



[00:00:00] **Jeffrey Rosen:** I'm Jeffrey Rosen, president and CEO of the National Constitution Center and welcome to We The People, a weekly show of constitutional debate. The National Constitution Center is a nonpartisan nonprofit chartered by Congress, to increase awareness and understanding of the Constitution among the American people. During the summer of 1787, the Constitutional Convention was well underway. And today, we discuss Benjamin Franklin and the Constitution Franklin, the first American in the words of our two great Franklin historians today played a central role at the Constitutional Convention that's often underappreciated.

And it's such an honor to discuss Franklin's contribution to the Constitution with two of America's greatest historians of Franklin and two of the authors of the greatest books written about Franklin, which I'm so excited to share with We The People listeners. Ed Larson holds the Hugh and Hazel Darling Chair in law and is University professor of history at Pepperdine University. He is the author of Franklin & Washington: The Founding Partnership. Ed, it is wonderful to have you on the show.

[00:01:18] **Ed Larson:** Thank you so much. I'm your pla- your center is a national treasure.

[00:01:24] **Jeffrey Rosen:** Thank you so much for that. And H. W. Brands is professor and Jack S. Blanton Sr. Chair in history at the University of Texas, Austin. He is the author of The First American: The Life and Times of Benjamin Franklin, which was a finalist for the Pulitzer Prize in History. Bill, it's such an honor to have you as well.

[00:01:44] **Bill Brands:** Well, Jeff. I'm delighted to be with you and Ed and I look forward to a good conversation.

[00:01:49] **Jeffrey Rosen:** I've learned so much from both of your books, Franklin and Washington and The First Americans. I want We The People listeners to learn from them as well and I'll, I'll just begin by asking you to some up Franklin's contribution to the Constitutional Convention. Ed, what would you say Franklin's contributions work?

[00:02:11] **Ed Larson:** Well, Franklin was the host. He was the governor or president. It was the exact title of Pennsylvania. So he was the host of the event and a wonderful host, often with the, with meetings at his home inviting people over. He lived only a couple blocks away from them from where they met and he could meet with them under his mulberry tree or up in his new new ... He just added a wing to his house, that was lovely. And so in that sense, he contributed and I'm sure Bill has much more to say about that. His book just captures that so beautifully.

I also would say though that he had a vision for a federal union and certain powers that needed to be with the central government. I mean a federal union was something new sort of and it goes all the way back to his Albany plan. So it goes back 20 years, 15 years and he's had this consistent view that the central government needed certain powers, which included control over interstate and international commerce. So he could grow the economic pie. He had that vision because he had print shops all over the colonies. And he knew they needed to break down these, these barriers because each state was essentially a separate economic union.



Also power to deal with the Native Americans, to deal with the, to open in the frontier over things about military power, over international power so our investors could have effective control and the power to tax and spend for the general welfare. Now, those are important powers and they didn't exist under the old articles of confederation and he knew those were needed.

So we brought that vision, he brought the sense of compromises and I'm sure we'll talk about how he was the leader in working the compromises. And finally, he was one of the two truly national figures with, along with George Washington. And for my study of the ratification process, it would not have been ratified without his committed support and critically, he represented a distinctly different ideology. George Washington, I would say, would be some- viewed as somewhat right of center. Franklin is viewed as left of center and he was about the only trustworthy person who might have become an anti- anti-Federalists who didn't.

And his support of the constitution as reflected in his closing speech, which was published the only, the only thing from the convention that was published at the time published nationwide, that was critical for ratification.

[00:04:50] **Jeffrey Rosen:** Thank you so much for that. You've emphasized Franklin's commitment to union to compromise, the fact that he was a nationalist who was left of center. And in your wonderful book, you call him along with Washington, an enlightenment pragmatist whose sense of compromise was crucial to the fact that convention was passed. Bill as Ed says your book so beautifully brings us to Philadelphia, gives us a sense of what the streets felt and smelled like and how Franklin was walking there tell, tell us about the role he played as host and also the crucial role of his temperament in making the Constitution possible.

[00:05:25] **Bill Brands:** Sure, I'd be happy to but first actually, I want to build on what Ed said about Franklin's vision. I think this is absolutely critical because Franklin was, he had been a reluctant revolutionary. Franklin had been a great fan of the British Empire. And he had hoped that the British Empire could become enlightened enough that it would find room for a growing America. And that America, and Britain could become the twin pillars of this Atlantic spanning empire. And he was grievously disappointed when British officials to his way of thinking were too short-sighted to be able to embrace this.

So Franklin had seen the American colonies, now the United States grow from very little in the early 18th century. He was by far the oldest delegate to the Constitutional Convention. And so he had seen in his lifetime the growth of this. And he assumed that it would continue to grow. And so he understood the need for and the potential in this Federal Union that they were putting together at, at Philadelphia because there had to be room for growth, there had to be room for new state to enter this thing.

So there had to be accommodation for what was going to happen, not just next year or next decade but the next century. He have lived most of the century himself. The other thing he brought, you refer to this as, as Franklin brought a certain temperament to the proceedings at Philadelphia. The, the driving spirits were ambitious young men like James Madison, and



Alexander Hamilton. They had much of their political futures ahead of them. Franklin's political career was behind him. He knew this his life ... most of his life was behind him. He knew this was sort of his Swan Song and so he wanted to remind the delegates that things don't turn out as you expect. So you have to make accommodations for that, that in the real world, as opposed to the world of your ambitions or your dreams, you have to make accommodations, you have to make compromises. Nobody gets everything that he wants.

And, and, and strikingly, I sort of to, there's a moment in the convention when Franklin says, you know, we really ought to open these sessions with a prayer. And this would seem out of character for people who knew Frank and from way back. When he was young man, he was almost an atheist. And then he became an agnostic for a while. But this really said less about Franklin's view of higher powers than his desire to convey a reminder to those individuals at the convention who tend to be pretty full of themselves, that they need to step back and, and take on a little bit of humility.

Franklin, as you said was the host, as Ed said was the host of the convention. And he, i- in fact, he was the only one who might have disputed with George Washington to be president of the convention, and that was quite an honor. This was a big deal but he, he, he stepped aside in Washington's favor. In part because he suspected as did many people at the convention that Washington would be the first chief executive of this new government, and Franklin was too old for that. He wasn't well enough for that, but it was just, it was also to set the tone that no, in this convention, we're not going to grab what we want. We're going to do what's best for the country as a whole for this, this new government were the, that we're designing.

[00:08:56] **Jeffrey Rosen:** Thank you so much for all of that and your wonderful emphasis on Franklin's sense of compromise and the fact that he changed his view about Britain is captured at the very beginning of your book, which begins in January 1774, where he's sitting in the cockpit in Britain being investigated by the House of Commons for his role in revealing letters of Thomas Hutchison and that sense of personal humiliation changes his sense of allegiance. He no longer views himself as a, a British subject, but as indeed, the first American.

Ed le- let's, let's stay at the convention, with, with Franklin's substantive contributions and dig into several of them. He, he didn't speak frequently but his interventions were significant and one of the major ones had to do with the role of the executive. Tell us about Franklin's own experience as president of Pennsylvania and how that influenced his views on the executive at the Constitutional Convention.

[00:10:00] **Ed Larson:** Yes, he didn't speak much, that's correct. But that was not just at the convention, that was his style. Franklin was one of those, you know, one of those amazing people like an Isaac Newton or a, or a or a DaVinci that were just like they come from another planet. They're are so smart and they're, I mean, they're just un- it's unworldly. There wasn't anybody like him and hi- his whole life, he had learned that the way to succeed was to shuffle his ideas off to other people. He wrote about that.



So he would try to bring in allies and then shuffle ideas to them and let them propose it. He did that all his life because he had all the answers. He was truly an amazing person in that way. And so yes, he didn't speak much but he had all the answers. And a lot of the key compromises actually come from him but he shuffles them to other people to where they're more effective because he never, he was comfortable in his own skin. He was like Washington in that respect so he didn't need the credit himself.

Now, on the presidency in particular, you raise, that's where he had less success because if you look back at the convention, it started with the Virginia plan, which apparently he had a ... according to the best documents we had, he actually had a role in, in drafting it. That was sort of the Pennsylvanian and the Virginians jointly worked on that proposal beforehand while they were waiting for a quorum. And it would have been much more like a, a European style democracy if we followed through because the original Virginia plan had Congress picking the president, sort of like happens in in most parliamentary democracies.

Now before term that they pick them and that would have shifted things. And so the battle was always how to design the presidency. In fact, the toughest thing for the delegates, the toughest single thing, there certainly were issues over slavery and there were issues over the Senate whether it comes from the states or is picked by the, the, the lower house, but the presidency devoted more time than any other single issue. And they were battling over, you know, Eng- one of the problems was England that King George was a problem . And they had this history of a too powerful executive but then they went the other way and had a lot of weak state governors and of those weak state governors, the only one who could make their state work when he was governor or president was the actual title was Franklin. Franklin is a very successful Governor. He made Pennsylvania work, but that was the strength of his character, the way he could make all the parties work.

Most of the week, governorships didn't work where the strong governorships like New York Governor Clinton or Massachusetts, they were more successful. And so there was a debate over how strong that we want to make the presidency. And so there was a push for a strong presidency that Washington always supported because he too figure as you suggested, he too figured, he'd be the first president.

And do we want a weak presidency, which Franklin always was afraid of too strong a presidency. He believed in popular democracy. He wrote that he or was a key person in drafting the constitution for the, the first constitution for the state of Pennsylvania and that put all power in the lower house legislature or most power. And a weak governorship worked well for him when he was governor, didn't work for others.

And so he was constantly questioning, we're creating the presidency as they kept adding powers to the presidency over the course. Pushed by Washington, pushed by Madison, pushed by Gouverneur Morris, or, or, or Wilson he kept pushing back and he pushed for, he pushed to have a, a impeachment. He pushed in general to have a, a weaker presidency. He pushed a variety of things to try to have a council to limit a presidency. Of course, some of his other people who balked, who worked with him wanted, a, a, a [trion 00:14:34] presidency, a, a joint presidency of three. And with Mason and Randall pushing that.



And he was usually on their side. So he questioned, he was afraid of concentrating too much power in one person on but, and that if you looked over it, when I looked it over, the main thing he lost on was the presidency.

[00:14:43] **Jeffrey Rosen:** Bill, you note that Franklin's first speech as president addressed, the question of how the executive was to be paid. You quote Franklin as saying there are two passions which have a powerful influence on the affairs of men. These are ambition and avarice, the love of power and the love of money. Tell us about how that view influenced Franklin's conception of the presidency along with his own presidency of Pennsylvania, and what his contribution to the presidency was.

[00:15:11] **Bill Brands:** Franklin took ambition pretty much as a given in the motivation of people who go into politics. They go in because they want to have an effect on their world. They want power, if you want to call it that. Avarice was something else because he had dealt with British officials spent a lot of time in France, too where people who were in government or connected to government expected to line their pockets.

Now, Franklin's, the takeaway the Franklin had from this was we probably can't eliminate ambition but maybe we can eliminate avarice. And Franklin recommended that federal office holder serve without pay. Now, to RI, this is sort of charmingly naïve. Really you expect these people to work without pay. It was easy for Franklin to say. Franklin was well, he was, his business ran by itself by the time he was in his mid-40s. So he could turn his attention to science, to public affairs and he had an assured source of income. And he looked sort of on himself as a model for this because he didn't want people to go into the government for whom this would become their livelihood. This was their source of income.

What he in effect was saying, without maybe reflecting on it sufficiently was, basically this then will be a government by the wealthy and Franklin probably would have thought that's not such a bad thing. But Franklin, Franklin, again, is in another way, a real sort of enlightenment 18th century figure, rather than let's say a 19th century figure where he believed that a Republic required virtue in citizens and in elected, and other officials. And without Republican virtue, whatever they did to the constitution convention would probably fail.

And so this motivated the, the statement that he was said to have given shortly after the convention concluded when he was met on the streets of Philadelphia by a woman who lived in the city and asked, "Dr. Franklin, what have you given us?" And he said, "A Republic, madam, if you can keep it." So this is what we've done at the convention. This is what I and my generation have done with our lives. Now you've got to keep it but it's going to require virtue to keep this thing going.

Now this in contrast to let's say people maybe more of a, a bent of Alexander Hamilton and even James Madison at times who thought that no, the institutional checks would keep the avarice office holders under control. So you couldn't count on people to be virtuous. You sort of had to count on to be best for ordinary people or at e- and at worst, maybe even, you know, selfish. And so you have to build in to the system, checks on average, checks on ambition.



So in this regard, Franklin, as sort of as modern as he was in many other things was a bit of a throwback to an earlier time and, and imagined a government ... Well, I don't think any of them imagine the government of a nation- a nationwide, Republican of 300 million people. I think this was beyond their conception. They were thinking of this relatively small community. And, and I think that one of the thi- like we, we look on their handiwork as something that has lasted these two centuries plus. But I think that any of them would have been astonished to think that the country that they created would still be living under the same Constitution. I sometimes think they, they would have thought, "Boy, have, you no ideas of your own?" But that's sort of the story.

[00:18:57] **Jeffrey Rosen:** Thank you so much for that and for reminding us of Franklin's central emphasis on virtue. As you note in his final speech at the convention he said, "When you assemble a number of men to have had the advantage of a joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinions, their local interest, their selfish views and th- this Republic will only survive if the people are virtuous.

Ed, can you expand on Franklin and virtue? Of course, he famously in his autobiography, proposed a program of 13 virtues that people should cultivate every day in order to master their unreasonable passions with reason. He derived this from his classical reading of Defoe and Cotton Mather as well as Pythagoras. So tell us about the connection between Franklin's youthful explorations of virtue and the connection between virtue and happiness. And his belief that the Republic could only survive if the people were virtuous.

[00:19:56] **Ed Larson:** I certainly agree with what Bill said and you say about virtue. There was this sense of Republican virtue because he saw France. He saw England. He saw corruption among the American people and he had and we have to go back that being a Republic was something new under the sun back then, that, that's a phrase they used. I mean you had the Santons in Switzerland I suppose. You had sort of a [dows 00:20:48] a little bit in, in, in the Venetian Republic, but and you could throw back all the way to the Greeks but that was a funny sort of democracy back in the Greeks. Only a few people participated in it, not what they were thinking because Washing- fro-

Another thing, Franklin wanted was a very broad franchise. He wanted basically all adult males to vote and he probably would have been okay with women voting as they did in New Jersey. So he wanted a broad franchise, nothing like Greece had, ancient Greece had. So he did believe deeply that only just as Bill said, that only virtue could make this work. No institutional checks would suffice.

And if you remember, you quoted from his closing speech and I love his closing speech. I wish it was read every year at an event because it's such a beautiful thing. But he also says in there that this government will end in tyranny as others do when the people no longer deserve otherwise or no longer insist on otherwise. He thought that this constitution mostly because of the president was too powerful, would lead to a dictatorship someday when people lost virtue.



And that's one thing he admired of Washington. He strongly supported Washington to be the first president because for all their differences and their have big differences over slavery, for example. So we're very open. He thought Washington had this Republican virtue that he valued. Both of the men, it wasn't just Franklin. Franklin studied virtue and how to live a virtuous life when he was young but so did so did Washington. He wrote a book, one of his only things or he copied a book about virtue.

They both look to be how to be virtuous and they both wanted to cultivate vir- a virtuous populous. And they thought since Republican government was something new under the sun, they had to figure out how to cultivate this sense of virtue. And then that they differed from those who, who thought that some sort of institutional checks and balances. He thought that it was too powerful a presidency and that the president could push it.

He did throw this idea out about the president at least not being paid, maybe senators, not being paid. He figured there'd be ho- other ways that they'd make enough money. And you did have the example that what Washington and Franklin, actually Franklin contributed his salary during at least part of the Revolution to the veterans. Washington didn't take a salary but Washington more than made up for not getting that salary by his incredible cost because he did charge the co- all of his, all of his expenses, and he had very high expenses. So he did okay on all that.

But they were similar in the sense that both of them had a states that could churn out money just as Bill said. He had a print shops around and Washington, of course, had his plantation that and other lands that were ready sources of incomes. And it was an unrealistic scheme to not have any pay. I agree with exactly how Bill said it, but that was his concern and he figured at least at the presidential level, maybe we'll get a better cl- class of, of leaders if we do, not pay them because he did think the love of money and the love of power were the two most dangerous aspects in the human nature.

[00:23:58] **Jeffrey Rosen:** Thank you for connecting Franklin's emphasis on virtue to his views, not only the presidency but of the franchise. As you note in your book on Franklin and Washington, Franklin wanted as broad a franchise as possible. Although he never said, if it should include women and Native Americans. He said we should not depress the virtue and public spirit of common people, the sons of a substantial farmer should not be disenfranchised and you know, the convention split the difference by confirming that in each state the house voting qualification should be the same as those voting in state assembly. Bill on this question of Franklin virtue and the franchise, first tell us ho- how did, what was Franklin's understanding of, of public virtue? We know that for private virtue he thought it was cultivating the classical virtues of temperance, courage, prudence and fortitude. And did you have a similar conception of public virtue? What was it in particular and, and how did it relate to his conception of the franchise?

[00:24:57] **Bill Brands:** So I think Franklin's golden rule of public virtue was do under the community as the community would have done unto itself. So put the interests of the public welfare ahead of your own personal interest. Now, Franklin was one who had been very good in the course of his life in aligning his own interest with the interests of the community.



So when Franklin for example, ha- as an, a printer, back in his days as a printer, when he advocated that Pennsylvania should be able to issue paper currency. Well, this would be great because he thought there were the economic reasons for it, and why there needed to be more circulating currency in all this. But Franklin also knew that if the, his proposal were approved, he would probably be the one to get the printing contract because he was the ablest printer in Pennsylvania.

Franklin, even before that, he was part of a group to propose a lending library. And so the members of the lending library group, they would pool their resources. They would make a list of book purchases. They would send it to London and then the booksellers there would fill it out and then send the books. And Franklin believed that this would enhance the welfare, the, the literary level of people in his circle and in Philadelphia. At the same time, of course he'd get a chance to read all these books that he can see otherwise.

And for Franklin this, I mean some people might have called this opportunistic or maybe even hypocritically, you take your own private interests and you mask and you parade them as public interest but I think Franklin was, said, "No. In fact, that's just putting it quite wrong. It is the mark of the good citizen to align private interests with public interest." And this was one of ... This is actually one of the founding principles of the whole idea of Republican Liberty, that when individuals make see as good for themselves will be good for the community.

Now, it's not coincidental that one of Franklin's acquaintances from his time in Britain was Adam Smith who in his book *Wealth of Nations* explains in detail how this pursuit of private individual self-interest conduces to the public welfare. Smith was talking primarily in the economic sphere. But Franklin saw much the same principle at work in the political sphere as well.

And so for Franklin, I mean some people would say private virt- especially in those days, they would have said the private virtue requires a certain religious view and maybe even a certain sectarian view that people had very strong religious and sectarian views then. Franklin, for Franklin that none of that. And for Franklin, he might have said that there was some kind of link between private morality and so you, were you good to your children, did you cheat on your wife or something like that and public virtue but that wasn't the heart of it.

The heart of it was, are you willing to see what is in the public interest and are, are you willing to put the public interests ahead of your own personal and private interests? And again, this goes back to the fact that Franklin was in a position in his life where he really didn't have to pay much attention to his private pecuniary interest. He was, he was set for life and so he could put the public interest foremost but it was going to be more of a problem for younger generations who didn't have the benefit of that prior business success that Franklin had before he went into public life.

[00:28:20] **Jeffrey Rosen:** Are you willing to put the interests of the public before your private personal interest? A Superb definition of virtue for Franklin and indeed as you note in his autobiography when Franklin proposed the ideal prayer, it was that wisdom that discovers my truest interest rather than for any particular blessing miraculously to happen.



Ed, you discussed this as well and of course, Franklin's notion of virtue and the spiritual evolved. He wrote a brief pamphlet as a youth that was considered atheistic, if not theistic, he, he recanted that. And at the convention as you both know, the fa- famously suggested that that the delegates invoke the Providence of the Divine. A proposal that, that wasn't ultimately adopted.

So give us a sense of the evolution of Franklin's spiritual beliefs, over the course of his life culminating in that call for prayer at the convention and how it influenced his views about public virtue.

[00:29:21] **Ed Larson:** Well, as for the prayer in the convention, I view that as a little, as sort of like Bill does, you know that was a little bit of just a pragmatist throwing out figuring that if, if, you know, prayer would sort of unite them and calm them down as opposed to the prayer, actually, having spiritual effect, but that's not to say he wasn't religious. I do agree that there was a distinct evolution. I would not call him a deist. He was a Unitarian. He believed in Providence. He believed in an active God. This is ref- He believed in an afterlife. This is reflected on his tombstone, but in so many of his comments in that, he was very similar to George Washington. Neither were conventional Christians, neither believed in the Divinity of Christ but they did believe that there was an active God.

And this is where I mean, Jefferson, I think later came around to this new point, but the Jefferson would not have been there then. Where I would call him a providential theist if I had to invent a term he believed in an act of God who actually intervened and he repeatedly wrote in private letters and also in public comments, but private letters that were believable that the revolution would not have succeeded if God wasn't on their side, that there was a Providence acting.

And Washington expressed this about the constitution convention but so did Franklin, that the pulling together of the union that God has a special place for America. And that was a sense of, of how he viewed the future prospects, the, the success of the revolution, which was almost a miracle and the success of the Philadelphia, which was almost a miracle. Frank- Washington used that term but Franklin used similar terms.

And so he had a deep sense of an abiding God that cared about these virtues and that cared about America as a possible new experiment of where the world could go, that America was going to be a model. No longer England. He did had that great sense of England and the, and a transatlantic union earlier in his life, but now it was America that was going to be a model for the future to bring the people, bring the, the people of the world, at least, the people of Europe to a, to a higher more Republican status that was reflected in the various writers in the enlightenment.

He wasn't, he did deeply believed in the enlightenment, but the enlightenment did not lead him away from God. It led him to this sort of God that Joseph Priestley, who became a good friend, would have been probably the main proponent of that people know the theology of Priestly. Priestley was in England and then came to America and would have been considered one of the founders of Unitarianism and that's where Franklin was. And that



sense came out, yeah, in his call for prayer, but his call for prayer I think was also a pragmatic device.

We see so often in his virtue, I love the way Bill described it, that here was a man who deeply believe. Yes, he did get rich. He be- he worked, came from nothing, an indentured servant and found his own way to wealth. But he believed that, that was working with the wealth. It was improving the entire state or colony, state, the union that there was a, there was a, a, a ... these work together, that he wasn't taking away from the greater good, he, by his own success, he was adding to it. And that was his sense of of Republican virtue and his sense of promise.

He, he had a tremendous optimism. He was an optimistic figure. He thought America was getting better, would open to the West, would add new states and would become something, new and great under the sun.

[00:33:34] **Jeffrey Rosen:** Thank you so much for that, that powerful phrase, a providential theist as you call it, is supported by Franklin's words at the convention where he says, "The longer I live, the more convincing proofs I see of this truth that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice is it probably that an empire can rise without his aid?" Bill, can you give us your thoughts on the evolution of Franklin, spiritual beliefs from his youth where he's resisting the rigors of Cotton Mather's predestinarianism and, and focused more on imitating Jesus and Socrates to the more theistic views that he's expressing at the convention?

[00:34:16] **Bill Brands:** Yeah, so when I was researching and writing about Franklin, I sometimes thought that you could take Franklin out of Puritan Boston, but you couldn't quite get the Puritan Boston out of Franklin. So he ran away from home in large part in rebellion against his brother, against ... Well, here was this really bright young man who couldn't see his way forward ahead at the age of 17 against the, the authorities that were in power then and there. And he found his way eventually almost by happenstance to Philadelphia, which turned out to be a, a wonderful place for him because it was very open to all sorts of people and folks there didn't inquire too closely about well, what brings you here and did you break your indentures upon leaving? Are you a runaway or what?

And so Philadelphia was this very congenial place but, but Franklin had this restless mind and the fact that he was largely self-educated meant that he had to find his way to and through these various approaches to the relationship between humans and whatever greater powers exist in the universe and beyond. And so he tried his hand at atheism and it didn't quite work and it didn't stick. And it, it just and I think there was just sort of something about Franklin's background and upbringing that there was, there was this sense that there has to be something somebody sort of watching out for us. And it's, it's hard to know where Franklin had lived post Darwin. You know maybe like a lot of other people, maybe he would have taken a different view of this, but, but just to explain, not simply so that the, the physical things you see around the world but Franklin, I think believed in, he observed, thought he observed in human beings, a certain set of sort of values of belongings. What is it



that, that people are trying to do? What are they responding to? And where does this come from?

And I think Franklin found in himself that he got the greatest satisfaction out of doing something that benefited the community and Ed pointed out that, that Franklin was one who realized that sometimes people got tired of hearing of Franklin's latest great idea. So he would hand the idea off to somebody else and say, "You propose it." And Franklin really didn't care for the, the reputation that came from it. He was securing himself and he just wanted to see how this thing turned out.

And actually on this subject of, of reputation and Ed alluded to this, that one of the things that Franklin brought to the Constitutional Convention that almost nobody else brought was a world reputation. George Washington was starting to get it, but I've sometimes thought if there had not been an American Revolution, if things had gone on smoothly between the colonies and Britain.

Which of the founding fathers would the world have heard of? And the only one we can really guarantee is Franklin because the world had heard of Franklin before all this started. He was this world famous scientist. George Washington would have been a planter in Virginia and Thomas Jefferson might have built his Monticello and all that and, but, but Franklin had this world reputation. And so one of the things that Franklin brought to the convention was the eyes of part of the world. People who knew and many people who love Franklin in France, they were looking to the United States.

Are the Americans going to pull this off? And this of course, is just a couple of years before the outbreak of the French Revolution and there are folks in France who are wondering, "Can a Republic make it? And they had applauded America's revolution against Britain in part because they didn't like Britain. But in part because they wanted to see if this Republic could work. And they were dismayed when the Republic, American Republic fell on hard times during the 1790s. And it looked as though, you know, maybe Republics don't work in this modern world.

And so then they hear about this convention in Philadelphia and, you know, they got their fingers crossed. They're rooting for the convention because they, they were rooting for Franklin. And so Franklin realized that in a peculiar way, the eyes of the world, and he says this, the eyes of the world are on us. And so you know, we got to make this work. Otherwise, there might not be a future for Republicanism.

And by this time, Franklin had become pretty ecumenical in his religious, and I was saying his religious views exactly. He did partake of various things but certainly in his support of different religious denominations. He regularly contributed to almost all the religious sects and denominations in Philadelphia simply because he thought it was good. It was a contributor to civic virtue, there was enough overlap between religious virtue and civic virtue that he thought, making sure that the, the churches, the synagogues. And so on are doing well, would help the Republic to do well.



And the last thing is that Franklin, Franklin was never too sure of himself and to- toward the very end of his life, he was asked about his religious views. And he said, "You know, I've talked about this over the years but I don't really want to get into it right now because it'll rile people up." And then he said something that he got to sort of habit of saying toward the end of his life is, "You know, I'm going to know the answer to this for certain before too long. So I just want to go out of here at peace with everybody."

[00:39:46] **Jeffrey Rosen:** Wonderful expression of spiritual and intellectual humility, which helps us both understand Franklin's repeated statements that only virtuous people are capable of freedom and that extraordinary expression of humility with which he ends the convention. And we'll talk about that in a moment but before we do that, we need to dig into his other substantive contributions at the convention. So Ed, tell us about his crucial role in what's known as the Connecticut Compromise splitting the difference between the proposal of the big states and the small states about representation.

It's often attributed to Roger Sherman, but Franklin was crucial in pulling it off. So tell us what he did.

[00:40:27] **Ed Larson:** Franklin was initially a supporter of Virginia plan, which would have made the, the Senate as we now call it appointed by the lower house, and the lower house would, of course, be representative of the states. And therefore, under the system, the big states Pen- back then, Pennsylvania, Massachusetts and Virginia were the three big states, New York would be next. They could, you know, they would have had majority control in those days. And the small states objected and said, "No, no, yo- you'll, you'll, you'll take our money. You'll, you'll, you'll take our power. You'll destroy us."

And, you know, Madison very properly said, "Well what's got, what does Virginia and Massachusetts have in common? They're not going to line up on anything once li- ..." He thought, Madison thought the big difference was slavery. Yeah. It's a slave state and a free State. It's a manufacturing state or coming manufacturing tra- trading state versus agricultural state. They're not going to line up.

Madison was right on that point. But Franklin was there at the beginning. You, and so were the other Virgi- Pennsylvania delegates like Gouverneur Morris and, and Robert Morris and Wilson and the other Pennsylvanians. They all wanted the the, you, they all thought that he should, the people should be represented and both houses should be proportional to the population because we are actually a government of the people.

Franklin took the measure of that and he realized in his that it was never going to work. You were never going to keep the small states in under that sort of system. And so he recognized from the outset that, that the old system, we've got to remember, they were, they were talking about abandoning the Articles of Confederation and that every state as they did at the the First Continental Congress and the second continental Congress, every state had one equal vote for every colony. So Delaware, which was the smallest back then had the same vote as, as Virginia, which was the biggest or Massachusetts.



And so that's where they were. And so the compromise was to do one house one way and the other house, the other way. That was the obvious compromise. It was thrown out really early and Franklin realized that that's where we're going to end up. And so he picked up on that and became the leading big state, proponent of it. He often did it in quiet. He often passed it to other people but people knew that's where he was, that he was willing to make that compromise as he was always willing to make. He was pragmatist, like Washington, was willing to make compromises for his greater goal.

His greater goal, remember, was a stronger central government. He believed deeply that in ... So his goal, his ultimate goal and he was willing to compromise on means to get to his end, his goal was this stronger central government because he didn't think that they could survive as individual states. They would just come together to cut each other's throats as he put it. So to get that, he realized this compromise was needed and not only did he talk about it, not only did he push it for other people, not did he happily push it over to Roger Sherman to be, to get the credit for it, also, when he got Gouverneur Morris to go ahead and back down. He was one of those young active people, I think of a par with, with Madison.

If I had to look at the young pushers who co- made it all work, I would say, Wilson and Hamilton and Madison and Gouverneur Morris. And so he got Gouverneur Morris to flip over and be willing to back it. Washington helped in that. Washington met with Gouverneur Morris the day before. And then they put together a committee and instead of the radicals, they put on to this committee, the small state people who were committed to representation and the big state people like Franklin, who were willing to compromise.

So Franklin, effectively led that committee and met at his house and it worked out the so-called Connecticut Compromise, the compromise between the New Jersey Plan and the Virginia Plan that split the difference and had a Senate that would be equal numbers to every state. Then Gouverneur Morris tweaked it again and the key change that Gouverneur Morris made that made it a national Senate rather than a state Senate. Remember, the problem with the Articles of Confederation is each state was after its own interest and they could control their delegates. That is they could tell them how to vote, the state legislators could tell their delegate and the Confederation Congress how to vote and also, they could recall them if they didn't vote right.

And so Gouverneur Morris cleverly, and he was the Rube Goldberg of the, I like to consider him the Rube Goldberg of the, of the Constitution Convention, inventing the, the electoral college system with all its gimcracks, but also having the senators appointed for term. Yes, they're appointed by the state legislatures, but for terms, long-term and he figured that would make them independent. Think nationally, they would live off in this rather than living in their states and be, having guys go back to work up political power with six years, they would move to this new federal city that they were going to create.

Remember, the Constitution also called for creating a federal city in some new place, and they would have these terms and suddenly, they'd be more interested in the central government, they were the local government. So they throw a wrinkle into this Connecticut Compromise. But Franklin was central, absolutely central to the entire process



and he actually worked very closely with Gouverneur Morris. He'd often give ... When he couldn't give a speech, he passed it on to either Gouverneur Morris or Wilson to read for him at the convention.

So, this was a, this was a, you know, this one's in so many ways I view this as more his compromise than the Connecticut Compromise.

[00:46:45] **Jeffrey Rosen:** Bill, you quote the language that Franklin offered to the convention that the legislature of the several States will choose and send an equal number of delegates namely and then he fill in the blank. It became two, of course who were to compose the second branch of the general legislature. And you say, Franklin's motion became the basis for the grand compromise that saved the convention and made the constitution possible. Just so I and our listeners understand who actually came up with the idea, was it Franklin or, or Sherman or, or someone else? And exactly what was Franklin's role and, and tell us more about how that related to his pragmatic compromising vision?

[00:47:21] **Bill Brands:** Well, possibly Ed has more insight on this than I do. But I find it impossible to tell exactly where this originated. These were people who were gathering daily to discuss this stuff and they were gathered, that was in convention hall. And then they were meeting outside and they were speaking to one another. And the, this idea of turned out two senators from each state was just in effect, a variant of what worked at the, or what didn't work in the Confederation Congress where each state got one vote.

So you can make it one, you could make it two, you can make it 10 but the key is that you make it an equal number. And so the idea was in the air. I can't say that Franklin was first to come up with it or Sherman, or whoever it might have been but it was one that was pretty obvious once it was articulated. And I'd like to add something here that I think contributes to Franklin's national view of all of this.

Franklin, of course was born in Massachusetts but then he spent most of his young adult life in Philadelphia, but then he spent much of the latter part of his adult life overseas. In Britain for over 20 years and then in France for the better part of the American Revolution. And it's I think an experience that lots of people have had that when you get out of the United States, you tend to think, sort of more as an American rather than a resident of Texas or California or wherever you might be.

And so Franklin was almost ... well, maybe they made the extreme version of this is the astronauts who went to the moon, and look back, you know, "Now I'm an Earthling. Now, I'm a part of the human race rather than just an American." And so Franklin had, had been thinking of the United States as this United States sort of looking from the, the national view and it came to him more naturally than it did to people like Washington who never left the United States, people like Virginia, I mean, Jefferson, who was a Virginian through and through. And the Adamses were Massachusetts men.

And so, it was, it was easier for Franklin to see things in these national terms. Now, it sort of came naturally to him and, and support is that it points out for the idea that representation should be by population, rather than by state because he was from one of the biggest states



and so, it would benefit Pennsylvania. But I think he wasn't thinking in Pennsylvania terms. He was, he had the ability to think nationally and to think sort of where all this would lead. And he really was of a belief that republican principles mean that people should be represented more or less equally.

And I won't say that he thought of the, the divisions between the states, it's artificial divisions but he thought if it is indeed a National Republic rather than simply a confederation because that's what they had had and that's simply confederation that hadn't worked. So they need to do something else. They may need to make this a national government.

So it came naturally to him but at the same time, he understood that this simply isn't going to fly. Although agreement was made at the beginning to Constitutional Convention that we're not simply gonna propose amendments to the existing Articles Confederation. We're gonna start over again. There still was an understanding that this thing is going to have to be ratified state-by-state.

And you know if we leave all of their Rhode Islands and the Delawares, you know, out of this, then we're not going to get sufficient consensus to make this thing fly. So we have to bring them on board. There was something else as well. And this is reflected in, in Franklin's closing speech where he says that this isn't a perfect constitution, but it's the best we can do at the moment. And Franklin was enough of a pragmatist and enough of, of just a believer in human nature that you never get anything perfect. You never get anything right for all time.

And Franklin looked back on his own life and that of Washington, who's the next oldest in the convention and some of the younger men, and know we've done a lot. We have one independence for the United States. We got, we won our war against Britain and now we're setting up this government. And so, okay, we didn't get it all done. We gotta leave something for the next generation so, you know, we'll do what we can with this and if their problems with this, you know, next generation or the generation after that, you fix it. You know, it'll be your job to do in the future.

[00:51:36] **Jeffrey Rosen:** Before we close by digging into the closing speech, let's just review Franklin's final contributions to the convention. You, Bill, note that he advocated requiring not one but two witnesses to the same overt act of treason which would become crucial in the treason trial of Aaron Burr. He seconded the motion calling for an executive counsel to assist the president and he acquiesced, although it didn't take the lead in the infamous compromises over slavery. Ed, what can you tell us about Franklin's contributions to the debate over slavery and the other contributions [inaudible 00:53:19] that we haven't yet discussed?

[00:52:15] **Ed Larson:** Well, I agree with Bill on and, and this is important to emphasize when you're going into those slavery compromises. And here we have to work, you know, with some of his letters and some of his comments and we have to sort of piece together what he was thinking, but it's akin to this deal on the representation of the states in the Senate. I think he was fundamentally opposed, ideologically opposed to having two centers from every state. He really did believe in, in popular representation but he was willing to accept it just on the grounds that Bill said is we got to get this through. I don't support this at all.



It was the same thing on his presidency. He fundamentally believed the presidency was given too much power. He thought that was dangerous. He thought the Senate was given too much power with an aristocracy as he call it, but this is the best we can do now and it can be improved or fixed. And that's the thinking you have to go to, to his views on slavery because by this time, Franklin was president of the first Abolitionist Society in America.

He had a, he had a long evolution on his views on slavery. Way back in the 1750s, he had start- even before that, he'd been the first printer to publish abolitionist, Quaker abolitionist literature. In fact, he had a picture of the leading Quaker abolitionist hanging in his house and he also helped contribute to building schools for the education of, of blacks, both slaves and free blacks. And he visited him and he said, "These kids are just as smart, have the exact same capability as white kids. There is no difference here."

And he had said that, he expressed that in private letters. He later went on the board of those things, he was very close to abolitionists when he was over in England. When he was living in England, he worked with them. He met with Phillis Wheatley, the the black slave poet when she came over to England before the Revolution. He worked with Granville Sharp who was the founder of Abolitionist Movement. And then of course, he was president of the first Abolitionist Society in America.

And they had urged him to when he was going into the convention, bring up the slavery issue but he want, he had this idea that if we can get this pack, we're never going to get rid of slavery in Georgia and the Carolinas and Virginia if they're separate. But if they're brought into a strong enough Federal Union, that Federal Union could eventually in slavery because Pennsylvania, Massachusetts, those states were, or Rhode Island, were already moving to abolish slavery or already had. And he thought if the central government could eventually do it in the south, there's no other way to get rid of slavery.

So what do I need to do to get a stronger central government through? And I think he made too many compromises but he, when he was asked again, to bring up these issues in the convention he realized that they would be too divisive, especially coming from him, the national figure. And he fed some of these anti-slavery things to a fellow abolitionist, Gouverneur Morris, who I've mentioned before. And so Gouverneur Morris made some beautiful speeches at the convention on how this slavery is going to kill us. This is going to break down the union. We've got to get rid of slavery. It's the, it's the devil's bargain.

Oliver [inaudible 00:57:25] made similar comments, not quite as strong from Massachusetts. These were allies with Franklin on these issues. But Franklin bit his tongue, didn't talk about it, even though we have his private letters didn't talk about it, and eventually bought into these compromises with the apparent hope that later on the central government would make that step, would be strong enough to get rid of slavery in the southern states.

I don't think he wanted any of these compromises to happen, but you're absolutely right when you characterize that he went along with them to get his stronger union. It was, I think it was very hard for him because he was, he was as again, he, he was already committed and then when the union is formed, the last thing he does, he's dying, he sends a petition to the new Congress calling for, to them to do in the slave trade and do everything they could



toward abolishing slavery and then writes popular articles, some beautiful satirical articles in newspapers backing this, which made the issue of, of slavery explode at the federal level in the first Congress.

Now, Madison eventually tamp- sat down succeeds in tamping it down. I think Franklin is deeply beli- wants to get rid of it but is willing to buy compromises. And I would be curious what Bill said on this. I think throughout his whole life, he had principles, but I think you could see all through his life, sometimes he compromised more than he needed to.

[00:57:42] **Jeffrey Rosen:** Bill, please do share your thoughts about Franklin's compromises about slavery and any of his final contributions to the Constitutional Convention.

[00:57:51] **Bill Brands:** Franklin's views on slavery and on relations among the race has changed dramatically in the course of his life. When he was running the Pennsylvania set and running his household in Philadelphia, he owned a couple of slaves simply because that was the way household labor and low paid or unpaid labor was conducted in Philadelphia. And he didn't really think anything of it. By the time he started to think about it that, "Well wait, this isn't such a good idea." And so he gradually, he basically let his one of the slaves that he, he took with him to England run away and he didn't chase them down and, and then he became an abolitionist.

And one of the, Ed points out that or suggests, there was a moment when he had an epiphany, when he saw these young black children and white children studying together, and the, the black kids were learning just as fast as the white kids. And he said, "You know, I sort of originally bought into the idea that black people were inferior in their intellect, but this shows that they're not." And then as Ed points out, he became the president of America's leading Abolitionist Society.

In terms of what the Constitutional Convention could do, I think you need to break this down into two parts. Can you deal with a slave trade? Can you deal with slavery as a domestic institution within the states? The original motivation for a Constitutional Convention, the one that gave rise to the Annapolis Convention that didn't quite work out, was to give Congress that poi- the Confederation Congress control over trade because different trade rivalries were tearing the, the Republic apart. And so, trade was the first thing that came under the purview of the new Congress and the slave trade was part of that.

It's fair to say that nearly everybody at, nearly everybody at the Constitutional Convention was in principle opposed to slavery even though many of them were slaveholders. They thought there was just a bad deal. They thought it was a necessary evil but they hoped that somehow we'd find our way out from under it, not everybody but most the people. George Washington, Thomas Jefferson wasn't at the constitution convention and he felt the same way. He thought that slavery was this blight that had been inherited from British times. And that the Republic would figure out how to get rid of it.

It was straightforward to get rid of the slave trade again because power over trade over commerce was going to be ... It was one of the first powers given to Congress. What you could do about domestic institutions, this was a much bigger deal because for the most part,



the constitution stayed away from telling individuals in their daily lives within the state what they could do. So Congress wasn't going to pass laws, for example, against murder. No, that was a state consideration and Congress wasn't going to tell the states whether women could vote or not. Congress couldn't establish or disestablished churches within the states that was for the states to deal with.

So there were a few people, Gouverneur Morris who's one and various others, who did bring up the issue of slavery at the Constitution Convention, but there was nothing like a consensus that said, this is really our business, but secondly, there was an understanding if we tell Georgia, if we tell Virginia that you have to get rid of your slaves, well no, almost nobody is going to sign this new convention, I mean this new constitution. Nobody's gonna go on because even if people in Massachusetts are opposed to slavery, they realize that if this new Congress has power to tell states what they can do on this subject, they can tell us to disestablish the, you know, the Congregational Church or whatever it might be.

And this was not something that this new constitution was supposed to do. And so I would say that the, the question of slavery at the convention was less a compromise over the principle of slavery or not within Republic as simply an acknowledgement that that's not actually within our purview. We're going to have to deal with that another way. In fact, Franklin believed, Jefferson believed that people are going to have to be persuaded that it is their own self-interest to get rid of slavery. And you have to do it, state by state, but this isn't something we can do in 1787 at this Constitutional Convention. And if we do, this thing will never get ratified.

[01:02:06] **Jeffrey Rosen:** Well, it is time for closing thoughts in this superb discussion. Both of you have talked about how meaningful it is to read Franklin's final speech at the convention. I'm going to have the pleasure of just reading one sentence from it and ask you for your final reflections on it. It's so much in the spirit of the 13th of the virtues that he had recommended as a young man imitate Jesus and Socrates. This speech is full of the virtue of intellectual humility. Franklin begins by saying, "Having lived long, I've experienced many instances of being obliged by better information or further 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." Ed, your final thoughts on Franklin's final speech.

[01:03:04] **Ed Larson:** I think Franklin's final speech was actually motivated by the fact that the other potential Anti-Federalists, the, the, the left wing as it were. Gary and Mason and, and, and Randolph had broken and wouldn't sign. He wanted to get everyone to sign on at least to say that they act the Constitution. And when those people broke off and you had other people leave, you had the New York delegation leave, you had Lu- Luther leave from, from Maryland. You know, he was afraid that he was going to lose it on the left, the Anti-Federalists side.

And this was an appeal to try to bring them back, to bring them back on board. He was the one person who, who wanted these changes that, that on the presidency and maybe the, the, the Bill of Rights that he, that stayed with it and that he pushed it. And I think what he



was trying to do was to ... and his feature was published. Remember the convention we supposed to be secret. And the one thing that leaks out in is published immediately is this one speech. So this was an appeal to try to bring this country together to, because he wasn't going to be around for another convention to, to bring the, the, the to weaken the Anti-Federalists to bri- to bring in that side. And that's what he was appealing to with this speech. He recognized that there are these problems.

I think on the slavery when I said he compromised too much on slavery, that was going to be an issue. It was a big issue in states like Massachusetts. The compromises, the compromises were not so much we're going to allow slavery in the States, but the Fugitive Slave Provision the Three-Fifths Compromise, those were big pill for, for the northern states to swallow, the power that that gave to, to, to, to slavery, to entrenching slavery, especially those ... and the limitation that you can't end the slave trade because there was almost universal consensus as Bill has said that the slav- at least Atlantic slave trade, that hellish Atlantic slave trade and taking slaves away from their master, from their parents in Africa, throwing them in these awful ships and bring, at least, that should be ended.

And yet they, those three things, those three compromises on slavery, that's maybe more than was needed. Those were going to be issues. And so this was an appeal to bring people together, to get this over the final hurdle. And on that, I think this speech was absolutely critical because when you, when you look at what appeared in the newspapers, when the conve, when the Constitution came out, they printed the Constitution, they premise Washington's cover letter to Congress, which is Washington's appeal for passage, actually was written by Gouverneur Morris but it was signed by Washington. It was very effective. And you had Franklin's speeches.

So when the people of America saw the Constitution, they saw it, it looked to them like the product of Washington and Franklin. Washington's cover letter, Franklin's closing speech, and the Constitution. And those were the two big names. And the two people who respected some sort of an ideological difference center right, center left. It was on that force. And the speech was central to that. The is a magnificent speech. The crafting of it, every word is perfect. I urge all of people listening this to pull it out and read it.

[01:06:45] **Jeffrey Rosen:** Mm, absolutely. Yes, indeed We The People listeners, please read Franklin's closing speech as Ed suggest and Ed your suggestion that Franklin's closing speech and Washington's cover letter were the main thing that folks knew about the convention, making his influence and that of Washington all the more central. So Ed, Franklin's final words are, "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." Bi- Bill, your final thoughts on Franklin's closing speech and his contributions to the Convention.

[01:07:26] **Bill Brands:** As with many things that Franklin said and wrote, he in this case was speaking not only for the moment but for the ages. The moment was, can we get the Convention all to get behind this thing that we have produced. And send it out with as united front to the states, so they can make a decision upon it. But at, what he was also



saying was a Republic's only going to work if we have this sense of humility, if we have this understanding that none of us is omnipotent, none of us has all the answers.

So this is something that every generation can read and basically apply it to their own views of politics. If, if lawmakers today, would read this every morning when they got up, I think we'd all be better off for it.

[01:08:12] **Jeffrey Rosen:** A republic will only work if we have this sense of humility. Beautifully put. Thank you so much, Ed Larson and H. W. Brands for a wonderful discussion of Franklin and his contribution to the convention. Dear, We The People friends in addition to reading Franklin's final speech, please treat yourself to the learning and light of reading Ed Larson's *Franklin & Washington: The Founding Partnership*. And H. W. Brands, *The First American: The Life and Times of Benjamin Franklin*.

Ed Larson, H. W. Brands, thank you so much for joining.

[01:08:45] **Ed Larson:** Jeff, thank you so much. It's been an honor to be with Bill. That's always a treat and to do anything with the Constitution Center. Thank you, Jeff.

[01:08:53] **Bill Brands:** It was my pleasure, Jeff and Ed, thank you very much. And Jeff and the Constitution Center, keep up the terrific work.

[01:08:59] **Jeffrey Rosen:** Today's show was produced by Jackie McDermott and engineered by Greg Scheckler. Research was provided by Mac Taylor, Olivia Gross, and Lana Ulrich. Please rate, review and subscribe to We The People on Apple podcast and recommend the show to friends, colleagues or anyone anywhere who is hungry for a weekly dose of constitutional light and debate.

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