

## Summer History & Heritage -- #8 (July 30)

This is our last summer post. Your teacher will be spending much of August putting together our quarterly test (25 questions in a bright yellow booklet) based on summer posts 1-8 and a review of the prior spring test (Spring 2012 H&H Test).

This week we begin with "More on John Taylor of Caroline," additional excerpts from historian Clyde Wilson's "The Cassandra of Caroline County." Here prof. Wilson gives us much food for thought on the Virginia sage, his times, and today's time of troubles.

### **More on John Taylor of Caroline (1753-1824) --- (C. Wilson; *Chronicles*, June 2012)**

**The True Aim of the Revolution:** *There is a convention of nationalist historiography that those who fought the War of Independence had as their goal a powerful central government for Americans. Like most all of nationalist mythology, it is not true. Some soldiers, like Hamilton and Marshall, did subsequently devote themselves to the cause of central-government power. But there were many more whose later careers indicated that they viewed the war as a liberation from central power and its construction as a betrayal. Taylor was only one among a host of such patriots.*

**Taylor's Republican Virtue:** *As staggeringly incredible as it seems to Americans today, Taylor's republicanism was not just lip service. He fought the War of Independence from private to colonel while refusing all pay and rewards for his service. He was by no means alone. His behavior was common among revolutionary officers, except for Massachusetts, where a clamor for bounties and pensions from the common treasury for even the most minimal of service was heard almost from the beginning.*

**The Court's War on the Constitution:** *Taylor is equally incisive and prophetic about the anti-democratic judicial tyranny under which we live. Though doubtless he could not have imagined the extent to which the Constitution has been twisted, he discerned early and clearly the principle at work. Though the Congress had no delegated power to charter corporations, and indeed such a power had been voted down at Philadelphia, he found almost from the first day Colonel Hamilton avowing that a bank corporation was "necessary and proper" to carry out delegated powers. "To me this new notion of a constitution by implication is, I confess, exactly like no constitution at all; nor has it been proved to my satisfaction, that principles ought to be lost in verbal definitions. . ." The "habit of corrupting our political system by the instrumentality of inference, convenience and necessity, with an endless series of consequences attached to them, is the importer of contraband principles, and the bountiful grantor of powers not given, or withheld by our constitutions." The game that the Supreme Court and others were playing with words to draw unintended inferences from plain language Taylor calls "alchemy," "superstition," and "witchcraft," not inappropriate descriptions of your average Supreme Court opinion. . .*

**Today's Politics---Beyond Even Taylor's Prophetic Powers:** *Far-seeing as he was, Taylor could hardly have imagined a society in which politics is entirely about seeking favors from government, with occasional distractions by a competition among personalities, self-congratulation that we are not as others are, and fulminations of rulers with adolescent fantasies of endless global empire. For him, politics was a contest between the taxpayers and the crafty tax consumers who preyed upon them. I doubt he could have envisioned a diabolical system in which nearly all of us are both taxpayers and tax consumers at the same time---though he would understand that the former category involves net loss, and the latter net profit.*

**The Right to Stand Your Ground --- (Chronicles; July 2012, various authors)**

When it comes to self-defense against an aggressor, American law and custom, somewhat unlike that of Britain, typically stressed **this right?** The Brits, going back to the medieval Norman conquest and the king's insistence on a monopoly of the use of force, leaned toward a victim's "duty to retreat" if possible before offering resistance. Most Americans, on the other hand, believed a "True Man," so long as he was in a place he had a right to be, need never run from an assailant.

**Americans Don't Retreat --- (Roger McGrath; Chronicles, July 2012)**

In the following excerpt, historian Roger McGrath provides us with a sense of the contrast between the British and American approaches to self-defense:

*Eighteenth- and 19th-century Americans were firmly convinced that when threatened they had no duty to retreat and that they had an inalienable right to arms for their defense. This attitude was a consequence of the frontier experience---the Atlantic seaboard was America's first frontier---and several rebellions against authority, especially the War of Independence. It was different in England. Use of lethal self-defense required one to prove that the action was justified and that there was no possibility of retreat. Not only were the requirements for self-defense different---when deadly force was employed---but the burden of proof was on the person who defended himself. The logic behind this was anathema to Americans. The English crown wanted a monopoly of violence. The man who committed a homicide in self-defense, even after he had "retreated to the wall" (fled as far as he possibly could), was guilty of a crime, and needed a royal pardon before he was relieved of the consequences. According to Blackstone, "justifiable homicide" was a determination only for the execution of a criminal for a capital offense, the unavoidable slaying of a fugitive, and the killing of a person resisting arrest by an officer of the law.*