

Constitution_FinalWithFix.mp3

Hannah McCarthy: [00:00:03] George Washington wakes up early. Per usual on November 5th 1786 he goes to a study and reads over his correspondence and then around 7:00a.m. the bell rings for breakfast and he joins his guests. Charles Pinckney of South Carolina among them at the table. They probably have cold ham and mutton though Washington's favorite is mush cakes with butter and honey and three cups of tea. No cream when the guests hit the road. Washington heads into a study and sits down to write some letters. In fact he spends the rest of the day writing. He's got a lot on his mind. He's really worried about the state of this fledgling nation at this point in history. The country is still under the Articles of Confederation and things aren't going so well.

Nick Capodice: [00:00:50] Yeah, those articles. The U.S. did not exactly thrive under the Articles.

Hannah McCarthy: [00:00:54] Washington has just received word from James Madison who is in session with the Virginia Congress that the Assembly is considering amending the Articles of Confederation.

Nick Capodice: [00:01:03] So why is Washington worried. This is good. Things are looking up.

Hannah McCarthy: [00:01:06] Because it's very nearly too late. The Articles of Confederation have only been in place for five years and they do not work. Things are crumbling. Washington has just heard that small rebellions are popping up all over the new nation. People are furious postwar debt is crushing the country. One of my favorite parts in this letter to Matheson is when Washington talks about how melancholy it makes him to think that they might be quote fulfilling the prediction of their transatlantic foe. Leave them to themselves and their government will soon dissolve.

Nick Capodice: [00:01:41] So Britain said this would happen right. Like they said you can't possibly make it on your own and look barely any time has passed and we're basically right.

Hannah McCarthy: [00:01:51] Yeah, Washington calls it quote a triumph for our enemies. For the advocates of despotism John Adams actually wrote to John Jay around this time and told him that people in England were joking about the fact that America would come crawling back beg to be let back in and then Britain would let them dangle for a while and then tell them to buzz off.

Nick Capodice: [00:02:14] So cold and it's like the ultimate breakup fantasy right. It's like just you wait.

[00:02:19] You're going to be sorry you're going to come crawling back someday and I'm going to say no chance.

Hannah McCarthy: [00:02:23] Except this breakup took seven years and tens of thousands of people died. Washington basically says look Madison I know I don't have to tell you this. But this week government is going to be our downfall. So all I'm going to say is I sure hope these 13 states can consider the common good here.

Hannah McCarthy: [00:02:44] All right so Washington sends this letter off. And then what does Madison say?

Hannah McCarthy: [00:02:49] Madison, as it turns out is way ahead of things before he even receives Washington's letter. He's already got a bill before the Virginia assembly that will appoint delegates for a convention.

[00:03:00] The following summer a convention to amend the Articles of Confederation.

[00:03:05] The bill passes and the other states follow suit.

[00:03:11] The time? May 14th, 1787. The place? Philadelphia. What show is this? This is Civics 101 and I am Hannah McCarthy.

Nick Capodice: [00:03:21] And I'm Nick Capodice.

Hannah McCarthy: [00:03:22] And today we're taking you to the City of Brotherly Love to a stuffy chamber in the old Pennsylvania statehouse the very same room where a decade earlier a group of men came together to declare themselves independent of their motherland. This time around they came to reel some of that independence in. This is the story of how our Constitution came to be.

Nick Capodice: [00:03:44] Wait wait wait wait just we're all on the same page here when we're talking about the U.S. Constitution. What exactly are we talking about. What's in it.

Hannah McCarthy: [00:03:53] Okay first things first. In this episode we're going to be talking about the thing that was written in 1787 the document designed to correct a nation that was falling off the rails. The constitution has changed quite a bit since then and changed pretty quickly after it was written. Just so everyone knows. So first there's a preamble. That's the part that most people know a lot of us learn it through the Schoolhouse Rock song.

Schoolhouse Rock: [00:04:19] We the people in order to make [fades out]

Nick Capodice: [00:04:26] Some pretty grand language -- secure the blessings of liberty to ourselves and our posterity.

Hannah McCarthy: [00:04:32] Yeah it starts out lofty but the Constitution itself is a bit more dry than that.

Linda Monk: [00:04:39] OK the Constitution we think of as basically a structure of government. It's got seven articles and four parchment pages.

Hannah McCarthy: [00:04:49] This is Linda Monk constitutional scholar and author of the words we live by your annotated guide to the Constitution.

Linda Monk: [00:05:00] Article 1 which is Congress. Most people get that wrong and they think it's the president but no it's Congress. Congress gets two out of four pages and words in the Constitution count.

Hannah McCarthy: [00:05:11] So very basically the Constitution is a collection of seven articles that explain what the government is what's in it and how does it work. Article 1 the legislative branch seems to get the most attention.

Linda Monk: [00:05:25] So the more words there are a lot of times the more powers there are. The Framers intended Congress to be the dominant branch of government. And that's where most of the power Slight next longest is. Article 2 the executive branch. The president was the piece of our current government that the framers had the hardest time agreeing on. They had lots of different proposals. Finally we came down to a president of the method of selection in terms of the electoral college is still one that we debate and are concerned about. Then comes Article 3 the judicial branch

the third branch is the judiciary which has the fewest words. But we've come to think of it today as having broader powers Article 4 covers states and citizenship full faith and credit that states must recognize for instance like the marriages in other States full faith and credit basically means that any state has to respect the acts records and judicial proceedings of another state.

Hannah McCarthy: [00:06:28] It also deals with interstate felons. New states joining the union and Federal Government protecting states. Then we've got five. The this thing can be amended clause.

Linda Monk: [00:06:38] What I think is the secret sauce that's the amendment process. We said didn't work a constitution that's not too easy to change because that would make it more like everyday law versus a constitution that's too hard to change. And then you have revolution instead of amendment. And then there's six supremacy clause that says that the Constitution itself is the supreme law of the land including over other state constitutions. And last but certainly not least lucky number seven where they sign and say what the process is going to be from that.

Hannah McCarthy: [00:07:15] When Linda says the process she's talking ratification nine states are going to have to vote yes on this document to make it stick.

Nick Capodice: [00:07:25] So there you go seven articles all wrapped up nice neat little Pagad pretty pink ribbons on it.

Hannah McCarthy: [00:07:30] Except it wasn't neat, Nik. No pink ribbons. It was difficult and contentious and touch and go and very very hot in there. So do you want to know how it happened. Yes. I don't know how it happened. Well Linda gives a lot of the credit to James Madison Linda really really loves James Madison.

Linda Monk: [00:07:52] Who can't love James Madison.

[00:07:57] He's my hunka hunka burning constitutionalism.

Hannah McCarthy: [00:08:00] According to Linda Madison is different from the other politicians compared to the other framers. He's petite and he's also kind of nervous but he's strategic and thoughtful and effective underdog.

Linda Monk: [00:08:14] To have that combination of a great philosopher but also a good practical politician in one person. And for someone to say that government is the greatest of all reflections on human nature he just has a wisdom that really speaks to me and I'll stand by it. He's my boyfriend and he's the person is my favorite founder.

Hannah McCarthy: [00:08:39] And even if you don't carry a flame for him Madison it was undeniably instrumental in the Convention of 1787.

David O. Stewart: [00:08:46] You have to point to James Madison I have tended to quarrel with calling him the father of the Constitution but I do think he's the father of the convention in many respects.

Hannah McCarthy: [00:08:57] This is David O. Stewart author of the summer of 1787. He's going to be our main guide to the Constitutional Convention. David says that Madison was successful in part because of his connections.

[00:09:10] One connection in particular.

David O. Stewart: [00:09:11] To be honest nothing in that decade of the 70s 80s in America happened of significance politically unless Washington was in it. He was the guy and Madison very intelligently insisted that Washington's name be listed as one of Virginia's delegates right from the start. That gave an incredibly strong blessing.

Nick Capodice: [00:09:32] Celebrity power.

[00:09:34] Like having Obama speak at your charity event or something.

Hannah McCarthy: [00:09:38] Only bigger.

[00:09:39] Washington was a celebrity of almost ridiculous proportions.

David O. Stewart: [00:09:43] You know his stature was immense. I mean he was at a stage where he couldn't enter a city without having the church bells ring and fireworks be scheduled and illumination everybody's house happened that night. I mean he just was you know the star. We did. We've never experienced you know stardom that the level that heated.

Nick Capodice: [00:10:09] OK some Madison's rallying people to come to this convention. He knows that Washington being there is going to get a lot of people in the room.

David O. Stewart: [00:10:16] Washington was very uncertain whether he really wanted to go but he did ultimately decide to. There was a lot at stake. And if it didn't go well then he would be blamed for it. And he knew that. And so it was not an easy decision. He had tried to retire from public life after the revolution.

[00:10:35] And I think he meant to.

Hannah McCarthy: [00:10:36] This is understandable. This man put his time in and he wants to sit back and enjoy the rest of his life in peace. But the country he had fought so hard for was struggling to stay afloat so he allows himself to be drawn back in with the understanding that he would be presiding officer actually referred to as the president of the convention. That means he's not going to operate and he's not going to debate he's going to oversee until vote.

Nick Capodice: [00:11:05] OK. So Madison's got Washington he's got his delegates and everyone meets up in Philadelphia to figure something out.

Hannah McCarthy: [00:11:11] It wasn't that easy. Almost everybody was late. The convention was set to start on the 14th of May and they didn't reach a quorum. That's seven states until the twenty fifth Rhode Island just never showed. New Hampshire didn't have the money to send their delegates until mid July. There's actually this moment in Madison's notes where someone proposes a resolution to send for the delegates from New Hampshire and the motion is defeated.

David O. Stewart: [00:11:41] Virginians were the first out of town delegation arrived.

[00:11:46] The Pennsylvania delegation was mostly men from Philadelphia so they lived there. And those two groups of men got to know each other pretty well. They did talk and strategize together. And then the Virginians developed the process where in the mornings and this happened for over a week they would convene at the boarding house where Madison was staying. And they put together a blueprint.

Hannah McCarthy: [00:12:13] So remember the plan is to get a bunch of delegates together and make changes to the Articles of Confederation so that they will work so that the country doesn't fall apart. But Madison has a different idea. The delegation spends a few days voting on rules for the convention including total secrecy so that the framers can debate freely and change their minds if necessary. And then Madison makes his move. Before any debate or suggestion takes place. He has fellow Virginian Edmund Randolph submit a list of 15 resolutions they call it the Virginia Plan.

David O. Stewart: [00:12:50] And what the Virginia Plan did basically was throw out the articles and start on a blank piece of paper. And that was audacious and it was also very smart because.

[00:13:05] People wouldn't bring to the debate all the old arguments they'd been having for six years under the articles. And they could start essentially with first principles of how a government should be designed and should operate.

Nick Capodice: [00:13:17] That's a bold move.

[00:13:19] The Articles of Confederation are no dreamboat but imagine showing up thinking you're going to make some small tweaks and adjustments and then this faction of states tells you no surprise we're going to talk about a whole brand new form of government.

David O. Stewart: [00:13:32] The reaction is mixed. Just to be charitable there were delegations like Pennsylvania and I think the South Carolinians who knew exactly what the Virginians were doing and supported. There were a number of delegations what classically has come down to being described as a small state delegations who were surprised and in no small measure appalled.

[00:13:58] The Delaware delegation ended up threatening to leave. They had instructions from their state legislature that did not include starting over with a new charter of government.

Hannah McCarthy: [00:14:11] There are delegates who are understandably upset with this proposition and they certainly could bail. They could walk right out the door and spare themselves months of debate in an airless room.

Nick Capodice: [00:14:22] But why don't they bail because if enough delegates leave they'll lose the quorum it'll be over but they can just try again next year.

Hannah McCarthy: [00:14:29] Well two delegates from New York do eventually walk out. That's Robert Yates and John Lansing. But I think back to that letter that George Washington wrote to Madison. Things are so bad in the country right now. The government needs to change or this grand experiment is going to fail. And how are you going to walk away from the chance to contribute to the structure of a new nation.

Woody Holton: [00:14:53] I wanted to choose a three word phrase that sums up the motives of the authors of the Constitution. It would be a phrase that was used at the convention and that phrase is describing the problem that the Constitution was designed to solve as excess of democracy.

Hannah McCarthy: [00:15:10] This is Woody Holton historian and author of unruly Americans excess of democracy.

Woody Holton: [00:15:16] The feeling among many of those 50 most of those 55 guys who wrote the Constitution was hey it was great that we got rid of the king but like a pendulum swung too far to the opposite extreme and now we have an excess of democracy and we got to pull it back the other way.

Hannah McCarthy: [00:15:33] Excess of democracy might sound absurd to the average American but what he means here is that under the Articles of Confederation the states were masters of their own destiny. They had a say in whether they would be taxed. They got to make up their own rules but it wasn't working. What he says that there are so many factors that lead to the debates on the floor of the Philadelphia statehouse. But money makes the world go round. And after the Revolutionary War the country had empty pockets and crushing debt with no surefire system in place to collect taxes.

Woody Holton: [00:16:11] The people who wrote the Constitution did not write it to make the country more free. They wrote it to get the country out of a recession because debt aren't being paid both to the bondholders who it bought up the war bonds or to private creditors.

Hannah McCarthy: [00:16:27] So many delegates saw a lot of danger in granting a federal government more power and so much of that is about who you can trust right. Like these powers can be a good thing if they stop anarchy and improve the economy. But there is some serious danger in power too. You know there's there's no way to make everybody happy here. But we do need that new government. Nobody wants to go crawling back to Great Britain. So from the absolute get go the convention is going to have a theme.

Nick Capodice: [00:17:01] Powdered wigs and waistcoats? Tricorn Hats?

Hannah McCarthy: [00:17:04] Compromise.

Nick Capodice: [00:17:06] Compromise. Quickly, what exactly is the Virginia Plan?

[00:17:14] What does Madison want this new government look like?

Hannah McCarthy: [00:17:17] Okay right.

[00:17:18] Madison proposes a strong national government that could make and enforce laws and collect taxes. The legislation would be bicameral meaning to house and representation would be proportional to a state's population.

David O. Stewart: [00:17:31] Then when the Virginia Plan comes out those devastated states rights were the most shocked and appalled. Couple of delegates from New York actually left after six weeks that because they were so unhappy with the centralization of power. Under the draft that everyone was working on. So when that argument was engaged. It ended up morphing into an issue over representation. And that was a lucky thing I think for the people who wanted a stronger national government because there are certain once you're arguing about representation. You're arguing over how to do it as opposed to. Should we keep this system where the states have essentially almost all the power.

Nick Capodice: [00:18:21] OK so Madison proposes this plan and an order to talk about this plan. The delegates have to talk about representation.

[00:18:28] Right. And that's such a hot button issue that suddenly everyone's debating how to be represented in the Congress. And they've mostly moved on from the fact that this is a completely new system of government and that wasn't the plan for this convention in the first place.

Hannah McCarthy: [00:18:41] Right. So once things get started they have to start making compromises little New Jersey says OK I see your two house proportional representation and I raise

you a unicameral that's one house legislature and equal representation. Each state gets one vote as outlined in the Articles of Confederation.

David O. Stewart: [00:19:01] That was the bitterest fight of the summer and really almost blew up the convention in early July. This small state delegates were about to leave because they had been losing. And they came up with this compromise that we still live with where the Senate has equal state representation. Each state gets two senators and the House of Representatives is proportional based on population.

Hannah McCarthy: [00:19:29] This was actually called The Great Compromise or the Connecticut Compromise because Oliver Ellsworth from Connecticut proposed it. Now not everyone is going to be happy. But this is acceptable and anyway they still got a lot of work to do and delegates are willing to let this idea go to committee to hammer out the details but when they reconvene it's going to be time to compromise again because when you talk representation you talk population and nearly 20 percent of the population at that time was enslaved.

Alvin Tillery: [00:20:02] Well the three fifths compromise was essentially one of the pro slavery clauses of the Constitution.

Hannah McCarthy: [00:20:10] This is Alvin Tillery. He's the director of the Center for the Study of diversity and democracy at Northwestern University.

Alvin Tillery: [00:20:16] And what the southerners wanted entering the Constitutional Convention of 1787 was they wanted all of their slaves to be counted in the apportionment because places like South Carolina and Georgia had very very large slave populations. They were not as well developed as the Mid-Atlantic slave states or the northeastern states. And so for them if you were just counting white people they were going to have very few seats.

[00:20:50] And so entering the convention they demanded you know a full count every slave would count as one person.

Hannah McCarthy: [00:20:58] In some states enslaved people made up a full third of the population to count them as members of the population rather than as pieces of property would be to give the South real power in terms of representation. So northerners made the argument that slaves were livestock just like horses or oxen. You don't count horses or oxen as part of the population do you. So why would you count your slaves. The South said no. These are people. They're human beings. They ought to be counted. So what if they can't vote. Women can't vote but they're counted.

Nick Capodice: [00:21:36] You know I've often been taught that the North was the moral player throughout the history of the United States. But here they are denying the humanity of the enslaved people for the sake of their argument.

Hannah McCarthy: [00:21:47] Yeah and remember at the time of this convention slavery was still legal in the north and Maryland Delaware New Jersey and New York and the North had been built on slave labor.

Alvin Tillery: [00:22:00] They all understood that it was immoral. And so the the old view that the founding generation the slaveholders among them from Washington and Jefferson and Madison that they didn't know that slavery was wrong is belied by their own writings and statements about slavery. Let's let's not forget that in the first version of the Declaration Thomas Jefferson sort of essentially blamed the king's evil advisers in Parliament for slavery foisting slavery upon them.

Right. Jefferson wrote very compellingly and notes on the state of Virginia about slavery being a moral evil. And so those old arguments just don't hold any water. We know from the writings of the framers that they knew that this system was wrong but they protected it because of a combination of their economic interests and white supremacy.

Nick Capodice: [00:22:56] What conversations are they actually having over the issue of representation. Was it purely motivated by money and racism.

Hannah McCarthy: [00:23:04] I think the racial and economic bias is a given in this room but there were some people like Gouverneur Morris from Pennsylvania and Rufus King from Massachusetts who argued against the entire principle of slavery from a moral point of view. Morris even suggested that the newly reformed nation buy and free all enslaved people. That idea was quickly shot down even in those free states you still had men who had grown up with slaves. They were self interested elites.

Alvin Tillery: [00:23:36] So the entire original thirteen the wealth that made them all viable is bound up in slavery in some way or another. And this is the argument the southerners used they would say well it's fine for New York and Massachusetts to say that they don't need slavery anymore but they've had slavery for a hundred years 125 years and extracted great wealth from it. Well has Charles Cotesworth Pinckney would say from South Carolina South Carolina's just starting to do that. So it's not fair you know to say to say we developed on the slavery basis and now you guys can't and I think that that argument won the day.

Hannah McCarthy: [00:24:23] The compromise part of this is in the name of course the three fifths compromise Southern delegates wanted their enslaved population to count as full members of the population. Northern delegates did not want them to count at all. So they split the difference based on a number of James Madison proposed back when they were figuring out taxes under the Articles of Confederation the enslaved population would only be counted at three fifths of its total Native Americans. By the way will also appear in Article 1 but they aren't counted for tax or representative purposes.

Nick Capodice: [00:25:00] OK but for those delegates who are opposed to slavery and even those states where it was illegal why did they give in. Why was it necessary to give the slave states some version of what they wanted.

Hannah McCarthy: [00:25:12] Well the South was threatening to walk out.

Alvin Tillery: [00:25:14] The South Carolinians were also incredibly clear about exiting the compact. If they did not sort of get to count some of their slave population in the apportionment and so it was union and slavery or no union. And so they didn't really have a choice if they wanted a federal government. And that was what all of these men were nationalists federalists they had done something that no one believed they could do and they wanted to see the experiment succeed.

Hannah McCarthy: [00:25:49] So there is an emotional element to this right. They did something that nobody had ever successfully done before they waged war against their motherland and won and started a brand new kind of nation. These delegates wanted to leave Philadelphia as an intact union. But Alvin says it's also a practical choice.

Alvin Tillery: [00:26:09] The overarching concern is the national security concern that England is coming back. George will be back. And as we all know he did comeback in the War of 1812. And so the argument for union is both an argument for financial efficiency and expediency so you could actually get credit in international credit markets. Loan money build up the industry in the country

so that you can compete with Britain and France but also provide for a common defense.

Hannah McCarthy: [00:26:45] The three fifths compromise was adopted on July 12th and most states voted yes. Only Delaware and New Jersey delegates were unanimously against it.

Nick Capodice: [00:26:55] I think it's easy for us to revere the United States Constitution because provisions like the three fifths compromise were taken out eventually but it's worth thinking that this is something that's been baked into it from the very beginning and you can't help but wonder how it shaped us.

Alvin Tillery: [00:27:11] Well I mean it it absolutely inflated the representative power of the slave states in the Congress and the House of Representatives and in the Electoral College. And what that means is that you know five of the first seven presidents are slave owners from you know Virginia. Right. And you know which was the most populous and powerful of the slave states. And this legacy extends into the 19th century the late federal period. It allows southerners to establish a democratic party and to put in place things like the gag rule which means you can't talk about slavery or introduce petitions from northern states against slavery in Congress. And so that takes slavery off the table has a life political issue for 20 years essentially.

Hannah McCarthy: [00:28:10] Even after the three fifths compromise and a clause requiring fugitive slaves to be returned to their masters were removed from the constitution following the Civil War. Southern states found ways to disenfranchise their African-American population while at the same time gaining even greater population numbers. Now that all people were fully counted. Here's David Stewart again.

David O. Stewart: [00:28:33] You know they made grimy compromises. There's no other word for it. The Electoral College is a mess. On the slavery provisions are unattractive. When Madison had to write about them in Federalist Papers clearly found it almost impossible. But you had to get a deal. Otherwise the country might well fall apart. And that's the stakes they were playing for. And if you had to swallow something you hated. Most of them did.

Hannah McCarthy: [00:29:07] And so they keep going. Madison's plan called for an executive power should it be one man or a committee. Well most states have one. So when it is but can this executive veto laws. Sure but the veto has to be overridden by two thirds of both houses. Well how are we going to elect this one powerful man direct election by the people. No absolutely not. What about some kind of indirect system.

Nick Capodice: [00:29:34] We've been here before. The electoral college is so weird.

Hannah McCarthy: [00:29:37] But it is a compromise.

[00:29:39] And then came another this one about the slave trade itself. Ten states had banned the import of enslaved people. Georgia and the Carolinas threatened to walk out if they dared to do the same thing to them. So they compromise. Yes Congress would eventually have the power to ban the slave trade entirely. Initially they decided that could happen in 1900. They talked about it for a while and then pushed it back to 89.

Nick Capodice: [00:30:18] And there are so many disappointing even shocking steps so many ugly compromises that came out of that room. But then again this plan sticks around for over 230 years and in so many ways it has benefited this country. There's a lot to be dissatisfied and distraught over but we live in a democratic system that can actually work.

Hannah McCarthy: [00:30:39] Linda Monk actually pointed out the elements of the original Constitution that I think gave it the ability to last.

Linda Monk: [00:30:48] So you know the laws that are passed day to day by Congress or parliament a majority can improve them and a majority can disapprove them. But for the American constitution it requires a two thirds majority of the Congress or state conventions to propose amendment and then a three fourths majority of the states to approve it. And so that's a high bar we don't want our constitution changing at the whim of the people. But we do want it to be subject to the people.

Hannah McCarthy: [00:31:23] That would be Article 5 the amendment clause.

Nick Capodice: [00:31:26] OK. Now obviously the words We the People did not apply to all people in the U.S. when they were written. But there is a little bit of we the people in that article isn't there. All this talk about representation. It goes both ways. Yes it's about the congresspeople but it's also about the people people the people who elect them. And I feel the same goes with the amendment process.

Hannah McCarthy: [00:31:48] Yeah absolutely. The We The People slowly came true. Because even though it didn't apply to everyone at first and you know in some ways still doesn't it is their right. We can rise to that. I kind of feel like the amendment clause itself is a built in acknowledgment that words and ideas of 1787 may not apply to 1887 or 1987.

Linda Monk: [00:32:17] Those first three words The most important words in the Constitution really we the people. And it's it's really expressing this idea of popular sovereignty popular meaning the people's sovereignty meaning power and the preamble makes it clear that the power that is the people's is then used to ordain the Constitution. Those are the people who have the power it's the people have the power and they give it to the Constitution and that's why the president the Congress the Supreme Court any federal and state officer takes an oath to defend the Constitution of the United States. That's the Supreme source of our power.

Hannah McCarthy: [00:33:11] There was one last compromise to come out of that four month process. This one was suggested by the convention's oldest delegate Dr. Benjamin Franklin. At this point in his life Ben Franklin has gone from being a slave owning white supremacist to the president of Philadelphia's abolitionist society. This is a man who has changed his mind. Radically over time. Franklin says you know I don't like everything about this constitution but that doesn't mean that I will always feel that way. The older I grow he says the more apt I am to doubt my own judgment and to pay more respect to the judgment of others. And Nick I know that you have always harbored a desire to play Ben Franklin in 1776 the musical and while I cannot give you that I can do this one small kindness. Would you read Franklin's final statement to the convention. Here goes. 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 occasion. Doubt. A little.

[00:34:24] Of his own infallibility and to make manifest our unanimity. Put his name to this instrument.

[00:34:48] And you know in the end despite Franklin's appeal only thirty-nine delegates signed. Three abstained and thirteen had already left the Convention for various reasons.

[00:34:56] Not everyone agreed on this new system of government. Not everyone was happy with the compromises that went into it but they were walking out of that stifling room with a new plan a new system. It was a radical moment.

Nick Capodice: [00:35:12] There is one last compromise. This constitution is going to have to wrestle with them it's a whole Bill of them. We the People have a few things to say about this new system of government. And if I remember correctly there's a whole article that says we get our say.

Hannah McCarthy: [00:35:29] Oh that's right.

[00:35:31] Number seven the ratification clause. But if you think that those framers are going to sit back and watch that debate from the sidelines you are sorely mistaken. They've just compromised their whole summer away.

[00:35:45] They worked hard for this thing. If the states are going to debate this. The framers are going to put in their two cents. Actually it's their 85 cents. It's time for a strong federal government, Nick. And The federalists will not go quietly.

Nick Capodice: [00:36:00] That's next time on civics 101.

Hannah McCarthy: [00:36:06] Today's episode was produced by me.

[00:36:08] Hannah McCarthy with Nick Capodice.

[00:36:11] Our staff includes Jacqui Helbert, Daniela Vidal Allee and Ben Henry. Erika Janik is our executive producer.

Hannah McCarthy: [00:36:16] Maureen McMurry subsists on msuh cakes and three cups of black tea.

Nick Capodice: [00:36:20] If you want to know more about how our Constitution came to be and trust me there is a lot more to learn.

[00:36:25] You can find resources galore at Civic101podcast.org.

Hannah McCarthy: [00:36:29] Music in this episode by Blue Dot Sessions, Jingle Punks, Quincas Moreira, Josh Lippi and the Overtimers, Jhazzar, Vibe Mountain Sir Cubworth, Conrad Old Money, Bad Snacks and the United States Marine Band .

Nick Capodice: [00:36:42] Civics 101 is a production of NHPR.. New Hampshire Public Radio.