Founding Federalist: The Life of Oliver Ellsworth (Lives of the Founders)

Michael C. Toth
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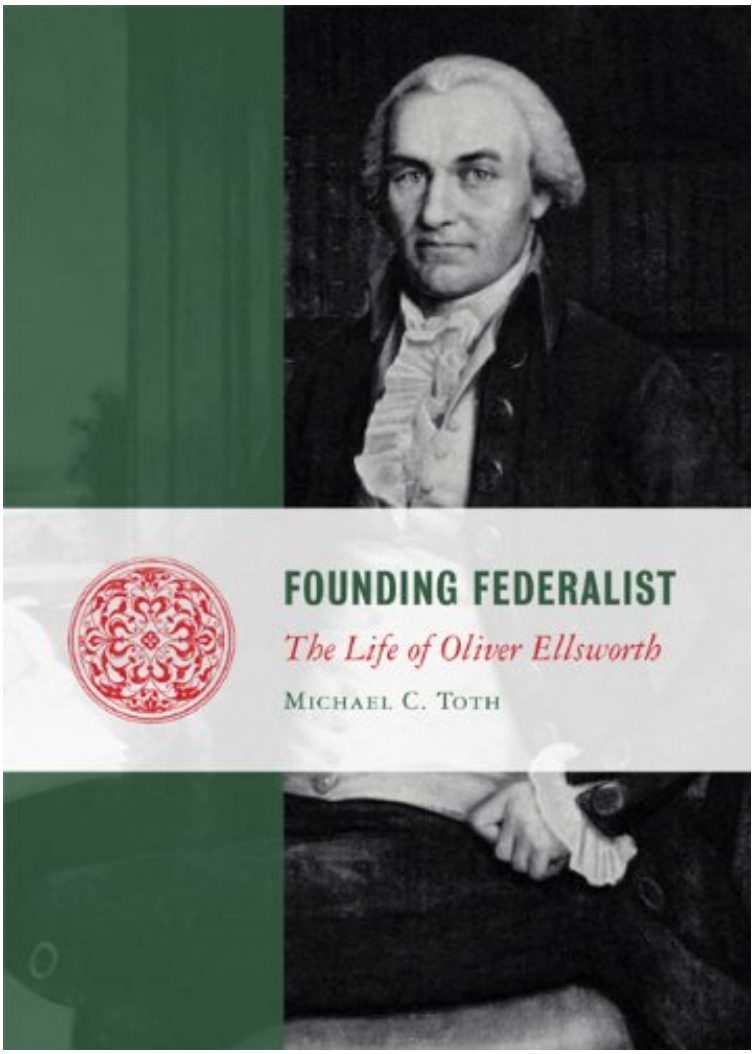

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Michael C. Toth : Founding Federalist: The Life of Oliver Ellsworth (Lives of the Founders) before purchasing it in order to gage whether or not it would be worth my time, and all praised Founding Federalist: The Life of Oliver Ellsworth (Lives of the Founders):

1 of 1 people found the following review helpful. A Must ReadBy Ricardo MioIf youre going to have a revolution, when its over youre going to need the nuts-and-bolts guys to make the new government work. That was Oliver Ellsworth, a New England pragmatist and one of the most influential delegates at the Constitutional Convention in 1787. Later, with the new government up and running, he spear-headed the three-man Senate subcommittee that

drafted the Judiciary Act of 1789 (blue-print of the Federal Judiciary System), served as chief justice of of the Supreme Court, and was instrumental in negotiating the peace treaty that ended the Quasi-War with France.Oliver Ellsworth is among the Founding Fathers (James Wilson is another) who have been overshadowed by the sheer star-power of Benjamin Franklin, Thomas Jefferson, Alexander Hamilton, James Madison, and George Washington. Founding Father: The Life of Oliver Ellsworth, by Michael C. Toth, puts Ellsworths contributions in perspective. While relatively unknown today, back in the day his influence and contributions were on a par with those of James Madison and Alexander Hamilton. Toths book, somewhat short at 212 pages of text, is a well-researched and highly-informed account of one of the great, overlooked American patriots. If you have more than a passing interest in the founding generation, Toths book is a must read.Ellsworth was one of the few founders who actually worked for a living. You wont find his name on the U.S. Constitution because after the document was approved he departed for his home in Windsor, Connecticut to resume his law practice, and thereby missed the signing ceremony. He was practical, not doctrinaire, a product New England politics where democracy was bone-deep, and compromise was how things got done in the local assemblies. This spirit carried over to Ellsworths contributions at the Constitutional Convention and in formulating the Judiciary Act. In both proceedings, Ellsworths contribution was in achieving a balance between the thirteen state governments and the federal government. With too much power, the federal government would ultimately lose support of the states, he said. Yet, with not enough power, the federal government would revert back to the bad old days under the Articles of Confederation. How to achieve a balance? By creating a government that was, in Ellsworths words, partly national, partly federal. Proportional representation in the House was comfortable to the national principle, he explained, while an equality of voices in the Senate was comfortable to the federal principle. This was a compromise solution to a thorny issue that had divided the delegates much of the summer. In the end, there really was no other course. Deprived of equal representation, many states would leave the union, and all of their efforts would have been in vain. Let a strong Executive, a Judiciary and Legislative power be created, said Ellsworth, but let not too much be attempted by which all may be lost. Ellsworths comprise solution carried the day.The Judiciary Act was a similarly sticky issue. The thirteen states had originated as thirteen individual colonies, each with its own charter and its own way of dealing with legal issues. With time, each colony added new laws and interpreted English law to meet the meets unique to its particular region. By 1789, American law was, as one historian put it, Anglo-Saxon law compounded by a factor of thirteen.The job of Ellsworths Senate subcommittee was to create a network of inferior federal courts that would insure uniform law throughout the land. The federal court system would have power over state courts, but how much? The answer posed a sensitive political question. The states had been asked to give up a fair amount of executive and legislative power when they ratified the Constitution. But when it came to the judiciary they werent quite as amenable. The last thing they wanted was a federal judge to overrule the verdict of a local jury.The answer was a mixture of jurisdictionsa compromise if you will, of federal courts manned by local judgesthereby granting a degree of concurrent jurisdictions in both state and federal courts. Each state would have one federal district court, appointed with judges from that state. This would insure that traditional local procedures would be followed, except when different procedures were carefully specified by national law, and thus imposed little that was alien to local attorneys. Moreover, Ellsworth and his committee proposed creation of circuits courts, to consist of two traveling members of the Supreme Court and the district-court judge in the state in which trials were held, the primary function of the district court-judge being to make sure that trials were conducted according to local rules. Finally, Ellsworth proposed to arrange jurisdiction so that in many cases state courts would have concurrent jurisdiction with federal courts, the sanctity of the Constitution being preserved by provision for direct appeal to the U.S. Supreme Court whenever the constitutionality of state law was in question. The bill was so adept at achieving a balance between federal and state governments that it passed the Senate without change.There was a religious element in Ellsworths approach to government. New Divinity Calvinism had shaped him to believe that the different parts of society needed to work together in harmony to bring about Gods plan. By contrast, Hamilton and Madison were more influenced by patterns of thought that emerged from the Scottish Enlightenment. From these contrasting ideals, leavened with a fair amount of compromise, emerged our federal government, which has lasted well over 200 years.There is a great deal more to Toths book, of course. If nothing else, it reveals that creation of the American republic was anything but a sure a thing. It required a great deal of thought and debateand a lot of compromiseto bring it about. If there were a poster boy for this spirit of this compromise, it would be the man from Windsor, ConnecticutOliver Ellsworth.1 of 1 people found the following review helpful. First Comprehensive Narrative Focused Solely on Ellsworth in Over 100 Years?By TrudgeThis book is one of six such books in an Intercollegiate Studies Institute (ISI) series called "Lives of the Founders."Michael Toth has produced a clear, well-written, and extremely informative narrative on Oliver Ellsworth--a founding father who served in all three branches of government (as a United States Senator from Connecticut, as the nation's 3rd Chief Justice of the Supreme Court, and as a Presidential Envoy to France). It appears the last comprehensive narrative focused solely on Ellsworth was The Life of Oliver Ellsworth written by William Garrott Brown and published in 1905, some 106 years before the publication of this volume.Mr. Toth divides his work into six meaty chapters: (1) The Education of a Puritan Politician, (2) Revolutionary Lessons, (3) The Electoral Federalist, (4) "Landholder", (5) Court-Maker, and (6) Cases

and Controversies. Each is thematic, well-researched, and organized. As an example, Toth's first chapter informs how Ellsworth's experience with "New Divinity Calvinist" and the "protofederalist" Connecticut government informed his later political theories. His arguments are both persuasive and thought-provoking.In sum, I learned a great deal from this book, enjoyed reading it immensely, and have made it a part of my permanent library. Reading this book has inspired me to purchase another book in the same ISI series.6 of 7 people found the following review helpful. Finding a FounderBy VA DuckA well written and researched biography on a founding era jurist politician who deserves more attention than he receives. in this 242 page book, Mr. Toth explores the factors that develop the philosophy of government which Oliver Ellsworth applies as a: judge, constitutional convention delegate, senator and diplomatic envoy.The book is very readable and well documented with end-notes and an extensive index, both of which work very conveniently in the kindle format.Mr. Toth seems not to have begun with a pre-conceived position for his subject and therefore he does not allow contemporary politics or religion to shape the portrait of Mr. Ellsworth that he presents. Toth does present an alternate school of thought as he describes James Madison Jr.'s place in history, "... it may be more accurate to say that Hamilton and Madison are the fathers of the convention, not the constitution itself"; and further, "the Constitution that came from the Convention did not ultimately resemble the plans that Madison and Hamilton favored in Philadelphia." The reader feels as if Madison's greatness must somehow be diminished in order to provide Mr. Ellsworth his due.In his description of Mr. Ellsworth's position on slavery, author Toth nudges close to the biographer's classic failing... "falling in love with his subject". Despite Ellsworth's letter to his wife on the topic of acquiring a young slave girl, Toth quickly points out (excuses?) that the letter did not indicate support for slavery. From the book the reader can fairly come away with Ellsworth's views on slavery as somewhat ambivalent - though Ellsworth was certainly no participant in the new nation's, "peculiar institution".Mr. Ellsworth's contribution to the Constitution is presented in welcome detail. The author thoughtfully illustrates Ellsworth's positions and opinions formed in part from his earlier-in-life, New Light Congregational religious learning. Later as a Connecticut US Senator, we see Ellsworth's enormous contribution to the Judiciary Act of 1789 which established the Federal Court System. One of Mr. Ellsworth's final public acts was as one of three of President Adams' envoys (with Pinckney Marshall) to Versailles to treat for the end of the Quasi War. Here Mr. Toth takes the time (that other authors sometimes skimp) to tell this story beyond the usual level of detail.I recommend the book to anyone interested in Oliver Ellsworth or in the US Constitutional Convention - for these you will not be disappointed; it is an easy and informative read. That said, the biography form rarely reads as a novel, or even as a single event told in history, and so will have to do with 4 stars rather than 5. If there were 4 stars - I would give it.

Americans have a seemingly unquenchable thirst for knowledge of our Founding Fathers. Now Michael Toth brings us the story of Oliver Ellsworth, key member of the Constitutional Convention, sponsor of the Judiciary Act in the Senate, and chief justice for four crucial years. Ellsworth was a critical figure, and Toth describes his contributions with clear prose and an eagle eye for legal argument.Michael Barone

About the AuthorMichael C. Toth holds an undergraduate degree from Stanford University and graduate degrees from the University of Virginia. He has served as an officer in the United States Marine Corps and a staffer for White House budget director Mitchell E. Daniels Jr. He lives in Miami, where he is clerking for U.S. District Court judge Ursula Ungaro