



A MONTHLY PUBLICATION BY THE
MOTHER LODE CHAPTER OF THE SONS OF
THE AMERICAN REVOLUTION

October 2007

Volume 1, Issue 1

Mother Load Dispatch



Calling All Compatriots



President's Corner by Tom Douglas

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Fellow Compatriots,

It is an honor and privilege to serve as the first President of the newly formed Mother Lode Chapter of the Sons of the American Revolution. I have been a member of the Gold Country Chapter for three years and hope to bring some of what I have learned from that very active chapter to the Mother Lode Chapter. They have been a positive influence in their community and I hope we can be the same. I appreciate the efforts of both the Sacramento and Gold Country Chapters in helping to get us started.

There were two additional chapter officers elected during our September 18th meeting: Chapter Registrar, Jim Young, and Chapter Historian, Mel Roush. As President of the Mother Lode Chapter, I would like to take this opportunity to thank these gentlemen for their willingness to serve in these offices. The Chapter is still in need of someone to fill the position of Secretary and/or Treasurer and Editor of the Mother Lode Dispatch. Tom Chilton has graciously agreed to be the Editor for a short period. Please call me for information about the responsibilities of these offices at (530) 677-3905.

Although we didn't have a great experience at the Cameron Park Denny's Restaurant during our August meeting, I went ahead and booked their meeting room for October 23, 2007 at 6:30 PM. I talked to the manager and she was appropriately apologetic for the mix up. I watched her write our name on her schedule and we are the only group booked that night. The fourth Tuesday of each month is open on their calendar. Do you want to continue meeting at the Cameron Park Denny's on that evening, or do we want to consider other places and times for our meetings? I will say there are limited opportunities in this area

October 23, 2007, at 6:30 PM
Denny's Restaurant



Denny's Restaurant
3446 Coach Lane
Cameron, CA.

**Mother Lode Chapter
Officers for 2008**

Tom Douglas
President

Vacant
Vice President

Vacant
Secretary

Vacant
Treasurer

Jim Young
Registrar

Vacant
Chaplain

Tom Chilton
Newsletter Editor

Mel Roush
Historian

Committee Chairmen

Vacant
Eagle Scout Program

Vacant
ROTC Program

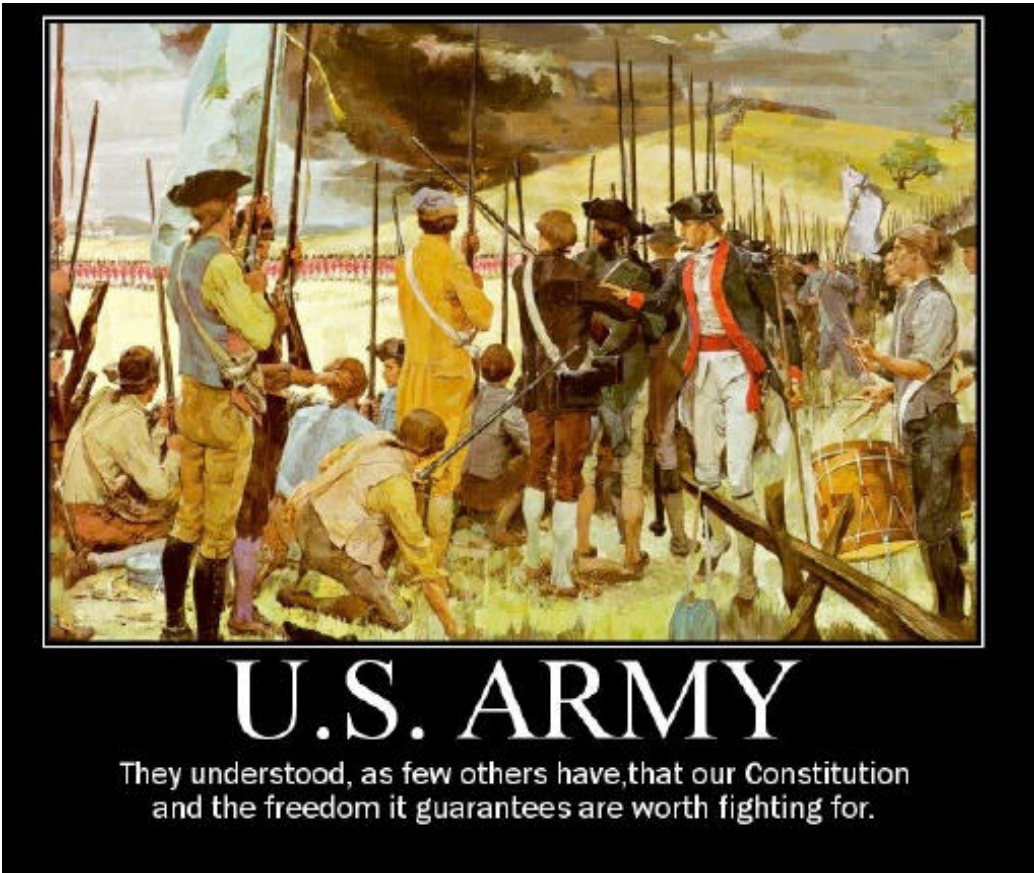
Vacant
Essay Contest

Vacant
Valley Forge Program

Vacant
Law Enforcement
Program

Vacant
Flag Certificate Program

God Bless America



God Bless Our Service Men and Women

Editors Note: The statements and opinions expressed herein are solely those of the author(s) and do not necessarily state or reflect those of the Editor or of the California or National Societies, Sons of the American Revolution.

President's Corner by Tom Douglas

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for a restaurant type meeting place. Please bring your ideas to the Chapter's October 23rd meeting.

Compatriot Lee Wolery and I will attend the Mother Lode Chapter's first California Society, Sons of the American Revolution Fall Annual Board of Managers' Meeting. This meeting is scheduled for Friday, November 2nd, at Santa Barbara's Hotel Mar Monte. The chapter's Application for Charter and its Bylaws are on the agenda, and are expected to meet the Board of Managers' unanimous approval. Also on the docket is a ceremony to dedicate a plaque at the Santa Barbara Mission in honor of Spain's contributions to the United States during the American Revolution. All Mother Lode members who wish to show their support by attending this historical event are certainly welcome to join us.

See you on the 23rd!

Tom Douglas

President, Mother Lode Chapter, SAR

Senator Inhofe's Bill Passed Unanimously in Senate Awaits Action in the House

WASHINGTON, D.C. July 25, 2007- U.S. Senator Jim Inhofe (R-Okla.) today praised the passage by unanimous consent of his bill (S.1877) clarifying U.S. law to allow veterans and servicemen not in uniform to salute the flag. Current law (US Code Title 4, Chapter 1) states that veterans and servicemen not in uniform should place their hand over their heart without clarifying whether they can or should salute the flag.

"The salute is a form of honor and respect, representing pride in one's military service," Senator Inhofe said. "Veterans and service members continue representing the military services even when not in uniform. Unfortunately, current U.S. law leaves confusion as to whether veterans and service members out of uniform can or should salute the flag. My legislation will clarify this regulation, allowing veterans and servicemen alike to salute the flag, whether they are in uniform or not.

"I look forward to seeing those who have served saluting proudly at baseball games, parades, and formal events. I believe this is an appropriate way to honor and recognize the 25 million veterans in the United States who have served in the military and remain as role models to others citizens. Those who are currently serving or have served in the military have earned this right, and their recognition will be an inspiration to others."



Senator Jim Inhofe (R- Okla.)

The bill was introduced and referred to the House Committee on the Judiciary on August 3rd as H.R. 3380. We urge you to write your Representative, supporting and requesting quick passage of this legislation.

The American Revolution – Month By Month - April 1777

by Andrew J. Stough III

Includes A continuation of September's events.

General Burgoyne was headed down Lake Champlain to Ticonderoga while Lieutenant Colonel Barry St Leger, leading his own expedition, had departed from Canada on 22 August. St Leger was accompanied by Joseph Brant and his Indians, heading toward an apparent target of Fort Stanwix, or as renamed during the War of the Revolution - Fort Schuyler. It was intended that after a simple operation of capturing Ft. Schuyler, he would move east to link up with Burgoyne.

Plans, as the Scots poet Bobby Burns said, "Aft gang astray!" St Leger, arriving at the fort on August 2nd, found it so well prepared and heavily fortified as to deny immediate capture by assault, but he could subject it to siege. In the meantime, a column of Americans under General Nicholas Herkimer moved to reinforce and relieve the fort. St Leger, warned of the approaching column¹ with its supply train, sent Brant and his Indians to ambush the column. Herkimer favored a cautious approach to the fort, but younger and more aggressive officers convinced him to move fast. As a result, the column was caught in a trap at what has come to be known as the Battle of Oriskany. In the ensuing battle, General Herkimer was shot in the leg. Normally not a mortal wound, he died a few days later from complications caused by amputation of the leg. It was a blood bath with many Indians later saying that they had never seen so much blood as flowed from the many dead and dying Americans. Although wounded, Herkimer drew his men up in a circle and arranged their firing so that while some were reloading their weapons others were firing, thereby holding off the attacking Tories and Indians until a thunder storm stopped the fighting. Meanwhile the fort had sent out a rescue party who attacked the Indian and Tory camps, taking prisoners and rescuing the supply train. At this point, the attackers broke off the fighting and returned to their camp.

Major General Benedict Arnold had been sent from Saratoga to reinforce the Fort, and on his march passed near the Oriskany battleground. Unaware of what was going on he moved on to the fort. St. Leger found himself facing not only a reinforced fort but the most aggressive general in the American army. When his Indians deserted him, St. Leger withdrew his remaining forces on August 22nd and returned to Canada, thus denying Burgoyne of any assistance that he might have given him.

Meanwhile things were happening in the north in what would become the first of the Battles of Saratoga (NY). The Battle of Freeman's Farm on September 19th would have been a solid defeat for the American's except for Arnold's participation. After a four hour battle, Burgoyne held the ground and encamped the night. But it was a costly victory as he lost 600 men, dead, wounded, or captured, to the American total of 320. For Burgoyne, it was a sign of things to come. For Arnold, it would be yet another incident to add to those in which he was not given proper credit or additional rank and responsibility. It was this, along with other acts, that finally led to his traitorous end as an American officer. Ward takes Gates to task in detail for the near loss of this battle, while not giving General Benedict Arnold credit for saving the day, despite the lack of proper and available support from Gates. Ward also criticizes Gates for failing to give Arnold the support which would have made Freeman's Farm a decisive battle in favor of the Americans. Additionally, Ward blames Gates for his failure to use the 4,000 unengaged men under his personal command to seize Burgoyne's transportation and supplies, which were relatively unguarded and easily within Gage's reach. Had Gage performed as he should have, Arnold could have scored a decisive victory and Gage would have seized the supply train leaving Burgoyne high and dry to surrender his force or starve. As a result of Gates ineptness, it remained for the Battle of Bemis Heights on October 7th for Burgoyne and his army to be decisively defeated, followed by his later surrender to Gates at Saratoga.

Burgoyne had crossed the Hudson on September 13th, encamping near Saratoga. Confronting the Americans at Freeman's Farm on September 19, he was prevented a clear cut victory by Gen. Benedict Arnold, who after four hours of fierce combat, retired from the field. Burgoyne proceeded to claim the ground and to assess his losses, which were over 500 men, many of them officers - victims of Morgan's riflemen.

On September 21st, Burgoyne received word that General Clinton planned a diversion on the Hudson. Clinton set out from New York on October 3rd with a small force and captured two forts on the west bank of the Hudson. He then retired to New York. It was a false hope for Burgoyne as Clinton had never planned to aid Burgoyne.

Burgoyne's original force of 8,000 British and 3,000 Hessians had now dwindled to less than 5,000 men capable of combat. On October 7th, he led out a 1,500 man force on reconnaissance, which turned into the second battle of Saratoga called the Battle of Bemis Heights in which Arnold inflicted a severe defeat on the British force. Burgoyne

The American Revolution – Month By Month - October 1777

by Andrew J. Stough III
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began a retreat, but was surrounded by the Americans with a force of 20,000 men. On October 14th, negotiations began for the surrender of Burgoyne's army. On October 17th, the Convention of Saratoga² was signed. Burgoyne surrendered his army in what was one of the most important events of the Revolution - the turning point of the War.

Europeans had been watching the war. They were not so cavalier to openly declare war on England in a one to one confrontation. Instead, they covertly assisted a viable America, hoping she would take it down, or at least wound the British Lion. They had assisted the Revolution in the past with money, supplies, and officers, who voluntarily joined the American service for glory, adventure, or in the search of liberty and independence. Bunker Hill had fostered this feeling, Trenton had heightened it, plus there was the inability of Howe with a superior force to destroy Washington, and now there was Saratoga with an entire British Army surrendered – finally a British defeat on the open field.

This was the convincing act. France, and then Spain, would renew their old rivalry with Britain by emerging from secrecy to openly allying themselves with this new Nation. Saratoga, in and of itself, was not the only criteria for this decision, but, it was the deciding factor. While there would be many rough times ahead, as long as the Patriots maintained their resolve, their tenacity and their fighting spirit, from this point on the war was pretty much decided in their favor.

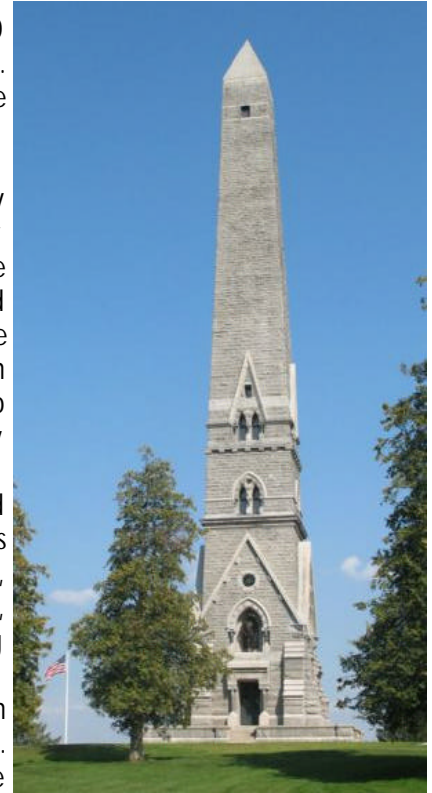
After the capture of Philadelphia, Howe maintained a portion of his troops in Germantown on the outskirts of the rapidly growing city of Philadelphia. Washington thought he could defeat this contingent in an early morning surprise attack. Unfortunately too many things went wrong. The army, split into three sections, was to make an enveloping attack by converging from three different directions. On the morning of October 4th, there was a heavy fog, and many troops got lost and appeared late at the battle site. The main body was sweeping the field, but allowed their momentum to be lost when the British fortified up in a stone house. Instead of isolating the house and moving on, the troops insisted on delaying to try and take the house, which proved to be impregnable to the force at hand. Secondly, Loyalists, hearing of the battle, charged in and dispersed the Americans. American losses in the battle were 1500 killed, while the British suffered a smaller number of killed and wounded.

Note 1: Joseph Brant's sister, Molly, living in the American settlement, warned St. Leger of the relief column, allowing it to be ambushed.

Note 2: While a great victory, the actual convention was highly controversial. The agreement was that Burgoyne and his army would be returned to England, never to again participate in the war. Washington was furious, as the strict terms of the Convention would have allowed for the substitution of Burgoyne's army by a different army from England. Burgoyne's army would then be available for duties elsewhere in the empire. Congress nullified the convention, but allowed ranking officers to return to their homelands. The rank and file were marched rather randomly as prisoners through the states until they finally found a place of imprisonment at Charlottesville, Virginia, where they remained for the remainder of the war.

REFERENCES: Encyclopedia Britannica, Ward's War of the Revolution, Cunliffe's Man and Monument, Leckie's George Washington's War, and other miscellaneous sources.

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Tower at Victory, New York, where the surrender occurred. There are pedestals for four American heroes at the base above the doors. One of the pedestals is left empty to signify Benedict Arnold.

Property Rights After the *Kelo* Decision

By Andrew P. Napolitano

ANDREW P. NAPOLITANO is a senior judicial analyst at FOX News where he appears daily on *The Big Story with John Gibson* and is a regular on *The O'Reilly Factor*. He received his B.A. from Princeton University and his J.D. from the University of Notre Dame. From 1987-95 he was a judge on the New Jersey Superior Court. He also served for 11 years as an adjunct professor at Seton Hall Law School, teaching constitutional law and jurisprudence. Mr. Napolitano's most recent book is *The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land*.



When teaching law students the significance of private property, we tell them that each owner of such property has something called a "bundle of rights." The first of these rights is the right to use the property. The second is the right to alienate the property. The third and greatest is the right to exclude people from the property.

With this in mind, let me pose a question: Can the government force a property owner to sell his property? James Madison argued that the government could do so as long as it paid the owner a fair market value and as long as the property was purchased for a public use, such as a road or a highway or a bridge. Thomas Jefferson was opposed even to that, arguing that the essence of owning property is the right to exclude everybody—even the government—from that property, and that no one could force a sale. But Madison's ideas prevailed and were incorporated in the Fifth Amendment, which allows the government to take property for "public use" if it pays the property owner "just compensation."

The "public use" requirement of the Fifth Amendment is now no more. A 1959 court case entitled *Courtesy Sandwich Shop, Inc. v. Port of New York Authority* arose when the owners of a lower Manhattan deli refused to sell out to the Port Authority in order to make room to build the World Trade Center. The Court of Appeals of the State of New York, which is the highest state court, held that because the World Trade Center would enhance the area's economy, the owners of *Courtesy Sandwich Shop* could be forced to sell in return for the property's fair market value. When the U.S. Supreme Court refused to hear the shop owners' appeal, this became settled law. From that point on, there have been tens of thousands of takings of property for a non-public use. Thus "public use" as found in the Fifth Amendment was re-defined by the courts as "public purpose."

I thought these property takings would finally come to an end last year when the Supreme Court agreed to hear the case called *Kelo v. City of New London*, I was wrong. We all know what happened: Suzette Kelo and her neighbors, on their own and with their own money, turned a slum neighborhood in New London, Connecticut, into a sparkling, lovely little village on the Long Island Sound. The City of New London decided that it wanted to condemn that property and turn it into a parking lot for Pfizer Corporation. I should point out that Pfizer was not a party to the case, and Pfizer said many times that it would build a parking garage in a different location, allowing Suzette Kelo and her neighbors to live where they wished. In response to this proposal, the City of New London said no, a trial court in Connecticut said no, an appellate court in Connecticut said no, the Connecticut State Supreme Court said no, and the U.S. Supreme Court said no. In doing so, the latter went even further than the Court of Appeals of New York had gone in the *Courtesy Sandwich Shop* case: It ruled that if the local tax collector collects more money as a result of the taking of property by government and its sale to another private owner, that is a public use!

Like a nation of sheep, we continue to allow government to violate our natural rights, of which the right to own property is an essential one. Thinking about the *Kelo* decision, I am reminded of one of Thomas Jefferson's favorite quotes from William Pitt the Elder: "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England cannot enter. All his forces dare not cross the threshold of the ruined cottage."

In short, the natural right to exclude others, including the government, from one's property - a right enshrined in the Fifth Amendment—has now been eviscerated by the courts. But our natural rights don't come from the government. They spring from our very humanity, which is why Jefferson called them inalienable in the Declaration of Independence. Thus government has no legitimate power to take them away from us. Of course, if one is a criminal and violates the natural rights of others, the government may use due process through the mechanism of a fair trial and take one's rights away. But Suzette Kelo was no criminal, and due process was not observed in allowing the City of New London to take what was hers.

One encouraging sign is that, since the *Kelo* decision, numerous states have fought back by passing legislation or amending their constitutions to prohibit such takings. One can only hope that this movement will continue.

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Minutes of the meeting held on September 18, 2007.

by Brian Sonner, Acting Secretary

I. Call to Order

The meeting was called to order by Wayne Griswold, Pro Tem Chairman at 6:30 pm. The invocation was presented by Earl Young, and the Pledge of Allegiance was led by Jim Young. The Pledge to the SAR was led by Paul Ferrin.

II. Adoption of Agenda

After some discussion, the proposed agenda was adopted with the reordering several of the agenda items.

III. Reading and Approving of Minutes

The Minutes of the previous meeting were read and approved.

IV. Reports

Wayne Griswold gave a report regarding a meeting with the President General in Reno at the American Legion convention.

It was noted by Compatriot Griswold that the chapter will have to submit a Form 990N to the Internal Revenue Service to ensure that the 501C status as a not for profit organization is retained. It was further recommended that the chapter file for an EIN# as soon as practicable to facilitate future filing of forms.

V. Unfinished Business

a. The Slate of Officers was presented for election. There were no further nominations; however, Ford Osborn requested that his name be removed from the slate since he would not be transferring his membership to the new Chapter. Compatriot Sonner said that he would take the minutes until someone was able to take on the responsibility permanently. The remaining slate of officers was:

President: Tom Douglas

Secretary/Treasurer: vacant

Registrar: Jim Young

Historian: Mel Roush.

The acceptance of the slate as amended was moved and seconded. The vote was unanimous in favor.

b. The name of the chapter newsletter was discussed. Three additional names were proposed. After a series of votes, the winning name was "The Mother Lode Dispatch".

c. Compatriot Sonner presented the proposed bylaws as amended by numerous corrections and additions resulting from feedback from the members over the past month. The motion to accept them was made by Compatriot Douglas and seconded by Compatriot Wolary. The vote was unanimous in favor.

d. The meeting location, time, and frequency were discussed. President Elect Douglas said that he would do some additional research for appropriate locations in the Cameron Park area and possible dates. Since Cameron Park is more centrally located, that may be a better location. He will communicate with the members when some additional information is available. The day of the week and time may be dependent upon the location.

e. President Elect Douglas indicated that he would explore some banking alternatives and report back at the next meeting.

VI. Program

a. Compatriot Griswold shared with the members his collection of powder horns. Several were created by a contemporary artist using Revolutionary War period techniques and decorations. Several others were actual Revolutionary War period pieces. They were passed around with an explanation of the nature of the decorative style employed.

Minutes of the meeting held on September 18, 2007.

by Brian Sonner, Acting Secretary
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VII. New Business

a. Members of the new chapter will have to pay their 2008 dues to their parent chapter. If the charter and bylaws are approved on November 2, the Mother Lode Chapter will become official. At that time, the parent chapter will issue a check to the Mother Lode Chapter for the amount of the chapter dues.

b. Compatriot Griswold passed out forms to request transfer to the Mother Lode Chapter. Those present signed and returned them.

c. Compatriot Griswold asked if anyone would be willing to put together a newsletter for the chapter. Tom Chilton indicated that he would be willing to begin the process and assist until the chapter could find someone to take on the responsibility for the long term.

d. Once the chapter is approved there will be a CASSAR Charter Banquet/Luncheon to celebrate the charter. Planning for that should begin with identifying potential locations for the event. Since it will not occur until after the first of the year, the process should remain on the agenda as important new business.

VIII. The benediction was presented by Earl Young.

The meeting was adjourned.

Respectfully submitted,

Brian Sonner, Acting Secretary



Thomas H. Chilton, Jr.
1583 Loma Verde Drive
El Dorado Hills, CA 95762-3548

**TO THE POSTMASTER
ADDRESS SERVICE REQUESTED**

The Mother Lode Chapter
Sons Of The American
Revolution

