

America's Government by Extortion

Exclusive: By forcing a U.S. government shutdown and threatening a first-ever credit default Tea Party Republicans are creating a new constitutional system which lets a determined white minority impose its will on the diverse American majority by inflicting so much pain that the extortionists prevail, writes Robert Parry.

By Robert Parry

As the Republican-driven U.S. government shutdown careens forward, everyone who's seen a movie about hostage-taking "Air Force One," for instance knows what happens now. The terrorists press their demands by beginning to shoot hostages.

Arguably, the Tea Party Republicans have already begun to do that by forcing hundreds of thousands of government employees to be furloughed (including intelligence analysts responsible for detecting attacks by actual terrorists), by shutting down cancer-drug trials for children, and by disrupting hundreds of other important federal programs that protect the physical and financial safety of the American people.

By Oct. 17 when the country's debt ceiling is expected to be breached the gun will be put to the head of the "full faith and credit of the United States," possibly inducing a global financial panic that could reverse the hard-won economic gains of the past five years and throw millions of people out of their jobs and out of their homes.

Or as actor Gary Oldman (playing the lead terrorist in "Air Force One") might put it: Eventually we'll wreak so much havoc that you, Mr. President, will have to give us what we want, first the surrender of health-care reform, but once we know how to get our way, there will be no limit to what we can dismantle next.

In the case of Oldman's movie terrorist, the overarching cause was "Mother Russia." For the Tea Party's political terrorists, it is their neo-Confederate interpretation of the U.S. Constitution, a document that they claim to carry around everywhere but apparently have never read.

With all the Tea Partiers' talk about their "originalist" interpretation of the Constitution, they ignore the reality that the Founding document was written primarily by Federalists, such as George Washington, James Madison (who was then Washington's protégé), Alexander Hamilton and Gouverneur Morris (the chief author of the Preamble).

The Federalists despised the concept of states' rights (as enshrined in the

Articles of Confederation) and believed in centralizing power in the federal government, albeit with a system of checks and balances to restrain ill-advised decision-making, but with few other limits on what elected representatives could do for the nation's well-being.

That is why in both the Preamble and in Article I, Section 8 (the so-called "enumerated powers") the Framers included language giving Congress the authority to "provide for the common Defense and general Welfare of the United States" and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

As historian Jada Thacker has written, "The Constitution was never intended to 'provide limited government,' and furthermore it did not do so. This is not a matter of opinion, but of literacy. If we want to discover the truth about the scope of power granted to the federal government by the Constitution, all we have to do is read what it says."

Given the malleable phrase "general Welfare" and the so-called "elastic clause" for passing all "necessary and proper" laws, Thacker notes that "the type, breadth and scope of federal legislation became unchained. Taken together, these clauses restated in the vernacular flatly announce that 'Congress can make any law it feels is necessary to provide for whatever it considers the general welfare of the country.'

"Lately there has been an embarrassingly naive call from the Tea Party to require Congress to specify in each of its bills the Constitutional authority upon which the bill is grounded. Nothing could be easier: the first and last clauses of Article I, Section 8 gives Congress black-and-white authority to make any law it so desires. Nor was this authority lost on the Founders."

The Anti-Federalist Lament

Thacker notes that today's advocates of "limited government" like to cherry-pick a few quotes from *The Federalist Papers* to lend some credibility to their claims but ignore the *Anti-Federalist Papers*, essays written by dissident delegates to the Constitutional Convention in 1787. For instance, Thacker cites the dissent of New Yorker Robert Yates written a month after the Constitution was completed:

"This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends. The government then, so far as it extends, is a complete one. It has the authority to make laws which will affect the lives, the liberty, and the property of every man in the United States; nor can the constitution or the laws of any state, in any way prevent or impede the full and complete execution of every power given."

Thacker adds: "Yates, it must be emphasized, took pains to identify the 'necessary and proper' clause as the root of the 'absolute power' inherent in the Constitution well over a year before ratification."

And Yates was far from alone in both his reading of the unbounded powers of the Constitution and in his first-hand understanding of what the Framers were thinking. For instance, dissenting delegates from Pennsylvania wrote:

"We dissent because the powers vested in Congress by this constitution, must necessarily annihilate and absorb the legislative, executive, and judicial powers of the several states, and produce from their ruins one consolidated government.

"The new government will not be a confederacy of states, as it ought, but one consolidated government, founded upon the destruction of the several governments of the states. The powers of Congress under the new constitution, are complete and unlimited over the purse and the sword, and are perfectly independent of, and supreme over, the state governments; whose intervention in these great points is entirely destroyed."

The Pennsylvania dissenters noted that the state sovereignty language from the Articles of Confederation was stripped out of the Constitution and that national sovereignty was implicitly transferred to "We the People of the United States" in the Preamble. They pointed out that the Constitution's Article Six made federal statutes and treaties "the supreme law of the land."

"The legislative power vested in Congress is so unlimited in its nature; may be so comprehensive and boundless [in] its exercise, that this alone would be amply sufficient to annihilate the state governments, and swallow them up in the grand vortex of general empire," the dissenters declared.

Fearing for Slavery

Southern Anti-Federalists the likes of Virginia's Patrick Henry and George Mason saw the Constitution as an eventual death knell for slavery, despite the success of southern delegates to insert clauses that implicitly accepted the continuation of slavery.

But Henry and Mason argued that the rights of white slaveholders to own blacks would eventually be challenged by the North as its industries made it more populous and more powerful than the agrarian South. "They'll free your niggers!" Patrick Henry warned his fellow slave-owning Virginians.

As historians Andrew Burstein and Nancy Isenberg wrote in their 2010 book, *Madison and Jefferson*, Henry and Mason argued that "slavery, the source of

Virginia's tremendous wealth, lay politically unprotected." Besides the worry about how the federal government might tax slave-ownership, there was the fear that the President as commander in chief might "federalize" the state militias and emancipate the slaves.

Though losing the struggle to block ratification, the Anti-Federalists and their concerns did not disappear. Instead, they organized a powerful political faction behind the charismatic figure of slaveholder Thomas Jefferson, who after returning from France in 1789 sought to alter the original interpretation of the Constitution into something much narrower, a vision that would protect the interests of "farmers" and would leave plantation slavery untouched.

Jefferson's ruthless political tactics and Federalist missteps in the complex job of forming the new government combined to help Jefferson defeat President John Adams, a Federalist, in 1800 (with Jefferson's winning margin coming from the South's ability to count slaves as three-fifths of a human being for the purpose of representation).

As president, Jefferson rhetorically asserted his "strict construction" view of the Constitution, but in practice he embraced the "originalist" interpretation of the Federalists when it suited his needs, such as when he had the opportunity to buy the Louisiana Territories from France and saw nothing specific in the Constitution to say that he could. With the support of Congress, he simply did so anyway.

As for Madison after collaborating with George Washington on the Constitution and working with Alexander Hamilton to win ratification the slightly built Virginian aristocrat gradually slid back into the swamp of Virginia's slave-owning politics. A major slaveholder himself and representing other slaveholders, Madison shifted his allegiance to the Jeffersonian camp and succeeded Jefferson as president in 1809.

However, after the debacle of the War of 1812 when an underfunded federal government could not defend Washington D.C. from British destruction, Madison reversed direction again, ignoring Jefferson's "strict construction" principles to support the creation of the Second Bank of the United States in 1817.

In the ensuing decades, the back-and-forth struggle over the scope of federal power continued as the South insisted that Jefferson's pseudo-constitutional inventions, such as a state's right to "nullify" federal law, prevented the national government from imposing restrictions on the institution of slavery as it spread to new states in the west.

Finally, with the election of anti-slavery President Abraham Lincoln in 1860,

the southern slave states seceded from the Union, drafting their own constitution that explicitly enshrined slavery as a permanent fixture. The bloody Civil War finally ended slavery in 1865 and forced the South back into the Union, but white southern resistance continued to federal laws demanding equal rights for blacks.

Rewriting the Constitution

The relevance of this history to the present is not only that the ideological descendants of the Confederacy are now up in arms over the election and reelection of the first African-American president but that they are insisting on the slaveholders' distortion of the Constitution, over its truly "originalist" interpretation and the plain reading of its words.

The overwhelmingly white Tea Party, with its foothold in the overwhelmingly white Republican Party, has now developed a new variation on the theory of "nullification," asserting that the Tea Party's Confederate-style interpretation of the Constitution must be accepted by the rest of the nation or the country will face endless political extortion.

Like Gary Oldman's team of Russian ultranationalists in "Air Force One," the Tea Partiers have maneuvered themselves into a position where they can extort concessions from the President. All they have to do is keep shooting hostages until the price becomes so high that the U.S. government acquiesces to their demands.

Then, in effect, the United States will have adopted a new constitutional system in which white neo-Confederates, calling themselves the Tea Party, can extract whatever political outcome they want. They will have done away with not only the Framers' original intent that the federal government should do what's necessary to provide for the general welfare of the American people but of democratic majority rule, period.

Ironically, the first electoral test of the Tea Party's neo-Confederate strategy will come in the fight for the Virginia statehouse in Richmond, which once was home to the Confederacy's capital. The November election of a new governor pits centrist Democrat Terry McAuliffe against Tea Party favorite, Republican Ken Cuccinelli.

Northern Virginia is being especially hard hit by the government shutdown but much of Virginia is considered prime Tea Party territory. So, the Nov. 5 election should be a good measuring stick for whether the Tea Party's new politics of hostage-taking will succeed, whether the United States will see a new dawn of extremism, a government of, by and for political extortionists.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his new book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)). For a limited time, you also can order Robert Parry's trilogy on the Bush Family and its connections to various right-wing operatives for only \$34. The trilogy includes *America's Stolen Narrative*. For details on this offer, [click here](#).
