

Washington and Franklin—Symbols or Lawmakers? Their Significance in the Constitutional Convention of 1787*

The title of this essay gives away its complete content, without suggesting its conclusion—namely, that at least one of the two greatest Americans of the eighteenth century was indeed a lawmaker and not merely a symbol in the Constitutional Convention. Washington and Franklin, uniquely, have been lionized as “lending their names” to the founding. Not only contemporary scholarship has taken this view; it was also characteristic at the time of the founding itself, insisted on by supporters and opponents of the Constitution. “An union of the abilities of so distinguished a body of men, among whom will be a FRANKLIN and a WASHINGTON, cannot but produce the most salutary measures.”¹ “These characters flatter themselves that they have lulled all distrust and jealousy of their new plan by gaining the concurrence of the two men in whom America has the highest confidence [George Washington and Benjamin Franklin]....”² “... your name has had already great influence to induce the States to come into the measure,... your presence would confer on the assembly a national complexion, and that it would more than any other circumstance induce a compliance with the propositions of the convention.”³ Franklin was “a catalyst” at the Convention.⁴ These views suggest clearly that the views far less than the stature of men like Washington and Franklin contributed to the achievement of the Convention. The burden of this essay is to paint a different picture.

We are further authorized to undertake this task by Washington’s sharp retort to the suggestion from Henry Lee that Washington use is “influence” to deal with Shays’ Rebellion in Massachusetts. “Influence is no government,” he responded. Thus, even if Washington and Franklin had great influence, in Washington’s eyes we would still be compelled to inquire how far they governed.

Specifically, I invoke four works of Washington and Franklin in order to analyze their contributions to the Convention. The problem this creates stems from the fact that these four works play their chief role *outside* the Convention rather than within it. This procedure would seem to lend credence to the claim that what they had to say within the Convention was of less significance than who they were. That, however, is not my intention. Accordingly, I will also discuss their contributions to the Convention itself, as a way of clarifying the context in which I consider the four works. By recovering their specific contributions within the Convention (often by imputation but not without evidence), I will make clear that the relevance of these four works is thematic rather than emblematic. The four works themselves are Franklin’s pre-Convention essay, “Consolation for America,” his major speech at the close of the Convention (with respect

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¹ *The Documentary History of the Ratification of the Constitution*, John P. Kaminski and Gaspare J. Saladino, eds. (Madison: State Historical Society of Wisconsin, 1981), vol. XIII, “Commentaries on the Constitution: Public and Private,” vol. I, 80.

² *The Essential Antifederalist*, W.B. Allen and Gordon Lloyd, eds. (Lanham, Md.: University Press of America, 1985), 95.

³ Henry Knox to George Washington, quoted in “Washington and the Constitution,” David M. Matteson, #7 in *Honor to George Washington*, ed. by Albert Bushnell Hart for the George Washington Bicentennial Commission, Washington, D.C., 1931, 13.

⁴ Paul W. Conner, *Poor Richard’s Politicks* (New York: Oxford Univ. Press, 1965), 57.

to its use outside of the Convention), Washington's 1783 "Circular Address to the Governors" (with respect to its use in 1787 prior to the Convention's opening), and his "Discarded Inaugural Address" of 1789.

Good grounds exist to tell the story differently. To begin with Franklin, one should note the extent to which his characteristic approach in public matters played into the hands of a symbolic interpretation. With rare exceptions, Franklin never inclined to ask his countrymen to do what they were not already prepared to do. As he described it in his *Autobiography*, he consistently avoided making direct proposals in his own name before having prepared the public to receive them. The classic case is the development of the Philadelphia subscription library:

The objections and reluctances I met with in soliciting the subscriptions, made me soon feel the impropriety of presenting one's self as the proposer of any useful project, that might be suppos'd to raise one's reputation in the smallest degree above that of one's neighbors, when one has need of their assistance to accomplish that project. I therefore put myself as much as I could out of sight, and stated it as a scheme of a *number of friends*, who had requested me to go about and propose it to such as they thought lovers of' reading. In this way my affair went on more smoothly, and I ever after practis'd it on such occasions; and, from my frequent successes, can Heartily recommend it.⁵

Franklin practiced this mode of indirection in several such projects, including the establishment of volunteer fire companies, and an association for the defense of the colony. In the latter cases, he would first publish discussions in the newspapers—usually anonymously. In addition, he would often draw together small groups—such as the group which preceded the foundation of the subscription library or his secret "Society of the Free and Easy." In such forums he would develop ideas and propagate them in the manner which seemed best to suit the occasion. Generally speaking, however, he eventually emerged as the "founder" of the public institutions which arose from these ventures. There are two notable exceptions to this model, the 1754 "Albany Plan of Union" and the 1775 "Articles of Confederation" which he carried into the Continental Congress.⁶ Franklin did not prepare the way for these with preparatory public discussions; nor did he obscure his authorship. Each of these bids to become legislator failed.

Early in 1787, when matters had been set in motion for the Constitutional Convention but before Congress had added its voice to the call, Franklin did two things which were significant for the Convention. First, he published "Consolation for America, or remarks on her real situation, interests, and policy," in the *American Museum*; shortly thereafter he formed the Philadelphia Society for Political Inquiries, a private if not secret group devoted to sharing ideas of political analysis and design.

The charter of the Society was published in a subsequent issue of the *American Museum*. In the essay Franklin inculcated a view of an American nation unnecessarily concerned with its situation. Opening with an account of the difficulties of the first settlers of New England, he described their development of a tradition of fast days to express their unhappiness and pray for help. The tradition persisted until the day when, the assembly proposing another fast day, a "farmer of plain sense" suggested that matters were not so bad as they seemed. He urged attention to their bounties—"seas and rivers ... full of fish, the air sweet, the climate healthy; and

⁵ Benjamin Franklin, *The Autobiography of Benjamin Franklin* (New York: Collier Macmillan Publishers, 1962), 79.

⁶ See Ralph Ketchum, *Benjamin Franklin* (New York: Washington Square Press, 1966).

above all, that they were in full enjoyment of their liberty, civil and religious.”⁷ Instead of a fast, he proposed that they proclaim a thanksgiving, which they did. From this illustrative tale, Franklin turned to the “public newspapers,” which were filled with complaints. The balance of the essay was a commentary on these complaints, showing prospects to be “less gloomy than has been imagined.” Franklin beheld a people better fed, clothed, lodged, and paid than in the old world; thus, no need to despair of material circumstances. As to the “factions” which caused alarm, “such will exist wherever there is liberty.” Moreover, the parties among the Americans “aim all at the public good,” differing as to modes of producing it. Finally, there are those who despair for the future, fearing not poverty but increasing wealth and its attendant luxury. To this he responded that the newly won independence, plus the fact that increasing wealth might incite to “labour and industry producing a greater value than is consumed,” will render sumptuary laws unnecessary. In sum, then, Franklin portrayed the American “sons of the earth” as adequate to every emergency and waxing to increasing greatness.

We have reason to inquire what may have been the intent of Franklin’s essay in circumstances which had otherwise filled the country with foreboding. Shays’ rebellion, interstate commercial rivalries, and the impotence of Congress had arrested every other attention and explained the complaints which filled the newspapers. We may find an answer to our inquiry in the fact that Franklin’s essay was followed by an “Address to the People of the United States,” by Benjamin Rush, who chaired the Committee of Papers of the Society for Political Inquiries. Rush’s essay had but one purpose, namely, to show that “most of the present difficulties of this country arise from the weakness and other defects of our governments.” This is the famous essay in which Rush declaims that “The Revolution is not over!” Its central principle, however, was the argument against the notion that “sovereign and all other power is seated in the people.” Rather, he insisted, “all power is derived *from* the people. They possess it only on the days of their elections ... this idea leads to order and good government.”⁸ Rush also reinforced the idea that no state can be regarded as “sovereign” or “independent.”

Accordingly, between the two essays, Franklin’s and Rush’s, one discovers an argument to the effect that, while all is well with the American people, the American governments are not well at all. The people, on whom Federalists had to rely in order to accomplish a reform, were being prepared for the work which was yet to come. A review of the charter of the Society for Political Inquiries shows what resources Franklin expected to rely on in this task. The Society itself was created in February, 1787. It was to meet fortnightly, and Franklin was its president. It continued to meet until the month before Franklin’s death in 1791. With his death it, too, passed out of existence. He was its only president. During the months of the Constitutional Convention, May to September, it had increased its original—mostly Philadelphian—membership to include key members of the Convention. James Wilson and Robert Morris were of course original members; Alexander Hamilton, Gouverneur Morris, James Madison, John Jay (Secretary of Foreign Affairs under Congress), John Dickinson, and George Washington were added during the Convention. The purpose of the Society was centrally political—to advance an indigenous political

⁷ Benjamin Franklin, “Consolation for America, or remarks on her real situation, interests, and policy,” *The American Museum*, January 1787, 1. This was the initial issue of the *Museum*.

⁸ Benjamin Rush, “An Address to the People of the United States,” *The American Museum*, January, 1787, 9. Compare the argument in *The Federalist*, number sixty-three. The federalists mounted a sustained campaign to convey the idea of the “alienation” of the people’s authority. I have described this in an essay, “Federal Representation: The Design of the Thirty-Fifth *Federalist Paper*,” *Publius*, vol. 6, no. 3, 1976.

science. One could infer as much from the fact that Franklin had already, years earlier, fostered the American Philosophical Society which dealt with broader questions. Additionally, the Society's charter was explicit:

The moral character and happiness of mankind, are so interwoven with the operations of government, and the progress of the arts and sciences, is so dependent on the nature of our political institutions, that it is essential to the advancement of civilized society to give ample discussion to these topics.

Moreover, the inquiries proposed had a "peculiar magnitude and necessity" in the American republic. Its inhabitants required a means to escape the models of those nations from which they had "derived our origins,... laws,... opinions.... and manners." Theretofore, America had promiscuously retained the "errors and improvements" of the old regimes and "grafted on an infant commonwealth the manners of ancient and corrupted monarchies." Although a distinct government had been erected in North America, only "partial independence had been attained.

The revolution can only be said to be complete, when we shall have freed ourselves, no less from the influence of foreign prejudices than from the fetters of foreign powers. When breaking through the bounds, in which a dependent people have been accustomed to think, and act, we shall properly comprehend the character we have assumed and adopt those maxims of policy, which are suited to our new situation.... the arduous and complicated science of government, has been generally left to the care of practical politicians, or the speculations of individual theorists. From a desire therefore of supplying this deficiency, and of promoting the welfare of our country, it is now proposed to establish a society for mutual improvement in the knowledge of government, and for the advancement of political science.

In the publication of his charter for the new Society, then, Franklin acknowledged the corroboration between his and Rush's essays in the *American Museum*. Further, he makes clear his purpose to produce a political science with a twofold objective: first, to produce a "complete independence" understood as governmental forms distinguished from the old regime, and second, to supply the experienced defects of the Articles of Confederation. In these terms, the expression "political science" means the same thing as "constitution," and the objective is to produce a new constitution. Unlike the situations in which Franklin sprang plans of union at Albany and Philadelphia, however, this time he has resorted to his time-tested method of indirection. It remains to be seen how far eventualities in the Convention conformed to his intentions, even as he perceived them at the Convention's end.

If Franklin operated privately, secretly, Washington was perfectly esoteric in his conduct regarding the development of an American republic. He published no treatises in his own name and founded no societies. Indeed, following the close of the war, he did not even hold any public office. Nevertheless, he worked no less—and perhaps even more—assiduously toward the goal of a national union. The locus classicus for Washington's ideas is the renowned "Circular Address to the Governors of the Thirteen States" of 1783. Before we open the leaves of that document, however, it would be wise to conceive what foundation we might have for expecting to find in it evidence of Washington's ideas and influence.

In the period from March, 1787 to 1788 Washington's "Circular Address" was widely cited and reprinted in newspapers or pamphlets across the country.⁹ So far as we can tell, this

⁹ Op. cit., Kaminski and Saladino, 60-62.

phenomenon was entirely spontaneous. The address had been immensely popular when originally issued, and now it could be seen that it was also largely understood as Washington had intended it. The chief difficulty to remove concerning the “Circular Address” is the notion that it represented chiefly Washington’s fulfillment of his duty to his officers and soldiers to urge a just settlement of their accounts. It did that, to be sure. But it did far more than that and was *aimed* at far more. To understand why the address took on a broader target, it is necessary to place it in the context of Washington’s ideas prior to 1783 and in the period leading up to the Constitutional Convention. While I do not wish to make the case for Washington’s influence in the Convention to depend on his earlier activities, they must at least be invoked far enough to enable us to understand that the resurrection of the “Circular Address” was no anomaly in 1787.

The account of Washington’s activities subsequent to the Treaty of Peace is well documented in a number of fine sources¹⁰ and scarcely requires to be belabored here. The gist of the story is that Washington almost never relented in his private labors to encourage a strengthening of the national government. He maintained an extensive private correspondence devoted largely to this purpose; he pursued schemes such as the Potomac-Ohio canal scheme specifically with the view in mind of strengthening the union; and he lost no chance to further opportunities to build the powers of the Confederation or, ultimately, to call a new convention. He virtually hovered over the 1785 Alexandria Conference (which turned into the Mount Vernon Conference) on trade, maintained an active interest in the subsequent Annapolis Conference (which grew out of it), and consulted with the leading participants to secure the calling of the Philadelphia Convention. Even when his projects and activities *seemed* private and economic, they seemed to him “big with great political, as well as commercial consequences to these States.”¹¹

Prior to the end of the war, also, Washington had been instrumental in pushing for reform. From his vantage point as Commander in Chief of the American forces he not only lobbied incessantly for a strengthened Congress (and more talented representatives) but also inculcated ideas of union over provincialism. As early as 1775, just after being named supreme commander, he addressed his troops with the hope that “all distinctions of colonies will be laid aside; so that one and the same spirit may animate the whole.” He named this whole the “United Provinces of North America,”¹² indicating thereby the substance of his appeal to Canadians later that same year:

Come, then, my Brethren, Unite with us in an indissoluble UnionWe look forward with pleasure to that day not far remote (we hope) when the Inhabitants of America shall have one sentiment and the full enjoyment of the blessings of a free government.¹³

While the first of these appeals may be read as indicating an appeal only to a notion of contingent union, when combined with the second it seems clear that Washington meant to lay aside the “distinctions” of separate colonies once and for all. Washington understood the union to follow from such a move as reposing on the hope of a specific form of government: republican government. When he was called upon to vindicate his honor and rank against that of General

¹⁰ See Douglass Southall Freeman, *George Washington: A Biography* (New York: Scribners, 1948-57), vols. V & VI. Also, see N. K. Risjord, *Chesapeake Politics* (New York: Columbia University Press, 1978), chaps. 3-8, especially pages 84-85. Compare, John Marshall, *The Life of George Washington* (Philadelphia: James Crissy, 1838 [2d. edition]), cps. III & IV.

¹¹ To David Humphreys, July 25, 1785.

¹² General Orders, July 4, 1775, from Cambridge.

¹³ To the Inhabitants of Canada [1775].

Cage, he did so by invoking that most honorable rank “which flows from the uncorrupted Choice of a brave and free People, the purest source and original Fountain of all power.”¹⁴ This formulation continued to guide not only Washington but the leading founders throughout the era of the Revolution, achieving its consummate expression in the pages of *The Federalist*, written in defense of the Constitution.

Such an ambition would have required, over and above the vague hope of union, some specific notions of the form to be instituted. That it must be republican is the first level of specificity. That the goal was susceptible of further refinement was suggested by Washington’s continued recourse to it throughout the war. From Valley Forge he returned to the general notion:

If we are to pursue a right system of policy, in my opinion, there should be none of these distinctions. We should all be considered, Congress, Army, etc. as one people, embarked in one cause, in one interest; acting on the same principle and to the same end.¹⁵

This end entailed not only the framing of a specific constitution, but a constitution understood as creating a regime—a characteristic way of life. Washington and his troops were struggling “for every thing valuable in society” and “laying the foundation of an *Empire*.”¹⁶ Not surprisingly, therefore, he had considered long before what that may entail in the way of considerations:

To form a new government, requires infinite care, and unbounded attention; for if the foundation is badly laid the superstructure must be bad, too much time, therefore, cannot be bestowed in weighing and digesting matters well. We have, no doubt, some good parts in our present constitution; many bad ones we know we have, wherefore no time can be misspent that is employed in separating the Wheat from the Tares. My fear is, that you will all get tired and homesick, the consequence of which will be, that you will patch up some kind of constitution as defective as the present; this should be avoided, every man should consider, that he is lending his aid to frame a constitution which is to render millions happy, or miserable, and that a matter of such moment cannot be the work of a day.¹⁷

Washington gave this advice to his brother in the middle of Virginia’s efforts to repair its constitution and at a time when continental efforts to draft a constitution were just beginning. That he saw them as a single effort may be gathered from his invocation of the fate of future “millions.” That it would take time, and frequently renewed considerations, was the lesson of the years to follow. But that time would not be indefinite was the burden of the “Circular Address” to show, in addition to the specific character of the regime to be founded.

Washington had frequently shared the substance of his “Circular Address” with correspondents during the difficult years of the war. At no time, however, had he pulled it together in a single, powerful statement. Prior to drafting and issuing the address he had been urged by several of his colleagues to leave his countrymen such a political testament as a guide for their future considerations. Washington acknowledged these requests with the disclosure that he would, before retirement, “with greatest freedom give my sentiments to the States on several political

¹⁴ To General Thomas Gage, August 20, 1775.

¹⁵ To John Bannister, April 21, 1778, Valley Forge.

¹⁶ General Orders, March 1, 1778, Valley Forge.

¹⁷ To John Augustine Washington, May 31, 1776.

subjects.”¹⁸ He was careful to point out that he would not confine himself to the “shameful” treatment America’s troops had received from America’s governments.

What, then, is the teaching of the “Circular Address?” Washington described it as affording delight to the “benevolent and liberal mind,” whether viewed in “a natural, a political, or a moral point of light.” Why? The situation was such that the American people enjoyed “a vast tract of continent,” assuring “all the necessaries and conveniences of life,” and possessing “absolute freedom and independency.” In short, Americans lacked nothing of what could be called the ordinary incidents or conditions of prosperity. They do, however, lack the one extraordinary condition for the full exploitation of these blessings—namely, “political happiness.” Washington conveyed this bad news in a characteristically positive fashion; he said that “Heaven” left them the “opportunity” for political happiness.

The notion of an “opportunity for political happiness” was not mere rhetorical gloss, however. For Washington meant by it, also, the availability of those distinctive conditions and instruments for the attainment of the end. Added to the material conditions of American life were those “treasures of knowledge” which had superseded the “gloomy age of” ignorance and superstition” and provided specific tools to establish “forms of government.” The tools: “the free cultivation of letters; the unbounded extension of commerce; the progressive refinement of manners; the growing of liberality of sentiment, and above all, the pure and benign light of Revelation.” With such tools, Washington urged, a people can fashion their freedom and their happiness. Indeed, no external obstacles impede them.

One might ask why, with such blessings, this remains a time of “political probation” for Americans. The answer, according to Washington, is that they had not yet applied the tools available to them to give themselves a “national character”—a regime. He did not fail, therefore, to recommend immediate steps to that end:

1st. An indissoluble Union of the States under one Federal Head.

2dly. A sacred regard to Public Justice.

3dly. The adoption of a proper Peace-Establishment. And,

4thly. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community.

It would not defy common sense to notice how differently the fourth recommendation is stated in comparison to the first three. It is still more important to reflect on its significance, since Washington himself expressly omitted to dilate on it, “leaving the last to the good sense, and serious consideration of those immediately concerned.” He did dilate on its accomplishment in his “Farewell Address,” some thirteen years later.¹⁹ There he could conclude that now the “unity of government which constitutes you one people is dear to you.” They had come to supplement their love of liberty with the love of being one people. The former is the foundation of the free society, but the latter is the means of preserving it against foreign and domestic assault. The love

¹⁸ To Robert Morris, June 3, 1783.

¹⁹ “The Farewell Address,” paragraphs 7-10.

of being one people is above all the cause of the people's "political safety and prosperity." The people had come to vaunt their particularism, the love of the American, and thus gave assurance to individual liberty.

The addressee of the fourth recommendation, accordingly, is the people themselves. While the first three recommendations, an adequate national government, appropriate measures to redeem the sacrifices of the soldiers, and provision for continuing defense of the republic, spoke to the institutional requirements of the nation (and Washington made some specific suggestions along that line), the fourth addressed the moral condition by which the promise of self-government might be realized. Ultimately, the attainment of the first three would rely on the fourth, and thus the demand for constitutional reform was primarily the insistence on creating a people as distinct from a nation. Before the citizens could become "the purest source, and original Fountain of all power," they required to be welded into something more than just an aggregate of individual wills. When Washington warned in the "Circular Address" that Americans might learn that "there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny;" he meant above all to arraign the notion that individuals could enjoy self-government as anything other than citizens of a common regime.

Finally, Washington made clear in the address that the conditions for achieving the status of "a people" in the United States hinged completely upon the establishment of a rule of justice, not only within the institutions, but within the souls of its people. The precondition for self-government is the accomplishment of that prayer for a disposition in the citizens "to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind" with which Washington closed. A spirit of moderation, understood as a moral proposition—the acceptance of self-government as an objective not only in institutional terms but within the soul of each—is that without which "we can never hope to be a happy nation." The accomplishment of such a spirit, however, turned upon the efforts of those who would supply the policy and institutions of the nation. Thus, Washington did not dilate on the fourth recommendation but did incorporate its objectives in the defenses of the other three, particularly the second, "a sacred regard to public justice."

We have a far clearer picture of the ideas with which Washington entered the Convention than is the case of Franklin. Beyond the general principles contained in Franklin's efforts early in 1787, we retain no evidence of specific planning on his part. Washington, on the other hand, had exchanged a detailed correspondence with such coadjutors as Knox, Hamilton, Jay, and Madison. He had read their sketches of possible plans, and had even gone to the length of copying out in his own hand the essential points of those plans which detained his attention. He had also delivered his watchword:

... my wish is that the convention may adopt no temporizing expedients, but probe the defects of the constitution to the bottom, and provide radical cures; whether they are agreed to or not; a conduct like this, will stamp wisdom and dignity on the proceedings, and be looked to as a luminary, which sooner or later will shed its influence.²⁰

As to the specific political initiatives to flow from either Washington's "radical cures" or Franklin's "complete independence," however, we have no conclusive evidence apart from their contributions in the Convention. And there we find far more of Franklin, to all appearances, than of

²⁰ To James Madison, March 31, 1787.

Washington. Upon a closer inspection, however, we shall be able to discover means to indicate the character of their judgment about specifics and the extent of their influence within the Convention.

As the Convention opened the first question pending was that of who should preside. All attention focused on Washington and Franklin. Franklin diverted all hesitation by bringing in the nomination of Washington. With his elevation to the chair Washington fell silent, at least so far as all written records testify. Even when he sat with his delegation during sessions of the “committee of the whole” he made no speech in the Convention (with one notable exception which will be remarked in its place). This pattern, however, conforms generally to what most of his biographers record of his service in the Virginia House of Burgesses prior to independence also. He spoke there but seldom, though apparently with effect. Nevertheless, he did make his views known, and Madison’s “Notes” have left evidence sufficient for us to determine how this was done within doors. This we will use as a basis of comparison with Franklin, who spoke with relative frequency. Before undertaking that comparison, however, I should note that the apocryphal record suggests that Washington did speak during the Convention, though Madison did not record it. Gouverneur Morris, in his eulogy of Washington, records an eloquent speech near the opening of the Convention, and another tale shows Washington rebuking (in general) a fellow delegate who had incautiously let drop his copy of the proceedings where the secret proceedings may have been compromised. In each of these cases, the apocrypha emphasize an authority peculiar to Washington, whereby his words bear the weight of authoritative deeds in the eyes of his fellows. He and Franklin differ sharply in this respect, as we shall see.

To illustrate the grounds of the remarks which follow, we should review some of the votes of the Pennsylvania and Virginia delegations in the Convention. Through them, along with certain evidence of the votes of Washington and Franklin in some cases, we will be able to infer patterns of voting which will suggest the direction of their influences within the Convention. Because the voting all took place within delegations and required at least the minimum of communication required to make votes clear, we will be able to deduce therefrom a fairly coherent view of the preferences of Washington and Franklin within the Convention and, consequently, a basis for comparing their preferences with the eventual direction of the Convention. The Appendix (pp. 134-38 below) summarizes these votes by date.

Based on direct evidence, we can identify fifteen precise votes for Franklin and ten for Washington. These are all votes which were either recorded directly by name, follow speeches indicating a position or a seconding motion, or conform to later explications (such as in the case of Washington on August 13). The latter case, for example, involves reading Washington’s votes on the money bill provision prior to August 13 as “no” votes, in order to conform to Madison’s explanation that “G.W. till now voted against.” There were three such prior votes (6/13, 7/6, and 8/8), meaning that four of Washington’s ten identified votes were on this question. In Franklin’s case we cannot know how he voted on this question on June 13. Given his role in generating the compromise (and a vote for the money bill provision in the compromise committee), however, it is far stronger than a guess that he voted “yes” thereafter just as consistently as Washington voted “no.”

At the outset, then, we see Washington and Franklin opposed in practice if not in principle. We see still more: while Franklin was generally voting in the minority on this question within his delegation, Washington voted in the majority within his delegation. We also learn something about the probable voting coalitions, thanks to Madison’s care in detailing certain

transactions within the Virginia delegation. In addition to the fact that Mason defended the money provision and, therefore, probably voted for it, we see on August 21 that Mason and Randolph voted together in favor of a provision desired by the defenders of slavery, and prevailed over Madison and Washington by attracting the swing vote of Blair. The fact of Blair's swing is established in the votes of July 26 (executive clause) and September 12 (vote to weaken executive veto). On the money bill provision, accordingly, it is highly likely that Blair voted with Madison and Washington, while Mason and Randolph formed an opposing bloc, after June 13. For on June 13 (before it became a part of the compromise package) it must have been Madison and Washington who formed the minority.

On other questions, of course, the delegations voted with actual or virtual unanimity. Thus, these votes, too, may be attributed to Washington and Franklin. A negative instance of this arose on May 31, when Madison noted that Pennsylvania voted against bicameralism "probably from complaisance to Dr. Franklin." We see immediately thereafter that Pennsylvania reverted to general, and even enthusiastic support of bicameralism (6/21). To imagine Franklin continuing to hold out in this case would suppose a degree of churlishness not admissible by what we know of his character. If we would, therefore, impute the votes of Washington and Franklin according to their delegations' votes, making exceptions such as the foregoing by expressly accounting for differences in voting, the result should be a general portrait of their views and their potential influence in the Convention.

Where their delegations diverge, so, too, would their views and the converse. For example, Virginia warmed slowly to James Wilson's electoral college scheme, and we may imagine that Washington did too (6/2, 7/17, 7/19, 8/24, and 9/5). Or, again, to take James Madison's proposals for a council of revision, we find Madison and Mason leading a consistent Virginia defense of the proposition. This creates a fair impression of unanimity in Virginia. Pennsylvania, on the other hand, consistently voted against it even as Wilson and Gouverneur Morris made speeches in support. Where did Franklin stand? He was not explicit, save in resisting an absolute veto for the executive and conceiving a council as preferable to that. But was not a suspensive veto still more preferable? For that is what he immediately supported as soon as the absolute veto was dead. Pennsylvania had eight delegates, and odds are good that Robert Morris stood with Gouverneur Morris and James Wilson. Additionally, Pennsylvania moved from being "no" to "divided" between June 6 (when Gouverneur Morris was absent) and July 21 (when he was present). His vote, then, may have been added to these others to produce a stand-off at four. Of the remaining delegates, Clymer, Fitzsimmons, Ingersoll, Mifflin, and Franklin, at least one—on any calculation—favored the council of revision. On September 7 Franklin seconded a motion by George Mason, proposing the establishment of an executive council. This was not the same as a council of revision—with its implicit veto authority—but it did evoke from Franklin an argument remarkably similar to his argument against the absolute veto. It is therefore reasonable to conclude that Franklin, somewhat reluctantly, voted in favor of the council of revision from the start. If so, he voted with Washington and Virginia and against the majority of his Pennsylvania delegation. Of course, the electoral college eventually prevailed, while the council of revision and executive council never did.

Do Washington and Franklin lead or follow their delegations in their migration toward each other? While Franklin apparently favored a plural executive (6/2 and 6/4), the Convention settled on a single executive—Washington's preference in his divided Virginia delegation. Franklin favored, but did not fight for, a unicameral legislature; Washington supported a bicam-

eral legislature in his votes and opinions.²¹ Franklin urged service without pay in the executive office and the senate; Washington advocated professional, compensated public service (though not for himself).²² Franklin and Washington both supported the separation of powers, and governmental powers to apply directly on citizens rather than on state governments. Franklin pushed the large state-small state compromise, whereby the House would originate money bills exclusively, while the Senate would be constituted on the basis of an equal vote per state. Washington agreed with other nationalists that this was no compromise at all, since the power to amend money bills in the Senate (which *they* insisted on) rendered it nugatory and since the nationalists were unpersuaded of its utility anyway. His decision finally to vote for it he regarded as a concession rather than a compromise. The nationalists settled for what they could get, affirming their principle of a national basis of representation and government (per capita voting in the Senate) even if not designing it with the preferred symmetry. In other words, to nationalists both sides of the compromise were objectionable. Hence, there was no compromise in fact; merely acceptance that they could not otherwise obtain agreement save by accepting these mechanisms.

In surveying these differences and the relative influence of Washington and Franklin, it becomes clear at length that Washington's position—including his concessions—operated far more powerfully as a necessary condition of agreement *within* the Convention than those of Franklin. A survey of Franklin's speeches would convey as much. He prevailed, as on August 7, when he resisted inclinations to narrow the base of suffrage in the country: "It is of great consequence that we shld. not depress the virtue & public spirit of our common people." Or, again, on August 10: "Doctr. Franklin expressed his dislike of everything that tended to debase the spirit of the common people." Thus, as to the genius or spirit of the government, Franklin often expressed, though not alone, the position which in general prevailed. Whenever questions of structure and operations arose (the political science), however, with the single exception of the "Great Compromise," Franklin generally lost. Accordingly, he frequently found himself switching to support of the contrary position.

We may gain a clearer view of this process by focusing on the fourteen clearly identified votes (omitting the first vote of "complaisance") in terms of where Franklin stood both within his own delegation and *vis-à-vis* Virginia.²³ Such a review reveals that Franklin voted with the Pennsylvania majority seven of fourteen times. Whenever he voted against his delegation's majority, he also voted against Virginia's majority six out of seven times; whereas he voted against Virginia when voting *with* Pennsylvania only two out of seven times. Conversely, he was with Virginia five out of seven times when he was also with Pennsylvania's majority and was with

²¹ To Bushrod Washington, September 30, 1786.

²² Inaugural Speech, April 30, 1789: "When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty, required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require." The Congress, upon consideration, disagreed with the President and ordered a regular salary for him.

²³ The votes of 6/4 (2) on the absolute veto and the suspensive veto; 6/12 on the substitution of "fixed" for "liberal" in a compensation clause; 6/26 on senate compensation; 7/2 on his motion on composition of senate; 7/6 on money bills; 7/16 on the "Great Compromise;" 7/18 on the inclusion of "increase" in the limitation on judicial salaries; 7/20 on impeaching the executive; 8/8 on a motion to strike the money bill provision; 8/13 on money bills; 9/7 on the executive council; 9/8 on money bill; and 9/ 17 on Washington's representation position.

Virginia when against Pennsylvania only one in seven times. Another way of stating this is that Virginia's and Pennsylvania's majorities diverged on only three of these votes. The result is that the political ground tone of the Convention seems to have been set by Virginia, and in Virginia largely by George Washington (his money bill switch was a catalyst).

The single, compelling example of Washington's influence occurred on the last day of the Convention. At that moment the Constitution had been completely agreed on, save for the device for signing. It had been engrossed and was ready to hand, so soon as the Convention would determine how it wished to proceed in closing its work. Franklin had much to do (with Gouverneur Morris's direction) in providing a stratagem, about which more will be said later. In spite of the spirit of accomplishment which filled the air, however, the Convention remained a parliamentary body. Motions were still in order. Massachusetts's Corham rose to move an alteration in the formula for representation. He urged a reduction in the scale of representation, from 1: 40,000 to 1: 30,000. King of Massachusetts and Carroll of Maryland "seconded and supported" his idea, despite the fact that the Convention had reaffirmed the rule of 1: 40,000, on a motion of James Madison, more than a month before (8/8) and had undergone numerous discussions prior to that time. If anything was settled, this was it. Indeed, Madison's motion had been that, considering the future growth of population, the rule of 1: 40,000 would produce too large a representation, and therefore the provision should read "not exceeding one for every 40,000." The Convention at that time accepted it *nem contradicente*.

The only debate recorded by Madison on this day came from George Washington, though he indicates that King and Carroll did indeed say something. At all events, the last substantive debate of the Convention was provided by its president, his only recorded contribution to the debate. He spoke as follows:

When the President rose, for the purpose of putting the question, he said that although his situation had hitherto restrained him from offering his sentiments on questions depending in the House, and it might be thought, ought now to impose silence on him, yet he could not forbear expressing his wish that the alteration proposed might take place. It was much to be desired that the objections to the plan recommended might be made as few as possible—the smallness of the proportion of Representatives had been considered, by many members of the Convention, an insufficient security for the rights & interests of the people. He acknowledged that it had always appeared to himself among the exceptionable parts of the plan; and late as the present moment was for admitting amendments, he thought this of so much consequence that it would give much satisfaction to see it adopted.

Following this appeal no voice of opposition was raised and the measure passed unanimously. Washington thereby set his seal on the genius of the regime as he had heretofore silently worked to assure that an adequate structure, capable of governing, would be erected. In this display we behold an instance of Washington's influence within the Convention. The question it raises, however, is whether this instance were not rather emblematic of the kind of influence he exercised throughout. He said that it would give him "satisfaction" to see the change adopted. His appeal was almost aesthetic; it was a matter of taste. Could it have been that Washington was such a soul as could impart direction merely by making his disposition known?

This last question not only prepares the way for future researchers to discover how Washington (and perhaps Franklin) could have been symbols in the Convention; it also gives place for a concluding assessment of the relative influence of Washington and Franklin within the Con-

vention. For one item to be considered in that assessment is surely the question of what they contributed in the aftermath of the Convention to realize the purposes they had pursued within the Convention. In the case of Washington the question is complicated. He addressed the Congress and the nation in the form of the letter of transmittal wherewith the Constitution was forwarded to the Confederation Congress. That letter, however, was drafted not by Washington but the Convention's Committee of Style. We shall ignore it, therefore, in seeking Washington's own view.

Unlike a great number of the nationalists, however, Washington did not undertake a general campaign of public declamation and publication on behalf of the Constitution—at least not directly. True to his past experience, his private expressions of opinion did have the facility of finding their way into the press. “Washington's opinions, even rumors of them, were too good copy to be passed over even at his desire.”²⁴ Nevertheless, he held to his resolve “not to appear as a partisan in the interesting subject.” He wished, rather, that the Constitution “might stand or fall according to its merits or demerits.” Much of what he thought of the Convention's accomplishment he revealed in letters to friends, particularly distant friends such as Catherine Macaulay-Graham and Lafayette. To Lafayette, for example, he could boast that the Constitution “is provided with more checks and barriers against the introduction of tyranny, and those of a nature less liable to be surmounted, than any government hitherto instituted among mortals hath possessed.”²⁵ We seek, however, a more programmatic expression of Washington's views, especially one that might take the form of a public deed.

Unfortunately, the prime candidate for this office is lost to us in the main. I refer to the “Discarded Inaugural Address.” “Too long and too radical, Washington's first draft of his first inaugural address was never delivered. Its pages scattered by a thoughtless scholar, it is here partially recreated.”²⁶ Those words introduced the most extensive collection of the fragments of the “discarded inaugural” heretofore published.²⁷ The “thoughtless scholar” to whom Stein referred was Jared Sparks, the nineteenth-century compiler of Washington's papers. Sparks took the judgment of James Madison, that the address would be an embarrassment to Washington, not only as a reason not to include it among his published works, but also to scissor it into samples of Washington's autograph for his numerous friends and acquaintances around the country. Long presumed to be the work of David Humphreys, in spite of existing in Washington's own handwriting, this work has been largely ignored. Even the casual reader of Washington's papers, however, will find the echoes of its ideas throughout Washington's correspondence reaching back as far as six years. We can only speculate about the meaning of Washington having apparently written to Madison that this was Humphrey's work, but we cannot rule out the possibility that he did so from a desire to encourage the most candid response from Madison.

It is clear from the fragments we do have that if we had the whole of the “discarded inaugural,” it would rank alongside and perhaps above Washington's 1783 “Circular Address” as a comprehensive statement of his political understanding. Standing even in its defective form, it is a manifest contribution to our understanding how far Washington's *understanding* as opposed to his *image* informed the founding of the United States. One example would be his assertion in the

²⁴ Op. cit., David Matteson, 21.

²⁵ To Lafayette, February 7, 1788.

²⁶ Nathaniel Stein, “Washington's Discarded Inaugural,” *Manuscripts*, vol. x, no. 2, Spring, 1958.

²⁷ A new collation, and the basis of the following analysis, will appear in my collection of *Washington's Political Writings* (Indianapolis: Liberty Press, 1987)

document that “I presume now to assert that better may not still be devised.” This is clearly Washington’s retrospective judgment of the work of the Convention, many of whose members he had warned beforehand to aim, not for the most that is acceptable, but for the best possible.

Washington appraised the work of the Convention as that of his “colleagues” and his *own*:

Although the agency I had in forming this system, and the high opinion I entertained of my Colleagues for their ability and integrity may have tended to warp my judgment in its favour; yet I will not pretend to say that it appears absolutely perfect to me, or that there may not be many faults which have escaped my discernment. I will only say, that, during and since the session of the Convention, I have attentively heard and read every oral and printed information on both sides of the question that could be procured. This long and laborious investigation, in which I endeavoured as far as the frailty of nature would permit to act with candour has resulted in a fixed belief that this Constitution, is really in its formation a government of the people; that is to say, a government in which all power is derived from, and at stated periods reverts to them—and that, in its operation, it is purely a government of Laws made and executed by the fair substitutes of the people alone.

Besides the fact that this disclaimer is a practically verbatim quotation of Washington’s letter to Hamilton on the high merit of *The Federalist*, it is important to note the emphasis both on his agency in forming the system and his continued effort to assure himself as to its nature. The address rehearsed all of the structural components of the Constitution from the perspective both of their republican safety and efficiency. He judged its superiority to most constitutions which “have existed in the world” on three grounds: first, it has adequate powers to perform the task of governing; secondly, it has no greater power than is requisite to accomplish the “safety and happiness of the governed”; and, third, (as he said to Lafayette) never before has any government so efficaciously guarded itself against degeneration into oppression. Washington continued to place the Constitution in the context of the Revolution, to show it as an accomplishment of the Revolution rather than of a latter-day departure.

Because this was to be a public address, and an address to Congress, Washington included extensive discussion of the situation and future of the United States. Indeed, many portions of the address resemble the arguments later laid out in the “Farewell Address.” Space does not permit us to provide a thorough exegesis on this occasion. Nevertheless, it must be noted that Washington undertook to define the character of the regime as such, or, as he put it, “to express my idea of a flourishing state with precision; and to distinguish between happiness and splendour.” In making that distinction Washington returned to the animating theme of the “Circular Address”: self-government understood as a spirit of moderation. Now, however, he adds to it a spirit of “magnanimity,” a spirit which becomes possible for a people truly moderate once they enjoy the blessings of a genuine regime. This is the same “magnanimity” which he praised and encouraged in the “Farewell.” This theme returned Washington to the meaning of the Declaration of Independence:

I rejoice in a belief that intellectual light will spring up in the dark corners of the earth; that freedom of enquiry will produce liberality of conduct; that mankind will reverse the absurd position that *the many* were, made for the *few*; and that they will not continue slaves in one part of the globe, when they can become freemen in another.

Washington then aimed to undertake his charge with a sense of duty (he explained earlier that he had no posterity to advantage by his conduct!). He aimed, too, to do so in the company of his fellow citizens, entering a path that would yet prove “intricate and thorny,” but which would “grow plain and smooth as we go.” It would grow so, he held, because of their adhering to that “eternal line that separates right from wrong.”

Washington, accordingly, regarded the work of the Convention as enabling the pursuit of a political course which should vindicate the claims of self-government understood as the capacity of man to guide himself by the light of moral claims. The affirmation hinged on the twofold condition of accomplishing such a political structure as would preserve to individuals the opportunity to pursue that course at the same time as men in general proved capable of doing so. They would qualify for self-government in the sense of free institutions in proportion as they qualified for self-government in the sense of that capacity of soul to govern themselves by the light of reason. Insofar as Washington’s efforts within the Convention were directed toward that end, our assessment of his influence must be governed by the need to discern that principle at work. We have already suggested the basis for such a judgment. It bears repeating, however, that Washington’s final contribution to the Convention testifies as well as anything may that he, at least, judged at the end that he had accomplished his goal. The time to make a bow to democracy was precisely at that moment when judgment held that democracy had been safely hedged in with appropriate checks and guides. This was surely Washington’s way of joining in Franklin’s recognition of the sun painted at the back of the president’s chair as a rising, not a setting, sun.

What Franklin did after the Convention, no less than Washington, reveals the nature and extent of his influence. His situation was peculiar to begin. Every title of eulogium had long since been applied to Franklin—philosopher, patriot, statesman, diplomat, noble, gentle. Only the title “founder” had escaped him. Ralph Ketcham attempted an explanation of this:

Franklin did not bring profound talent for devising institutions of government to this exacting task. He brought what was most needed in the aftermath of revolution where the premium had been on ringing words, reckless courage, and persistence in principle: the wisdom of experience, the good sense of a sage, and an unfailing instinct for proposing the next short step men might take in agreement, or at least in agreement to disagree.²⁸

Certainly Franklin’s midwifery in the “Great Compromise” might confirm an important part of this appraisal. Then, too, the fact that Franklin in 1787 was already well advanced in years—twenty years the senior of the next oldest delegate—and yet kept to the grueling pace (five hours every day from the start), provides evidence that “persistence in principle” yet had place to operate. Still, however, Franklin had a contribution of great significance to make. Just as Washington’s countrymen had greeted the Convention with the re-printing of his 1783 “Circular Address,” they celebrated its close with the widespread reprinting of Franklin’s famous closing speech. Thus, Franklin’s contribution in the aftermath of the Convention has the special value of also having been an essential contribution within the Convention. Because the final speech had been devised by Gouverneur Morris, questions may arise as to how far it can be attributed to Franklin’s virtues. Nevertheless, I shall make the case that there we can find the definitive gloss on Franklin’s influence and contribution. It should be remembered, too, that works like Franklin’s speech had a far greater effect in the actual climate of the time than works such as *The Federalist*, so greatly celebrated today.

²⁸ Op. cit., Ketcham, 185.

The problem at hand at the close of the Convention lay in the fact that not all the states were represented, and of those that were, not all the delegates approved the Constitution. Nevertheless, the supporters of the Constitution wished much to go to the country with a show of unanimity. Franklin's speech contained the vehicle which was designed to muster at least a show of unanimity, namely, a signing by individuals, with testimony to the unanimity of the states (obscuring the minority representation in states such as Virginia and treating New York as not represented in spite of Hamilton's presence). Well before Franklin reached the point of that motion in his speech, he had much to say about the work of the Convention, and that is what appealed to his countrymen in the aftermath.

Franklin opened the speech with the "confession" that several parts of the Constitution did not meet his approval. But, said he, "I am not sure I shall never approve them." The posture of openness christened his recommendation of the Constitution. Nor was it mere affectation. That openness was not mere skepticism; it was occasioned by a lively sense of the country's urgencies. The country needed a general government and, like Pope, he was not certain but that any government, well administered, might "be a blessing to the people." His counsel therefore inculcated faith in the virtues of George Washington, whom he had nominated for the presidency of the Convention and whom he anticipated, like everyone else, to be charged with the superintending duty under the new government.

I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best. The opinions I have had of its errors, I sacrifice to the public good.

Franklin made a concession, then, a concession to the public good. His concession at the end of the Convention mirrors Washington's concessions in the course of the Convention; it was perhaps prepared by them. Franklin understood the importance of conciliating public opinion. He thought, however, that to entertain them with good opinion might contribute as much to doing so as to enlighten them. Accordingly, he was willing to pledge to keep his reservations about the Constitution "within these walls," and to speak of the "wisdom and integrity" of the nation's governors out of doors. Franklin appreciated the value of worthy symbols as much as he did the necessity to prepare the public mind for innovations. Perhaps a fair part of preparing the public mind for innovations, in his view, consisted in producing for it worthy symbols. From this angle, however, we have regard only to the fact that Franklin spoke within the Convention. We have noted, though, that his speech was widely printed in the country, more extensively than *The Federalist*. Franklin did not so much keep his secret as reveal that those to whom he had made the pledge were worth keeping secrets for.²⁹ He brought Americans into the secret, thereby enlisting them in the project of giving General Washington's dream a chance. So, too, did he conduct himself within the Convention. We may conclude, therefore, that he had a more than symbolic influence. For all his tentative ideas, he held fast to the notion of building faith in the novel idea of self-government on an imperial scale.

Franklin and Washington should be recalled as active shapers of the work in the Constitutional Convention. We should do so, not because it would add lustre to their names, but because it would advance our own understanding of the accomplishment of the founding. We can-

²⁹ He did keep *one* secret: The motion which set up the device for creating an image of unanimity was varied in publication, altered so to read, "make manifest our unanimity," without hinting at the distinction between states represented and not represented. Along with that, the passage in the speech in which he candidly referred to "our real or apparent unanimity" was elided from the original *Boston Gazette* printing.

not embellish their epitaphs. Washington's was written in the characteristic form of that Socratic irony which proved immensely valuable to him in accomplishing the task he undertook (and to which he adhered in discarding the temptation to break the pattern in his first inaugural). It is the enduring testimony of the regime itself, "without parade or funeral oration," to quote from his "last will and testament." Franklin, too, wrote his own epitaph. We cannot close better than by reproducing it:

The Body of
Benjamin Franklin, Printer
(Like the Cover of an old Book,
Its contents worn out,
And stript of its lettering and gilding)
Lies here, food for worms!
Yet the work itself shall not be lost,
For it *will*, as he believed, appear once more
In a new
And more beautiful edition,
Corrected and amended
By its Author.

Harvey Mudd College
W. B. ALLEN

Appendix
Some Illustrative Convention Votes*

Date	Vote	Pa.	Va.
5/30	Vote to defer “national government” clause	no	no
	Vote for national government	yes	yes
5/31	Franklin motion to add “negative on state laws contravening articles of union,” “or any treaties subsisting under the authority of the union”	yes	yes
	Pa. votes against bicameral legislature, “probably from complaisance to Dr. Franklin”		
	Vote on popular election of House	yes	yes
	Vote on motion to strike “nomination by state legislators” from provision that House elect Senate	no	no
	Vote on entire motion to elect a Senate—“chasm left in plan”	no	no
	Vote on clause to grant national powers “where states are not competent”	yes	yes
	Vote on Madison’s motion to spell out executive powers “...as may from time to time be delegated” striking last clause	yes	no
6/1	Vote on remaining executive clause	yes	no
	Vote on seven-year term for executive	yes	yes
	Vote on Wilson’s electoral college scheme	yes	no
6/2	Vote on electing executive by national legislature	no	yes
	Vote to strike from Dickenson motion for removal of executive “upon application of states”	no	no
	Vote on Dickinson motion	no	no
	Vote to deny re-eligibility of executive	dvd	yes
6/4	Vote on single executive	yes	yes
	Vote to consider motion for executive		
	Veto in place of Council Revision	yes	no

* The votes recorded in this table are taken entirely from James Madison’s notes, as reproduced in *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1966), vols. I and II.

	Vote on absolute veto (Franklin speaks against)	no	no
	Vote on suspensive power in executive (Franklin seconds motion)	no	no
	Vote on motion for veto with two-thirds provision	yes	yes
	Vote to establish national judiciary	yes	yes
6/5	Vote to strike legislative appointment from judiciary article	yes	yes
	Vote on republican guarantee clause	yes	no
	Vote on session of Congress	yes	no
	Vote to postpone amendment procedure	yes	no
	Vote to postpone oaths for state officers	no	yes
	Vote to strike “inferior tribunals” from judiciary clause	no	no
	Wilson-Madison motion that legislature institute inferior tribunals	yes	yes
6/6	Vote to replace people by state legislatures for House election	no	no
	Wilson-Madison motion for Council of Revisions to include justices	no	yes
6/7	Wilson-Madison motion to postpone motion that state legislatures appoint Senate	yes	no
	Vote on motion to appoint Senate	yes	yes
6/8	Vote on negative of state laws (Washington not voting)	yes	no
6/9	Vote on election of executive by governors	no	no
6/11	Vote on motion that representation not follow model of Confederation	yes	yes
	Vote on inclusive basis of representation	yes	yes
	Vote on one vote per state in Senate	no	no
	Vote on proportional representation in Senate	yes	yes
6/12	Vote on ratification by popular conventions	yes	yes
	Vote on triennial elections for House	yes	yes
	Vote on “fixed” legislative salaries (Franklin defends “fixed” over “liberal”)	yes	yes
	Vote on paying salaries from national treasury	yes	yes
	Motion to strike “representative ineligible for state offices”	no	no
	Motion to make representative ineligible for national office	no	no

	for three years		
	Motion to make representatives ineligible for national office for one year	yes	yes
	Motion to strike age requirement for Senate	yes	no
	Motion to set age at thirty	yes	yes
	Vote on seven-year term for Senate	yes	yes
	Motion to withhold compensation from Senators	yes	yes
6/13	Motion to restrict money bills to House	no	yes
6/15	Paterson Plan introduced (Washington back in chair)		
6/19	Motion to “revise Articles” in place of Paterson’s first article	no	no
	Vote for Virginia Plan over Paterson Plan	yes	yes
6/21	Vote on bicameral arrangement	yes	yes
	Vote on reference of election of House to state legislatures	no	no
	Vote on direct election of House	yes	yes
	Vote to strike three-year term, with insertion of two years	yes	yes
6/22	Motion for national legislature to set own salary	yes	no
	Motion to strike “national treasury” from compensation clause	no	no
	Motion for twenty-five years age qualification for House	no	yes
	Vote to strike ineligibility for national office for representatives	dvd	no
6/23	Vote on “adequate compensation from national treasury”	yes	yes
	Motion to strike “ineligibility to state offices”	no	yes
	Motion to confine ineligibility to offices created by sitting Congress (Madison)	no	no
	Motion for ineligibility during representative’s term	no	yes
	Motion for ineligibility for one year after representative’s term	dvd	no
6/25	Vote for election of Senators by legislatures	no	no
6/26	Vote for nine-year Senate term	yes	yes
	Vote for six-year Senate term	yes	yes
	Motion for no compensation for Senate (Franklin seconds)	yes	no
	Motion for states to pay senators	no	no

	Motion to pay from public treasury	yes	yes
	Motion to make senators ineligible for offices for the duration of term plus one year	yes	yes
	Motion for senators' ineligibility to state offices	yes	yes
6/28	Franklin makes speech calling for compromise and prayer		
6/29	Vote to depart from rule representation in Articles	yes	yes
6/30	Franklin makes speech and motion on representation		
7/2	Motion that Senate follow rule of Articles	no	no
	Motion to form compromise committee	yes	yes
	Committee to be one-member-from-each-state (committee: Gerry, Ellsworth, Yates, Paterson, Franklin, Bedford, Martin, Mason, Davey, Rutledge, and Baldwin)	no	yes
7/3	Committee report follows Franklin motion		
7/5	Motion to measure representation by quotas of contribution	no	no
7/6	Motion to fix initial number of representatives in committee (committee: G. Morris, Gorham, Randolph, Rutledge, King)	yes	yes
	Franklin speech against separating parts of compromise		
	Franklin speech on money bill restrictions		
	Vote to retain clause on money bills	no	no
7/7	Vote to retain one vote per state in Senate	no	no
7/9	Vote on committee report, clause allowing adjustment of representatives by wealth and numbers	yes	yes
	Motion to form new committee of one from each state to set initial appointment (committee: King, Sherman, Yates, Brearly, G. Morris, Read, Carrol, Madison, Williamson, Rutledge, Houston)	yes	yes
7/10	Vote to alter committee apportionment, New Hampshire from three to two	no	no
	Vote to alter North Carolina from five to six	no	no
	Vote to alter South Caroline from five to six	no	no
	Vote to alter Georgia from three to four	no	yes
	Madison motion to double numbers (130)	no	yes
	Vote on Committee report	yes	yes
7/11	Vote to count blacks equal with whites	no	no

	Vote on periodical census	yes	yes
	Vote on including three-fifths clause	no	yes
	Vote on census after first year	yes	yes
	Vote on complete resolution	no	yes
7/12	“Direct taxes proportioned to representation”	yes	yes
	Motion to rate blacks equal to whites	no	no
	Vote on complete resolution	yes	yes
7/13	Motion for initial taxation proportioned to initial representation	yes	no
	Motion to drop wealth from rule of representation	yes	yes
7/16	Vote on entire compromise, sixty-five members in House, money bills provision, one vote per state in Senate	no	no
7/17	Vote on negative state laws	no	yes
	Vote on direct election of executive	no	no
	Vote on state legislature appointment of electors	yes	no
	Vote on election by national legislature	yes	yes
	Vote to strike executive ineligibility for re-election	yes	no
	Vote on good behavior executive tenure	yes	yes
7/18	Vote to appoint judges by executive without Senate concurrence	yes	no
	Vote on appointment with Senate concurrence	yes	yes
	Vote to strike “increase” in limitation on judicial salaries (Franklin supported)	yes	no
7/19	Vote on electoral appointment of executive	yes	yes
	Selection of electors by state legislatures	yes	no
	Vote on executive ineligibility second time	no	no
	Vote on seven-year term	no	no
	Vote on six-year term	yes	yes
7/20	Vote on impeachment of executive (Franklin supported)	yes	yes
7/21	Vote to form Council of Revision with judges	dvd	yes
	Vote to appoint judges by executive subject to disagreement of Senate	yes	yes
	Vote to appoint judges by Senate	no	no

7/23	Vote to ratify in state legislatures	no	no
	Vote to ratify in conventions, called for by Congress	yes	yes
	Vote that Senate consist of two members from each state, voting per capita	yes	yes
7/24	Vote to appoint executive by national legislature	no	no
	Committee of detail appointed: Rutledge, Ghorum, Ellsworth, Wilson		
7/26	Vote to restore executive to seven-year term, ineligible second time, chosen by Congress (on Madison motion)	no	no
	Vote to accept entire resolution on executive, chosen by Congress for seven years, ineligible to succeed, with express powers (Washington and Madison, no; Blair and Mason, yes; Randolph, absent)	no	dvd
8/8	Vote to strike money bill provision	yes	yes
8/10	Vote on power of Congress to set property qualification for its members	no	no
8/13	Vote on originating money bills in House (Blair and Madison, no; Mason, Randolph, and Washington, yes. But Madison notes, Washington "disapproved & till now voted agst. the exclusive privilege, he gave up his judgment he said, because it was not of very material weight with him & was made an essential point with others, who if disappointed, might be less cordial in other points of real weight."	no	yes
8/20	Vote on Mason sumptuary law motion	no	no
8/21	Vote on "no tax on exports" except by two-thirds (Washington and Madison, yes)	yes	no
	Vote on "no tax on exports" (Washington and Madison, no)	no	yes
8/22	Vote on "Committing slavery provisions" to effect a compromise	no	yes
8/24	Vote on joint ballot in Congress for executive	yes	yes
	Vote on majority rule in ballot for executive	yes	yes
8/25	Vote to extend slave importation provision to 1808	no	no
9/5	Vote to reject committee report and return to original plan to elect representative	no	no
9/7	Motion by Mason (Franklin second) to refer to committee provision for executive council in place of executive appointments/cabinet (Madison spoke in defense of mo-	no	no

	tion)		
9/8	Vote to originate money bills in House	yes	yes
	Vote to increase size of House	yes	yes
9/12	Vote to reduce override to two-thirds from three-fourths (Washington, Blaire, and Madison, no; Mason and Randolph, yes)	no	no
9/14	Vote on motion to increase initial allocation of representa- tives for House	yes	yes
	Motion to remove appointment of Treasurer from legisla- ture	no	no
9/17	Motion to revise rule of representation, increasing it from 1:40,000 to 1:30,000 (Washington stepped from chair to defend this motion, following which it passed unani- mously)		