

The Right's Made-up Constitution

From the Archive: On the U.S. Constitution's 230th birthday, many Americans don't realize that the document actually gives the federal government broad powers to provide for the nation's welfare, as Jada Thacker noted in 2013.

By Jada Thacker (Originally published on July 6, 2013)

The Cato Institute's *Handbook for Policy Makers* says, "The American system was established to provide limited government." The American Enterprise Institute states its purpose to "defend the principles" of "limited government." The Heritage Foundation claims its mission is to promote "principles of limited government." A multitude of Tea Party associations follow suit.

At first glance the concept of "limited government" seems like a no-brainer. Everybody believes the power of government should be limited somehow. All those who think totalitarianism is a good idea raise your hand. But there is one problem with the ultra-conservatives' "limited government" program: it is wrong. It is not just a little bit wrong, but demonstrably false.

The Constitution was never intended to "provide limited government," and furthermore it did not do so. The U.S. government possessed the same constitutional power at the moment of its inception as it did yesterday afternoon. This is not a matter of opinion, but of literacy. If we want to discover the truth about the scope of power granted to federal government by the Constitution, all we have to do is read what it says.

The Constitution's grant of essentially unlimited power springs forth in its opening phrases: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

As might be expected in a preamble to a founding document, especially one written under supervision of arch-aristocrat Gouverneur Morris, the terms are sweeping and rather grandiose. But the point is crystal clear: "to form a more perfect Union." If the object of the Constitution were to establish "limited government," its own Preamble must be considered a misstatement.

Enumerated Powers

Article I establishes Congress, and Section 8 enumerates its powers. The first clause of Article I, Section 8 repeats the sweeping rhetoric of the Preamble

verbatim. While it provides for a measure of uniformity, it does not so much as hint at a limit on the federal government's power to legislate as it sees fit:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

No attempt is made here, or at any other place in the Constitution, to define "general Welfare." This oversight (if that is what it was) is crucial. The ambiguous nature of the phrase "provide for the general Welfare" leaves it open to widely divergent interpretations.

Making matters worse for federal government power-deniers is the wording of the last clause of Article I, the so-called "Elastic Clause": Congress shall have power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Thus the type, breadth and scope of federal legislation became unchained. When viewed in light of the ambiguous authorization of the Article's first clause, the importance of the "necessary and proper" clause truly is astonishing. 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.

"Limited government" advocates are fond of cherry-picking quotes from *The Federalist Papers* to lend their argument credibility, but an adverse collection of essays called the *Anti-federalist Papers* unsurprisingly never gets a glance. Here is a [sample](#) from New Yorker Robert Yates, a would-be founder who walked out of the Philadelphia convention in protest, written a month after the Constitution had been 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.”

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.

The Tenth Amendment

A particular darling of secession-prone, far-Right Texas Gov. Rick Perry, the Tenth Amendment is often claimed as the silver-bullet antidote for the powers unleashed by the “general welfare” and “elastic clauses.” Here is the text of the Amendment in its entirety: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Superficially, the Tenth seems to mean “since certain powers are not delegated to the federal government, then those powers are reserved to the states or the people.” This would seem to be good news for champions of limited government. But this is not the case.

The Tenth does *not* say that important powers remain to be delegated to the United States. It merely says that powers “not [yet] delegated” are “reserved” to the states or the people. This sounds like a terrific idea until we realize, of course, that all the important powers had *already* been delegated in 1787, four years before the Tenth Amendment was ratified.

As we have seen, the first and last clauses of Article I, Section 8 made the Tenth Amendment a lame-duck measure even as James Madison composed its words in 1791 and so it remains today. The sweeping powers “to make all laws necessary and proper” in order to “provide for the general welfare,” had already been bestowed upon Congress. The Johnny-come-lately Tenth Amendment closed the constitutional pasture gate after the horses had been let out.

This apparently has never occurred to the likes of Gov. Rick Perry and his far-Right cohorts who believe a state may reclaim power by withdrawing its consent, in effect repossessing their previously delegated power through state legislation. Superficially, the logic of this position seems sound: if the states had the legal authority to delegate power, then they may use the same authority to “un-delegate” it by law.

But a close re-reading of the Tenth’s wording nixes such reasoning. Oddly, the Tenth Amendment does not say the *states* delegated their powers to the federal government although it may be argued that it probably ought to have said so. It says “The powers not delegated to the United States *by the Constitution* are

reserved to the States. ”

Thus, according to the Tenth Amendment, the Constitution *itself* delegated the power to the federal government. States, in other words, now have no standing to “reserve-back” what they had never “delegated-away” in the first place.

Had it been possible to “un-delegate” the powers of the United States by invoking the Tenth, the Old South would have simply done so and spared itself the bother of secession not to mention the bother of being annihilated by a series of subsequent Northern invasions. The fact that the South did not even attempt such a strategy attests to the toothlessness of the Tenth Amendment.

No other instance in law would be a better example that we should choose our votes carefully. For in ratifying the Bill of Rights, which included the Tenth Amendment, the American people endorsed the legal fiction that the Constitution not the original 13 states, or “We the People” authorized the power of the United States *because the Constitution itself said so*. If the Constitution has an Orwellian twist, this is it no matter which side of the aisle you’re on.

The states and the people may amend the Constitution. But they may not do so by nullification (according to the logic inherent in the wording of the Tenth Amendment), or by the judgment of state courts (according to the “supremacy clause” of Article VI), nor may any Amendment be made without the participation of the federal government, itself (according to Article V.) If the Founders had meant to ensure “limited government,” there is no trace of such intent here.

Paucity of Rights

If the Constitution were intended to provide “limited government,” we might expect it to be chock full of guarantees of individual rights. This is what Tea Partiers may fantasize but this is not really true. In fact, the Constitution is amazingly stingy in reference to “rights.”



The word “right” is mentioned *only once* in the Constitution as ratified. (Art. I, Sec. 8 allows Congress to award copyrights/patents to ensure their holders “Right to their respective Writings and Discoveries.”)

The word “right” somewhat counter-intuitively appears only six times in the ten Amendments called the “Bill of Rights.”

Almost a century later, the first of seven other rights were added under pressure from Progressive activists almost all of which were intended to create

and extend democratic participation in self-government.

Amendment XIV (sanctions against states denying suffrage); XV (universal male suffrage); XIX (women's suffrage); XXIV (denial of poll tax); and XXVI (18 year-old suffrage); and twice in Amendment XX, which gives Congress the "right of choice" in presidential succession.

In grand total, the word "right" appears only 14 times in the entire Constitution, as it exists today (including the two rights conferred to *government*).

Did we all notice that the "Constitution of the Founders" did not include the "right" for anybody at all to vote? Notable, too, is the absence of language implying that any "rights" are "unalienable" or "natural" or "endowed by their Creator." All such phraseology belongs to the Declaration of Independence, which apparently unbeknownst to Tea Partiers everywhere bears no force of law.

The word "power," by the way, occurs 43 times in the Constitution, each time referring exclusively to the prerogative of government, not right-wingers. Since "individual" rights are mentioned only 12 times, this yields a ratio of about 4:1 in favor of government power over individual rights. Without the efforts of those pesky, democracy-mongering Progressives, who fought for universal voting rights, the ratio would be more than 6:1 today or 50 percent higher.

This statistical factoid is not as trivial as it may appear. Expressed in practical terms, Michele Bachmann, Sarah Palin or Clarence Thomas would almost certainly never have achieved public office had they lived under the "limited government" designed by the Founders they so revere.

The Bill of Rights

So what exactly are our non-patent/copyright "rights," under so-called "limited government?"

Amendment I the right of people "peaceably to assemble, and to petition the government for redress of grievances"

Amendment II the right "to keep and bear arms, shall not be infringed"

Amendment IV the right "to be secure against unreasonable searches or seizures"

Amendment VI the right "to a speedy and public trial"

Amendment VII the right "of a trial by jury"

Amendment IX enumeration "of certain rights" shall not deny "others retained by

the people”

That’s it. What happened to the famous rights of free speech, religion or press? The way the First Amendment is worded does not enumerate these as positive rights that people possess, but rather as activities the government may not infringe upon. If Bill of Rights author James Madison had meant to stipulate them as positive “rights” all he had to do was write it that way, but he did not.

Bear in mind Madison (then a federalist) wrote the Bill of Rights under political duress. Since anti-federalists (recall the skepticism of Robert Yates) flatly refused to ratify the Constitution unless it guaranteed *something*, Madison had to write *something*. In effect, the amendments were the pig the anti-federalists had bought in the poke, three years after ratification had paid for it.

Madison, at the time of writing, had little incentive to take pains with what he wrote because federalists did not believe a Bill of Rights was necessary, or even good idea (with Alexander Hamilton arguing a Bill of Rights would be “dangerous.”) This may account for the fact that some of what Madison wrote seems vague, or even ambiguous, as in the case of Amendment II.

Amendment IX, for example, actually makes little sense, which may account for the fact nobody ever seems to mention it: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

This sounds “righteous” enough, until we recall the Constitution to which this Amendment pertains had “enumerated” only a single right in the first place! Even if Amendment IX applies to the Bill of Rights (to include itself), then all it says is “the people may have more rights than the half dozen mentioned so far, but we’re not going to tell you what they are.” (So if Amendment X is Orwellian, Amendment IX verges on Catch-22.)

Of course the idea was to calm suspicions that people would possess only the half-dozen rights enumerated in the Bill of Rights (plus patents!) and no others. Even so, Amendment IX did not guarantee any un-enumerated rights; it just did not peremptorily “deny or disparage” any.

And what sense should we make of the crucial Amendment V one of the four Bills of Rights not actually containing the word “right” at all?

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time

of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be **deprived of life, liberty, or property**, *without due process of law*; nor shall private property be taken for public use, without just compensation." [Emphasis supplied]

Thus, life, liberty and property are *not* expressly granted status as fundamental "rights," but only as personal possessions that may be deprived or taken according to "due process." The crucial implication is that Amendment V exists *in order to stipulate how the government may deny* an individual claim to life, liberty or property. *With* due process, you life, liberty and property may be toast. That is what it plainly says.

It is interesting, too, that the Bill of Rights does not speak to the origin of rights, but only to their existence. Moreover, the Constitution never speaks of granting rights, but only protecting them. There is a good reason for this: excepting the Progressive suffrage Amendments, none of the guaranteed rights were American inventions, but had for centuries been considered the rights of the English nobility.

For those who want to believe in "American Exceptionalism" as the basis of "limited government," this is not encouraging news. Moreover, the Constitution, including the Bill of Rights, hardly includes any "right" that had not already been recognized at one time or another by medieval English monarchs or in ancient Rome and Greece.

Property Rights and 'Republic'

The strict libertarians among us claim the sole legitimate power of government is that which is necessary to protect private property rights. On this score, however, the "limited government" of the Founders is practically mute. Except for the aforementioned Article I, Section 8 provision for patents and copyrights, private "property" is only mentioned twice in the Constitution, both times in a single sentence of the "right"-less Amendment V quoted above:

"No person shall be deprived of life, liberty or **property** *without due process of law*; nor shall private **property** be taken for public use, *without just compensation*." [Emphasis supplied]

Once again, Amendment V fails to guarantee personal immunity from the power of the state, but rather details the way state power may be used to dispossess individuals of their property. And we must bear in mind these words were not penned by Marxists, socialists, or Progressives.

Whether by design or happenstance, the original "Constitution of the Founders,"

or the Bill of Rights, or even the Constitution with all its Amendments does not grant any irrevocable “right of possession” to property. Even the Second Amendment’s “right to keep” arms, is subject to the terms by which property may be taken under terms of Amendment V, and it always has been.

Tellingly, the word “democracy” does not appear in the Constitution. This intentional oversight is often smugly celebrated by anti-democrats among us, who insist that the United States of America was founded as a “republic.” No doubt this is true, given that the Constitution was written by an exclusive, hand-picked cadre of oligarchs, whose number did not include a single woman, person of color, or wage-earner.

Unfortunately for the pro-republic “limited government” crowd, the Constitution does not contain the word “republic” either. The word does appear as an adjective, but only once, (Article IV, Section 4): “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them from Invasion”

Typically for the Constitution, which defines few of its terms, the word “Republican” also remains unexplained. The ambiguity of the term turned out to be handy, however, as Radical Republicans continuously and egregiously violated Article IV, Sec. 4 from 1865-1877 as they enforced blatantly unconstitutional military occupation of former Confederate states during the gross misnomer of “Reconstruction.”

It should be obvious that the “Constitution of our Founders,” including the Bill of Rights, may not protect as many rights as many wish to believe. Moreover, we have already noted the Constitution dropped all revolutionary talk of “unalienable” rights and “Creator endowed” liberty. This was not an oversight.

The revolutionary bit about “consent of the governed” posed an especially delicate problem for the Founders. Almost all owned slaves or were masters of property-less tenants or domestic servants, including their wives none of whom could offer their legal consent even if they wished to do so. Thus the Founders shrewdly considered it unnecessary to include any voting rights in the new republic they planned to rule, uncontested by the disenfranchised lower castes.

Did this result in the land of the free, with liberty and justice for all? Let’s see.

Under the U.S. Constitution, Americans were sentenced to death for protesting unfair taxes; journalists and citizens imprisoned for criticizing government officials; citizens’ property seized illegally; workers murdered by government agents; thousands jailed without the “privilege” of *habeas corpus*; entire states

deprived of civilian courts; untold numbers of American Indians defrauded of liberty and property; debt-peonage and debtors' prisons flourished, as did slavery and child labor; and the majority of the public was denied the vote.

All this was considered constitutional by the Founders. None of these outrages, please note, was the result of "progressivism," which had yet to be articulated, and all were common prior to the New Deal and the advent of so-called Big Government. Was this the face of "limited government?"

No, it was not. The concept of a democratically "limited government" was not for a moment entertained by our Founders, nor is it by those who idolize them today. With few exceptions, the Founders were Eighteenth Century patricians who took a revolutionary gamble meant chiefly to perpetuate their privileges, free from English colonial overlordship. It should come as no surprise these elitists drafted a Constitution that posed no threat to aristocracy.

'Limited Government' as Act of Faith

The original Constitution of the United States of America was just so much ink on paper. The Constitution, as it stands today, is just a lot more ink on paper.

But the Constitution's ink is important and deserves respect because it represents nothing less than the collective civic conscience of the American people. A great many Americans have dedicated their lives in trust to that conscience on battlefields, in classrooms, in everyday civic life, and even a few in the halls of power.

It is evident that most of the Amendments to the original Constitution as well as the Supreme Court's decisions interpreting its scope and purpose were made because the document had over the course of time been found wanting by the American people, whose common interests it was not originally intended to serve. As the collective civic conscience of the people changed, so too did their interpretation of self-government.

But the entire concept of social evolution (much less biological evolution) is something the ultra-Conservative rank-and-file likely does not comprehend and it is not something their leaders encourage them to consider. The reason for this may have less to do with politics than with fundamentalist faith.

An anecdote in point: the editor-in-chief at Random House once asked the extremist libertarian Ayn Rand if she would consider revising a passage in one of her manuscripts. She reportedly replied, "Would you consider revising the Bible?"

Ergo, that which is sacrosanct neither requires nor will tolerate change to

include the fantasized “limited government” of the immortalized “Founding Fathers.” The fact that Rand was a noted atheist only underscores the point that fundamentalist faith is not restricted to any particular brand of fanaticism.

Yet the Constitution’s conception was anything but immaculate. It was not carted down from the Mount in tablets of stone, nor is it the product of some mysterious Natural Law interpretable only by libertarian gurus. And whether its meaning is best exemplified by the Tea Party flag depicting a talking snake (“Don’t Tread on Me”), perhaps only Eve could judge with authority.

The Constitution is not a holy book, and there is no good reason for anybody to treat it like one. The men who wrote it were not prophets, nor were they particularly virtuous, though some could turn a pretty phrase. In fact, the Constitution’s most unholy-book characteristic is its most welcomed attribute: its readers are not required to believe in its infallibility in order for it to make sense to them.

But we are required to read the Constitution if we want to know what it says. The ultra-conservatives’ obsession with a constitutionally “limited government,” which has never actually existed, suggests they do not understand the Constitution as much as they merely idolize it.

These constitutional “fundamentalists” along with the American public in general would do better to pick the document up and read it sometime, not fall on bended knee before it and expect the rest of us to follow their example.

Jada Thacker, Ed.D is a Vietnam veteran and author of *Dissecting American History*. He teaches U.S. History at a private institution in Texas. Contact: jadathacker@sbcglobal.net

Deep History of America’s Deep State

Exclusive: The idea of an elitist Deep State – erasing a “mistake” by the people – pervades current efforts to remove buffoonish President Trump, but the concept has deep historical roots dating from the Founding, writes Jada Thacker.

By Jada Thacker

Everybody seems to be talking about the Deep State these days. Although the term appears to have entered the lexicon in the late 1990s, for years it referred

only to shady foreign governments, certainly not to our own “indispensable nation.”

Does the sudden presence of an American Deep State – loosely defined as an unelected elite that manipulates the elected government to serve its own interests – pose a novel, even existential, threat to democracy?

Not exactly. The threat seems real enough, but it’s nothing new. Consider these facts: 230 years ago, an unelected group of elite Americans held a secretive meeting with an undisclosed agenda. Their purpose was not merely to manipulate lawful government in their own interests, but to abolish it altogether. In its place, they would install a radically undemocratic government – a “more perfect” government, they said – better suited to their investment portfolios.

History does not identify these conspirators as the Deep State. It calls them the Founders. The Founders did not consider themselves conspirators, but “republicans” – not in reference to any political party, but rather to their economic station in society. But their devotion to “republicanism” was transparently self-serving. A current college text, *The American Journey: A History of the United States*, explains though does not explicate “republican ideology”:

“Their main bulwark against tyranny was civil liberty, or maintaining the right of the people to participate in government. The people who did so, however, had to demonstrate virtue. To eighteenth century republicans, virtuous citizens were those who were focused not on their private interests but rather on what was good for the public as a whole.

“They were necessarily property holders, since only those individuals could exercise an independence of judgment impossible for those dependent upon employers, landlords, masters, or (in the case of women and children) husbands and fathers.” [Emphasis supplied]

Republicanism was a handy idea if you happened to be a master or a landlord, who were the only persons this ideology considered “virtuous” enough to vote or hold political office. Thus, “republicanism” – virtually indistinguishable from today’s “neoliberalism” – created the original Deep State in the image of the economic system it was designed to perpetuate.

How this was accomplished is not a comforting tale. But it cannot be related nor understood without an appreciation of the historical context in which it occurred.

Masters and Servants

Post-colonial America was predominantly agrarian, and about 90 percent of the population was farmers. (The largest city in 1790 was New York, with a whopping population of 33,000 residents.) There was a small middle class of artisans, shopkeepers, and even a handful of industrial workers, but the politically and economically powerful people were the relatively few big-time merchants and landowners – who also fulfilled the function of bankers.

America was not quite a feudal society, but it resembled one. Commoners did not call at the front doors of the rich, but were received around back. Most states had official religions, some with compulsory church attendance backed by fines. Commodity-barter was the currency of the day for the vast majority. Debtors were imprisoned. Parents sold their children into bondage. It wasn't what most people think of when they hear "Yankee Doodle Dandy."

All states restricted voting only to men who owned a requisite amount of property, while the majority: un-widowed women, servants, and tenants owned no property. Moreover, most states had property requirements for eligibility to elective office, some with the higher offices reserved for those with the most property. Such restrictions had discriminated against the urban underclass and farmers since the beginning of American colonization.

Nobody at the time characterized this land of masters and servants as a "democracy." Indeed, the master class considered "democracy" synonymous with "mob rule." But not everybody was happy with "republican virtue" in post-war America, least of all the slaves of the "virtuous."

The Revolutionary War had stirred passions among the servant class for social and economic liberty, but when the war ended nothing much had changed. In fact, the war proved not to have been a revolution at all, but represented only a change from British overlords to American overlords. Edmund Morgan, considered the dean of American history in the colonial era, characterized the "non-Revolutionary War" this way:

"The fact the lower ranks were involved in the contest should not obscure the fact that the contest itself was generally a struggle for office and power between members of an upper class: the new against the established."

About 1 percent of the American population had died in a war fought, they had been told, for "liberty." (Compare: if the U.S. lost the same proportion of its population in a war today, the result would be over *three million* dead Americans.) Yet after the war, economic liberty was nowhere in sight.

Moreover, the very concept of "liberty" meant one thing to a farmer and quite another to his rich landlord or merchant. Liberty for a common farmer – who was

generally a subsistence farmer who did not farm to make money, but rather only to provide the necessities of life for his family – meant staying out of debt. Liberty for merchants and property owners – whose business it was to make monetary profits – meant retaining the ability to lend or rent to others and access to the power of government to enforce monetary repayment from debtors and tenants.

Much like the American Indians who had first communally owned the property now occupied by American subsistence farmers, agrarian debtors faced the unthinkable prospect of losing their ability to provide for their families (and their vote) if their land were confiscated for overdue taxes or debt. [See Consortiumnews.com's "[How Debt Conquered America.](#)"]

Loss of their land would doom a freeholder to a life of tenancy. And the servitude of tenants and slaves differed mainly as a function of iron and paper: slaves were shackled by iron, tenants were shackled by debt contracts. But iron and paper were both backed by law.

By the end of the Revolutionary War, as few as a third of American farmers owned their own land. When the urban elites began to foreclose on the debts and raise the taxes of subsistence farmers – many of whom had fought a long and excruciating war to secure their “liberty” – it amounted to a direct assault on the last bastion of Americans’ economic independence.

The Original Great Recession

After the war, British merchants and banks no longer extended credit to Americans. Moreover, Britain refused to allow Americans to trade with its West Indies possessions. And, to make matters worse, the British Navy no longer protected American ships from North African pirates, effectively closing off Mediterranean commerce. Meanwhile, the American navy could not protect American shipping, in the Mediterranean or elsewhere, because America did not happen to possess a navy.

In the past, American merchants had obtained trade goods from British suppliers by “putting it on a tab” and paying for the goods later, after they had been sold. Too many Americans had reneged on those tabs after the Revolution, and the British now demanded “cash on the barrelhead” in the form of gold and silver coin before they would ship their goods to America.

As always, Americans had limited coin with which to make purchases. As the credit crunch cascaded downwards, wholesalers demanded cash payment from retailers, retailers demanded cash from customers. Merchants “called in” loans they had made to farmers, payable in coin. Farmers without coin were forced to

sell off their hard-earned possessions, livestock, or land to raise the money, or risk court-enforced debt collection, which included not only the seizure and sale of their property but also imprisonment for debt.

The most prominent result of Americans' war for "liberty" turned out to be a full-blown economic recession that lasted a decade. Even so, the recession would not have posed a life-threatening problem for land-owning subsistence farmers, who lived in materially self-sufficient, rural, communal societies. But when state governments began to raise taxes on farmers, payable only in unavailable gold and silver coin, even "self-sufficient" farmers found themselves at risk of losing their ability to feed their families.

Debt, Speculation, and the Deep State

The Continental Congress had attempted to pay for its war with Britain by printing paper money. The British undermined these so-called "Continental" dollars, not only by enticing American merchants with gold and silver, but by counterfeiting untold millions of Continental dollars and spending them into circulation. The aggregate result was the catastrophic devaluation of the Continental dollar, which by war's end was worthless.

In the meantime, both Congress and state governments had borrowed to pay for "liberty." By war's end, war debt stood at \$73 million, \$60 million of which was owed to domestic creditors. It was a staggering sum of money. In his now studiously ignored masterpiece, *An Economic Interpretation of the Constitution of the United States*, historian Charles A. Beard showed that domestically-held war debt was equivalent to 10 percent of the value of all the surveyed land holdings (including houses) in the entire United States at the time.

The war debt carried interest, of course – which is a problem with debt if you owe it, but is a feature of debt if it is owed to you. Not only was "freedom not free" – it came with dividends attached for Deep State investors. This should sound at least vaguely familiar today.

As Continental paper money lost its value, Congress and state governments continued to pay for "liberty" with coin borrowed at interest. When that ran short, government paid only with *promises to pay* at a later date – merely pieces of paper that promised to pay coin (or land) at some indeterminate time after the war was won.

This was how the government supplied the troops (whenever it managed to do so) and also how it paid its troops. In actual practice, however, Congress often did not pay the troops anything, not even with paper promises, offering only verbal promises to pay them at the end of the war.

But war is never a money-making enterprise for government, and when it ended, the government was as broke as ever. So, it wrote its verbal promises on pieces of paper, and handed them to its discharged troops with a hearty *Good Luck with That!* Even so, Congress paid the soldiers in bonds worth only a fraction of the amount of time most had served, promising (again!) to pay the balance later – which it never did.

Thousands of steadfast, longsuffering troops were abandoned this way. Most had not been paid any money in years (if ever), and many were hundreds of miles from their homes – ill, injured, and starving – as they had been for months and years. Others literally were dressed only in rags or pieces of rags. Some carried paper promises of money; some carried paper promises of geographically distant land – none of which would be available until years in the future, if at all.

Seven-year Revolutionary War veteran Philip Mead described his plight in a bitter memoir entitled *A Narrative of Some of the Adventures, Dangers and Sufferings of a Revolutionary Soldier*: “We were absolutely, literally starved. I do solemnly declare that I did not put a single morsel of victuals in my mouth for four days and as many nights, except a little black birch bark which I gnawed off a stick of wood, if that can be called victuals. I saw several of the men roast their old shoes and eat them...”

“When the country had drained the last drop of service it could screw out of the poor soldiers, they were turned adrift like old worn-out horses, and nothing said about land to pasture them on.”

Was this *liberty*? To impoverished veterans, “liberty” looked bleak, indeed. To speculators in government bonds, liberty looked like a golden opportunity, quite literally so.

Vultures possessed of coin swooped in and bought a dollar’s worth of government promises for a dime, and sometimes for just a nickel. Speculators wheedled promises not only from desperate veterans (many of whom sold their promises merely to obtain food and clothes on their long trudge home), but from a host of people whose goods or services had been paid with IOUs.

Optimistic speculators cadged bonds from pessimistic speculators. The more desperate people became during the recession, the more cheaply they sold their promises to those who were not.

Speculators expected their investments, even those made with now-worthless paper money, to be paid in gold or silver coin. What’s more, “insiders” expected all those various government promises would eventually be converted – quietly, if

possible – into interest-bearing bonds backed by a single, powerful taxing authority. All the Deep State needed now was a national government to secure the investment scheme. A man named Daniel Shays unwittingly helped to fulfil that need.

Rebellion and Backlash

Thomas Jefferson penned the famous sentence: “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.” He was not referring to heroic American Patriots charging up Bunker Hill against British bayonets. He was referring instead to American farmers – many of whom had been the starving soldiers in a war for forsaken liberty – taking their lives into their hands to oppose the tax policies of the government of Massachusetts in 1787. The principal leader of this revolt was a farmer and war veteran Daniel Shays.

In a sense, the most interesting thing about Shays’s Rebellion is that it was not a unique event.

The first notable example of agrarian revolt had been Bacon’s Rebellion in 1676 Virginia, when frontier farmers marched on the rich plantation owners of Jamestown, burned it to the ground, published their democratic “Declaration of the People,” and threatened to hang every elite “tyrant” on their list – which included some of the forefathers of America’s patriot Founders.

Historian Gary Nash reminds us Bacon’s Rebellion had echoes across early American history: “Outbreaks of disorder punctuated the last quarter of the 17th century, toppling established governments in Massachusetts, New York, Maryland, Virginia, and North Carolina.” Jimmy Carter, in *The Hornet’s Nest*, the only novel ever published by an American president, tells a similar story of the agony of dispossessed farmers in Georgia a century later.

Other farmers had rebelled in New Jersey in the 1740s; in the New York Hudson Valley rent wars in the 1750s and 1760s and concurrently in Vermont by Ethan Allen’s Green Mountain Boys; for a decade in North Carolina in the 1760s, where vigilantes called Regulators battled the government of the urban elite; and in Virginia in the 1770s. Likewise, American cities had been scenes of labor unrest, riots, and strikes for a century. American class rebellion, apparently unbeknownst to most history teachers in America, was closer to the rule than the exception.

Victory in the war against England only intensified the conflict between those who considered “liberty” as a necessary condition to live without debt, against those who considered “liberty” to be their class privilege to grow rich from the

debts others owed them. Howard Zinn, in his *A People's History of the United States* describes the economic realities of Eighteenth Century America:

"The colonies, it seems, were societies of contending classes – a fact obscured by the emphasis, in traditional histories, on the external struggle against England, the unity of colonists in the Revolution. The country therefore was not 'born free' but born slave and free, servant and master, tenant and landlord, poor and rich."

Although Shays's Rebellion was not unique, it was a huge event, coming at a time when the rich were owed a great deal of money by impoverished governments. Pressured by rich bondholders and speculators, the government of Massachusetts duly raised taxes on farmers. To make matters far worse, the taxes were to be paid only in gold or silver – which was completely out of the question for most western farmers, who had no way to obtain coined money.

When the farmers complained, their complaints were ignored. When farmers petitioned the government to issue paper money and accept it as payment of debts and taxes, the government refused their petitions. When the farmers pleaded for the passage of "legal tender laws" that would allow them to settle their debts or taxes with their labor, they were rebuffed.

But when farmers could not pay what they did not have, the Massachusetts's courts ordered their land seized and auctioned. At last, the farmers understood the practical effect, if not the specific intent, of the tax: confiscation of their property and its transfer to the rich, to whom the government owed its interest-bearing debt. Government had become an armed collection agency.

To the utter dismay of the erstwhile proudly tax-rebellious Patriots, the farmers too rebelled. Shaysites forcibly shut down the tax courts that were condemning them to servitude. The rich responded by loaning the destitute government more money (at interest!) to pay a militia force to oppose Shays's rebels.

At this point, tax rebels abandoned reform for radical revolution and – in a resounding echo of Nathaniel Bacon's century-old Declaration of the People – pledged to march on Boston and burn it to the ground. This was no Tea Party vandalism, stage-managed by well-to-do Bostonians like Samuel Adams. It was a full-blown, grassroots agrarian revolution a century in the making.

The urban bond-holding merchant-class in Boston and elsewhere panicked. And none panicked more than bond speculators, who intimately understood the rebels threatened their "virtuous" republican "liberty" to extract profit from others. Historian Woody Holton exposes the astonishing callousness of one of America's

major bond speculators in his nationally acclaimed *Unruly Americans and the Origin of the Constitution*:

“As a bondholder, Abigail Adams would benefit immensely if her fellow Massachusetts citizens [paid the tax] levied by the legislature in March 1786, but she also saw compliance as a sacred duty. If Massachusetts taxpayers were ‘harder-pressed by public burdens than formerly,’ she wrote, ‘they should consider it as the price of their freedom’.”

Future First Lady Abigail Adams was not alone in thinking freedom came with dividends payable to her account. Historian David Szatmary reminds us in his *Shays Rebellion; The Makings of an Agrarian Insurrection* that the former Patriot leadership, especially those in the merchant class, were among the first to advocate violence against democratic rebellion.

Said a published opinion piece at the time: “When we had other *rulers*, committees and conventions of the people were lawful – they were then necessary; but since I *myself* became a ruler, they cease to be lawful – the people have no right to examine my conduct.”

Showboat Patriot and bond speculator Samuel Adams –former mastermind of the Boston Tea Party and erstwhile propagandist against unfair British taxes (as well as cousin to Abigail’s husband John Adams) – sponsored a Massachusetts law that allowed sheriffs to kill tax protesters outright.

Another rich bondholder and speculator, ex-Revolutionary War General Henry Knox (the fitting namesake of Fort Knox, the famous repository of gold bullion) wrote an alarming letter to his former commander George Washington, accusing the Shays’s rebels of being “levelers” (which was the closest term to “communists” then in existence). He informed Washington that the country needed a much stronger government (and military) to prevent any riffraff challenge to the elite. His message was not wasted on General Washington, America’s richest slave owner.

In the end, the Congress, under the Articles of Confederation, could raise no money from the states to provide an army, but the privately-financed, for-profit Massachusetts militia successfully defeated Shays’s rebels. Still, the nearly hysterical fear of democratic economic revolution had been planted in the minds of the masters. Shays’s Rebellion proved to be the last straw for bond speculators whose profits were jeopardized by democracy.

Worse even, the governments of many other states were beginning to cave under intense democratic pressure from rebellious debtors. Some states were enacting laws that prevented the seizure of property for debt; others were

creating paper money in order to break the gold and silver monopoly. Rhode Island not only voted in a paper money system, but threatened to socialize all commercial business enterprises in the state.

In response to the threat of populism, the “virtuous” elite reacted decisively – not to remedy the plight of debtors, of course – but to secure their own profits from them. Accordingly, in 1786, five states sent delegates to meet at Annapolis, Maryland, just as Shays’s Rebellion veered into revolution. This unelected minority called for Congress to authorize a convention to be held in Philadelphia the next year “for the sole and express purpose of revising the Articles of Confederation.” The Articles were never to be “revised.” They were to be scrapped altogether by the Deep State.

The Deep State Conspires

Thanks to Charles A. Beard’s *An Economic Interpretation of the Constitution of the United States*, we know quite a lot about the status of the 55 men who conspired to draft the Constitution. But the very first thing we need to know is that they were not authorized by “We the People” simply because nobody had voted for them; all were political appointees.

Nor were they even a representative *sample* of the people. Not a single person in the Convention hall “worked for a living,” nor was female, nor was a person of color. Only one claimed to be a “farmer,” the current occupation of about 90 percent of the population. Most were lawyers. Go figure.

If the delegates represented anybody at all, it was the economic elite: 80 percent were bondholders; 44 percent were money-lenders; 27 percent were slave owners; and 25 percent were real estate speculators. Demographically, the 39 who finally signed the final draft of the Constitution constituted .001 percent of the American population reported in the 1790 census. George Washington, who presided, was arguably the wealthiest man in the country. Deep State gamblers all.

And the stakes were high. Recall that the face value of outstanding domestic government bonds in 1787 was \$60 million, equivalent to 10 percent of the total improved land value of the country. But these bonds, for the most part, had been obtained by speculators at a fraction of face value. Beard very conservatively estimated the profit of speculators – if the bond were redeemed at face value – would have been some \$40 million. Expressed as the same proportion of total improved land value at the time of the Founding, the expected profit from government bonds held then would equal at least \$3 trillion today. Tax free.

We still do not know everything that transpired at the convention. No one was

assigned to keep a record of what was discussed. Reportedly, even the windows to the meeting hall were nailed shut to prevent eavesdropping – though there would be “leaks.” Because of its secrecy and its unauthorized nature, some historians have called the convention “the second American Revolution.” But revolutions are public, hugely participatory events. This was a *coup d'état* behind locked doors.

Most delegates presumably understood their undisclosed purpose was to dump the whole system of confederated government (which had cost 25,000 American lives to secure) into a dustbin. They evidently did not intend to obey their instructions “solely to revise” the Articles because a number of them showed up at the convention with drafts for a new constitution in hand.

The conspirators’ ultimate goal was to replace the Confederation with what they later euphemized as “a more perfect Union” – designed from the outset to protect their class interests and to ensure the new government possessed all the power necessary to perpetuate the existing oligarchy.

At the Convention, Alexander Hamilton captured the prevailing sentiment: “All communities divide themselves into the few and the many. The first are the rich and well-born; the other the mass of the people ... turbulent and changing, they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the Government. ... Nothing but a permanent body can check the imprudence of democracy.”

Hamilton further proposed that both the President and the Senate be appointed (not elected) *for life*. His vision was but half a step removed from monarchy. Though not a Convention delegate, John Jay, Hamilton’s political ally, slaveowner, and the first Chief Justice of the Supreme Court, stated the purpose of “republicanism” with brutal brevity: “The people who own the country ought to govern it.”

The Founders never once envisioned any such a thing as “limited government” – unless perhaps in the sense that the power of government was to be *limited to* their own economic class. [See Consortiumnews.com’s [“The Right’s Made-up Constitution.”](#)]

In *Towards an American Revolution: Exposing the Constitution & Other Illusions*, historian Jerry Fresia sums the Founders’ views succinctly: “The vision of the Framers, even for Franklin and Jefferson who were less fearful of the politics of the common people than most, was that of a strong centralized state, a nation whose commerce and trade stretched around the world. In a word, the vision was one of empire *where property owners would govern themselves.*” [Emphasis supplied]

Self-government *by the people* was to remain permanently out of the question. The Deep State was to govern itself. “We the People,” a phrase hypocritically coined by the ultra-aristocrat Gouverneur Morris, would stand forever after as an Orwellian hoax.

The tricky task of the hand-picked delegates was to hammer out a radical new system of government that would superficially resemble a democratic republic, but function as an oligarchy.

William Hogeland’s excellent *Founding Finance*, recounts the anti-democratic vehemence expressed at the Convention: “On the first day of the meeting that would become known as the United States Constitutional Convention, Edmund Randolph of Virginia kicked off the proceedings [...] ‘Our chief danger,’ Randolph announced, ‘arises from the democratic parts of our constitutions. ... None of the constitutions’ – he meant those of the states’ governments – ‘have provided sufficient checks against the democracy.’”

No wonder they nailed the windows shut. It should be no surprise that the word “democracy” does not appear once in the entire U.S. Constitution, or any of its Amendments, including the Bill of Rights. Accordingly, the Constitution does not once refer to the popular vote, and it did not guarantee a single person or group suffrage until the adoption of the 15th Amendment in 1870, over 80 years after ratification. The Preamble aside, the Founders used the phrase “the People” only a single time (Art. I, Sec. 2).

It has been suggested the word “democracy” had a different meaning then than it has now. It did not. “Democracy” to the Convention delegates meant the same thing as it does today: “rule by the people.” That’s why they detested it. The delegates considered themselves the patriarchs of “republicanism,” the ideology that rejected participation in government by people like their wives, servants, tenants, slaves, and other non-propertied inferiors. No doubt, the delegates passionately disagreed on many things, but the “fear and loathing” of democracy was not one of them. Then or now.

The Deep State’s Specific Goals

Embedded within the Founders’ broadly anti-democratic agenda were four specific goals. These were not a list of items jotted down in advance, but were derived by group consensus as the minimum requirements necessary to achieve the Deep State’s ultimate agenda.

To camouflage the stark oligarchic nationalism the measures intended, the Founders disingenuously styled themselves “Federalists.” But nothing about these measures concerned a “federation” of sovereign states; taken together, they were

intended to demolish the existing “perpetual” confederation, not to re-create it more effectively.

National government with limited citizen participation. Of all the measures required to achieve a national oligarchy, this was the most daunting. It was achieved by a wide array of provisions.

The Electoral College. The President and Vice President are not elected by popular vote, but by electors – then and now. For example, when George Washington was first elected President, the American population was 3.9 million. How many of those folks voted for George? Exactly 69 persons – which was the total number of electors voting at the time. (Art. I, Sec. 3)

Bi-Cameral Congress. Congress is bi-cameral, composed of two “houses” – the House of Representatives and the Senate. Under the original Constitution, the House members represented the people who vote for them, while the Senate represented states, not persons, and was therefore not a democratic body, at all. It was generally expected that the Senate would “check” the democratic House. Indeed, this was the entire purpose of bi-cameralism wherever it has existed. (Art. I, Secs. 1 and 2)

State Appointment of Senators. Senators were originally appointed by state legislatures (until the 17th Amendment in 1913). It was expected that the Senate would function in Congress as the House of Lords functioned in Parliament: the voice of the aristocracy. Even though Senators are now popularly elected, it is far more difficult to challenge an incumbent because of the prohibitive expense of running a state-wide campaign. (Art. I, Sec. 3)

Appointment of the Judiciary. All federal judges are appointed for life terms by the President and confirmed by the (originally undemocratic) Senate. (Art. III, Sec. 1)

Paucity of Representation. Most undemocratic of all was the extreme paucity of the total number of House members. The House originally was composed of only 65 members, or one member per 60,000 persons. Today, there are 435 members, each representing about 700,000 persons. Thus, current House representation of the public is 12 times less democratic than when the Constitution was written – and it was poor (at best) then.

Compare: The day before the Constitution was ratified, the people of the 13 United States were represented by about 2,000 democratically elected representatives in their various state legislatures (1:1950 ratio); the day after ratification, the same number of people were to be represented by only 65 representatives in the national government (1:60000). In quantitative terms,

this represents more than a 3,000 percent *reduction* of democratic representation for the American people. (Art. I, Sec. 2)

Absence of Congressional Districts. Although House members now run for election in equal-populated districts, the districts were created by Congress, not the Constitution. Until the 1960s, some House members were elected at-large (like Senators). This disadvantaged all but the richest and best-known candidates from winning. (Not referenced in Constitution)

Absence of Recall, Initiative and Referendum. The Constitution does not allow the people to vote to recall (un-elect) a Congress member, demand a Congressional vote on any issue (propose an initiative) or vote directly in a referendum on any issue (direct democracy). (Not referenced in Constitution)

Absence of Independent Amendment Process. One of the reasons Americans now have professional politicians is that the Constitution does not provide a way for “the people” to amend it without the required cooperation of a sitting Congress. At the Constitutional convention, Edmund Randolph of Virginia (surprisingly) proposed that the people be afforded a way to amend the Constitution without the participation of Congress. This excellent idea, however, was not adopted. (Art. V)

National authority to tax citizens directly. (Art. I, Sec. 8; 16th Amendment)

National monopolization of military power. (Art. I, Sec.8, clauses 12, 13, 14, 15, 16)

Denial of states’ power to issue paper money or provide debtor relief. (Art. I, Sec.10; Art. I Sec.8, clause 4)

All of these provisions were completely new in the American experience. For 150 years or more, citizen participation in government, independent militias, and the issuance of paper money had been the prerogative of the several, independent colonies/states – while direct external taxation had been universally and strenuously resisted. When the British Crown had threatened to curtail colonial prerogatives, the very men who now conspired for national power had risen in armed rebellion. The hypocrisy was stunning. And people took note of the fact.

Consent of the Minority

One of the note-takers was Robert Yates, a New York delegate to the Convention, who had walked out in protest. Not long afterwards, Yates (who owned no government bonds) stated his objection to the new Constitution: “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.”

At least half of the American population (collectively called “Anti-federalists”) thought the Constitution was a terrible idea. To be sure, well-to-do Anti-federalists like Yates were not overtaxed farmers, and their objections were often based upon the defense of states’ rights, not peoples’ economic rights. Most Anti-federalists, however, seemed alarmed that the Constitution contained no guarantee of the basic political rights they had enjoyed under the British Empire, such as freedom of speech or trial by jury.

The debate between supporters and critics of the Constitution raged for a year, while partisan newspapers published articles both pro and con. A collection of 85 “pro” articles is known now as *The Federalist Papers*, which were written by Alexander Hamilton, James Madison and John Jay. Although these articles have been studied almost as religious relicts by historians, they do not tell us “what the Constitution really means.”

The Constitution means what it says. *The Federalist Papers* are sales brochures, written by lawyers trying to get others to “buy” the Constitution. The same can be said about a similar collection of “Anti-federalist Papers,” from which Yates’s quote above was taken. In any event, it is up to the courts to interpret the Constitution, not lawyers with vested interests.

In due course, the Anti-federalists put their collective foot down. There would be no hope of ratification without amendments guaranteeing fundamental political – *but not economic* – rights. Although Hamilton argued a guarantee of rights would be “dangerous,” James Madison convinced the Federalists that agreeing to guarantee a *future* Bill of Rights would be much safer than meddling with the text of the current document, which might entail unraveling its core nationalist, anti-democratic agenda. And so, a deal was struck.

Even so, the battle over the ratification of the Constitution was not ultimately decided by the people of the nation. Although the people of the several states had not voted to authorize the Convention, or the document it had produced, the Founders had been incredibly arrogant, not to mention sly. Not only had they presented the unauthorized document to the states as a take-it-or-leave-it proposition (no changes allowed), but the document itself demanded that only special state “conventions” could ratify it – not the majority popular vote of the people.

Specifying ratification by conventions meant the people would be voting for convention delegates, who would in turn vote for ratification. This was tantamount to turning ratification into a popularity contest between convention delegates, rather than a democratically direct vote on the document, itself. Moreover, ratification by convention would present the possibility that a minority of the people in a state (those in favor of the Constitution) might “pack” a convention with delegates, who would then approve of a document establishing a government for all.

Electoral shenanigans were not just hypothetical possibilities. In Philadelphia, for example, a mob kidnapped elected legislators who were boycotting a convention vote, physically dragged them into the state house, and tied them to their chairs in order to force a convention vote. Other, more subtle methods of manipulation occurred elsewhere, notably the disenfranchisement of voters through property qualifications.

Over a hundred years ago, Charles A. Beard completed his exhaustive study of the Constitution and confirmed that it most likely was ratified by a majority – *of a minority of the people*.

Among Beard’s final conclusions were these: “The Constitution was ratified by a vote of probably not more than one-sixth of the adult males...The leaders who supported the Constitution in the ratifying conventions represented the same economic groups as the members of the Philadelphia Convention...The Constitution was not created by ‘the whole people’ as the jurists [judges] have said; neither was it created by ‘the states’ as Southern nullifiers long contended; but it was the work of a consolidated group whose interests knew no state boundaries and were truly national in their scope.”

The Deep State, in other words. It was darkly appropriate that a document whose primary purpose was to defeat democratic rule was, itself, brought into force without a majoritarian vote.

In 1788, nine of the 13 states’ conventions ratified the Constitution (as specified in the Constitution’s own Article VII) and the document became the supreme law of the land for those nine states. By 1789, even the democratic holdout Rhode Island had followed suit. And America’s schoolchildren have been led to believe ever since that the Constitution is a sacred document, inspired

and ordained by the public-spirited benevolence of I



But this had been predicted. It had seemed painfully obvious to Eighteenth Century Genevan political philosopher Jean-Jacques Rousseau that constitutional government was the invention of the Deep State, its designated beneficiary.

Dripping with sarcasm, his virtuoso *Discourse on Inequality* explained the process: “[T]he rich man ... at last conceived the deepest project that ever entered the human mind: this was to employ in his favour the very forces that attacked him, to make allies of his enemies...

“In a word, instead of turning our forces against ourselves, let us collect them into a sovereign power, which may govern us by wise laws, may protect and defend all the members of the association, repel common enemies, and maintain a perpetual concord and harmony among us.”

Rousseau penned these words in 1754, 33 years before Gouverneur Morris oversaw the drafting of the identical sales pitch that constitutes the Preamble to the United States Constitution: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

Rousseau concludes: “All offered their necks to the yoke in hopes of securing their liberty; for though they had sense enough to perceive the advantages of a political constitution, they had not experience enough to see beforehand the dangers of it; *those among them, who were best qualified to foresee abuses, were precisely those who expected to benefit by them...*” [Emphasis added]

Does the Deep State pose an existential threat to American democracy today? Move

along, folks – nothing new to see here.

Jada Thacker, Ed. D, is the author of *Dissecting American History: A Theme-Based Narrative*. He teaches History and Government at a college in Texas. Contact: jadathacker@sbcglobal.net

Roots of Trump's 'Economic Nationalism'

President Trump's platform of "economic nationalism" appears to be crumbling as he seeks to survive his early-term thrashing from the Establishment, but there is a more positive history to his ideas, writes Andrew Spannaus.

By Andrew Spannaus

With most of the media and political commentators focused on the Republicans' failed attempt to pass a healthcare bill, some of President Donald Trump's most significant words appear to have gone almost unnoticed. The President was away from the political fight in Washington on March 20, conducting one of his periodic attempts to sustain excitement among his base.

At a rally in Louisville, Kentucky, Trump repeated his standard lines about putting America first, starting with economic policy. When he got to his push to "Buy American and Hire American", something new emerged though, a reference to a key figure in US economic history: Henry Clay – who was a member of Congress in the early 19th century.

Trump spoke of the need for a new economic model, and then recalled how protectionism is far from a bad word in US history; rather, it was seen as a means to promote manufacturing and build industry.

Trump said, "Like Henry Clay, we want to put our own people to work. [...] "Clay was a fierce advocate for American manufacturing. He said that free trade would throw wide open our ports to foreign production without duties while theirs remained closed to us [...] Clay said that trade must be fair, equal and reciprocal."

Trump then went on to use the term "American System", associated with the current of economic nationalism promoted by figures such as Alexander Hamilton, Clay and Henry Carey, champions of investment in industry and infrastructure, and protection against the free market claims of European empires, which sought to undermine American economic independence in order to defend their own pre-

eminence.

“In explaining his American System, Clay argued that the sole object of the tariff is to tax the produce of foreign industry with a view of promoting American industry,” Trump said. “For too long our government has abandoned the American System.”

Historical Reference Point

The President’s words have been ignored by much of the commentator class, although not surprisingly they were picked up by some websites that wholeheartedly support his agenda, such as Brietbart. Yet the reference to Clay and the American System make it clear that something new is afoot, an attempt to link Trump’s populist rhetoric to some of the most important and effective periods of economic growth in U.S. history.

In the first half of the 19th century, Henry Clay was the most identifiable promoter of the American System of political economy. His vision was to continue the long-term goal set by the founding fathers Benjamin Franklin, George Washington and Alexander Hamilton: create an independent republic that would break not only its formal ties with the British Empire, but also demonstrate the superiority of a society free from the aristocratic structures present in Europe. The precondition for such a project was the development of a productive economy, which would provide a foundation for lasting independence. This meant the promotion of “internal improvements” – what today we would call infrastructure, manufacturing and strong links between agriculture and industry.

In the early years of the republic, adherence to this vision was certainly not unanimous; there were factions that preferred to live off trade with Europe and strongly opposed decisive actions by the federal government. The mantle of free trade was used then – as it is now – to oppose policies such as tariffs, national banking and other forms of state intervention that granted preference to domestic production as opposed to unrestricted competition.

Henry Clay was one of the great champions of the American System view, a giant in his time who is too often overlooked. A lawyer and state legislator in Kentucky, Clay first came to Washington in 1806 when he was named to fill a temporary vacancy in the Senate. After two brief stints as a replacement Senator, Clay returned to the Capitol in 1811 as a member of the House of Representatives, where he was immediately elected Speaker. Years later Clay would help found the Whig party, in opposition to Andrew Jackson and his so-called “populist” vision opposing big government. One of the great ironies of today’s political upheaval is that those who identify as populists now call for a return to protectionism, a view quite different from the States’ Rights

concept promoted in the past, and also by much of the modern Republican Party.

A Manufacturing Base

Already from the time he was a replacement Senator, Clay began promoting his vision for the nation. In 1807, in line with the efforts of John Quincy Adams, he worked to obtain passage of a resolution binding the Secretary of the Treasury to prepare a plan for the construction of a national network of canals and roads, subsequently drawn up by Secretary Albert Gallatin.

It was not immediately implemented due to opposition from President Thomas Jefferson, among others, but this approach to internal improvements, accompanied by measures such as the founding of the Second Bank of the United States, and tariffs to protect manufacturing, formed the basis for the American System policy that would last for decades, making the Kentucky statesmen one of the idols of Abraham Lincoln.

It is important to note that the goal of protectionist policies was not to block international trade. Rather, trade conducted on the terms dictated by the British (and the French) was seen as stifling the growth of the United States, and perpetuating the pre-revolutionary condition of colonies whose main vocation was the export of raw materials.

In the first 20 years after the birth of the new nation there had been an initial period of strong growth. However, the benefits were felt principally by the states of New England and a few others that profited from the carry trade of products from the Indies that were then re-exported to Europe.[See Douglass C. North, *The Economic Growth of the United States*, W.W. Norton & Company Inc., New York, 1966, p. 53.]

Many in the merchant class were content to continue in this mold, despite the restrictions on trade and vexations imposed by Great Britain, but the nationalists bristled at the limits on the growth of domestic industry, seen as thwarting the national mission set by the American Revolution. The result was that Clay and his allies in Congress, known as the "War Hawks", agitated in favor of again going to war with Great Britain, with the goal of finally obtaining full independence, allowing not only for unrestricted commerce, but also for the expansion of industry and domestic trade towards the Western areas of the country. Clay has been called "the man whose influence and power more than that of any other produced the war of 1812 between the United States and Great Britain."[Quote from Josiah Quincy in: Quentin Scott King, *Henry Clay and the War of 1812*, Jefferson, North Carolina, McFarland & Company, Inc., Publishers, 2014, p. 148.]

The American System as defined by Clay has represented a crucial reference point for various periods of economic growth in U.S. history. The approach can be defined as economic nationalism, but it is essential to understand that the enemy of this view is not the expansion of international trade or economic initiative, but rather the attempt by colonial interests to prevent the development of industry and thus the growth of a strong, educated working class able to sustain an independent democratic republic.

Indeed American System economists such as Henry Carey, whose ideas would form the basis for the birth of the Republican Party in the 1850s, demonstrated that protection for American industry actually benefited trade, as “every man is a consumer to the whole extent of his production.”

Modern economic theory does not look kindly on the notion that a nation should promote its own industries at the expense of the efficiency of international markets. The events of recent decades have shown, however, that the basic concepts that emerged in the 1800s still apply today: the search for low costs leads to a race to the bottom, and weakens the economic and social fabric of countries that aim to grow the middle class.

As the Trump administration seeks to develop a coherent policy on global trade and the promotion of American manufacturing, looking to the current of Hamilton, Clay, Carey and Lincoln could, in the best case scenario, lead to an important shift in modern politics; at the least, it should allow for a deeper discussion of what protectionism actually means in U.S. history, beyond the caricature that has dominated the public discussion to date.

The President is clearly picking and choosing his references, not without some confusion; indeed he speaks glowingly of Andrew Jackson, whose economic approach was diametrically opposed to that of Clay and other representatives of the economic nationalist current.

Nevertheless, a serious discussion on how to implement a modern version of the American System’s emphasis on investment and fair trade, would bring an important new element to the debate over how to address the failures of globalization in the past 25 years.

Andrew Spannaus is a freelance journalist and strategic analyst based in Milan, Italy. He is the founder of [Transatlantico.info](http://www.transatlantico.info), that provides news, analysis and consulting to Italian institutions and businesses. His book on the U.S. elections *Perchè vince Trump (Why Trump is Winning)* was published in June 2016. [This article originally appeared as Aspenia online at <http://www.aspeninstitute.it/aspenia-online/article/donald-trump-henry-clay-and-american-system>]

The Right's Made-up 'Constitution'

From the Archive: America's right-wingers talk fervently about protecting the Constitution but seem to have little understanding of what the Federalist framers were doing in creating a powerful central government, as Jada Thacker noted in 2013.

By Jada Thacker (Originally published on July 6, 2013)

The Cato Institute's *Handbook for Policy Makers* says, "The American system was established to provide limited government." The American Enterprise Institute states its purpose to "defend the principles" of "limited government." The Heritage Foundation claims its mission is to promote "principles of limited government." A multitude of Tea Party associations follow suit.

At first glance the concept of "limited government" seems like a no-brainer. Everybody believes the power of government should be limited somehow. All those who think totalitarianism is a good idea raise your hand. But there is one problem with the ultra-conservatives' "limited government" program: it is wrong. It is not just a little bit wrong, but demonstrably false.

The Constitution was never intended to "provide limited government," and furthermore it did not do so. The U.S. government possessed the same constitutional power at the moment of its inception as it did yesterday afternoon. This is not a matter of opinion, but of literacy. If we want to discover the truth about the scope of power granted to federal government by the Constitution, all we have to do is read what it says.

The Constitution's grant of essentially unlimited power springs forth in its opening phrases: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

As might be expected in a preamble to a founding document, especially one written under supervision of arch-aristocrat Gouverneur Morris, the terms are sweeping and rather grandiose. But the point is crystal clear: "to form a more perfect Union." If the object of the Constitution were to establish "limited government," its own Preamble must be considered a misstatement.

Enumerated Powers

Article I establishes Congress, and Section 8 enumerates its powers. The first

clause of Article I, Section 8 repeats the sweeping rhetoric of the Preamble verbatim. While it provides for a measure of uniformity, it does not so much as hint at a limit on the federal government's power to legislate as it sees fit:

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"

No attempt is made here, or at any other place in the Constitution, to define "general Welfare." This oversight (if that is what it was) is crucial. The ambiguous nature of the phrase "provide for the general Welfare" leaves it open to widely divergent interpretations.

Making matters worse for federal government power-deniers is the wording of the last clause of Article I, the so-called "Elastic Clause": Congress shall have power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Thus the type, breadth and scope of federal legislation became unchained. When viewed in light of the ambiguous authorization of the Article's first clause, the importance of the "necessary and proper" clause truly is astonishing. 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.

"Limited government" advocates are fond of cherry-picking quotes from *The Federalist Papers* to lend their argument credibility, but an adverse collection of essays called the *Anti-federalist Papers* unsurprisingly never gets a glance. Here is a [sample](#) from New Yorker Robert Yates, a would-be founder who walked out of the Philadelphia convention in protest, written a month after the Constitution had been 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.”

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.

The Tenth Amendment

A particular darling of secession-prone, far-Right Texas Gov. Rick Perry, the Tenth Amendment is often claimed as the silver-bullet antidote for the powers unleashed by the “general welfare” and “elastic clauses.” Here is the text of the Amendment in its entirety: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Superficially, the Tenth seems to mean “since certain powers are not delegated to the federal government, then those powers are reserved to the states or the people.” This would seem to be good news for champions of limited government. But this is not the case.

The Tenth does *not* say that important powers remain to be delegated to the United States. It merely says that powers “not [yet] delegated” are “reserved” to the states or the people. This sounds like a terrific idea until we realize, of course, that all the important powers had *already* been delegated in 1787, four years before the Tenth Amendment was ratified.

As we have seen, the first and last clauses of Article I, Section 8 made the Tenth Amendment a lame-duck measure even as James Madison composed its words in 1791 and so it remains today. The sweeping powers “to make all laws necessary and proper” in order to “provide for the general welfare,” had already been bestowed upon Congress. The Johnny-come-lately Tenth Amendment closed the constitutional pasture gate after the horses had been let out.

This apparently has never occurred to the likes of Gov. Rick Perry and his far-Right cohorts who believe a state may reclaim power by withdrawing its consent, in effect repossessing their previously delegated power through state legislation. Superficially, the logic of this position seems sound: if the states had the legal authority to delegate power, then they may use the same authority to “un-delegate” it by law.

But a close re-reading of the Tenth’s wording nixes such reasoning. Oddly, the Tenth Amendment does not say the *states* delegated their powers to the federal government although it may be argued that it probably ought to have said so. It

says "The powers not delegated to the United States *by the Constitution* are reserved to the States. "

Thus, according to the Tenth Amendment, the Constitution *itself* delegated the power to the federal government. States, in other words, now have no standing to "reserve-back" what they had never "delegated-away" in the first place.

Had it been possible to "un-delegate" the powers of the United States by invoking the Tenth, the Old South would have simply done so and spared itself the bother of secession not to mention the bother of being annihilated by a series of subsequent Northern invasions. The fact that the South did not even attempt such a strategy attests to the toothlessness of the Tenth Amendment.

No other instance in law would be a better example that we should choose our votes carefully. For in ratifying the Bill of Rights, which included the Tenth Amendment, the American people endorsed the legal fiction that the Constitution not the original 13 states, or "We the People" authorized the power of the United States *because the Constitution itself said so*. If the Constitution has an Orwellian twist, this is it no matter which side of the aisle you're on.

The states and the people may amend the Constitution. But they may not do so by nullification (according to the logic inherent in the wording of the Tenth Amendment), or by the judgment of state courts (according to the "supremacy clause" of Article VI), nor may any Amendment be made without the participation of the federal government, itself (according to Article V.) If the Founders had meant to ensure "limited government," there is no trace of such intent here.

Paucity of Rights

If the Constitution were intended to provide "limited government," we might expect it to be chock full of guarantees of individual rights. This is what Tea Partiers may fantasize but this is not really true. In fact, the Constitution is amazingly stingy in reference to "rights."

The word "right" is mentioned *only once* in the Constitution as ratified. (Art. I, Sec. 8 allows Congress to award copyrights/patents to ensure their holders "Right to their respective Writings and Discoveries.")

The word "right" somewhat counter-intuitively appears only six times in the ten Amendments called the "Bill of Rights."

Almost a century later, the first of seven other rights were added under pressure from Progressive activists almost all of which were intended to create and extend democratic participation in self-government.

Amendment XIV (sanctions against states denying suffrage); XV (universal male suffrage); XIX (women's suffrage); XXIV (denial of poll tax); and XXVI (18 year-old suffrage); and twice in Amendment XX, which gives Congress the "right of choice" in presidential succession.

In grand total, the word "right" appears only 14 times in the entire Constitution, as it exists today (including the two rights conferred to *government*).

Did we all notice that the "Constitution of the Founders" did not include the "right" for anybody at all to vote? Notable, too, is the absence of language implying that any "rights" are "unalienable" or "natural" or "endowed by their Creator." All such phraseology belongs to the Declaration of Independence, which apparently unbeknownst to Tea Partiers everywhere bears no force of Law.

The word "power," by the way, occurs 43 times in the Constitution, each time referring exclusively to the prerogative of government, not right-wingers. Since "individual" rights are mentioned only 12 times, this yields a ratio of about 4:1 in favor of government power over individual rights. Without the efforts of those pesky, democracy-mongering Progressives, who fought for universal voting rights, the ratio would be more than 6:1 today or 50 percent higher.

This statistical factoid is not as trivial as it may appear. Expressed in practical terms, Michele Bachmann, Sarah Palin or Clarence Thomas would almost certainly never have achieved public office had they lived under the "limited government" designed by the Founders they so revere.

The Bill of Rights

So what exactly are our non-patent/copyright "rights," under so-called "limited government?"

Amendment I the right of people "peaceably to assemble, and to petition the government for redress of grievances"

Amendment II the right "to keep and bear arms, shall not be infringed"

Amendment IV the right "to be secure against unreasonable searches or seizures"

Amendment VI the right "to a speedy and public trial"

Amendment VII the right "of a trial by jury"

Amendment IX enumeration "of certain rights" shall not deny "others retained by the people"

That's it. What happened to the famous rights of free speech, religion or press? The way the First Amendment is worded does not enumerate these as positive rights that people possess, but rather as activities the government may not infringe upon. If Bill of Rights author James Madison had meant to stipulate them as positive "rights" all he had to do was write it that way, but he did not.

Bear in mind Madison (then a federalist) wrote the Bill of Rights under political duress. Since anti-federalists (recall the skepticism of Robert Yates) flatly refused to ratify the Constitution unless it guaranteed *something*, Madison had to write *something*. In effect, the amendments were the pig the anti-federalists had bought in the poke, three years after ratification had paid for it.

Madison, at the time of writing, had little incentive to take pains with what he wrote because federalists did not believe a Bill of Rights was necessary, or even good idea (with Alexander Hamilton arguing a Bill of Rights would be "dangerous.") This may account for the fact that some of what Madison wrote seems vague, or even ambiguous, as in the case of Amendment II.

Amendment IX, for example, actually makes little sense, which may account for the fact nobody ever seems to mention it: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

This sounds "righteous" enough, until we recall the Constitution to which this Amendment pertains had "enumerated" only a single right in the first place! Even if Amendment IX applies to the Bill of Rights (to include itself), then all it says is "the people may have more rights than the half dozen mentioned so far, but we're not going to tell you what they are." (So if Amendment X is Orwellian, Amendment IX verges on Catch-22.)

Of course the idea was to calm suspicions that people would possess only the half-dozen rights enumerated in the Bill of Rights (plus patents!) and no others. Even so, Amendment IX did not guarantee any un-enumerated rights; it just did not peremptorily "deny or disparage" any.

And what sense should we make of the crucial Amendment V one of the four Bills of Rights not actually containing the word "right" at all?

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to

be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be **deprived of life, liberty, or property**, *without due process of law*; nor shall private property be taken for public use, without just compensation.” [Emphasis supplied]

Thus, life, liberty and property are *not* expressly granted status as fundamental “rights,” but only as personal possessions that may be deprived or taken according to “due process.” The crucial implication is that Amendment V exists *in order to stipulate how the government may deny* an individual claim to life, liberty or property. *With* due process, you life, liberty and property may be toast. That is what it plainly says.

It is interesting, too, that the Bill of Rights does not speak to the origin of rights, but only to their existence. Moreover, the Constitution never speaks of granting rights, but only protecting them. There is a good reason for this: excepting the Progressive suffrage Amendments, none of the guaranteed rights were American inventions, but had for centuries been considered the rights of the English nobility.

For those who want to believe in “American Exceptionalism” as the basis of “limited government,” this is not encouraging news. Moreover, the Constitution, including the Bill of Rights, hardly includes any “right” that had not already been recognized at one time or another by medieval English monarchs or in ancient Rome and Greece.

Property Rights and ‘Republic’

The strict libertarians among us claim the sole legitimate power of government is that which is necessary to protect private property rights. On this score, however, the “limited government” of the Founders is practically mute. Except for the aforementioned Article I, Section 8 provision for patents and copyrights, private “property” is only mentioned twice in the Constitution, both times in a single sentence of the “right”-less Amendment V quoted above:

“No person shall be deprived of life, liberty or **property** *without due process of law*; nor shall private **property** be taken for public use, *without just compensation*.” [Emphasis supplied]

Once again, Amendment V fails to guarantee personal immunity from the power of the state, but rather details the way state power may be used to dispossess individuals of their property. And we must bear in mind these words were not penned by Marxists, socialists, or Progressives.

Whether by design or happenstance, the original “Constitution of the Founders,” or the Bill of Rights, or even the Constitution with all its Amendments does not

grant any irrevocable “right of possession” to property. Even the Second Amendment’s “right to keep” arms, is subject to the terms by which property may be taken under terms of Amendment V, and it always has been.

Tellingly, the word “democracy” does not appear in the Constitution. This intentional oversight is often smugly celebrated by anti-democrats among us, who insist that the United States of America was founded as a “republic.” No doubt this is true, given that the Constitution was written by an exclusive, hand-picked cadre of oligarchs, whose number did not include a single woman, person of color, or wage-earner.

Unfortunately for the pro-republic “limited government” crowd, the Constitution does not contain the word “republic” either. The word does appear as an adjective, but only once, (Article IV, Section 4): “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them from Invasion”

Typically for the Constitution, which defines few of its terms, the word “Republican” also remains unexplained. The ambiguity of the term turned out to be handy, however, as Radical Republicans continuously and egregiously violated Article IV, Sec. 4 from 1865-1877 as they enforced blatantly unconstitutional military occupation of former Confederate states during the gross misnomer of “Reconstruction.”

It should be obvious that the “Constitution of our Founders,” including the Bill of Rights, may not protect as many rights as many wish to believe. Moreover, we have already noted the Constitution dropped all revolutionary talk of “unalienable” rights and “Creator endowed” liberty. This was not an oversight.

The revolutionary bit about “consent of the governed” posed an especially delicate problem for the Founders. Almost all owned slaves or were masters of property-less tenants or domestic servants, including their wives none of whom could offer their legal consent even if they wished to do so. Thus the Founders shrewdly considered it unnecessary to include any voting rights in the new republic they planned to rule, uncontested by the disenfranchised lower castes.

Did this result in the land of the free, with liberty and justice for all? Let’s see.

Under the U.S. Constitution, Americans were sentenced to death for protesting unfair taxes; journalists and citizens imprisoned for criticizing government officials; citizens’ property seized illegally; workers murdered by government agents; thousands jailed without the “privilege” of *habeas corpus*; entire states deprived of civilian courts; untold numbers of American Indians defrauded of

liberty and property; debt-peonage and debtors' prisons flourished, as did slavery and child labor; and the majority of the public was denied the vote.

All this was considered constitutional by the Founders. None of these outrages, please note, was the result of "progressivism," which had yet to be articulated, and all were common prior to the New Deal and the advent of so-called Big Government. Was this the face of "limited government?"

No, it was not. The concept of a democratically "limited government" was not for a moment entertained by our Founders, nor is it by those who idolize them today. With few exceptions, the Founders were Eighteenth Century patricians who took a revolutionary gamble meant chiefly to perpetuate their privileges, free from English colonial overlordship. It should come as no surprise these elitists drafted a Constitution that posed no threat to aristocracy.

'Limited Government' as Act of Faith

The original Constitution of the United States of America was just so much ink on paper. The Constitution, as it stands today, is just a lot more ink on paper.

But the Constitution's ink is important and deserves respect because it represents nothing less than the collective civic conscience of the American people. A great many Americans have dedicated their lives in trust to that conscience on battlefields, in classrooms, in everyday civic life, and even a few in the halls of power.

It is evident that most of the Amendments to the original Constitution as well as the Supreme Court's decisions interpreting its scope and purpose were made because the document had over the course of time been found wanting by the American people, whose common interests it was not originally intended to serve. As the collective civic conscience of the people changed, so too did their interpretation of self-government.

But the entire concept of social evolution (much less biological evolution) is something the ultra-Conservative rank-and-file likely does not comprehend and it is not something their leaders encourage them to consider. The reason for this may have less to do with politics than with fundamentalist faith.

An anecdote in point: the editor-in-chief at Random House once asked the extremist libertarian Ayn Rand if she would consider revising a passage in one of her manuscripts. She reportedly replied, "Would you consider revising the Bible?"

Ergo, that which is sacrosanct neither requires nor will tolerate change to include the fantasized "limited government" of the immortalized "Founding

Fathers.” The fact that Rand was a noted atheist only underscores the point that fundamentalist faith is not restricted to any particular brand of fanaticism.

Yet the Constitution’s conception was anything but immaculate. It was not carted down from the Mount in tablets of stone, nor is it the product of some mysterious Natural Law interpretable only by libertarian gurus. And whether its meaning is best exemplified by the Tea Party flag depicting a talking snake (“Don’t Tread on Me”), perhaps only Eve could judge with authority.

The Constitution is not a holy book, and there is no good reason for anybody to treat it like one. The men who wrote it were not prophets, nor were they particularly virtuous, though some could turn a pretty phrase. In fact, the Constitution’s most unholy-book characteristic is its most welcomed attribute: its readers are not required to believe in its infallibility in order for it to make sense to them.

But we are required to read the Constitution if we want to know what it says. The ultra-conservatives’ obsession with a constitutionally “limited government,” which has never actually existed, suggests they do not understand the Constitution as much as they merely idolize it.

These constitutional “fundamentalists” along with the American public in general would do better to pick the document up and read it sometime, not fall on bended knee before it and expect the rest of us to follow their example.

Jada Thacker, Ed.D is a Vietnam veteran and author of *Dissecting American History*. He teaches U.S. History at a private institution in Texas. Contact: jadathacker@sbcglobal.net

Thomas Jefferson: America’s Founding Sociopath

From the Archive: When Robert Parry’s article was posted two years ago, the Thomas Jefferson v. Alexander Hamilton debate vastly favored Jefferson, but the hit Broadway musical “Hamilton” has brought new realism about Jefferson’s ugly side.

.By Robert Parry (Originally posted July 4, 2014)

On July Fourth, the people of the United States extravagantly celebrate the high-blown expressions on human rights that Thomas Jefferson penned in the

Declaration of Independence especially the noble phrase “all men are created equal.” But Jefferson really didn’t believe that or much else that he said and wrote during his lifetime. He was, in reality, a skilled propagandist and a world-class hypocrite.

Yet, rather than subject Jefferson to a rigorous examination for his multiple hypocrisies, many Americans insist on protecting Jefferson’s reputation. From the Left, there is a desire to shield the lofty principles contained in the Declaration. From the Right, there is value in pretending that Jefferson’s revisionist concept of the Constitution, one favoring states’ rights over the federal government was the “originalist” view of that founding document.

So, Jefferson perhaps more than any figure in U.S. history gets a pass for what he really was: a self-absorbed aristocrat who had one set of principles for himself and another for everybody else.

Beyond the glaring contradiction between his “all men are created equal” pronouncement and his racist views on African-American slaves, he also lectured others about the need for frugality and the avoidance of debt while he lived a life of personal extravagance and was constantly in arrears to creditors.

Jefferson also wrote provocatively that “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.” That is one of Jefferson’s famous quotes repeated endlessly these days by both the right-wing Tea Party and would-be leftist revolutionaries.

But Jefferson’s bravado was more a rhetorical flourish than a principle that he was ready to live or die by. In 1781, when he had a chance to put his own blood where his mouth was, when a Loyalist force led by the infamous traitor Benedict Arnold advanced on Richmond, Virginia, then-Gov. Jefferson fled for his life on the fastest horse he could find.

Jefferson hopped on the horse and fled again when a British cavalry force under Lt. Col. Banastre Tarleton approached Charlottesville and Monticello. Gov. Jefferson abandoned his neighbors in Charlottesville and left his slaves behind at Monticello to deal with the notoriously brutal Tarleton.

In other words, Jefferson may have been America’s original “chicken hawk,” talking cavalierly about other people’s blood as the “manure” of liberty but finding his own too precious to risk. Nevertheless, Jefferson later built his political career by questioning the revolutionary commitment of Alexander Hamilton and even George Washington, who repeatedly did risk their lives in fighting for American liberty.

But what Jefferson’s many apologists have most desperately tried to obscure was

his wretched record on race. Some pro-Jefferson scholars still talk about his rhapsodic depictions of the natural beauty of Virginia in his *Notes on the State of Virginia*, but they skirt the book's sickening racism, including his pseudo-science of assessing physiological and mental traits of African-Americans to prove that all men were not created equal.

A Question of Rape

For generations, these apologists also have challenged slave Sally Hemings's late-in-life remembrance to one of her sons, Madison Hemings, describing how Jefferson had imposed himself on her sexually in Paris after she arrived in 1787 as a teen-age slave girl attending one of his daughters.

According to Madison Hemings's account, his mother "became Mr. Jefferson's concubine [in Paris]. And when he was called back home she was *enciante* [pregnant] by him." Jefferson was insistent that Sally Hemings return with him, but her awareness of the absence of slavery in France gave her the leverage to insist on a transactional trade-off; she would continue to provide sex to Jefferson in exchange for his promise of good treatment and the freedom of her children when they turned 21, Madison Hemings said.

The traditional defense of Jefferson was to portray Sally Hemings as a promiscuous vixen who lied about her relationship with the Great Man to enhance her humble standing. After all, whose word would you believe, that of the estimable Jefferson who publicly decried race mixing or a lowly African-American slave girl?

For decades, the defenders stuck to that dismissive response despite the curious coincidence that Hemings tended to give birth nine months after one of Jefferson's visits to Monticello and the discovery of male Jefferson DNA in Hemings's descendants.

Still, the Jefferson apologists raised finicky demands for conclusive proof of the liaison, as if it were absurd to envision that a relatively young man then in his mid-40s, a widower since his wife died in 1782, would have initiated a sexual relationship with an African-American female, even an attractive light-skinned mulatto like Hemings (who was the illegitimate daughter of Jefferson's father-in-law and thus Jefferson's late wife's half-sister)..

Though it's true that unequivocal evidence does not exist – Hemings did not save a semen-stained blue dress so it could later be subjected to DNA analysis – historians have increasingly come to accept the reality of Jefferson's sexual relationship with his young slave girl who was only 14 when she moved into Jefferson's residence in Paris.

So, with this ground shifting under Jefferson's defensive lines, his apologists retreated to a new position, that the relationship was a true love affair. Hemings was transformed into a kind of modern-day independent woman making her own choices about matters of the heart.

However, given her age and her status as Jefferson's property the relationship could be more accurately described as serial rape.

But the reality may be even worse. Recent historical examinations of records at Jefferson's Monticello plantation have provided support for contemporaneous accounts of Jefferson having sexual relations with at least one other slave girl beside Hemings and possibly more.

Fathering of Slaves

Some scholars, such as historian Henry Wiencek in his 2012 book, *Master of the Mountain: Thomas Jefferson and His Slaves*, give credence to old reports about Jefferson having a direct role in populating Monticello by fathering his own dark-skinned lookalikes.

"In ways that no one completely understands, Monticello became populated by a number of mixed-race people who looked astonishingly like Thomas Jefferson," wrote Wiencek. "We know this not from what Jefferson's detractors have claimed but from what his grandson Jeff Randolph openly admitted. According to him, not only Sally Hemings but another Hemings woman as well 'had children which resembled Mr. Jefferson so closely that it was plain that they had his blood in their veins.'

"Resemblance meant kinship; there was no other explanation. Since Mr. Jefferson's blood was Jeff's blood, Jeff knew that he was somehow kin to these people of a parallel world. Jeff said the resemblance of one Hemings to Thomas Jefferson was 'so close, that at some distance or in the dusk the slave, dressed in the same way, might be mistaken for Mr. Jefferson.'"

During a dinner at Monticello, Jeff Randolph recounted a scene in which a Thomas Jefferson lookalike was a servant tending to the table where Thomas Jefferson was seated. Randolph recalled the reaction of one guest:

"In one instance, a gentleman dining with Mr. Jefferson, looked so startled as he raised his eyes from the latter to the servant behind him, that his discovery of the resemblance was perfectly obvious to all."

In the 1850s, Jeff Randolph told a visiting author that his grandfather did not hide the slaves who bore these close resemblances, since Sally Hemings "was a house servant and her children were brought up house servants so that the

likeness between master and slave was blazoned to all the multitudes who visited this political Mecca” and indeed a number of visitors did make note of this troubling reality.

Even Jefferson admirer Jon Meacham accepted the truth of the Hemings liaison in *Thomas Jefferson: The Art of Power*. Meacham cited a quote from Elijah Fletcher, a visitor from Vermont: “The story of Black Sal is no farce That he cohabits with her and has a number of children by her is a sacred truth and the worst of it is, he keeps the same children slaves an unnatural crime which is very common in these parts This conduct may receive a little palliation when we consider that such proceedings are so common that they cease here to be disgraceful.”

Meacham observed that Jefferson “was apparently able to consign his children with Sally Hemings to a separate sphere of life in his mind even as they grew up in his midst. It was, to say the least, an odd way to live, but Jefferson was a creature of his culture.

“‘The enjoyment of a negro or mulatto woman is spoken of as quite a common thing: no reluctance, delicacy or shame is made about the matter,’ Josiah Quincy Jr. of Massachusetts wrote after a visit to the Carolinas. This was daily reality at Monticello.”

This “daily reality” was also a troubling concern among Jefferson’s white family though the Great Man would never confirm or deny his parentage of a number of Monticello’s slaves.

“Frigid indifference forms a useful shield for a public character against his political enemies, but Jefferson deployed it against his own daughter Martha, who was deeply upset by the sexual allegations against her father and wanted a straight answer *Yes or no?* an answer he would not deign to give,” wrote Wiencek.

Before his death, Jefferson did free several of Sally Hemings’s children or let them run away presumably fulfilling the commitment made in Paris before Hemings agreed to return to Monticello to remain his slave concubine. “Jefferson went to his grave without giving his family any denial of the Hemings charges,” Wiencek wrote.

The historical record increasingly makes Jefferson out to be a serial rapist, exploiting at least one and possibly more girls who were trapped on his property, who indeed were his property, and thus had little choice but to tolerate his sexual advances.

Whipping the Children

The evidence of Jefferson’s sexual predations must also be viewed in the context

of his overall treatment of his slaves at Monticello. Though Jefferson's apologists pretend that he was a kind master distressed over the inequities of a slave system that he could somehow neither correct nor escape, the latest evidence – much of it concealed for generations to protect Jefferson's image – reveal him to be a cruel slave-owner who carefully calculated the net worth that his human chattel provided him and having boys as young as 10 whipped.

Some of Jefferson's mistreatment of his slaves derived from another of his hypocrisies, his views about simplicity and solvency. As historian John Chester Miller wrote in his 1977 book, *The Wolf by the Ears*, "To Jefferson, the abandon with which Americans rushed into debt and squandered borrowed money upon British 'gew-gaws' and 'trumpery' vitiated the blessings of peace.

"From Paris an unlikely podium from which to sermonize Jefferson preached frugality, temperance, and the simple life of the American farmer. Buy nothing whatever on credit, he exhorted his countrymen, and buy only what was essential. 'The maxim of buying nothing without money in our pocket to pay for it,' he averred, 'would make of our country (Virginia) one of the happiest upon earth.'

"As Jefferson saw it, the most pernicious aspect of the postwar preoccupation with pleasure, luxury, and the ostentatious display of wealth was the irremediable damage it did to 'republican virtue.'"

But Jefferson himself amassed huge debts and lived the life of a *bon vivant*, spending way beyond his means. In Paris, he bought fancy clothes, collected fine wines, and acquired expensive books, furniture and artwork. It was, however, his slaves back at Monticello who paid the price for his excesses.

"Living in a style befitting a French nobleman, his small salary often in arrears, and burdened by debts to British merchants which he saw no way of paying, Jefferson was driven to financial shifts, some of which were made at the expense of his slaves. In 1787, for example, he decided to hire out some of his slaves a practice he had hitherto avoided because of the hardship it wreaked upon the slaves themselves," Miller wrote.

Upon returning to the United States, Jefferson reinvented himself as a more modestly attired republican, but his tastes for the grandiose did not abate. He ordered elaborate renovations to Monticello, which deepened his debt and compelled his slaves to undertake strenuous labor to implement Jefferson's ambitious architectural designs.

Needing to squeeze more value from his slaves, Jefferson was an aggressive master, not the gentle patrician that his apologists have long depicted.

According to historian Wiencek, Jefferson "directed his manager, Nicholas Lewis,

to extract 'extraordinary exertions' of labor from the slaves to stay current with his debt payments. Some slaves had endured years of harsh treatment at the hands of strangers, for to raise cash, Jefferson had also instructed Lewis to hire out slaves. He demanded extraordinary exertions from the elderly: 'The negroes too old to be hired, could they not make a good profit by cultivating cotton?'"

Jefferson was callous as well toward his young slaves. Reviewing long-neglected records at Monticello, Wiencek noted that one plantation report to Jefferson recounted that the nail factory was doing well because "the small ones" ages 10, 11 and 12 were being whipped by overseer, Gabriel Lilly, "for truancy."

His plantation records also show that he viewed fertile female slaves as exceptionally valuable because their offspring would increase his assets and thus enable him to incur more debt. He ordered his plantation manager to take special care of these "breeding" women.

"A child raised every 2. years is of more profit than the crop of the best laboring man," Jefferson wrote. "[I]n this, as in all other cases, providence has made our duties and our interests coincide perfectly."

According to Wiencek, "The enslaved people were yielding him a bonanza, a perpetual human dividend at compound interest. Jefferson wrote, 'I allow nothing for losses by death, but, on the contrary, shall presently take credit four per cent. per annum, for their increase over and above keeping up their own numbers.' His plantation was producing inexhaustible human assets. The percentage was predictable."

To justify this profiting off slavery, Jefferson claimed that he was merely acting in accordance with "Providence," which in Jefferson's peculiar view of religion always happened to endorse whatever action Jefferson wanted to take.

Twisting the Founding Narrative

Yet, while Jefferson's rationalizations for slavery were repugnant, his twisting of the Founding Narrative may have been even more significant and long-lasting, setting the nation on course for the Civil War, followed by a near century of segregation and carrying forward to the present day with the Tea Party's claims that states are "sovereign" and that actions by the federal government to promote the general welfare are "unconstitutional."

The reason the Tea Partiers get away with presenting themselves as "conservative constitutionalists" is that Thomas Jefferson engineered a revisionist interpretation of the Founding document, which as written by the Federalists and ratified by the states created a federal government that could do almost

anything that Congress and the President agreed was necessary for the good of the country.

That was the constitutional interpretation of both the Federalists and the Anti-Federalists, who mounted a fierce though unsuccessful campaign to defeat the Constitution's ratification because they recognized how powerful the Constitution's federal government was. [For details, see Consortiumnews.com's "[The Right's Made-up 'Constitution.'](#)"]

Southern Anti-Federalists, such as Patrick Henry and George Mason, argued that the Constitution, though it implicitly accepted slavery, would eventually be used by the North to free the slaves. Or, as Patrick Henry colorfully told Virginia's ratifying convention in 1788, "they'll free your niggers!"

Though the Constitution eked through to passage, the fear of Southern plantation owners that they would lose their huge investment in human chattel did not disappear. Indeed, their trepidation intensified as it became clear that many leading Federalists, including the new government's chief architect Alexander Hamilton, were ardent abolitionists. Hamilton had grown up poor in the West Indies and witnessed first-hand the depravity of slavery.

By contrast, Jefferson had grown up the pampered son of a major Virginia slave-owner, but he developed his own critical view of the evils of slavery. As a young politician, Jefferson had cautiously and unsuccessfully backed some reforms to ameliorate the injustices. In a deleted section of his draft of the Declaration of Independence, Jefferson had denounced slavery, citing it as one of King George III's crimes.

However, after the Revolution, Jefferson recognized that any anti-slavery position would destroy his political viability among his fellow plantation owners in the South. While in Paris as the U.S. representative, Jefferson rebuffed offers to join the abolitionist *Amis des Noirs* because by associating with abolitionists he would impair his ability to do "good" in Virginia, historian John Chester Miller noted, adding:

"Jefferson's political instinct proved sound: as a member of the *Amis des Noirs* he would have been a marked man in the Old Dominion."

Self-Interest Over Principle

With his personal financial and political interests aligned with the perpetuation of slavery, Jefferson emerged as the most important leader of the slave South, seeking to reinterpret the Constitution to blunt the potential that the federal government might eventually outlaw slavery.

So, in the 1790s, as Alexander Hamilton and the Federalists worked to create the new government that the Constitution had authorized, Jefferson's counter-movement emerged to reassert states' rights as defined by the earlier Articles of Confederation, which the Constitution had obliterated.

Jefferson skillfully reframed the Constitution's powers not by asserting an explicit defense of slavery but by voicing resistance to a strong central government and reasserting the primacy of the states. Though Jefferson had played no role in drafting the Constitution or the Bill of Rights – he was in Paris at the time – he simply interpreted the Constitution as he wished, similar to his frequent invocation of Providence as always favoring whatever he wanted.

Most significantly, Jefferson developed the concept of "strict construction," insisting that the federal government could only perform functions specifically mentioned in the text of the Constitution, such as coining money, setting up post offices, etc. Though Jefferson's concept was silly because the Framers understood that the young country would face unanticipated opportunities and challenges that the government would have to address, Jefferson built a potent political party to make his idea stick.

Jefferson's strategy was to simply ignore the Constitution's clear language, particularly its mandate in Article I, Section 8 that Congress "provide for the general Welfare of the United States" and its grant to Congress the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States."

Jefferson simply insisted that the Framers hadn't meant what the Framers had written. Jefferson went even further and reaffirmed the concept of state sovereignty and independence that George Washington, James Madison and other Framers had despised and intentionally expunged when they threw out the Articles of Confederation. The Constitution had shifted national sovereignty away from the states to "We the People of the United States."

Despite the Constitution's explicit reference to making federal law "the supreme law of the land," Jefferson exploited the lingering resentments over ratification to reassert the states' supremacy over the federal government. Often working behind the scenes even while serving as Vice President under President John Adams Jefferson promoted each state's right to nullify federal law and even to secede from the Union.

Aiding Jefferson's cause was the shifting allegiances of James Madison, an early Federalist who had been tapped by Washington to be the principal architect of the Constitution. However, like Jefferson, Madison was a major Virginian

slaveholder who recognized that both his political future and his personal fortune were dependent on the continuation of slavery.

So, Madison sold out his earlier Federalist allies and shifted his allegiance to his neighbor, Jefferson. Madison's break with Washington and Hamilton gave Jefferson's revisionist take on the Constitution a patina of legitimacy given Madison's key role as one of the Framers.

Jefferson spelled out this political reality in a 1795 letter to Madison in which Jefferson cited what he called "the Southern interest," because, as author Jon Meacham observed, "the South was his personal home and his political base." It was the same for Madison. [For more on Madison's role, see Consortiumnews.com's ["The Right's Dubious Claim to Madison."](#)]

Warring with the Federalists

In his rise to power, Jefferson waged a nasty propaganda war against the Federalists as they struggled to form a new government and endeavored to stay out of a renewed conflict between Great Britain and France. Jefferson secretly funded newspaper editors who spread damaging personal rumors about key Federalists, particularly Hamilton who as Treasury Secretary was spearheading the new government's formation.

Jefferson's governmental actions almost always dovetailed with the interests of slaveholders and his own personal finances. For instance, as Secretary of State during Washington's first term, Jefferson protested the Federalists' disinterest in pursuing compensation from Great Britain for slaves freed during the Revolutionary War, a high priority for Jefferson and his plantation-owning allies. Jefferson correctly perceived that Hamilton and John Jay, two staunch opponents of slavery, had chosen not to make compensation a high priority.

Also Jefferson's interest in siding with France against Great Britain was partly colored by his large financial debts owed to London lenders, debts that might be voided or postponed if the United States went to war against Great Britain.

Then, in the latter 1790s with French agents aggressively intervening in U.S. politics to push President John Adams into that war against Great Britain, the Federalist-controlled Congress passed the Alien and Sedition Acts, which Jefferson's political movement deftly exploited to rally opposition to the overreaching Federalists.

By the election of 1800, Jefferson had merged his political base in the slave-economy South with an anti-Federalist faction in New York to defeat Adams for reelection. The three-fifths clause, a concession by the Constitutional Convention to the South allowing slaves to be counted as three-fifths of a

person for the purpose of representation, proved crucial to Jefferson's victory.

As President, Jefferson took more actions that advanced the cause of his slaveholding constituency, largely by solidifying his "states' rights" interpretation of the Constitution. But Jefferson and his revisionist views faced a formidable opponent in Supreme Court Chief Justice John Marshall, a fellow Virginian though one who considered slavery the likely ruin of the South.

As historian Miller wrote: "While Jefferson could account for Hamilton a West Indian 'adventurer' goaded by ambition, unscrupulous in attaining his ends, and wholly devoid of state loyalties he could not understand how John Marshall, a Virginian who, under happier circumstances, Jefferson might have called 'cousin John,' could cast off all feeling for his 'country' (i.e. Virginia) and go over to the 'enemy'

"As Marshall saw it, Jefferson was trying to turn the clock back to the Articles of Confederation a regression that would totally paralyze the federal government. 'The government of the whole will be prostrated at the feet of the members [the states],' Marshall predicted, 'and the grand effort of wisdom, virtue, and patriotism, which produced it, will be totally defeated.'

"The question of slavery never bulked larger on Jefferson's horizon than when John Marshall, from the eminence of the Supreme Court, struck down acts of the state legislatures and aggrandized the powers of the federal government. For slavery could not be divorced from the conflict between the states and the general government: as the Supreme Court went, so might slavery itself go.

"States' rights were the first line of defense of slavery against antislavery sentiment in Congress, and Jefferson had no intention of standing by idly while this vital perimeter was breached by a troop of black-robed jurists."

Selling Out the Haitians

Jefferson also reversed the Federalists' support for the slave rebellion in St. Domingue (now Haiti), which had overthrown a ruthlessly efficient French plantation system that had literally worked the slaves to death. The violence of that revolution on both sides shocked Jefferson and many of his fellow slaveholders who feared that the rebellion might inspire American blacks to rise up next.

Alexander Hamilton, who despised slavery from his experience growing up in the West Indies, assisted the black slave leader, the self-taught and relatively moderate Toussaint L'Ouverture, in drafting a constitution, and the Adams administration sold weapons to the former slaves.

After taking over the White House, however, President Jefferson reversed those Federalist policies. He conspired secretly with the new French dictator Napoleon Bonaparte on a French plan to retake St. Domingue with an expeditionary force that would re-enslave the blacks. Jefferson only learned later that Napoleon had a second phase of the plan, to move to New Orleans and build a new French colonial empire in the heart of North America.

Napoleon's army succeeded in capturing L'Ouverture, who was taken to France and killed, but L'Ouverture's more radical followers annihilated the French army and declared their independence as a new republic, Haiti.

The Haitians' bloody victory had important consequences for the United States as well. Stopped from moving on to New Orleans, Napoleon decided to sell the Louisiana Territories to Jefferson, who thus stood to benefit from the Haitian freedom fighters whom Jefferson had sold out. Still fearing the spread of black revolution, Jefferson also organized a blockade of Haiti, which helped drive the war-torn country into a spiral of violence and poverty that it has never escaped.

However, Jefferson also faced a constitutional quandary, since he had espoused the ludicrous notion of "strict construction" and there was no specific constitutional language authorizing the purchase of new lands. The solution for Jefferson, the consummate hypocrite, was simply to violate his own principle and proceed with the Louisiana Purchase.

This vast new territory also opened up huge opportunities for Southern slaveholders, especially because the Constitution had called for the end of slave importation in 1808, meaning that the value of the domestic slave trade skyrocketed. That was especially important for established slave states like Virginia where the soil for farming was depleted.

Breeding slaves became a big business for the Commonwealth and enhanced Jefferson's personal net worth, underscoring his notations about valuing female "breeder" slaves even above the strongest males.

Inviting the Civil War

But the danger to the nation was that spreading slavery to the Louisiana Territories and admitting a large number of slave states would worsen tensions between North and South.

As Miller wrote, "Jefferson might have averted the struggle between the North and South, free and slave labor, for primacy in the national domain the immediate, and probably the only truly irrepressible, cause of the Civil War. Instead, Jefferson raised no objections to the continued existence of slavery in

the Louisiana Purchase.

“Had he the temerity to propose that Louisiana be excluded from the domestic slave trade he would have encountered a solid bloc of hostile votes from south of the Mason-Dixon line. Jefferson was fond of saying that he never tilted against windmills, especially those that seemed certain to unhorse him. Jefferson neither took nor advocated any action that would weaken slavery among the tobacco and cotton producers in the United States.”

Indeed, keeping the new territories and states open to slavery became a major goal of Jefferson as President and after he left office.

Miller wrote, “In the case of the federal government, he could easily imagine circumstances perhaps they had already been produced by John Marshall which justified [the South’s] secession: among them was the emergence of a central government so powerful that it could trample willfully upon the rights of the states and destroy any institution, including slavery, which it judged to be immoral, improper, or inimical to the national welfare as defined by Washington, D.C.

“Confronted by such a concentration of power, Jefferson believed that the South would have no real option but to go its own way.”

Miller continued, “As the spokesman of a section whose influence was dwindling steadily in the national councils and which was threatened with the ‘tyranny’ of a consolidated government dominated by a section hostile to the institutions and interests of the South, Jefferson not only took the side of slavery, he demanded that the right of slavery to expand at will everywhere in the national domain be acknowledged by the Northern majority.”

In the last major political fight of his life, Jefferson battled Northern efforts to block the spread of slavery into Missouri. “With the alarm bell sounding in his ears, Jefferson buckled on the armor of Hector and took up the shield of states’ rights,” wrote Miller. “Jefferson, in short, assumed the accoutrements of an ardent and an uncompromising champion of Southern rights. Possessed by this martial spirit, Jefferson now asserted that Congress had no power over slavery in the territories.

“Now he was willing to accord Congress power only to protect slavery in the territories and he converted the doctrine of states’ rights into a protective shield for slavery against interference by a hostile federal government. He was no longer concerned primarily with civil liberties or with the equalization of the ownership of property but in insuring that slave-owners were protected in the full plentitude of their property rights.

“The Missouri dispute seemed to mark the strange death of Jeffersonian liberalism.”

Rationalizing Slavery

Jefferson’s fight to extend slavery into Missouri also influenced his last notable personal achievement, the founding of the University of Virginia. He saw the establishment of a first-rate educational institution in Charlottesville, Virginia, as an important antidote to elite Northern schools influencing the Southern aristocracy with ideas that could undermine what Jefferson dubbed “Missourism,” or the right of all states carved from the Louisiana Territories to practice slavery.

Jefferson complained that Southern men, who traveled North for their college education, were infused with “opinions and principles in discord with those of their own country,” by which he meant the South, Miller wrote, adding:

“Particularly if they attended Harvard University, they returned home imbued with ‘anti-Missourism,’ dazzled by the vision of ‘a single and splendid government of an aristocracy, founded on banking institutions and moneyed corporations’ and utterly indifferent to or even contemptuous of the old-fashioned Southern patriots who still manned the defenses of freedom, equality, and democracy”, revealing again how words in Jefferson’s twisted world had lost all rational meaning. Slavery became “freedom, equality, and democracy.”

The Missouri Compromise of 1820 that barred slavery in new states north of the 36-degree-30 parallel “made the creation of such a center of learning imperative” to Jefferson, wrote Miller, thus driving his determination to make the University of Virginia a Southern school that would rival the great colleges of the North and would train young Southern minds to resist federal “consolidationism.”

Even the Jefferson-admiring Meacham noted the influence of the Missouri dispute in Jefferson’s zeal to launch his university in Charlottesville. “The Missouri question made Jefferson even more eager to get on with the building of the University of Virginia for he believed the rising generation of leaders should be trained at home, in climes hospitable to his view of the world, rather than sent north,” Meacham wrote.

In short, Jefferson had melded the twin concepts of slavery and states’ rights into a seamless ideology. As Miller concluded, “Jefferson began his career as a Virginian; he became an American; and in his old age he was in the process of becoming a Southern nationalist.”

When he died on July 4, 1826, a half century after the Declaration of

Independence was first read to the American people, Jefferson had set the nation on course for the Civil War.

However, even to this day, Jefferson's vision of "victimhood" for white Southerners seeing themselves as persecuted by Northern power – yet blinded to the racist cruelty that they inflict on blacks – remains a powerful motivation for white anger, now spreading beyond the South.

Today, we see Jefferson's racist legacy in the nearly deranged hatred directed at the first African-American president and in the unbridled fury unleashed against the federal government that Barack Obama heads.

As unpleasant as it may be for Americans who prefer especially on July Fourth to ponder the pleasant image of Jefferson as the aristocratic republican with a taste for fine art and a fondness for free-thinking, it is well past time to look at the Declaration's author as the person he really was, America's founding sociopath.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

How Scalia Distorts the Framers

From the Archive: The late Supreme Court Justice Scalia put his right-wing ideology above any respect for the Constitution's Framers, even resorting to a made-up view attributed to Alexander Hamilton in Scalia's dissent to the landmark upholding of the Affordable Care Act, wrote Robert Parry in 2012.

By Robert Parry (Originally published on July 4, 2012)

Antonin Scalia and the three other right-wing justices who sought to strike down health-care reform cited no less an authority on the Constitution than one of its key Framers, Alexander Hamilton, as supporting their concern about the overreach of Congress in regulating commerce.

In their angry [dissent](#) on June 28, 2012, the four wrote: "If Congress can reach out and command even those furthest removed from an interstate market to participate in the market, then the Commerce Clause becomes a font of unlimited

power, or in Hamilton's words, 'the hideous monster whose devouring jaws . . . spare neither sex nor age, nor high nor low, nor sacred nor profane.'" They footnoted Hamilton's Federalist Paper No. 33.

That sounds pretty authoritative, doesn't it? Here's Hamilton, one of the strongest advocates for the Constitution, offering a prescient warning about "Obamacare" from the distant past of 1788. Except that Scalia and his cohorts are misleading you. In effect, they turned Hamilton's observation inside out.

In Federalist Paper No. 33, Hamilton was not writing about the Commerce Clause. He was referring to clauses in the Constitution that grant Congress the power to make laws that are "necessary and proper" for executing its powers and that establish federal law as "the supreme law of the land."

Hamilton also wasn't condemning those powers, as Scalia and his friends would have you believe. Hamilton was defending the two clauses by poking fun at the Anti-Federalist alarmists who had stirred up opposition to the Constitution with warnings about how it would trample America's liberties. In the cited section of No. 33, Hamilton is saying the two clauses had been unfairly targeted by "virulent invective and petulant declamation."

It is in that context that Hamilton complains that the two clauses "have been held up to the people in all the exaggerated colors of misrepresentation as the pernicious engines by which their local governments were to be destroyed and their liberties exterminated; as the hideous monster whose devouring jaws would spare neither sex nor age, nor high nor low, nor sacred nor profane."

In other words, Scalia and the three other right-wingers did not only apply Hamilton's comments to the wrong section of the Constitution but reversed their meaning. Hamilton was mocking those who were claiming that these clauses would be "the hideous monster."

Twisting the Framers

It is ironic indeed that Hamilton's words, countering alarmist warnings from his era's conservatives, would be distorted by this era's conservatives to spread new alarms about the powers of the Constitution.

Scalia's distortion also underscores a larger tendency on the Right to fabricate a false founding narrative that transforms key advocates for a strong central government the likes of Alexander Hamilton and James Madison into their opposites, all the better to fit with the Tea Party's fictional storyline.

Of course, Scalia's deception would be an easy sell to typical Tea Party advocates, whose certainty about their made-up history would be reinforced as

they pretend to stand with the Framers, complete with tri-corner hats from costume shops and bright-yellow “Don’t Tread on Me” flags.

Indeed, the Scalia-authored dissent reads more like a Tea Party manifesto than a carefully reasoned legal argument. The dissent sees the Affordable Care Act, which seeks to impose some rationality on America’s chaotic health-insurance system, as a step toward a despotic scheme that would “make mere breathing in and out the basis for federal prescription and to extend federal power to virtually all human activity.”

Some Supreme Court watchers even suspect that it may have been Scalia’s intemperate tone that pushed Chief Justice John Roberts from a position of initially rejecting the Affordable Care Act outright as an unconstitutional use of the Commerce Clause to supporting its constitutionality under congressional taxing powers.

The four more liberal justices endorsed the law’s constitutionality under the Commerce Clause but also joined with Roberts on his tax conclusion, thus upholding the law and sending Scalia and his three right-wing cohorts Anthony Kennedy, Clarence Thomas and Samuel Alito into a further paroxysm of rage.

What becomes clear in reading the dissent is that not only do the right-wing justices misrepresent the views of the Framers regarding the Commerce Clause, these justices misunderstand a central reality of why the Framers wrote the Constitution in 1787. The Framers junked the states-rights-oriented Articles of Confederation in favor of the Constitution because they *wanted* to solve the nation’s problems.

Founding Pragmatists

Led by James Madison and George Washington, the drafters of the Constitution crafted a profoundly pragmatic document, filled not only with political compromises to pull together the 13 squabbling states but looking for practical solutions to address the challenges of a new, sprawling and disparate nation.

The Commerce Clause, which grants Congress the power to regulate interstate commerce, was not some afterthought but rather one of Madison’s most cherished ideas, as Justice Ruth Bader Ginsburg noted in her opinion on behalf of the Court’s four more liberal members.

Citing a 1983 ruling entitled *EEOC v. Wyoming*, Ginsburg noted that “the Commerce Clause, it is widely acknowledged, ‘was the Framers’ response to the central problem that gave rise to the Constitution itself.’”

That problem was a lack of national coordination on economic strategy, which

hindered the country's development and made the nation more vulnerable to commercial exploitation by European powers, which looked to divide and weaken the newly independent United States.

Ginsburg wrote: "Under the Articles of Confederation, the Constitution's precursor, the regulation of commerce was left to the States. This scheme proved unworkable, because the individual States, understandably focused on their own economic interests, often failed to take actions critical to the success of the Nation as a whole."

The Articles of Confederation, which governed the country from 1777 to 1787, had explicitly asserted the "independence" and "sovereignty" of the 13 individual states, making the central government essentially a supplicant to the states for necessary financial support.

After watching the Continental Army suffer when the states reneged on promised funds, General Washington felt a visceral contempt for the concept of sovereign and independent states. He became a strong supporter of Madison's idea of a stronger central government, including one with the power to regulate commerce.

In 1785, Madison proposed a Commerce Clause as an amendment to the Articles, with Washington's strong support. "We are either a united people, or we are not," Washington wrote. "If the former, let us, in all matters of a general concern, act as a nation which have national objects to promote, and a national character to support. If we are not, let us no longer act a farce by pretending it to be."

Alexander Hamilton, who had served as Washington's chief of staff in the Continental Army, explained the commerce problem this way: "[Often] it would be beneficial to all the states to encourage, or suppress, a particular branch of trade, while it would be detrimental . . . to attempt it without the concurrence of the rest."

Madison himself wrote, regarding the failings of the Articles, that as a result of the "want of concert in matters where common interest requires it," the "national dignity, interest, and revenue [have] suffered."

However, Madison's commerce amendment failed in the Virginia legislature. That led him to seek an even more radical solution scrapping the Articles altogether and replacing them with a new structure with a powerful central government whose laws would be supreme and whose powers would extend to coordinating a strategy of national commerce.

Building the Framework

As Madison explained to fellow Virginian Edmund Randolph in a letter of April 8, 1787, as members of the Constitutional Convention were gathering in Philadelphia, what was needed was a “national Government . . . armed with a positive & compleat authority in all cases where uniform measures are necessary.”

On May 29, 1787, the first day of substantive debate at the Constitutional Convention, it fell to Randolph to present Madison’s framework. The Commerce Clause was there from the start.

Madison’s convention notes on Randolph’s presentation recount him saying that “there were many advantages, which the U. S. might acquire, which were not attainable under the confederation such as a productive impost [or tax] counteraction of the commercial regulations of other nations pushing of commerce ad libitum &c &c.”

In other words, the Founders at their most “originalist” moment understood the value of the federal government taking action to negate the commercial advantages of other countries and to take steps for “pushing of [American] commerce.” The “ad libitum &c &c” notation suggests that Randolph provided other examples off the top of his head.

Historian Bill Chapman has summarized Randolph’s point as saying “we needed a government that could co-ordinate commerce in order to compete effectively with other nations.”

So, from the very start of the debate on a new Constitution, Madison and other key Framers recognized that a legitimate role of the U.S. Congress was to ensure that the nation could match up against other countries economically and could address problems impeding the nation’s economic strength and welfare.

This pragmatism imbued Madison’s overall structure even as he included intricate checks and balances to prevent any one branch of government from growing too dominant. The final product also reflected compromises between the large and small states over representation and between Northern and Southern states over slavery, but Madison’s Commerce Clause survived as one of the Constitution’s most important features.

However, the Constitution’s dramatic transfer of power from the states to the central government provoked a furious reaction from supporters of states’ rights. The Articles’ phrasing about state “sovereignty” and “independence” had been removed entirely, replaced with language making federal law supreme.

The Anti-Federalists recognized what had happened. As dissidents from the Pennsylvania delegation 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.”

Winning Ratification

As resistance to Madison’s federal power-grab spread and as states elected delegates to ratifying conventions Madison feared that his constitutional masterwork would go down to defeat or be subjected to a second convention that might remove important federal powers like the Commerce Clause.

So, Madison along with Alexander Hamilton and John Jay began a series of essays, called the Federalist Papers, designed to counter the fierce attacks by the Anti-Federalists against the broad assertion of federal power in the Constitution.

Madison’s strategy was essentially to insist that the drastic changes contained in the Constitution were not all that drastic, an approach he took both as a delegate to the Virginia ratifying convention and in the Federalist Papers. But Madison also touted the advantages of the Constitution and especially the Commerce Clause.

For instance, in Federalist Paper No. 14, Madison envisioned major construction projects under the powers granted by the Commerce Clause. “[T]he union will be daily facilitated by new improvements,” Madison wrote. “Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout the whole extent of the Thirteen States.

“The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.”

While ignoring Federalist Paper No. 14, today’s right-wingers are fond of noting Madison’s Federalist Paper No. 45, in which he tries to play down how radical a transformation, from state to federal power, he had engineered in the Constitution.

Rather than view this essay in context Madison finessing the opposition the modern Right seizes on Madison’s rhetorical efforts to deflect the Anti-Federalist attacks by claiming that some of the Constitution’s federal powers were contained in the Articles of Confederation, albeit in far weaker form.

In Federalist Paper No. 45, entitled “The Alleged Danger From the Powers of the

Union to the State Governments Considered," Madison wrote: "If the new Constitution be examined with accuracy, it will be found that the change which it proposes consists much less in the addition of NEW POWERS to the Union, than in the invigoration of its ORIGINAL POWERS."

Today's Right also trumpets Madison's summation, that "the powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

But the Right generally ignores another part of No. 45, in which Madison writes: "The regulation of commerce, it is true, is a new power; but that seems to be an addition which few oppose, and from which no apprehensions are entertained."

In his ruling joining with his fellow right-wing justices in rejecting the application of the Commerce Clause to the Affordable Care Act Chief Justice Roberts does mention that line from Federalist Paper No. 45. However, he spins Madison's meaning into a suggestion that the Commerce Clause should never contribute to any controversy.

Looking to the Future

However, what Madison's comments about the Commerce Clause actually demonstrated was a core reality about the Framers that, by and large, they were practical men seeking to build a strong and unified nation. They also viewed the Constitution as a flexible document designed to meet America's ever-changing needs, not simply the challenges of the late Eighteenth Century.

As Hamilton wrote in Federalist Paper No. 34, "we must bear in mind that we are not to confine our view to the present period, but to look forward to remote futurity. Constitutions of civil government are not to be framed upon a calculation of existing exigencies, but upon a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs.

"Nothing, therefore, can be more fallacious than to infer the extent of any power, proper to be lodged in the national government, from an estimate of its immediate necessities. There ought to be a CAPACITY to provide for future contingencies as they may happen; and as these are illimitable in their nature, it is impossible safely to limit that capacity."

Indeed, the Commerce Clause was a principal power that Madison crafted to deal with commercial challenges both current to his time and future ones that could not be anticipated by his contemporaries. There also was a reason why the Framers made the power to regulate interstate commerce unlimited. They wanted to invest in the elected representatives the United States the ability to solve

future problems.

In Madison's day, the nation's challenges included the need for canals and roads that would move goods to market and enable settlers to travel westward into lands that European powers also coveted. Always a principal concern was how European competition could undermine the hard-won independence of the nation.

Though the Framers could not have envisioned the commercial challenges of the modern world, American businesses remain under intense foreign competition today, in part, because of an inefficient health-care system that imposes on U.S. businesses the cost of health insurance that drives up the price of American goods.

Under the current system, not only do many American businesses pay for their employees' health care while most other developed nations pay medical bills through general taxation but U.S. companies indirectly pick up the cost of the uninsured who get emergency care and don't pay.

So, a law that makes American businesses more competitive by addressing this "free-rider" problem and by assuring a healthier work force would seem to be right down the middle of the Framers' intent in drafting the Commerce Clause.

No Practicality

In contrasting Justice Ginsburg's opinion on the Affordable Care Act with Scalia's dissent, one of the most striking differences is how the Framers are understood: Ginsburg sees them as pragmatic problem-solvers, while Scalia envisions them as rigid ideologues placing individual freedom above practical goals.

The core of the Scalia-written dissent is that the Constitution is NOT about solving problems, but rather following the most cramped interpretation of the words. Indeed, he ridicules Ginsburg for viewing the founding document as implicitly intended to give the elected branches of government the flexibility to address national challenges.

Yet, there was little question from either side that virtually every American participates in the commerce of health care from birth to death and that the health-insurance mandate in the Affordable Care Act was intended by Congress to regulate what is clearly a national market.

In the dissent, the four right-wing justices acknowledged that "Congress has set out to remedy the problem that the best health care is beyond the reach of many Americans who cannot afford it. It can assuredly do that, by exercising the powers accorded to it under the Constitution. The question in this case,

however, is whether the complex structures and provisions of the Affordable Care Act go beyond those powers. We conclude that they do.”

Scalia noted that Ginsburg “treats the Constitution as though it is an enumeration of those problems that the Federal Government can address, among which, it finds, is ‘the Nation’s course in the economic and social welfare realm,’ and more specifically ‘the problem of the uninsured.’

“The Constitution is not that. It enumerates not federally soluble *problems*, but federally available *powers*. The Federal Government can address whatever problems it wants but can bring to their solution only those powers that the Constitution confers, among which is the power to regulate commerce. None of our cases say anything else. Article I contains no whatever-it-takes-to-solve-a-national--problem power.”

The right-wing justices insisted that the power to “regulate” commerce couldn’t possibly cover something like a mandate to buy health insurance.

Chief Justice Roberts in his own opinion, which rejected use of the Commerce Clause but then justified the Affordable Care Act under the Constitution’s taxing powers decided that some of the definitions of the word “regulate” couldn’t be applied because they were not the first definitions in the dictionaries of the late Eighteenth Century.

However, in an earlier opinion upholding the Affordable Care Act, conservative U.S. Appeals Court Judge Laurence Silberman noted that “At the time the Constitution was fashioned, to ‘regulate’ meant, as it does now, ‘[t]o adjust by rule or method,’ as well as ‘[t]o *direct*.’ To ‘direct,’ in turn, included ‘[t]o prescribe certain measure[s]; to mark out a certain course,’ and ‘[t]o order; to command.’

“In other words, to ‘regulate’ can mean to require action, and nothing in the definition appears to limit that power only to those already active in relation to an interstate market. Nor was the term ‘commerce’ limited to only *existing* commerce. There is therefore no textual support for appellants’ argument” that mandating the purchase of health insurance is unconstitutional.

However, in Roberts’s ruling, the Chief Justice threw out certain definitions for “regulate”, such as “[t]o order; to command”, saying they were not among the top definitions in the dictionaries of the time. Roberts wrote, “It is unlikely that the Framers had such an obscure meaning in mind when they used the word ‘regulate.’”

Needing Health Care

Scalia and Roberts also adopted a very narrow concept of participation in the health-care industry. Though it's undeniable that virtually all Americans from birth to death receive medical care of various types and at different times, the Court's five right-wing justices treated the gaps between those events as meaning people are no longer in the health market.

Roberts wrote: "An individual who bought a car two years ago and may buy another in the future is not 'active in the car market' in any pertinent sense. The phrase 'active in the market' cannot obscure the fact that most of those regulated by the individual mandate are not currently engaged in any commercial activity involving health care, and that fact is fatal to the Government's effort to 'regulate the uninsured as a class.'"

But, as Ginsburg noted in her opinion, this comparison is off-point, because a person can plan for the purchase of a car but often is thrust into the medical industry by an accident or an unexpected illness.

Over and over again, the five right-wing justices behaved as if they started out with a determination to reject a constitutional justification under the Commerce Clause and then dreamt up legal wording to surround their preconceived conclusion. In doing so, they treated the Constitution as some finicky legal document rather than what the Framers had intended, a vibrant structure for solving national problems.

And, as for the Framers' views regarding mandating American citizens to buy a private product, one can get a good idea of their attitude by examining the actions of the Second Congress in passing the Militia Acts, which mandated that every white male of military age buy a musket and related supplies. That Congress included actual Founders, such as James Madison. The law was signed by George Washington, another Founder. [See Consortiumnews.com's "[The Founders' Musket Mandate.](#)"]

So, despite what today's Right wants you to believe, the Framers were not hostile to a strong central government; they were not big advocates of states' rights; they were not impractical ideologues contemplating their navels or insisting on some hair-splitting interpretation of their constitutional phrasing.

Rather, they were pragmatic individuals trying to build a nation. They wrote the Constitution specifically so the country could address its pressing problems and match up competitively with America's foreign rivals. Since Justices Scalia, Kennedy, Thomas and Alito don't have this real history on their side, they apparently saw little option but to make up their own.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, *America's Stolen Narrative*, either in [print here](#) or as an e-book (from [Amazon](#) and [barnesandnoble.com](#)).

The Right's Dubious Claim to Madison

From the Archive: Central to the question of whether America's Right is correct that the Constitution mandated a weak central government is the person of James Madison and what he and his then-fellow Federalists were doing at the Constitutional Convention in 1787, wrote Robert Parry in 2013.

By Robert Parry (Originally published on June 23, 2013)

By asserting a connection to America's First Principles, the Tea Party is forcing a reexamination of the early years of the Republic and a reconsideration of what the Framers of the U.S. Constitution intended.

That debate may be useful even if the Tea Party's chief motivation in provoking it is simply a "rebranding" that recognizes that the image of white people waving the "Stars and Bars" and seeking "states' rights" to disenfranchise black and brown people has a negative connotation for many modern Americans.

So, to present a more palatable image, today's Right has dialed back the time machine from 1860 to 1776, trading in the Confederate flag for the Revolutionary War-era Gadsden flag with its coiled snake and "Don't Tread on Me" motto, except with the federal government replacing the British monarchy as the source of "tyranny."

Substantively, however, nothing has changed in this rebranding. There's the same animosity that the Confederates felt toward President Abraham Lincoln and the Union when the South's beloved institution of slavery was threatened. Only now the neo-Confederates are expressing their hatred for President Barack Obama and the federal government for advocating programs like voting rights, immigration reform, food stamps and guaranteed health care that are viewed by the predominantly white Tea Party as disproportionately aiding racial and ethnic minorities.

But instead of referencing the precedent of the Confederacy's secession from the Union in defense of "states' rights" and slavery, the Tea Party and today's Right are asserting that they simply want to restore the original vision

of America's Founding, which they insist is not much different from the argument that the Confederates were making in 1860.

To that end, the Right has invested heavily in "scholarship" that seeks to present the Framers as essentially pre-Confederates who believed strongly in "states' rights" and wanted a weak central government. However, that "history," in turn, requires slanting the evidence and kidnapping of one key Founder in particular.

Madison as Flip-Flopper

At the center of today's ideological struggle over the Founding era is James Madison, a chief architect of the U.S. Constitution when he was essentially a protégé of George Washington in the 1780s. But Madison was also a practical politician who drifted in the 1790s and later into the orbit of his central Virginia neighbor, Thomas Jefferson, who led bitter fights against Washington's Federalists and especially Alexander Hamilton.

This ambivalence of Madison as central to Washington's vision of a strong central government yet his later realignment with Jefferson's fierce loyalty to Virginia and its interests makes him a perfect candidate for the Right's rewriting of the narrative surrounding the Constitution. The earlier Madison who sided with Washington on centralizing government power can be blurred with the later Madison who supported Jefferson in defending Virginia's regional interests, particularly its investment in slavery.

In this regard, Andrew Burstein and Nancy Isenberg's *Madison and Jefferson* offers some valuable insights into the history of the era and the political collaboration between these two important Founders. Unlike many histories that glorify Jefferson in particular, this book, published in 2010, provides a fairly objective assessment of the strengths and weaknesses of the two leaders.

Perhaps the authors' most significant observation is that Jefferson and Madison must be understood as, first and foremost, politicians representing the interests of their constituencies in Virginia where the two men lived nearby each other on plantations worked by African-American slaves, Jefferson at Monticello and Madison at Montpelier.

"It is hard for most to think of Madison and Jefferson and admit that they were Virginians first, Americans second," Burstein and Isenberg note. "But this fact seems beyond dispute. Virginians felt they had to act to protect the interests of the Old Dominion, or else, before long, they would become marginalized by a northern-dominated economy.

"Virginians who thought in terms of the profit to be reaped in land were often

reluctant to invest in manufacturing enterprises. The real tragedy is that they chose to speculate in slaves rather than in textile factories and iron works. And so as Virginians tied their fortunes to the land, they failed to extricate themselves from a way of life that was limited in outlook and produced only resistance to economic development.”

Not only was Virginia’s agriculture tied to the institution of slavery but after the Constitution banned the importation of slaves in 1808, Virginia developed a new industry, the breeding of slaves for sale to new states forming in the west.

The Virginia Dynasty

In that way, the so-called Virginia Dynasty over the presidency that ran consecutively from Jefferson in 1801 through Madison starting in 1809 and James Monroe ending in 1825 defended the interests of the South’s slaveholders in part by constraining the role of the federal government in building the young nation’s industrial strength and its financial development.

It had been a fear among Southern politicians from the earliest days of American independence that a strong federal government would eventually eradicate slavery. So, it was a Southern imperative carried forward by the Virginia Dynasty to limit that power even though Madison had been instrumental in centralizing it.

While the Right likes to look at Madison as a constitutional purist who always favored tightly constrained federal powers, a more useful prism for seeing the historical Madison is that he shifted from the patronage of Washington, who despised the idea of state “sovereignty” after experiencing its inefficiency while commander-in-chief of the Continental Army, to the tutelage of the brilliant but mercurial Jefferson, who was wedded to the interests of Virginia.

Whereas Washington working with his protégés Madison and Hamilton had a national vision of a fast-developing country with states subordinate to the federal government, Jefferson could not move beyond his more parochial concept of Virginia and Southern states maintaining substantial freedom from a federal government that might seek to abolish slavery.

Under Washington’s wing in the years immediately after independence while Jefferson was serving as the U.S. representative to France Madison recognized the disaster of the Articles of Confederation, which set the rules for U.S. governance from 1777 to 1787. The Articles made the 13 states “sovereign” and “independent” and deemed the federal government simply a “league of friendship.” For instance, Madison shared Washington’s interest in placing the development of national commerce under the control of the federal government, but Madison’s

initial Commerce Clause failed to win the support of the Virginia legislature.

The United States was also flailing in regards to maintaining domestic security with the Shays' Rebellion rocking western Massachusetts in 1786-87 and the federal government too weak to help restore order. Washington feared that Great Britain would exploit the regional and social divisions of the new country and thus threaten its hard-won independence.

"Thirteen sovereignties," Washington wrote, "pulling against each other, and all tugging at the federal head, will soon bring ruin to the whole." [See Catherine Drinker Bowen's *Miracle at Philadelphia*.]

Madison's Federalism

Madison was of a similar mind. In 1781, as a member of the Congress under the Articles of Confederation, he introduced a radical amendment that "would have required states that ignored their federal responsibilities or refused to be bound by decisions of Congress to be compelled to do so by use of the army or navy or by the seizure of exported goods," noted Chris DeRose in *Founding Rivals*. However, Madison's plan opposed by the powerful states went nowhere.

Similarly, Madison lamented how the variety of currencies issued by the 13 states and the lack of uniform standards on weights and measures impeded trade. Again, he looked futilely toward finding federal solutions to these state problems.

So, after a decade of growing frustration and mounting crises under the Articles, a convention was called in Philadelphia in 1787 to modify them. Washington and Madison, however, had a bigger idea. They pressed instead to scrap the Articles altogether in favor of a new constitutional structure that would invest broad powers in the central government and remove language on state sovereignty and independence.

Madison told Washington that the states had to be made "subordinately useful," a sentiment that Washington shared after seeing how states had failed to meet their financial obligations to his troops during the Revolution.

As Washington presided over the convention, it fell to Madison to supply the framework for the new system. Madison's plan called for a strong central government with clear dominance over the states. Madison's original plan even contained a provision to give Congress veto power over state decisions.

The broader point of the Constitutional Convention was that the United States must act as one nation, not a squabbling collection of states and regions. James Wilson from Pennsylvania reminded the delegates that "we must remember the

language with which we began the Revolution: 'Virginia is no more, Massachusetts is no more, Pennsylvania is no more. We are now one nation of brethren, we must bury all local interests and distinctions.'"

However, as the contentious convention wore on over the summer, Madison retreated from some of his more extreme positions. "Madison wanted the federal assembly to have a veto over the state assemblies," wrote David Wootton, author of *The Essential Federalist and Anti-Federalist Papers*. "Vetoes, however, are bad politics, and again and again they had to be abandoned in the course of turning drafts into agreed texts."

But Madison still pushed through a governing structure that bestowed important powers on the central government including the ability to tax, to print money, to control foreign policy, to conduct wars and to regulate interstate commerce.

Madison also came up with a plan for approving the Constitution that bypassed the state assemblies and instead called for special state conventions for ratification. He knew that if the Constitution went before the existing assemblies with the obvious diminution of their powers it wouldn't stand a chance to win the approval of the necessary nine states.

Resistance to the Constitution

Still, the Constitution prompted fierce opposition from many prominent Americans who recognized how severely it reduced the powers of the states in favor of the central government. These Anti-Federalists decried the broad and sometimes vague language that shifted the country away from a confederation of independent states to a system that made the central government supreme.

What Madison and his cohorts had achieved in Philadelphia was not lost on these Anti-Federalists, including Pennsylvania delegates who had been on the losing side and who then explained their opposition in a lengthy report which declared: "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 Pennsylvania dissenters declared.

Some Anti-Federalists charged that the President of the United States would have the powers of a monarch and that the states would be reduced to little more than vassals of the central authority. Others mocked the trust that Madison placed in his schemes of "checks and balances," that is, having the different branches of government block others from committing any grave abridgement of liberties.

Famed Revolutionary War orator Patrick Henry, one of the leading Anti-Federalists, denounced Madison's scheme of countervailing powers as "specious imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances." Henry and other opponents favored scrapping the new Constitution and calling a second convention.

Toward Ratification

Though the Anti-Federalists were surely hyperbolic in some of their rhetoric, they were substantially correct in identifying the Constitution as a bold assertion of federal power and a major transformation from the previous system of state independence.

For his part, Madison was not only the chief architect of this shift from state to national power, he even favored a clearer preference for federal dominance with his veto idea over actions by state assemblies, the proposal that died in the compromising at Philadelphia. However, Madison and other Federalists faced a more immediate political challenge in late 1787 and early 1788 securing ratification of the new Constitution in the face of potent opposition from the Anti-Federalists.

Despite Madison's ploy of requiring special ratifying conventions in the various states, the Anti-Federalists appeared to hold the upper hand in key states, such as Virginia and New York. So, to defend the new Constitution, Madison joined with Alexander Hamilton and John Jay in anonymously composing the Federalist Papers, a series of essays which not only sought to explain what the Constitution would do but perhaps more importantly to rebut the accusations of the Anti-Federalists.

Indeed, the Federalist Papers are best understood not as the defining explanation of the Framers' intent since the actual words of the Constitution (contrasted with the Articles of Confederation) and the debates in Philadelphia speak best to that but as an attempt to tamp down the political fury directed at the proposed new system.

Thus, when the Anti-Federalists thundered about the broad new powers granted the central government, Madison and his co-authors countered by playing down how radical the new system was and insisting that the changes were more tinkering with the old system than the total overhaul that they appeared to be.

That is the context which today's Right misses when it cites Madison's comments in Federalist Paper No. 45, entitled "The Alleged Danger From the Powers of the Union to the State Governments Considered," in which Madison, using the pseudonym Publius, sought to minimize what the Constitution would do. He wrote:

"If the new Constitution be examined with accuracy, it will be found that the change which it proposes consists much less in the addition of NEW POWERS to the Union, than in the invigoration of its ORIGINAL POWERS.

"The regulation of commerce, it is true, is a new power; but that seems to be an addition which few oppose, and from which no apprehensions are entertained. The powers relating to war and peace, armies and fleets, treaties and finance, with the other more considerable powers, are all vested in the existing Congress by the Articles of Confederation. The proposed change does not enlarge these powers; it only substitutes a more effectual mode of administering them."

Today's Right trumpets this essay and especially Madison's summation that "the powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite" but the Right ignores what Madison was trying to accomplish with his essay. He was trying to defuse the opposition. After all, if Madison really thought the Articles only needed some modest reform, why would he have insisted on throwing them out altogether along with their language about state "sovereignty" and "independence"?

Power with Teeth

Nor was it entirely accurate for Madison to suggest that replacing the federal government's toothless powers in the Articles with powers having real teeth in the Constitution was trivial. Under the Constitution, for instance, the printing of money became the exclusive purview of the federal government, not a minor change. Madison also was a touch disingenuous when he downplayed the importance of the Commerce Clause, which gave the central government control over

interstate commerce. Madison understood how important that federal authority was.

To cite Madison as an opponent of an activist federal government, the Right must also ignore Federalist Paper No. 14 in which Madison envisioned major construction projects under the powers granted by the Commerce Clause. “[T]he union will be daily facilitated by new improvements,” Madison wrote. “Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout the whole extent of the Thirteen States.

“The communication between the western and Atlantic districts, and between different parts of each, will be rendered more and more easy by those numerous canals with which the beneficence of nature has intersected our country, and which art finds it so little difficult to connect and complete.”

What Madison is demonstrating in that essay is a core reality about what he, Washington and Hamilton were seeking. They were pragmatists seeking to build a strong and unified nation.

Yet, despite the prestige of George Washington and the propaganda of the Federalist Papers, Madison encountered intense opposition to ratification at the Virginia convention where fears of a federal abolition of slavery were raised, ironically, by two of the most famous voices for “liberty,” Patrick Henry and George Mason.

Henry and Mason have gone down in popular U.S. history as great espousers of freedom. Before the Revolution, Henry was quoted as declaring, “Give me liberty or give me death!” Mason is hailed as a leading force behind the Bill of Rights. But their notion of “liberty” and “rights” was always selective. Henry and Mason worried about protecting the “freedom” of plantation owners to possess other human beings as property.

The Virginia Convention

At Virginia’s Ratification Convention in June 1788, Henry and Mason raised several arguments against the proposed Constitution, but their hot-button appeal centered on the danger they foresaw regarding the abolition of slavery.

As historians Burstein and Isenberg wrote in *Madison and Jefferson*, Henry and Mason warned the plantation owners at the convention that “slavery, the source of Virginia’s tremendous wealth, lay politically unprotected.” At the center of this fear was the state’s loss of ultimate control over its militia which could be “federalized” by the President as the nation’s commander-in-chief under the

proposed Constitution.

“Mason repeated what he had said during the Constitutional Convention: that the new government failed to provide for ‘domestic safety’ if there was no explicit protection for Virginians’ slave property,” Burstein and Isenberg wrote. “Henry called up the by-now-ingrained fear of slave insurrections the direct result, he believed, of Virginia’s loss of authority over its own militia.”

Henry floated conspiracy theories about possible subterfuges that the federal government might employ to deny Virginians and other Southerners the “liberty” to own African-Americans. Describing this fear-mongering, Burstein and Isenberg wrote:

“Congress, if it wished, could draft every slave into the military and liberate them at the end of their service. If troop quotas were determined by population, and Virginia had over 200,000 slaves, Congress might say: ‘Every black man must fight.’ For that matter, a northern-controlled Congress might tax slavery out of existence. Mason and Henry both ignored the fact that the Constitution protected slavery on the strength of the three-fifths clause, the fugitive slave clause, and the slave trade clause. Their rationale was that none of this mattered if the North should have its way.”

At Philadelphia in 1787, the drafters of the Constitution had already capitulated to the South’s insistence on its brutal institution of human enslavement. That surrender became the line of defense that Madison cited as he sought to finesse the arguments of Mason and Henry.

Burstein and Isenberg wrote, “Madison rose to reject their conspiratorial view. He argued that the central government had no power to order emancipation, and that Congress would never ‘alienate the affections five-thirteenths of the Union’ by stripping southerners of their property. ‘Such an idea never entered into any American breast,’ he said indignantly, ‘nor do I believe it ever will.’

“Madison was doing his best to make Henry and Mason sound like fear-mongers. Yet Mason struck a chord in his insistence that northerners could never understand slavery; and Henry roused the crowd with his refusal to trust ‘any man on earth’ with his rights. Virginians were hearing that their sovereignty was in jeopardy.”

Despite the success of Mason and Henry to play on the fears of plantation owners, the broader arguments stressing the advantages of Union carried the day, albeit narrowly. Virginia ultimately approved ratification by 89 to 79.

Return of Jefferson

With the return of Jefferson from France in 1789, the political physics of the young Republic began to change. Though Jefferson, the principal author of the Declaration of Independence, had offered little input into the development of the Constitution, he immediately grew concerned over how the Federalists around Washington and Hamilton sought to implement it, with ambitious projects for national development.

Jefferson, who served as Washington's Secretary of State, and Hamilton, who was Treasury Secretary, represented the two poles of how the nation should proceed and their clashes were personal as well as ideological. The two men gave impetus to the emergence of "factions," what Washington had feared as a great threat to the Republic.

Soon the lines were drawn between Jefferson's Democratic-Republicans and Hamilton's (and Washington's) Federalists. In the middle was Madison who shocked Hamilton and Washington by essentially abandoning their side of the argument and aligning himself with Jefferson. In the Federalist view, the gravitational pull of Virginian politics had yanked Madison out of Washington's orbit and moved him into Jefferson's.

Madison, who had previously recognized the logical disconnect between the liberties of a Republic and the existence of slavery, soon fell silent on the issue. As Burstein and Isenberg note, 1791 was the last time Madison criticized slavery publicly: "That was when Madison prepared notes for a *National Gazette* essay, never published, in which he asserted that slavery and republicanism were incompatible."

In effect, Jefferson began acting on the logic of the Henry-Mason argument, that a strong central government would eventually doom slavery. Thus, Jefferson opposed the Federalist project to deploy the empowered central government under the Constitution to build the nation, ideas like Hamilton's national bank and even Madison's road construction.

Jefferson proved to be an adept, even ruthless, politician as he secretly financed newspaper attacks on his Federalist rivals, such as John Adams, who succeeded Washington as the second president in 1797. Jefferson pushed Adams aside in 1801 to become the third president.

In doing so, Jefferson presented his ideology as an insistence that the Constitution be strictly interpreted to keep federal authority within its "enumerated powers." Politically, he portrayed his movement as one defending simple "farmers," but his true base of political support was the Southern slaveholding aristocracy.

Jefferson's Racism

Jefferson's racism, which included pseudo-science of skull measurements to prove the inferiority of African-Americans in his *Notes on the State of Virginia*, colored his administration's foreign policy, too. He sided with French Emperor Napoleon's scheme to crush the slave uprising in Haiti, a movement for black freedom that Jefferson feared would spread northward.

Ironically, the defeat of Napoleon's army in Haiti forced the Emperor to forego the second phase of his plan, to expand his empire into the center of the North American continent. Instead, he offered to sell it to Jefferson in a deal negotiated by Secretary of State Madison. In buying the Louisiana territories, Jefferson and Madison ignored the principle of the Constitution's "enumerated powers" which didn't say anything about buying land that doubled the size of the country.

Similarly, as the fourth president, Madison's stumbling performance in the War of 1812 changed his mind about the value of a national bank as a necessity for financing an effective military force.

Yet, while showing flexibility on their governing principles while in office, Jefferson and Madison hardened in defense of Virginia's industry of slavery. Though both recognized the principled case against slavery, their political and financial interests overcame any moral qualms that they may have had.

After their presidencies, Jefferson and Madison remained loyal to their neighbors, the slaveholders of Virginia who as a group had discovered a lucrative new industry, breeding slaves for sale to the new states emerging in the west. Jefferson himself saw the financial benefit of having fertile female slaves.

"I consider a woman who brings a child every two years as more profitable than the best man of the farm," Jefferson remarked. "What she produces is an addition to the capital, while his labors disappear in mere consumption."

While recognizing the economic value of slavery, Jefferson suggested that the ultimate resolution of slavery would be to expatriate black Americans out of the country. One of Jefferson's ideas was to take away the children born to black slaves in the U.S. and ship them to Haiti. In that way, Jefferson posited that both slavery and America's black population could be phased out.

Slaveholders as Victims

Jefferson and Madison also insisted on framing the slavery issue as one in which the white Southerners who owned slaves were the real victims. In 1820, Jefferson

wrote a letter expressing his alarm over the bitter battle surrounding the admission of Missouri as a slave state. "As it is, we have the wolf by the ear and we can neither hold him, nor safely let him go," Jefferson wrote. The imagery sought sympathy for the Southern slaveholders as the ones caught in a dangerous predicament, tenuously holding onto a ravenous wolf.

After returning to his Virginia plantation, Madison expressed his own sympathy for the slave-owning South in a play that he wrote, entitled "Jonathan Bull and Mary Bull." The plot involved the wife Mary having one black arm, which husband Jonathan had accepted at the time of their marriage but later found offensive. He demanded that Mary either have her skin peeled off or her arm cut off.

In Madison's script, Jonathan Bull becomes obnoxious and insistent even though his remedy is cruel and even life-threatening. "I can no longer consort with one marked with such a deformity as the blot on your person," Jonathan tells Mary, who is "so stunned by the language she heard that it was some time before she could speak at all."

Madison's play clumsily made the belligerent and cruel Jonathan represent the North and the sympathetic and threatened Mary the South. As historians Burstein and Isenberg note, "Madison's refusal to acknowledge the North's right to speak out against southern slavery is matched by his feminization of the South, vulnerable if not wholly innocent and routinely subjected to unwarranted pressure."

In other words, Madison considered the South's white slaveholders the real victims here, and the North's abolitionists were unfeeling monsters.

Late in his life, Jefferson was confronted on the moral and intellectual contradiction between his soaring "all men are created equal" rhetoric and his prosaic defense of slavery. The French patriot, the Marquis de Lafayette, who had fought at Washington's side against the British and who became an advocate for emancipation in 1788, challenged his old friend Jefferson during a tour of the country that Lafayette had helped forge.

In 1820, Lafayette "pressed Jefferson to become again the activist [for liberty] he had been when they first met." Lafayette told Jefferson that "I find, in the Negro Slavery, a Great draw Back Upon My Enjoyments" from the success of American independence, as Burstein and Isenberg note.

But Lafayette's pain over the continuation and even expansion of slavery in the United States did not move Jefferson to reconsider his position. Unlike Washington and some other Founders whose wills freed their slaves, Jefferson (who died in 1826) and Madison (who died in 1836) did not grant any blanket

freedom. Madison freed none of his slaves; Jefferson only freed a few related to the Hemings family of which his purported mistress, Sally Hemings, was a member.

Heading to War

Jefferson and Madison (at least the later incarnation of Madison as Jefferson's ally) also helped put the nation on the path to the Civil War by lending support to the "nullification" movement in which Southern states insisted that they could reject (or nullify) federal law, the opposite position from the one Madison took in the Constitutional Convention when he favored giving Congress the power to veto state laws.

In the early 1830s, Southern politicians sought "nullification" of a federal tariff on manufactured goods, but were stopped by President Andrew Jackson who threatened to deploy troops to South Carolina to enforce the Constitution.

In December 1832, Jackson denounced the "nullifiers" and declared "the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

Jackson also rejected as "treason" the notion that states could secede if they wished, noting that the Constitution "forms a *government* not a league," a reference to a line in the Articles of Confederation that had termed the fledgling United States a "league of friendship" among the states, not a national government.

Jackson's nullification crisis was resolved nonviolently, but the South continued to resist any application of federal authority, even when the government sought to provide disaster relief, out of fear that such efforts could become a legal precedent for abolishing slavery.

Finally, in 1860, with the election of Abraham Lincoln from the new anti-slavery Republican Party, Southern states seceded from the Union and formed the Confederacy which explicitly authorized the institution of slavery in perpetuity. It took the Union's victory in the Civil War to free the slaves and to make African-Americans full citizens of the United States. However, the defeated South still balked at equal rights for blacks and invoked "states' rights" to defend segregation during the Jim Crow era.

White Southerners amassed enough political clout, especially within the Democratic Party the successor to Jefferson's Democratic-Republican Party to fend off civil rights for blacks. The battle over states' rights was joined

again in the 1950s when the federal government finally committed itself to enforcing the principle of “equal protection under the law” as prescribed by the Fourteenth Amendment.

Many white Southerners were furious that their system of segregation was being dismantled by federal authority. Southern rightists and many libertarians insisted that federal laws prohibiting denial of voting rights for blacks and outlawing segregation in public places were unconstitutional. But federal courts ruled that Congress was within its rights in banning such discrimination within the states.

The Modern Right

The anger of Southern whites was taken out primarily on the Democratic Party, which had led the fight for civil rights. Opportunistic Republicans, such as Richard Nixon, fashioned a “Southern strategy” that deployed racial code words to appeal to Southern whites. Soon, the region flipped from solidly Democratic to predominantly Republican as it is today.

Southern white anger was also reflected in the prevalence of the Confederate battle flag on pickup trucks and in store windows. But direct appeals to racism became politically unpalatable in modern America, so today’s Right began its rebranding. From a movement that resented federal intervention on behalf of blacks and other minorities, the Right became a movement that decried federal intervention as a violation of fundamental American “liberties.”

Still, the rebranding was only cosmetic. Today’s Tea Party wants much the same thing and is motivated by many of the same fears as the generations of pre-Confederates, Confederates, post-Confederates and neo-Confederates. They all want to maintain white supremacy, and they resent the federal government’s insistence that blacks (and brown) people be treated as full citizens.

Thus, you see the Tea Party’s aggressive support for state laws restricting voting rights (especially for minorities) and the Tea Party’s furious opposition to immigration reform that would give millions of Hispanics a pathway to citizenship. Plus, it was the election of the first African-American president that created the impetus for the Tea Party’s emergence in the first place, amid calls from whites to “take our country back” and slurs about Barack Obama being born in Kenya.

But the overriding historical question raised by the Tea Party’s insistence that it represents the founding ideals of the United States is whether the nation embraces the intent of Washington (and the earlier incarnation of Madison) for a strong central government seeking the public good or the resistance to the

Constitution that was pushed by slave-owning Virginians, such as Jefferson (and the later incarnation of Madison).

The former interpretation sought to deploy the federal government on behalf of fulfilling the goals of the Constitution's Preamble, including the need to "promote the general welfare." The latter interpretation saw an activist federal government as a death knell to slavery.

Today's Tea Party may wish to pretend that its overwhelmingly white membership dressing up in Revolutionary War costumes separates it from the image of angry white segregationists wearing white sheets, waving the Stars and Bars and spitting on black children on their way to school. But the Tea Party's opinion of the Constitution and the interpretation that embraced slavery, secession and segregation are one and the same.

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest 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](#).

Journalism and Reality

From Editor Robert Parry: One thing that I've learned from my four-plus decades in journalism is that many people only like reporting that reinforces what they already believe. Facts that go off in a different direction can make them angry and they are usually not hesitant to express their anger.

For instance, in the 1980s, when I was covering the Nicaraguan Contra rebels for the Associated Press, many readers of AP copy, including some of my editors, shared Ronald Reagan's enthusiasm for these "freedom fighters" whom Reagan likened to America's Founding Fathers.

So, when I discovered the Contras engaging in a variety of criminal activity, from extrajudicial killings, rapes, torture and drug trafficking, my reporting was unwelcome both inside and outside the AP (and later I encountered the same hostility at Newsweek). The usual response was to challenge my journalism and to pretend that the ugly reality wasn't the reality.

You might say that that's just the life of a journalist. Get over it. And you'd

have a point. But the larger problem is that this trend toward what you might call “selective narrative” appears to be accelerating. Ideologues and partisans don’t just make arguments for their causes, they create overarching narratives to validate their causes.

And the more money and the more media that a group has the more effective it is in imposing its narrative on the broader unsuspecting (and often ill-informed) public.

In the Contra example, many Americans believed in President Reagan and thus were open to the pro-Contra narrative that Reagan’s team skillfully deployed. Information that ran counter to the propaganda of “white hat” Contras fighting “black hat” Sandinistas was seen as discordant and needed to be stamped out along with anyone associated with it.

In 1996, when San Jose Mercury News reporter Gary Webb called to ask me about my Contra-cocaine experience (before he published his “Dark Alliance” series), it was this hostility toward any criticism of the Contras that I warned him about as he contemplated reviving the scandal.

Tragically, my concerns based on my own experience were well-founded. Not only the CIA and government spokesmen went after Webb’s story but virtually all the major news organizations (which had ignored or disparaged the scandal in the 1980s). These events are recounted in the new movie, “Kill the Messenger.” [Also, see Consortiumnews.com’s [“WPost’s Slimy Attack on Gary Webb.”](#)]

But a similar pattern holds true in other cases of presenting facts that conflict with what some people choose to believe. I have seen this both in challenging mainstream “conventional wisdom” and out-on-the-fringe “conspiracy theories.” Many people only want their preconceptions reinforced; they don’t want to rethink them.

False Founding Narrative

Most recently, I have encountered this phenomenon in pointing out fallacies in the right-wing (and sometimes left-wing) Founding Narrative, which presents the Framers of the Constitution in anti-historical ways in order to validate policies being promoted for the present, i.e., to make it appear that some modern position was shared by the Framers.

So, on the radical Left and Libertarian/Tea Party Right, you might get the depiction of the Framers as government-hating revolutionaries who wanted a heavily armed population prepared to kill representatives of an oppressive political system. It has also become an article of faith in some circles that the authors of the Constitution favored strong states’ rights and hated the

notion of a strong central government.

Yet, that is simply not the history. The principal Framers of the Constitution were a group known as the Federalists. Led by General George Washington and his able acolytes James Madison and Alexander Hamilton, the Federalists despised the system of states' rights contained in the Articles of Confederation and they assembled in Philadelphia in 1787, in part, out of alarm over the Shays Rebellion in western Massachusetts, which some of Washington's former Revolutionary War commanders had just put down.

The Federalists devised as strong a central government as they could possibly get through to ratification. Madison even favored greater federal dominance by giving the U.S. Congress veto power over all state laws, a proposal that was watered down although federal law was still made supreme.

In other words, the Constitution's Framers wanted to stabilize the young country, protect its fragile independence and rely on a strong central government to build its future. That is the history, albeit an inconvenient history for many folks these days who are selling the American people on a false Founding Narrative.

So, when I point out these facts, there is an angry backlash. I'm accused of being a "statist" or "just a journalist," not a historian whatever's necessary to protect the false narrative. Instead of simply arguing their case for a smaller government or a heavily armed population or whatever on the merits, these people get angry because their historical references have been debunked.

Perhaps it's naive to think that ideologues and partisans will ever surrender what is a useful argument, no matter how false it is. But there should be some honesty in political debate and some respect for the actual facts and the real history.

Robert Parry is a longtime investigative reporter who broke many of the Iran-Contra stories for the Associated Press and Newsweek in the 1980s. He founded Consortiumnews.com in 1995 to create an outlet for well-reported journalism that was being squeezed out of an increasingly trivialized U.S. news media.

The Right's Tenth Amendment Myth

Exclusive: Millions of Americans have been deceived into a false understanding of what the Constitution's Framers intended because of a right-wing lie about the significance of the insignificant Tenth Amendment, reports Robert Parry.

By Robert Parry

A central part of the American Right's false Founding Narrative is that the Tenth Amendment trumps the Constitution's creation of a powerful central government that possesses a mandate to do what's necessary to provide for the country's "general Welfare." In Right-Wing World, the Tenth Amendment gives nearly all powers to the states.

Yet, the reality is that the Tenth Amendment is one of the most meaningless of all the amendments to the U.S. Constitution, except maybe the Eighteenth, which prohibited the sale of liquor and was subsequently repealed by the Twenty-first Amendment.

Indeed, the Tenth Amendment read in the context of the broad powers that the Federalist authors of the Constitution gave to the central government carries almost no weight at all. It says: "The powers not delegated to the United States by the Constitution, nor prohibited by the States, are reserved to the States respectively or to the people."

But the relevant point is that the Constitution granted nearly unlimited power to the U.S. Congress to enact legislation on behalf of "the general Welfare" within the context of republican governance, with the approval of the U.S. president, and with the sign-off of the U.S. Supreme Court.

This concept – embraced by James Madison, Alexander Hamilton, George Washington and other Framers – was to rely on the Constitution's intricate checks and balances to prevent government overreach, not to hamstring the people's elected representatives from doing what was necessary to build the nation both then and in the future.

This reality of what was done in Philadelphia in 1787 was not lost on either supporters or opponents of the Constitution. The so-called Anti-Federalists were shocked that the Federalists had, in effect, hijacked the Constitutional Convention away from its original goal of amending the Articles of Confederation, which made the states "sovereign" and "independent" and left the central government as merely a "firm league of friendship."

But General George Washington, in particular, despised the concept of states' rights, since he had seen his Continental Army go without pay and supplies to nearly starve during the Revolutionary War. He was joined in this sentiment by his bright protégé Madison and his old wartime aide-de-camp Hamilton.

So, the Constitutional Convention tossed out the Articles of Confederation and proposed a new structure making "We the People of the United States" the nation's new sovereign and relegating the states to an inferior status, what

Madison called “subordinately useful.”

Angry People

I realize that this reality or my pointing it out makes some people angry. They want to believe that their hatred of the federal government matched what the Framers felt. And the Right has done a remarkable job in propagandizing a large segment of the U.S. population into believing this invented narrative.

Some right-wing believers even insist that any action by the U.S. government to provide for “the general Welfare” is “unconstitutional,” such as the Affordable Care Act which addressed what was an undeniable threat to “the general Welfare,” the fact that tens of millions of Americans were forced to live in fear of premature death because they could not afford health insurance.

But the Framers’ mandate to provide for “the general Welfare” was not some mistake or afterthought. It is included both in the famous Preamble and in Article One, Section Eight, which delineates the so-called “enumerated powers.” There, the Constitution states “That Congress shall have Power To provide for the common Defense and general Welfare of the United States,” with the only stated restriction that “all Duties, Imposts and Excises shall be uniform throughout the United States.”

Article One, Section Eight further grants Congress the power “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Put together, as Alexander Hamilton and other Federalists noted, the Constitution empowered Congress to do what was needed to protect and build the new nation. As historian Jada Thacker wrote, “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.’”

And that was not just the view of the Federalists back then or some historian today. It was why the enemies of the Constitution fought so hard to block its ratification in 1788. For instance, New Yorker Robert Yates, who walked out of the convention in protest, wrote a month after the Constitution had been 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.”

Madison, then a staunch Federalist, had favored giving even more power to Congress and making the states even more subordinate. “Madison wanted the federal assembly to have a veto over the state assemblies,” wrote David Wootton, author of *The Essential Federalist and Anti-Federalist Papers*. But Madison’s veto idea was jettisoned in favor of giving the federal courts the power to judge whether state laws violated the Constitution.

Fighting the Constitution

Despite these few concessions, the Constitution emerged from the secret meetings in Philadelphia as a stunning assertion of federal power. Anti-Federalists immediately recognized what had happened and rallied strong opposition to the new governing framework.

As dissidents from the Pennsylvania delegation 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.” [See Consortiumnews.com’s [“The Right’s Inside-Out Constitution.”](#)]

The Constitution’s broad powers were particularly alarming to southern slaveholders because of the prospect that the North would eventually gain economic and political supremacy and push through anti-slavery legislation that would wipe out the South’s vast investment in human chattel and thus destroy the region’s plantation aristocracy.

Virginia’s Patrick Henry and George Mason made this argument most aggressively to Virginia’s ratifying convention, with Henry warning the Commonwealth’s slave owners that if they approved the new governing structure, “they’ll free your niggers!”

Faced with these alarms about federal powers, Madison agreed to propose some limiting amendments though he felt that a Bill of Rights was superfluous. Nevertheless, some of the first ten amendments did specifically restrict Congress’s power.

For instance, the First Amendment begins with the phrase “Congress shall make no law” while other amendments assert specific rights of citizens. The Tenth Amendment, however, simply states that powers not granted to the national government by the Constitution remain with the people and states.

Thus, the scope of the Tenth Amendment is entirely dependent on what preceded it, i.e., the nearly unlimited powers that the Constitution granted to the

national government. In other words, if the Framers declared as they did that Congress could enact any law that it deemed necessary to promote “the general Welfare” and that federal law would be supreme, then the Tenth Amendment meant almost nothing since there were few powers left over for the states. It was a sop to the Anti-Federalists.

Still, the Constitution’s opponents especially slave owners in Virginia did not just surrender after ratification. Instead, they devised a clever strategy for preventing the possibility that Congress would wipe out their massive capital investment in slavery.

Behind the charismatic Thomas Jefferson, who was in Paris in 1787 and thus did not participate in the Constitutional Convention, the plantation aristocracy simply pretended that the Constitution didn’t mean what it said.

Jefferson’s Wordsmithing

Jefferson, one of Virginia’s biggest slaveholders and a masterful wordsmith, promulgated the absurd notion of “strict construction,” which meant that only specific powers mentioned in Article One, Section Eight could be exercised by Congress. Regarding domestic policy, that meant such relatively narrow powers as coining money, setting up post offices, establishing rules for nationalization, regulating interstate commerce, etc.

Jefferson’s “strict construction” was absurd because it ignored the obvious intent of the Framers and the need for the United States to act in ways that could not be specifically anticipated in 1787, a reality that confronted Jefferson himself after he was elected president in 1800.

Three years later, President Jefferson had the opportunity to buy the Louisiana Territories from France but there was no wording in Article One, Section Eight about expanding the size of the United States. Clearly, the Framers had enacted elastic phrasing for just such an eventuality but Jefferson had insisted on his crazy “strict construction” argument.

So, what did Jefferson do? He simply ignored his previous “principle” and implicitly accepted the Federalist interpretation of the Constitution, which they had principally authored. Congress approved the purchase of the Louisiana Territories doubling the size of the United States and giving Jefferson what is regarded as his greatest accomplishment as president.

Though even Jefferson the inventor of “strict construction” chose to repudiate his own argument, this insidious notion has survived the past two centuries in the fetid swamps of Right-Wing World.

It was a factor in the South's resistance to anti-slavery restrictions that preceded the Civil War and it has been touted in modern times by such right-wing luminaries as Supreme Court Justice Antonin Scalia as part of his self-serving "originalism," i.e., whatever Scalia wants done must have been what the Framers wanted done.

The real history of the Constitution has little impact on these ideologues. They have simply found it useful to wrap themselves in the cloaks of the Framers even when that requires distorting what the actual Framers intended.

While there can be legitimate arguments about the proper size and scope of the federal government (or for that matter any government), the facts should be the facts and the history should be the history. The Right, however, has deceived millions of Americans into believing a false narrative about the U.S. Constitution and the nation's Founding for the purpose of distorting the debate.

[For more on this history, see Consortiumnews.com's "[The Right's Dubious Claim to Madison](#)" and "[Thomas Jefferson: America's Founding Sociopath](#)."]]

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](#).

Will the Right's Fake History Prevail?

Exclusive: Tea Partiers have convinced millions of Americans that they are standing with the Constitution's Framers in a common disdain for a strong, activist federal government. That is false history but it is undergirding the expected Republican congressional victories on Tuesday, writes Robert Parry.

By Robert Parry

If most polls are correct and voters elect a Republican-controlled Congress on Tuesday, a principal reason is that many Americans have been sold on a false recounting of the nation's Founding Narrative. They have bought the Right's made-up storyline about the Constitution's Framers detesting a strong federal government and favoring states' rights.

This notion of the Framers as enemies of an activist national government is untrue but has become a popular meme as promoted through the vast right-wing media and accepted by the timid mainstream press, which is unwilling to fight for an accurate portrayal of what the Federalists who wrote the Constitution intended.

So, without much pushback from those who know better, the Tea Partiers, Libertarians and many Republicans have successfully walled off much of the U.S. population from the actual history, which would reveal the American Right to be arguably the opposite of true patriots in its disdain for the assertive national governance devised in 1787.

Plus, the Right's fake interpretation of the Constitution cannot be disentangled from the disgraceful history of slavery, segregation and today's renewed efforts to prevent black and brown Americans from voting.

Indeed, race has always been an intrinsic element in the American Right's history, which can be roughly divided into four eras: the pre-Confederate period from 1787 to 1860 when slave owners first opposed and then sought to constrain the Constitution, viewing it as a threat to slavery; the actual Confederacy from 1861 to 1865 when the South took up arms against the Constitution in defense of slavery; the post-Confederate era from 1866 to the 1960s when white racists violently thwarted constitutional protections for blacks; and the neo-Confederate era from 1969 to today when these racists jumped to the Republican Party in an attempt to extend white supremacy behind various code words and subterfuges.

It is true that the racist Right has often moved in tandem with the wealthy-elite Right, which has regarded the regulatory powers of the federal government as a threat to the ability of rich industrialists to operate corporations and to control the economy without regard to the larger public good.

But the historical reality is that both the white supremacists and the anti-regulatory corporatists viewed the Constitution as a threat to their interests because of its creation of a powerful central government that was given a mandate to "promote the general Welfare." The Constitution was far from perfect and its authors did not always have the noblest of motives, but it created a structure that could reflect the popular will and be used for the nation's good.

The key Framers of the Constitution the likes of George Washington, James Madison (who then was a protégé of Washington) Alexander Hamilton and Gouverneur Morris (who wrote the famous Preamble) were what might be called "pragmatic nationalists" determined to do what was necessary to protect the nation's fragile independence and to advance the country's economic development.

In 1787, the Framers' principal concern was that the existing government structure the Articles of Confederation was unworkable because it embraced a system of strong states, deemed "sovereign" and "independent," and a weak central government called simply a "league of friendship" among the states.

The Constitution flipped that relationship, making federal law supreme and seeking to make the states "subordinately useful," in Madison's evocative phrase. Though the Constitution did make implicit concessions to slavery in order to persuade southern delegates to sign on, the shift toward federal dominance was immediately perceived as an eventual threat to slavery.

Fearing for Slavery

Key Anti-Federalists, such as Virginia's Patrick Henry and George Mason, argued that over time the more industrial North would grow dominant and insist on the elimination of slavery. And, it was known that a number of key participants at the Constitutional Convention in Philadelphia, including Benjamin Franklin and Alexander Hamilton, were strongly opposed to slavery and that Washington was troubled by human bondage though a slaveholder himself.

So, Henry and Mason cited the threat to slavery as their hot-button argument against ratification. In 1788, Henry warned his fellow Virginians that if they approved the Constitution, it would put their massive capital investment in slaves in jeopardy. Imagining the possibility of a federal tax on slaveholding, Henry declared, "They'll free your niggers!"

It is a testament to how we have whitewashed U.S. history on the evils of slavery that Patrick Henry is far better known for his declaration before the Revolution, "Give me liberty or give me death!" than his equally pithy warning, "They'll free your niggers!"

Similarly, George Mason, Henry's collaborator in trying to scare Virginia's slaveholders into opposing the Constitution, is recalled as an instigator of the Bill of Rights, rather than as a defender of slavery. A key "freedom" that Henry and Mason fretted about was the "freedom" of plantation owners to possess other human beings as property.

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 the Anti-Federalists lost the struggle to block ratification, they soon

shifted into a strategy of redefining the federal powers contained in the Constitution, with the goal of minimizing them and thus preventing a strong federal government from emerging as a threat to slavery.

In this early stage of the pre-Confederacy era, the worried slave owners turned to one of their own, Thomas Jefferson, the principal author of the Declaration of Independence and a charismatic politician who had been in France during the drafting and ratification of the Constitution and enactment of the Bill of Rights.

Though Jefferson had criticized the new governing document especially over its broad executive powers, he was not an outright opponent and thus was a perfect vehicle for seeking to limit the Constitution's reach. Even as Washington's Secretary of State, Jefferson began organizing against the formation of the new government as it was being designed by the Federalists, especially Washington's energetic Treasury Secretary Alexander Hamilton.

The Federalists, who were the principal Framers, understood the Constitution to grant the central government all necessary powers to "provide for the common Defense and general Welfare of the United States." However, Jefferson and his fellow Southern slaveholders were determined to limit those powers by reinterpreting what the Constitution allowed much more narrowly. [See Consortiumnews.com's "[The Right's Made-Up Constitution.](#)"]

Partisan Warfare

Through the 1790s, Jefferson and his Southern-based faction engaged in fierce partisan warfare against the Federalists, particularly Alexander Hamilton but also John Adams and implicitly George Washington. Jefferson opposed the Federalist program that sought to promote the country's development through everything from a national bank to a professional military to a system of roads and canals to support for manufacturing.

As Jefferson's faction gained strength, it also pulled in James Madison who, for reasons of political survival and personal finances, embraced the slave interests of his fellow Virginians. Madison essentially moved from under Washington's wing to under Jefferson's. Then, with Madison's acquiescence, Jefferson developed the extra-constitutional theories of state "nullification" of federal law and even the principle of secession.

Historians Burstein and Isenberg wrote in *Madison and Jefferson* that these two important Founders must be understood as, first and foremost, politicians representing the interests of Virginia where the two men lived nearby each other on plantations worked by African-American slaves, Jefferson at Monticello and

Madison at Montpelier.

“It is hard for most to think of Madison and Jefferson and admit that they were Virginians first, Americans second,” Burstein and Isenberg said. “But this fact seems beyond dispute. Virginians felt they had to act to protect the interests of the Old Dominion, or else, before long, they would become marginalized by a northern-dominated economy.

“Virginians who thought in terms of the profit to be reaped in land were often reluctant to invest in manufacturing enterprises. The real tragedy is that they chose to speculate in slaves rather than in textile factories and iron works. And so as Virginians tied their fortunes to the land, they failed to extricate themselves from a way of life that was limited in outlook and produced only resistance to economic development.”

Because of political mistakes by the Federalists and Jefferson’s success in portraying himself as an advocate of simple farmers (when he was really the avatar for the plantation owners), Jefferson and his Democratic-Republicans prevailed in the election of 1800, clearing the way for a more constrained interpretation of the Constitution and a 24-year Virginia Dynasty over the White House with Jefferson, Madison and James Monroe, all slaveholders.

By the time the Virginia Dynasty ended, slavery had spread to newer states to the west and was more deeply entrenched than ever before. Indeed, not only was Virginia’s agriculture tied to the institution of slavery but after the Constitution banned the importation of slaves in 1808, Virginia developed a new industry, the breeding of slaves for sale to new states in the west. Jefferson even wanted all the new states from the Louisiana Territories to be slave states. [For details on this history, see Consortiumnews.com’s [“The Right’s Dubious Claim to Madison”](#) and [“Thomas Jefferson: America’s Founding Sociopath.”](#)]

Toward Civil War

Thus, America’s course to the Civil War was set. Ironically the warnings of Patrick Henry and George Mason proved prescient as the growing industrial strength of the North gave momentum to a movement for abolishing slavery. When Abraham Lincoln, the presidential candidate for the new anti-slavery Republican Party, won the 1860 election, southern slave states seceded from the Union, claiming they were defending the principle of states’ rights but really they were protecting the economic interests of slave owners.

The South’s bloody defeat in the Civil War finally ended slavery and the North sought for several years to “reconstruct” the South as a place that would respect the rights of freed slaves. But the traditional white power structure

reasserted itself, employing violence against blacks and the so-called “carpetbaggers” from the North.

As white Southerners organized politically under the banner of the Democratic Party, which had defended slavery since its origins in Jefferson’s plantation-based political faction, the North and the Republicans grew weary of trying to police the South. Soon, southern whites were pushing blacks into a form of crypto-slavery through a combination of Jim Crow laws, white supremacist ideology and Ku Klux Klan terror.

Thus, the century after the Civil War could be designated the post-Confederate era of the American Right. This restoration of the South’s white power structure also coincided with the emergence of the North’s Robber Barons the likes of Cornelius Vanderbilt, Andrew Carnegie, John D. Rockefeller and J.P. Morgan who amassed extraordinary wealth and used it to achieve political clout in favor of laissez-faire economics.

In that sense, the interests of the northern industrialists and the southern aristocracy dovetailed in a common opposition to any federal authority that might reflect the interests of the common man, either the white industrial workers of the North or the black sharecroppers of the South.

However, amid recurring financial calamities on Wall Street that drove many Americans into abject poverty and with the disgraceful treatment of African-Americans in the South, reform movements began to emerge in the early Twentieth Century, reviving the founding ideal that the federal government should “promote the general Welfare.”

With the Great Depression of the 1930s, the grip of the aging Robber Barons and their descendants began to slip. Despite fierce opposition from the political Right, President Franklin Roosevelt enacted a series of reforms that increased regulation of the financial sector, protected the rights of unions and created programs to lift millions of Americans out of poverty.

After World War II, the federal government went even further, helping veterans get educated through the GI Bill, making mortgages affordable for new homes, connecting the nation through a system of modern highways, and investing in scientific research. Through these various reforms, the federal government not only advanced the “general Welfare” but, in effect, invented the Great American Middle Class.

Civil Rights

As the nation’s prosperity surged, attention also turned to addressing the shame of racial segregation. The civil rights movement led by remarkable leaders such

as Martin Luther King Jr. and eventually embraced by Democratic Presidents John Kennedy and Lyndon Johnson rallied popular support and the federal government finally moved against segregation across the South.

Yet, reflecting the old-time pro-slavery concerns of Patrick Henry and George Mason, southern white political leaders fumed at this latest intrusion by the federal government against the principle of "states' rights," i.e. the rights of the whites in southern states to treat "their coloreds" as they saw fit.

This white backlash to the federal activism against segregation became the energy driving the modern Republican Party, which abandoned its honorable legacy as the party that ended slavery. Instead, it became home for Americans who feared social change and resented policies that disproportionately helped racial minorities. The smartest right-wingers understood this reality.

On the need to keep blacks under white domination, urbane conservative William F. Buckley declared in 1957 that "the white community in the South is entitled to take such measures as are necessary to prevail, politically and culturally, in areas in which it does not predominate numerically."

Sen. Barry Goldwater, R-Arizona, who wrote the influential manifesto *Conscience of a Conservative*, realized in 1961 that for Republicans to gain national power, they would have to pick off southern segregationists. Or as Goldwater put it, the Republican Party had to "go hunting where the ducks are."

Then, there was Richard Nixon's "southern strategy" of using coded language to appeal to southern whites and Ronald Reagan's launching of his 1980 national presidential campaign with a states' rights speech in Philadelphia, Mississippi, the notorious site of the murders of three civil rights workers. The two strands of historic conservatism, white supremacy and "small government" ideology, were again wound together.

In New York magazine, Frank Rich summed up this political history while noting how today's right-wing revisionists have tried to reposition their heroes by saying they opposed the Civil Rights Act of 1964 simply out of high-minded "small-government principles." But Rich wrote:

"The primacy of [Strom] Thurmond in the GOP's racial realignment is the most incriminating truth the right keeps trying to cover up. That's why the George W. Bush White House shoved the Mississippi senator Trent Lott out of his post as Senate majority leader in 2002 once news spread that Lott had told Thurmond's 100th-birthday gathering that America 'wouldn't have had all these problems' if the old Dixiecrat had been elected president in 1948.

"Lott, it soon became clear, had also lavished praise on [the Confederacy's

president] Jefferson Davis and associated for decades with other far-right groups in thrall to the old Confederate cause. But the GOP elites didn't seem to mind until he committed the truly unpardonable sin of reminding America, if only for a moment, of the exact history his party most wanted and needed to suppress. Then he had to be shut down at once."

Unholy Alliance

This unholy alliance between the racists and the corporatists continues to this day with Republicans understanding that the votes of blacks, Hispanics, Asians and other minorities must be suppressed if the twin goals of the two principal elements of the Right are to control the future. That was the significance of the 2013 ruling by the Supreme Court's right-wing majority to gut the Voting Rights Act. [See Consortiumnews.com's "[Supreme Court's War on Democracy](#)."]]

Only if the votes of whites can be proportionately enhanced and the votes of minorities minimized can the Republican Party overcome the country's demographic changes and retain government power that will both advance the interests of the racists and the free-marketeers.

That's why Republican-controlled statehouses engaged in aggressive gerrymandering of congressional districts in 2010 and tried to impose "ballot security" measures across the country in 2012 and 2014. The crudity of those efforts, clumsily justified as needed to prevent the virtually non-existent problem of in-person voter fraud, was embarrassing to watch.

As Frank Rich noted, "Everyone knows these laws are in response to the rise of Barack Obama. It is also no coincidence that many of them were conceived and promoted by the American Legal Exchange Council, an activist outfit funded by heavy-hitting right-wing donors like Charles and David Koch.

"In another coincidence that the GOP would like to flush down the memory hole, the Kochs' father, Fred, a founder of the radical John Birch Society in the fifties, was an advocate for the [impeachment of Chief Justice Warren](#) in the aftermath of *Brown [v. Board of Education]* Fred Koch wrote a screed of his own accusing communists of inspiring the civil-rights movement."

Blaming the Democratic Party for ending segregation and coyly invited by opportunistic Republicans like Nixon and Reagan to switch party allegiances racist whites signed up with the Republican Party in droves. Thus, the Democratic Party, which since the days of Jefferson had been the party of slavery and segregation, lost its southern base, ceding it to the new Republican Party.

A Flip of Allegiance

This flip in the allegiance of America's white supremacists from Democrat to Republican also put them in the same political structure as the anti-regulatory business interests which had dominated the Republican Party from the days of the Robber Barons. These two groups again found themselves sharing a common interest, the desire to constrain the federal government's commitment to providing for "the general Welfare."

To the corporate Republicans this meant slashing taxes, eliminating regulations and paring back social programs for the poor or in Ayn Rand vernacular the moochers. To the racist Republicans this meant giving the states greater leeway to suppress the votes of minorities and gutting programs that were seen as especially benefiting black and brown Americans, such as food stamps and health-care reform.

Thus, in today's neo-Confederate era, the American Right is coalescing around two parallel ideological motives: continued racial resentment (against black and brown people getting welfare to the presence of a black family in the White House) and resistance to government regulations (from efforts to control Wall Street excesses to restrictions on global-warming emissions).

Though the white racist element of this coalition might typically be expected to proudly adopt the Stars and Bars of the Old Confederacy as its symbol, the modern Right is too media-savvy to get boxed into that distasteful imagery of slavery.

So, instead the Right has opted for a rebranding as Revolutionary War-era patriots calling themselves Tea Partiers, donning tri-corner hats and waving yellow banners with a coiled snake declaring "don't tread on me." Instead of overtly defending the Confederacy, the Right proclaims its commitment to the Founding Principles found in the Constitution.

But this sly transformation required the Right to rewrite the Founding Narrative, to blot out the initial interpretation of the Constitution by the Federalists who, after all, were the ones who primarily crafted the document, and to pretend that Jefferson's revisionist view representing the pre-Confederate position of the southern plantation owners was the original one. [For more, see Consortiumnews.com's "[The Right's Made-Up Constitution.](#)"]

Now this doctored history accepted by millions of Americans as true has become the driving force for what many pundits predict will be a "wave election" for the Republicans and the Right.

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](#).
