

**An Original Bill of Rights
A Purloined Parchment (1787) Sold for \$5.00 during 1866
To Charles Shotwell**

Submitted Jan 27, 2015 by SA James Edward Mitchell, NSSAR # 165184
FBI NYO
Squad 7 /Code Name: Abscam Case /
Movie: "American Hustle" with **Irving Rosenfeld (aka Melvin 'Mel' Weinberg)

In Speech format

Introduction: In 1977, I was assigned to Squad 7 and Supervisory Special Agent (SSA) John Good along with SA Myron R. Fuller, the operational case agent for *Code Name: Abscam* that involved a Pittsburgh 'get-rich-quick' cigar smoking, bearded con artist nicknamed, Mel Weinberg. SA Myron R. Fuller introduced me to Weinberg initially during 1977 at an apartment, I recall located in the borough of Queens that was leased by an acquaintance of Mel's. Among the most interesting investigative work of my FBI career were my days spent operationally with Myron and other FBI agents working *major fraud cases*. Myron's criminal cases were predominantly investment scams. Squad 7 was also designated to investigate major case theft involving stolen art, museum artifacts and documents during my 15 month assignment to the squad. The writing of Lost Rights ... by David Howard, set out below, is presented from my view point as a former FBI agent assigned (1977), the same type of major case, investigate matters.

Writer David Howard's book (Copyright 2010) entitled: Lost Rights – The Misadventures of a Stolen Relic navigates the often shadowy exchange of a single copy of Congresses August 1789 approved, 'Bills Of Rights' formulated as amendments by James Madison.

Background: Following North Carolina's (NC) joining the United States (U.S.) on Dec 22, the same year a copy of the original was sent by the U.S. Federal Congress to NC's Capitol at Raleigh for record. The parchment was pristine and signed personally by **John Adams** and Speaker of the House **Frederick Muhlenberg**. Each state's governor accepted delivery from the *U. S. Federal Congress*. The NC copy of the 'Bill of Rights' was preserved within a filing box captioned: *1789 Proposed Amendments to the Constitution of the U.S.*

Very little precise detail of the actual theft from can be proven; however, on Apr 13, 1865 Union soldiers of the 94th (OH) Inf. Regt., ravaged the Capitol and left the floor of the rotunda between the Senate and the House of Commons strewn with discorded state papers. Broken glass from museum cases were scattered about the floor and contents were removed. A bust of John C. Calhoun was found stained and covered with indelible ink, wrote David Howard.

One day after the war had ended, a young man identified as **Charles A. Shotwell** claimed ownership of the 'Bill of Rights' parchment for payment of \$5.00 from an unknown former Union soldier residing at Tippecanoe, western OH. Charles was born in 1846. His parents were Eli and Emeliza Shotwell of NJ, marring at Somerset County in 1840. Charles married Clara Moore in 1893 and relocated across Indiana settling in Irvington.

Before his 50th birthday, Shotwell unfolded the broadsheet/parchment measuring 28 inches by 32 inches in length prior to gluing the reverse using cardboard to flatten the page for safe keeping. He wrote: This document belongs to **Charles A. Shotwell**; and, it came into my possession when, "I was living at Troy, O., at the close of the war, 32 yrs. ago. I got it off a soldier in an OH regt. I believe it cost me \$5.00. He took it from the State House at Raleigh, NC, when that place was pillaged by Sherman's army."

Plot Development: During Feb., 24, 2000 **Wayne Pratt** a New England dealer and appraiser of rare furniture, art & antiques along with an intrigant investor, **Bob Matthews, L.L.D., Atty. – At – Law**, who arranged a wire transfer of \$150,000 from Pratt's Fleet Bank account into another lawyer **Charles Reeder's** Indianapolis (IN) trust account. Pratt and Matthews made a total payment of \$200,000 to sisters -**Sylvia Shotwell Long and Anne Shotwell** who signed authentication papers and a Bill of Sale, in exchange for receiving the money.

After 2002, Pratt decided that privately showing the U.S. historical document to his stable of antique dealer associates made it safe enough to dismiss the State of North Carolina's 1865 claim of ownership due in part to the passage of time and bonafides & good faith of the Shotwell family purchase. His documentation, he believed, left no signposts pointing toward Raleigh (NC).

So, attending the 2002 *Winter Antique Show* at New York (City) N.Y. feelers were made to several interested individuals that Pratt approached for the purpose to determine, if any 'buying interest' existed in his copy of the broadsheet. His *secret squirrel* game of half-truth explanation of the original 'Bill of Right's' broadsheet was described in the antique world as utilizing the "dead man's provenance." No one knows where the particular parchment came from because all its previous owners were deceased! Only, the slightest documentation of proof exist other than **Wayne Pratt's** authentic broadsheet/parchment. It included, don't forget, an original quill & ink signature of **John Adams**. Then there was Wayne Pratt's (real) bill of sale.

Signs of Cracks: Scouting a buyer on Jan 9, 2003 **Pratt** had the parchment transported by a friend, **Bill Reese** to New York City. Reese showed the parchment to several latent buyers that included several high profile historic document brokers- **Richard Gilder, Lewis Lehrman and Seth Kaller**. These key individuals were searching for a historic purchase for either of two important libraries – the *New York Public Library* and/or *Library of Congress* for a price of \$5 MILLION. Money was no object! **Wayne Pratt** had observed Gilder and Lehrman were huge icons. [During 1993 Gilder had pledged \$17 Million to the *Central Park Conservancy* (NY).] Both individuals expressed that they loved the idea of owning an original parchment.

In characteristic fashion, they informed **Bill Reese** that they were keen, that the broadsheet 'Bill of Rights' not be locked away. After observing the 'Bill of Rights' in Reese's possession both Gilder and Lehrman grew suspicious of the tale of an expired Ohio couple as the previous owner. Even **Bill Reese** silently had doubts; **Wayne Pratt's** story was a *classic dead man's provenance*.

Still in a few days later after Jan 9, **Richard Gilder's** e-mail reached **Joe Torsella**, an official at the *National Constitution Center (CC) and museum*. Torsella suggested to Bill Reese, to make firm arrangements to show off the 'Bill of Rights' parchment at the **Philadelphia, PA's** Constitutional Center. Importantly, the *CC officials* were planning to open in less than 6 months! Three days later, **Reese** and

Seth Kaller personally met to show off the broadsheet/ parchment with executives **Joe Torsella** and **Steve Frank**, the deputy of exhibits.

Steve Frank seemed un-usually surprised & pleased to observe the parchment, **Joe Torsella** thought. Frank said, to his associate uncharacteristically, this is an extraordinary specimen! It appears that someone has over the past 138 years, kept the parchment away from *available lighting conditions*. It is well preserved except for some minor appearance issues. Steve Frank stated, importantly, John Adams's signature was sturdily scrawled across the parchment giving it the look of *floating above the surface of the parchment* unlike ink bleeding into a paper surface. Frank could hardly believe the historical document that lay before him!]

Reese was asked about the parchments' rarity. Together, Torsella & Steve Frank smiled at each other, and they agreed, *only 14 were authorized printed by the U.S. Congress, several had been simply lost or reported missing and 2 were destroyed by fire; only 1 was believed to be 'out there somewhere'*. Could this copy be North Carolina's missing parchment, after military occupation during the mid-1860s, **Steve Frank** wondered. Frank, now, was speaking as the deputy of exhibits for the *Constitution Center*, the CC was positively interested in buying the parchment since it was seemingly a true copy of the 'Bill of Rights'. **Steve Frank** had an additional request for brokers -Reese and Kaller, would they permit another outside 'expert appraiser' affiliated with **The First Federal Congress Project* (Ken Bowling) to examine it for the purpose of confirming his (Frank's) opinion authenticating this broadsheet?

[**Steve Frank** recalled that 3 years earlier, **Ken Bowling** had been involved within an odd incident after agreeing to see several furtive visitors to his business claiming they had a copy of the 'Bill of Rights' for him to examine. When he took a glimpse the broadsheet's large size, the parchment appeared glued inside a picture frame. If this was the identical parchment, that Bowling had previously been approached to examine during 2000 by visitors; then, these visitors had taken Bowling's advice, *to have a conservator remove the backing*. If so, then Bowling might easily make a comparison to determine the broadsheet was identical with the parchment he had observed in 2000. To make a proper determination and to identify the 'Bill of Rights' copy as original, perhaps Bowling might scan & compare the 2000 docketing samples that he had kept filed away after the examination in 2000. Also, **Steve Frank** wondered, if any other appraiser might have examined the parchment that Bowling previously observed. Might some other individual also, suspect that the parchment originated from the NC State repository, before its 1865 disappearance?]

Both brokers said; certainly, let's have it examined *as soon as possible*, to close the deal with the Constitution Center.

Within a few days **Ken Bowling** was introduced and he carefully examined the 'Bills of Rights' signatures. Bowling was familiar with the clerk's handwriting from his 30 plus years of researching objects affiliated historically with **The First Congress Project*. The signatures of **John Adams** and **Frederick Augustus Muhlenberg** were flawless! Bowling was looking at the real parchment; however the docketing was slightly dissimilar from his memory (2000) of it previously.

When he showed the parchment to a staffer specialist, **Helen Viet**, who was familiar with the handwriting of The First Congress Clerk, she compared her inventory of available documents to carefully identify the 'writing' of The First Congress Clerk, Benjamin Bankson. Later Helen recalled that she said to **Ken Bowling** and the brokers observing her examination, I am a huge fan of (1789) clerk Benj. Bankson, look for yourself, he possessed an extraordinary *calligraphic flair*. She smiled at Bowling and said, "you can too tell where it came from. It came from North Carolina." She pointed out a notation on the back of a document dated Oct 2, 1789 –the transmittal letter that (Pres.) Washington had sent to North Carolina Gov. Samuel Johnston. Bowling took a 2nd look of the docketing on the 'Bill of Rights' parchment for himself and he compared the docketing upon the letter Helen had pointed out. After, another glimpse he plainly could observe it! The pattern of the writing was identical. However, it wasn't just a single comparison made between the two, the more they examined both items, the more they were able to match additional details marrying the broadsheet 'Bill of Rights' with the letter that Helen had pointed out.

Where next: The brokers were confident since holding the parchment owned by **Wayne Pratt**, for some few years now, that \$4.5 million was a fair price for the sale since Pratt's legitimate purchase had been made from the Shotwell family in Feb., 2000. Brokers, **Reese** and **Kaller** were fairly happy after hearing the *Constitution Center's* finding that the parchment's fair price approached \$4.5 to \$5 MILLION. Torsella expressed the wish to clear the purchase with CC's Board of Directors and close prior to July 1st when the official opening was scheduled, Joe Torsella was more than ever, fearful of the quarrelsome history of the parchment with the State of North Carolina. To protect the *National Constitution Center* at Philadelphia, he confidentially with the blessing of the *Constitution Center's* Board of Directors contacted 2 lawyers for the (NC) Atty. Gen.'s. Office prior to Wednesday, Mar 12th. One of the attorneys **John Estey** returned the personal contact with Torsella and acknowledged formally, "Don't buy it yet. Stand by a little longer." Explain if you must that you require a few more days to complete the banking transaction and receive approval by the *Constitution Center's* Board of Directors.

Without disclosure to the 'Bill of Rights' brokers, the *Federal Bureau of Investigation* (FBI) Raleigh Division was telephonically notified confidentially by the (NC) Atty. Gen.'s Office that representatives for the *National Constitution Center*, Philadelphia, PA, were set to close a financial deal to buy the missing 1865, Bill of Rights stolen from NC's State Archives. A meeting that day was set between state and federal officials to discuss jurisdictional and prosecutorial conflicts over the recovery of the 'Bills of Rights'.

By Mar 18, the Raleigh FBI Office had coordinated the last detail of the investigation conducted for the purpose of the US Attorney' Office at Raleigh to approve an undercover 'sting' operation to recover the parchment. **Frank Whitney**, the US Attorney for the (NC) District at Raleigh signed an order to set into motion FBI agent's interceding during the final settling of details with brokers for **Wayne Pratt**, his agents and any lawyers executing the exchange of the 'Bill of Rights' for \$4 MILLION, that came from the *National Constitution Center* museum's construction fund. The Bill of Rights acquisition money required FBI agents immediately account for the payment for their 'chain of custody' and return straight to the First Union National Bank in the Mellon Bank Center at Philadelphia's Pennsylvania Station on 30th Street, as soon as possible, following the safe securing of the 'Bill of Rights' (parchment) .

With the \$4 MILLION sale pending on Mar 18th **Wayne Pratt** arranged to attend a previously annual ski vacation in Colorado with his family, the day of the acquisition and closing for exchange of \$4 MILLION at the Philadelphia, PA with his representative, John **Richardson**, Attorney at Law.

After 2:00 PM on Mar 18th Richardson arrived alone, for the closing at the Mellon Center, Philadelphia, and arrived at the 32nd floor, Dilworth Paxson Reception Area for the *Constitution Center*. He was admitted into a conference room reserved by the CC museum's general counsel, **Steve Harmelin**. The receptionist downstairs telephoned John Richardson's ARRIVAL as **Harmelin** looked over at FBI undercover agent, **Robert K. Wittman**, assigned to the Philadelphia Office FBI and exchanged a sly smile. **Richardson** entered the office conference room, alone, and was introduced around the table to **Bob Clay**, the museum's benefactor, *played in role by FBI agent, Wittman*.

After an important exchange of information regarding the 'Bill of Rights' parchment's history, **Richardson** thumbed through the closing documents and inspected the certified check payment. A cardboard box wrapped in twine was produced by Richardson and opened so that all might see a green colored, *acid-free sleeve* placed on the conference room table. Then, Richardson opened the protective sleeve and he slid out the large size parchment 'Bill of Rights' and placed it onto the table in exchange for the certified check.

Most the room's occupants would clearly for many years to follow recall the sensation of laying their eyes again upon the 138 year old missing, North Carolina Original 'Bill of Rights' safely returned. As on cue for Wittman, **Harmelin** said, he'd return shortly and departed the conference room. (This was preplanned in case of a physical struggle.) **Wittman** knew that to prove a violation of the federal criminal code, it would be important to show that the 'Bill of Rights' parchment was transported interstate i.e., across state lines within the last 24 hours, or so. Also, Wittman must prove that **Richardson** had knowledge that it was stolen.

So, the wire under **Wittman's** coat and shirt, captured Richardson's every friendly answer to question(s) whether he knew the experts at the **First Federal Congress Project*, had previously told **Wayne Pratt** or his business representative that no private party could own a 'Bill of Rights' because the originals are all *public property!* Maybe **Wittman** could convince Richardson still looking at the \$4 MILLION check in hand, feeling confident and relaxed now, to continue to volunteer that necessary small admission?

** Source: www.historyshollywood.com/reelfaces/american-hustle.php

* 1st Federal Congress Project – documenting the history of the First Federal Congress, 1789-1791; see: Google; and: www.gwu.edu/~ffcp/

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