

**THE ROCKY ROAD TO RATIFICATION --  
AND THE MASSACHUSETTS POTHOLE**

(A transcript of contemporary coverage of events from 1786 - 1788 as reported  
by Dan Wrather-Knott of the Confederation Broadcasting System.)  
(As reported to The Examiner Club by Frank M. Coffin on January 4, 1987)

I. Annapolis, September 14, 1786

Good evening. This is Dan Wrather-Knott of the Confederation Broadcasting System, speaking from Annapolis on this 14th day of September, 1786, in the tenth year of our independence. Some are saying it may be the last year of our independence. So few delegates attend that we -- I say this advisedly, for there are 12 of them and one of me -- are meeting in George Mann's Inn rather than in the State House. This is peculiarly appropriate, for this is where General Washington was entertained on the night before his resignation.<sup>1</sup>

Certainly it has been a summer of discontent. Item -- lacking any protection of the British fleet, we have, as you know, been completely at the mercy of the Barbary states' pirates. Congress in its wisdom refused to contribute one frigate to fight them. In June we nobly bought peace from Morocco with tribute to the tune of \$10,000, but Algiers, Tunis, and Tripoli still roam the main . . . . Item -- Trade to and from Great Britain is down; farm wages have dropped 20 percent from 1780; money is short, taxes are high, debtors are hard pressed and demands for paper money are a rising tide . . . . Item -- When the Massachusetts legislature adjourned in July without either issuing paper money or staying foreclosures, mobs grew, shut down court in Northampton and Worcester and even as I speak are threatening both court and a federal arsenal at Springfield under one Daniel Shays, a poor farmer and one-time captain in the Revolution.<sup>2</sup> Item -- Despite the Treaty of Paris, these United States are not honoring their debts; indeed, the states simply refuse to honor requisitions from Congress; we are a laughing stock abroad; neighboring states exploit each other so that New Jersey, taxed by both Philadelphia and New York, has been likened to a "cask tapped at both ends";<sup>3</sup> and there are even rumors of splitting the country into two or three separate confederacies.

Because of this parlous state of affairs, CBS has decided on a series of backgrounders, in depth behind-the-headlines analyses, inquiring into the health and prospects of this Confederation. We plan to cover all significant meetings held on this subject at least to the end of the year.

Unfortunately, there may not be any more. Last month a special committee of Congress reported seven key amendments to the Articles of Confederation, aimed at providing a federal court, giving Congress power over commerce, and insuring payment of state quotas. But these lie on the table with no hope that they can receive the necessary unanimous approval.<sup>4</sup> Indeed, a resolution against sin would not get unanimous approval.

Now here at Annapolis, things don't seem any more promising. This all started with, I am told, a gleam in George Washington's eye, before the Revolution. His grand idea, which had gotten the approval of the Virginia legislature, was to link the Ohio River system, serving the

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<sup>1</sup> W, 7.

<sup>2</sup> Mo, 114-116.

<sup>3</sup> M, 7.

<sup>4</sup> Mo, 115; G, 197-198.

vast western lands, with the Potomac by a system of short overland carriage between the headwaters, canals and locks, and so make Alexandria the metropolis-port of the east coast. Maryland and Virginia met at Mount Vernon to resolve a host of problems -- and agreed to meet annually. Maryland invited Pennsylvania and Delaware to the second. Whereupon Virginia invited all thirteen states.<sup>5</sup> Only nine accepted -- not even Maryland came. And only twelve delegates from five states reached here on time for today's business.<sup>6</sup>

The meeting ended this afternoon and I have just talked with a delegate from New York, Colonel Alexander Hamilton. He told me that the slim attendance made further study of interstate commercial problems useless. He said that, instead, they accepted a report prepared by him.<sup>7</sup> This report, which I have seen, is to be sent to all the states asking them to name commissioners to meet at Philadelphia next May. They are -- and I quote -- not only "to take into consideration the trade and commerce of the United States," but also to devise such "further provisions" necessary "to render the constitution of the Federal Government adequate to the exigencies of the Union."<sup>8</sup> A copy of this also will be sent to Congress. I suspect that this is where the matter will end. For does anyone think that Congress will welcome turning over to others the job of making the Constitution "adequate to the exigencies of the Union?"

## II. New York, February 21, 1787

Good evening. After a lapse of five months, I speak to you tonight from the temporary capital in New York City where Congress, after doing nothing for over four months on the Annapolis call for a convention, finally took some action. I have learned from an Annapolis activist, Jemmy Madison, that the fly in the ointment was the Massachusetts delegation, which took the position that amendments to the Articles must originate in Congress. They point to Article XIII which requires Congress to agree to amendments, but Madison argues that the Articles say nothing about how changes could be initiated. In addition to the opposition from Massachusetts, Congress was, during most of November, December, and January, unable to act; there were simply not enough members present.<sup>9</sup>

But while Congress was doing nothing, seven states took the bit in their teeth and authorized the appointment of commissioners.<sup>10</sup> Finally today, after some backing and filling, Congress passed a resolution. Just what it means I leave up to you. It begins by acknowledging that a Convention, as suggested by several states, "appear[s] to be the most probable means of establishing . . . a firm national government." That looks like a broad concept, doesn't it? But the resolution goes on to say "it is expedient that . . . a Convention . . . be held . . . for the sole and express purpose of revising the Articles of Confederation." That looks like closing the door to broad changes, doesn't it? Well, not exactly, because the changes agreed to must be such as to "render the federal constitution adequate to the exigencies of Government -- the preservation of the Union."<sup>11</sup>

It seems to me that each new step adds to ambiguity. Not only is it unclear what Congress means; it is unclear whether Congress or the states are calling next May's convention, for most of the states have acted long before today.

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<sup>5</sup> Fl, 196-199.

<sup>6</sup> M, 10; G, 198; Mo, 115.

<sup>7</sup> M, 10.

<sup>8</sup> No, 115; G, 199.

<sup>9</sup> G, 200.

<sup>10</sup> G, 199-200.

<sup>11</sup> G, 201.

In any event, what is clear is that there will be some kind of a meeting in Philadelphia in about three months. I'll see you there. I close this commentary with a report from incendiary Massachusetts. Late last fall Captain Shays and his men threatened the Springfield arsenal. They were dispersed and the uprising was finally quashed just within the past few days.<sup>12</sup> But Massachusetts and much of the country are still in a state of shock. That government could allow this to happen worries many; that government provokes this to happen worries many also. General Washington himself is quoted as saying that if anyone had told him, when he retired from the army that "at this day, I should see such a formidable rebellion against the laws and constitutions of our own making . . . I should have thought him a bedlamite, a fit subject for a madhouse."<sup>13</sup>

This is your Confederation Watchman, Dan Wrather-Knott. Good night.

### III. Philadelphia, May 14, 1787

Good Evening. As promised in February, I am here in Philadelphia at the Indian Queen Tavern awaiting a convention. The big news is that almost nobody is here.<sup>14</sup> Only Virginia and Pennsylvania are represented.<sup>15</sup> But George Washington is among the delegates. So one does not despair of a sufficient number. I tried to have a word with Jemmy Madison, but he was busy trying to talk to Governor Randolph and others of his Virginia delegation. They are reported to be working on some kind of plan for restructuring the government.

### IV. Philadelphia, May 16, 1787

Good evening. In the past two days nothing much has happened. And yet something has. More delegates have drifted in, but principally we have just all had somewhat of a bash at Dr. Franklin's. A friend had sent him a cask of porter. He invited all interested to attend what he called "une assemblée des notables."<sup>16</sup> Since there weren't many notables, I was included. It was a delicious evening. In the tedium of waiting for something to happen, this porter carried all of us gracefully. So far, this is a delightful convention.

### V. Philadelphia, May 29, 1787

Good Evening. This is Dan Wrather-Knott speaking from the State House . . . or, rather, outside the State House. Much has happened since our last broadcast. On last Friday General Washington was the unanimous choice for president of the Convention. Dr. Franklin was to have made the nomination, but the state of the weather and his health confined him to his house. Yesterday, Mr. Wythe from Virginia presented a report on rules that would govern the Convention.<sup>17</sup> Today this discussion on rules continued.

I was standing in the doorway, taking notes, and expecting that I would soon be offered a seat. Instead, I was absolutely shocked to hear Mr. Wythe propose the following rule: "that nothing spoken in the House be printed, or otherwise published or communicated without leave."<sup>18</sup> Governor Randolph was about to address the Convention on the Virginia Plan which he thought might serve as a basis for discussion. I had a full quiver of quills and a tankard of ink at

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<sup>12</sup> Mo, 116.

<sup>13</sup> Fl, 200.

<sup>14</sup> M, 23.

<sup>15</sup> B, 17.

<sup>16</sup> B, 16.

<sup>17</sup> M, 25.

<sup>18</sup> M, 28.

the ready. But on acceptance of the rule, I was courteously but firmly ushered out of doors. Now there are not only sentries at the door but the pavement is covered with loose earth as not to disturb these somnolent Olympians.<sup>19</sup>

So here I am, speaking to you from an empty square in the gathering twilight. What imbecility, what disingenuity! They obviously have no idea what a Sunshine Law is, or even a Freedom of Information Act, or, above all, a First Amendment. Oh Lord, I was born before my time! I can't imagine that this group of otherwise intelligent, well read, and experienced men can expect anything good to come out of such a secretive discussion. Such is the power of silence to dam up the fresh-flowing stream of truth that I am tempted to call this a Watergate. But, having observed the members at their leisure, I sense they could make a fishmonger blush. If, therefore, not Watergate, this affair is certainly Billingsgate.

At this point this reporter senses that nothing but triviality will emerge from this indecently sequestered conclave. Good night and maybe even Good-bye.

#### VI. Philadelphia, September 17, 1787

Good evening. This is your Confederation Watchman, Dan Wrather-Knott, speaking from the square outside Independence Hall. The Convention has just adjourned and all the delegates are repairing to the Indian Queen. They at last are unbending a bit and are willing -- briefly -- to talk to me. I have no firm ideas about what has happened here during the last four months -- except that sometime in July there was a compromise, proposed by Connecticut, between Governor Randolph's Virginia Plan which gave the larger states a vote proportionate to their population in both houses and the New Jersey Plan, calling for equal representation for all states. Mr. Sherman proposed a Solomonic solution: proportional representation in the lower house and equal vote in the Senate.<sup>20</sup> What else was done here I do not yet know.

But the delegates have told me something of this afternoon's proceedings. Dr. Franklin wrote out a concluding speech with all the felicity with which he is graced. James Wilson read it. In part he said, "It . . . astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded like those of the Builders of Babel . . . Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure, that it is not the best."<sup>21</sup> With his incalculable prestige behind him, he urged a unanimous consent by "The States," hoping to mute the individual dissenters.

Despite this prestigious source and the overwhelming support of almost all the delegates, Elbridge Gerry of Massachusetts (along with only Randolph and Mason) not only refused but, I understand, took umbrage. These excerpts from his remarks as jotted down by Mr. Madison were handed to me within the hour:

He hoped he should not violate [the respect due to the Act of the Convention] in declaring on this occasion his fears that a Civil war may result from the present crisis of the U.S. In Massachusetts, particularly he saw the danger of this calamitous event -- in that State there are two parties, one devoted to Democracy, the worst he thought of all political evils, the other as violent in the opposite extreme . . . he had thought it necessary . . .

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<sup>19</sup> Fa, 109.

<sup>20</sup> Mo, 117.

<sup>21</sup> M, 652-658.

that the plan should have been proposed in a more mediating shape, in order to abate the heat and opposition of parties . . . . He could not therefore by signing the Constitution pledge himself to abide by it at all events.<sup>22</sup>

On this minor chord, if not sour note, the Convention adjourned sine die. Your reporter is impressed that such a high degree of unanimity was achieved by these 55 delegates from states north and south, large and small, agricultural and commercial. And that they did it in 6000 words. But Gerry's stubborn refusal to sign spells trouble ahead. We'll see you in Massachusetts.

#### VI. Boston, January 4, 1788

Good evening again, from your Confederation Watchman. This is Dan Wrather-Knott speaking from a frigid Boston, where, in a few days, Massachusetts delegates will decide whether or not the Constitution recommended four months ago, last September at Philadelphia, ought to be adopted. This could very well be the end of the road.

That road has not been very smooth, very level, or very straight. Ten days after the September 17 signing at Philadelphia, the Congress in New York faced the unappetizing task of recommending its own dissolution. True, the new document carried the magic of General Washington's signature. But, as is no secret, there has been no love lost since the days of the Revolution between the General and Richard Henry Lee. And Lee was waiting.<sup>23</sup> There was heated debate in which Lee and others challenged the authority of both the Convention and Congress to substitute a new structure of nine states for the existing confederacy of thirteen. Then they proposed that the new Constitution include a declaration or bill of rights, something that had been, he said, unnecessary in the Confederation where only express power could be exercised. In the end there was a compromise. The "Constitutioners," as Lee called them, got no statement of approval, but Congress voted unanimously to transmit the document for consideration by conventions in the states.<sup>24</sup>

On the heels of this action, the pro-Constitutionalists in Pennsylvania overplayed their hand by literally stimulating a mob to corral the anti-Federalist members of the Pennsylvania Assembly in their lodgings and hijack them to the State House so that a quorum could be formed and thus make legal the call to a ratifying convention in November.<sup>25</sup> In response, the coerced minority published a broadside "Address" in early October, which quickly reached all corners of this Confederacy. It raises the most serious questions about the new form of government, its expense, its taxing power, its threat to states, the lack of a declaration of rights, the specter of a standing army, the prospect of a dominant national judiciary. This reporter senses that we shall hear more of this. The knavery in Pennsylvania may yet cast a long shadow.<sup>26</sup>

Here is the ratification box score up to now. Delaware: after four days of sitting on hands (for no debates have been reported), the Constitution was ratified on December 7. Pennsylvania: on December 12, after three weeks of predictably bitter debate, ratification was voted 46 to 23. Six days later, on December 18, New Jersey, after a brief and undistinguished session, voted unanimously to ratify. But on the same day the Pennsylvania dissidents issued another "Address" in broadside form, setting forth the amendments they had proposed and suggesting that

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<sup>22</sup> M, 657-658.

<sup>23</sup> G, 260.

<sup>24</sup> G, 264.

<sup>25</sup> G, 267.

<sup>26</sup> G, 268-269.

ratification be conditioned on amendments.<sup>27</sup> On January 2, Georgia, after one week of unreported debate, ratified. And I have just received word that Connecticut, after five unremarkable days, has voted 128 for, and 40 against, ratification. One well known Son of Liberty, Hugh Ledlie, refers to the 40 as "righteous men that did not bow the Knee to Baal."<sup>28</sup>

Now we are on the threshold of the Massachusetts Convention -- which could make or break the Constitution. The Massachusetts Centinel for December 29, 1787, quotes a New York federalist as saying, "All our hopes are on Massachusetts."<sup>29</sup> The Federalists are clearly worried. They obviously are not talking to reporters. But a highly placed source in New York who prefers to remain anonymous gave me a copy of a letter Madison was about to send Washington:

The intelligence from Massachusetts begins to be very ominous to the Constitution . . . . And according to the prospect at the date of the latest letters, there was very great reason to fear, that the voice of that State would be in the negative . . . . The decision of Massachusetts either way will involve the result in this State [New York]. The minority in Pennsylvania is very restless under their defeat . . . . If backed by Massachusetts, they will probably be emboldened to make some more rash experiment.<sup>30</sup>

The clearest indication of trouble, however, is not any letter or newspaper article. It is Governor Hancock's gout. Because of this affliction, the Governor, certain to be the nominal Chairman of this Convention, is not to grace us with his presence -- at least for a while. Seven years ago, during a controversy over repeal of the tender act, Mrs. John Adams observed: "The Governor . . . , when anything not quite popular is in agitation, has the gout and is confined in bed." So it was again that on the eve of Shays's Rebellion the Governor resigned because of ill health. Now this onset of gout is read by knowledgeable observers as a storm signal, if not a gale warning.<sup>31</sup>

This is Dan Wrather-Knott, your Confederation Watchman, signing off until Convention eve when we shall give you our assessment of the Massachusetts state of mind.

#### VII. Boston, January 8, 1788

Good evening. This is Dan Wrather-Knott, four days after I last spoke to you, on the eve of the Massachusetts ratification convention. I am speaking, oddly enough, from the House of Correction, "The Bridewell," named after its counterpart in London, on Sentry Street. No, I am not incarcerated. The jailer is a personal friend and is letting me use his office. It is conveniently near -- but equally conveniently, somewhat removed from -- the State House. Across the street is the Common. Next door above me, facing Beacon Street, is the Almshouse. Just below me is the Town Pound. Just above, at the top of the hill is Governor Hancock's pasture -- which people are talking about as a splendid site for a new State House.<sup>32</sup> If you ask me, they'll have to shave off the top of that knob if they want to build anything up there.

Tomorrow the Convention gathers here with delegates from Provincetown on the Cape to Springfield in the Berkshires to Pownalborough in the outer reaches of Maine. I thought that

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<sup>27</sup> G, 336.

<sup>28</sup> G, 339.

<sup>29</sup> H, 114-115.

<sup>30</sup> O'B, 75.

<sup>31</sup> O'B, 74-75.

<sup>32</sup> J, 5

tonight I would do some analysis of the currents of thought and feeling that may not be given utterance but are most palpable to anyone who knows Massachusetts.

The first thing one confronts here is a supreme self confidence, whose arrogance is blunted because it seems solidly based on experience. First, the experience so widespread in this part of the Confederacy of attending town meetings where everything, literally everything, is decided by all the townsmen. And second, the people here have recently gone through six efforts in six years to obtain their own Constitution. They began in 1776 where only a minority of towns responded to the call for convention. After finally sending enough delegates, they rejected the proposed draft. Only several years later did they finally muster the necessary votes.<sup>33</sup> As a result even the unlettered countryman faces the most portentous problems of government as if they were no more difficult than treating a cow for colic.

A second common attitude coursing through this state is a pretty pronounced antagonism between classes. The Revolution and its democratic spirit was nowhere stronger, or more violent than here. Shays's Rebellion, not yet a year in the past, is an example of the gulf that divides the debtor from the creditor, the laborer and farmer from the professional, educated, propertied, the city from the country, the towns from Boston.<sup>34</sup> No fewer than twenty-nine veterans of the rebellion are delegates to this convention.<sup>35</sup>

Finally, there has been a constant and rising tide of anti-Federalist writing. From outside the state Richard Henry Lee's "Federal Farmer," "Cincinnatus," "Cato," "Brutus," and others. And, within the state, I am informed that the formidable Sam Adams is the author of "Helvidius Priscus."<sup>36</sup> Last fall a series of remarkable letters in the American Herald over the name of John DeWitt aimed at influencing the election of delegates to this convention. They began with criticizing the lack of a Bill of Rights and annual elections, and the movement of power to a distant center empowered to collect taxes by a standing army.<sup>37</sup>

The DeWitt letters struck a particularly sensitive nerve in the passage:

In short . . . you must determine that the Constitution of your Commonwealth, which is instructive, beautiful and consistent in practice, . . . a Constitution which is especially calculated for your territory, and is made conformable to your genius, your habits, the mode of holding your estates, and your particular interests, shall be reduced in its powers of those of a City Corporation.<sup>38</sup>

A writer in the Boston Gazette and Country Journal, signing himself, with tongue in cheek, as "A Federalist," urged that members of one profession in particular not be elected as delegates. He identified those who wanted the people to "gulp down the gilded pill blindfolded" as creditors, bankers, and lawyers. These, he writes, "form the Aristocratic combination -- the Lawyers in particular keep up an incessant declamation for its adoption, like greedy gudgeons they long to satiate their voracious stomachs with the golden bait. The numerous tribunals to be erected by the new plan of consolidated empire, will find employment for ten times their present

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<sup>33</sup> H, 6.

<sup>34</sup> H, 10.

<sup>35</sup> B, 283.

<sup>36</sup> H, 22.

<sup>37</sup> H, 24.

<sup>38</sup> H, 25.

number; these are the LOAVES AND FISHES for which they hunger . . . . "<sup>39</sup> Another writer urges a Constitutional amendment which would exclude lawyers from a seat in Congress, for their fortunes depend on vague and incomprehensible laws.<sup>40</sup>

Since the election of delegates last month, we are seeing another series of letters signed by "A Republican Federalist." Rumored to be authored by General James Warren, they ably argue that the Philadelphia Convention exceeded its authority, that Congress had not -- as required by the Articles of Confederation -- agreed to the new system; that ratification would violate the Massachusetts Constitution, and that the people, without any help from either Congress or their legislature, were being rushed into decision with no "clearer idea than they have of the Copernican system."<sup>41</sup>

"A Watchman" in the Worcester Magazine accomplishes a wondrous leap by decrying the fact that Jews, Turks, and heathen may hold even the highest offices under the Constitution, and yet saying "there is no liberty given to the people to perform religious worship according to the dictates of their consciences."<sup>42</sup>

Thomas Wait, publisher of the Cumberland Gazette in Maine, originally a supporter of the Constitution because of his devotion to Washington and Franklin, recoiled at the strong-arm tactics in Pennsylvania. He now fears what he calls the "melt[ing] down" of the states into one nation and the loss of liberties.<sup>43</sup> As he puts it in typical Maine parlance, "[Y]ou might as well attempt to rule Hell by Prayer." He concludes, "There is a certain darkness, duplicity and studied ambiguity of expresion running thro' the whole Constitution which renders a Bill of Rights peculiarly necessary."<sup>44</sup>

In an earlier broadcast, last September at Philadelphia, I reported the prophecy of civil war by Elbridge Gerry, who refused to sign the document. Well, it appears he is trying to make this a self-fulfilling prophesy. Though not a delegate, he wrote a powerful letter to the General Court just before it voted on the call for the convention, castigating the vagueness of legislative powers, the dominance of the executive, the likely oppressiveness of the judiciary, and the lack of a Bill of Rights.<sup>45</sup>

Finally, to give you a graphic idea of the depth of anti-Federalist feeling I quote the following handbill, liberally distributed at the State House:

Disadvantages of Federalist upon the New Plan

1. The Trade of Boston transferred to Philadelphia; and the Boston tradesmen starving.
2. The Discouragement of Agriculture, by the loss of Trade.
3. People indolent, dissolute, and vicious, by the loss of Liberty.
4. An infinite Multiplication of Offices, to provide for ruined Fortunes.
5. A Standing Army, and a Navy, at all Times kept up, to give genteel Employment to the idle and extravagant.

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<sup>39</sup> H, 27.

<sup>40</sup> H, 28.

<sup>41</sup> H, 30.

<sup>42</sup> H, 36.

<sup>43</sup> H, 38.

<sup>44</sup> H, 39.

<sup>45</sup> H, 18-19.



6. Importance of Boston annihilated.
7. The wealthy retiring to Philadelphia to spend their revenues, while we are oppressed to pay Rents and Taxes to Absentees.
8. Liberty of the Press restrained.
9. Trial by Jury abolished.
10. Habeas Corpus done away.
11. Representatives chosen in such a manner, as to make it a Business for Life.
12. The Bill of Rights repealed.
- And, 13th. Religion Abolished.<sup>46</sup>

This, then is the Massachusetts state of mind -- hardly united or serene. By tomorrow night we'll have a better idea of what the cast of characters at this convention looks like. Until then this is your Confederation Watchman. Good night.

#### VIII. Boston, January 9, 1788

Hello again. This is Dan Wrather-Knott speaking from Boston. There has been predictable chaos on this opening day. This convention was supposed to be held in the State House, but that proved to be too small. We have just been moved, lock, stock, and barrel, to the Brattle Street Church.<sup>47</sup> As expected, Governor Hancock was elected president. Equally expected is his absence because of gout. Chief Justice William Cushing was elected vice president and will be the presiding officer. We can assume he is a staunch supporter of the Constitution. Last fall at Bristol and again at Cambridge, when he gave his charge to grand juries, he took occasion to stress the importance of ratification, the only alternative to anarchy.<sup>48</sup>

Out of 364 elected delegates 355 were present. But of the 318 towns eligible to send delegates, 46 have either refused or failed to send any. 31 of these are in the former province of Maine where, understandably, their remoteness, indebtedness, and struggle with the wilderness have limited the political interests of these provincials to the election of the sheriff.<sup>49</sup> Moreover, they are reported so to favor separation from Massachusetts, that they fear the new constitution will be a barrier. Finally, there is some feeling, as Nathaniel Gorham gave voice to it, that many Mainers are squatters on others' land and fear being brought to a reckoning.<sup>50</sup> This has led to some absurd actions, as in Biddeford, where the town meeting first voted not to send anyone and then voted to send an anti-Federalist, who, however, failed to attend. The county as a whole, York, sent 10 anti's and 4 pro's.<sup>51</sup>

I've talked to many other delegates today and I must say that their tales are stranger than fiction. In Vassalborough, Maine, they elected a pro-Constitution delegate, then kicked him out.<sup>52</sup> Topsham, another town in Maine, considered the Constitution for 7 hours, at the end of which time no one was in favor. But, just across the river, Brunswick voted 23-7 to instruct their

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<sup>46</sup> H, 53-54.

<sup>47</sup> B, 282.

<sup>48</sup> O'B, 76.

<sup>49</sup> H, 48.

<sup>50</sup> H, 80.

<sup>51</sup> H, 49.

<sup>52</sup> H, 48.

delegate to vote for the Constitution.<sup>53</sup> In Sheffield in the Berkshires, the antis claimed the ballot hat had been stuffed. In Williamstown an anti was first chosen; then at a second meeting the moderate counted ballots before people from the outskirts of town arrived, declaring a Federalist the winner. Then at a third meeting an anti won. And this morning the credentials committee rejected him and seated a Federalist.<sup>54</sup> At Roxbury there is said to have been suspiciously "sumptuous ENTERTAINMENTS" provided by the pro-Constitution forces.<sup>55</sup>

Just where the balance of power lies is anyone's guess. But it's probably anti-Constitution. Samuel Nasson of Sanford in Maine told me that his own head count was about 192 votes against ratification and 144 for.<sup>56</sup> Nathaniel Gorham is said to feel that 3/7ths are the commercial, military and professional interests, all Federalist; 2/7ths are Mainers whose votes depend on whether they see the Constitution as hurting or helping their interest in separation from Massachusetts; and 2/7ths are debtors and Shaysite sympathizers, against any strengthening of government.<sup>57</sup> The coastal counties of Sussex, Essex, Plymouth, and Barnstable are solidly Federalist; the inland counties are anti, particularly Worcester, Hampshire, and Berkshire.<sup>58</sup>

Here's a bird's eye view of the leaders. On the Federalists' side there are those who were at Philadelphia: Nathaniel Gorham, Caleb Strong, and Rufus King. Then such luminaries as Ex-Governor Bowdoin, and Generals Heath and Lincoln. More important perhaps than these elders are the rising young stars -- Theodore Sedgwick, who was elected the delegate from Stockbridge after convincing even his opponents of the necessity for ratification; Theophilus Parsons, an accomplished lawyer; and the eloquent Fisher Ames.<sup>59</sup>

As for the anti-Federalist forces, despite their apparent numbers, their leadership seems to be more uncertain and lacking in cohesiveness. Their intellectual leader is one of the Philadelphia delegates, Elbridge Gerry. But he lost out in the strongly pro-Federalist Cambridge election. Today a motion by Sam Adams carried, which allows him to have a seat on the floor and answer any questions about the Philadelphia convention.<sup>60</sup> This seems to me neither fish nor fowl nor good red herring.

Of course there is Sam Adams himself. But I have just learned that two days ago the tradesmen of Boston unanimously passed a resolution favoring the Constitution and saying ominously that opposition by any delegate would be contrary to their wishes.<sup>61</sup> Since these are Adams's people, I suspect that he is effectively muzzled.

This leaves a handful of men not yet very well known, most of them coming from Maine. There is William Widgery of New Gloucester, who has served both on board a privateer and in the Massachusetts legislature, the first perhaps being good training for the second. Then there is Samuel Thompson of Topsham, a former brigadier-general without a distinguished military career, but with the reputation of a ferocious orator. And, a man I have earlier mentioned, Samuel Nasson of Sanford, a saddler, storekeeper, and trader.<sup>62</sup> The ablest of all is reputed to be

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<sup>53</sup> H, 56.

<sup>54</sup> H, 50-51.

<sup>55</sup> H, 52.

<sup>56</sup> H, 52.

<sup>57</sup> G, 343.

<sup>58</sup> B, 282.

<sup>59</sup> H, 52.

<sup>60</sup> H, 61.

<sup>61</sup> G, 345.

<sup>62</sup> H, 63-64.

Charles Turner of Scituate, but his health is reported to be fragile.<sup>63</sup>

Just how the battle will go we shall soon know. I'll report back to you just as soon as the dust clears. Until then this is your Confederation Watchman, Dan Wrather-Knott, bidding you a good evening.

#### IX. Boston, January 29, 1788

Good evening. Nearly three weeks have gone by since last I reported on this endlessly intriguing convention -- for the intrigue is indeed endless.

A little over a week ago something I suspected might happen did happen. Elbridge Gerry, who you'll remember was given floor privileges and license to answer questions, just couldn't contain himself and set about to correct Caleb Strong about the origin of the provisions for the Senate. A steaming donnybrook followed and Gerry left in a huff . . . where, presumably, he still is.<sup>64</sup>

If the anti-Federalists have been a bit rash, one cannot say the same for the Federalists. They have prudently avoided tests of strength on specific issues, have responded to all criticisms with delicacy and sensitivity,<sup>65</sup> and have caucused almost continually.<sup>66</sup> Not that these tactics have silenced the opposition. There is still sound and fury, but some wonder if there is anything more.

This is the way the debate has progressed. Preliminaries occupied all time until January 14. Then the Convention got down to business, but concentrated almost wholly on Article I, the provisions concerning Congress. They dispatched Articles II and III, concerning the executive and the judiciary in the past three days.<sup>67</sup>

Early on, Charles Turner waxed eloquent on the lack of a Bill of Rights, saying, "Relinquishing an Hair's breadth in a Constitution is a great deal; for by small degrees has liberty in all nations been wrested from the hands of the people."<sup>68</sup> This is a sample of the discourse that might have been forthcoming, but sickness claimed him after the first few days. This does not mean that debate was colorless. The Maine men seemed to have words for everything. On biennial elections Thompson declaimed: "Oh my country! Never give up your annual elections; young men, never give up your jewel!" Jones of Bristol decried the lack of a religious test for office, fearing that "Popery and the Inquisition may be established in America." He suggested a fast to ask the advice of God.<sup>69</sup>

On slavery Thompson went over the verge, saying, "O! Washington, what a name he has had. How he has immortalized himself! But he holds those in slavery who have as good a right to be free as he has. He is still for self, and in my opinion, his character has sunk fifty percent."<sup>70</sup> Neal, a Maine Quaker, observed that under the 1 slave = 3/5ths of a person formula, a southern man with 60 slaves is counted equal to 37 free men.<sup>71</sup>

On Congress's power to levy taxes, Widgery demanded, "Who, sir, is to pay the debts of the yeomanry and others? All we hear is that the merchant and farmer will flourish, and that the

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<sup>63</sup> H, 66.

<sup>64</sup> G, 344.

<sup>65</sup> H, 67.

<sup>66</sup> G, 345.

<sup>67</sup> G, 347.

<sup>68</sup> H, 69.

<sup>69</sup> H, 69.

<sup>70</sup> B, 285.

<sup>71</sup> H, 70.

mechanics and tradesmen are to make their fortunes directly . . . . Sir, when oil will quench fire, I will believe all this."<sup>72</sup> On a standing army, Nasson thundered, "Had I a voice like Jove, I would proclaim it throughout the world -- and had I an arm like Jove I would hurl from the world those villains that would attempt to establish in our country a standing army."<sup>73</sup> And he called to mind the Boston Massacre.

But perhaps the most moving exchange was between an elderly farmer and Worcester County legislator, Amos Singletary, and a fairly young farmer, Jonathan Smith. Singletary started out in this way: "Does not this constitution . . . take away all we have . . . ? These lawyers and men of learning . . . expect to get into Congress themselves . . . to be the managers of the Constitution . . . . And then they will swallow up us little fellows, like the great Leviathan, Mr. President; yes, just as the whale swallowed up Jonah."<sup>74</sup> Then Jonathan Smith rose to respond and the hall became unusually quiet. "Mr. President, I am a plain man, and get my living by the plow. I am not used to speak in public, but I beg you leave to say a few words to my brother plow joggers in this house. I have lived in a part of the country where I have known the worth of good government by the want of it." His reference was of course to Shays's Rebellion of the previous winter. There were interruptions and calls to order. Sam Adams broke out of his self-imposed silence and asked the convention to "let him go on in his own way." Smith continued, "Now, Mr. President, when I saw this Constitution, I found that it was a cure for those disorders. I got a copy of it, and read it over and over. I had been a member of the Convention to form our own state constitution, and had learnt something of the checks and balances of power, and I found them all there. I did not go to any lawyer to ask his opinion. . . I formed my own opinion and I was pleased with this Constitution."

Then, in unintended drama, he pointed to old Singletary and said, "My honorable old daddy there won't think that I expect to be a Congress-man and swallow up the liberties of the people. I never had any post, nor do I want one. But I don't think worse of the Constitution because lawyers, and men of learning, and moneyed men, are fond of it . . . . These lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must all sink or swim together. Some gentlemen say don't be in a hurry . . . . I say, . . .there is a time to sow and a time to reap. We sowed our seed when we sent men to the Federal Convention. Now is the harvest. Now is the time to reap the fruit of our labor. And if we don't do it now, I am afraid we shall never have another opportunity."<sup>75</sup>

Nothing that the eminent Boston Federalists could have said would have been half as effective as this homespun appeal by the young "plow jogger." It is the feeling of this reporter that all substantive debate has just about ended. I sense, however, some kind of Federalist maneuvering. Sedgwick, Parsons, King and others have been doing a considerable amount of huddling and scurrying to and fro. They are obviously concerned and, I think, are up to something. This is all for now. I'll be back when there's something else to report. This is your Confederation Watchman signing off at the Brattle Street Church.

X. Boston, February 6, 1788

Good evening. This is Dan Wrather-Knott, who has been following this fascinating convention here in Massachusetts. If I seem breathless to you, it's because I am. So much has

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<sup>72</sup> B, 284.

<sup>73</sup> B, 285.

<sup>74</sup> B, 286.

<sup>75</sup> B, 287-283; H, 77-78.

happened in the past week that I can hardly believe my notes.

When I last reported, I told you that I sensed something was in the wind. Well, it definitely was. It began about January 12 with a feeler in the Massachusetts Centinel that "honest doubters" might be converted to vote for ratification by a set of recommended amendments -- not a condition but a recommendation. This suggestion was given the name of "a conciliatory proposition."<sup>76</sup> What happened next beggars one's imagination. Messrs. King, Bowdoin, Parsons, Sedgwick and others quickly decided that the key convert they needed was Governor Hancock -- the redoubtable, gout-ridden fence sitter. So someone, I'm told the brilliant lawyer Theophilus Parsons, drafted a set of proposed amendments for the Convention to recommend. The bait for the Governor was the promised support of all of ex-Governor Bowdoin's supporters both in the next gubernatorial election and for vice president, and even, if Virginia were split, for President.<sup>77</sup> Talk about wheeling and dealing!

Sure enough, on January 30, in came the Governor, carried up the aisle, his feet wrapped in bandages. The galleries were in an uproar. He read, in Parson's handwriting, the "Conciliatory Proposition."<sup>78</sup> The first, possibly the most important, was that the powers not expressly delegated were reserved. Others had to do with elections, taxes, various proposals for grand juries and suits between citizens of different states.<sup>79</sup> Some anti-Federalists thought these a snare -- but they succeeded in making some converts, among them the influential but sidelined Turner of Scituate. He saw the proposed amendments as "of such a liberal, such a generous, such a catholic nature . . . that . . . they will be universally accepted."<sup>80</sup> Others followed suit.

There was one final misadventure. Sam Adams, who had gone on record as saying that individual rights had been sufficiently safeguarded by the first proposed amendment on reserved power, nevertheless offered an encyclopedic amendment covering rights of the press, of conscience, to bear arms, to petition, and against unreasonable searches. These merely fueled the suspicions of the anti-Federalists. A furor ensued and finally Adams had to vote against his own motion.<sup>81</sup>

Finally, in an atmosphere of almost unbearable suspense, a final vote was called for. The result: 187 yeas, 168 nays, a margin of 19.<sup>82</sup> This can hardly be called a landslide victory. Indeed, if all the unrepresented anti-Federalist towns had sent delegates, the result might have been the other way. One shrewd Federalist observer, however, was pleased with the narrow margin, for southern states yet to vote, such as Virginia, would not feel that Massachusetts expected any clear commercial advantages. Moreover, the slim majority would convince Congress of the wisdom of agreeing to amendments.<sup>83</sup>

As this reporter closes the book on this convention he cannot help being impressed by the new device of avoiding the stark choice of "yes" or "no," up or down vote, by accompanying the vote with a series of recommended, not conditional, amendments. This may well influence others.

I also announce on behalf of CBS that as of today it no longer is the Confederation Broadcasting System but rather the Constitution Broadcasting System. This is Dan Wrath-

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<sup>76</sup> H, 84.

<sup>77</sup> G, 350; H, 86.

<sup>78</sup> B, 289.

<sup>79</sup> H, 88-89.

<sup>80</sup> H, 90.

<sup>81</sup> G, 352.

<sup>82</sup> H, 99.

<sup>83</sup> H, 99.

Knott and our final broadcast from Boston. Good night.

## Footnotes

### Key to sources:

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