Following the Convention, neither Washington nor Franklin took an active part in the year-long public debate over the ratification of the Constitution; neither was elected to his state's ratifying convention. Washington did not want to appear to be preparing his way for the presidency, while Franklin was simply too ill to serve. Despite their silence, the voices of these two patriots reverberated throughout the public debate over ratification in two documents.

As president of the Convention, Washington signed the cover letter that accompanied the Constitution when it was sent to Congress. (The letter was actually written by Gouverneur Morris, a Convention delegate from Pennsylvania, who also wrote the preamble and decided the final wording of the Constitution itself.) Washington's letter explained the difficulties faced by the Convention and the willingness of the delegates to compromise. He hoped that Americans throughout the country would show the same spirit of amity. Perhaps most importantly, every time that the Constitution was printed in newspapers, as a broadside, or in pamphlets, Washington's letter accompanied it, making it perfectly clear that the illustrious Washington supported the Constitution. Such an endorsement was hard to ignore.

Franklin's last speech in the Convention similarly entered the public debate on ratification. Federalists in both Massachusetts and Maryland asked Franklin if they could use his last speech in their states' public debates. Franklin readily consented and soon the speech was reprinted in newspapers throughout the country. ■

BENJAMIN FRANKLIN'S LAST SPEECH IN THE CONVENTION, 17 SEPTEMBER 1787

I confess that I do not entirely approve of this Constitution at present, but Sir, I am not sure I shall never approve it: For having lived long, I have experienced many Instances of being oblig'd, by better Information or fuller Consideration, to change Opinions even on important Subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow the more apt I am to doubt my own Judgment and to pay more Respect to the Judgment of others. Most Men indeed as well as most

Sects in Religion, think themselves in Possession of all Truth, and that wherever others differ from them it is so far Error. [Sir Richard] Steele, a Protestant, in a Dedication tells the Pope, that the only Difference between our two Churches in their Opinions of the Certainty of their Doctrine, is, the Romish Church is infallible, and the Church of England is never in the Wrong. But tho' many private Persons think almost as highly of their own Infallibility, as that of their Sect, few express it so naturally as a certain French lady, who in a little Dispute with her Sister, said, I don't know how it happens, Sister, but I meet with no body but myself that's *always* in the right. *Il n'y a que moi qui a toujours raison.*

In these Sentiments, Sir, I agree to this Constitution, with all its Faults, if they are such: because I think a General Government necessary for us, and there is no *Form* of Government but what may be a Blessing to the People if well administred; and I believe farther that this is likely to be well administred for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other. I doubt too whether any other Convention we can obtain, may be able to make a better Constitution: For when you assemble a Number of Men to have the Advantage of their joint Wisdom, you inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views. From such an Assembly can a perfect Production be expected? It therefore astonishes me, Sir, to find this System approaching so near to Perfection as it does; and I think it will astonish our Enemies, who are waiting with Confidence to hear that our Councils are confounded, like those of the Builders of Babel, and that our States are on the Point of Separation, only to meet hereafter for the Purpose of cutting one another's Throats. Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best. The Opinions I have had of its Errors, I sacrifice to the Public Good. I have never whisper'd a Syllable of them abroad. Within these Walls they were born, & here they shall die. If every one of us in returning to our Constituents were to report the Objections he has had to it, and endeavour to gain Partizans in support of them, we might prevent its being generally received, and thereby lose all the salutary Effects & great Advantages resulting naturally in our favour among foreign Nations, as well as among ourselves, from our real or apparent Unanimity. Much of the Strength and Efficiency of any Government, in procuring & securing Happiness to the People depends on Opinion, on the general Opinion of the Goodness of that Government as well as of the Wisdom & Integrity of its Governors. I hope therefore that for our own Sakes, as a Part of the People, and for the Sake of our Posterity, we shall act heartily & unanimously in recommending this Constitution, wherever our Influence may extend, and turn our future Thoughts and Endeavours to the Means of having it well administred.—

On the whole, Sir, I cannot help expressing a Wish, that every Member of the Convention, who may still have Objections to it, would with me on this Occa-

sion doubt a little of his own Infallibility, and to make *manifest* our *Unanimity*, put his Name to this Instrument.—■



Photograph courtesy of National Park Service

BENJAMIN FRANKLIN'S FINAL REMARKS, 17 SEPTEMBER 1787

Whilst the last members were signing it [i.e., the Constitution] Doctr. Franklin looking towards the President's Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had found it difficult to distinguish in their art a rising from a setting sun. I have said he, often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun.■

GEORGE WASHINGTON'S LETTER TO THE PRESIDENT OF CONGRESS, PHILADELPHIA, 17 SEPTEMBER 1787

Sir, We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident [the Confederation Congress was a unicameral body]—Hence results the necessity of a different organization.

It is obviously impracticable in the foederal government of these States; to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which

must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. ■



TEACHING TOOLS

Discussion Questions for Benjamin Franklin's Speech and George Washington's Letter

In your view, is there a difference of tone in these two documents? If so, to what extent does the tone of each reveal the differences of personality between Franklin and Washington? To what extent do the different audiences determine the tone of each document?

Franklin expresses several concerns about the actions of the delegates after the Convention. What does he ask them to do? Do you think that he's making a fair request?

Both Franklin and Washington make references to the future. To what extent are their references similar? To what extent are they different?

Franklin believes that other nations have an interest in the actions of the Convention. Washington makes no explicit reference to the international scene. What might account for this distinction?

Lesson Suggestions

I. Could You Repeat That?

(Two Suggestions for Translating the Documents)

Option I

1. Divide the class into groups of 3-5 students.
2. The groups should be given excerpts from the documents. Instruct the groups that their task is to provide casual English "translations" on the right for document excerpts on the left. Translations should be thorough but not word for word. See the example below from Franklin's speech. Some teachers may want to use shorter excerpts from the documents than those provided below.

Example from Franklin's speech:

"I confess that I do not entirely approve of this Constitution at present, but Sir, I am not sure I shall never approve it: For having lived long, I have experienced many Instances of being oblig'd, by better Information or fuller Consideration, to change Opinions even on important Subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow the more apt I am to doubt my own Judgment and to pay more Respect to the Judgment of others."

Translation: I'll admit, I don't think everything about the Constitution is right, but I might eventually think so. Since I'm old, there have been a lot of times when I changed my mind because I learned something new. That's why the older I get the more I question my own ideas and listen to what other people have to say.

Excerpts from Franklin's speech:

"I doubt too whether any other Convention we can obtain may be able to make a better Constitution: For when you assemble a Number of Men to have the Advantage of their joint Wisdom, you inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views. From such an Assembly can a perfect Production be expected?"

Translation:

"It therefore astonishes me to find this System approaching so near to Perfection as it does; and I think it will astonish our Enemies, who are waiting with Confidence to hear that our Councils are confounded, like those of the Builders of Babel, and that our States are on the Point of Separation, only to meet hereafter for the Purpose of cutting one another's Throats."

Translation:

"Thus I consent to this Constitution because I expect no better, and because I am not sure that it is not the best. If every one of us in returning to our Constituents were to report the Objections he has had to it, and endeavour to gain Partizans in support of them, we might prevent its being generally received, and thereby lose all the salutary Effects & great Advantages resulting naturally in our favour among foreign Nations, as well as among ourselves, from our real or apparent Unanimity."

Translation:

“On the whole I cannot help expressing a Wish, that every Member of the Convention, who may still have Objections to it, would with me on this Occasion doubt a little of his own Infallibility, and to make *manifest* our *Unanimity*, put his Name to this Instrument.” *Translation:*

Excerpts from Washington’s letter:

“Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved.” *Translation:*

“In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence.” *Translation:*

“That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others.” *Translation:*

2. After each group has completed its translation, have the groups share their work with the entire class.

3. You may then ask the groups to consider the issue of audience. Have students make changes to their translations if they were presenting it to:

their friends

their parents

their English teachers

their science teachers

Option II

Another way to have students demonstrate an understanding of these documents would be to have them turn them into limericks. For example, a student could turn Franklin's speech into:

Franklin arose at the Convention
 without regal pomp or pretension
 speaking from his heart
 saying before we depart
 put your names on this flawed Constitution

II. Folksy Franklin**(Thinking About the Analogies in Franklin's Speech)**

1. Divide the class into groups of 3-5 students.
2. Distribute a chart similar to the one below and explain that the class will be looking at Franklin's use of analogies to prove larger points. Students could also brainstorm in their small groups other possible analogies that would illustrate the same point Franklin was attempting to make in his speech.

Franklin Analogy	Franklin's Larger Point	Alternative Analogy (Optional)
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Sir Richard Steele

The French Lady

3. You can have groups report to the entire class their discussions and especially their alternative analogies.
4. As an additional exercise, you may want to look at Franklin's second paragraph where he makes larger points without the corresponding analogies. Using the chart below, you can have students brainstorm in their small groups some analogies that would illustrate Franklin's larger points. After

the groups have completed their brainstorming session, have each group share its findings with the entire class.

Franklin's Larger Point

Possible Analogy

Perfection in a constitution is impossible

All people have prejudices

The virtue of the people is critical for the success of government

The importance of the delegates not criticizing the Constitution after the Convention

The importance of showing unanimous support for the Constitution

III. Who's Speaking?

(Thinking About the Singular Voice and the Collective Voice)

1. Divide the class into groups of 3-5 students.
2. Distribute a chart similar to the one below.

Pronouns in Franklin's Speech

Pronouns in Washington's Letter

Singular

Singular

Plural

Plural

3. Have students read both documents and tally the number of times that singular and plural pronouns were used.

4. After students have filled in the chart, you could have the entire class discuss the following questions:

Why do you think there is such a difference in the use of pronouns in these two documents? Is the audience a factor that might account for these differences?

When listening to a persuasive speech, are people more prone to listen if the speaker makes personal references, or are they more prone to be persuaded if the speaker avoids personal references?

IV. Is Compromise a Strength or Weakness?

(Thinking About Washington's Request)

1. Have students read the following excerpt from Washington's letter:

"Individuals entering into society, must give up a share of liberty to preserve the rest. . . . It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved."

2. You could lead a discussion using the following questions:

What are the strengths and weaknesses of this view?

In your opinion, what liberties are negotiable? Which are not?

3. If you have previously had lessons on the compromises at the Philadelphia Convention, have students make a list of the issues that forced individuals to compromise or surrender their opinions for the greater good. Some of these might include:

equal or proportional representation for each state

having three-fifths of the slaves counted for state representation

the length of terms of elected officials

having a single versus a plural presidency

the bicameral legislature

prohibiting Congress from banning the African slave trade before 1808

4. Each group should discuss whether it thinks those compromises were necessary for the sake of preserving the Convention or preserving the Union.

An Extension Activity

For younger students, you may want to have them share a time in their lives when they had to compromise for the greater good. What did they have to give up? What did they gain?

For more advanced students, teachers might bring in a current event story that deals with sacrifice of this kind and engage students in a discussion of the compromise at hand, about what the actors in the story are sacrificing (whether by choice or not) and why.

Vocabulary

Franklin's Speech

1. *sects*: denominations
2. *despotism*: tyranny, absolute power, a cruel and oppressive government
3. *prejudices*: personal opinions, preconceived notions
4. *confounded*: overwhelmed, stymied, stalled, obstructed
5. *builders of Babel*: a story in the Bible in which a large group of people try to build a tower to heaven. Upset with them, God destroyed the tower and made the people speak in different languages so that they could not cooperate.
6. *partisans*: supporters of a particular cause
7. *salutary*: beneficial, promoting to some good purpose
8. *unanimity*: unity, agreement
9. *procuring*: getting, obtaining
10. *posterity*: future generations
11. *vicissitudes*: changes in, variations of

Washington's Letter

1. *effectually vested*: entrusted to, given to completely
2. *impropriety*: irresponsibility, mistake, foolishness
3. *impracticable*: impossible, not workable
4. *sovereignty*: the power to make final decisions
5. *consolidation*: brought together into one large unit
6. *felicity*: happiness, joy
7. *impressed*: instilled in, emphasized
8. *amity*: friendship, agreement
9. *mutual deference and concession*: respect for others' opinions, willingness to compromise
10. *peculiarity*: special circumstance
11. *approbation*: approval, praise
12. *welfare*: happiness, success, health