

tice. . . . Will redress be found in the courts of justice? In those courts, the very persons who were guilty of the oppression in their administration, sit as judges, to give a sanction to that oppression by their decrees. Nothing is to be more dreaded than maxims of law and reasons of state blended together by judicial authority. Among all the terrible instruments of arbitrary power, decisions of courts, whetted and guided and impelled by considerations of policy, cut with the keenest edge, and inflict the deepest and most deadly wounds.”

Wilson then described the exact historical model for the clique which had taken over power in Britain and Holland, to mankind’s great sorrow: “At Venice, where an aristocracy, jealous and tyrannical, absorbs every power, behold the state inquisitors, and the lion’s mouth, at all times open for the secret accusations of spies and informers. In what a situation must the wretched subjects be under such a government, all the powers of which are leagued, in awful combination, against the peace and tranquility of their minds!”

But what is the *source* of justice? Is the justice which we hope to see associated with a republican government, naturally to be expected, as reflecting man’s inborn moral sense? Gottfried Leibniz, and James Logan, had attacked John Locke for his assertion that man was born without a sense of right and wrong. Now, in explaining the grounds on which he and his associates formed the U.S. government, Wilson joined the fray and exposed Locke’s notions as *barbarism*.

In his lecture on the Law of Nature, Wilson said:

“All languages speak of a beautiful and a deformed, a right and a wrong, an agreeable and disagreeable, a good and ill, in actions, affections, and characters. All languages, therefore, suppose a moral sense, by which these qualities are perceived and distinguished.

“The whole circle of the arts of imitation proves the reality of the moral sense. They suppose, in human conduct, a sublimity, a beauty, a greatness, an excellence, independent of advantage or disadvantage, profit or loss. On him, whose heart is indelicate or hard; on him, who has no admiration of what is truly noble; on him, who has no sympathick sense of what is melting and tender, the highest beauty of the mimic arts must make, indeed, but a faint and transient impression. If we were void of a relish for moral excellence, how frigid and uninteresting would the finest descriptions of life and manners appear! How indifferent are the finest strains of harmony, to him who has not a musical ear?”

This expresses the thinking of America’s founders and defenders. We can hear the same from Alexander Hamilton, writing during the Revolution, criticizing the claim that man’s rights derive from a social contract, or a from a bargain negotiated with the powerful:

“The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by

## Wilson and the truth about ‘three-fifths’

Southern slaveowners demanded that the more *property* people in some state owned, the more representatives that state should be entitled to in Congress—and that slaves should count toward such representation. If a 500,000 population were required before a district could be represented, a northern district with 250,000 free persons in it would *not* be entitled to elect a congressman, but a southern district with 200,000 whites and 300,000 black slaves *could* send one of the slaveowners to Congress. So the more slavery, the more John Locke-style “freedom.”

James Wilson proposed a compromise—the famous three-fifths rule—to hold the union together, to hold the South under national law until slavery could be ended. The Convention adopted the rule, that slaves could not be counted fully toward representation for their masters, but only three-fifths of the slaves’ numbers. The “three-fifths of a man” rule was thus a slight improvement for human liberty, over what the slave-masters had demanded.

the hand of Divinity itself, and can never be erased or obscured by mortal power.”<sup>5</sup>

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## 5. The Constitution, despite the Tories

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Among the most contorted lies that confound the attempt to study American history, is that the immoral precepts of the British imperialist philosophers John Locke and Adam Smith—laissez-faire, free trade, the defense of usury—express the intent of the founders of the federal government.

The falsehood becomes particularly glaring in the examination of the career of Albert Gallatin, the leading advocate within America of British “free-market” political economy. Remembered now as Treasury secretary for Presidents Jefferson and Madison, Gallatin in his day was widely known as the “arch-fiend” and “enemy of mankind” who tried to crush the new republic.

It was just after the Constitution was drafted, and was

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5. In “The Farmer Refuted,” pamphlet written by Hamilton and issued in 1775.