



The Redlands Guardian

The Newsletter of the Redlands Chapter Sons of the American Revolution

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James Otis Jr. - Lawyer, Patriot



James Otis Jr. was born February 5, 1725, in the town of West Barnstable, Massachusetts. His father, James Otis Sr., was a prominent merchant and political figure in the colony. Otis graduated from Harvard College in 1743 and was admitted to the bar in 1748.

He moved his law practice from Plymouth, Massachusetts, to Boston in 1750 and was appointed Advocate General of the Boston Vice-Admiralty court in 1756. He served until 1761, when the furor over the *Writs of Assistance Act* pushed Otis into becoming an opponent of the very colonial government he served.

Otis would become a leading political activist after the Parliament, under the Grenville Administration, passed the *General Writs of Assistance Act of 1760*, which gave Customs Agents a free hand to enforce the Customs Laws in the colonies.

As Advocate General, Otis was responsible for obtaining the Writs for customs officials, and defending the Writs and officials in court. These blanket search warrants allowed the sheriff or other appointed officials to enter private homes or establishments to search and seize anything thought to be contraband – at anytime, without notice and as often as they wished!

Otis viewed these blanket search warrants as a violation of the common rights of Englishmen, especially the rights of privacy in their homes - coining the phrase. “A man’s Home is his Castle”. He resigned his office in 1761 to challenge the new law. His arguments were so effective, that the Chief Justice, Thomas Hutchinson, postponed a ruling until he could get a clarification from the High Court in England.

Three months after Otis had so brilliantly argued the *Writs of Assistance* case, the citizens elected him to the Massachusetts legislature where he served until 1769. Otis was an active member of the Sons of Liberty and other patriotic groups. He and Samuel Adams were the political leaders of Massachusetts. Otis put forth the motion that resulted in the *Massachusetts Circular Letter*, calling for the Colonies to send delegates to New York City for the meeting of the Stamp Act Congress of 1765, to seek a unified course of action against this onerous act of “taxation without representation”.

James Otis made the first arguments against taxation without representation in the early 1760s, even before the *Stamp Act* stirred emotions. He was Boston's leading voice for resisting new British taxes for the remainder of the decade. Unfortunately by the time the Revolutionary War had begun, James Otis was suffering periodic insanity. In August 1771 John Adams wrote in his diary: “*Mr. Otis's Gestures and Motions are very whimsical, his Imagination is disturbed—his Passions all roiled*”. Although Otis had periods of sanity, he soon became so disabled that he had to retire from politics and from Boston. On May 23, 1783 James Otis was killed when struck by a bolt of lightning while he was at Andover Massachusetts.

The protection against unreasonable governmental search and seizure has long been considered a fundamental American right, and is guaranteed in the U.S. Constitution’s Fourth Amendment. This concept has its roots in patriot James Otis’s 1761 legal petition opposing the Writs of Assistance and general property searches.

Sources: *Boston 1775*, J.L. Bell; *James Otis Blog*.



Chapter News

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Thirty plus members and guest attended the January meeting at the University Club to recognize this year's winners of the George and Stella Knight Essay Contest. This year 56 essays were submitted by students of Mr. Tom Atchley's Advanced Placement History class at Redlands High School. Chapter judges read and re-read all 56 essays to select the top three essays. It is a difficult task to select three best essays, as all are very well done. Mr. Atchley will be retiring from teaching this year, and we hope his replacement will continue to support the Essay Contest as Mr. Atchley has done over the years.

The winning contestants, already preselected, were present to read their essays to the audience. Ian Vannix took 1st place and the \$200 prize, and will compete in the State Contest held at the CASSAR Spring Meeting. Audrey Maier won 2nd place and \$100; Christopher Lesyna took 3rd place and received \$50.



Ian Vannix Audrey Maier Chris Lesyna



Charlie Frye, David Vogel, Al Rivers

New Members

President Frye inducted two new members into the chapter at the January meeting, David Vogel and Al Rivers. These new members bring our membership to 52 men, and moves us into the Large Chapter category.

Committee Reports:

The Color Guard will take part in the Azusa Pacific Univ. "History Day" event on March 12.

Make Your Reservation for the March 19 Chapter Meeting!

Call Jim James at 909 792-7227

The Winning Essay

by Ian Vannix

February 19, 2011

The Anti-revolutionary Founding Father

We United States citizens are justly proud of our early history, spangled as it is with the bright lights of our well-known Founding Fathers. It is exhilarating to “run the list”: Franklin, Washington, Adams, Jefferson, Paine, Lee, Hancock, Dickinson ... Yes I said Dickinson. Let’s review ...

John Dickinson’s nickname is “Penman of the Revolution”. This appellation is only a half-truth: although he was one of the most prolific writers of the founding fathers, he actually opposed the signing of the Declaration of Independence in July 1776. The portion that is half-truth made him tremendously important in uniting the colonies, a leader widely beloved and hailed; the remainder, or “half – falsehood”, led to his fall from public favor, and misguided criticism in the subsequent writing of American history.

Can the person most responsible for uniting the colonist to the opinion that Parliament was infringing on their rights and that they should demand redress, be forgotten or disrespected? Why we don’t recall the name of the person who the primary author of seven seminal American documents from 1764 to 1776? How can the man who coined such phrases as, “United we stand; divided we fall”, and “ We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery ... Our cause is just; our union is perfect ... being with one mind, resolved to die freemen rather than to live as slaves”, have been described by some of his contemporaries as “timid” and “deficient in energy”? How is it possible that the lyricist of the first song to proclaim American Liberty, popular throughout the colonies, is so unsung in our times?

The answers form an interesting and cautionary tale. John Dickinson was born in 1732 in Maryland to an affluent Quaker lawyer, but chose not to be a Friend, though he married a Quaker and moved comfortably in the Society of friends. He was educated as a lawyer in Philadelphia and London. Returning to Philadelphia in 1757, he developed a successful practice in Pennsylvania and Delaware. He was elected to the Delaware Assembly in 1759. Then the Pennsylvania Assembly in 1762. And his argument to that body in 1764 against abandoning that colony’s proprietary charter in favor of royal rule (a plan spearheaded by Franklin) first brought him wide public notice. As was his practice, he based his arguments on his grounded beliefs, which arose from his Quaker heritage and his understanding of constitutional and English common law, not on personal allegiances or potential benefits. These guiding principles included: preference for peace if obtainable, but always protection of liberties and rights; protection and perfection (not destruction or replacement) of the constitution as the basis of society; unity as a prerequisite to sufficient strength for successful protest or resistance; and redress of a governmental infringement, if required, follows and orderly progression (petition first, the organized active protest which we would now call civil disobedience, and use of force only as a last resort).

His argument did not carry the majority; he would experience defeat like this again. But when Dickinson’s voice was heard the next year in opposition to the Stamp Act, the Pennsylvania Assembly agreed with his opinion, and sent him to the Stamp Act Congress. There, he drafted the resolutions sent to England. Then, he worked for protests accurately described as civil disobedience; resumption of “business as usual” without the use of stamps, and boycotting importation of English goods. Subsequently, when the Munity, Restraining, and Townshend Acts failed to incite opposition, Dickinson published the “Farmer’s Letters” in December 1767 through February 1768: twelve essays that made the colonist aware of Parliament’s insidious infringement on their liberties and the illegality of their new taxes, and appealed for unity and protest. Although initially anonymous, these quickly made him famous not only throughout the colonies, but also in Europe.

At the First Continental Congress of 1774, he played a large role, including drafting the First Petition to the King and *An Address from Congress to the Inhabitants of Quebec*. Afterwards, he was convinced “Great Britain must either retreat or begin a civil war”. He then led ratification of the Congress’ resolutions (Pennsylvania being the first colony to do so), sought to maintain unity among the populace, and again encouraged civil disobedience by boycott.

By the spring of 1775, Parliament declared Massachusetts in open rebellion, the battle of Lexington transpired, and the First Petition to the King had been ignored. At the Continental Congress that May, Dickinson was again called upon to draft two important documents: the Second (or “Olive Branch”) Petition to the King, and, along with Jefferson, the Declaration of Causes of Taking up Arms, to explain why the colonies were creating an army while requesting redress and reconciliation from the King. Here as later, Dickinson had to balance two seemingly opposing tasks. Though still an acknowledged leader in the Congress, Dickinson faced increasing numbers of delegates that were tiring of his moderation and attempts at achieving a peaceable resolution. By the summer of 1776, he was still advocating against taking up arms in revolution, arguing that it was not a good time, as the colonies were still too divided to successfully pursue their likely difficult military defense against the British, and that they needed assurances of foreign allies before using force. We will never know when the time would have come that Dickinson would have chosen to espouse forcible resistance instead of just civil disobedience; but to those who say “never”, we must point out that he was, at that very moment, recommending and drafting a document to form the basis of the new country should one be proclaimed, specifically, the Articles of Confederation.

Dickinson’s fall from grace and historical minimization occurred because, by late June 1776, he was nearly alone at the Congress in dissent to the proposed Declaration of Independence. He chose not to attend the final vote on its approval, as he could not lend his support, and he believed the decision should be unanimous. This was wholly consistent with his principle that unity was essential to successful resistance. He was widely vilified for this choice, even though he immediately lent his full support to the Revolution as a militia officer. He later returned to public service, but never again to national office. Although he had created the original draft of the Articles of Confederation, he had long advocated for a stronger central government, and when the new Constitution was announced in 1787, he again took up his pen anonymously to urge ratification.

As a capstone, recent recognition and reanalysis of his use and advocacy of civil disobedience in the Quaker Constitutionalism tradition suggest he should be considered the predecessor of both Gandhi and Martin Luther King, Jr. Quite a leader, don’t you agree? We, fellow Americans, have the opportunity to proclaim another rightful hero of our country’s creation, and restore him to the accepted pantheon of Founding Fathers. Consider a new nickname, such as “Pioneer of Civil Disobedience”, “Non-Quaker Quaker Constitutionalist”. Or the title of this essay, but please don’t repeat history’s mistake and “forget” this amazing American.

Significant Dates & Events of the American Revolution

February 22, 1732 – George Washington is born to Augustine and Mary Washington at Hope's Creek, Virginia.

February 1, 1755 - British General Edward Braddock arrives in Virginia with 2000 troops. He assumes the position of Commander-in-chief of all British military in the colonies. In April he leads a force of some 2000 men - British Regulars, Virginia Militia, and Indians- to force the French to surrender the fort they have built in the Ohio territory, which is claimed by Britain. Lt. Col. George Washington, Commander of the Virginia Militia, accompanies Braddock as his Aide. The French and their Indian allies ambush the British inflicting heavy casualties upon the British column and mortally wounding General Braddock. Washington takes charge and leads an orderly retreat. Braddock's body is buried later in the roadbed so that any sign of his grave will be obliterated by the marching soldiers and wagon tracks, concealing the burial site to prevent the Indians from mutilating the body.



**Marker of Braddock's
Grave Site**

February 1765 - Prime Minister George Grenville presents a Bill to the House of Commons entitled, "A Bill for granting certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America; and for applying the same towards further defrays of the Expenses of defending, protecting, and securing such Colonies and Plantations." The American Stamp Duties Bill (Stamp Act) was devised as a measure to raise revenue in both the North American colonies and the West Indian plantations to offset the cost of defending these areas during the French and Indian War, and to make them more directly responsible for bearing the burden of the overall increased cost of protecting them from future incursions of French and Indians. The Bill required certain goods to bear a revenue stamp, similar to those already used in Great Britain, and for which a fee was payable to the government for such 'stamping'. It sought to impose duties on all legal and official papers, such as deeds, wills and ship's papers, as well as on pamphlets, newspapers, and even on dice and playing cards. The measures were expected to raise somewhere between £40,000 and £100,000.

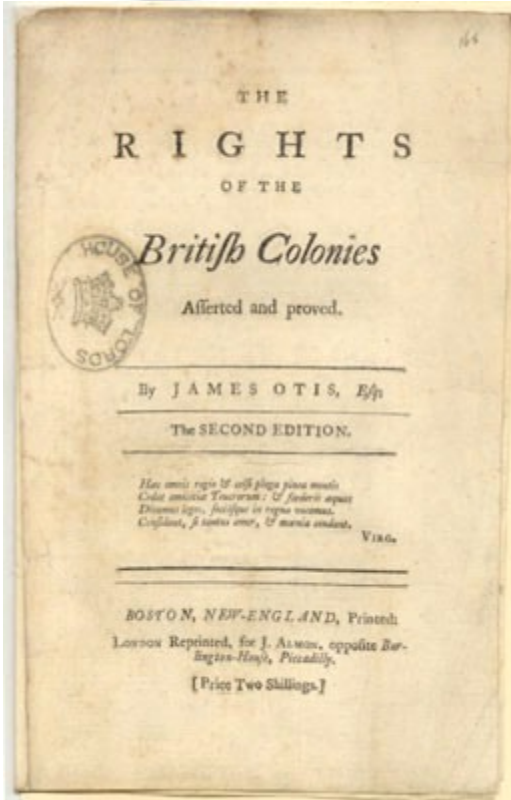
1765 American Stamp Act: 5 George III, c. 12. *'An Act for granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, towards further defraying the Expenses of defending, protecting and securing the same; and for amending such Parts of the several Acts of Parliament relating to the Trade and Revenues of the said Colonies and Plantations, as to direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned.'* When the Act received Royal Assent, the standard formula of words used for granting assent to Supply Bills was written across the top in Anglo-Norman French: *'Le Roy remercie ses bons Sujets, accepte leur Benevolence, et ainsi le veult'* (The King thanks his good subjects, accepts their benevolence, and wishes it thus). Parliamentary Archives *HL/PO/PU/1/1765/5G3n11*.

In March 1765, the Stamp Act is passed by the English Parliament. For the first time in the history of the British colonies in America, the Americans will pay taxes not to their own local legislatures in America, but directly to England. Led by the most influential segments of colonial society - lawyers, publishers, land owners, ship shippers and merchants - who were most affected by the Act, the American colonists quickly unite in opposition to the law which is scheduled to go into effect on November 1.

Significant Dates and Events of the American Revolution



A rare sample of an American Revenue Stamp issued for use under the 1765 Stamp Act, to the value of two shillings and six pence. *By courtesy of ushistory.org* □™.



Following the passage of the Stamp Act in March 1765, **James Otis** addresses the issue of taxation without representation in response to the numerous revenue acts imposed on the Colonies by the English Parliament. He urges a united action by the colonies. In July Otis publishes a pamphlet, “The Rights of the British Colonies Asserted and Proved” which stimulates the colonial merchants to begin a boycott of British goods.

February 1768, **Samuel Adams** of Massachusetts writes a Circular Letter opposing taxation without representation and calling for the colonists to unite in their actions against the British government. The letter is sent to assemblies throughout the colonies and details the methods that the Massachusetts General Court is using to oppose the Townshend Acts.



Peter Rothermel’s painting - “*Patrick Henry Before the Virginia House of Burgesses*” protesting the Stamp Act of 1765.

*Image Source: Wikimedia Commons
(public domain)*



Protest of the Stamp Act

The TIMES are Dreadful, Deadly, Destructive, and DOLLAR-LESS.

of the STAMP
An Emblem of the Liberty of the Press

Thursday, October 31. 1765

THE PENNSYLVANIA JOURNAL; AND WEEKLY ADVERTISER.

NUMB 1195

EXPIRING: In Hopes of a Resurrection to LIFE again.

I am sorry to be obliged to acquaint my readers that as the Stamp Act is feared to be obligatory upon us after the first of November ensuing (The Fatal To-morrow). The publisher of this paper, unable to bear the Burthen, has thought it expedient to stop awhile, in order to deliberate, whether any methods can be found to elude the chains forged for us, and escape the insupportable slavery, which it is hoped, from the last representation now made against that act, may be effected. Mean while I must earnestly Request every individual of my Subscribers, many of whom have been long behind Hand, that they would immediately discharge their respective Arrears, that I may be able, not only to support myself during the Interval, but be better prepared to proceed again with this Paper whenever an opening for that purpose appears, which I hope will be soon.

WILLIAM BRADFORD.

Advert. Advers. to the LIBERTY of the PRESS.

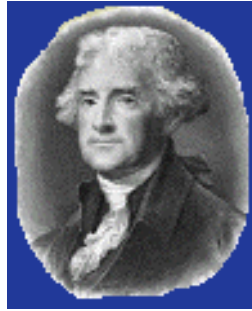


This cartoon depicts the repeal of the Stamp Act as a funeral, with Grenville carrying a child's coffin marked "Born 1765, died 1766".

Registrar's Report

Daniel Piedlow	Completing Application
Patrick Lyons	Completing Application
Nicholas Ewell	Completing Application
John Skillman	Completing Application
Zachary Tucker	Completing Application
John Flippin	Submitted App. to Registrar
John Davidson	Working on Application

Notable Quote



If the present Congress errs in too much talking, how can it be otherwise in a body to which the people send 150 lawyers, whose trade it is to question everything, yield nothing, & talk by the hour? That 150 lawyers should do business together ought not to be expected."

Thomas Jefferson 1821

Looking Ahead

Mar 12	Azusa Pacific History Day*
Mar 16	Directors Meet. 7:30 PM
Mar 19	Chapter Meeting 8:30
Apr 8-10	CASSAR Spring Meeting Irvine CA.
Apr 13	Directors Meet. 8:30 PM
Apr 23	Chapter Meeting 8:30 AM
May 18	Directors Meeting 8:30 PM
May 21	Chapter Meeting 8:30 AM
May 30	Memorial Day at Hillside Cemetery 9:00 AM *
June	Summer Recess
July 4 th	Redlands Celebration, Parade, Fireworks preshow*

* Color Guard Event



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