



Thurgood Marshall, Oliver North, and the Tories of the 1780s

by Anton Chaitkin

Third in a series.

On May 6, Supreme Court Justice Thurgood Marshall publicly joined the "parallel government" in its attack on the U.S. Constitution. Marshall declared that the Constitution had "endorsed slavery" and had not allowed women to vote, and he criticized public enthusiasm in the celebration of the Constitution's bicentennial year.

Col. Oliver North and his fascist backers in "Project Democracy" say that constitutional government is an impediment to the effectiveness of their operations. While Special Prosecutor Walsh, Senate Intelligence Committee Chairman David Boren, and others press their investigation of the anti-American spook world of the "parallel government," let us now review the original fight, in 1787-88, over the value of the Constitution.

The Philadelphia Convention having drafted the document, the people of each state were to decide on its ratification. Should the people of the United States, having defeated the British colonial overlords in war, now constitute themselves a nation, with a national government? Two years of riots and threatened anarchy throughout the country made the question an emergency.

The British nabobs, at this very moment planning the opium enslavement of India and China, had by no means resigned themselves to the loss of America, peace treaty or no! British colonial "theories of limited national sovereignty," pushed in France by their Swiss spies Jacques Mallet du Pan and Jacques Necker, had just (1786) resulted in the British-French Free Trade Treaty. This would quickly destroy French industry, and introduce hunger and chaos leading to insurrection against the American-allied government.

Would agrarian America, swamped with imported British goods, likewise sink, and break apart? The ratification fight, between American nationalists on one side, and the agents and dupes of British interests on the other, would decide that question.

The national contest was tightly organized, from the top down, on both sides.

The anti-nationalists

The opposition was coordinated by a small New York group, which had chosen to name itself the "Federal Republicans"—similar semantically to Mikhail Gorbachov's "openness" and Colonel North's "Project Democracy." The group's director, New York Collector of Customs John Lamb, corresponded secretly, in code, under false names and false covers, with anti-nationalists in every state.

Lamb's father, a burglar whose partner had been hanged, was put into the British equivalent of our present-day Federal Witness Protection Program: He was sent to America and became a respectable colonial merchant. Young John Lamb emerged as a violent street agitator, at first against the British. At the outset of the Revolutionary War, however, Gen. Richard Montgomery wrote that Lamb was, within the American army, "a restless genius" with "a bad temper. . . . He has been used to haranguing his fellow-citizens in New York, and cannot restrain his talent here."

From 1775 until 1780, Lamb's military career was closely linked with those of Gen. Benedict Arnold and Col. Aaron Burr. During the 1788 New York fight over ratification, Lamb's traitorous proclivities and his pro-British covert operations against the Constitution became publicly known, and his house was besieged by an angry mob. John Lamb survived, was reappointed New York Customs Collector, was caught stealing a large sum from the new U.S. government, retired, and never went to jail.

The New York opposition headquarters was aided nationally by a Pennsylvania-based covert operative, British immigrant-publisher Eleazer Oswald. After his side lost the ratification fight, Oswald went off to France and became an official espionage agent for the French Revolutionary government. After he returned to America, Oswald's anti-nationalist publishing activities reached a high point of provocation when he shot publisher Mathew Carey in a duel. Carey survived to teach economics to Henry Clay, as Carey's son Henry was to teach economics to Abraham Lincoln.

Lamb and Oswald are known today only by specialized historians of the period. The political leaders, whose work

against the Constitution they coordinated, include only a few more widely known figures.

In New Hampshire, an outright Tory, Joshua Atherton, led the fight against ratification. The Constitution would give Congress the right to outlaw the slave trade beginning in 1808; but Atherton, who had sided with the British army during the war, had suddenly become so freedom-loving that he demanded the national government not be formed. This was to be the cry of British-allied Boston abolitionists years later: Let the slave-owners secede from the Union, and keep their slaves—out of the Union! Nationalists from Franklin to Clay to Lincoln fought for a strong, lawful Union in which slavery would gradually be stifled by the growth of technology and a skilled urban population.

Justice Thurgood Marshall's attack on the Constitution is in the tradition of the anti-Unionists, the Tories, and the agit-prop Communist Party rhetoric of the 1950s.

In Virginia, the opposition was led by Patrick Henry, a man widely known among American patriots as a loud faker. In 1784, Henry had tried to reestablish the Episcopal Church as part of the government of Virginia. Defeated in this by Thomas Jefferson and James Madison, Henry then tried to impose a tax to support all approved religions. Jefferson, aggravated by Patrick Henry's statist "religious" proposals, wrote sarcastically to Madison, "What we have to do, I think, is devotedly to pray for his death."

In the Virginia ratification convention, Patrick Henry tried a different rhetorical program from that of brother Atherton in New Hampshire. *Henry warned the delegates that, under the strong central government of the proposed Constitution, "They'll free your niggers!"* Slave-owner George Mason, who argued that the Constitution wasn't abolitionist enough, threw consistency to the winds and complained that the Constitution would make it legal to tax slavery out of existence.

The chairman of the Virginia ratification convention, Judge George Wythe, decided in 1806—at age 80—that a certain family of slaves should be declared free because the Constitution and the Bill of Rights had made slavery illegal. Viciously, personally attacked by Anglophile anti-nationalist "legal experts," Wythe was immediately assassinated, along with his freed slave and heir. Wythe had written the rules for the Constitutional Convention in Philadelphia, signed the Declaration of Independence, taught law to John Marshall, and served as stepfather to both Thomas Jefferson and Henry Clay.

The ratification convention in Pennsylvania was the first American theater of political operations for Swiss-immigrant aristocrat Albert Gallatin. His family had helped arrange for the sale of Hessian mercenaries to King George III for the war against America. Now Gallatin ran the opposition to Pennsylvania's ratification of the plan for an American national government. Through his floor captain John Smilie, Gallatin and his western Pennsylvania machine battled Ben

Franklin's Philadelphians and lost two-to-one.

Gallatin preached to Americans that any government must be oppressive, and it was better to leave the world's serious affairs to be handled by powerful private interests, such as by the merchant oligarchs running Switzerland. He formulated the economic theories which were put forward against the administration of President George Washington. As U.S. Treasury Secretary from 1801 to 1813, in a government whose establishment he had opposed, Gallatin responded to British naval assaults and terrorism by systematically dissolving the

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U.S. armed forces. He is the forefather of the insane "Gramm-Rudman" austerity doctrine of the present day.

The victorious nationalists

The fight for ratification of the Constitution was run by the central leadership of the Revolution, based in Franklin's Philadelphia.

The Pennsylvania legislature, attempting to call a state ratification convention, was stalled when the Gallatin-Smilie forces staged a walkout and prevented a quorum. Pro-Constitution laborers and tradesmen, incensed by this behavior, went to the houses of two of these anti-federalists, broke in, and dragged them kicking and screaming back to the legislature.

James Wilson, who had played a crucial role in shaping the most advanced features of democratic republican government in the previous summer's Constitutional Convention, went on to lead the republican forces at the Pennsylvania ratification convention. Robert Morris, Superintendent of Finances for the Revolution, and his assistant, Gouverneur Morris, who had written the Preamble to the Constitution, conducted the behind-the-scenes leadership in the Pennsylvania ratification fight.

Alexander Hamilton personally carried New York State through to ratification. Hamilton's writing of the *Federalist Papers*, with his allies James Madison and John Jay, gave Americans at large the experience, unique in world history, of analyzing and debating on their government before it had taken effect.

Hamilton's own pro-Constitution political base was among the working class voters of New York City; the opposition was strongest in upstate regions dominated by the old Dutch

land barons of the Albany region.

In the ratification convention, Hamilton faced down Gov. George Clinton, who was playing political games in support of the anti-nationalist organizing of John Lamb. Hamilton let it be known that if Clinton's forces stopped New York from ratifying, New York City would secede from New York State and join the United States on its own, leaving the state poor and powerless. At this, Clinton's political patronage machine crumbled and the nationalist victory was won.

James Madison, at that point still a rock-hard nationalist, led the fight for ratification in Virginia. Madison later would follow Jefferson into the pro-free-trade attacks on Hamilton and Washington, in the Jeffersonian enthusiasm for the French Revolution. Later still, in his old age, Jefferson wrote to Lafayette that he knew the French anarchist "revolutionaries" had been paid British agents; and he and Madison came back increasingly to the Hamiltonian economic viewpoint of the Founding Fathers.

James Madison supervised the nationalist effort at the Virginia ratification convention, united, by means of constant express horses back and forth to New York, with his ally Hamilton. Hamilton had worked out the same close coordination with John Sullivan and John Langdon in New Hampshire, and with Rufus King in Boston. Robert Morris and Gouverneur Morris, leaders from the nationalists' headquarters in Philadelphia, personally came down to help out at the Virginia ratification convention.

The Massachusetts ratification fight saw the state's old revolutionary leadership back in action. A sort of political theater was pre-arranged. Paul Revere organized a boisterous mob of citizens to appear before the home of Sam Adams, demanding that Adams support the Constitution. Adams, as the master of mass politics, felt he could not afford to appear to have decided too soon, in favor of the new government. But with the demonstration on his doorstep, Sam Adams said he would "follow the will of the people." Adams went to the egotistical John Hancock, told him that the world now waited to applaud Hancock's decisive choice, and won him over. Anti-constitutionalists were then outclassed at the Massachusetts ratification convention.

The constitutional government, successfully ratified by the people of the 13 American states in 1787-88, is the furthest advance of human liberty up to the present time. Criminals, oligarchs, and Soviet agents now attack our country's basic law as inexpedient, or "oppressive." Abraham Lincoln answered a similar attack, speaking in Springfield, Illinois, June 26, 1857, on the subject of the Declaration of Independence, in words equally applicable to the Constitution:

"Its authors meant it to be, thank God, it is now proving itself, a stumbling block to those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant that when such should reappear in this fair land and commence their vocation they should find left for them at least one hard nut to crack."

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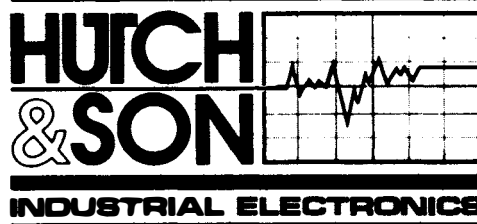
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