*[Forgotten Founder, Drunken Prophet: The Life of Luther Martin, Bill Kauffman, ISI Books, 189 pages]*

# Drunk Without Power

**By Jesse Walker**

THERE IS A LEGEND many conservatives tell about the ways the Founding Fathers have been remembered. Once upon a time, the tale goes, historians gave the men who created this country the respect they deserve. Then hippie revisionists took over the academy, and now schoolchildren are indoctrinated with every unpleasant rumor and fact about the Founders that the tenured radicals can find.

This story has many holes, even when the subject is George Washington or Thomas Jefferson. But when it comes to Luther Martin, the long-winded Baltimore attorney who stood up for states' rights during the debates over the U.S. Constitution, the truth is almost exactly the opposite. For two centuries, Martin has been remembered, if he is recalled at all, for the unappealing rumors and facts that had attached themselves to him. Those unflattering portraits, which depicted the defender of decentralism as a prolix dipsomaniac who stood athwart the Constitutional Convention yelling "Stop!," were initially spread not by radical academics but by Martin's fellow Founders. Now the independent historian Bill Kauffman, who may not be a hippie but certainly is a revisionist, has rehabilitated Martin's reputation in an irreverent and enjoyable biography, *Forgotten Father, Drunken Prophet*. Martin may have been an alcoholic prone to rambling, Chavezesque speeches, Kauffman says, but he was also a prescient critic of the problems built into America's Constitution.

Martin was, in other words, an Antifederalist. And while there are Antifederalists who get decent press—Patrick Henry, for example, who warned that "the republic may be lost forever" if the Constitution were ratified—the good things you hear about them rarely relate to their defense of the Articles of Confederation.

Kauffman, by contrast, appreciatively explains why the Antifederalists "objected to almost every feature of the Constitution. Anti-Federalists wanted annual elections. A larger House of Representatives whose members were paid by the states, not the central government, so that they did not forget on which side their bread was buttered. Rotation in office, or term limits. A Bill of Rights. Limitations on standing armies. No 'general welfare' clause. ... The Anti-Federalists stood for decentralism, local democracy, antimilitarism, and a deep suspicion of central governments."

They sound a lot like the hardcore constitutionalists of today, except that the Antis were so opposed to centralized authority that they aimed their fire at the Constitution itself, predicting many of the extensions of the federal government's authority that our current constitutionalists decry. As you would expect, they butted heads with the founding generation's most prominent champion of mercantilism and concentrated power, Alexander Hamilton—"the West Indian bastard," Kauffman calls him. But it is James Madison, a man beloved by modern Jeffersonians, who emerges as the surprise villain of the book.

"Against the Anti-Federalist conviction that a republic was suitable only for a small area in which the citizens could know and be known to one another," Kauffman writes, "James Madison asserted the superiority of sprawl." In *Federalist* 46, Madison declared that the "great interests of the nation have suffered on a hundred [occasions] from an undue attention to the local prejudices, interests, and views of the particular States." Kauffman's reply: "The United States thrive only if Maryland and Albany and the Berkshires, in their own particularized and unduplicable ways, thrive first."

Martin's role as a delegate to the Constitutional Convention was to filibuster, to denounce, and ultimately to leak. On Nov. 29, 1787, in a speech to the Maryland legislature, Martin described the deliberations taking place in Philadelphia, breaking the informal code of silence that theoretically bound the conventioneers. With conspiracy-fearing rhetoric that resembled the language that precipitated the Revolution, Martin accused the Federalist faction of plotting "to abolish and annihilate all State governments, and to bring forward one general government, over this extensive continent, of a monarchical nature." In that speech and in subsequent essays, he warned of the wars, tyranny, and taxes that the new system would enable, as well as (on a less libertarian note) pleading for preserving the individual states' ability to print paper money and impose trade barriers.

When it comes to Martin's comments at the convention itself, many historians have relied on a source who had an axe to grind: Madison, whose notes from the convention were published in 1840, four years after his death. But there were others scribbling in Philadelphia: John Lansing Jr. and Judge Robert Yates, Antifederalists from Kauffman's native upstate New York. Not surprisingly, Martin comes off better in their accounts, though even Yates complained that the Marylander's arguments were so "diffuse, and in many instances desultory, [that] it was not possible to trace him through the whole, or to methodize his ideas into a systematic or argumentative arrangement." Enemies and allies agree: Luther Martin could be a bore.

As we all know, Martin lost his fight. The Constitution was ratified, and for all its flaws the document does seem rather preferable to whatever it is that governs us now. You can thank the Antifederalists for that, too. They're the ones who ensured the covenant included a Bill of Rights. And it was their spirit—and in some cases their bodies—that animated the Whiskey Rebellion of 1791, a campaign of civil



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disobedience that restrained the new regime's attempts to impose internal taxes. But if Martin was sometimes hyperbolic about the dangers of the new Constitution, his core critique holds. He certainly seems like a prophet today, when we live, in Kauffman's words, under "a powerful central state involved in perpetual warfare around the globe, a tax-gathering apparatus with its grip on every paycheck, states and localities reduced to mere administrative units." Modern America looks much more like Martin's warnings than Madison's promises.

Kauffman's account does not end with ratification. Martin lived another four decades, served twice as Maryland's attorney general, and before his death managed to make himself infamous a few more times. Most notably, he served as Aaron Burr's counsel when the former vice president was tried for treason. More obscurely—but characteristically—he got into a feud with a man who eloped with one of his daughters. He eventually turned his animus into a 163-page rant of a book that Kauffman describes as "tiresome, browbeating, nasty: Martin at his worst."

Kauffman doesn't flinch in offering this judgment. His aim is to rehabilitate Martin, not to prettify him. One of his most impressive feats is to make his subject sympathetic even after relating the ugliest moments of Martin's life. At the end, the attorney was a full-time drinker. (In one trial, a judge later recalled, Martin was "so drunk that the Court adjourned rather than let him attempt to conduct his case.") He finally subsisted on the dole, the state of Maryland levying a special tax on its lawyers to keep the now senile Founder in the black. By this time he had joined, of all things, the Federalist Party, though this did not reflect a philosophical conversion so much as his personal distaste for Thomas Jefferson.

Worst of all, the man who had called at the Constitutional Convention for an immediate ban on the importation of slaves, denouncing coerced servitude as "the only branch of commerce that is unjustifiable in its nature," now defended the practice not just of slave-catching but of arresting any itinerant blacks on the presumption that they were runaway property. When policemen "meet with a negro or mulatto, whom they do not know to be free, and who has not such certificate of his freedom as the law requires," Martin wrote in 1810, they should "immediately take him as a runaway, and carry him before a justice of the peace." Not content merely to write on behalf of the cause, Martin offered free legal assistance to any officer who followed this advice. "There's not enough whitewash in the world to wipe Luther Martin clean for hagiography," Kauffman confesses.

Nonetheless, Martin was an essential figure in the early history of the Republic, and he deserves far better than the treatment he usually gets: forgotten by most of us, derided by most of the rest. The Antifederalist cause was a valiant attempt to preserve the revolutionary, decentralist, libertarian strains of the War of Independence, and Martin was, at his best, one of its most perspicacious figures.

Kauffman, in turn, is today one of the cause's most eloquent modern spokesmen. His short volume is not the most complete account of the Antifederalists' struggle—that honor probably belongs to Merrill Jensen's 1940 classic *The Articles of Confederation*—but it may be the most affecting take on the issue. By letting us into the mind of one flawed, fascinating, and ultimately tragic figure, Kauffman has not just reminded us that Luther Martin of Maryland deserves a place beside the other giants of the founding generation. He has made a compelling case for a disreputable but worthy movement, for the men so committed to what we now call constitutional principles that they refused to accept the Constitution itself. ■

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*[The Politics of Truth: Selected Writings of C. Wright Mills, John H. Summers, ed., Oxford University Press, 320 pages]*

# American Dissenter

**By David Brown**

FOR NEARLY HALF A CENTURY, the essays of C. Wright Mills have fallen into oblivion. The author of nearly a dozen books, Mills's legacy rests largely on a provocative trilogy that coolly dissected complacent postwar liberalism. *White Collar* (1951), *The Power Elite* (1956) and *The Sociological Imagination* (1959) elbowed their way into the social-scientific cannon. They were counter-revolutionary texts, which panned the welfare-warfare state's triumph over romantic producer radicalism. Today, they constitute the centerpiece of their author's celebrity. Yet Mills's opposition took many forms and strangely no omnibus of his essays, reviews, or interviews has appeared since the Kennedy presidency—until now.

Mills was hostile to the liberal internationalism that underwrote the "American Century." He belonged to a distinguished cross-generational strain of dissenting scholars. Among their ranks were Thorstein Veblen, Charles Beard, and William Appleman Williams, Midwesterners who embraced variations of a political discontent rooted in organic and tradition-based criticisms of capitalism. Mills shared their sense of occupational alienation. As a Texan armed with a University of Wisconsin Ph.D.—earned under the distinguished émigré scholar Hans Gerth—he made an uneasy academic home at Columbia University. From his West Nyack residence, Mills donned motorcycle leather and pointed his BMW bike toward "enemy" territory—Columbia's sociology department. He charged the university's influential troika, Robert Merton, Paul Lazarsfeld, and Daniel Bell, with


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