



THE BROOKINGS INSTITUTION
***Democracy in Question* podcast**

“Why the founders cared about trade and taxes”

Thursday, June 11, 2026

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Episode Summary:

Two grievances lodged against King George in the Declaration of Independence—taxation without consent and trade restrictions—continue to shape American policy today. On this episode of *Democracy in Question*, host Katie Dunn Tenpas is joined by Brookings scholars Kari Heerman and Vanessa Williamson for a conversation that draws a direct line from the founders’ grievances in 1776 to the tariff and tax policy decisions defining the U.S. today.

READER: The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world. He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

[music]

For cutting off our Trade with all parts of the world: For imposing Taxes on us without our Consent.

TENPAS: Hi, I'm Katie Dunn Tenpas, a visiting fellow in Governance Studies at the Brookings Institution and director of the Initiative on Improving Interbranch Relations and Government. And this is season three of *Democracy in Question*. This season, we're doing something a little unusual for a policy podcast. We're going back, 250 years back, to the birth of the Declaration of Independence, the document that outlined exactly why the United States of America came to exist in the first place.

Last episode, we discussed the grievances the founders laid against King George. They were related to the Crown's control of migration and naturalization. In this episode, we turn to two more grievances from 1776 that feel anything but historic right now. Those are for cutting off our trade with all parts of the world, for imposing taxes on us without our consent.

I'm excited to welcome my wonderful colleagues, Vanessa Williamson and Kari Heerman. Vanessa is a senior fellow in the Governance Studies program and a senior fellow in the Urban-Brookings Tax Policy Center.

Kari is the director of Trade and Economic Statecraft and a senior fellow in the Economic Studies program. Both will help us understand the meaning of the founders' grievances regarding taxes and tariffs.

Welcome back, Vanessa.

WILLIAMSON: Oh, glad to be here.

TENPAS: Thank you. And welcome, Kari, to the show.

HEERMAN: Thanks for having me.

[2:03]

TENPAS: Sure. So Vanessa, I'll start with you. The Declaration includes a striking prefatory statement before listing the two grievances that we're talking about today, that the king "has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation." Can you tell us about that phrase?

[2:26]

WILLIAMSON: Well, I think you can look at the American Revolution as a series of back-and-forth contestation as the American colonies came to see themselves as their own nation. And one of the triggers of that process, certainly not the only, but a significant one, was the attempt by Parliament to tax the colonies.

Now, I think we traditionally imagine that Americans were simply opposed to taxation as such. That's not true at all. But they did demand what the New York colony said in a letter of grievance, "The grand right to tax ourselves." And one of the problems they faced with Parliament taxing them is that Parliament didn't understand the economy in the Americas very well, so they proposed taxes and tried to impose taxes that were very hard for Americans to pay. They were based in silver coin, which Americans did not have. They were taxes on documents, which were very expensive for small farmers.

And so at first, the colonies were simply saying, Oh, well, can we raise the money here in the way that makes sense for us, and we'll remit that amount of revenue to you? But Parliament wouldn't go for that.

And so what you find over time is that the sense that the colonies could negotiate to an agreement declined, and the sense that, "No, actually, we are our own nation" developed. Right? And that is what brings us to 1776.

[3:39]

TENPAS: Really interesting. They should have made it easier.

[3:41]

WILLIAMSON: You would think. Right? And, you know, Benjamin Franklin tried. He explained this again and again, that these particular tax measures, it wasn't the amount of money, it was the way they were taxing.

[3:50]

TENPAS: So most Americans are familiar with the phrase taxation without representation, and that grievance sort of rings true, I think. But can you paint the picture of what actually drove the founders to include it? What did the Crown actually do that made this feel more than just a financial complaint?

[4:07]

WILLIAMSON: So, taxes were certainly a financial complaint, limits on the expansion into the West, but it was a financial complaint. But the thing that was different about taxation was it was also an ethical and philosophical statement. It was common in that era, and I think we still feel this today, that you have a right to the fruits of your labor. Right? And if someone were to steal those from you, that was a fundamental violation.

In fact, early Americans described it as a kind of slavery. Now, you might ask yourself how it is that early Americans, who were in fact enslaving people, could at the same time criticize other people for trying to enslave them, and that is an absolutely reasonable, I think, example of our early hypocrisies.

But the idea that they were getting at was that the work you do belongs to you. And so whereas, you know, if the question is about their right to take land from Native Nations or if their their right to object to other kinds of legislation, that was more sort of directly what benefits me. Right?

But taxation they could frame in this big moral context about what is right about your freedoms as a person to to benefit from the work that you do.

TENPAS: Right. So there was a lot more behind it than the financial remuneration—

WILLIAMSON: —absolutely—

[5:16]

TENPAS: —of the Crown.

And Kari, when a dominant power restricts a smaller economy's access to trade and to global markets, as the founders accused the Crown of doing, what usually happens to that smaller economy?

[5:29]

HEERMAN: Well, there's a a combination of a couple of things. One is just the direct effects of economic constraints being imposed on them. In the case where trade is restricted, it's a less ability to buy and sell the things that you might want to buy and sell, just as as Vanessa was just describing, to build the fruits of your labor, such as it is.

And at the same time, I think there's also, even today and to the extent that this happens, there's a sort of same kind of political resentment that Vanessa described as well. A third party is interfering with your ability to provide for your family, to build a business, to have that kind of economic freedom that you want.

That certainly isn't the dominant model today to have a a big power restricting commerce of a third country. But it does exist in a in a pretty salient way through economic sanctions when a powerful country restricts another country's ability to access goods, access finance, access technology.

Those are usually used to achieve strategic goals today rather than commercial goals in the sense that it was at the time where the colonists were worried about the British Empire.

[6:31]

TENPAS: And the resentment was a function of the Crown just sort of saying, "We need to limit this. They can't get too powerful or too successful." Is that part of their frame of mind?

[6:40]

HEERMAN: I can't speak to the historical goals, but today we use sanctions typically in cases of human rights, to protect human rights, or to put pressure on a country that has violated a norm or a treaty obligation globally.

[6:54]

TENPAS: We always like to start at the beginning with thinking about what it meant at the time of the founding. But moving forward, Vanessa, the 16th Amendment in the Constitution gave Congress the power to levy an income tax in 1913. But what did that shift look like?

[7:06]

WILLIAMSON: So, the story of our income taxes is a complex one. So of course, in early America, having an income tax was basically not possible. Right? It was sort of a technology that would've been too early for its time. Most small farmers didn't really have an income to speak of. It's only as, you know, the economy industrializes and you have wages and this sort of thing that you can really impose a significant income tax.

But precisely as the country industrialized, and the possibility for an income tax developed, you developed the very, very wealthy groups that did not necessarily want to pay an income tax. So we first have an income tax in the Civil War. And it's an important part of how the United States defeats the Confederacy, the fact that we could raise just vastly more money.

And there was an income tax, there were taxes on almost everything at the time. But they let the measure expire after the war. They didn't need as much revenue, obviously. And it's only in 1894 that Congress tries to reinvigorate the income tax. They pass an income tax that's very similar to the Civil War measure, and the Supreme Court, at odds with all precedent, strikes it down.

It came as an enormous shock to the people of the time, and the argument the Supreme Court made, they leaned on the direct tax clause, which is a real weird one I'm happy to discuss in detail, but the short answer is that they were actually concerned not really about what the direct tax clause even meant in the original Constitution, but rather they were concerned about the possibility of what one of the justices called "a war of the poor against the rich." They were afraid that with the expansion of suffrage and with this new industrialized economy where there was extreme wealth and extreme poverty, that if the federal government were allowed to tax incomes, it would lead to class warfare. And so they say that an income tax is unconstitutional.

Well, this did not go over well with the small farmers in the western states, and pretty rapidly, the populace and the progressives move an income tax forward. And they amend our Constitution to make it possible for the federal government to tax incomes. And whereas, up to that point, the federal government had relied very heavily on tariffs, now the federal government relies very, very heavily, until very recently, on that domestic income tax revenue.

So it's a massive shift towards taxation based on the ability to pay. Right? Tariffs fall commonly on the consumers like sales taxes. They can be quite heavy for regular people. But the income tax is obviously based on how much revenue you have coming in, and it was part of a move to a really different kind of thinking about the economy and a different kind of thinking about the role that people have. Right? The role that the government should play in the economy and the responsibility that people who have really succeeded and done very well for themselves, the responsibility they then have back to the government that made it possible.

[9:32]

TENPAS: And after the Supreme Court issued that decision, was it a heavy lift to get passage of the Sixteenth Amendment? Or was there enough sort of popular and congressional—

[9:41]

WILLIAMSON: Well, it takes years and years. Remember, you have to pass three-quarters of the states to get an income tax amendment passed. And the only reason it passed Congress in the first place is because they thought it would die in the states. So they passed this measure. They thought it would look good on paper, but they thought it wouldn't go anywhere.

But, they misjudged the American people. The American people were very, very interested in shifting away from tariffs and shifting towards something that fell heavily on the huge fortunes of the era, the sort of Rockefellers and the Mellons.

At first it's a very small tax, but very soon after that, World War I happens, and suddenly that tiny little tax becomes a really important part of the federal revenue.

[10:13]

TENPAS: Interesting. And Kari, it seems very clear that these two issues are so tied together. But what about the evolution of trade policy in the United States? Can you tell us what that looked like maybe in the 1800s up into the 1900s?

[10:25]

HEERMAN: Sure. I can tell you because there's an excellent book by Douglas Irwin, who goes through this really, really clearly and in a lovely way, and he refers to the sort of eras of trade policy as the three Rs. The first one being revenue, where tariffs are primarily used as revenue. This is, aligns exactly with the story Vanessa just told about the early part of the Republic gathering a lot of government revenue from tariffs simply because that's an easy thing to collect, that was possible.

And then up until about the Civil War when, what she just described, we moved away from tariffs as the form of taxation. He calls this next period the period of restriction, and this is when tariffs were more used to protect competing industries, primarily in the Northeast.

And then the third period starts at about at the time of the Great Depression, the era of reciprocity, when we moved into negotiating trade agreements with our trade

partners during the Great Depression, and then later in the aftermath of World War II to creating the rules-based international order for international trade.

So those are kind of the three eras that trade policy takes place in. And I think about 2016, we've moved into a new era. I don't know what the new R is. I have a few candidates. The era of realignment, where we're moving to change the role of trade in our domestic economy, thinking about geopolitics and economic security in different ways. That's probably my best candidate right now, but somebody will have to—

[11:44]

TENPAS: And could there even be another era, which is sort of the beginning of the Trump administration in 2025, where he's issuing all of these tariffs in a rather zealous way?

[11:52]

HEERMAN: That's a great question. I would say that this second Trump administration is materially different from the broader shift away from the reciprocal era in the sense that the tariffs are being used more aggressively in terms of geopolitics, and with a role to more actively reshaping the U.S. economy. But, I'm not sure if it's a, it's a whole other era.

TENPAS: Right. Right.

HEERMAN: To be determined.

[12:16]

TENPAS: And it could be a blip, you know, or some sort of outlier moment.

[12:19]

WILLIAMSON: But I mean, I really do think that it's very significantly different in another way that the founders would have recognized, which is having the executive be in charge of making those sorts of decisions is very much at odds with what the what the founders intended, who gave the power of the purse to Congress. Right? And are drawing on a very long tradition dating back to Magna Carta that you need a legislature to handle those things. Having the power to tax or to impose tariffs in the hands of a single person is an extraordinary concentration of power.

And so I think that, you're right, I have no idea how long it'll last, but it is certainly a moment that is at odds with the traditions before that. Even in the times when we've relied on tariffs, we relied on them very differently.

[12:54]

HEERMAN: Yeah, I would just add that it is interesting that it does seem the executive is taking quite a bit of power, but actually a lot of that power was delegated by Congress to the president at this time in the shift from the era of restriction to the era of reciprocity, precisely because in the hands of Congress, the direct ability to set

tariff rates was very much subject to a lot of political pressure and the the kinds of things that made it very difficult for the United States to make a kind of credible commitment to its partners that would allow it to negotiate free trade agreements and set up a system of rules, especially as it was positioning itself for later the Cold War and the economic strategy there.

So, a lot of that power has shifted to the executive in terms of sort of setting the strategy, but requires the approval of Congress. And I think what's really interesting about the Trump administration is they're not necessarily taking that back. It's that they're using sort of delegations of authority that were designed for narrow purposes to address very specific things, to broadly change the shape of the tariff regime in the United States. And that is a real, real, real shift.

TENPAS: That's the bigger departure

HEERMAN: mm-hmm ...

[14:04]

TENPAS: of the two.

Interesting. So I'm gonna shift back to taxes and shift you up to the present day, Vanessa. Would you agree that Americans generally think the tax system is unfair, but disagree on why? And how does the modern-day critique of taxes compare to 1776?

[14:20]

WILLIAMSON: So Americans are actually quite divided on whether their taxes are fair. About equal fractions say, slightly less than half in each case, some people say they don't know, about equal fractions say that their taxes are fair or unfair. This is actually a low point in the last couple of decades. As much as 60% of Americans have said that their taxes are fair.

And, of course, we have no idea what people would have said in the Revolutionary period. We didn't conduct polls in that time. But I think there are certain similarities in that people's attitudes about their taxes are not strongly related to the amount of taxes that they pay. We are not getting a pocketbook reading when people talk about their attitudes about taxation. What we're getting is their sense of whether government is working well.

Attitudes about taxation across the board are very closely tied to whether people think that they are represented by their government. And that was true obviously in the revolutionary period. The question of taxation was inseparable from the question of representation.

And I think to this day you find that people's concerns about taxation, we tend to talk about them in sort of exclusively economic or pocketbook terms, but what we're really seeing is a barometer of political attitudes. Does the government work well, and does the government work for me?

[15:31]

TENPAS: So it's actually a much more sophisticated response than you might have expected.

[15:34]

WILLIAMSON: Yeah, I think we sometimes imagine it to be very simplistic. Right? That people are sitting there with their, you know, their slide rule or their abacus or something, and they're working out, you know, how much they pay and what benefits they receive, and are they coming out ahead, and that's absolutely not how people take the question. They take the question as a much deeper question about the quality of representation in America.

[15:51]

TENPAS: Or even going back further when you mentioned the Supreme Court case that struck down the taxes, they were so worried about class warfare.

[15:57]

WILLIAMSON: That's right. It's very much a question of who is "we, the people," and we've been fighting about that since the beginning, right, as we decided that "we, the people" was the American people and not the British people, and we've been fighting about that ever since. And whenever we're fighting about that question, we're fighting about taxes.

[16:13]

TENPAS: Interesting. And you mentioned that at one point there was a high watermark of 60% support. Can you tell me when that was roughly?

[16:19]

WILLIAMSON: So it was only a few decades ago. We we saw there was a sort of I don't want to say artificial bump, but a lot of measures of Americans' attitudes about their government saw a spike right after September 11th. And again, what you're seeing is that sort of rally around the flag capacity that Americans have, that sentiment that they were going to stand up for the nation. And so, you see a bunch of different measures of attitudes about government trust, about, you know, whether their money was well spent. All of those sorts of questions, you see a period of patriotism really, you know, marks a high watermark.

But at a much earlier and much higher high watermark is World War II. Right? And so the vast majority of Americans believe their taxes were fair. And this was the first time they were paying income taxes, and the first time there was a mass income tax was to pay for World War II. And, there was bipartisan and overwhelming agreement that those taxes were fair, again, because people saw it as critical to the war effort.

[17:10]

TENPAS: Boy, the patriotism really brings people together and and makes them overlook sort of the negative side effects of taxing, and thinking about what role the government actually does play, and how well it does at it.

Kari, bringing you into sort of the current moment, the Supreme Court recently affirmed a decision that the executive branch overstepped its authority to impose tariffs under the International Emergency Economic Powers Act, or IEEPA. What does the ruling mean practically for our trade policy?

[17:37]

HEERMAN: In practical terms, not a tremendous amount. It means that the administration has to find one of these other delegated authorities to impose tariffs and impose the kind of structure of tariffs that it would like to have.

And immediately after that ruling took place, the administration announced that they were going to pursue other avenues. They used first an authority that allows for a temporary increase of import tariffs in the event of a balance of payments difficulty. And then put in progress investigations under something called Section 301 of the Trade Act of 1974, I believe, which is the legislation that allows the executive branch to impose tariffs in response to unfair trading practices of other countries. This is one of those, "Well, we set the tariffs, but in the event somebody does something that's unfair and you want to offset it, you have that authority." That authority is being used, again, very broadly to really reshape the tariff regime in a way that was not, I don't think, intended at the time.

So it's mainly a shift from one authority to another. Our colleague, Elena Patel at Brookings, has written really nicely about this and about the decision and how it seems that it's not so much about the use of tariffs or free trade, but it's the expansiveness with which IEEPA was used, really seemed to step on the constitutional right of the Congress, responsibility of the Congress to establish what our tax regime looks like, what our tariff regime looks like, and the expansiveness of the way it was used really stepped on that responsibility.

TENPAS: Right. So it sounds like they have just figured out an alternative means to impose tariffs.

HEERMAN: They are using alternative authorities, yes. I think there will probably be litigation on those as well.

[19:26]

TENPAS: And can you talk a little bit about the impact of tariffs on American, the American citizenry? So for instance, some economists describe tariffs as a hidden consumption tax on American families.

[19:36]

HEERMAN: Sure. I mean, tariffs are a tax on imports, and they are paid by importers just physically at the point when they enter the country. But the real economic question is who absorbs the cost of that because, of course, you can kind of share it with the person who you're buying from by lowering the price.

But there's very solid economic evidence both from this past year's worth of tariff increases and from the period of tariff increases in 2018 in the first Trump administration that most, if not very nearly all of the cost is absorbed by Americans,

either in the form of the price they pay for final goods or by businesses who are buying.

Most internationally traded goods are in inputs for manufactured goods. So our automakers are paying more for the steel and aluminum. Our medical device manufacturers are paying more for glass and pumps and all of these kind of things. And so either directly because the goods that they buy are more expensive or indirectly because it costs more for businesses to produce in the United States, those costs do travel.

And Vanessa made a really good point earlier, too, that the burden of the tax further also tends to fall on lower-income households, and this is simply because they spend a larger share of their income on stuff. The very wealthy people spend more of their income on services and have more wealth, whereas lower-income households spend a larger share of their money on food and clothing and shelter and these kind of things.

[21:01]

TENPAS: I'm just wondering, it seems as though this is a modern-day grievance, that Americans are sort of fed up with having to pay so much more for products that they buy on a regular basis. Have you seen any public opinion data to suggest that that might be the case? And if it's true, then why isn't the Trump administration retracting its efforts?

[21:18]

HEERMAN: The polling data that I've seen does not find that the tariffs are particularly popular. Polling data also does not find that free trade is popular. I think that it is a very unsettled question, that the American public and its representatives are really wrestling with, where to find that balance and what trade policy is meant to achieve and to use.

Again, you know, the traded goods part of our economy, the part of our economy that spends money, the amount of expenditure and the amount of production that takes place on stuff that is traded is pretty small, so it doesn't have this massive impact on the sort of top-line macroeconomy. And there are many other things playing with prices. So it doesn't hit people as directly as one would think, as the headlines would show. But, I I don't think they're particularly popular.

[22:08]

TENPAS: Interesting. So Vanessa, I wanted to ask you, the Declaration lists these grievances, cutting off trade with all parts of the world, which comes immediately before imposing taxes on us without our consent. Do you think that ordering was a deliberate choice? You both have talked a lot about the link between taxes and tariffs.

[22:27]

WILLIAMSON: Yeah, I mean, it's definitely the case that in the years preceding the Revolution, there was a shift in public rhetoric in the American colonies about

whether the problem, in terms of taxation without representation, was the problem just about direct taxation, things like the Stamp Act. Right? Which was when Americans were obliged to use paper that had stamps on it or else these documents weren't legally valid. So that was a direct tax that consumers paid directly. There was a stamp right on the thing, so it was very visible.

And so there was a debate in the early period of a sort of move towards the Revolution about whether tariffs fell into that category or whether the regulation of trade was acceptable. And it was a bit of a sticky issue because sometimes what Britain was trying to do was basically maintain the American market for themselves. And they didn't actually want to raise any revenue. What they wanted to do was set tariffs on foreign goods so high that Americans only bought from other parts of the British Empire. And so that really wasn't a revenue measure.

But when tariffs became something that the British government wanted to use for revenue, then that distinction collapses. Right? And then now you're taking my labor. Right? You're taking my labor because you're trying to raise revenue, and that is where you see this shift.

It's what feels like an incredibly wonky thing. Right? That's something only real policy nerds would care about, like, a tariff versus a trade regulation. I mean, what are we talking about? But this was something Americans thought about, and they really did argue about this point in the early period and came to the conclusion, you know, sort of as Britain failed to respond to their grievances, that it's not just tariffs or trade regulations or direct taxation that we're concerned about. It's all legislation.

Parliament should have no right to legislate for us at all because we are not represented. Right? And that's the move. That's the back and forth that brings us to the Revolution.

[24:09]

TENPAS: Yeah. And it seems as though you've sort of inadvertently just made the point how central these taxation battles are to our democracy and our history, and they continue to be. And your book also really makes that point as well.

[24:21]

WILLIAMSON: Yeah, I think that if we're going to be talking about taxes, we're really talking about our democracy. And, you know, I think that's true today, and it was certainly true at our founding, that we're, we're thinking about who gets to belong to the polity. Right? Because when we pay taxes, it's the portion of our labor that we're contributing to the public good. But who is that public? Right? And who gets included in the public has this enormous effect on whether we think those taxes are well spent.

[24:45]

TENPAS: So, just a closing sort of takeaway that I like to ask all my guests, and that is, what is one key takeaway that you have regarding the Declaration's relevance

today? And it can be anything. It doesn't have to be on trade or taxes. But what do you think, Kari?

[25:00]

HEERMAN: I mean, I guess when I think about the Declaration of Independence, I do not think about the list of grievances. That's not the first thing that happens to mind. It's the the belief in human dignity that is expressed as an ideal in that document, and that is what I have been talking a lot with my nine-year-old son as we head into the 250th year, and the way I think about it a lot.

And having spent most of my career as a a public servant in the United States, and having represented the United States to our foreign partners on occasion, I I've found those words and those ideas that human beings have inalienable rights to be something that's both inspiring and heartbreaking. Inspiring because you feel like you have the wind of history in in when you're working on some of these issues.

And heartbreaking because we very repeatedly fail to live up to them. And, my only hope is that generations before us and generations after us continue to demand that we do better, and I hope we do.

[25:55]

TENPAS: Yeah. It's such an interesting document because the grievances take up the vast majority of the text. But I like it because you're focusing on the positive. You're thinking about the ideals that it communicated and the vision it communicated.

Vanessa, what about you?

[26:08]

WILLIAMSON: Yeah, I mean, I think it's exactly right that we remember the preamble rather than the grievances however much when you read them today they do feel sort of oddly relevant, you know, this portion of the document that most people don't think about.

But it's exactly right that it's the preamble that made this one of our founding documents. Otherwise, it was an angry letter sent to a foreign government. It's not typically what we think of as a founding document. And it, it to me, you know, that connection between, as Kari says, the the dignity, the human dignity that is at the core of our claim to our nationhood, right, that is the piece that we need to carry forward.

And we can think about what the policy implications are. Right? And we need to think about what the policy implications are, about what the structures of government need to be to to help us live up to that ideal.

But yeah, it's it's that opening that to me is what our children should learn and that should guide our work as as we're working through the policy details.

TENPAS: That's probably the most interesting conversation I've had on grievances, so thank you both today. I really appreciate those who are listening, and Kari and Vanessa, thank you for a great conversation.

[music]

In the next episode, we'll explore what it meant for the founders to pledge their lives, fortunes, and sacred honor, and whether that kind of devotion to democratic ideals exists in today's political landscape.

Stay tuned.

Democracy in Question is a production of the Brookings Podcast Network.

Thank you for listening, and thank you to my guests for sharing their time and expertise on this episode. Also, thanks to the team that makes this podcast possible, including Ike Blake, supervising producer; Fred Dews, producer; Gastón Reboledo, audio engineer; Daniel Morales and Teddy Wansink, video producers; the team in Governance Studies, including associate producers Adelle Patten and Massi Colonna; and our government affairs and promotion colleagues in the Office of Communications at Brookings. Special thanks to my colleague Vanessa Williamson for her collaboration. Adelle Patten designed the beautiful show art.

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I'm Katie Dunn Tenpas. Thank you for listening.