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Feds May Outlaw Treading On Tea Party's Favorite Snake

—By Josh Harkinson

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In what might be one of the tea party's greatest unintended victories, treading on the snake depicted on the protest movement's ubiquitous "Don't Tread On Me" flags could soon become illegal.

The iconic yellow flag, originally designed by the American revolutionary Christopher Gadsen circa 1775, features a drawing of the eastern diamondback rattlesnake, which was once plentiful in longleaf pine forests across the Southeast. But while the Gadsen flag has proliferated as a symbol of fierce resistance to "Big Government," the eastern diamondback has gotten clubbed, shot, and bulldozed by the private sector to the point that on Wednesday the US Fish and Wildlife Service announced that it's considering protecting the snake under the Endangered Species Act.

Tea partiers aren't happy about efforts to save their symbol. "They're up to their kneecaps with rattlesnakes in Texas!" says Alan Caruba, a blogger for Tea Party Nation, who added that it wouldn't really bother him if they weren't. "The bottom line is that species go extinct. They always have and they always will." (Told of the plight of the tea party's snake, a spokesman for the Koch-funded conservative group Americans for Prosperity muffled a laugh, then promised to email a statement but never did).

Though environmental groups haven't exactly started waving Gadsen flags, they do see the the diamondback as a symbol worth appropriating. A press release from the Center for Biological Diversity, which petitioned the federal government to protect the diamondback, argues that its decline is symptomatic of the unsustainable development of longleaf pine forest throughout the Southwest. The snake now occupies only about 3 percent of its original range.

Of course, those kinds of facts aren't about to win over Tea Party Nation's Caruba, who, like many tea partiers, sees the Endangered Species Act as just another part of the nefarious "Agenda 21," a supposed plot by the United Nations to convert Earth into a giant biosphere reserve. "The very thought that the diamondback rattlesnake is endangered is absurd," he says. "There are a lot of mice and voles, so you know, we are not going to run out of rattlesnakes either."