



Written by [Joe Wolverton, II, J.D.](#) on September 17, 2012

## Constitution Day: 225 Years in Passage of Time; Light Years in Loss of Liberty

Every day our Republic moves more distant in many ways from that day 225 years ago when 39 of the original 55 delegates signed the Constitution they had begun crafting nearly four months earlier.

No matter how ardent a nationalist, there wasn't a single representative present at that convention who could have either imagined or approved of a federal government of the size and scope of the present one.



In increasingly sophisticated and insidious ways, today's national government weaves a web of monitoring that allows the national intelligence apparatus to keep most citizens under some form of surveillance nearly 24 hours a day.

Add to that the passage by Congress and the signing by the president of the National Defense Authorization Act (NDAA) — legislation that grants the president the unprecedented and unconstitutional power to deploy members of the U.S. military to apprehend and indefinitely detain anyone he suspects of posing a threat to national security.

Finally, with the Supreme Court's decision to deem ObamaCare a constitutional exercise of Congress' taxing power, all three branches of the federal government established in the document drafted in Philadelphia 225 years ago have colluded in the creation of a government whose power is nearly immeasurable.

Looking back at that historic day in September of 1787, there were a few men whose influence and impression are yet felt and seen by those of the present generation. A look at the contributions of one of the noblest and most respected of them will illustrate the debt we owe to that generation.

In the drama that unfolded during that exceptionally hot summer, Benjamin Franklin, hobbled by gout, was the central player in three scenes of the final act of this history-changing event.

First, there was the influential speech he wrote, encouraging his fellow delegates to overlook the shortcomings of the document they produced over the course of the last few months and endorse it. Second, there was the rising sun versus setting sun comment, dictum endowed with the poesy of which few other men were capable of creating. Third, there was the response Dr. Franklin gave to a Mrs. Powell of Philadelphia, who prompted by courage and curiosity, asked the sage what type of government he and his colleagues had given America. His now-famous answer: "A republic, madam, if you can keep it."

At the close of the convention, Franklin was 82 years old and had devoted three-score years to the service of his state, his country, and the principles of self-government and liberty. From the Albany Plan of Union in 1754 to the Constitution of 1787, Franklin had delivered one remarkable performance after another, adding up to a remarkable life. Although he had reservations, he recognized the virtue of the



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Constitution and the genius and novelty that increased exponentially the tensile strength of the girders upon which the framework of the new American union was constructed.

James Wilson's involvement in the establishment of the American Republic included playing pivotal roles in the ratification of both of America's foundation documents: the Declaration of Independence and the Constitution. On that Monday in mid-September, however, Wilson was an ensemble player. He was the narrator of a monologue written by his elder fellow delegate from Pennsylvania, Benjamin Franklin. Franklin rose and handed Wilson the paper upon which he had written the speech that he himself considered so impressive that in the weeks following its delivery, he made copies and sent them to his friends for them to keep, read, and admire. Franklin wrote:

I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

Sitting in rapt attention to the words of their elder statesman on that afternoon of the 17th of September, 1787, were 40 delegates of the 55 that were present at one time or another during the summer. Every one of them, whether heartily for or immovably opposed to the document, recognized that for all its enshrined wisdom and good government, it was also a bundle of compromises. That bitter little pill was swallowed by every one of the demi-gods who signed that parchment that sunny day.

Two days of clouds and rain were broken by a glorious sunshine as the delegates made their way, many for the final time, down Chestnut Street. As they entered the State House, as described above, they were of varying opinions as to the advisability of recommending the ratification of the product of their seemingly endless hours of partisan debate. They listened to Franklin's well-reasoned, well-crafted plea, and they lined up, with three exceptions (one of whom, George Mason of Virginia, was particularly notable), according to the state they represented, and endorsed the Constitution.

As the ink dried on the signatures, Benjamin Franklin made a final and impromptu observation that was recorded by James Madison. According to Madison's account of the scene:

While the last members were signing it, Doctor Franklin looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of this session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President, without being able to tell whether it was rising or setting; but now at length I have the happiness to know that it is a rising and not a setting sun.

Franklin, Madison, Washington, Hamilton, and the rest approach us now and they ask, Have you kept it? This Republic we bequeathed you? Today, as a visitor to Independence Hall admires the very chair that inspired Franklin's comments on that day over 200 years ago, could he confidently discern whether it was a rising or a setting sun? Is our systemic neglect of the Constitution accelerating the demise of our Republic? Is the sun setting on this noble experiment? Or, as some hope, are the glorious rays of dawn breaking across the horizon? Have we, lovers of liberty and sentinels on the parapets of limited government, yet been granted by the hand of Him who guided the hands of our forefathers, another day with which to prove our commitment to freedom?



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Will modern Americans devote even a few minutes today to read the Constitution? Will we learn to cherish the principles of limited government, personal responsibility, separated powers, and state sovereignty upon which it is built?

May our familiarity with the articles thereof breed not contempt, but concern. May we channel that concern into gushing streams of influence and with Herculean effort clean the stables of government and renew our dedication to the election of good, honest men and women and to the relentless defense of our Republic. Maybe then, we can keep it.



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