Would today's tea party have opposed the US Constitution?

By David Sehat / February 10, 2011

One of the drums that the tea party beats again and again is that the Founders favored limited government because they thought the power of taxation was an essential tool of despotism. They argue that our current government, with its large and growing debt and with its tendency toward what some conservatives see as socialism, violates the small-government Constitution created by the Founders.

So concerned are the newly elected tea party members in Congress that they have threatened to bring the government to a standstill in the next couple of months by voting against a bill to raise the US debt ceiling, which caps the amount of money that the federal government is allowed to borrow.

With increasing frequency since budget deficits started soaring under George W. Bush, Congress has repeatedly raised the debt ceiling to avoid default and the temporary shut-down of the federal government, both of which threaten serious long-term economic consequences. But tea party proponents have argued that the debt must be contained as a first engagement in a longer battle to lower taxes, diminish federal expenditures, and return the federal government to the size and purpose intended by the Founders.

Tea partiers are today's Antifederalists

This argument is instructive, but not quite in the way that tea partiers imagine. Though the tea party's philosophy is clear enough, it obscures a telling irony: Even though tea partiers appeal to the Constitution to support their position, they often sound more like Antifederalist opponents of the Constitution than the Constitution's supporters.

This is because the original vision of the Constitution did not seek to keep the national government small and in its place, as the tea partiers claim. The Constitution sought, instead, to strengthen the national government in order to solve the problem of federal taxation.

That problem arose directly out of the War for Independence. After the American Revolution, the United States assumed the debts that state governments had incurred during the war. But, under the Articles of Confederation, the federal government had to go cap in hand to the states in order to ask for financial support.

This left the national government paralyzed, since states had, in the words of the Antifederalist William Grayson, "a disinclination to pay money" to the federal government.

This balance of power toward the states threatened to undermine the union of liberty for which the American Revolution was fought. To remedy the situation, the Federalist supporters of the new Constitution aimed to create a national government of enough power that it could levy so-called direct taxes, without the prior consent of the states, in order to support the national purposes that had created a national debt.

It was exactly this point on which the Constitution's opponents focused, much like our current small-government party does today. They worried that the power of direct taxation would upend the dominance of the states, making them mere auxiliaries of a powerful national government. As a result, they sought a modification of this taxing power that still preserved the autonomy and even the primacy of the states.
In the Virginia ratification debates, for example, opponents of the Constitution sought an amendment that would allow the states themselves to requisition federal taxes, so that all money flowed through the states to the federal government in order to maintain states’ rights over taxation. Explaining the amendment to Thomas Jefferson (who was in France), the Federalist and Founder James Madison noted that the purpose of such a proposal was to “mutilate the system” by attacking its taxing power so that it could no longer “answer the purpose for which it was intended.” That purpose, in Madison’s view, was the creation of a government of national supremacy fit for a true nation.

Link between strong government and national health
The Constitution’s proponents saw quite clearly that the fate and character of the nation was at stake in the Constitutional debate, so they spoke more explicitly about the connection between a strong government and our national health than tea party proponents care to acknowledge. Only if the federal government was strong could the nation survive, Federalists claimed. And the federal government could only be strong if it was able to apply taxes directly on citizens in a way that many states might not like.

This trade-off was necessary for the perpetuation of American freedom, at least as the Constitutional framers understood it. In the words of Charles Cotesworth Pinckney during the South Carolina ratification debates, the Declaration of Independence had recognized a fundamental fact that had led to the constitutional moment of 1787: “our freedom and independence arose from our union,” he claimed. And so important was union to freedom that without the national power necessary for union — which preeminently included the power of taxation to pay for debt — Pinckney concluded that “we could neither be free nor independent.”

Keep history in mind
So the next time newly elected tea party proponents talk about freezing the debt ceiling in order to “starve the beast” of national government, keep the arguments of Federalists such as Pinckney in mind. Keep them in mind when tea party proponents call for the roll-back of the federal health care law, which they regard as an illegitimate incursion into states’ rights.

Keep them in mind when you hear about secession balls, which are popping up around the South and coincide with both the ascension of the tea party into office and the sesquicentennial of the Civil War. And keep them in mind when tea partiers rehearse the long-discredited idea that states have the power to nullify federal laws.

The states-rights, neo-secessionist, small-government ideologues who seem to have taken over the Republican Party might have a coherent political philosophy. But that philosophy is not the philosophy of the constitutional framers. It is the philosophy of the Constitution’s opponents.


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