



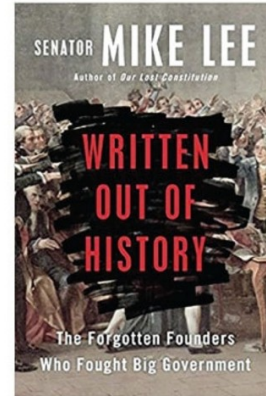
Written by [Steve Byas](#) on May 21, 2018

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History Lost to History

From the print edition of The New American

Written Out of History: The Forgotten Founders Who Fought Big Government, by Senator Mike Lee, New York: Sentinel, 2017, 232 pages, hardcover.



Whenever Americans think of the “Founding Fathers,” the names of George Washington, Thomas Jefferson, Alexander Hamilton, John Adams, James Madison, and Benjamin Franklin spring quickly to mind. While Senator Mike Lee gives these men their due for their role in the creation of our constitutional republic, it is his contention that others who “fought big government” have been “written out of history.” In this fast-paced volume, Lee calls for greater recognition of the contributions to liberty and limited government made by Aaron Burr, Luther Martin, Elbridge Gerry, James Otis, and George Mason.

In addition to these men, Lee also examines the contributions made to American concepts of federalism and liberty by individuals even less well-known, including the Iroquois leader Canasatego, playwright Mercy Otis Warren, and the slave Mum Bett.

Why did Lee write this book? Charging that “progressive, big-government advocates like to politicize their history” because they “always seek more power,” they go about “changing the historical narrative to confer legitimacy.” An example Lee offers is how the Left has made some sort of progressive champion out of Alexander Hamilton. Lee challenges this modern “perversion” as he calls it. “Hamilton never envisioned — and certainly never favored — the sort of massive, intrusive, unaccountable federal government that today thrives in Washington, D.C.”

For conservatives, perhaps the most surprising chapter involves Lee’s attempt to rehabilitate the reputation of Aaron Burr. While Hamilton and Jefferson were bitter political enemies, disagreeing on a host of issues, both came to despise Burr. For example, Hamilton said that even Burr’s friends “do not insist on his integrity,” and that “his conduct indicates [he seeks] Supreme power in his own person.” For his part, Jefferson, at one time a political ally of Burr, came to describe him as a “criminal,” and prosecuted him for treason.

Despite all of that, Lee’s inclusion of Burr in this book is probably best explained by the significance of Burr’s acquittal on a charge of treason. As Lee admits, “though he might well have conspired against the United States in thought and speech,” no ‘overt act’ meant no conviction. It’s not so much that Lee finds Burr to be some great hero of liberty and limited government, but that the precedent set by Burr’s acquittal (and thus Burr himself) is very important because it protects against such a charge from being used in a politically inspired way.



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For other persons in Lee's book, their contributions in the struggle against "Big Government" were more direct. Lee seems to be sympathetic to those who wanted to keep the Articles of Confederation.

Luther Martin was one of those who feared the replacement of the Articles of Confederation with a document that, in his opinion, gave far too much power to the federal government. As Lee wrote, "[Martin] wanted nothing whatsoever to do with such a powerful centralized government. To him, that would be trading the yoke of one tyrant for the yoke of another — only one that would not be separated by an ocean."

At the constitutional convention, Martin argued that republican government was "only suited to a small and compact territory" such as a state. He said that corruption and harmful policies are easier to detect and eliminate in a state government, rather than in contending with a far-off distant government. But sadly, Lee laments, "There was no room for dissent that considered the downsides of 'strong and energetic' government," adding, "In their dismissal and summary railroading of the dissenters for the sake of 'progress,' the Federalist Founding Fathers showed a shade of single-mindedness that was not unlike that of modern-day progressives."

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In the chapter on Canasatego, a leader in the Iroquois Indian Confederacy, Lee notes that Benjamin Franklin was influenced by his explanation of the merits of a confederated form of government. In the Six Nations of the Iroquois Confederacy, agreements were reached only after unanimous vote and the confederacy did not meddle in the internal governments of its member tribes.

Mercy Otis Warren was the sister of James Otis, Jr., both of whom are included in Lee's book. She married James Warren, the president of the Massachusetts Provincial Congress.

Mercy Otis Warren never took up arms in the American cause against Great Britain, but rather took up the quill. She wrote plays, always making powerful political points in an entertaining way. The plays were really meant not to be performed, but read.

After the winning of American independence, she did not abandon the cause of local self-government and individual liberty, however. She once again took up the quill, writing *Observations on the New Constitution, and on the Federal and State Convention* to challenge the ratification of the new Constitution because it contained no bill of rights.

She complained that there were no well-defined limitations on the power of the federal judiciary, and also wrote a book on the American Revolution in which she was critical of John Adams and his supposed "threat" to make America a monarchy. This led to an angry exchange of letters with Adams, and it was several years before the two reconciled in 1812, through the efforts of Abigail Adams.

Since she often wrote under the assumed name of A Columbian Patriot, it was not known until 140 years later that she authored *Observations*. That was discovered by a descendant, Charles Warren. At the time people guessed it was another patriot, Elbridge Gerry, who had written many of her polemical masterpieces.

Who was Gerry?

Gerry, along with George Mason, argued against passing the Constitution before the convention adjourned, largely because there was no bill of rights. Although Gerry sympathized with those who wanted revisions to the Articles of Confederation, he believed that he was elected to the convention "for



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the sole and express purpose of revising the Articles of Confederation,” and that Virginians such as James Madison and Virginia Governor Edmund Randolph were disobeying their unambiguous mandate.

Still, Gerry opted to stay in Philadelphia and defend the basic principles of republican government. More than any other delegate, he fought the proposal to allow a president to have an absolute veto. He challenged the supporters of the Virginia Plan for a strong “national” government by insisting they use the term “United States” instead. He pushed for frequent elections to the proposed House of Representatives.

Gerry was chairman of the committee that reached the “Great Compromise” of the convention, which combined two plans — one, the Virginia, or Large-State Plan, which created two houses of Congress, both elected according to population, and two, the New Jersey, or Small-State Plan, which insisted upon retaining one house of Congress, in which all states, regardless of population, would have an equal vote. He and his fellow committee members merged them into the institution of the Congress actually created by the convention, one divided into a House and a Senate.

While unhappy with the resulting compromise, Gerry explained there was no alternative. “If we do not come to agreement among ourselves, some foreign sword will probably do the work for us.”

Finally, Gerry was concerned about many other aspects of the Constitution, including the possibility of an “oppressive” judiciary emerging. He was later disturbed when Madison opted to remove the word “expressly” from the 10th Amendment. He pushed for adding “expressly” between “not” and “delegated,” which now reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

And it was Gerry who agitated the most for what became the Second Amendment to the Constitution. He also insisted on inclusion of an amendment that came to be known as the Fourth Amendment.

The man most responsible for the Fourth Amendment was a man who was not even there — James Otis, Jr., the brother of Mercy Otis Warren. In 1761, Otis took on the “writs of assistance” of the British government. These writs allowed British customs agents to basically pillage through all the personal property of any American. Arguing against the writs in court, Otis said, “Now, one of the most essential branches of English liberty is the freedom of one’s house. A man’s home is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle.”

Otis’ powerful words were cited when, years later, the Fourth Amendment was added to the bill of rights. Lee asks his readers to imagine that if Otis did not like the British writs of assistance, what would he think of the FISA court today?

Another person who used the courts to advance the cause of individual liberty was the Massachusetts slave Mum Bett, who won her freedom in a case that led to the downfall of slavery in that colony. Finally, there is George Mason, a delegate at the constitutional convention, who said he would rather cut off his hand than use it to sign the document without a bill of rights.

“America is at a crossroads,” Lee concludes his book. “The time is coming when the people will need to decide whether to rededicate themselves to our country’s founding constitutional principles, or to continue down a path of increased executive power and a permanent redefinition of the American Republic. To truly understand that choice, we must heed the words of our forgotten founders — we must write them back into history.”



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