

AMERICA: THE UNKNOWN COUNTRY

EPISODE EIGHT

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FADE IN:

EXT. STREET SCENE - DAY

Sherman stands outside the offices of the Pennsylvania Packet, reading the newspaper.

G. Morris walks by briskly, recognizes Sherman and stops to talk.

MORRIS  
Reading about us, Sherman?

SUPERIMPOSE: Gouverneur Morris, delegate from Pennsylvania

SHERMAN  
(startled)  
Hello, Morris

SUPERIMPOSE: Roger Sherman, delegate from Connecticut

MORRIS  
Perhaps they can tell us what we're about. We don't seem to know.

SHERMAN  
We've made a false start.

MORRIS  
We agree on some things. No one wants a democracy. Where is the Tea Party now?

SHERMAN  
They were needed when we fought against the British. Not when they fight against an American government.

MORRIS  
I am not sure I follow the distinction. Still, I admit that Madison's Virginia Plan hasn't captured the sense of the Convention.

SHERMAN  
Whatever we agree on, it won't come from him.

MORRIS  
Perhaps not. It will take a different sort of person.

SHERMAN

And who might that be?

MORRIS

Let us say from those better skilled in the arts of compromise.

SHERMAN

(looking at Morris for the first time)

We are entirely different, you and I. I began as a shoe cobbler. You are a rich lawyer. You want America to be a great center of business, like Britain.

MORRIS

We could do worse. We have our laws from them, even our ideas of government. Magna Carta. The Bill of Rights. Would you trash all that?

SHERMAN

You know better than to ask me that. But let me ask you--would you borrow their corruption, their monarchy as well?

MORRIS

You think we're very different. But yet we have more in common than we do with the Virginians.

SHERMAN

You're an aristocrat too.

MORRIS

I am a lawyer, you a tradesman. And a politician. We're not Virginia planters. In our new country there'll be more of us than of them.

SHERMAN

So long as we don't have Madison's constitution.

Sherman turns on his heel and walks away.

MORRIS

Goodbye, Sherman.

CUT TO:

EXT. TAVERN - EVENING

The Tavern bears a sign, "India Queen - Tavern." We observe Sherman enter the tavern. Though it is raining he does not bear a topcoat or umbrella.

CUT TO:

INT. TAVERN - EVENING

Sherman enters, does not shake himself, and sees a group of other delegates, including WILLIAM PATERSON, seated at table. He brusquely sits down beside them. He signals for a drink, which is brought him.

Paterson is 42, short, slight of build, and highly intelligent. He is a New Jersey lawyer and has traces of the Northern Irish accent of his parents. Unlike the fiery Sherman, Paterson speaks dispassionately, the voice of moderation. Sherman and Paterson will together prepare a counter-proposal to the Virginia Plan. At a table at the back, beyond their hearing, other delegates sit with Washington and G. Morris. The Spy sits at a table near them. In the background, tavern music: Rosin the Bow, possibly.

SHERMAN

The Virginians have stolen a march on us. They showed up early to plot against us. And what would they give us? A country run by Virginia and Pennsylvania, against the smaller states.

PATERSON

Come, Sherman, you are too harsh.

SUPERIMPOSE: William Paterson, Delegate from New Jersey

SHERMAN

(his voice rising)

The Virginians met behind our backs to come up with their plan. Now we, from the smaller states, must do the same.

PATERSON

Small states versus large states.  
Small states represented in the senate.

Sherman pauses to take a drink. Paterson looks at Washington, across the room.

PATERSON (CONT'D)

Look to the next table. There is the man who will be our first president.

SHERMAN

Aye, but who comes after him?

The British spy is seen looking into his beer and smiling.

DISSOLVE TO:

INT. LOWER CLASS TAVERN - EVENING

Sherman and several Southern delegates sit at a table before tankards of ale. Sherman talks to an elderly delegate.

SHERMAN

We have the makings of an arrangement.

DELEGATE

But what about our slaves? In determining how many representatives we have they must count as a full person.

SHERMAN

Even though they can't vote? The northerners will never agree. Your state will insist that they be given some weight. The obvious compromise is three-fifths, like our taxes.

DELEGATE

(insistent, frowning)

But the right to hold slaves must be inviolate.

Sherman has grown weary and disgusted.

SHERMAN

We have no use for your Carolinian institution in Connecticut. But you need have no fear.

(spitting it out and ironically)

There will be nothing in the constitution to interfere with your property rights!

(leaning in closely)

(MORE)

SHERMAN (CONT'D)

Here's what you should fear: a civil war, won by the large states, and slavery abolished, were you not to come along with us. So you see, your best defense is to join with us.

(more conciliatory now)

And you'll have your three-fifths clause. That will give you one Virginian president after another.

CUT TO:

INT. INDEPENDENCE HALL - CONVENTION ROOM - DAY

PATERSON

Gentlemen, you have presented us with a Virginia Plan that would rob the states of all of their powers. New Jersey will never submit to this. She would rather submit to a foreign monarch.

Some delegates bang their desk in approval. Washington frowns.

PATERSON (CONT'D)

Instead of the Virginia Plan, then, the delegates from the smaller states propose a New Jersey Plan. Each state will have one vote in Congress. More than that, little is needed.

Madison is low of voice, modest, a little professorial. A few older delegates strain to hear him.

MADISON

Gentlemen, the large states will never consent to this. How is this consistent with the idea that all authority is derived from the people?

PATERSON

I will tell you. Because we unite as states, not people. You would have us dissolve the states, and throw us all into hodge-podge.

MADISON

If we agreed to the New Jersey Plan, we will one day have a president whom most Americans voted against. The people will never accept this.

SHERMAN

They will if they know that this is how we came to have a country.

G. MORRIS

(with an edge)

Let me remind the delegates from the smaller states that the larger ones might form their own union without them.

PATERSON

(angrily)

Let them unite, if they will. But they cannot compel the smaller states to join in your union.

SHERMAN

The states must be equally represented. Without this, only one state north of Pennsylvania will join the union, and what kind of country would that be?

G. MORRIS

The large states will be united, and the smaller states must in time follow. If persuasion does not unite us, then the sword will, and the hangman's knot will finish the work of the sword.

PATERSON

Threatening delegates with a noose is not a way to win an argument.

SHERMAN

(angrily)

We defied the hangman in 1776. And do you now threaten us, and in just the same way?

The delegate who speaks next will not be identified. Historians will understand him to be Gunning Bedford of Delaware, 40, overweight, the person who met with the spy in Episode Seven.

## DELEGATE

We are told that we in the small states must submit to the large states. Let them try! If they do we will find some foreign ally of more honor and good faith, who will take us by the hand and do us justice.

(looking at the Pennsylvania delegates and angrily pointing his finger)

I do not, gentlemen, trust you!

Several delegates express alarm. Washington is seen to bend his head.

## CLERK

Let us take the roll on the matter. Those in favor of giving the states equal representation?

(A show of hands:  
Connecticut, New York,  
Delaware, Maryland, New  
Jersey vote yes)

Those opposed?

(More hands: Mass., Pa.,  
Va., N.C., S.C. and Ga.  
Vote no)

The vote is five to five.

## SHERMAN

We are now at full stop. If we continue as we are we shall break up without having done anything.

## DELEGATE

(primly)

That is just as well.

## FRANKLIN

And then the British will have won! Gentlemen, when a broad table is to be made, and the planks do not fit, the artist takes a little from both and makes a good joint. In like manner, both sides here must part with some of their demands.

## SHERMAN

Or we'll never have a country.

FRANKLIN

Let us turn the matter over to a committee, with one member from each state, to consider the matter.

MADISON

But that is the principle of equal representation, and that is precisely what divides us.

SHERMAN

Nevertheless something must be done, and the committee will decide.

FRANKLIN

(with seeming sincerity)  
Gentlemen, we grope in the dark for political truth. Why have we not looked to the Father of lights for guidance?

(looking up skyward)  
I beg leave to move that we ask a member of the clergy to offer us prayers each morning.

Silence for a while. Delegates from states south of Virginia are profoundly moved.

G. Morris is seen to smirk slightly. He evidently thinks that Franklin's motion is strategic and not heart-felt.

MORRIS

The plain truth is we have no funds to hire a minister.

HAMILTON

(snorting)  
And we don't need foreign aid.

Washington, stands, takes his hat, leaves. The delegates stand as he passes. When he has left they sit. No one speaks or looks at each other.

DISSOLVE TO:

EXT. STREET SCENE - DAY

G. Morris and Madison walk down a street, ignored by passers-by.

MORRIS

The New Jersey plan is a disaster.

MADISON

There may be a walk-out.

MORRIS

There may be a walk-out, and there may be some states we can do without. In any event, the New Jersey Plan will not work.

MADISON

We must return to the Virginia Plan.

MORRIS

Hamilton said it was pork still, but with a little change of sauce.

MADISON

He spoke for five hours straight, and bored everyone.

MORRIS

Now he'll go back to New York. He's given up. So has Washington, almost. He regrets that he came here.

MADISON

We must ensure that only people like him are chosen to lead the new country.

MORRIS

People like you Virginians? The new country is more likely to be led by the Shermans than by the Washingtons.

MADISON

And by people like you?

MORRIS

You don't like me, do you Madison?

MADISON

You continually insist on the depravity of mankind.

MORRIS

I didn't know you liked them any better.

The two observe the Window Korbmacher, at whom small boys are throwing stones.

MORRIS (CONT'D)

There's democracy for you, Madison.

Sally walks up the street, smiling at the men along the way. She wears a décolleté, tight-vested, muslin dress, with an outrageous hat and feathers on her head. The dress is slightly soiled. She passes the spy, who smiles back at her. They observe G. Morris and Madison.

SPY

(smiling to Sally)

They are an interesting lot, the delegates, aren't they?

Sally stops to glance at the Spy and then observes Korbmacher, mocked by a group of men and boys.

KORBMACHER

(scathingly, turning to them)

So you believe in witches, do you? Fools!

(to the Spy, pointing to the mob)

Better than that lot, I'll say that.

The Spy smiles and doffs his hat at her. Sally walks over to the group of men taunting Korbmacher.

SALLY

(to the men)

Scoot, all of you!

(to Korbmacher)

Why do they bother you, Widow?

KORBMACHER

They say I am a witch.

SALLY

(laughing)

And are you one, widow Korbmacher?

KORBMACHER

(familiarily, as to an old friend)

Were I a witch, I would make myself beautiful, like you, and bring back my husband.

(looking at the remnants of the mob)

I would not waste my time putting boils on their arses.

SALLY

People still believe in such foolishness.

KORBMACHER

They believe they will have a government that is pure and uncorrupted. If they believe that, why shouldn't they believe in witches?

SALLY

(with curiosity)

And what government will they have then?

KORBMACHER

The one they deserve, as all men do.

DISSOLVE TO:

INT. BINGHAM HOUSE - DINING ROOM - EVENING

A very elegant dining room and service. Footmen in livery. Washington in the middle of a long table, Anne Bingham to his right. Directly across from Anne sits a very young and pretty girl, Anne's friend from May 13. G. Morris sits to her right, directly across from Bingham. On the other side of the girl is Mr. BINGHAM, about 45, powdered hair, slim, evidently a bore, occupied in talk with a lady to his left. Mason is next to Anne.

About 20 people are at table. Billy Lee stands behind Washington, in a distinctive blue-and-bluff livery, unlike the rest of the footmen in their green and gold Bingham livery.

WASHINGTON

In Alexandria we could never match the elegance of Philadelphia, Madam.

ANNE BINGHAM

(teasing)

Really? And I hear that Virginia is a land of aristocracy!

WASHINGTON

(smiling)

Not aristocrats but good republicans, Madam.

MR. BINGHAM  
 (looking at Anne)  
 As my wife and I are too!

WASHINGTON  
 But the chief thing is that we begin to think of ourselves as Americans before we think of ourselves as Virginians or Pennsylvanians.

(smiling, looking at Morris)  
 Morris, could you aspire to be something grander than a New Yorker?

G. MORRIS  
 (smiling)  
 Is there such a thing, Your Excellency?

WASHINGTON  
 (genially)  
 We must become more united. Now you, sir, are a bachelor. You should find yourself a wife in the south, and our southern gentlemen wives in New York.

ANNE BINGHAM  
 A way to unite us, for certain!

G. MORRIS  
 A capital idea, sir, when I decide to leave my solitary life.

MR. BINGHAM  
 Morris, I marvel at your agility, in spite of your leg.

Morris merely nods at him.

MR. BINGHAM (CONT'D)  
 When I consider how I am plagued by gout in my leg I am envious.

MORRIS  
 Indeed, sir, you have almost persuaded me to cut off the other one.

Under the table we observe that his good foot presses against that of the young girl to his right. She smiles.

Above the table, Morris' hand seems to stray. A shocked look comes over the girl's face, and she startles but says nothing. Morris smiles and looks elsewhere. The girl settles down and smiles.

DISSOLVE TO:

INT. KITCHEN - EVENING

In the Bingham house, kitchen chefs prepare the dinner. In the back, GEORGE, an African American chef in a chef's toque labors over a large cake.

Lee enters the room with dishes he has cleared away from the table. He deposits the dishes on a table, begins to leave for the dining room, then does a double-take when he recognizes the chef, whom he approaches.

LEE

George!

GEORGE

Hello, Billy.

LEE

I thought you had gone to Canada with Sir Guy Carleton.

GEORGE

That I did, all the way to Halifax.

LEE

Then what are you doing here?

GEORGE

They didn't want a pastry chef there.

(wriggling his nose)

And I never learned how to make haggis

LEE

So you're back.

GEORGE

Some of the Loyalists returned. So did I.

LEE

You know that our master is here?

GEORGE

He is? I think I'll say how-de-doo.

LEE

That's crazy. He might have you seized as a runaway.

GEORGE

In the middle of a dinner party?  
And take her best chef from Mrs. Bingham? I don't think so.

George smiles. Lee shakes his head and smiles too. Then returns to the dining room.

CUT TO:

INT. BINGHAM HOUSE - DINING ROOM - EVENING

MR. BINGHAM

(who has not stopped talking to the lady on his left. She listens politely, but strains to hear the others)

And he asked about my credit! So then I told him..

From the kitchen George emerges bearing the cake.

The guests applaud, as George places the cake between Washington and Mrs. Bingham. As he does so, he allows his face to hover near that of Washington. When Washington looks up at him, George gives him a broad wink, startling Washington, who blushes.

MASON

(to Washington)

Have you heard the news from New York, sir? It seems that Congress has for once accomplished something.

MORRIS

You refer to the Northwest Ordinance?

MASON

A most remarkable document. They have something like a Bill of Rights in it, for the new territories.

WASHINGTON

Remarkable.

MASON

The utmost good faith always to be observed with the Indians, their land never to be taken from them without their consent.

MORRIS

That almost goes without saying—but better with the saying.

MR. BINGHAM

Well, I said, you can talk that way, but...

MASON

Here is what is perhaps the most remarkable of all. No slavery in the new territories to be permitted.

MORRIS

And they agreed to that? I look forward to the day when it may be abolished throughout the country.

MASON

It must not spread, in any event. It is a slow poison that contaminates our morals. But few of us in Virginia can bear the expense of freeing our slaves.

WASHINGTON

(ruefully)

It is a charge we inherited, but it must not be permitted to descend to those who come after.

ANNE BINGHAM

Shall we retire to the drawing room? The clavichord awaits us with the music of Mr. Bach.

G. MORRIS

(rising from the table)

London Bach?

ANNE BINGHAM

(innocently, and taking Washington's arm)

Is there another?

They all rise. The attendants pull back the chairs. The girl next to G. Morris rises last of all.

Morris offers his hand, which she takes, looking down at the floor, with a smile. Lee remains behind the chair, looking troubled.

DISSOLVE TO:

EXT. STREET SCENE - DAY

A crowd of people along a street. SALLY saunters along past the camera. We see their backs to us. A pack of dogs runs free. Merchants operate stalls along the street. Sailors walk down the street, in Sally's direction.

SAILOR # 1

Huzzah for Sally. Much as I admire  
your front, tis your back I love  
the most.

SALLY

(flaunting her stuff, but  
not stopping her pace)  
Then you may kiss the part you like  
best.

Sailor # 2 laughs.

SAILOR # 1

What's this?

CROWD

WITCH! WITCH! WITCH!

Several MEN appear, carrying the Widow KORBMACHER, who does not struggle, and drop her on the street.

VOICE # 1

She has cursed General Washington!

VOICE # 2

Tory, Tory!

She lies on the ground. Stones fly at her. Then bricks.

SALLY

STOP!

More stones are thrown at her. She has lain inert on the ground all this time.

SALLY (CONT'D)

You will kill her!

VOICE # 1  
Kill the witch!

Sally lays herself on Korbmacher. The stones stop. Korbmacher does not move. Blood flows from her mouth. G. Morris arrives, with Hamilton.

MORRIS  
(attending to Korbmacher)  
What harm is this? It's the Widow  
Korbmacher. A harmless old  
madwoman.

Hamilton draws out a handkerchief to wipe away the blood. He places his ear next to Korbmacher's mouth.

HAMILTON  
She breathes yet.  
(peremptorily ordering one  
of the crowd)  
Bring her to Dr. Rush. I'll see to  
the fee.

Two men from the crowd carry her. She is quite inert. Morris shakes his head sadly.

MORRIS  
Did we fight a Revolution just to  
hand them the keys to power?

They glance at the ground where Korbmacher lay, and where blood may be seen, and walk away.

DISSOLVE TO:

INT. RESTAURANT - DAY

Margaret Thomas cleans behind a counter. Sally sits at a far table, drinking tea.

Mrs. Bingham enters and approaches Thomas.

BINGHAM  
I'm told you sell tea here?

THOMAS  
Fresh Chinese tea, Ma'am.

BINGHAM  
A half a pound please.

Thomas goes behind the counter to produce a glass container, from which she extracts tea which she pours into a paper bag. She weighs this and passes it to Bingham, who pays her.

Before she leaves, Bingham glances at Sally, who smiles. Bingham declines to acknowledge her. Thomas puts things away, then walks over to Sally.

THOMAS

Can I get you something else?

SALLY

No. That was Mrs. Bingham, was it not?

THOMAS

I know her only as a tea lover.

SALLY

I don't know her at all. Never will. Philadelphia isn't my town. I'll return to New York in a few weeks.

THOMAS

I have never been to New York. I long to see it.

SALLY

Well, there's room in my coach, if you care to pay. Just yourself?

THOMAS

No, there will be two of us. My husband.

SALLY

Easy enough to arrange. Five dollars for the two of you.

Thomas smiles, nods and cleans Sally's table.

DISSOLVE TO:

INT. INDIA QUEEN TAVERN - MORNING

SUPERIMPOSE: Morning, July 17, 1787

G. Morris, Hamilton, Dickinson, Franklin and Madison, heads bent, sit with their breakfasts at a table. Several other delegates from Virginia and Pennsylvania as well. Tempers are short. Everyone is tired and despondent. Madison realizes that his Virginia Plan is in tatters.

MADISON

I had had a simple idea. Draw power to the federal government and weaken the states.

HAMILTON

But now the states will be at the heart of the federal government.

MADISON

Two senators from each state, large or small.

HAMILTON

It is called the Connecticut Compromise, but it is no compromise. It's Sherman's constitution. He and the small states have won.

MADISON

We will have failed. The new government will cure none of our problems.

HAMILTON

It will produce all the mischiefs we saw before.

MADISON

The low, mean politics of Richmond!

HAMILTON

Or Albany, God help us!

DICKINSON

You gentlemen had wanted a supreme federal government, that would rule over the states. You now see the consequence of pushing things too far.

MADISON

(smugly)

Did you know that I lost my first election in Orange County? My opponent plied the voters with liquor. I appealed to their principles. Naturally, I lost.

G. MORRIS

And did you ever make that mistake again?

MADISON

We should go our separate ways, the large states in one country, the small ones in another. Let us try again, with another Convention.

FRANKLIN

We cannot let that happen!

G. MORRIS

You are too despondent, Madison. We will find other ways to strengthen the federal government.

FRANKLIN

Come, gentlemen, the Convention is about to begin.

All rise from the table and walk out of the tavern. Madison rises last of all. Morris waits for him, then follows him.

DISSOLVE TO:

EXT. STREET SCENE - DAY

The delegates walk from the tavern down the street. G. Morris touches Madison's sleeve. The two hang back and walk behind the rest.

MORRIS

You must yield a little. They will insist on state equality in the senate.

MADISON

We must bring them back to my plan.

MORRIS

That will never happen. You are stuck in the Virginia Plan. But it's gone, and in its place we'll need something very different.

MADISON

We must have a strong federal government.

MORRIS

Quite so. But I know how to make that happen.

MADISON  
(despondently)  
But what shall we do?

MORRIS  
You wanted two things. A strong federal government and a president chosen by Congress. But now they work at cross-purposes.

MADISON  
How so?

MORRIS  
A president chosen by Congress won't work. Since each state will have two senators, they'll chose the president. So you can't have that if you want to weaken the states.

MADISON  
What then?

MORRIS  
The president must be elected by the people, the only person elected by the country as a whole. He would be the leading person of his age, and draw power to himself and to the federal government.

MADISON  
Mason's elective monarch, then?

MORRIS  
And what of that? When a crisis comes, as it will, who else could stand up to the states? Think of all that separates us. Slavery in the South, a commercial empire in the North. Only a president could save the country, if he were elected by everyone in the country. Only he could stand up to the states. When he is needed a new Washington will arise to save the country.

Madison is silent, pensive.

MORRIS (CONT'D)  
Come, we go inside.

CUT TO:

INT. INDEPENDENCE HALL - CONVENTION ROOM - DAY

Everyone in attendance, save the delegates from Virginia and Pennsylvania. Nervous silence for a while. The delegates wait to see whether the large state delegates have staged a walk out.

PATERSON  
(nervously)  
Will they come?

SHERMAN  
(testily)  
Never you mind.

The late-arrivals from breakfast at last enter. All the delegates stare at them. They take their seats in silence. G. Morris rises.

WASHINGTON  
Mr. Morris?

MORRIS  
Let us first dispose of the idea that the federal government might set aside state laws. The proposal has disgusted many of you and I am more and more opposed to it.

MADISON  
But this is indispensable!

CLERK  
Those who favor the federal negative of state laws...

The clerk counts. Madison raises his hand furiously.

CLERK (CONT'D)  
Seven to three, the federal negative is rejected.

MORRIS  
Good. Let us now turn to the question of the presidency. We have agreed that there should be a single president, but how is he to be chosen?

SHERMAN

By Congress, as we agreed.

MORRIS

It cannot be by Congress. He would be the mere creature of that body, and it would be the work of intrigue, cabal and faction. Instead, the president must be elected by the people. They will never fail to prefer some man of distinguished character.

SHERMAN

The people will not know whom to choose. They will simply vote for the person from their state, and the largest states will decide the contest.

MASON

(dismissive)

Asking the people to pick the president is like asking a blind man to pick a color.

MORRIS

If the people elect, they will choose an illustrious character, known through the country. He will be the guardian of the people, their tribune, their great protector. But if Congress chooses, the result will be corruption and tyranny.

CLERK

All those in favor of a president elected by the people?

(counting hands)

Only Pennsylvania? The motion fails, nine to one. Congress will appoint the president.

SHERMAN

(relaxed now, aside to benchmate)

So much for Morris. Couldn't even get Madison on board.

WASHINGTON

(standing)

Gentlemen, we shall have a committee to clear up some of the drafting errors in the document's language. But I invite those of you who might wish to join me to come to Bartram's Gardens.

DISSOLVE TO:

EXT. BARTRAM'S GARDENS - DAY

A botanic garden along a river. Washington is fly-fishing.

He is observed, from wrought-iron garden chairs, by G. Morris, Anne Bingham, Madison and Hamilton. Madison holds an ice cream, in a glass. An empty chair next to Bingham, for Washington.

WASHINGTON

(casting his line)

Isaac Walton tells us that time spent fishing is not deducted from our time on earth.

G. MORRIS

I used to fish. But now think that an hour spent fishing takes three hours away from our allotted span.

BINGHAM

(laughing)

You don't believe that!

HAMILTON

(to Morris)

You know that the Widow Korbmacher has died of her injuries?

MORRIS

I had not heard it.

MADISON

And yet you would have the people elect the president?

MORRIS

Madison, have you forgotten what Montesquieu taught, that the executive and legislative branches must be kept separate?

WASHINGTON

(emerging from the river)  
The fish bite better in the  
Potomac.

BINGHAM

Come, general, a tea with us.  
Perhaps we can persuade Mr. Morris  
to tell us of his conquests in  
Philadelphia.

MORRIS

(smiling)  
I confess that I could envy the  
General's success.

WASHINGTON

(smiling)  
That is because the ladies know  
they have nothing to fear from me.  
(to Madison)  
But we soon must come to an  
agreement about our Constitution,  
or split apart. Could anyone want  
that? I am told that some Virginia  
delegates think to quit the  
Convention. That will never do,  
gentlemen! Virginia must always be  
the state that binds the nation  
together.

Madison seems abashed.

MORRIS

We live in an age of discovery, and  
that also will bind us together.  
Like the steamships we begin to see  
on our rivers. Steam power. That's  
the thing. Think how it will  
shorten distances.

WASHINGTON

The Romans could travel more  
quickly than we do, on their roads.  
It took me five days to get here.

MORRIS

Soon it will be less than a day.  
And that is how a country is made.

DISSOLVE TO:

INT. COMMITTEE ROOM - DAY

Ten delegates are present, standing around a table, observing a document. They include G. Morris, Madison and Sherman. Dickinson was absent but now enters the door. Everyone is standing.

DICKINSON

Gentlemen, I am sorry I am late.

SHERMAN

Never mind. We are quite done here.

DICKINSON

May I see?

(reading the document)

Gentlemen, I see you would have Congress appoint the president. This will never do.

SHERMAN

(startled, Dickinson was an ally)

Why do you say that?

MORRIS

Dickinson is right. The powers of the president are so great, the people will never agree to this unless they elect him themselves.

DICKINSON

If this single article remains, the work of the Convention will be lost. The president must be a man of the people, and elected by them.

MORRIS

Come, gentlemen, let us converse further on this.

MADISON

(picking up a quill pen)

What shall I write?

DICKINSON

Let us have an electoral college. Electors will know the candidates better than the people. They will decide on the best person.

SHERMAN

But how are the electors to be chosen?

MORRIS

We will let the states decide. As you would want, Sherman.

(seeing a deal)

I think we can all agree to this. Let us bring it to the Convention.

Madison, head down, writes furiously.

DISSOLVE TO:

INT. INDEPENDENCE HALL - CONVENTION ROOM - DAY

SUPERIMPOSE: Tuesday, September 4, 1787

The delegates are seated, and reading a paper presented to them.

G. MORRIS

Gentlemen, our committee has changed the way in which presidents are to be chosen. Many members of the committee wanted a president elected by the people, but that is not what we agreed. Nor did we want a president chosen by Congress. That would present us with the dangers of intrigue and faction.

MASON

I see you would have the people vote for electors, who will choose the president.

G. MORRIS

Quite so. If the people are thought unfit to elect a president, they might elect wiser men, in an electoral college, to choose the president.

FRANKLIN

What we have agreed to is awkward in parts. Let me suggest that we refer the plan to Mr. Morris and a committee of style to render it into a more dignified language.

DISSOLVE TO:

EXT. STREET SCENE - DAY

G. MORRIS walks with HAMILTON. On their way they will pass merchants in street stalls and pigs roaming about the street.

MORRIS

It's an inelegant document. And it gives the wrong idea. Recall how it begins. "We the people of the states of New Hampshire, Massachusetts, Rhode Island, etcetera, etcetera."

HAMILTON

Quite. And what would you do?

MORRIS

We the people of the United States...

HAMILTON

We are one country. "We the people of the United States."

MORRIS

Let us also say what we are about.

HAMILTON

We seek a more perfect union.

MORRIS

We would establish justice, provide for defense, promote the general welfare.

HAMILTON

Secure the blessings of liberty.

They approach the India Queen tavern.

MORRIS

Come, let us write.

DISSOLVE TO:

INT. ROOMING HOUSE - DAY

Madison sits at a table writing a letter.

INT. STUDY IN PARIS - DAY

Jefferson reads the letter.

MADISON (V.O.)

We have given America a Constitution. But will it suffice? I fear not. The plan will not prevent the local mischiefs which everywhere excite disgust. We shall have a country in which the states are too powerful and the federal government too weak.

DISSOLVE TO:

EXT. BINGHAM HOUSE - GARDEN - DAY

WASHINGTON and ANNE BINGHAM are alone and walk about the garden.

BINGHAM

So now your work is nearly finished?

WASHINGTON

We have met over four months, six and seven hours every day. What we have produced must still be agreed to by the states, but I cannot think they will reject it. It is this or nothing.

BINGHAM

And you? What will you do now?

WASHINGTON

(smiling)

The delegates will have a dinner at the City Tavern and I shall join them. Then I will mount my horse and return home as quickly as I may.

BINGHAM

(touching his arm)

And so I will not see you?

WASHINGTON

It may be that I shall be called back. People speak of this.

BINGHAM

And what would you do?

WASHINGTON

It's not what I want but what my duties require.

BINGHAM

(smiling)

Then we must ensure that your duties bring you back to Philadelphia!

DISSOLVE TO:

EXT. FRANKLIN'S GARDEN - DAY

Franklin and several Quakers, dressed soberly in black sit around a tree. Franklin drinks a dark drink-porter.

QUAKER

Thee hast seen our petition. What dost thou mean to do with it?

FRANKLIN

(peering above his glasses)

You know, of course, gentlemen, that I am as opposed to slavery as you are.

QUAKER

Even here, in Philadelphia, we have slaves. It is a disgrace that slavery is illegal in Britain but yet exists here. Thou knows what the British think of that.

FRANKLIN

Only too well. It did not make it any easier, securing an alliance with France.

QUAKER

And will we be the only civilized country with this immoral institution?

FRANKLIN

But we have set a date for the abolition of the slave trade.

QUAKER

Yet slavery itself will remain, a commerce of tears and blood, while all the while we talk about liberty.

FRANKLIN

We are here to agree on a constitution that would bind all of the states. And many of them—five at least—would never agree to give up their institution. Would you have a rump of a country?

QUAKER

So long as it is a pure country.

FRANKLIN

I know of few pure countries. We have a simple choice. Do we have a country with slavery, or no country at all?

QUAKER

Then no country.

FRANKLIN

You'll not have abolished slavery, You'll simply have created a separate slave-holding country in the south.

QUAKER

If we do not end slavery now, in all thirteen colonies, what future wars will be needed to do so?

Franklin rises, as do the others.

FRANKLIN

We must take that chance. But I have your petition and thank you for it.

They leave, shaking Franklin's hand.

FRANKLIN (CONT'D)

(to himself)  
Impossible people!

DISSOLVE TO:

EXT. STREET SCENE - DAY

Sally is aboard a coach, Thomas on the street beside it, with some clothes in a white bag at her feet.

SALLY  
Where is your husband?

THOMAS  
He said he'd be here.

SALLY  
We can't wait, you know.

THOMAS  
Just a moment more. I think I see  
him.

She gazes at the street.

THOMAS (CONT'D)  
No, that's not him.

They wait a moment more.

SALLY  
Perhaps you weren't meant to leave  
Philadelphia.

THOMAS  
(angrily)  
I was meant to!

SALLY  
Margaret, I wish you well, but I  
must be off. I'll see you when I'm  
next in these parts. Everyone  
returns to Philadelphia.

Sally waives, slaps the side of the coach, which begins its journey. Thomas is left at the side, her little bag beside her.

As the coach leaves, we see Lee standing on the other side of it, without luggage, looking embarrassed and sad. He will not leave Philadelphia.

DISSOLVE TO:

INT. BOARDING HOUSE ROOM - NIGHT

The Spy is seen, from the back, writing at a table. As the CAMERA DRAWS CLOSER, we see he is writing a letter, and having finished leans back and reads it.

SPY

To His Excellency, Sir Guy Carleton. I have the honor to report on the Convention, whose secrets have been revealed to me.

INT. FORMAL OFFICE - DAY

Sir Guy Carleton is seen to read the letter.

SPY (V.O.)

The delegates have decided that nothing must do but that America shall have a king. Which king they know not, but we must expect that an application for one will be made to us. We must in any event discourage their choice of a member of the House of Bourbon, which would strengthen their alliance with France.

(Ending with a flourish)

I have the honor to be, your most humble and obedient servant...

Carleton lets the letter slip from his fingers, dropping his head down.

DISSOLVE TO:

INT. TAVERN - EVENING

Franklin, Dickinson and G. Morris sit over their dinner at table. Sherman walks in.

SHERMAN

May I join you gentlemen?

DICKINSON

But of course, dear colleague.

FRANKLIN

We were wondering, now that it's over, whose imprint weighs heaviest upon the document?

SHERMAN

(motioning to the waiter)  
An ale! I'll tell you who it's not,  
and that's Madison.

FRANKLIN

You think not?

SHERMAN

He had wanted a president appointed  
by Congress, a Senate appointed by  
the House of Representatives, seats  
in the Senate by population, a  
federal veto over state laws; and  
on every one of these he was voted  
down.

MORRIS

He seems in ill humor.

SHERMAN

He wanted a country run by the  
large states. Instead the small  
states will have an equal voice in  
things. Now he'll go back and tell  
us how wonderful it all is.

Sherman finishes his beer, leaves a coin and departs.

SHERMAN (CONT'D)

Gentlemen!

FRANKLIN

I believe Sherman may be right.  
(to Dickinson)  
You've been quiet.

DICKINSON

Sherman says what most of us think.  
But I do not agree. If you ask me  
who won, I would say the people  
did. We have created a country in  
which they will rule.

FRANKLIN

How so?

DICKINSON

They will elect the members of the  
House of Representatives, and in  
time the senators and presidents  
too. None of them sees it now. But  
it will happen.

MORRIS

How many of us, do you think, want that?

FRANKLIN

Very few, perhaps. But what you must recollect is the special genius of our new country. Here the people will choose.

DICKINSON

And we have given them a document where, in time, all elections will be decided by the people.

Franklin closes his eyes and reflects.

FRANKLIN

Did you know I was born in the reign of Queen Anne? I have outlived three British monarchs, and much discomfited a fourth. I was almost the very last person to consent to a separation from Britain.

Looking past the other two men.

DICKINSON

(smiling)

I believe I have that honor.

FRANKLIN

I know. You did not sign the Declaration of Independence but then served under General Washington. Some people signed, and did not serve. More honor to you.

DICKINSON

(a little embarrassed)

No more of that.

FRANKLIN

I told the British that a combined Anglo-American country would be the greatest country in the world, and the greatest force for good. And I was compelled to listen to a dressing down that lasted a full hour. I did not react at all. But I had my revenge.

Dickinson and Morris regard Franklin inquisitively.

FRANKLIN (CONT'D)

The suit I wore that day I wore again ten years later when I signed the Treaty of Paris.

(smiling)

Even though it no longer fit quite so well.

Dickinson and Morris laugh.

FRANKLIN (CONT'D)

In the nature of things I can have few years left me. It is given to old men to prophesize. Let me do so. Future generations will complain that we have not extended freedom to everyone. But of what we were given we could do no more. And of what we did we can be proud. What we have produced will serve as an empire of liberty and a model of freedom for countries yet to be born. And here too.

An African-American waiter passes them by. A white servant woman scrubs a table.

FRANKLIN (CONT'D)

We have set in motion new ways of thinking about all manner of people, that waiter over there, that woman. A new world is born here.

MORRIS

We won't see it in our lifetimes.

DICKINSON

No one sees it all in his lifetime.

FRANKLIN

They will fault us for failing to rid America of slavery. But in doing so they will speak in the language we gave them. And if they are Americans it will be because of us.

DISSOLVE TO:

EXT. OUTSIDE THE PHILADELPHIA PACKET - DAY

The pressman, without his hat, emerges, and sees the workman pass by. They nod at each other

WORKMAN

You've been kept busy with the news.

PRESSMAN

No news, just surmises. We don't know yet what they've produced.

WORKMAN

We still have time to vote it down, if we don't like it.

PRESSMAN

I don't think that will happen. Between whatever comes from them, and what we have now, I know what I'd choose.

WORKMAN

I too. I'd stay with what we have.

PRESSMAN

That's how things work. People have to choose.

WORKMAN

Working within choices given to us by our betters.

PRESSMAN

They're not all Virginia planters.

WORKMAN

No. Our delegates from Pennsylvania are a different class of people. Lawyers, bankers. In a way they're further removed from us than the planters.

PRESSMAN

You think so?

WORKMAN

It's an aristocracy of wealth, with even greater differences in equality. The speculators and stock-jobbers of New York. A harder aristocracy, with a different feeling for the common people.

PRESSMAN

Perhaps so. But it's still a time to be alive. You were born in 1765, I believe?

The Workman nods.

PRESSMAN (CONT'D)

Think of what you've lived through. The Stamp Act was passed the year you were born. The Boston Massacre happened when you were five, and Lexington and Concord when you were ten. And now this, a new country is born. They speak of the Ages of Pericles and Leonardo da Vinci, and our time might be remembered in just the same way.

WORKMAN

You speak as though an epoch ends with this Convention. But nothing ever ends, and especially what is begun here.

CUT TO:

INT. INDEPENDENCE HALL - CONVENTION ROOM - DAY

SUPERIMPOSE: Monday, September 17, 1787

The delegates are all assembled, save Gerry and Randolph. With difficulty, Franklin rises to speak.

FRANKLIN

(looking to Washington)  
Mr. President, I confess that there are several parts of this constitution of which I do not approve. But in time I might approve them. The older I grow, the more apt I am to doubt my own judgment.

(looking about genially)  
Most men think themselves in possession of all truth, so that when they disagree with someone, they suppose the other person in error. An Englishman once said that the difference between his church and that of Rome is that, while the Church of Rome is infallible, the Church of England is never wrong.

The delegates laugh.

FRANKLIN (CONT'D)

I recall a certain French lady, who thought highly of her own infallibility. "I don't know how it happens," she said, "but I find that when I disagree with someone it is always me who is in the right."

General laughter.

FRANKLIN (CONT'D)

When I think of our constitution, then, with so many differences of opinion amongst us, it astonishes me that what we have done so closely approaches to perfection. And it will astonish our enemies!

Table pounding by some delegates.

FRANKLIN (CONT'D)

I consent to this Constitution because I expect no better, and because it might even be the best. And I wish that those who have some objection to it might doubt a little of their own infallibility.

G. MORRIS

I to have objections, but what we have is the best that we could have agreed on. The moment this plan goes forth, the great question will be whether we will have a national government or not. And since the alternative is anarchy we must all support it.

WASHINGTON stands. The delegates are astonished—and fearful that he will dissent from the constitution.

WASHINGTON

Gentlemen, although my position as your president has until now prevented me from speaking, I should like to offer my thoughts.

The delegates stir nervously. Will Washington approve the new constitution?

WASHINGTON (CONT'D)

We should have as few changes to the plan as possible, but I have a small alteration to propose. The plan would have the people elect one representative for each 40,000 people, and I should prefer the number to be 30,000. The government must be closer to the people.

The delegates understand that Washington has signaled that he blesses the plan, and are much relieved.

VARIOUS DELEGATES

Yes. Of course. Let it be so.

But Mason is discomfited.

MASON

Something important is missing here—a bill of rights. In the Virginia constitution we had a bill of rights. I move that we add one as well.

G. MORRIS

It is too late for that.

MASON

In the Virginia Bill of Rights we said that all men are by nature equally free and independent, and have the right to life and liberty and the means of pursuing happiness. Does anyone here find fault with that?

HAMILTON

It's not that. It's that we don't need it. We're well-protected by the structure of the government. And to mention certain rights would lead one to suppose that other rights were excluded.

SHERMAN

And the states have their own Bills of Rights.

MASON

(bitterly)

You think the federal government may be trusted. You will be surprised at its powers.

CLERK

Let us vote. Those in favor?

(counting)

Mr. Mason's proposal is defeated 10  
votes to zero.

Mason is shocked. He looks at Washington and the other Virginia delegates, who voted against him. They avert their gaze.

A pause. The delegates look about for anyone else to speak. Silence for a while.

FRANKLIN

I remember this room, eleven years ago. Not much has changed. The desks are still here. Do you remember, Sherman?

Sherman nods and smiles.

FRANKLIN (CONT'D)

Others of us were here too. We said that, "We hold these truths to be self-evident, that all men are created equal." Those were your words, Mason, though Jefferson polished them.

Mason nods, does not smile.

FRANKLIN (CONT'D)

It began here eleven years ago, on another hot summer day. We declared our independence. Today we end what we started in 1776.

Franklin rises.

FRANKLIN (CONT'D)

Gentlemen, I move we adopt this document as the Constitution of the United States.

WASHINGTON

The clerk will call the roll.

CLERK

Massachusetts?

MASSACHUSETTS DELEGATE

Massachusetts votes aye.

CLERK  
New Hampshire?

NEW HAMPSHIRE DELEGATE  
New Hampshire, Aye.

CLERK  
Connecticut?

SHERMAN  
Aye.

CLERK  
New York?

HAMILTON  
New York lacks a quorum, but I will  
sign the document for my state.

CLERK  
New Jersey?

PATERSON  
New Jersey votes aye.

CLERK  
Pennsylvania?

FRANKLIN  
(loudly)  
Aye!

CLERK  
Delaware?

DICKINSON  
Aye.

CLERK  
Maryland?

MARYLAND DELEGATE  
Maryland votes aye!

CLERK  
Virginia?

WASHINGTON  
Virginia votes aye.

CLERK  
North Carolina?

NORTH CAROLINA DELEGATE

Aye.

CLERK

South Carolina?

S.C. DELEGATE

Aye.

CLERK

Georgia?

GEORGIA DELEGATE

Aye.

The delegates are silent for a moment.

CLERK

The plan for the constitution of  
the United States is approved, 11  
votes to none.

The silence continues.

Then, from the back of the room, from delegates who cannot be seen, a pounding of hands upon tables is heard. Slowly the sound spreads as delegates at the front join in. The noise abates.

Mason rises.

MASON

(angrily)

So you have your constitution. But what you have produced will end in a monarchy. There will come a time when we will have a person more powerful than a king. He will make and unmake laws at will. He will decide alone whether we go to war. He will be the president!

Mason takes his hat and staff.

MASON (CONT'D)

Sooner than agree to this plan, I would cut off my right hand.  
Gentlemen, I bid you good-bye.

Mason leaves the room. A silence for a moment.

G. Morris rises.

G. MORRIS

I too have objections to the plan.  
But it is the best that can be  
hoped for.

Hamilton rises.

HAMILTON

No man's ideas are more remote from  
the plan than mine. And yet I must  
choose the chance of good to come  
from it.

WASHINGTON

(standing)

The delegates will now proceed to  
sign the instrument.

One by one, the delegates mount the dais to sign the  
constitution. Washington's chair may be seen. As they do so,  
Franklin, seated in his chair, speaks.

FRANKLIN

During all this time I have  
observed the president's chair. Do  
you see it there, with the sun on  
it, upon the ocean?

The CAMERA FOCUSES on the chair.

FRANKLIN (CONT'D)

Is that a rising or a setting sun?  
Painters have found it difficult to  
show the difference, and over the  
last four months I have often,  
during the course of this  
Convention, looked at the chair and  
wondered whether it is rising or  
setting.

The delegates, who had been lining up to sign the  
Constitution have all stopped to listen to Franklin and look  
at the chair.

FRANKLIN (CONT'D)

But now at length I have the  
happiness to know that it is a  
rising and not a setting sun.

Four delegates, including Robert Morris, have signed the  
constitution, and gather to the right of Washington. Robert  
Morris sits, the other three stand. Washington who continues  
to stand, looks upwards.

Six or seven delegates form a queue to sign, with Gouverneur Morris at the back of the queue. Amongst them the clerk raises his hand for order. Madison sits amongst them.

Franklin gazes at the camera. Behind him Hamilton whispers in his ear.

A few delegates at the back raise their hands towards Washington. The CAMERA FOCUSES on the table on which the delegates sign the constitution.

Moving more closely, the CAMERA FOCUSES on the constitution being signed, then to the hand and the pen upon the document.

The scene FREEZES.

DISSOLVE TO:

That portion of the Howard Chandler Christy painting which hangs in the Capitol in Washington (and is in the public domain).

The CAMERA SLOWLY RETRACTS and fades into the painting seen in its entirety, frozen in time into history

VOICEOVER

The Constitution will be ratified by all thirteen states, and George Washington will be elected the first president. He will serve from 1789 to 1797 and will die two years later.

Benjamin Franklin, who began his public career in 1754, will die in 1790.

Gouverneur Morris will live to 1816, and will tell his friends that he wrote the Constitution.

James Madison will serve as president from 1809 to 1817. As president, he will sign the Declaration of War against Great Britain, and flee Washington when the British burn the White House. Scholars will tell us he is the father of the Constitution.

In his will George Washington asked that all his slaves be freed when his wife died.

(MORE)

VOICEOVER (CONT'D)  
But Billy Lee he freed outright,  
for his service during the  
Revolutionary War.

THE END.