

Manuscript version: Author's Accepted Manuscript

The version presented in WRAP is the author's accepted manuscript and may differ from the published version or Version of Record.

Persistent WRAP URL:

<http://wrap.warwick.ac.uk/156116>

How to cite:

Please refer to published version for the most recent bibliographic citation information. If a published version is known of, the repository item page linked to above, will contain details on accessing it.

Copyright and reuse:

The Warwick Research Archive Portal (WRAP) makes this work by researchers of the University of Warwick available open access under the following conditions.

Copyright © and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable the material made available in WRAP has been checked for eligibility before being made available.

Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Publisher's statement:

Please refer to the repository item page, publisher's statement section, for further information.

For more information, please contact the WRAP Team at: wrap@warwick.ac.uk.

WHAT WAS THE ORIGINAL INTENT?

THE TEA PARTY MOVEMENT, THE FOUNDING FATHERS, AND THE AMERICAN WELFARE STATE

By: Jessica Eastland-Underwood
PhD Candidate at the University of Warwick
Journal of Political Ideologies
Email: jess.underwood@warwick.ac.uk
Accepted for publication 5 July, 2021
DOI: 10.1080/13569317.2021.1956758

ABSTRACT

Many scholars have cautioned against over-emphasising the role of culture and values in the unique structure of the American welfare state. In this article, I argue that the Tea Party movement is an exceptional example of how values attributed to the founding of the American nation are used as a cultural schema to legitimise arguments and to mobilise political actors to constrain the perception of available welfare policy options. Using the Wayback Machine, I have built a bespoke archive of rhetoric from Tea Party chapter websites in 2009 to 2011, outlining the values the Tea Party attributes to the Founding Fathers. I provide a more nuanced history of the Founding Era in order to expose the selective scope of Tea Party history, exaggerating certain ideas while neglecting others. Adapting a pragmatic historiographical method, I argue that this historical narrative illuminates the less socially desirable motivations of both the elite and everyday actors in the Tea Party: free market ideology and latent racial animus. As such, I conclude that cultural values ought to remain an important area of research, particularly identifying how modern political actors co-opt history and national identity to legitimise partisan ideological claims, particularly in the arena of welfare policy.

INTRODUCTION

The political battle over the passage of the Patient Protection and Affordable Care Act – known colloquially as Obamacare – was yet another in long line of political debates over the authority of the American state to intervene in economic relations for the promotion of the welfare of its citizens. The American welfare system has long been considered an anomaly by comparison to other advanced democracies, and the lack of a public health care system was one of the prime examples.¹ Following the blue wave of 2008, there was initial evidence of sufficient political will to remedy this peculiarity when the Obama administration introduced Obamacare. However, the Tea Party movement (henceforth TPM) organised protests and ran opposition candidates throughout the Obamacare debate, achieving political victories that influenced the final wording of the bill, including the notable absence of a public option.²

Implicit in the Tea Party's name, a reference to the 1773 Boston Tea Party in the Anglo-American conflict that led to the American Revolution, is a belief that Obamacare was inherently contradictory to the original intent of the Founding Fathers. Within its mission statement, the Tea Party Patriots points to the Declaration of Independence, the Federalist Papers, the Constitution, and the Bill of Rights as evidence that 'it is possible to know the original intent of the government our founders set forth'.³ A notable feature of this perspective is a belief that their understanding of history enables them to make certain political claims.⁴ It is the TPM's knowledge of the history of the Founding Era that they argue justifies and lends greater legitimacy to their argument as well as demonstrating that their political opponents' policy is contrary to American values. The central claim of the TPM, and the claim that this article aims to take seriously, is that the unique structure of the American welfare system is the intent of the Founders.

The observation that America's founding cultural values have contributed to the features of the American welfare system may seem uncontroversial. Indeed, nation-building is consistently listed as an important contributor to the features of each nation's welfare model.⁵ It has been observed that the events at the formation of a nation construct the boundaries of a community and common values, which include a definition of who are members of the community and what those members expect from the governing institution of the nation.⁶ And yet, existing literature on the American welfare model often bypasses the Founding Era altogether. This can be explained in part because the social conditions that triggered the development of the welfare state did not appear until the late 19th and early 20th centuries, long after the height of American nation-building. What's more, Jill Quadagno has warned against attributing culture or values as agents themselves, often presumed to be the hidden motivating factor behind policy decisions when more immediate and measurable motives are present.⁷ Monica Prasad further argues, in opposition to the work of Mark Blyth, that the 'culture thesis' in welfare state studies is 'weak', as ideas are indefinite, self-contradictory, and changeable in different times with different audiences.⁸

By bridging with several other bodies of literature, this article contends that the Tea Party movement is a relevant case study in this debate on the role of values in structure of the American welfare system. It is informed by the wide literature on the unique ideology of the Tea Party movement in modern conservative politics in America, but which never specifically addresses values in welfare state research.⁹ It adds another case study to the work of historians and philosophers who have already observed the role of narrative, particularly stories of the Founders, in political action, from as far back as the Missouri compromise debate in 1820 to Cold War propaganda of the 1950s.¹⁰ It also borrows from legal scholars who have observed the importance of the Founders' words in institutions, such as US citizenship laws and the Constitution, but broadens the scope by considering the wider

political community of elite and everyday actors.¹¹ Additionally, it advances a combination of two methods of analysing rhetoric and historiography to access underlying assumptions, norms, and traditions, which I assert is well-suited to addressing the question of values.¹²

I argue that the TPM is a distinctive instance of political actors *explicitly* using values attributed to the Founding Era as a ‘cultural schema’ or a tool that provides ‘meaning, motivations and recipes for social action’ to disrupt efforts to expand welfare protection in the form of nationalised healthcare.¹³ I contend that the Tea Party movement is a relevant, modern example of how values attributed to the founding of the American nation continue to play a role in mobilising actors and constraining potential political outcomes in relation to welfare policy. I say ‘attributed’ because I argue that it is an imaginative vision of American history, rather than the values of the Founders themselves, that legitimises a particular preference within the American ideological debate over the correct balance between public and private mechanism in welfare provisioning. I believe that it is not simply enough to say that this history is ‘wrong’. Rather, I seek to understand how and why the Founding Fathers served as a useful rallying point, uniting elite and everyday political communities through institutional traditions in this 21st century debate.

I demonstrate this argument in three parts. In my first section, I will provide an outline of the values that the TPM attributes to the Founders and how this relates to the American welfare state model, drawn from a new archive of rhetoric from dozens of local chapter websites each with their own mission statement webpages. In my second section, I adapt a pragmatic historiographic method, where history is examined to uncover assumptions, norms, and traditions of modern observers. I provide a brief history of the Anglo-American conflict and the drafting of the 1787 Constitution, which in combination with my rhetorical archive helps direct our attention to the TPM’s unspoken motivations and interests. In my final section, I return to the TPM to discuss these underlying motivations of

both the elite and everyday actors, exposing how the appeal to the Founding Fathers is a value in itself, providing a more socially acceptable front for free market ideology and latent racial animus. The value of the Founders as the leading authority on objectives for American society limited Obama's policy ambitions, and I suggest continues to constrain the perception of available welfare policy options for American society.

THE FOUNDERS' WELFARE POLICY AMBITIONS (ACCORDING TO THE TEA PARTY)

There are many challenges to building a unified conception of the Tea Party movement's view of the values attributed to foundation of the American nation. The TPM is diffuse and decentralised, with dozens of independent organisations across the United States and no clear hierarchy of leadership. No single individual or group holds ownership over the ideas, and so selecting a single ideological framework may not accurately represent the values of the whole. Additionally, while it is common amongst the TPM to state support for the intentions of the Founders, most of these intentions are inferred rather than explained. The 'birth' of the TPM is often assigned to Rick Santelli's now famous 'Shout Heard 'Round the World', where he lamented, 'if you read our Founding Fathers, people like Benjamin Franklin and Jefferson, what we're doing in this country now, is making them roll over in their graves'.¹⁴ However, Santelli never specifically outlines what reading of Franklin or Jefferson contradicts the actions of the Democratic majority government in 2009. However, similar to Alan Finlayson's claim that it is possible to 'render norms visible' when evaluating the creativity and reception of everyday rhetoric, I suggest a review of TPM rhetoric can help illuminate these unspoken beliefs.¹⁵ While many scholars have already made great strides mapping the broader rhetorical features of the TPM, I am aiming to understand the movement's conception of the intentions of the Founding Fathers as they relate to the US welfare model.¹⁶

Given the specificity of this task, it was necessary to return to the primary sources and build an entirely new archive of rhetoric. I have collated text from the webpages of over 45 TPM national and local chapters from 37 different states. The TPM has evolved significantly from Santelli's rant to today, with many of the original chapter websites now defunct, and for those that survived, the wording on their websites has dramatically changed. However, using the 'Wayback Machine' from *The Internet Archive*, I viewed these websites as they were written between 2009 and 2011, looking for text specifically addressing the Founders and Obamacare.¹⁷ As much as possible, I tried to view websites in April 2010, close to the end of the Obamacare debate and near the 2nd Tax Day rally, when the ideas of the Tea Party were more developed, but still relatively independent of the influence of the Republican party establishment. I have chosen to order these ideas through the core values of the Tea Party Patriots (henceforth TPP): Fiscal Responsibility, Constitutionally Limited Government, and Free Markets.¹⁸ I have chosen the TPP for three reasons. Firstly, it was one of the earliest, largest national faces to the TPM. Secondly, the TPP core values are often repeated verbatim on local chapter websites. Finally, and perhaps most importantly, the TPP have more explicitly outlined how these values related to the Founders in their mission. I will review these three concepts in turn, elucidating how they relate to the founding of the nation and, subsequently, to Obamacare and welfare policy.

At the heart of the TPM's understanding of the foundation of the American nation is taxation. The 1773 Boston Tea Party, where masked rebels unloaded thousands of pounds of tea into the Boston Harbour, was a protest of one of the many tax acts introduced by the British Parliament to increase revenue from the American colonies at the height of the Anglo-American conflict. This ultimately resulted in the separation of the United States of America from Great Britain. The TPP have translated this into the principle of 'Fiscal Responsibility', as they argued government must be fiscally responsible or 'it must subject its citizenry to

high levels of taxation'.¹⁹ At the first Tax Day protest in 2009, Tea Party activist Paul Jehle spoke of the Boston Tea Party, explaining the British wanted to 'shove the principle of taxation down [American] throats.' He concluded, 'the British were wrong in 1773 and the centralised bureaucrats are wrong today'.²⁰ Accordingly, the TPM has situated much of its protest around the concept of unfair taxation. The TPM used the backronym 'Taxed Enough Already' in many of the Tea Party promotional materials and hosted rallies on 15 April, the national deadline for annual tax filings.²¹ In response to Obamacare, the Tea Party of the Twin Cities wrote a 'Declaration of Health Care Independence', in which they protested increased taxation, but on the principle that the US should 'reject any addition to the crushing national debt'.²² Concern is not always for the activists themselves, but rather 'the future of our children', as they will be made to 'service such enormous debt and shoulder liberty-diminishing taxes'.²³

The Constitution is unquestionably the most important of the foundational documents for the TPM; of the 46 websites I documented, only 5 did not explicitly state that they wanted to 'preserve', 'uphold', 'restore', 'return to' or 'defend' a constitutionally limited government. The TPM rejected the view of the Constitution as a living document, and argued that 'the only true foundational basis for interpretation of the Constitution' is referring to the documents written by the Founders.²⁴ The tension between the expansion of federal power under the Obama administration and the original writing of the Constitution lies in the 10th amendment, which reads, '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.' Former Governor Rick Perry reiterated the importance of the 10th amendment in his speech at the Don't Mess with Texas Tea Party rally. He called out those in Washington, who are 'happily ignoring the limits that our Founding Fathers put on our federal government', limits which he said included 'states' rights that are enshrined in the 10th amendment of the United

States' Constitution'.²⁵ The New Republic Patriots of Virginia even established a '10th Amendment Revolution' to defend states' rights, arguing that 'the Framers wanted to assure that the states would remain largely in charge of their own borders'.²⁶ In the paragraph dedicated to 'Constitutionally Limited Government', the TPP explains, 'Like the founders, we support states' rights for those powers not expressly stated in the Constitution'.²⁷ The Constitution does not expressly delegate power of the management of health care to the federal government, or for that matter, any welfare programmes.

The value of 'Free Markets' is extrapolated as a foundational value through the other two values. The TPP explained that their antipathy of taxation is the desire to protect 'freedom of the individual to spend the money that is the fruit of their own labor'.²⁸ The Bill of Rights predominately assigned rights to the individual, and it is from this assurance of individual rights that the TPM inferred the Founders intent to guard economic liberty. As the TPP elaborated, 'Our founders believed that economic and personal liberties are indivisible.' Furthermore, free market capitalism is not simply the preferred economic model, it is 'the only financial system viable under our Constitution'.²⁹ The Oregon Tea Party argued that capitalism is 'an integral part of our Country' success story and a part of our foundational ideology'.³⁰ As further evidence, We The People of West Virginia specifically cited a line from Thomas Jefferson's inaugural address, in which he stated a wise government leaves the people 'free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned'.³¹ Obamacare, according to the TPM, is looking to introduce the antithesis of capitalism: socialism. Restoring the 'the ideals of our Republic as set forth by our founding fathers' necessarily implies the restoration of capitalism, and 'NOT socialism'.³² We the People of West Virginia reflected this concisely: 'NO TO SOCIALISM AND SOCIALIZED MEDICINE!'³³

The TPM rhetoric reflects many of the well-observed and unique features of what scholars describe as the American welfare state model, including the relatively low tax revenue assigned to welfare programmes, the notable absence of a Constitutional guarantee of welfare rights, and the provision of welfare benefits through private market mechanisms instead of public solutions.³⁴ There is a large body of literature explaining the many variables for why these features exist, including the adversarial nature of party politics, institutional racism, failures of organised labour, and weak institutions.³⁵ However, what makes the TPM's rhetoric so significant is that the role of the values from the building of the American nation are explicitly expressed as antithetical to policies expanding the power of the national government in health care. The rhetoric from these websites demonstrates a belief that the unique structure of the American state, with its limited role for government in the welfare system and the preference for private market solutions, is the intent of the Founders and inextricably tied to the purpose of American nation. Because they will restore the country to the way it was 'originally conceived and created by our FOUNDING FATHERS', the TPM feel they can legitimately claim to be 'true owners of the United States'.³⁶ The intent of the Founding Fathers is the core unifying belief that the TPM uses to justify political action, and the common value they advance to motivate their fellow Americans to join their cause.

'THE' ORIGINAL INTENT

The implication of the Tea Party movement's rhetoric is that a historical review of the founding of the United States will reveal a united conception of the role of the government principally endorsing TPM values. There is a question of whether there would be any value to returning to the 18th century at this stage. However, my aim is to adapt what Chris Clarke has described as 'pragmatic historiography', where an examination of history can help provide insight into the assumptions, norms, and traditions of modern observers.³⁷ I am

seeking to understand those of the Tea Party activists. Tea Party history suggests that the early, capitalistic Americans broke away from Great Britain over unjust taxation and formed a new nation based on the principles of constitutional government. None of this simple history is untrue. It suggests that all of the TPM claims were true: the Founders were committed to low taxation, constitutionally limited government, and states' rights for the preservation of a capitalist, free market economy. However, I suggest that far from a single unified intent as the TPM implies, the motivations of the Founders were complex, varied, and evolved over time. The different values deployed in different situations by the Founders offer a wide array of potential narratives to be carried forward in future political debates, but the TPM chose: Fiscal Responsibility, Constitutionally Limited Government, and Free Markets. A more expansive history of the founding of the American nation reveals what has been creatively inferred and neglected in Tea Party rhetoric. Again following Finlayson's approach to rhetoric, this 'creativity' can indicate the unspoken norms and values to which the TPM is appealing.³⁸

To begin, all of the American Founders were at first British subjects, and many were proud, patriotic subjects with great faith in the British system of government. The everyday experience of British governance for the colonists was defined by 'salutary neglect' and de facto political liberty.³⁹ The prosperity of Americans in the 18th century must have ostensibly confirmed the superiority of their economic system, even though it was largely the unintended consequence of logistical limitations. A journey from London took at least 4 months, so the ability of Parliament or the Crown to exercise control over colonial life was unfeasible. Reflecting on the relative prosperity of the colonies at the time, Adam Smith noted that the singular focus on agriculture was 'the principal cause of rapid progress', with manufacturing left to the home county and the Europeans.⁴⁰ While the surplus of agricultural output of tobacco and cotton enabled American land owners to accumulate a great deal of

wealth, it is well-understood today that not everyone benefited equally from this system – more obviously Native Americans, enslaved people, and women. Land was ‘free’, and a mix of slavery and indentured servitude ensured labour was plentiful and cheap for the right kind of British entrepreneur. While this system does meet many of the criteria for the ‘capitalist’ label, the agricultural, slave-owning economy of early Americans is hardly a model to carry into the future.

The affection for constitutional government preceded the founding of the American nation, coming first from the British constitution. Life in America provided many advantages over life in England. As Gordon Wood observed, the British colonists were ‘probably freer and less burdened with cumbersome feudal and monarchical restraints than any part of mankind in the eighteenth century’.⁴¹ For John Adams, the outstanding features of the English constitution was that it was more than a system of laws, but rather ‘*stamina vitae*’ (thread of life) or ‘a combination of powers for a certain end, namely, – the good of the whole community’.⁴² In a letter in 1753, Benjamin Franklin wrote, ‘I pray God long to preserve to Great Britain the English laws, manners, liberties, and religion... I hope the constitution is not so near a dissolution as some seem to apprehend’.⁴³ As hinted in Franklin’s letter, rumours about the condition of the home country and the vulnerability of the constitution existed long before the Stamp Act was passed in 1766. In a letter to the Boston Gazette in 1758, Dr. John Brown despaired the ‘vain, luxurious, and selfish effeminacy’ of the home country, which was ‘weaken[ing] the foundations of our constitution’.⁴⁴ By 1770, a report recording a town meeting in Boston declared, ‘The work of ages – the British constitution seems fast tottering into fatal and inevitable ruin’.⁴⁵

Although it is true that the foundational protest against the British government was over acts of taxation, the matter of taxation, so central to TPM rhetoric, has been described as ‘a mere incident’ to the larger constitutional questions.⁴⁶ The crux of the dispute was the

constitutionality of the common practice of ‘virtual representation’, where the majority of British subjects did not elect representatives to Parliament but were considered represented on the basis that all members represent the whole of the nation, not only their constituencies. Edmund Burke explained this at the time when he said Parliament represented ‘*one* nation, with *one* interest, that of the whole, where not local purposes... ought to guide, but the general good’.⁴⁷ For the colonists, Parliament could not represent colonial interests because the members were too disconnected with the local experience of Americans. James Otis, often credited as the author of the phrase ‘taxation without representation’, wrote that you could ‘as well prove that the British House of Commons in fact represent all the people of the globe as those in America’.⁴⁸ By contrast, all TPM activists had the right to vote for their representatives in the modern, American democratic system.

The Revolutionary war produced a new reality and one to some degree completely unanticipated by the colonists: they would no longer be British. In June 1776, the Committee of Five was appointed to draft a document, one of the first and certainly the most important of the new nation, declaring the separation of the colonies from Great Britain. However, they were still justifying their actions through British political ideology. Carl Becker asserts that it should be obvious that the principles were not new, rather repetition of ‘good old English doctrine newly formulated to meet a present emergency’.⁴⁹ Thomas Jefferson explained himself that his objective was not ‘to find out new principles, or new arguments’ or ‘aiming at originality of principles or sentiments’.⁵⁰ Far from a single, united ‘original intent’, the first Continental Congress was divided in the final wording of the Declaration of Independence, a document fundamental to the American political spirit. It was composed with many compromises, often made in exasperation. Adams reflected in his diary on these concessions, ‘I believe not one of the committee was fully satisfied with it; but they all soon

acknowledged that there was no hope of hitting on anything in which we could all agree with more satisfaction'.⁵¹

As Jefferson sought to justify the actions of the Revolution in the first draft of the Declaration, he was confronted with the inconsistency of the principle that 'all men are created equal' and the reality of society in which he lived: many Americans, including him, owned enslaved people. In an often uncited passage of his first draft, Jefferson condemns the King for violating the 'life & liberty in the persons of a distant people... captivating & carrying them into slavery in another hemisphere', which he described as an 'assemblage of horrors'.⁵² There is little record of Jefferson's thoughts on this specific passage, which could have been a momentary acknowledgement of his conscience or possibly an indirect criticism of the cost of the Crown's geopolitical ambition.⁵³ Regardless, at the moment the American nation became an independent political entity, the leaders of the Revolution were given the opportunity to address the moral atrocity of slavery, but ultimately struck the entire paragraph from the final draft to gain the approval of Southern delegates. This draft of the Declaration, I know from my rhetorical archive, is not included in the TPM's founding texts.

The same Congress that drafted the Declaration was also tasked with drafting the first constitution, looking to reinstate the happy status quo of colonists before the start of the Anglo-American conflict. As the bonds between England and America were severed, so too was the affection for the British constitution. In 1776, a pamphlet was published to explain the defects of the English constitution. 'The truth is,' the authors argued, 'the English have no fixed Constitution... whatever acts [king, lords, and commons] passes, are laws be they ever so oppressive or arbitrary'.⁵⁴ As the revolutionaries made their case in pamphlets in the 1760s, they were inadvertently establishing the ideals for the constitution formed in 1776. As the revolutionaries had fought for local control, this constitution affirmed that every colony was an independent and fully sovereign state, bound in a 'league of friendship' with the other

states. Taxation policy was set at the level of the independent states and power was not given to the central government to enforce collection. All of these principles were embodied in the first constitution of the United States: the Articles of Confederation. Again, I know from my archive that this is a document completely neglected in TPM history.

The early American nation under the Articles faced a number of key problems. In 1786, a group of debtors coordinated a rebellion in Massachusetts, which called upon the confederation to aid in the management of this conflict. However, the national government had no funds to pay for an army as the independent states had not contributed sufficient revenues to the central treasury. This reinforced the belief by many American statesmen that the entire system of government needed to be restructured, leading to the Constitutional Convention more than 10 years after the Declaration was written. Alexander Hamilton, John Jay, and James Madison published a series of papers arguing on behalf of the Federalists for a completely new constitution to address the needs of the moment. America, they implored, had ‘reached almost the last stage of national humiliation’ as they owed ‘debt to foreigners, and to our own citizens’.⁵⁵ A national system for taxation may seem dangerous, but taxation was necessary and despite many new tax laws, ‘the treasuries of the states have remained empty’.⁵⁶ Far from a continuation of the rhetoric against the British Parliament, the Convention of 1787 was a response to the perceived failures of the *American* constitution. It was for all these novel circumstances that concessions needed to be made, and new powers needed to be ceded to the federal government, including minting of currency, raising armies, regulation of commerce, and, importantly in contrast to TPM rhetoric, raising taxes.

Although the Federalist Papers have achieved more renown, the Anti-Federalist Papers are equally important to the legacy of the founding of the nation and more closely reflect the rhetoric of the pamphleteers of the revolutionary era. For the Anti-Federalists, the ‘new’ branches of government, which they described as ‘king, lords, and commons or, in the

American language, President, Senate and Representatives’ and ‘nearly copied after that of Great Britain’.⁵⁷ As the revolutionaries argued against virtual representation, the Anti-Federalists believed representatives situated so far from their constituents would lose the ‘fellow-feeling’ for those being taxed.⁵⁸ The new standing army was against the principles of the American people and would be ‘employed in collecting the revenues of this our king and government’.⁵⁹ Like the authors of the *Four Letters*, they believed that the constitution ought to be fixed, and so the Articles should only be amended based on the process described within that constitution.

For the Federalists, the existing constitution was ill-suited to the new needs of the country. Amending the Articles would take too long and would only expose the nation to more challenges down the line. To gain consensus, the Federalists needed to circumvent some of the arguments made by the revolutionaries. An alternative history of the Revolution emerges, one more focused against the King rather than virtual representation. The lessons to be learned of the failures of British government was the danger of the hereditary power.⁶⁰ America should not fear distancing their representatives from their local communities, as they were ‘one united people; a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs.’⁶¹ This is not so dissimilar an argument as the one presented by Burke in defence of virtual representation. Americans, of course, were united from common British ancestry, speaking English, sharing the Christian religion, adhering to constitutional government, and following the British manners and customs praised by Franklin in 1759.

The new constitution was largely justified because of the need to address the failings of the states to self-regulate and the apparent weakness of the national government under the Articles. When questioned about potential disputes between state and national authority in the

Federalist papers, Hamilton replied, ‘I confess I am at a loss to discover what temptation the persons entrusted with the administration of the [national] government, could ever feel to divest the states of the authorities of that description’.⁶² A year after ratification, an amendment was proposed to reserve all powers not expressly delegated in the Constitution to the states. In the debate over the amendment, Madison objected to the word ‘expressly’, because it is ‘impossible to confine a Government to the exercise of express powers; there must necessarily be admitted powers by implication, unless the Constitution descended to recount every minutia’.⁶³ The word ‘expressly’, so emphasized on TPM chapter websites, was removed from the 10th amendment, which was then adopted without debate without further debate.

It may appear that I am arguing for the ‘one true’ version of American history; my point is exactly the opposite. History is not a fixed, uncontested object. The ‘original intent’ of the Founders was an important rallying point for the TPM in their opposition to Obamacare, but this broader – although admittedly brief – review of the history of the Anglo-American conflict and the drafting of the US Constitution calls attention to inventive structuring of Tea Party’s narrative of the Founding Fathers. The central conflict between Great Britain and the colonies was more over representation than taxation. The Federalist papers defend the power of taxation as one of the principal powers of the federal government. The conception of constitution changed enormously from Adams’ *stamina vitae* to the Articles of Confederation to the 1787 US Constitution. Early American ‘capitalism’ was a system that existed more by accident than design, and which persisted at the price of exploitation of large segments of society. The Tea Party activists are not professional historians and should not be judged as such. It is clear, nevertheless, that the narrative of the American Revolution as a brave rebellion against taxation with virtuous leaders ushering in an ideal system of constitutional governance to uphold free market capitalism is a teleological

imagination, not a fact. Reflecting both on Tea Party rhetoric and this historiography, the remaining question is: Why did these modern political actors appeal to *this* narrative and why was it so successful in relation to a debate on healthcare in the 21st century?

FOUNDING FATHERS AS CODE

Comparing Tea Party rhetoric alongside key events in the Founding Era to observe what has been over-emphasised and what has been neglected directs our attention to many of the assumptions, norms, and traditions of the TPM. In this section, I intend to locate the source of the values in TPM rhetoric misattributed to the Founders to their more recent origins. Firstly, I have pointed to the exaggerated role of capitalism (a word which did not come into common usage until the middle of the 19th century), but it is also notable that expressions like ‘Fiscal Responsibility’ and ‘Free Markets’ are entirely absent in the Founding Era. I suggest that this is an attempt redirect the 20th century debate on capitalism v. socialism back into the 18th century, where such ideas simply did not exist, to the benefit of the economic ambitions of modern elite actors. Secondly, the Framers only briefly address questions around ‘states’ rights’. Not included amongst the founding documents are the Articles of Confederation, which gave so much more power to the states. I suggest the appeal to ‘states’ rights’ provides a more socially acceptable front for everyday actors more motivated by racial animus. I conclude, then, that the nationally praised ‘Founding Fathers’ served both as a rhetorical mask to obscure what would otherwise be less socially acceptable as well as a cultural schema to unite disparate interests.

The principle of Fiscal Responsibility allows the TPM to encapsulate two ideas: the objection to taxation shared with the 1773 Boston Tea Party, but also opposition to deficit spending. Unsurprisingly, the Founders never addressed deficit spending, as this economic policy developed from the theories of John Maynard Keynes only appeared in American

policy-making during the 1930s. This timing, importantly, marks the birth of the modern American welfare state and the rise of Keynesianism, the dominant economic model during the liberal era. In this period, from Franklin Roosevelt's administration until Ronald Reagan, the federal government rapidly expanded its role in the delivery of welfare to American citizens in response to the changing socio-economic conditions of the early 20th century. The 1920 census indicated for the first time that agriculture, which was so praised by Adam Smith, was no longer the largest industry in the United States. More Americans were dependent on the cash nexus and 'the saleability of their skills in the labour market' for their livelihood than ever before.⁶⁴ This exposed Americans to considerable risk should the cash nexus fail, as it did so spectacularly in 1929.

Elected 3 years into the Great Depression, Franklin Roosevelt was given a strong mandate to fundamentally alter the role of the federal government in managing the welfare of Americans. Roosevelt made a conscious decision not to replace or amend the Constitution, despite the radical social change that necessitated the transformation of the role of the federal government in American society. Just before the election, William Kay Wallace argued that the American Constitution was 'obsolete' and that it was necessary to draft a new document to acknowledge 'the fact that society today is no longer concerned with political problems but with economic problems'.⁶⁵ However, Roosevelt lauded the Constitution in his inaugural address as 'so simple and practical that it is possible always to meet extraordinary needs by changes in emphasis and arrangement without loss of essential form'. He celebrated the Founders and maintained that his policy ambitions were 'feasible under the form of government we have inherited from our ancestors'.⁶⁶ In 1935, the Supreme Court disagreed, striking down the National Industrial Recovery Act and stating, 'extraordinary conditions, such as an economic crisis, may call for extraordinary remedies, but they cannot create or enlarge constitutional power'.⁶⁷ In response to this ruling, Roosevelt made a plan to pack the

court with justices loyal to his political positions, which indirectly worked to secure his reforms. Social Security was protected in the 1937 ruling *Helvering v. Davis*, which interpreted ‘the general welfare’ clause from the preamble of the Constitution to supersede the 10th amendment.⁶⁸ However, this strategy created an important institutional precedent: any future economic intervention would always be contingent on a majority of Supreme Court justices agreeing with this ‘living’ interpretation less focussed on express intent.

The liberal era saw many free market elite seeking to undermine the Keynesian consensus from those who felt the federal government did not have authority to legislate welfare programmes and markets were a better stage to negotiate welfare solutions. Many business interests sought to justify their economic ambitions by promoting a particular conception of national identity. With the expansion of voting rights in the early 20th century, the target audience was not the political elite, but average Americans. Wendy Wall made the important discovery that the term ‘free enterprise’ only came into popular use in the late 1930s. In opposition to the New Deal coalition, corporate interests joined forces to fund an advertising campaign – invoking the newly minted concept of free enterprise as a part of the ‘American Way’ – in films, cartoons, radio shows, and more. The objective, in the words of one advertising executive, was to ‘resell Americanism to Americans’ to head off ‘state socialism’.⁶⁹

Parallel to this movement was a the political alignment of one branch of constitutional theorists with the Right, such as the Reagan era Supreme Court Justice appointment of Antonin Scalia, who wrote the seminal, ‘Originalism: The Lesser Evil’. In contrast to the legal theory of Living Constitutionalism, Scalia argues for Originalism, where the words of the Constitution can only be interpreted in judicial practice based on the meaning of those words at the time they were written.⁷⁰ An Originalist approach, by contrast to *Helvering v. Davis*, could argue that the word ‘welfare’ should only be interpreted based on how that word

would have been understood in 1787, necessarily excluding government entitlement programmes designed over 100 years later. In his own lecture on the weaknesses of welfare socialism, Scalia identifies the triumph of the New Deal as the moment when the understanding of ‘general welfare’ changed, no longer holding the same meaning as when it was written.⁷¹

This anti-Keynesian coalition – formed of elite and everyday actors – worked particularly well for the flailing Reaganite project crushed by Obama’s 2008 victory. As early as 2000, *Citizens for a Sound Economy* (CSE), founded by the Koch brothers at the height of Reagan’s presidency, listed in its mission statement ‘lower taxes’, ‘limited government’ and ‘free markets’ – and occasionally ‘free enterprise’ – as the key principles of the organisation.⁷² *Americans for Prosperity* and *FreedomWorks*, two organisations spun out from CSE, were well funded in 2008, but found it difficult to generate a popular following. That is until Santelli’s rant went viral in 2009. Legal scholars have observed that the TPM was a strange amalgamation of ‘originalism’ with ‘popular constitutionalism’, where the people at large are given interpretive authority.⁷³ By appealing to the Founding Fathers, *FreedomWorks* and *Americans for Prosperity* found their following. The Founding Fathers then became free market champions in an ideological battle that began some one hundred and fifty years after they lived. Both *FreedomWorks* and *Americans for Prosperity* poured funding into the TPM project.⁷⁴

And yet, while the TPM argued for reduced government entitlements and lowering the deficit, most Tea Party members held beliefs that were exactly the opposite. In a poll of Tea Party supporters, CBS/*New York Times* found most believed ‘programs like Social Security and Medicare are worth the costs to taxpayers.’ In fact, nearly half of the households of these supporters were receiving either Social Security or Medicare.⁷⁵ Both Social Security and Medicare are federal welfare policies funded by taxes, originating from the liberal era,

and capitalising on the living interpretation of the Constitution. In a follow-up interviews asking about this contradiction, one supporter said, 'That's a conundrum, isn't it? I don't know what to say. Maybe I don't want smaller government. I guess I want smaller government and my Social Security. I didn't look at it from the perspective of losing things I need. I think I've changed my mind'.⁷⁶ But if the TPM were not exclusively mobilised by free market ideology, what other interests motivated their activism?

An ethnographic study of the Greater Boston Tea Party found a different ideological grounding: 'deservingness'.⁷⁷ In interviews, ordinary activists expressed beliefs that they had worked hard and, therefore, had earned the entitlements they receive from the government. This is in contrast to the 'undeserving' or 'freeloaders', often identified as unemployed young people and illegal immigrants. The freeloader v. hardworking American mentality channels a tradition from the 1960s of tying federal entitlements to racial stereotypes, where minorities are viewed to be disproportionately advantaged by these programmes.⁷⁸ While most of their interviewees from the Greater Boston Tea Party did not explicitly express racial stereotypes, other research has found that Tea Party supporters are more likely to espouse racially resentful beliefs. When prompted with the phrase 'If Blacks would only try harder they could be just as well off as Whites', 73% of Tea Party supporters agree; they are more than twice as likely as those who are sceptics of the movement to agree with these sentiments.⁷⁹ This bias is not disconnected with the Founders and their original intent; racism is intimately connected to the founding of the country, as already seen in the final wording of the Declaration.

The Founders' intentions reinforced the unequal treatment of Black Americans through another concept key to TPM rhetoric: states' rights. In one of the earliest cases on states' rights, the Supreme Court was asked to decide on the fate of Dred Scott, a man born into slavery in Missouri who escaped to the 'free' state of Illinois. In the decision, the court affirmed that each individual state could confer 'all the rights and privileges' to any 'foreign'

person, but that this ‘will not make him a citizen of the United States’. Chief Justice Taney explained that ‘a free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a “citizen” within the meaning of the Constitution.’ The decision indicated how far the conception of ‘constitution’ had changed from Adams’ *stamina vitae* to the more fixed/originalist understanding that Taney justified the decision by saying the Constitution must be read ‘according to its true meaning and intention when it was formed and adopted’.⁸⁰ When the primary ideal is adhering to an interpretation of Constitution solely according to the original intent of the Framers, the natural rights of men can only be secondary considerations. *Dred Scott* was nullified, but only by the 13th and 14th amendments to the Constitution, passed nearly ninety years after the Declaration of Independence – a reminder that the Constitution can be changed with political will. While these amendments legally enshrined citizenship status, the tradition of viewing some Americans as less capable, less hardworking, less intelligent – less American – persisted.

Rogers Smith’s history of citizenship law reveals both ‘ideological and institutional traditions’ that generated ‘statuses’, including “lower races”, “savages” and unassimilable”, slaves and servants, aliens and denizens, “unnatural” criminals and second-class citizens, wives and mothers’.⁸¹ Marshall’s seminal work on citizenship and the development of social rights states that ‘there is a kind of basic human equality associated with the concept of full membership of a community’.⁸² But inequality is an inescapable feature of the political system the Founders built. While the spirit of the Declaration was the belief that human rights can be naturally perceived, that they are ‘truths’ that are ‘self-evident’, in electing to reject Jefferson’s denouncement of slavery, the signatories ensured that certain groups would not have equal access to the political protections and guarantees that they had secured for themselves. As the Founders’ intentions were a mask to suppress the rights of *Dred Scott*, they now provide a mask for the suppression of social and economic rights, but not to

everyone. Predominately wealthy, white, and male, Tea Party activists championed the 10th amendment to exclude social rights to their fellow citizens while happily benefiting themselves from Social Security and Medicare.⁸³

In 1852, escaped slave turned statesman Frederick Douglass presented an Independence Day oration and asked, ‘What to the slave is the Fourth of July?’ For those disadvantaged by the long history of inequality under the system of government designed by the Founders, celebrations for the Revolutionary Era are only a reminder of ‘the gross injustice and cruelty’ tied to the first actions of the American nation.⁸⁴ Today, I might reframe Douglass’ question: What to the modern American democracy is the original intent of the Founding Fathers? This section has outlined many interests, from the corporate interests of the Koch brothers to the everyday Americans looking to preserve Social Security. The value, however, that mobilised these actors to work together was the intent of the Founding Fathers. The Founding Fathers were treated as an unquestioned authority on national objectives in TPM rhetoric, even as most Americans ought to acknowledge the failures of these men. Martin Gilens observed the ‘coding’ of certain words as a way of hiding underlying racial motivations, particularly around questions of welfare.⁸⁵ The pernicious achievement of the Tea Party was coding ‘Founding Fathers’ to legitimise a claim that only a narrow set of Americans – those who resemble the Founders in class, race, and gender – are the ‘true owners of the United States.’

CONCLUSION

‘[T]he sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature.’

- Alexander Hamilton, 1775

Certainly, American values are not the only contributor to the unique structure of America's welfare system, but the Tea Party movement is an exceptional example of how shared understandings of the founding of the American nation legitimise political ideas, constrain perceived political options, and mobilise political actors in this policy arena. The actions of the revolutionaries and the Framers drew the some of the first shared boundaries of what the American community is, who is a member of it, and what that membership guarantees. Although my rhetorical archive demonstrated that TPM believed their values were shared with the Founders, a pragmatic historiography revealed their narrative to be a teleological construct. Nevertheless, I argued 'the original intent of Founding Fathers' as a national value in itself worked as a rhetorical mask and a cultural schema. It provided a unifying front for a coalition of disparate elite and everyday communities, who benefited from institutional traditions and norms of inequality. This suggests that further study of values attributed to the American nation ought to remain an important area of research when considering the American welfare system.

There is more recent evidence that the shared belief in the 'Founders' intent' for welfare policy does not end with the Tea Party movement. While the Supreme Court upheld Obamacare in *National Federation of Independent Business v. Sebelius* on the basis it fell under the federal power of taxation, Chief Justice Roberts rejected the government's argument that the federal government has the authority to regulate health care under the commerce clause. Roberts pointed to the 10th amendment and warned that the 'two-government system established by the Framers would suffer' under the Obama administration's interpretation of federal power.⁸⁶ The present pandemic is placing unprecedented demand not only on healthcare, but unemployment benefits and food security services. However, new constitutional challenges to Obamacare based on the intentions of the Framers are underway and the authority of the federal government under the 10th amendment

to advance social rights in the future is uncertain. Meanwhile, ordinary Americans have organised Tea Party style protests against lockdown measures and mask mandates, waving Gadsden flags and holding placards reimagining Patrick Henry's infamous words: Give Me Liberty or Give Me COVID-19. Hamilton's words suggest that searching for solutions for the needs of the modern world in the writings of the pre-industrial, frontier society will provide little insight. But America is still searching 'old parchments or musty records' when deciding on the authority of the national government to manage the well-being of the community.

Pragmatic historiography encourages scholars to reflect on how our own research is, in the words of Quentin Skinner, 'contaminated by unconscious application of paradigms'.⁸⁷ The popular narrative of the founding of the American nation enshrining traditions of low taxation, small centralised government, and capitalism is incomplete at best. In diminishing the role of the values, our research may not be adequately challenging this dominant narrative, which reifies a belief that American history is synonymous with anti-statist, free market ideology. The Founders could not be free market ideologues – or socialist ones, for that matter – because their lives long pre-dated this debate. The lessons to be learned from the American nation-building process are not limited to the historical events themselves, but also how the history of the Founding Era has been co-opted to service modern political interests. Richard Rorty suggests that there is no way to tell a story non-ideologically, and as such, we should understand national narratives as an attempt 'to forge a moral identity'.⁸⁸ The ideologies of the Founders were rich and multifaceted, but also flawed. It is only through a selective telling of history that their intentions become an ideal. This idealisation advances a moral identity ill-suited to a diverse citizenry living in modern economic conditions.

ACKNOWLEDGEMENTS:

This article would not have been possible without the support of my supervisors, Matthew Watson and Chris Clarke (both at the University of Warwick), who generously read drafts and provided feedback on this piece before the start of my PhD programme. I would also like to thank Gary Hawkins for first encouraging me to think about Frederick Douglass' speech in contrast to the draft of the Declaration of Independence. I am also very grateful to the two anonymous reviewers for their advice and literature recommendations for an earlier version of this piece.

FUNDING:

I was not funded during the research of this paper.

DISCLOSURE STATEMENT:

I have no financial interests or benefits that have arisen during the application of my research.

¹ G. Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge: Polity Press, 1989); J. Hacker, *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States* (New York: Cambridge University Press, 2010); D. S. King, *The New Right: Politics, Markets and Citizenship* (Basingstoke: Palgrave Macmillan, 1987); M. Prasad, *The Politics of Free Markets: The Rise of Neoliberal Economic Policies in Britain, France, Germany, and the United States* (Chicago, IL: University of Chicago Press, 2006); T. Skocpol, 'A Society without a "State"? Political Organization, Social Conflict, and Welfare Provision in the United States', *Journal of Public Policy* 7 (1987): pp. 349–71; J. Quadagno, 'Why the United States Has No National Health Insurance: Stakeholder Mobilization against the Welfare State, 1945-1996', *Journal of Health and Social Behavior* 45 (2004): p. 25–44.

² M. Cooper, 'G.O.P. Senate Victory Stuns Democrats', *The New York Times*, 19 January 2010, <https://www.nytimes.com/2010/01/20/us/politics/20election.html>; S.G. Stolberg, J. Zeleny, and C. Hulse, 'Health Vote Caps a Journey Back From the Brink', *The New York Times*, 20 March 2010, <https://www.nytimes.com/2010/03/21/health/policy/21reconstruct.html>.

³ 'Tea Party Patriots', Mission Statement and Core Values, 7 April 2010, <https://web.archive.org/web/20100129202443/http://www.teapartypatriots.org/mission.aspx>, see also Ref. 17 for information about the Wayback Machine.

⁴ M. Watson, 'Michael Gove's War on Professional Historical Expertise: Conservative Curriculum Reform, Extreme Whig History and the Place of Imperial Heroes in Modern Multicultural Britain', *British Politics*, 10 (2019): pp. 271-290.

⁵ Esping-Andersen, *The Three Worlds of Welfare Capitalism*, *op. cit.*, Ref. 1; M. Kuisma, 'Nordic Models of Citizenship: Lessons from Social History for Theorising Policy Change in the "Age of Globalisation"', *New Political Economy* 12, 1(2007): pp. 87–95; T.H. Marshall, *Citizenship and Social Class*, Pluto Perspectives (1950; repr., London: Pluto Press, 1992).

⁶ Kuisma, *ibid*; J. G. March and J. P. Olsen, *Rediscovering Institutions: The Organisational Basis of Politics* (New York: The Free Press, 1989).

⁷ Quadagno, 'Why the United States Has No National Health Insurance:', *op. cit.*, Ref. 1; T. Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass: Belknap Press of Harvard University Press, 1992).

⁸ M. Blyth, *Great Transformations* (Cambridge: Cambridge University Press, 2002); Prasad, *The Politics of Free Markets*, *op. cit.*, Ref. 1, p. 269.

⁹ C. Coker, 'Recasting the Founding Fathers: The Tea Party Movement, Neoliberalism, and American Myth', *Speaker & Gavel*, 54 (2017): pp. 52-70; R. Elliott, 'It's Just a Jump to the Right: The Tea Party's Influence on Conservative Discourse', *European Journal of American Studies* [online] 12 (2017); J. Lepore, *The Whites of Their Eyes: The Tea Party's Revolution and the Battle over American History* (Princeton: Princeton University Press, 2011); V. Williamson, T. Skocpol, and J. Coggin, 'The Tea Party and the Remaking of Republican Conservatism', *Perspectives on Politics* 9, 1 (2011): pp. 25-33.

¹⁰ G. Dangerfield, *The Era of Good Feelings* (New York, NY: Harcourt, Brace and Company, 1952); R. Rorty, *Achieving Our Country: Leftist Thought in Twentieth Century America* (Cambridge, MA: Harvard University Press, 1998); W. Wall, *Inventing the "American Way": The Politics of Consensus from the New Deal to the Civil Rights Movement* (Oxford: Oxford University Press, 2008).

¹¹ J. Goldstein, 'The Tea Party Movement and the Perils of Popular Originalism', *Arizona Law Review* 53 (2011): 828-866; C. W. Schmidt, 'The Tea Party and the Constitution', *Hastings Constitutional Law Quarterly* 39 (2011): 193-252; R. M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997); R. Zietlow, 'Popular Originalism? The Tea Party Movement and Constitutional Theory', *Florida Law Review* 64 (2012): 483-512.

¹² C. Clarke, *Ethics and Economic Governance: Using Adam Smith to Understand the Global Financial Crisis* (Abingdon: Routledge, 2016); A. Finlayson, 'Rhetoric and the Political Theories of Ideologies', *Political Studies*, 60 (2012): 751-767.

¹³ Quadagno, 'Why the United States Has No National Health Insurance' *op. cit.*, Ref. 1; W. H. Sewell, 'Historical Events as Transformations of Structures: Inventing Revolution at the Bastille', *Theory and Society* 25(1996): p. 842.

¹⁴ CNBC.com, 'Rick Santelli's Shout Heard 'Round the World', 22 February 2009, <https://www.cnbc.com/id/29283701>.

¹⁵ Finlayson, 'Rhetoric and the Political Theories of Ideologies', *opt cit.*, Ref. 12, p. 14.

¹⁶ See Ref. 9 and 11.

¹⁷ 'Internet Archive: Wayback Machine', Internet Archive: Wayback Machine, 2020, <https://archive.org/web/>. Please note that the Wayback Machine is a digital archive that captures the way websites appeared on certain dates. For all the Tea Party chapter websites, I have listed the date I selected on the Wayback Machine. I built my archive during the month of March 2020, but last confirmed the accuracy of my dates/content 16 April, 2020. Where the Wayback Machine has been used, I have only supplied the weblink for the archive web address, not the original web address.

¹⁸ 'TPP', *op. cit.*, Ref. 3.

¹⁹ 'TPP', *ibid.*

²⁰ *Tax Day Tea Party 2009 Plymouth Rock Foundation*, YouTube (Boston, MA, 2009), <https://www.youtube.com/watch?v=Y00UE3o9Jec>.

²¹ 'Tea Party Kansas City', Tea Party Kansas City, 29 March 2010, <https://web.archive.org/web/20100329175004/http://www.teapartykc.com/>; 'TEAPartyDay.Com', TEAPartyDay.com Home, 15 July 2009, <https://web.archive.org/web/20090715201304/http://www.teapartyday.com/>.

²² 'Tea Party Patriots of the Twin Cities | Limited Government, Fiscal Responsibility, and Free Markets', Tea Party Patriots of the Twin Cities | Limited Government, Fiscal Responsibility, and Free Markets, 11 February 2010, <https://web.archive.org/web/20100211092119/http://teapartypatriotsofthetwincities.org/>.

²³ 'Southern California Tax Revolt Coalition', MISSION STATEMENT - Southern California Tax Revolt Coalition, 25 March 2010, <https://web.archive.org/web/20100325170307/http://www.socaltaxrevoltcoalition.org/2.html>.

²⁴ 'New Jersey Tea Party Coalition', Core-Principles, 12 April 2010, <https://web.archive.org/web/20100412060550/http://www.njteapartycoalition.org/CorePrinciples.html>; 'Maryland Society of Patriots', Maryland Society of Patriots » Mission Statement, 25 June 2010, <https://web.archive.org/web/20100625023716/http://marylandpatriots.org/mission-statement/>; 'Vermont Campaign for Liberty', Vermont Campaign for Liberty - Who, 20 August 2010, <https://web.archive.org/web/20100820123948/http://vermontcampaignforliberty.org/who.html>.

²⁵ Rick Perry, *Rick Perry at the Austin Tea Party*, YouTube (Austin, TX, 2009), <https://www.youtube.com/watch?v=SW4HAKIP79o>.

²⁶ 'New Republic Patriots', New Republic Patriots, 6 March 2010, <https://web.archive.org/web/20100306155717/http://newrepublicpatriots.com/>; 'Virginia 10th Amendment

Revolution’, Welcome to the Virginia 10th Amendment Revolution | Virginia 10th Amendment Blogs, 9 January 2010, <https://web.archive.org/web/20100109113126/http://va10thamendment.org/>.

²⁷ ‘TPP’, *op. cit.*, Ref. 3.

²⁸ ‘TPP’, *ibid.*

²⁹ ‘New Jersey Tea Party Coalition’, *op. cit.*, Ref. 24; ‘TPP’, *ibid.*

³⁰ ‘Oregon Tea Party PAC’, Our Mission - the Oregon Tea Party PAC, 18 July 2011, <https://web.archive.org/web/20110718105250/http://www.oregonteparty.org/tea-party-mission.php>.

³¹ ‘We the People of West Virginia’, We the People of West Virginia - Resolution, 23 January 2010, <https://web.archive.org/web/20100123211708/http://www.wtpwv.com/resolution.php>.

³² ‘Acadiana Tea Party’, Acadiana Tea Party, 8 April 2010, <https://web.archive.org/web/20100408071410/http://www.acadianateaparty.net/>.

³³ ‘We the People of West Virginia’, *op. cit.*, Ref. 31.

³⁴ A. Alesina, E. L. Glaeser, and B. Sacerdote, ‘Why Doesn’t the United States Have a European-Style Welfare State?’, *Brookings Papers on Economic Activity* 2001, 2 (2001): 187–277; Hacker, *The Divided Welfare State*, *op. cit.*, Ref. 1; T. S. Jost, *Threats Facing Our Public Health-Care Programs and a Rights-Based Response* (Oxford: Oxford University Press, 2003).

³⁵ Alesina, Glaeser, and Sacerdote, *ibid.*; M. Gilens, ‘“Race Coding” and White Opposition to Welfare’, *American Political Science Review* 90 (1996): 593–604; Prasad, *The Politics of Free Markets*, *op. cit.*, Ref. 1; J. Quadagno, ‘Theories of the Welfare State’, *Annual Review of Sociology* 12, (1987); Skocpol, ‘A Society without a “State”?’ *op. cit.*, Ref. 1.

³⁶ ‘West Suburban Patriots - an Independent Tea Party Movement Group’, West Suburban Patriots - an independent Tea Party Movement group, 16 April 2010, <https://web.archive.org/web/20100416145003/http://westsuburbanpatriots.ning.com/>; ‘1776 Tea Party’, 1776 Tea Party, 7 April 2010, <https://web.archive.org/web/20100407163017/http://teaparty.org/home.html>.

³⁷ Clarke, *Ethics and Economic Governance*, *op. cit.*, Ref. 12; See also Q. Skinner, ‘Meaning and Understanding in the History of Ideas’, *History and Theory* 8 (1969): 3–53.

³⁸ Finlayson, ‘Rhetoric and the Political Theories of Ideologies’, *opt cit.*, Ref. 12.

³⁹ M. Mann, *The Sources of Social Power: Volume 2, The Rise of Classes and Nation-States, 1760-1914* (Cambridge: Cambridge University Press, 2012), p. 137.

⁴⁰ A. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Wordsworth Classics of World Literature (1776; repr., Ware: Wordsworth, 2012), p. 286.

⁴¹ Gordon Wood, ‘Rhetoric and Reality in the American Revolution’, *The William and Mary Quarterly* 23 (1966): p. 5.

⁴² As cited in B. Bailyn, *The Ideological Origins of the American Revolution*, Fiftieth Anniversary (1967; repr., Harvard University Press, 2017), p. 68.

⁴³ As cited in Bailyn, *ibid* p. 89.

⁴⁴ As cited in Bailyn, *ibid* p. 87.

⁴⁵ As cited in Bailyn, *ibid* p. 121.

⁴⁶ C.H. McIlwain, ‘The Historical Background of Federal Government’, in *Federalism as a Democratic Process* (New Brunswick: Rutgers University Press, 1942).

⁴⁷ As cited in Bailyn, *The Ideological Origins of the American Revolution*, *op. cit.*, Ref. 42, p. 164.

⁴⁸ As cited in Bailyn, *ibid*, p. 166.

⁴⁹ C. Becker, *Declaration of Independence. A study in the history of political ideas.* (New York: Harcourt, Brace & Co, 1922), p. 79.

⁵⁰ ‘From Thomas Jefferson to Henry Lee, 8 May 1825’ (University of Virginia Press, 5 August 1825), <http://founders.archives.gov/documents/Jefferson/98-01-02-5212>.

⁵¹ *The Works of John Adams, Second President of the United States: With a Life of the Author, Notes and Illustrations*, by His Grandson Charles Francis Adams, vol. 2 (Boston: Little, Brown and Co., 1856), pp. 240–41.

⁵² ‘Original Rough Draught of the Declaration of Independence’, Jefferson’s “original rough draught” of the Declaration of Independence, 1776, <https://jeffersonpapers.princeton.edu/selected-documents/jefferson%E2%80%99s-%E2%80%9COriginal-rough-draught%E2%80%9D-declaration-independence>.

⁵³ Becker, *Declaration of Independence. A study in the history of political ideas*, *op. cit.*, Ref. 58.

⁵⁴ ‘Four Letters on Interesting Subjects’, July 1776, <http://thomaspaine.org/recently-discovered/four-letters-on-interesting-subjects.html>.

⁵⁵ A. Hamilton, J. Jay, and J. Madison, *The Federalist*, ed. George W. Carey and James McClellan, The Gideon Edition (Indianapolis: Liberty Fund, 2001), p. 69.

⁵⁶ Hamilton, Jay, and Madison, *ibid*, p. 56.

- ⁵⁷ ‘A Farmer’, ‘On The Preservation of Parties, Public Liberty Depends’, *Maryland Gazette*, 18 March 1788, <http://resources.utulsa.edu/law/classes/rice/Constitutional/AntiFederalist/10.htm>; ‘John Humble’, ‘The Use of Coercion by the New Government (Part 2)’.
- ⁵⁸ G. Mason, ‘Federal Taxing Power Must Be Restrained’ (Virginia Ratifying Convention, Virginia, 4 June 1788), <http://resources.utulsa.edu/law/classes/rice/Constitutional/AntiFederalist/35.htm>.
- ⁵⁹ ‘John Humble’, ‘The Use of Coercion by the New Government (Part 2)’, *op. cit.*, Ref. 67
- ⁶⁰ Hamilton, Jay, and Madison, *The Federalist*, *op. cit.*, Ref. 65
- ⁶¹ Hamilton, Jay, and Madison, *ibid*, p. 6.
- ⁶² Hamilton, Jay, and Madison, *ibid*, p. 80.
- ⁶³ As cited in P. Kurland and R. Lerner, eds., *The Founders’ Constitution*, [online] (University of Chicago Press & LibertyFund, 1986), <http://press-pubs.uchicago.edu/founders/documents/amendXs6.html>.
- ⁶⁴ Esping-Andersen, *The Three Worlds of Welfare Capitalism*, *op. cit.*, Ref. 1, p. 21; K. Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 2nd edition (1944; repr., Boston, MA: Beacon Press, 2002).
- ⁶⁵ W. K. Wallace, *Our Obsolete Constitution*. (New York: JDay Co, 1932), p. 95.
- ⁶⁶ F. D. Roosevelt, ‘Inaugural Address’ (Washington, D.C., 1933), <https://www.presidency.ucsb.edu/documents/inaugural-address-8>.
- ⁶⁷ A. L. A. Schechter Poultry Corp. v. United States, U.S. 495 295 (U.S. Supreme Court 1935).
- ⁶⁸ Helvering v. Davis, U.S. 619 301 (U.S. Supreme Court 1937).
- ⁶⁹ Wall, *Inventing the “American Way”*, *op. cit.*, Ref. 10.
- ⁷⁰ A. Scalia, ‘Originalism: The Lesser Evil’, *University of Cincinnati Law Review* 57(1988): p. 849.
- ⁷¹ A. Scalia, ‘Is Capitalism or Socialism More Conducive to Christian Virtue?’ (The Lanier Theological Library Houston, TX, 25 September 2013), <https://www.youtube.com/watch?v=fkChru9L3xA>.
- ⁷² ‘Citizens for a Sound Economy’, Citizens for a Sound Economy - Mission, 7 April 2000, <https://web.archive.org/web/20000407182904/http://www.cse.org/know/mission.html>.
- ⁷³ Goldstein, ‘The Tea Party Movement and the Perils of Popular Originalism’, *op. cit.*, Ref. 11: p. 40.
- ⁷⁴ Williamson, Skocpol, and Coggin, ‘The Tea Party and the Remaking of Republican Conservatism’, *op. cit.*, Ref. 9: pp. 25–43.
- ⁷⁵ ‘Tea Party Supporters: What They Think’ (CBS/New York Times, 14 April 2010), <https://www.cbsnews.com/news/tea-party-supporters-who-they-are-and-what-they-believe/>.
- ⁷⁶ K. Zernike and M. Thee-Brenan, ‘Poll Finds Tea Party Backers Wealthier and More Educated’, *The New York Times*, 14 April 2010, <https://www.nytimes.com/2010/04/15/us/politics/15poll.html>.
- ⁷⁷ Williamson, Skocpol, and Coggin, ‘The Tea Party and the Remaking of Republican Conservatism’, *op. cit.*, Ref. 9, p. 32.
- ⁷⁸ Alesina, Glaeser, and Sacerdote, ‘Why Doesn’t the United States Have a European-Style Welfare State?’ *op. cit.*, Ref. 35; Gilens, ‘“Race Coding” and White Opposition to Welfare’ *op. cit.*, Ref. 35; Williamson, Skocpol, and Coggin, *ibid*.
- ⁷⁹ C. Parker and C. Towler, ‘2010 Multi-State Survey of Race & Politics’, University of Washington Institute for the Study of Ethnicity, Race & Sexuality, 2010), https://depts.washington.edu/uwiser/tp_content_analysis.htm.
- ⁸⁰ Dred Scott v. Sandford, U.S. 393 60 (U.S. Supreme Court 1856).
- ⁸¹ Smith, *Civic Ideals*, *op. cit.*, Ref. 11.
- ⁸² Marshall, *Citizenship and Social Class*, *op. cit.*, Ref. 7, p. 6.
- ⁸³ ‘Tea Party Supporters: What They Think’, *op. cit.*, Ref. 75.
- ⁸⁴ F. Douglass, ‘What to the Slave Is the Fourth of July?’ (Speech, Rochester, NY, 1852), <https://liberalarts.utexas.edu/coretexts/files/resources/texts/c/1852%20Douglass%20July%204.pdf>.
- ⁸⁵ Gilens, ‘“Race Coding” and White Opposition to Welfare’, *op. cit.*, Ref. 35.
- ⁸⁶ National Federation of Independent Business v. Sebelius, U.S. 519 567 (U.S. Supreme Court 2012).
- ⁸⁷ Skinner, ‘Meaning and Understanding in the History of Ideas’, *op. cit.*, Ref. 37, p. 7
- ⁸⁸ R. Rorty, *Achieving Our Country*, *op. cit.*, Ref 10, p. 13.