

Preface

In my childhood many decades ago my grandmother kept insisting that my lineal ancestor Oliver Ellsworth had been one of our nation's truly great Founding Fathers. Later my mother picked up the cause, and as I matured as a teacher in the field of English, she persistently suggested that it might be interesting for me to apply my interpretive skills to explain his remarkable accomplishment. If I could totally dismember a poem or novel, it might be almost as easy to recombine Ellsworth's wonderful accomplishment, since he had somehow done very important things. Nobody seemed to recognize this, but there was no doubt about his remarkable success.

To appease my mother's persistence, I finally looked into Ellsworth's various accomplishments, only to find that they were quite remarkable. I pored over his only biography, William Garrott Brown's *The life of Oliver Ellsworth*, published in 1905, to find that indeed Ellsworth had played a pivotal role in our nation's inception, and

that nobody seemed to have any idea how this might have happened—not even my mother and deceased grandmother, not even William Garrott Brown, whatever the merits of his research.

My brief article appropriately published by the Daughters of the American Revolution, was insufficient to provoke any interest in the issue, so I doubled down my research with heavy dependence on Farrand’s remarkable four-volume *Records of the Federalist Convention of 1787*, as well as Elliot’s *Debates* and several other texts by old-fashioned constitutional historians. After sustained inquiry, I was able to publish my 93-page paper, “An Accidental Conspiracy: The Early History of Judicial Review from the Constitutional Convention to the 1789 Judiciary Act and *Marbury v. Madison*.” Unfortunately, the *festschrift* in which it was published died aborning and, worse yet, my aging mother complained that my information was totally unclear to her.

Nowadays, a couple decades later, I find myself making comparable claims about Ellsworth’s remarkable accomplishment with my own assortment of grandchildren, and they seem impervious to the pedantry I flaunt to “explicate” constitutional history. As a result, I have taken the liberty to compile another relatively brief assessment, “Oliver Ellsworth’s Essential Role, etc.” in which I

have boiled down his pivotal achievement to nine components worthy of explanation, then suggested several reasons how and why his historic role might have been so completely ignored. This I have passed around among friends and relatives without trying to submit it for publication.

It was only this winter that it occurred to me that an even better approach would be to combine this recent essay with my earlier and more thorough piece under the original title, “Accidental Conspiracy.” The recent essay would feature a clear and relatively simple explanation of Ellsworth’s achievement, setting the stage for the judicious reader’s encounter with the larger text that remains more thorough in tracing the complex relationships involved among our nation’s Founding Fathers.

Unfortunately, much of this interaction goes unnoticed among most of today’s constitutional historians. Modern ideological preconceptions almost exclusively devoted to civil rights have so completely clouded earlier issues that what actually happened two hundred-thirty years ago has long since dissolved into the penumbra of ignored history.

Here, then, is a major fragment of “real” narrative—a far more interesting chain of events in my opinion than the

topical substitute taught in respectable universities. As compared to the poems and novels I have dissected in my career as an academic critic, I do take pride in having reconstructed my seventh generation great-grandfather's remarkable achievement toward the creation of the United States.