

KINDER INSTITUTE ON CONSTITUTIONAL DEMOCRACY



2015-16 ANNUAL REPORT

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Kinder Institute on Constitutional Democracy

University of Missouri



Our whirlwind academic year began in earnest on October 7, 2015, when two-time Pulitzer-Prize-winning author David McCullough spoke to a completely full house at the Missouri Theatre on the lessons he has learned from studying the founding of the United States. The following morning, on October 8, the University of Missouri announced a \$25 million gift from the Kinder Foundation, a family foundation of Rich and Nancy Kinder of Houston, Texas. Thanks to the Kinders' generosity, and the support of colleagues and administrators across campus, we have been afforded a unique opportunity to build a world-class center for the study of American political thought and history, considered in a broad historical context and from a wide variety of perspectives. After finalizing the architectural designs, we have spent the last year laying the foundations, and beginning to construct the walls, of the Kinder Institute on Constitutional Democracy.

Much of the building has been quite literal. Over the spring and early summer of 2016, we oversaw the renovation of our first physical space on the fourth floor of Jesse Hall, turning a musty attic into the Institute's new home — a spectacular, historic, and versatile facility that allows us to collaborate easily with colleagues and students. Occupying our own space has brought a new energy and focus to our mission. More than just a website and a loose alliance of students and scholars, we are a real institution now, as bustling and vibrant as any on campus.

As the pages that follow will show, the past year has featured an incredible array of productive activities: we have published books, taught classes, and hosted seminars, lectures, and community events. Yet in our view, realizing our goals for the Institute depends most critically on our ability to recruit the best faculty available and attract excellent new students into the Institute's ranks. Despite the University of Missouri facing one of the most challenging years in its long history, the early results at the Institute have been promising. We scored a major coup when Prof. Jay Sexton left his position as the director of the Rothermere American Institute at Oxford University to become the inaugural Kinder Institute Endowed Chair in Constitutional Democracy. In addition to the intellectual benefits of his uniquely wide-ranging expertise in political, economic, and diplomatic history, Prof. Sexton's global reputation has dramatically raised the Institute's profile, and we already feel his enthusiastic presence as a colleague. We also added Kinder Institute Associate Professor of Constitutional Democracy Adam Seagrave, a productive and ambitious young political theorist. Among many other contributions, Prof. Seagrave has built on his experience as the managing editor of *American Political Thought* for University of Chicago Press by founding the Institute's new online scholarly journal *Starting Points*, set to launch in January 2017.

During the 2016-2017 academic year, the building will continue apace. We are working aggressively to recruit our second wave of faculty, bring more students into the intellectual life of the Institute, deepen our community partnerships, and strengthen knowledge of America's founding principles and history. Perhaps most importantly, we will continue to operate in the true spirit of collegial academic inquiry, disregarding the usual disciplinary and ideological barriers, and bringing together students, faculty, and other citizens into what we consider a vitally important intellectual endeavor.

Justin B. Dyer
Director

Jeffrey L. Pasley
Associate Director



It has been an exciting year for undergraduate programming at the Kinder Institute on Constitutional Democracy. Throughout the 2015-16 academic year, the Fellows gathered together for a lunch conversation with historian David McCullough; a dinner discussion on “Civil Discourse in Times of Conflict” with MU Law faculty Chris Wells (free speech) and Paul Ladehoff (difficult dialogues and dispute resolution); a screening of the documentary *Democrats*, with a pre-film reception and post-film discussion and commentary with Professor Daniel Domingues (Mizzou, History) and Francis Musoni (Kentucky, African History); and a lunch discussion with Thomas Jefferson scholars Peter Onuf (Virginia, History, Emeritus) and Annette Gordon-Reed (Harvard, History and Law).

During the Fall 2015 semester, we accepted our second class of Kinder Scholars to live, study, and work in Washington, D.C. during summer 2016. The Scholars interned at a variety of sites, including the Native American Voices project at the National Park Service, International Justice Mission, the Federal Reserve, an immigration law firm, the FCC’s Media Division, the Children’s Defense Fund, and the President’s Park at the White House.

In April, our 2014-15 Society of Fellows class gathered at Shakespeare’s Pizza for a reveal party for the inaugural *Journal on Constitutional Democracy* (Volume 1, Democracy: Within & Beyond). The Fellows put an enormous amount of work, all extracurricular, into envisioning and then creating the first edition of the *Journal*. In May, our 2015-16 Fellows completed work on the second edition of the *Journal on Constitutional Democracy* (Volume 2, Rhetoric: Then & Now), which was published during the Fall 2016 semester. It was in response to the creativity and hard work of these Fellows that we decided to propose the *Journal on Constitutional Democracy* as a 3-credit course for the 2016-17 academic year, and we are thrilled to report that the course, which is cross-listed as an upper-level elective in History and Political Science, was approved this summer. Fifteen past and current Fellows enrolled in the course this fall, and Volume 3 of the *Journal* has already started taking shape around the theme, “But let us begin.”

Last spring we also finalized our exciting new *Constitutionalism and Democracy* Honors College series, which launched during the 2016-17 academic year. The series consists of four courses, each of which is open to up to 20 Honors College students: Intellectual World of the American Founders, The Revolutionary Transformation of Early America, The Constitutional Debates, and The Young Republic. Students who complete the series will be eligible for the Certificate in American Constitutional Democracy.

We closed out the year with a welcome reception for our third class of the Society of Fellows. The 2016-17 Fellows, along with our 2016 Kinder Scholars, include sophomores, juniors, and seniors with majors or double majors in history, political science, journalism, economics, psychology, philosophy, sociology, classical humanities, communication, accounting, religious studies, business administration, and agricultural journalism. These students are a vibrant reflection of the cross-year engagement and interdisciplinary vision of our undergraduate Kinder Institute programming. We hope you enjoy reading more about these programs, and our fantastic students, in the pages ahead.

Carli N. Conklin

Carli N. Conklin
Coordinator of Undergraduate Programs



FALL 2015



Speaking to a capacity (and captivated) crowd at the Missouri Theatre in downtown Columbia, famed historian and two-time Pulitzer Prize winner **David McCullough** began his October 7, 2015, distinguished lecture with a quote from Harry S. Truman: “The only thing new in the world is the history you don’t know.”

Over the next hour, Mr. McCullough would go on to spin yarns about and offer insights into what he characterized as not only the history we don’t know, but also the history we have ceased to seek out. Focusing specifically on the Founding era, he described how the passion and innovation that the nation’s early leaders brought to the task of freely forging a new government were derived from a thoroughly interdisciplinary breadth of knowledge and, more broadly, from an insatiable intellectual curiosity. He spoke, for example, about Washington’s love of the theatre and Jefferson’s enviable library. In discussing John Adams, the subject of his 2002 Pulitzer-winning biography, Mr. McCullough noted how the second president insisted that the Massachusetts Constitution include language affirming the state government’s commitment to encouraging literature and the sciences and to creating grammar schools dedicated to promoting the study of agriculture, art, manufacturing, and national history.

The theme Mr. McCullough returned to throughout his lecture—that reinvigorating this spirit of curiosity is essential to realizing the ideals that the Founders put forth—could not have been better timed. On the following day, at 10:30 A.M. in the Columns Room at MU’s Reynolds Alumni Center, then Chancellor R. Bowen Loftin announced that the Kinder Foundation had pledged \$25 million to the University of Missouri to fund programming at the Kinder Institute on Constitutional Democracy going forward. At the heart of the Institute’s mission are the same aspirations that Mr. McCullough’s talk highlighted: the belief that revitalizing civic education is necessary for civic health; that the progress of American society requires knowledge of the nation’s political institutions and history; that interdisciplinary curiosity and intellectual rigor will by their nature breed civil, engaged, and productive dialogue about the obstacles that we face as citizens of a democracy. Without taking away from what we accomplished during our first year as the Kinder Forum on Constitutional Democracy, we think that the generous gift from the Kinder Foundation, coupled with our faculty’s and students’ unwavering



commitment to promoting the study of the philosophical foundations and historical development of the nation’s government, will allow us to transform these aspirations into concrete realities.

We should add that none of the week’s events would have been possible without the help—or as enjoyable without the presence—of our undergraduate cohort, especially members of our 2015 Society of Fellows, who were instrumental in facilitating an engaging lunch discussion with David McCullough, setting up for the October 7 lecture at the Missouri Theatre, and supporting the Institute at the gift announcement.

Following the protests that resulted in the resignations of UM System President **Tim Wolfe** and University of Missouri Chancellor **R. Bowen Loftin**, we released this statement on the Kinder Institute website:

“As a scholarly enterprise devoted to fostering debates and discussions that reach across disciplinary and ideological boundaries, the Kinder Institute on Constitutional Democracy does not take positions on current political issues or specific university policy proposals. We are, however, committed to promoting knowledge about the United States’ political traditions and institutions, and endeavor to shed light on the many historical and theoretical issues that arose in the course of recent events on campus, including issues related to the United States’ legacy of democratic protest against racism and other forms of injustice and to constitutional protections for assembly, speech, and the press. Fostering a nuanced understanding of these constitutional freedoms and the principles underlying them is crucial to building a community in which the inherent dignity of all individuals is acknowledged, protected, and celebrated. We fervently believe in a fair, inclusive university that respects the humanity and guards the physical safety and intellectual freedom of every individual on campus, and we hope to provide a forum for the many discussions to come.”

Since issuing this statement, the Kinder Institute has engaged in a number of organized discussions—with students, staff, and faculty—that we think represent a productive first step in building a better understanding of and open dialogue about the issues at hand. On Friday, November 20, faculty members met with representatives from the Missouri Students Association Executive Cabinet to answer questions related to the 1st Amendment, and following Thanksgiving Break, the Institute hosted a December 10 dinner discussion on difficult dialogues for our undergraduate Society of Fellows, led by MU Law Professors **Paul Ladehoff** and **Christina Wells**, and a public forum on civil discourse, equal protection, and 1st Amendment rights at Leadership Auditorium.



Fostering a nuanced understanding of these constitutional freedoms and the principles underlying them is crucial to building a community in which the inherent dignity of all individuals is acknowledged, protected, and celebrated.

IN ORDER TO HIGHLIGHT INNOVATIVE RESEARCH BEING DONE ON THE UNDERLYING PRINCIPLES AND HISTORICAL EVOLUTION OF AMERICAN CONSTITUTIONAL DEMOCRACY, WE HOST A NUMBER OF SMALL WORKSHOPS EACH SEMESTER, WHICH BRING SCHOLARS FROM AROUND THE REGION TO THE MU CAMPUS TO SHARE WORKS-IN-PROGRESS AND EXCHANGE IDEAS WITH MEMBERS OF THE INSTITUTE’S EVER-GROWING INTELLECTUAL COMMUNITY.



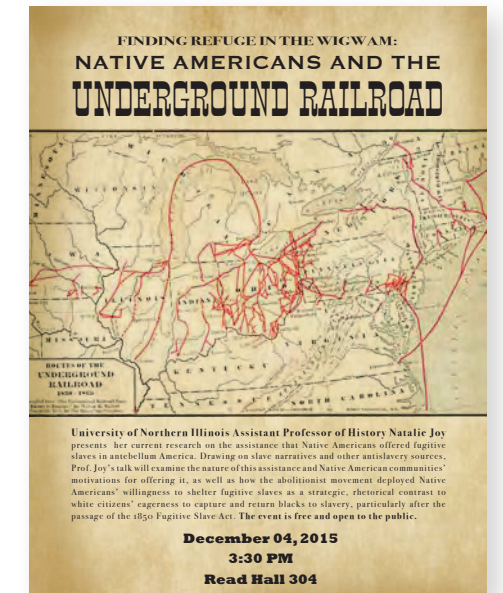
Finding Refuge in the Wigwam:

In opening her December 4 colloquium presentation with a quote from Frederick Douglass, Northern Illinois University Assistant Professor of History **Natalie Joy** immediately introduced some of the practical and rhetorical factors that complicate the historiography of Native Americans’ participation in the Underground Railroad. The

slave went to “the wigwam of the savage,” Douglass wrote, for “refuge from his Christian master.”

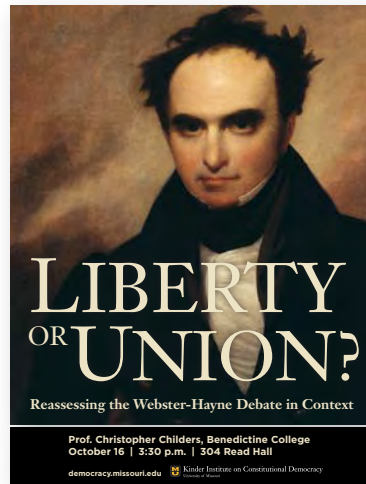
As Prof. Joy demonstrated in her analysis of slave narratives and other anti-slavery sources, there is, to be sure, a rich history of Native American communities offering fugitive slaves the kind of sanctuary to which Douglass alludes. For example, Randall Burton, a slave who had stowed away on *The Franklin* (a freighter out of South Carolina), was directed by crew members to seek refuge with the Wampanoag in Gay Head, MA, when it was revealed that the ship’s captain had alerted the sheriff of his presence aboard the vessel. With the help of Beluah Vanderhoop, and through a coordinated effort between the Wampanoag and anti-slavery society members on the mainland in New Bedford, Burton would elude capture and remain free.

At the same time, Douglas’s quote misrepresents Burton’s experience as the singular norm. While there are many similar accounts of Native Americans offering shelter, food, and guidance to runaway slaves, they do not tell the entirety of the story. Jermaine Loguen, for instance, writes in *The Rev. J.W. Loguen, as a Slave and as a Freeman* of the “annoyance [of] the occasional lack of hospitality” that he found among the Native Americans with whom he and others took refuge after escaping bondage in Tennessee. Moreover, and based on prevailing stereotypes of the time, Loguen also reveals a distrust of Native Americans that slaves occasionally fostered, describing how they would sometimes “lay down among their enemies in the wigwam, and [sleep] on the watch, in contempt of them.” Which is all to say that the relationship between runaway slaves and the tribes that harbored them is far more complex than literature



on the subject at times suggests—a complexity compounded by the fact that, given limited primary source materials from the time, it is often difficult to determine whether or not these tribes were, in fact, acting on anti-slavery convictions.

Prof. Joy added that the history of Native Americans and the Underground Railroad is further complicated by the way in which abolitionists introduced the trope of the “wigwam as refuge” into the public record. Maintaining the trope as lacking variance had a degree of rhetorical utility for abolitionists like Douglass, she noted, insofar as it allowed them to deploy the narrative of the “nominal heathen” warmly and uniformly offering aid as a means of critiquing white Christians for assisting slave hunters in their pursuit of fugitives. And while use of this trope peaked after the passage of the 1850 Fugitive Slave Act—and while figures such as Wendell Phillips drew on it as late as the 1870s—it originated, Prof. Joy concluded, during the second Seminole War, which abolitionists claimed was caused by the slaveholding South’s desire to exterminate the Florida tribe because of its willingness to harbor runaways.



Liberty or Union? The Webster-Hayne Debate in Context

The Institute also hosted Benedictine College Assistant Professor of History **Christopher Childers** on campus on October 16, to give a talk on the origins of the Webster-Hayne Debate. Beginning with an examination of the 1829 “Foot Resolution,” a proposal by Connecticut Senator Samuel Foot to suspend the sale of un-surveyed land in the American

West, Prof. Childers traced how the 1830 Senate debate was rooted in broader, sectional concerns regarding how the incorporation of Western states into the Union had already begun (and would inevitably continue) to shift the political balance of power in antebellum America. Focusing largely on the ways in which north- and southeastern politicians tried to align themselves and their regions with the interests of figures like Missouri Senator Thomas Hart Benton, Prof. Childers concluded by briefly examining Edward Livingston’s March 1830 attempt to tamp down sectional conflict by promoting an ideological middle ground between Webster’s ultra-nationalism and Hayne and Calhoun’s extreme states’ rights politics.

The second fall meeting of the Institute’s Missouri Regional Seminar on Early American History took place at Café Napoli in St. Louis on October 30, with participants discussing a chapter from University of Central Missouri Assistant Professor **Micah Alpaugh’s** current book project, *Transatlantic Revolutions: The Interconnected Rise of Social Movements in America, Britain, Ireland and France, 1765-1795*. The chapter, the second in Prof. Alpaugh’s manuscript-in-progress,



examined the rise and rapid spread of the Sons of Liberty in pre-Revolution America, focusing on the group’s beginnings as an organized network for protesting the 1765 Stamp Act and on the Sons’ broader historical significance as a new model for connecting and integrating local activists that would go on to influence social movements including the Irish Volunteers and the Jacobin Club network in late-eighteenth-century France.

For the first Fall 2015 meeting, MRSEAH participants came from all corners of the state to Columbia to discuss CUNY Distinguished Professor of History **David Waldstreicher’s** article, “A Funny Thing Happened on the Way to the Amistad: John Quincy Adams, the Shutdown, and the Restart of Antislavery Politics, 1787-1839.”



DESIGNED TO SUPPORT THE SCHOLARLY PURSUITS OF FACULTY AND GRADUATE STUDENTS AT THE UNIVERSITY OF MISSOURI WHOSE WORK DOVETAILS WITH THE INSTITUTE'S ACADEMIC MISSION, OUR PROGRAM OF RESEARCH AND TRAVEL GRANTS IS CENTRAL TO OUR GOAL OF ESTABLISHING THE KINDER INSTITUTE AS A NATIONAL LEADER IN INNOVATIVE SCHOLARSHIP ON THE AMERICAN CONSTITUTIONAL AND DEMOCRATIC TRADITIONS AS WELL AS THE APPLICATION AND REINTERPRETATION OF THESE TRADITIONS IN LATER PERIODS AND AROUND THE WORLD.

As is often the case, one deadline passed during the Fall 2015 semester, and another arose to take its place. While applications for our program of research and travel grants poured in during mid-October, we were busy laying the groundwork for nationwide searches for our endowed chair and professorships, as well as for a new pair of postdoctoral fellows in History.

History Ph.D. candidate and Kinder Dissertation Fellow **Chris Deutsch** received a \$3,500 award from the Kinder Institute to travel to Washington, D.C., during the Spring 2016 semester to conduct research at the National Archives for his dissertation, "Democratic Beef: Modernizing the American Diet, 1945-1975," which explores the historical, economic, and political implications of executive attempts to increase the amount of beef consumed by American citizens in the post-WW II era. In addition, part of the award will be used to fund travel to the Society of Environmental Historians annual meeting in Seattle (March 30 – April 1, 2016), where Chris was invited to present his doctoral research as part of a panel made up of leaders in the field of American environmental history.

Political Science Professor and Kinder Institute core faculty member **Jay Dow** received an award in the amount of \$3,152 to fund archival research for his new book project, which traces Federalist and Democratic-Republican electoral strength from 1792-1824, with particular attention paid to the timing and trajectory of the Federalist Party's demise in the early 19th century and to the history underlying the ideological divisions that resulted in the Democratic-Republican Party's split.

Martha Kelly, an Assistant Professor in the German & Russian Studies Department at MU, received a grant of \$3,500 to travel to Moscow during Summer 2016 to continue work on her current book manuscript, a study of Russian poet and public intellectual Olga Sedakova. As Prof. Kelly outlined in her grant proposal, Sedakova "carries on the legacy of Soviet-era dissidents who upheld human rights and democratic values in a repressive society," and her in-progress monograph, the first devoted to a study of the poet's work and her role as a prominent public figure, will shed light on the challenges that members of Russia's intelligentsia face in promoting a broad range of civil liberties, including freedom of speech and of the press, in a post-Soviet cultural and political landscape characterized by increasing fragmentation.

See Appendix A of the annual report for a complete list of projects funded during the 2015-16 academic year through our program of research and travel grants.



Chris Deutsch received his B.A. and M.A. in History from California State University in Sacramento. His dissertation at the University of Missouri raises questions about private property rights and presidential power through an examination of post-World War II federal policy designed to expand the nation's beef production and consumption. Chris has presented his dissertation work at conferences in

Columbia, Provo, UT, and London, and he has received research grants from the Lyndon B. Johnson Foundation, the Harry S. Truman Library Institute for National and International Affairs, and the MU Department of History, where he has taught U.S. History in the Twentieth Century. Chris served as a 2015-16 Graduate Fellow with the Kinder Institute.



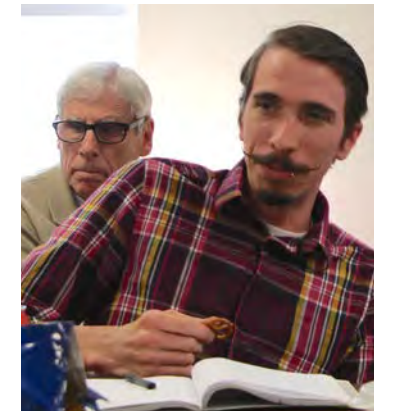
Rebecca Miller earned her B.A. in Political Science from the University of Illinois-Chicago. Her doctoral research at the University of Missouri examines the economic determinants of political behavior, with a specific focus on variation in community involvement in natural resource governance and its implications for political participation in democratic nations. Rebecca is a past recipient of a research and

travel grant from the Kinder Institute, the Edith Taylor Therrien and Robin Remington awards from the MU Department of Political Science, and a Henry Mitchell Scholarship to support study at the University of Western Cape in Cape Town, South Africa. Rebecca served as a 2015-16 Graduate Fellow with the Kinder Institute. She defended her dissertation during the Spring 2016 semester, after which she took a job at the Department of Homeland Security.



Darin Tuck completed his B.A. in History at Washburn University in Topeka, KS, and his M.A. in History at Kansas State University. His dissertation at MU examines Christian nonviolence during the American Civil War, focusing specifically on how religious antiwar activity in both the North and South fundamentally altered dissenters' relationship with the federal government and tested the limits of

their religious liberties under the Bill of Rights. Darin has received research grants from the William A. Wilcher Endowment, the Walter Scholes History Scholarship Fund, and the Institute for Military History and 20th Century Studies, and he was recently named a Fellow at the Filson Historical Society in Louisville, KY. He has taught American History to 1865 and History of Baseball in the University of Missouri History Department and Religion in American History at Stephens College. Darin served as a 2015-16 Graduate Fellow with the Kinder Institute.





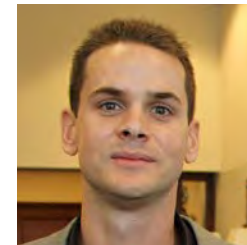
Kathryn VanderMolen completed her B.A. in Political Science at DePaul University in Chicago. Her dissertation work at the University of Missouri focuses on voter-representative dynamics within the American democratic system, and devotes particular attention to examining the nature and consequences of citizen preferences for bureaucratic actors over elected officials in the United States. More broadly,

her research interests include issues pertaining to trust in government, political reform, legislative behavior, and state politics. Kathryn has received two research grants from the Kinder Institute, as well as the Missouri Excellence in Political Science Teaching Award and the Dean L. Yearwood Scholarship for Excellence in American Policy Research. She is a G. Ellsworth Huggins Fellow at the University of Missouri, and has taught American Government in the Department of Political Science. Kathryn served as a 2015-16 Graduate Fellow with the Kinder Institute, and she currently serves as an Assistant Professor at University of Tampa.



Kody W. Cooper graduated summa cum laude from Kansas State University in 2006 with B.A. degrees in Political Science and Spanish, and received his Ph.D. in Government from University of Texas-Austin in May 2014. He has published on Thomas Hobbes's political, religious, and legal thought, and is currently completing a book project that explores the relationship of Hobbes's thought to classical natural

law theory. In broader terms, he has an abiding scholarly interest in the natural law tradition of political thought and the role of natural law in American constitutionalism. In 2009-2010, he was a Visiting Scholar at Wolfson College, Cambridge University, and in 2014-15, he served as a Postdoctoral Research Associate with the James Madison Program at Princeton University. He served as the Kinder Institute's 2015-16 Research Fellow in Political Science, during which time he took a position as an Assistant Professor in the Department of Political Science & Public Service at University of Tennessee-Chattanooga, starting in Fall 2016.

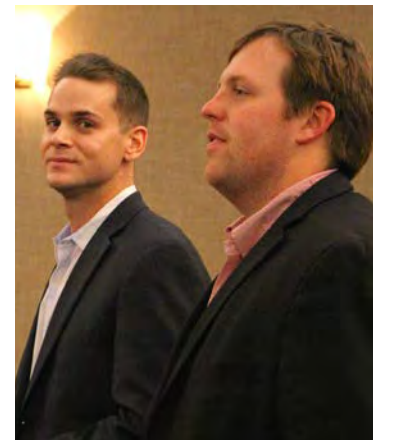
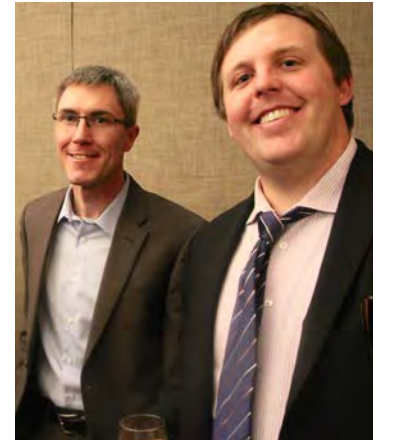


Nicholas Drummond received his B.A. in International Affairs from Florida State University and his M.S. in Defense and Strategic Studies from Missouri State University. He recently completed his doctoral degree in Political Science at the University of North Texas. His dissertation, titled *Montesquieu, Diversity and the American Constitutional Debate*, investigated heterogeneous republics from

the perspective of Montesquieu and the American political founders. His research interests center on American political theory, modern republicanism, and the requirements of liberty, and his publications have examined the topics of multiculturalism and the impact of religion and human rights on American foreign policy. He taught courses on American Government and Political Theory in the Political Science Department while at North Texas, and also served as an Editorial Assistant at the American Political Science Review. He joined the Institute as the 2015-16 Kinder Postdoctoral Fellow in Political Science.



Armin Mattes earned his Ph.D. in History at the University of Virginia, working with Peter Onuf on the origins of American democracy and nationhood. Dr. Mattes then spent the 2012-2013 academic year as the Gilder Lehrman Research Fellow at the Robert H. Smith International Center for Jefferson Studies, where he completed his first book, *Citizens of a Common Intellectual Homeland: the Transatlantic*



Context of the Origins of American Democracy and Nationhood, 1775-1840, which was published by University of Virginia Press in 2015. He is currently working on a new project that explores the transformation of the meaning and practice of political patronage in America from 1750 to 1850. Dr. Mattes has taught at the University of Virginia and Eberhard Karls University of Tübingen (Germany), and he served as a 2014-16 Kinder Research Fellow in History.



Benjamin Park completed his Ph.D. in History at the University of Cambridge, where he wrote a dissertation on the local cultivation of nationalism in America during the fifty years following independence. He also holds a Master's Degree in Political Thought and Intellectual History from Cambridge and in Historical Theology from the University of Edinburgh. Dr. Park is mostly interested in the intersections between religion, culture, and democratic thought in the “long nineteenth century” (including the Founding Era), and he has published articles that explore topics ranging from Thomas Paine to Benjamin Franklin, and from Transcendentalism to Mormonism. Ben served as a Kinder Postdoctoral Fellow in History from 2014-16 and currently serves as an Assistant Professor of History at Sam Houston State University in Huntsville, Texas.



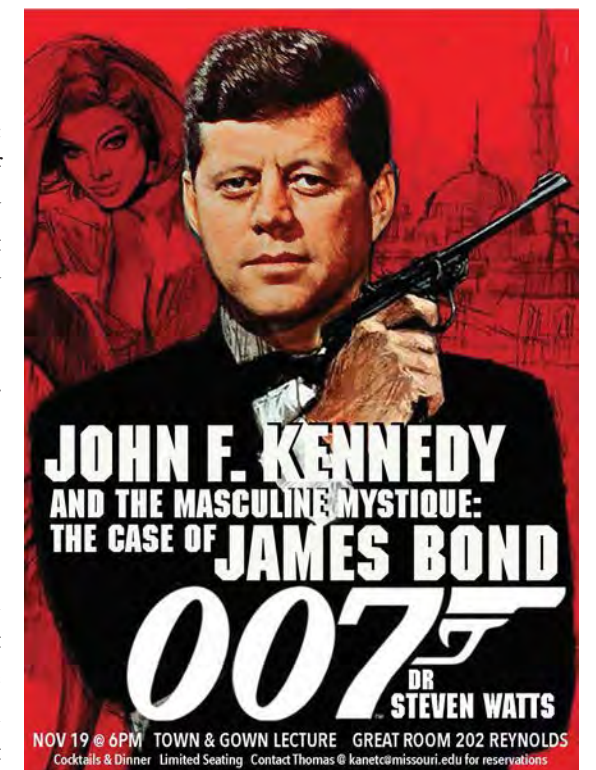
AS PART OF OUR ONGOING EFFORTS TO SPARK COMMUNITY DISCOURSE ABOUT AMERICAN CONSTITUTIONAL DEMOCRACY, WE HELD A NUMBER OF PUBLIC EVENTS DURING THE FALL 2015 SEMESTER, INCLUDING A NOVEMBER 19 TOWN & GOWN DINNER LECTURE DURING WHICH MU PROFESSOR OF HISTORY STEVE WATTS DISCUSSED HIS NEW BOOK *JFK AND THE MASCULINE MYSTIQUE: SEX AND POWER ON THE NEW FRONTIER*, RECENTLY PUBLISHED BY MACMILLIAN.

Prof. Watts began by outlining the methodology behind his new book, describing how his goal was to supplement scholarship focused on Kennedy's politics with a book that approached JFK as a cultural figure. In establishing the immense value of those works that examine Kennedy as a centrist Cold War politician, Prof. Watts added that they are by nature somewhat limited in their capacity both to explain the cultural phenomenon of Kennedy's celebrity and to resolve certain contradictions with which historians, media members, and citizens have struggled when considering the 35th President's legacy—his status as both a peace advocate and an anti-Communist Cold Warrior, for example, or his public life as a devoted family man and his (barely) private life as a playboy.



As a way of introducing the primary subject matter of his talk, Prof. Watts noted how studying Kennedy as a cultural figure provides an opportunity to understand his rise to political power and public fame within the larger context of what Arthur Schlesinger, in a 1958 essay in *Esquire*, called “the crisis of American masculinity.” More specifically, the youthful, handsome, intellectual, individualistic Kennedy served, Prof. Watts explained, as a virile and welcome foil in Schlesinger's narrative of how factors such as suburban isolation, bureaucratic inactivity, and “aggressive” women compromised the notions of maleness that prevailed in the 1940s and early 1950s. Kennedy himself marked his own place in this counter-narrative to lost maleness when, in accepting his nomination for the presidency at the 1960 Democratic Convention, he spoke of how the challenges of navigating “the New Frontier of the 1960s—a frontier of unfulfilled hopes and threats” would be made easier by the fact that “all over the world young men” like himself were “coming to power, men who [were] not bound by the traditions of the past” or “blinded by the old fears.”

As Prof. Watts pointed out, whether out of affection for the President or disdain for his Republican opponents, this vision of Kennedy-as-exemplar of a new mold of leader quickly caught on, especially as the press perpetuated the image of JFK as the kind of new frontiersman capable of guiding the nation through the perilous waters of Cold War politics. Prof. Watts added that




this image of Kennedy was further supported by the company he kept. While figures like Norman Mailer, Frank Sinatra, and John Glenn all embodied the President’s masculine aura/agenda, it was his friendship with British novelist Ian Fleming that Prof. Watts focused on in exploring the significance of the celebrity circles in which Kennedy operated.

Like Kennedy, Fleming’s subversive and unpredictable protagonist, James Bond, provided a potent alternative to the image of the compliant male, weakened by the bureaucratic state and the suburban tract home. The parallels between Bond and Kennedy, Prof. Watts explained, went beyond style and sexuality, seeping in to the President’s foreign policy agenda. While emphasizing that Kennedy certainly did not draw political strategy from *From Russia with Love*, Prof. Watts noted that there is ample evidence to suggest that Bond’s exploits at least to some degree shaped JFK’s perception of issues as well as tactics. For Kennedy, the CIA resembled a master crew of 007s—athletically, intellectually, and socially elite individuals whose innovation and daring would be necessary to successfully combat Communism. Prof. Watts concluded by citing Kennedy’s “Operation Mongoose” as establishing perhaps the clearest line of connection from Bond to the CIA under JFK. From its focus on psychological warfare to its assassination-by-exploding-cigar plot, in many ways the covert, counter-insurgency operation seemed to be derived, if not directly ripped, from the pages of Fleming’s fiction.



During October, the Kinder Institute sponsored its most community-oriented seminar to date: “Columbia Government: Learn How Your Voice Matters.” Led by Political Science Ph.D. candidate **Dana Angello**, the seminar, which met weekly throughout the month, brought 20 local citizens together with elected and appointed officials from the City of Columbia to discuss the structure and function of various municipal departments and offices and to open up lines of dialogue about the most effective means by which citizens can participate in and engage with governing institutions. Featured speakers at the seminar meetings included Columbia Mayor **Bob McDavid** and City Manager **Mike Matthes** (Week 1, pictured below), Police Chief **Kenneth Burton** and Citizen Police Review Board Member **Kate Busch** (Week 2), Health & Human Services Director **Stephanie White** (Week 4), and Community Development Department Head **Tim Teddy** (Week 5). An embodiment of the kind of grassroots civic education that represents the “next frontier” for Kinder Institute community programming, the seminar was covered by local media outlets including KOMU and the *Columbia Tribune*.

In addition, the Institute launched two yearlong community seminars during the Fall 2015 semester: “Mormonism & American Politics,” led by Postdoctoral Fellow **Ben Park**, and “Crisis & Constitutionalism,” led by **Justin Dyer**. Both seminars met monthly, with participants discussing readings ranging from Joseph Smith’s presidential platform, “General Smith’s Views of the Power and Policy of the Government,” to 1863 letters from Lincoln to Erastus Corning and the Ohio Democratic Convention that address the wartime decision to suspend the privilege of the writ of habeas corpus and shed light on the broader issue of the constitutionality of emergency executive power.



**Columbia Government:
Learn How Your Voice Matters**

The workshop will be held on Thursday, October 1st to teach how local government affects citizens and how citizens can affect local government. Local officials—City Manager, Mayor, Police Chief, Fire Chief and more—will speak and answer questions to help citizens understand how they fit in to city government. Participants will receive a certificate of completion in the last session of the course (October 29). Dessert and beverages provided!

Dana Angello is a PhD candidate at the University of Missouri with a passion for civic education.

Every Thursday in October | 6:30 - 8:35 p.m. | MU Memorial Student Union
Parking available in the University Parking Structure. Students will escort participants to the classroom.
Must RSVP to attend. Contact Dana Angello: danaangello@mizzou.edu
democracy.missouri.edu/events

Kinder Institute on Constitutional Democracy
University of Missouri





In October 2014, just months after the Kinder Forum’s official launch, Director **Justin Dyer** and Communications Associate **Thomas Kane** met with **Nick Kremer**, Social Studies Coordinator for Columbia Public Schools, to discuss the possibility of starting a community seminar on the western liberal tradition for local high school teachers. While the seminar never materialized, the conversation helped us refine our ideas about educational outreach programming going forward: specifically, we realized that reinvigorating civic education in Missouri meant designing programs that would reach students both on the MU campus and before they arrive.

Fast forward a year, and the groundwork had been laid for our most ambitious educational outreach endeavor yet, the 2016 Missouri Summer Teachers Academy, which was held June 13-16 in Columbia. Sponsored in partnership with and supported by a generous grant from the Missouri Humanities Council, the Summer Academy was designed to provide high school American history and government educators throughout the state with a unique opportunity to develop new content knowledge in their primary subject areas through three days of seminars led by Kinder Institute faculty and other scholars from around the region. The inaugural Academy was organized around the theme of “majority rule and minority rights,” and included lectures on topics ranging from the evolving legal status of Native Americans to the origins and historical applications of natural rights philosophy. See pp. 70-72 for a recap of the Summer Teachers Academy’s maiden voyage.



In the twenty-first century, school children are taught that the birth of American freedom ushered in an age of golden liberty. The Declaration of Independence proclaimed American citizens free in a number of different capacities—free of a tyrannical king, free to pursue their own individual happiness, free to claim the ground beneath their feet as their own. The shining “city on a hill” that Winthrop spoke of in his 1630 sermon, “A Model of Christian Charity,” became a beacon for self-determination, forged in Boston Harbor and delivered by George Washington to a waiting populace. Presidents Kennedy and Reagan affirmed this story with the very same metaphor. Eventually, the United States became an empire, with its power grounded in its people.

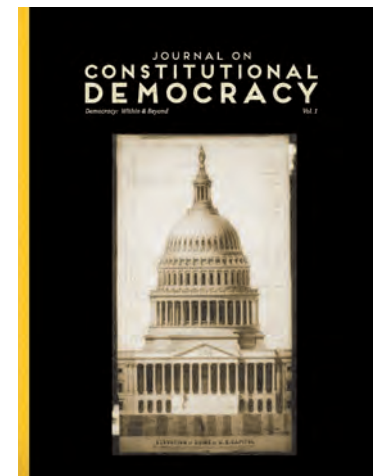
Part of that history is real. It is not, however, the full truth.

It is common knowledge, now, that the founding documents of America established rights for an exclusively white, exclusively male demographic. The native peoples were disregarded; the slaves, while considered in preliminary discussions, remained ultimately unprotected; women, despite comprising half of the nation’s population, were entirely ignored. Liberty for all actually meant liberty for few, and it would take almost two centuries of painful, stilted progress for the American ideal of freedom to begin being universally applied to American citizens. Like the narrative of the nation’s founding, the path to suffrage for all has been turned into myth, and for women in particular, the myth is strangely narrow. In the usual telling, the 1848 Seneca Falls Convention is seen as the singular most important event in the history of women’s rights and one from which the 19th Amendment followed with relative ease.

...

It is unquestionable that Seneca Falls was important. As a moment in history when women joined together to create an American declaration of their own—a unified pronouncement of their own rights—it became a potent reminder of what could be: that the so-called “fairer sex” could gather, debate, and come to a conclusion about substantive matters of government. While it is undeniable that this moment defined part of history, it did not end the battle for women’s right to vote, regardless of what American history textbooks suggest.

The truth of history holds less charm than the history books’ simplistic story, which often blurs over the next seventy years, skipping from the triumphant unification at Seneca Falls to constitutional triumph in 1919. In 1870, despite her lack of a vote, Victoria Woodhull declared herself the head of a presidential campaign and then ran on a platform based in “sexual revolution” for women (Friskin 91). Unsurprisingly, the radical feminism of Woodhull was not well accepted; some even said it may have hindered the cause, creating the idea that it was a foolish and obnoxious endeavor. Two years later, Susan B. Anthony would be arrested for filing a ballot, then charged a \$100 fine that she never paid (Enix-Ross). Further, working to secure women’s right to vote could not unify



The Journal on Constitutional Democracy is a yearly scholarly publication that is composed, edited, and designed by members of the Institute’s undergraduate Society of Fellows.

Organized each year around a new theme chosen by the Fellows, the journal consists of articles that address the historical, political, and philosophical significance of this theme, as it relates to American constitutional democracy. The volume 1 of the Journal, from which this excerpt is drawn, tackled the theme of “Democracy: Within & Beyond”



Works Cited

Enix-Ross, Deborah. “Susan B. Anthony Is Convicted for Casting a Ballot.” *ABA Journal* 99.11 (2013):

1. *Business Source Premier*. Web. 16 Feb. 2015.

Farrell, Grace. “Beneath The Suffrage Narrative.” *Canadian Review of American Studies* 36.1 (2006): 45. *MasterFILE Premier*. Web. 17 Feb. 2015.

Friskin, Amanda. “Sex in Politics: Victoria Woodhull as an American Public Woman, 1870-1876.” *Journal Of Women’s History* 12.1 (2000): 89. *America: History & Life*. Web. 17 Feb. 2015.

Mullaney, Marie M. “The Myth of Seneca Falls: Memory and the Women’s Suffrage Movement, 1848–1898.” *Library Journal* 139.12 (2014): 99. *Professional Development Collection*. Web. 13 Feb. 2015.

Pusey, Allen. “Wilson, Women and War.” *ABA Journal* 101.1 (2015): 40-41. *Academic Search Complete*. Web. 16 Feb. 2015.

everyone. Groups of advocates were stratified not only by how they thought women should conduct themselves in their pursuit of political equality, but also by race and class. Determined to secure suffrage for Caucasian women first, early white feminism turned its back on the cause of African Americans’ suffrage and, in doing so, alienated abolitionist men and women alike. Anthony and Elizabeth Cady Stanton did their best to ignore this stratification. Despite her penchant for starting feuds, Anthony was careful to paint a narrative in which women universally agreed on the path to suffrage and, more specifically, agreed on her path (Farrell). Despite her efforts, though, Anthony would die without ever casting a legal ballot.

Slowly, states began to ratify women’s right to vote, but a constitutional amendment remained elusive. When Woodrow Wilson came to office, 5,000 women converged upon Washington, DC, determined to convince their new president to support their cause (Pusey). Wilson, despite this, seemed more annoyed than sympathetic. Over the next few years, he continued to tell the suffragists to wait for state approval. Led by the determined but divided Anna Shaw and Alice Paul, women persisted in actively pursuing their cause, by petitioning Congress, speaking across the country, and protesting outside the White House. When World War I began, women continued to protest despite the general disapproval associated with picketing a wartime president. After the demonstrations turned violent, many of the young suffragists were jailed, at which point they turned to a hunger-strike and, after subsequent force feedings, gained public support for the movement. Wilson finally declared his own support in 1918, but it would be another year before the constitutional amendment passed.

Even then, the amendment barely squeaked into history. The right to suffrage came down to Tennessee, where state legislators wore red or white roses to show their support or disdain for the amendment. The white roses, representing suffragists, were dwindling after days of bribes, arguments, and general disarray. In the end, it was a mother that decided history. Her 24-year-old son, Harry Burn, wore a red rose pinned to his chest—until he received a note from his mother, persuading him to help put the “rat” in ratification.” Still wearing the red rose, he declared aye so quickly that it took his co-conspirators-turned-opponents several long moments to realize what had happened. By then, it was too late. Tennessee approved women’s suffrage by one vote.

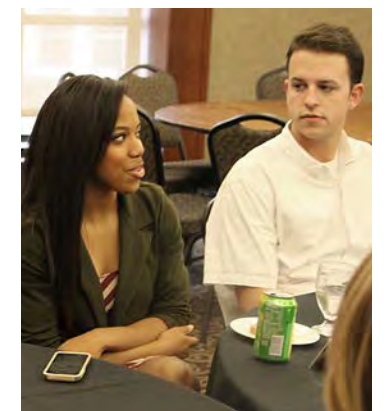
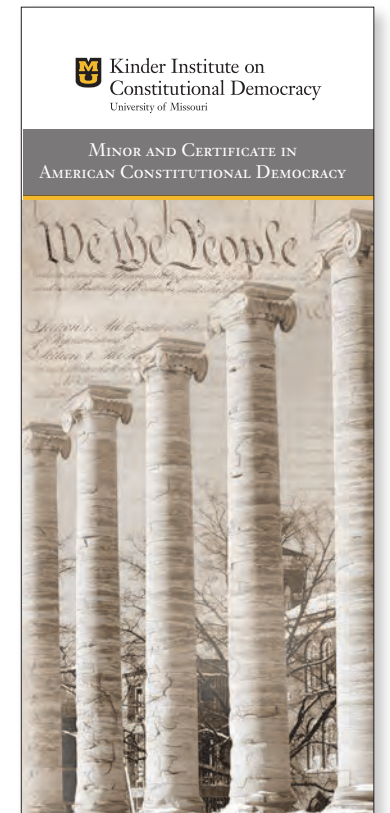
Almost 150 years before, the founding fathers tried to build a better, freer world. In some ways, they succeeded. A country, though, is never done—and while 1919 certainly did not see the end of women’s fight for equality, or even the fight for universal suffrage, it did represent a fundamental step forward in claiming independence for all citizens. The fight for the vote encapsulated much of what it meant to be an American. It meant disagreeing, debating, fighting, and ultimately striving for a fairer world. While it may not have been what the original Declaration imagined, it reinforced one fundamental truth: when the people speak, if they speak loud and long enough, they will be heard.

In addition to our Minor and Certificate programs, we developed an Honors College course series during the fall which officially debuted in August 2016, with Prof. **Carli Conklin’s** seminar “The Intellectual World of the American Founders.” Other classes in the *Constitutionalism & Democracy* course series are: “The Constitutional Debates” (in Political Science) and “The Revolutionary Transformation of America” and “The Young Republic” (in History). See Appendix B for a full list of 2015-16 classes that applied to our Minor and Certificate in American Constitutional Democracy.

The deadline to apply for one of the Institute’s other flagship undergraduate initiatives, the Kinder Scholars D.C. Summer Program was November 2, 2015, and we announced the new class of participants (named below) during a December reception at the University Club. Uniquely combining classroom and experiential learning, the Kinder Scholars Program brings up to 20 undergraduates to D.C. each summer to study, work, and live in the nation’s capital.

Ashleigh Atasoy (Business Administration & Political Science)
Bishop Davidson (History & Classics)
Delan Ellington (Anthropology & History)
Rachelle Engen (Political Science & Political Communication)
Nora Faris (Agricultural Journalism)
Sarah Gillespie (Accounting and Political Science)
Kate Hargis (Political Science)
Blake Harting (Political Science)
Lindsay McManus (Political Science & Political Communication)
William Neer (Chemistry & Spanish)
Paige Ondr (Organizational and Political Communication)
Jacob Otto (Economics & Political Science)
Leslie Parker (Political Science & Journalism)
Jennifer Prohov (Political Science & Journalism)
Anne Russell (Economics & Political Science)
Kalli Sikes (History & Classical Humanities)
Andrew Wisniewsky (History & Religious Studies)

See Appendix C for a full list of where participants interned as well as a list of all seminars taught in the “Beltway Politics & History” course and pp. 74-77 for a brief recap of the summer.



SPRING 2016



As is mirrored in the organization of this section, activities at the Kinder Institute broke down along two lines during the first months of the Spring 2016 semester. On one hand, a number of our recruitment campaigns reached full speed, with candidates for our Endowed Professorship in Political Science and our Endowed Chair in History visiting campus during February and applications for our next class of graduate and postdoctoral fellows pouring in during March. On the other hand, we continued on as usual with a full schedule of events for our primary constituents, actively participating in Black History Month programming at the university, bringing scholars from around the region to campus to discuss their current research with faculty and graduate students, and engaging the community in discussion of key ideas, figures, and questions from the history of constitutional democracy in the United States. From the University of Missouri Black History Month Committee to the Reynolds Journalism Institute to Newsy, a multisource video news service based out of Columbia, we also spent time during the spring semester seeking out new partnerships on and around the MU campus, a trend that we fully expect to carry over into and continue to bear fruit during the coming months and years. What follows is a recap of activities during January, February, and March, along with bios for our 2016-17 graduate and postdoctoral fellows and news about past and present members of our undergraduate cohort.



A KEY COMPONENT OF THE OCTOBER 15 GIFT AGREEMENT WAS THAT IT PROVIDED THE RESOURCES NECESSARY TO OPEN UP INSTITUTE-SPECIFIC FACULTY LINES FOR FOUR PROFESSORS, TWO EACH IN HISTORY AND POLITICAL SCIENCE. AS THE SUMMER 2016 SECTION OF THIS REPORT WILL SOON REVEAL, THESE FACULTY LINES HAVE ALREADY BEGUN TO HELP US TAKE GREAT STRIDES TOWARD ACHIEVING EXCELLENCE BY BRINGING INDIVIDUALS TO THE INSTITUTE WHO HAVE ADDED NEW DIMENSIONS TO THE CURRICULUM FOR OUR UNDERGRADUATE MINOR; STARTED TO ATTRACT HIGH-CALIBER GRADUATE STUDENTS IN THEIR RESPECTIVE FIELDS TO COLUMBIA; AND INTRODUCED NEW PERSPECTIVES TO OUR INTELLECTUAL COMMUNITY. DURING MARCH 2016, WE HOSTED THE FOLLOWING THREE SCHOLARS OF AMERICAN POLITICAL THOUGHT AND DEVELOPMENT ON CAMPUS, WHO GAVE THE JOB TALKS DESCRIBED BRIEFLY BELOW AS PART OUR SEARCH FOR AN ENDOWED PROFESSOR OF CONSTITUTIONAL DEMOCRACY.

FACULTY SEARCHES



*Jeremy D. Bailey received his Ph.D. in Political Science from Boston College and currently holds the Ross M. Lence Distinguished Teaching Chair at University of Houston, where he has dual appointments in the Department of Political Science and the Honors College. He is the author or co-author of *Thomas Jefferson and Executive Power* (Cambridge University Press, 2007) and *The Contested Removal Power: 1789-2010* (University Press of Kansas, 2010), and his newest book, *James Madison and Constitutional Imperfection*, is forthcoming from Cambridge.*

Lessons on Constitutional Imperfection

On February 8, 2016, University of Houston Associate Professor of Political Science **Jeremy Bailey** gave a talk focused on re-examining James Madison's legacy within the context of what we traditionally think of as Madisonian constitutionalism. In the course of going through a number of Madison's writings, this task of re-examination quickly took on a quality of liberation, as Prof. Bailey demonstrated how truly close readings of these writings raise important questions regarding whether certain qualities that we consider indivisible from Madisonian constitutionalism are, in fact, so. For example, in scrutinizing "Federalist 49" and Madison's letters to Virginia judge and congressman John G. Jackson, Prof. Bailey showed how Madison was not bound by or to constitutional veneration but actually saw such reverence as an impediment to realizing the need to reform and weed imperfection from the nation's founding document. Similarly, he argued that Madison's commentaries on the writings of such figures as Burke and Hartley reveal his wavering faith in representatives' faction-quelling ability to "refine and enlarge" the public view, as famously outlined in "Federalist 10." He noted, moreover, how Madison often took a Jeffersonian middle path on the topic of deliberation by at least entertaining the notion that there was value in representatives looking to the people for guidance. Prof. Bailey concluded by surveying recent Madison scholarship to highlight the argument that he saw his written account of the Constitutional Convention not as a document that would definitively settle debates about the Founders' intentions in 1787 but, instead, as one that might provide data on how principles and interests interacted during the drafting of the Constitution and, in this, that might expose the sometimes messy and imperfect compromises that emerged.

Rights Talk: Then & Now

For the second Spring 2016 job talk, Northern Illinois University Assistant Professor of Political Science **Adam Seagrave** addressed the history of dialogue about natural rights by tracing its evolution through three stages, beginning in 12th-century Europe and concluding in the modern day United States. After highlighting a critical innovation in discourse about rights that occurred in the 17th century—the rise of the belief that duties are derived from rights and, in turn, that rights are what we naturally possess and are universally entitled to simply by virtue of being human—Prof. Seagrave shifted his focus to examining the degree to which Nature was central to this second stage of rights talk. In regard to ideas concerning how to actually secure universal rights, he noted that the prevailing belief of the time was that human nature alone wasn't enough to curb the impulse to expand individual rights beyond moral duties. Instead, reason would have to be cultivated and refined in order to prevent the indulgence of individual interest in a manner that would unjustly magnify one's own rights at the expense of another's. For many 17th-century thinkers, he argued, such a refinement of reason was dependent on individuals' interaction with—and, moreover, on the respect and awe inspired by their interaction with—the intelligent design of the natural world. Prof. Seagrave then went on to explain how the fundamental shift in rights talk that has occurred in the 150 years following the Civil War thus to some degree can be attributed to the growing distance between the American people and the natural world. Citing the closing of the frontier and the rise of natural selection theory as drivers of this growing distance, he concluded by examining how rights are no longer treated as expressions of a common framework of and for humanity but, instead, as expressions of interests or preferences that policy is rationally designed to preserve.

Constitutive Stories About the Common Law in Modern American Conservatism

Drawing on research for his current book project, *Conservatives and the Constitution* (under contract with Cambridge University Press), Boston College Professor of Political Science **Ken Kersch** gave the final job talk for the Kinder Institute's Endowed Professorship search on February 15, 2016. Focusing specifically on the evolution of contemporary conservative ideology during its ascendant phase (from *Brown v. Board* through the Reagan presidency), Prof. Kersch examined the various constitutive stories about the importance of common law that both differentiate and bind modern American conservatives. In his first example, the constitutive story of subscribers to the public choice school of thought, the common law solves the problem of individuals being able to leverage their power over legislators to their own advantage, because it is derived from the work of a fundamentally "non-lobbyable institution" (the courts). Borne out of the writings of Friedrich



*S. Adam Seagrave received his Ph.D. in Political Science from University of Notre Dame and currently serves as Assistant Professor of Political Science at Northern Illinois University and managing editor of *American Political Thought*. His first book, *The Foundations of Natural Morality: On the Compatibility of Natural Rights and the Natural Law*, was published by University of Chicago Press in 2014, and his second book, *Liberty and Equality: The American Conversation*, was published in 2015 by University Press of Kansas. He currently is at work on two projects, a book on the history of rights in the United States and a modern re-phrasing of selected *Federalist Papers*, the latter of which is under contract with Hackett Publishing Co. At NIU, he teaches undergraduate and graduate courses on topics ranging from the political theory of capitalism to African American political thought.*



*Ken Kersch received his J.D. from Northwestern University and his Ph.D. in Government from Cornell University. He currently serves as Professor of Political Science at Boston College and Founding Director of the Clough Center for the Study of Constitutional Democracy, with additional appointments in BC's Department of History and Law School. He is the author or co-author of *Freedom of Speech: Rights and Liberties under the Law* (ABC-Clio, 2003); *Constructing Civil Liberties: Discontinuities in the Development of American Constitutional Law* (Cambridge University Press, 2004); and *The Supreme Court and American Political Development* (University Press of Kansas, 2006). He is the recipient of the American Political Science Association's Edwin S. Corwin Award (2000) and J. David Greenstone Prize (2006) as well as the Supreme Court Historical Society's 2006 Hughes-Gossett Award. Prior to joining the faculty at Boston College, he was the inaugural Ann and Herbert W. Vaughan Fellow in the James Madison Program in American Ideals and Institutions, a faculty associate in the Madison Program, and an assistant professor of politics at Princeton University.*

Hayek, the second constitutive story frames legislators as inherently limited in their knowledge of social organization and thus given to hubristic action and, in turn, presents the common law as an organic solution to this problem of legislative ignorance on the grounds that its discovery and evolution were spontaneously driven by reason and concreteness. The final constitutive story, that of evangelical Christians, is one of knowing one's place in God's creation. If, as in this story, legislation is the byproduct of the idolatrous deification of the human—of humans falsely believing that they can rule via their own will—the common law rolls back this problem, because it draws on scripture to determine what's best for society. And while each story represents a sometimes drastically different approach to establishing the importance of common law, Prof. Kersch concluded by noting how the overlapping consensus between them has proven strong enough to ally different conservative sub-groups into a stable political movement.

The Politics of the U.S. Steam Empire

Note: After a number of informal conversations, the Kinder Institute invited University of Oxford Professor of History Jay Sexton to Columbia during the week of February 8, 2016, to further explore the possibility of his serving as one of two Kinder Endowed Chairs of Constitutional Democracy. Below is a brief recap of the talk that he gave as part of his visit to campus.

Part history colloquium, part job talk, University of Oxford Professor of History **Jay Sexton** presented his current research on the international rise of steam transport systems on February 12, 2016, in the Alumni Lounge at MU's Memorial Union. Prof. Sexton began by framing his topic within the context of the growing, but still very nascent, field of 19th-century U.S. global history. Noting how valuable scholarly work certainly has been done on the economic and technological significance of advances in steam power and transit, he added that relatively little attention has been devoted to examining the rich history of how steam transformed the 19th-century political world by contributing to and, in many cases, accelerating nation building and imperial expansion both in the United States and abroad.

The task of unpacking the politics of the U.S. steam empire, he went on to explain, begins with understanding the degree to which the establishment of domestic steam transport systems—particularly oceanic transport systems—would have been impossible without state support. In regard to precedent, the British government set the bar for how states facilitated the rise of steam transport by offering subsidies in the form of mail contracts to private corporations for the purpose of offsetting massive overhead costs. While the U.S. Congress drew on this model in its dealings with companies such as Pacific Mail, the nation's leading oceanic steam transport corporation, the history of subsidizing steam in the United States is mired in controversy. Party conflict, Prof. Sexton noted, "left no victory safe," and a boom/bust cycle ultimately emerged, with



contributed to the erosion of overseas steam transport during the bust periods, including financial crisis, growing Sinophobia in the post-Civil War United States, and the relatively weak status of steamship lobbyists compared to their railway rivals.

In establishing the broader significance of this political contest over steam, Prof. Sexton mapped these periods of growth and decline onto an examination of the U.S.'s early forays into overseas expansion, looking at steam's role in increased American engagement and entanglement with Cuba, Japan, China, and, in his primary example, Panama. His study of U.S.-Panama relations focused on the gold rush years, when the preferred route from the East Coast to California was via Panama rather than over the American continent. Prof. Sexton observed how, during this period, the area surrounding Panama's transcontinental railroad—the construction of which was funded by Pacific Mail co-founder William Aspinwall—became a de facto U.S. territory, with private U.S. corporations exercising sovereign power in towns all along the rail line and the U.S. Military being called on to intervene when tensions inevitably flared between native Panamanians and gold-seeking American passengers who had taken up temporary residence on the isthmian route. Driven by a mutual incentive for profit, this arrangement proved quite beneficial to a number of parties—corporations like Pacific Mail, the Panamanian elite, the U.S. state, and the Panamanian government (then in Bogota)—and equally detrimental to the nation's labor force, leading to the rise of activist, liberal politics in Panama City. Returning once more to steam's boom/bust cycle, Prof. Sexton noted how the national instability that followed from the rise of resistance politics in Panama was un-coincidentally simultaneous with the U.S. government's de-funding of steamship transport in the late-1850s and, in turn, the receding political influence of companies like Pacific Mail on the transcontinental railroad route.

overseas steam transport growing in the late-1840s and mid-1860s and fading in the late-1850s and mid-1870s. As for cause, he traced these boom periods to circumstances that neutralized opposition: Polk, an expected detractor, supported steamship subsidies as part of his larger westward expansion agenda in 1847; Southern Republicans, who almost certainly would have pushed back against subsidies, were not in Congress in 1865 to voice their discontent. In regard to decline, Prof. Sexton cited a number of factors that

*Jay Sexton serves as a Field Fellow and Tutor in History at University of Oxford, Corpus Christi College, as well as Director of the Rothermere American Institute, the largest interdisciplinary center for the study of U.S. history, politics, and literature outside of North America. He received B.A. degrees in History and English from University of Kansas and his D.Phil from University of Oxford, Worcester College, where he was a Marshall Scholar. He is the author of *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873* (Oxford University Press, 2005, paperback ed. 2014) and *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (Hill and Wang, 2011); and co-editor of *Empire's Twin: U.S. Anti-Imperialism from the Founding Era to the Age of Terrorism* (Cornell University Press, 2015), with Ian Tyrrell, and *The Global Lincoln* (Oxford University Press, 2011), with Richard Carwardine. He is currently at work on a book project entitled, *The Steam Empire: Transport and U.S. Expansion in the Nineteenth Century*. Prof. Sexton has articles and book chapters forthcoming in *The Journal of the Civil War Era*, *American Civil Wars* (University of North Carolina Press), and *The Transnational Significance of the American Civil War* (University of Georgia Press), and he is the past recipient of the University of Oxford Teaching Award, the Vice-Chancellor of Oxford University Research Prize, a John Fell Fund Research Award, and an Andrew W. Mellon Foundation Fellowship at the Huntington Library.*

IN MARCH, DIRECTOR JUSTIN DYER AND ASSOCIATE DIRECTOR JEFF PASLEY LED COMMITTEES IN THE POLITICAL SCIENCE AND HISTORY DEPARTMENTS TO SELECT THE 2016-17 CLASSES OF KINDER GRADUATE AND POSTDOCTORAL FELLOWS. DESIGNED TO RECOGNIZE DOCTORAL CANDIDATES AND RECENT PH.D. RECIPIENTS WHOSE WORK DEMONSTRATES THE POTENTIAL TO MAKE SIGNIFICANT CONTRIBUTIONS TO SCHOLARSHIP ON AMERICAN POLITICAL THOUGHT AND HISTORY, THESE POSITIONS COME WITH STIPENDS, OFFICE SPACE IN JESSE HALL, AND THE OPPORTUNITY FOR POSTDOCS TO DESIGN AND TEACH SEMINAR CLASSES IN THEIR FIELDS OF STUDY AND FOR GRADUATE FELLOWS TO BE FREE OF TEACHING DUTIES FOR A SEMESTER OR YEAR, SO THEY CAN THROW THE FULL WEIGHT OF THEIR ATTENTION BEHIND THEIR DISSERTATIONS. THE FOLLOWING SEVEN PH.D. CANDIDATES AND THREE EARLY CAREER SCHOLARS WERE CHOSEN TO SERVE AS OUR GRADUATE AND POSTDOCTORAL FELLOWS DURING 2016-17.



Kenneth Bryant, Jr. completed his B.A. in Political Science and African-American Studies at Wright State University in Dayton, Ohio, and his M.A. in Political Science at the University of Missouri. His dissertation at the University of Missouri examines the history of policing in communities of color and assesses perceptions of police performance, with a particular focus on how police response to protests shapes public trust toward policing and public preferences for crime control policy. In addition to his research, Kenneth has served as president of the Graduate Student Association (GSA) and as an executive board member of the Association of Black Graduate and Professional Students (ABGPS). For his service as a graduate student leader, he was inducted into the Graduate Professional Council's Rollins Society in 2015. Kenneth also has been awarded the Dean L. Yearwood Scholarship for Excellence in American Policy Research and the Bryan L. Forbis Scholarship by the MU Department of Political Science.

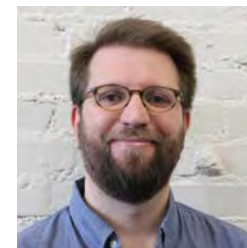


Zachary Dowdle earned his B.A. and M.A. in History from Angelo State University in San Angelo, Texas. His dissertation at MU looks at shifting conceptions of race and gender in the political culture of nineteenth-century Missouri and the United States through an examination of the career of James Sidney Rollins, a slave owner who was a leading Whig politician and pro-Unionist. Rollins served as a representative at both the state and national levels, working to establish the University of Missouri in the 1830s and providing a crucial swing vote in Congress that led to the approval of the Thirteenth Amendment. Zachary has presented his

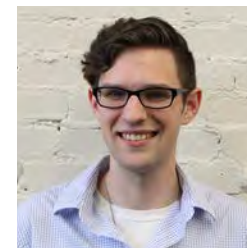
work at conferences in Columbia, New Orleans, and San Diego, has received a travel grant from the Kinder Institute on Constitutional Democracy, and was a Fellow at the JMC Summer Institute in Philadelphia. In his free time, he enjoys spending time outdoors, either cycling on country roads or hiking along local trails. Zachary will join the Kinder Institute as the Spring 2017 Graduate Fellow in History.



Brandon Flint completed his B.A. in History at Patrick Henry College in Purcellville, VA, and his M.A. in History at the University of Louisiana at Lafayette. His dissertation at MU examines the early history and growth of Protestant short-term missions from the end of the Second World War through the 1970s, with close attention paid to the role of overseas missionaries as they negotiated between their identities as Christians and as Americans. More specifically, while missionaries have always been important in shaping the way in which America's democratic values are interpreted abroad, Brandon's dissertation focuses on how, under the long shadow of the Cold War, short-term missionaries in particular fought on the front lines to combat communism in the Soviet Union and to promote the image of the United States in the developing third world. Brandon will serve as a Kinder Graduate Fellow in History during the Fall 2016 semester.



Jonathan Jones earned a B.A. in History and Political Science at Arkansas Tech University and a J.D. from Washington University School of Law in St. Louis. He then went on to work in the United States Senate, before going back to school and earning an M.A. in History at the University of Arkansas. An interest in the history of lobbying and interest group politics led to a focus on the special role that the fur trade played in the development of early American political economy, and his dissertation as a Ph.D. candidate at MU examines the ways in which this industry influenced early American state formation and argues for a symbiotic relationship between the fur trade and the federal government. He joins the Kinder Institute as a 2016-17 Graduate Fellow in History.



Aaron Kushner earned his B.A. in Politics from Saint Vincent College and his M.A. in Political Science from Northern Illinois University. His research interests include political partisanship, party identity in the electorate, and the intersection of religion and politics. His dissertation research at MU examines the effects of elite polarization on the electorate, how partisanship has ebbed and flowed over time, and the

implications that these changes have for representation in America. He has taught American Government at Northern Illinois University, and he joins the Kinder Institute as a Spring 2017 Graduate Fellow in Political Science.



Sean Rost completed his B.S. in History Education at William Woods University in Fulton, MO, and his M.A. in History at Lincoln University in Jefferson City. His dissertation at MU examines the revival of the Ku Klux Klan during the 1920s, with a particular focus on the efforts of anti-Klan activists to use their power at the polls, in the pulpit, and in the press to stymie the growth of the “Invisible Empire” in

Missouri. Sean has received research grants from the James S. Rollins Slavery Atonement Endowment, the William A. Wilcher Endowment, and the Cushwa Center for the Study of American Catholicism at the University of Notre Dame. He has taught American History to 1865 at the University of Missouri, American History to 1877 and American History since 1877 at Columbia College-Jefferson City, and on-campus and online history courses at William Woods University.



Clint Swift earned his B.A. in Political Science from Whittier College and his M.A. in Government from California State University-Sacramento. His research interests include state legislative institutions and behavior and electoral accountability, and his dissertation at MU focuses on the determinants of state legislative committee system structure as well as its effects on legislative outcomes. Clint is the past

recipient of a research grant from the Kinder Institute, the J.G. Heinberg Scholarship for comparative political research, and the Dean L. Yarwood and Bryan L. Forbis Awards for the study of American politics and public policy, and he has taught courses on American politics in the MU Department of Political Science.

Billy Coleman completed his PhD in History at University College London (UCL) in 2015. His dissertation, which is currently being revised into a book, explores the significance of why and how music was incorporated into nineteenth-century American political culture. A selection from this project about Federalists and “The Star Spangled Banner” has been published in the *Journal of the Early Republic*, and his research has received support from the Newberry Library, the Royal Historical Society, the Library Company of Philadelphia, and the Maryland History Society. In 2013, he was a doctoral exchange scholar at Yale University, and he also has recently held teaching posts at Queen Mary University of London and the University of Portsmouth. Born in Houston but raised in Sydney, Australia, he earned a B.A. with honours and the University Medal from the University of New South Wales. He joins the Institute as the 2016-2017 Kinder Postdoctoral Fellow.



David Golemboski completed his Ph.D. in Government at Georgetown University in May 2016. He works in the area of political theory, focusing on topics in law and philosophy, religion in politics, and political stability, and his dissertation at Georgetown explored the issue of religious accommodation, advancing a neo-Hobbesian, stability-based approach to exemptions from generally applicable laws. He has published articles on impartiality in Adam Smith in *European Journal of Political Theory*, and on the Catholic principle of subsidiarity in *Publius: The Journal of Federalism*, and he maintains an interest in the tradition of Catholic social thought. David holds a B.A. in Philosophy from the University of Louisville and an M.T.S. in Religion, Ethics, and Politics from Harvard Divinity School. He joins the Kinder Institute as a 2016-17 Postdoctoral Fellow in Political Science.

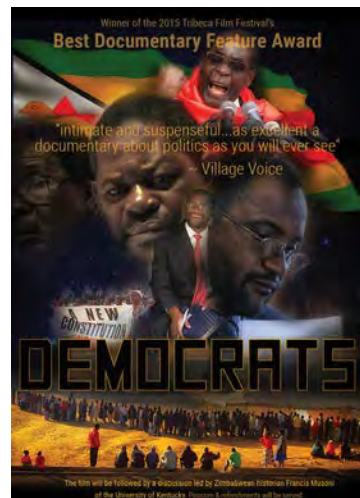


Skye Montgomery earned her DPhil in History from the University of Oxford, completing a dissertation on perceptions of Anglo-American kinship and national identity in the nineteenth-century South. She also holds a Master’s Degree in American History from Oxford and in Victorian Studies from the University of Manchester. Her current research concerns the ways in which American political and social institutions accommodated alternative languages of national self-expression in the Early Republic and Civil War Era, and she is particularly interested in the role that Great Britain played in the formation of American national identity and has published most recently on the Prince of Wales’ 1860 American tour as a defining moment of Anglo-American relations. She joins the Kinder Institute on Constitutional Democracy as a 2016-2017 Postdoctoral Fellow in History.



Society of Fellows February 5 Democrats Screening

For their first quarterly dinner meeting of the Spring 2016 semester, Society of Fellows members attended a screening of the 2014 documentary *Democrats*, which the Kinder Institute brought to campus as part of MU's Black History Month programming. Hailed by *Village Voice* critic Alan Scherstuhl as "intimate and suspenseful...as excellent a documentary about politics as you will ever see," *Democrats* chronicles the process of drafting Zimbabwe's first democratic constitution. Shot over a three-year period, following the 2008 election that ended with Robert Mugabe's ZANU-PF party theoretically forced to share power with the opposition Movement for Democratic Change, the film focuses primarily on the efforts of—and the often contentious, though at times inspiringly amicable and productive, relationship between—the two men tasked with chairing the nation's constitutional committee: Mugabe representative-slash-shill Paul Mangwana and MDC spokesperson Douglas Mwonzora. In a country where western media are rarely allowed to report, Danish Director Camilla Nielsson was given unprecedented access to the bipartisan committee's proceedings and negotiations, and the result was a film at once locally and universally incisive. On one hand, *Democrats* provides a rare, all-access glimpse into Zimbabwean politics, capturing private conversations between leaders, openly threatening speeches by Mugabe, and public consultations with ordinary citizens in which no one involved was sure if it were truly safe to speak. At the same time, the movie reveals not only the tense admixture of fear and hope that, throughout history and across the globe, has consumed populations poised uncertainly on the brink of large-scale political change, but also the oftentimes necessary, and oftentimes equally messy, compromises that go into transforming theoretical constitutional revision into concrete political reality. The screening was followed by a lively and enlightening Q&A led by University of Kentucky Professor of African History **Francis Musoni**, with whom Society of Fellows participants had dinner prior to the movie.



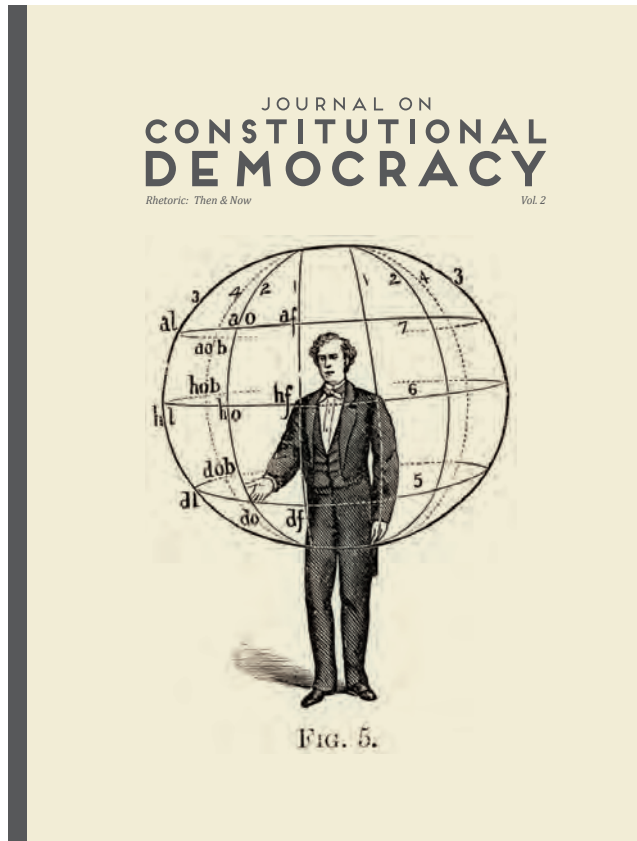
For the second Society of Fellows event of the semester, students attended a March 20 lecture delivered by Bryan Stevenson, author of the critically-acclaimed *Just Mercy* and founder and executive director of the Equal Justice Initiative (see p. 63 for a recap). The deadline to apply for the 2016-17 Society of Fellows was March 15, and a list of the current class, as well as a recap of the third annual Society of Fellows Residential Summer Seminar, can be found in the Summer 2016 section of the annual report.

Other Recent Undergraduate News

Joining former Society of Fellows member and Truman Scholarship recipient **Emily Waggoner** on the list of our undergraduate alumni who have recently been showered with accolades, **Anurag Chandran**, a 2014-15 undergraduate fellow and 2015 Kinder Scholars, headed to Tsinghua University in Beijing in Fall 2016 as part of the first class of Schwarzman Scholars, while **Sam Franks**, who also took part in both programs, made a trans-Atlantic trek in August to study in the U.K. on a Fulbright Scholarship.

In just two of many other alumni highlights, 2015 Kinder Scholars participants **Emma Smoczynski** and **Chelsea Waters** started at MU's Truman School of Public Affairs and St. Thomas (MN) College of Law, respectively, in the fall.





Acutely aware that he was coming to power in a nation that had already become sharply divided over political parties as well as over an electoral system that had already proven to be less than perfect, Jefferson structured his inaugural address in a way that attempted to reestablish the public’s trust in democratic institutions. Specifically, he pointed towards the Constitution as the device which would not only bind the country under common political principles but would also allow for difference of political opinions within the population, all the while working to reunite the country through this complex, and at times seemingly contradictory, set of appeals.

...

Even though Jefferson is quick to uphold the Constitution as providing the common ground necessary to safeguard against tyranny in the United States, he also takes great care to point out that an adherence to the Constitution does not preclude a difference of political opinion. This is most clearly seen when, in the second paragraph of his speech, Jefferson claims, “But every difference of opinion is not a difference of principle. We have called by

different names brethren of the same principle. We are all Republicans, we are all Federalists.” On the surface, the use of capital F-Federalist and capital R-Republican would seem to undermine Jefferson’s argument by inherently playing up the divisive and hostile partisan climate of the era. However, upon closer examination, and especially when read within the context of the modifying language of “we are all,” it becomes apparent that these terms actually strengthen his claims regarding how imperative political unity was to the survival of the nation in two ways: by rhetorically negating the distinction between parties and, in doing so, invoking the abstract meaning of the terms federalist and republican in a manner that would have forced people to acknowledge them as articulating the common underlying principles upon which these parties were founded. These terms’ double reference thus serves a specific purpose for Jefferson. While he uses the terms to clearly note that party affiliations and the differences of opinion that come with them are inevitable and even welcome within a democracy, his summoning of their abstract meaning simultaneously demands a recognition of how even the most contentious disagreement still reflects the ideals of and is governed by the common principles contained in the Constitution.

It stands to reason that citizens’ understanding of Jefferson’s address, particularly when it comes to details like the capitalization of Republicans and Federalists, would have been dictated by how the speech appeared in the only media source then available: newspapers. The newspapers would seem to have been “at liberty,” so to speak, to reprint the message in whatever way they saw fit, allowing them to alter details as a way of reflecting their support or condemnation of Jefferson and his message. Based on my argument above, papers that supported Jefferson may not have capitalized Republican and Federalist to enhance his argument about the importance of unity by stressing the terms’ abstract connotations. Conversely, papers that did not support Jefferson may have used any typographical and editorial means at their disposal to edit the message in a way that would have highlighted these terms’ partisan meanings and suggested that Jefferson was invoking them in an attempt to more deeply drive a wedge into an already divided public.



IN ADDITION TO REGULAR HISTORY COLLOQUIUM AND REGIONAL SEMINAR PROGRAMMING, THE SPRING 2016 ACADEMIC WORKSHOPS CALENDAR FEATURED A FEBRUARY 5 PANEL DISCUSSION DURING WHICH POLITICAL SCIENCE GRADUATE FELLOWS KATHRYN VANDERMOLEN AND REBECCA MILLER PRESENTED OVERVIEWS OF AND FIELDED QUESTIONS ABOUT THEIR DISSERTATION PROJECTS, BOTH OF WHICH FOCUSED BROADLY ON THE THEME OF POLITICAL PARTICIPATION IN CONSTITUTIONAL DEMOCRACIES.



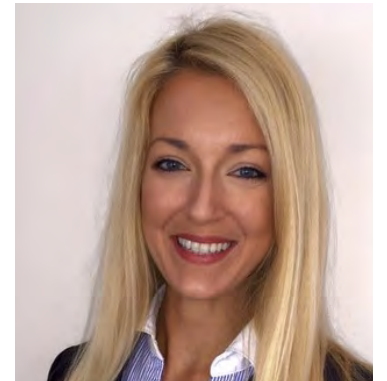
Subnational Consequences of Natural Resource Extraction on Political Participation

Drawing largely on data compiled while overseas on a research and travel grant provided by the Kinder Institute, **Rebecca Miller** opened her talk on the implications of the mining industry on democratic participation in South Africa with an observation that, at least on its surface, would seem like something of a contradiction: that protest activity increases, but conventional political participation declines, in areas of consolidated natural resource wealth. Resolving this contradiction, Miller noted, requires understanding the relationship between mining communities and companies within the larger context of the degree to which the latter function as state-like entities. In many South African municipalities where the economy is driven by natural resource extraction, the state often retreats, shifting governing responsibility—namely service provision—to the mining companies themselves. It was in these communities where mines became the primary (and often sub-standard) provider of services such as hospitals, roads, schools, and lights that Miller saw a marked increase in confrontational political participation, characterized by low voter turnout, preference for extreme political parties and actors, and high rates of protest. She went on to explain this exchange of participation for protest in terms of how, in instances of institutional failure, members of these communities still targeted their grievances against the government rather than the mines. Ultimately, she concluded, the increased disengagement from conventional or assimilative political participation can thus be traced back in large part to a lack of clarity regarding whom the responsibility for service provision falls on as well as to significant variation in the ways in which the mines consult with members of the many communities of which they are a significant part, both as an employer and a de facto governing body.

Severing the Electoral Connection: Public Preference for Governing through Experts over Politicians

In beginning her presentation, **Kathryn VanderMolen** noted that, while some literature on public preference for the nation's "fourth branch of government" exists, much of it is relatively and problematically uncritical when it comes to addressing the reasons behind the public's affinity for bureaucrats over elected officials. In contextualizing this discrepancy, she pointed out how, for example, the factors that are often credited as being at the root of the public's support of non-elected officials—namely, the perceived objectivity and expertise of bureaucratic actors—rarely are situated, let alone carefully studied, in relation to the public's enduring trust in democratic institutions. VanderMolen then outlined how the surveys she created for her dissertation were thus focused in large part on soliciting data that might refine our understanding of the basis for public support for non-elected officials and, in the process, might help us address discrepancies like the one noted above. In citing some examples of the conclusions that she has drawn based on the survey data she has collected, VanderMolen noted how support for bureaucratic actors is often tied to variations in the language used and the type of trust cued in questions about the administrative state posed to the public. For instance, while describing non-elected officials' qualifications as "merit-based" often generates a positive response, describing these officials as "political appointments" yields the opposite. Similarly, whereas support for non-elected officials often comes when questions cue specific trust, questions that cue diffuse trust tend to reinforce broad support for democratic institutions over bureaucratic processes.

In other graduate fellow news, VanderMolen accepted a position during the spring to serve as Assistant Professor of Political Science at University of Tampa, where she began in the fall, while **Cassandra Yacovazzi**, a Dissertation Fellow from the Kinder Forum days, agreed during the spring to stay on for another year as a Postdoc in the MU Department of History. Other former fellows are currently teaching at Washburn University (**Jennifer Wiard**), University of Arkansas at Monticello (**John Davis**), and Lone Star College (**Matthew Newton**).

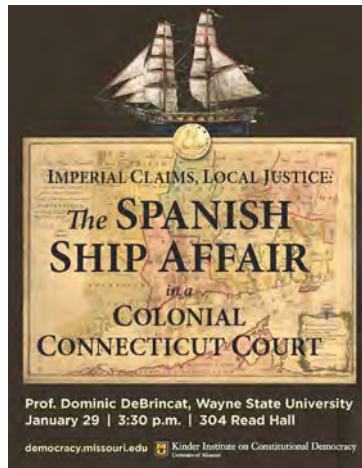


Imperial Claims, Local Justice

In November 1752, the Spanish cargo ship *St. Joseph and St. Helena* was towed into New London, Connecticut, after being rendered unseaworthy by a reef near the entrance to the city's harbor. As Missouri Western Assistant Professor of History **Dominic DeBrincat** outlined in his January 29, 2016, presentation at the Kinder Institute's Friday History Colloquium Series, the events that followed the arrival of the *St. Joseph and St. Helena* in New London make up one of the more fascinating and understudied episodes in early

American legal history. After anchoring, the contents of the ship—which included stores of indigo, gold, and silver—were divided between various “secure” locations around the city, where they were to stay until provisions were made for the cargo to be returned to Spain. Within weeks, however, New Londoners and Spanish crewmembers alike had taken to looting the warehouses and honorable homes where the ship's inventory was stashed, setting the stage for a protracted battle that would reveal much about the legal infrastructure in colonial Connecticut, including the too often overlooked importance of local courts in pre-Revolution America.

Intent on retrieving—or at the very least being compensated for—the lost goods, the ship's supercargo, Don Joseph Miguel de St. Juan, first petitioned the admiralty court in New York for restitution and, after failing to secure compensatory justice there, turned to the Connecticut General Assembly. There, too, he found little in the way of assistance, with the Assembly determining that no Connecticut officials were blameworthy for the looting and recommending only that then-Governor Roger Wolcott be granted license to investigate the incident—a concession which Prof. DeBrincat described as “a limp offer of justice” at best. It was only after pursuing the matter in the New London County Courts that Don Miguel's efforts to collect on his losses began to bear some fruit. In many respects, the justice he received from the New London County Courts was symbolic, as actual restitution was made impossible by the fact that a majority of defendants had escaped incarceration and fled the county with their portions of the cargo. Still, the County Courts were persistent in the assistance they offered: repeatedly awarding Don Miguel with “treble damages” in cases pertaining to the lost cargo, aiding in the recovery of stolen property when possible, and all the while prosecuting notorious New London ne'er-do-wells and members of prominent local families with equal severity. As Prof. DeBrincat pointed out, this willingness to come to Don Miguel's defense speaks to a larger trend in Colonial America: not only during the Spanish Ship Affair, but also in many legal disputes throughout the era, the local courts often proved themselves the best, and sometimes the only, venues for securing justice.

*State and Landscape*

The first Spring 2016 meeting of the Missouri Regional Seminar on Early American History was held on February 19, 2016, at Cardwell's in Clayton, MO. The presenter for the February MRSEAH was University of Missouri-St. Louis Curators' Teaching Professor and Political Science Department Chair **David Robertson**, who gave an overview of his current research into the evolution of land governance in America from the founding of the colonies through the adoption of the U.S. Constitution. MU Professor of History **Jerry Frank** served as interlocutor for the event, which was attended by graduate students and faculty members from University of Missouri, Washington University, Southern Illinois University-Edwardsville, Southeast Missouri State University, University of Illinois-Springfield, and St. Louis University.



The final 2015-2016 meeting of the MRSEAH, our yearly “double-header,” was on April 8 at the Broadway Hotel in downtown Columbia. Following a discussion of “Science and Devotion: The Book of Nature Among the Laity,” a chapter from Southeast Missouri State Prof. **Lily Santoro's** current book project, Washington University Professor of English **Abram Van Engen** gave a dinner lecture entitled, “Missionary Impulses and Historical Societies: The Political Theology of American History in the Early Republic.”



The International Church: Conversion and Culture

As part of Kinder Postdoctoral Fellow **Ben Park's** yearlong "Mormonism and American Politics" community seminar, Washington University's Archer Alexander Distinguished Professor of Religious History **Laurie Maffly-Kipp** came to Columbia to deliver opening remarks for and lead a group discussion

on the Mormon Church in global context. Prof. Maffly-Kipp, who is at work on a book that focuses on the LDS church abroad, began with the observation that, while Mormonism is growing on an international scale, with the membership base beginning to tilt away from the United States, the story, and to some degree the culture, of the Church remains very centered on its 19th-century origins in America. The result, she noted, is that the Church in a sense is becoming international without fully becoming global in scope. With this distinction in mind, much of the discussion that followed focused on the difficulty that the Mormon Church has faced in melding native culture and Church traditions or, more generally, in striking a balance between diversity and unity. As Dr. Park noted, in Africa, for example, the stalled growth of Mormonism in some ways can be attributed to how the Church's "unilateral view of what worship looks like" has prevented certain local customs from being retained in and integrated into religious practice. Prof. Maffly-Kipp added that this observation reflects the broader trend of the Church excelling at celebrating cultural diversity while simultaneously containing culture in safe ways. Thinking in terms of the future of globalization, participants in the seminar keyed in

on how success in this endeavor would thus be measured by the degree to which the Church finds a way to be multi-directional and reciprocal in its approach by allowing for greater local creativity within the context of the existing bureaucratic structure and without sacrificing the pillars of a unified Mormon community.



Racism, Reparation, & Reconciliation

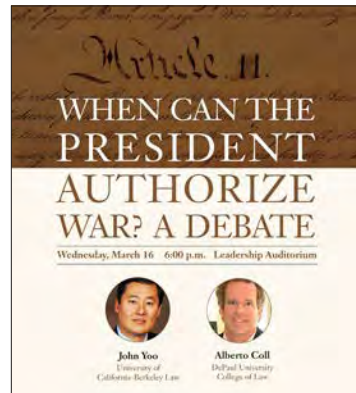


In partnership with the MU Department of Black Studies, the Chancellor's Distinguished Visitors Program, and the MU Black History Month Committee, the Kinder Institute co-sponsored a February 25, 2016, lecture with **Verene Shepherd**, University of the West Indies Professor of Social History and acting member on the United Nations Committee on the Elimination of Racial Discrimination. Ranging from mass incarceration rates to mock slave auctions at Sweden's Lund University to the post-traumatic effects of colonialism, Prof. Shepherd

began by detailing examples that underscore the degree to which racially motivated forms of discrimination still very much impede the realization of fundamental freedoms and the enjoyment of public life among people of African descent. While organizations such as the global Black Lives Matter movement and the UN Committee on which she serves have taken a lead role in working to eliminate ideologies and policies that ensure the continued dominance of one group over another, Prof. Shepherd stressed how more work must be done to create institutional frameworks for promoting and protecting the human rights of those who were subject to grave violations at the hands of colonizers and enslavers and who continue to suffer from the influence of this history of violation on the present.

Prof. Shepherd then focused on how an essential component of this work involves advancing the cause of global reparations. Achieving reconciliation via reparatory justice, she noted, has been an integral component of European jurisprudence for centuries, and, in the case of formerly enslaved peoples, reparations are necessary both for psychological rehabilitation and for the establishment of social, political, and economic equality. Looking at the plan crafted by the CRC (Caricom Reparations Commission), Prof. Shepherd discussed how its action points—which include a full formal apology from all generations enriched by slave labor, public health reform, technological transfer, and debt cancellation—are designed to right a broad spectrum of historical wrongs. If, on the one hand, the CRC's plan aims to restore to victims of enslavement the dignity that was compromised by this injustice, it also seeks to establish resources, from financial stability to literacy, that address the problem of how colonization economically stunted now independent nations, leaving them without the infrastructure to carry the burden of development. Prof. Shepherd closed by noting how, as ahistorical as it may seem, leaders in the reparations movement will persist not only in their demand that states be held accountable for and own up to the tragedies they inflicted in the past, but also in their conviction that this form of reparatory justice is itself a human right.

In the opening remarks for his March 16 debate with Professor **John Yoo**, DePaul College of Law Professor **Alberto Coll** first established the common ground the two scholars hold on certain components of the question of whether or not the U.S. President needs congressional authorization to involve the United States in major wars. Both he and Prof. Yoo, he noted, not only believe in a strong executive but, more importantly to the matter at hand, believe that the Framers' intention was for the Constitution to invest the office with significant power. He then went on to describe how he likewise agrees with Prof. Yoo that there are certainly instances, most notably times of crisis, when the president can constitutionally initiate the use of military force without congressional authorization. Finally, he pointed out how, while they both seek out the answer to the question being debated in the original language of the nation's founding document and subsequent interpretations thereof, the conclusions they draw in going back to the text of the Constitution differ drastically.



instead be deliberated over by the representatives of the people. As he then explained, the writings of the architects of the nation's government and the early interpreters of the Constitution—including Washington, Madison, Hamilton, and many others—very much support this argument. Most outspoken about this issue, Prof. Coll noted, was Jefferson, who wrote in a September 1789 letter to Madison that “we have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.” Prof. Coll then outlined how this conviction that the Constitution confines the power to authorize war to the legislature—the conviction that changing the condition of the country from war to peace

should require deliberation—has held over time. For example, in deeming a declaration of war “the highest act of legislation,” Joseph Story argued in his 1833 *Commentaries on the Constitution* that since “the representatives of the people are to lay the taxes to support a war, [they] therefore have a right to be consulted, as to its propriety and necessity.” Lincoln, Prof. Coll added, pointed to a long and oppressive history of monarchs pretending war was for the good of the people to underscore the danger of consolidating the power to declare war in the hands of a single person.

In providing his counter-argument, Yoo, a Professor at University of California-Berkeley Law, likewise stressed how the true answer to the question of whether or not major wars require congressional authorization lies in the text, structure, and history of the U.S. Constitution. With regard to the text, he argued that it's telling that the instance in which the Constitution is clearest on this issue comes in Article 1, Section 10, Clause 3, when it is declared that, unless invaded, no individual state shall enter into war without the consent of Congress. The Framers, he explained, could have used language this exact and this forceful elsewhere in the Constitution to address this issue, but they didn't; in a document so precise in its word choice, they could have used “authorize,” but instead choose the far vaguer verb “declare,” to articulate Congress' role with regard to involving the nation in major wars. Examining the question in terms of constitutional structure, he argued that the Framers clearly anticipated moments in which immediate action or reaction was necessary and thus very practically invested responsibility for engaging in and/or responding to hostility in a single person. While the power to fund these actions is certainly held by the legislative branch, the power to initiate them, he noted, is not. Deviating somewhat from his otherwise originalist line of inquiry, Prof. Yoo then argued that history requires us to be adaptable in how we read the Constitution on this matter. While, in purely financial and pragmatic terms, an act of Congress once was necessary for raising the military, the presence of a standing army renders this necessity moot, a historical transformation, he added, that we must take into account when interpreting the Constitution with regards to the imperative that Congress declare war. This is especially true, he concluded, in the contemporary moment. Given the capacity for immediate, catastrophic violence that individual actors possess today, error may come in not acting, an outcome that a mandate of congressional deliberation could potentially facilitate.





Alberto R. Coll is a Professor of Law in the DePaul University College of Law. He has served as Principal Deputy Assistant Secretary of Defense and Dean at the U.S. Naval War College.

*This commentary was prepared for a debate on the president's war powers that was held by the Kinder Institute on Constitutional Democracy at the University of Missouri on March 16, 2016. It will be published in *Governance: An International Journal of Policy, Administration, and Institutions*, a peer-reviewed academic journal edited by Kinder Institute affiliated professor Alasdair S. Roberts.*

The U.S. Congress Must Authorize Major Wars

by Alberto Coll

Professor John Yoo is a distinguished and formidable scholar who has written numerous articles and books on the U.S. Constitution and the powers of the president. Although he and I agree on a number of important issues, we also disagree profoundly on some vital ones, such as the question of who has the power to authorize major wars. The historical record is clear: Only the U.S. Congress has the right to initiate major conflicts.

The Constitution's Article I clause gives Congress the "power... to declare war." Professor Yoo says that this does not mean that only Congress can provide the legal authorization for the United States to enter a major military conflict. But he reads that clause differently than it has been read traditionally. His argument is that a "war declaration" is simply and solely an announcement by Congress to the world that a particular legal status exists between the United States and the foreign state against which Congress has declared war. It is not an "authorization" to the president, without which the president would be unable to place the United States in a major conflict. In theory, the president has no limits on the amount of military force he or she can use on the basis of their powers under Article II and their oath to defend the Constitution against all enemies, foreign and domestic. Congress, of course, has an important lever over presidential decision making, in the form of its undisputed power to appropriate money. If the Congress wants to stop a particular war, it always can do so by denying funding for it.

Reasonable as Professor Yoo's argument may sound, there is one large flaw with it: The people who drafted the Constitution and operated the federal government during the generations immediately after its adoption saw things rather differently. They read the "power ... to declare war" as the means by which Congress authorized the president to start major military hostilities. Certainly, a war declaration might serve as an announcement to the world and to a hostile power that a particular legal status is now operative, but it was also intended to provide an authorization to the executive, without which the executive lacked the legal basis for placing the country in a major military conflict.

Professor Yoo describes himself as an "originalist." Yet, without a single exception, all of the Constitution's drafters and expositors—James Madison, Alexander Hamilton, James Wilson, Chief Justice John Marshall—as well as presidents in the immediate generations following the Constitution's adoption from Washington and Jefferson through Lincoln followed this second, traditional understanding of the "authorization clause," rather than Professor Yoo's novel interpretation. Hamilton's inclusion on this list is particularly relevant. Like Professor Yoo, Hamilton was an unabashed champion of executive power. But in the Federalist Papers, as well as in his

"Pacifcus-Helvedius" debate with Madison, he made it quite clear that while the president was commander in chief of the armed forces, only Congress had the power to decide whether the United States was to enter into a war.

The logic behind the founders' choice is quite clear, and was laid out by Madison, Jefferson, and Lincoln among others. In a republican form of government, the awesome decision to enter a major conflict in which many American lives and much treasure might be lost should not be made by a single person. It should be made instead by the people's representatives through deliberation and open discussion. Throughout American history, Congress has inserted itself into the process of making this decision, at least with regard to major conflicts involving either great risks to the United States or the prospective expenditure of large numbers of lives and significant sums of money. Even though it has not always used a "war declaration," Congress has carried out its functional equivalent by passing some form of "authorization" for the president to use force. This was the case most recently in both Iraq wars, and in Vietnam, though not in Korea.

Professor Yoo and I agree that the president has wide latitude to use force under their Article II executive powers with respect to smaller uses of force. One notable principle, articulated by the U.S. Supreme Court in a series of decisions during the mid to late nineteenth century, is that the president can respond to attacks on American citizens and property, or on the United States itself, without congressional authorization. As part of their Article II powers over the conduct of foreign policy, the president also can use force in support of foreign policy objectives and national security, so long as the use of force in question involves only limited risks, and the expected expenditures in American lives and resources are also limited.

Current military operations against ISIS are an example of a borderline case. On the one hand, President Obama has restricted the number and scope of missions of American forces involved in the ISIS campaign. There are only a few thousand American troops involved in advisory and logistical, as opposed to direct combat, roles. The operation's overall risk and financial costs are also limited. On the other hand, there is a possibility of escalation and the operation turning into a larger war, though President Obama has made it abundantly clear he does not intend to allow that to happen under his watch. Under current conditions and constraints, the president can conduct this mission without congressional authorization. Even so, Congress should live up to its constitutional responsibilities and pass some kind of authorization measure that will provide an adequate legal foundation for the mission.

Although the Obama administration has asked Congress for an authorization measure, so far the Congress has failed to pass one. The Republican majority seems to be divided on the issue. Many despise the president and want to

foster the narrative that he is a weak and indecisive leader. They do not want to appear, in the eyes of their constituents or potential primary opponents, to be bestowing any kind of perceived legitimacy on the president's policies. In addition, the current Congress may be no different than others before it in seeking to avoid blame or take credit. If the ISIS mission fails, Congress can claim to have had "clean hands," and if it succeeds, they will ascribe that success to the undoubted valor and skill of our troops and their own wisdom in approving the weapons programs and other appropriations undergirding the military campaign.

It is proper to bemoan Congress's lack of courage and its engagement in political games. And we should also worry that Congress's irresponsibility may allow future presidents to involve the country in large and risky military ventures that have not been properly deliberated upon by the peoples' elected representatives. The text of the Constitution, and the way it was read by those who drafted it, makes it quite clear that Congress was given the role of authorizing any uses of force large enough to qualify as a major war.



U.S. Presidents Don't Need Congress's Approval to Go to War

by John Yoo

When does the president of the United States need Congress's approval to engage in foreign conflicts? As a matter of law, never. Presidents need no formal permission from Congress to wage war other than funding support. Over the last two centuries, neither presidents nor Congress have ever acted under the belief that the Constitution requires a declaration of war before the United States can engage in military hostilities abroad. Although this nation has used force abroad more than 100 times, it has declared war only 5 times: the War of 1812, the Mexican-American and Spanish-American Wars, and World Wars I and II.

Without declarations of war or any other congressional authorization, presidents have sent troops to oppose the Russian Revolution, intervene in Mexico, fight North Korean and later Chinese Communists in Korea, remove Manuel Noriega from power in Panama, and prevent human rights disasters in the Balkans. Other conflicts, such as both Persian Gulf Wars, received "authorization" from Congress but not declarations of war. Even now, U.S. forces are conducting air strikes against ISIL, despite a lack of specific congressional approval. President Obama in his 2016 State of the Union urged Congress to authorize the ongoing strikes against ISIL, though he claims the strikes are legally justified under both his constitutional authority as commander in chief and under the 2001 authorization to fight Al Qaeda and the 2002 authorization of the Iraq war.

The Constitution gives the president the leading role in war, not Congress. When the framers wrote the Constitution they created an independent, unified chief executive with its own powers. The most important of these powers is to wage war as commander in chief and chief executive. "The direction of war implies the direction of the common strength," Alexander Hamilton wrote in Federalist 74, "and the power of directing and employing the common strength, forms a usual and essential part in the definition of the executive authority."

Hamilton wasn't only a framer, but a man of uncommonly good sense as well. Hamilton argued that the president should manage war because he could act with "decision, activity, secrecy, and dispatch." "Energy in the executive is a leading character in the definition of good government," he observed. "It is essential to the protection of the community against foreign attacks."

While Congress does have the power to declare war and to pass laws to govern and regulate the armed forces, presidents and congresses have never believed the laws allow for congressional control of tactics and strategy. While many today believe that Congress's power to declare war gives the legislature the sole authority to start wars, in doing so they give the eighteenth-



*John Yoo is the Heller Professor of Law at the University of California at Berkeley and a visiting scholar at the American Enterprise Institute, and was a Justice Department official from 2001 to 2003. His most recent book is *Point of Attack: Preventive War, International Law, and Global Welfare* (Oxford University Press, 2014).*

*This commentary was prepared for a debate on the president's war powers that was held by the Kinder Institute on Constitutional Democracy at the University of Missouri on March 16, 2016. It will be published in *Governance: An International Journal of Policy, Administration, and Institutions*, a peer-reviewed academic journal edited by Kinder Institute affiliated professor Alasdair S. Roberts.*

century constitutional language a contemporary meaning. In the eighteenth century, declaring war did not mean initiating military hostilities. Instead, a declaration of war gave a formal legal status to a state of existing affairs: stating the grievances against another nation, describing the changed legal status between their citizens, and describing the remedies that would end hostilities. Congress's real power is its power of the purse, not any right to dictate which units should fight where, or what ISIL stronghold to bomb first. Congress is too fractured, slow, and inflexible to micromanage military decisions that depend on speed, secrecy, and force.

Indeed, when Obama sought congressional approval for strikes in Syria in retaliation for Bashar al-Assad's use of chemical weapons, he found himself facing criticism from all sides, including members of his own party. Realizing he likely wouldn't gain congressional approval and stymied by Congress's indecision, Obama was forced to rely on Vladimir Putin to save him from his own threat to use force against Damascus. The effort to obtain congressional approval only served to restrict the president's military options, tying his hands politically and undermining our national security.

If Congress thinks it has been misled in authorizing war, or if it disagrees with the president's decisions, all it need do is cut off funds, either all at once or gradually. It can reduce the size of the military, shrink or eliminate units, or freeze its supplies. Congress could end American involvement in a war simply by doing nothing. No risk of presidential veto is necessary; it could simply decline to enact the funds needed to keep the war going.

Congress has no political incentive to mount and execute its own wartime policy. Congressmen interested in keeping their seats at the next election do not want to take stands on controversial issues where the future is uncertain. They will avoid like the plague any vote that will anger large segments of the electorate no matter what they do. Members of Congress want the president to take the political risks and to be held accountable if failure results.

Many worry about a president's foreign adventurism, and point to the Vietnam War as an example of the faults of the "imperial presidency." But Vietnam also ushered in a period of congressional dominance that witnessed American setbacks in the Cold War, and the passage of the ineffectual War Powers Resolution. Congress passed it over President Nixon's veto, and no president, Republican or Democrat, has ever accepted the constitutionality of its 60-day limit on the use of troops abroad. Congress has never even tried to enforce it.

Our Constitution usually makes clear when it requires a specific process before the government can act, especially when the executive and legislative branches share a power. It sets out detailed procedures for the passage of laws, the appointment of Supreme Court justices, and the making of treaties. There are none for war. Our Constitution even declares that states shall not

"engage" in war "without the consent of Congress." Why didn't the framers use this same language for the president if they wanted the same result?

The many conflicts that the United States has engaged in without a declaration of war show that we have a durable system that gives presidents the initiative and allows Congress to control war through funding and shaping the size and composition of the military.

A radical change in the system for making war might appease critics of presidential power. But it could also seriously threaten American national security. In order to forestall another 9/11-style attack, or to take advantage of a window of opportunity to strike terrorists or rogue nations, the executive branch needs flexibility. Time for congressional deliberation, which may result in mediocre, watered-down options, will come at the price of speed and secrecy. Wars aren't won by committee.

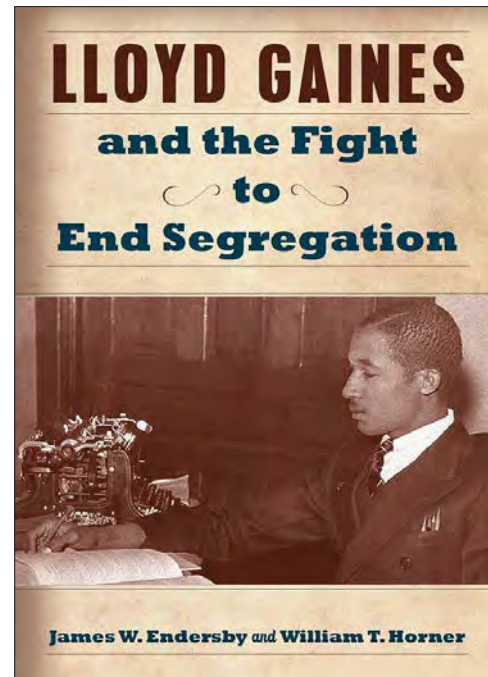
The Constitution creates a presidency that can respond forcefully to prevent serious threats to our national security without waiting for congressional approval. As we confront the evolving challenges of worldwide terrorism, this distribution of power has only become more important, and the wisdom of the framers' design more apparent.



IN ADDITION TO PUBLIC EVENTS, JOB TALKS, AND APPLICATIONS, THE SPRING 2016 SEMESTER ALSO SAW THE PUBLICATION OF THE FIRST TWO TITLES IN OUR *STUDIES IN CONSTITUTIONAL DEMOCRACY* MONOGRAPH SERIES WITH UNIVERSITY OF MISSOURI PRESS.

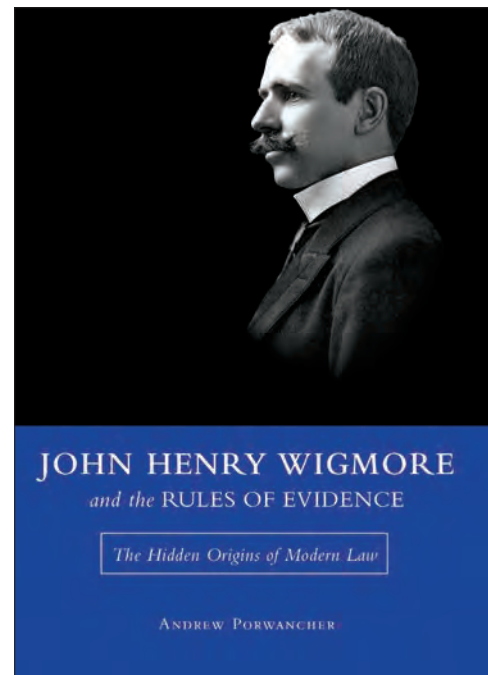
Lloyd Gaines and the Fight to End Segregation

After being denied admittance to the University of Missouri Law School in 1936 solely on the grounds that the state constitution called for “separate education of the races,” Lloyd Gaines, along with the NAACP, successfully challenged the university’s admissions policies in the 1938 United States Supreme Court case *Missouri ex rel. Gaines v. Canada*. As this book examines, the Gaines case, though often overlooked, marked a vital first step in the quest to end segregated public education in the United States, and it paved the way for a long series of Supreme Court rulings on race, education, and equal opportunity leading up to the landmark 1954 decision in *Brown v. Board of Education*. In March 1939, just months after his Supreme Court victory, Lloyd Gaines disappeared at the age of 28, with his promise of attending law school in Missouri unfulfilled. Gaines, who the *New York Times* said, “might be in the pantheon of civil rights history with the Rev. Dr. Martin Luther King, Jr., Thurgood Marshall, and other giants,” was never seen or heard from again.



John Henry Wigmore and the Rules of Evidence

At the dawn of the twentieth century, the United States was reeling from the effects of rapid urbanization and industrialization. Time-honored verities proved obsolete, and intellectuals in all fields sought ways to make sense of an increasingly unfamiliar reality. The legal system in particular began to buckle under the weight of its anachronism. In the midst of this crisis, John Henry Wigmore, dean of the Northwestern University School of Law, single-handedly modernized the jury trial with his 1904-1905 *Treatise on Evidence*, an encyclopedic work that dominated the conduct of trials. In doing so, he inspired generations of progressive jurists—among them Oliver Wendell Holmes, Jr., Benjamin Cardozo, and Felix Frankfurter—to reshape American law to meet the demands of a new era. Yet Wigmore’s role as a prophet of modernity has slipped into obscurity. This book provides a radical reappraisal of his place in the birth of modern legal thought.



SUMMER 2016

With campus life grinding to a (near) halt, the Kinder Institute used the summer lull as an opportunity to complete work on a handful of projects that we started developing during the past school year. We hosted our inaugural summer academy for Missouri high school teachers in mid-June to great success, and after two years of being scattered on campus between Read Hall, the Professional Building, and the Law School, we started the process of moving into our new central offices in Jesse Hall on June 23, where our two recent hires, along with our 2016-17 graduate and postdoctoral fellows, joined us when the fall semester started.

WELCOME TO MIZZOU

Kinder Institute on Constitutional Democracy
A University of Missouri signature center for the study of American political thought and history

The Kinder Institute on Constitutional Democracy's undergraduate programming creates unique opportunities for intellectual inquiry and discussion among students and faculty.

KINDER SCHOLARS D.C. SUMMER PROGRAM
SOCIETY OF FELLOWS
MINOR & CERTIFICATE IN AMERICAN CONSTITUTIONAL DEMOCRACY
HONORS COLLEGE FIG & COURSE SERIES

"To be connected with other people who are interested in the same type of academic pursuits as you is so rewarding and creates a great support system."
—Jennifer Probow (2015-16 Fellow)

democracy.missouri.edu

Another summer development was the Kinder Institute Scholarship Fund, established in late-June. Since the beginning, the heartbeat of the Kinder Institute has been our undergraduate programs, and during the 2015-16 school year, we explored ways to extend the opportunity to participate in these programs to a greater number of MU students. It's our sincere belief that the Scholarship Fund will enable us to accomplish this goal. To start off, all contributions to the Fund will go toward providing students with the financial assistance necessary to take part in our Kinder Scholars Summer Program in Washington, D.C., as well as in our summer study abroad courses in the Netherlands and Scotland. Over time, our hope is that the Fund might evolve into a resource that can also be used both to reward excellent undergraduate scholarship on American political thought and history and to attract elite high school students to our new *Constitutionalism and Democracy* Honors College course series, which launched in Fall 2016.

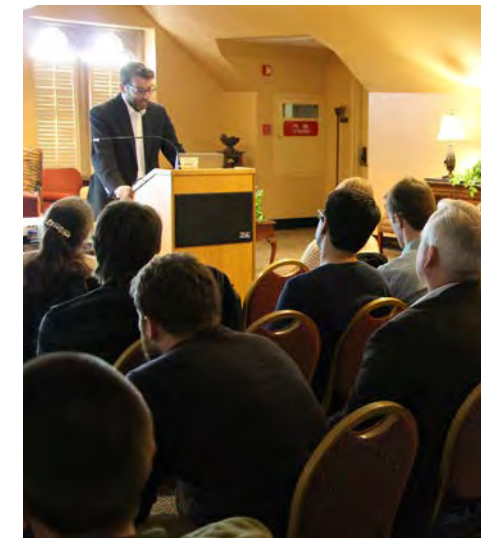
FACULTY ADDITIONS MARK PERHAPS THE SUREST-FIRE INDICATOR OF GROWTH AT THE KINDER INSTITUTE. AFTER ARRIVING IN AUGUST, OUR FIRST TWO FACULTY HIRES, PROFESSOR JAY SEXTON (FORMERLY OF OXFORD) AND ADAM SEAGRAVE (NORTHERN ILLINOIS UNIVERSITY), IMMEDIATELY PROVED THEMSELVES VITALIZING FORCES, CONTRIBUTING INNOVATIVE NEW COMPONENTS TO OUR UNDERGRADUATE CURRICULUM AND ADDING GREATER SCHOLARLY BREADTH TO THE INTELLECTUAL COMMUNITY AT THE INSTITUTE. BEFORE THE START OF THE FALL SEMESTER, BOTH GENEROUSLY FIELDING QUESTION FROM KINDER INSTITUTE COMMUNICATIONS ASSOCIATE THOMAS KANE ABOUT THEIR RESPECTIVE MOVES TO COLUMBIA AND THEIR VISIONS FOR THE INSTITUTE.

A Midwestern Homecoming

If it's true, as Thomas Wolfe once famously posited, that "you can't go home again," you can at least get within 300 miles or so. After spending 16 of the last 17 years at University of Oxford, first as a Marshall Scholar (at Worcester College) and then as a University Lecturer and Field Fellow (at Corpus Christi College), Salina, Kansas, native and KU graduate **Jay Sexton** returned to the Midwest in August as the first Kinder Institute Chair of Constitutional Democracy.

Though re-located stateside, Professor Sexton's scholarly gaze remains fixed on "the global dimensions of constitutional democracy." In discussing the critical hand that organizations like the Kinder Institute can have in steering dialogue about political history, he noted the importance of cultivating awareness not only of "how external forces have shaped American traditions" but also "how U.S. practices of constitutional democracy have conditioned the political development of nations and institutions beyond America's shores." His current book project, a history of how steam transport "connected the United States to the wider world in the 19th century," reflects this interest in exploring the networks of influence that have shaped political culture over time, particularly in the decades before and after the Civil War. As he explained when he presented research for his new book during a February 2016 colloquium on campus, while important work has been done to unpack the economic and technological significance of advances in steam power, far less attention has been devoted to studying the degree to which these advances contributed to and accelerated nation building and imperial expansion at home and abroad. In his telling, the rise of steam culture "is just as much a story of political processes, both in the United States and in foreign ports and transit routes, as it is one of technological innovation."

From building a study abroad program at Oxford for MU undergraduates to integrating the Kinder Institute's "cutting-edge" faculty into scholarly networks of political historians outside the United States, Professor Sexton said he likewise has aspirations on bringing the global emphasis of his current



research to the Institute. Add to these opportunities “the fact that my family are in KC—and that the Truman Sports Complex is a mere 75 minute drive away—and the decision” to trek across the Atlantic to Columbia “made itself.”

The Path to Reconnection

Though it may not have the poetic meter of Tinker to Evers to Chance, the path from Aristotle to Madison to Locke was a formative one for **Adam Seagrave**, the newly minted Kinder Institute Associate Professor of Constitutional Democracy. After encountering *Ethics* and *The Federalist* as an undergraduate at Thomas Aquinas College, Professor Seagrave described how he then “got ‘stuck’ on Locke and the relationship between the ideas of natural rights and the natural law” in the early stages of his doctoral studies at the University of Notre Dame and how this worthy detour shaped his career. It led first to a stint teaching Great Books at Pepperdine University and then a return to Notre Dame, where he worked with Prof. Michael Zuckert to launch the journal *American Political Thought*, and it subsequently was central to the scope of his first book, *The Foundations of Natural Morality: On the Compatibility of Natural Rights and the Natural Law* (University of Chicago Press, 2014), which he published during his time as an Assistant Professor of Political Science at Northern Illinois University.

Far more than source material for his scholarship, though, in discussing his shift from NIU to Columbia, Prof. Seagrave underscored the broader social importance of the currents of thought that figures like Locke advanced and on which organizations like the Kinder Institute focus. Specifically, in commenting on the “crisis of identity and meaning” that mainstream American (and Western) political culture currently is experiencing, he emphasized how reinvigorating interest in the philosophical foundations of liberty and equality is essential to staving off “the disastrous consequences” that follow from free societies “progressively losing touch with their founding principles.”

If the act of rekindling interest in and reconnecting people with these principles falls at least in part on the shoulders of faculty, Prof. Seagrave is in the process of making further contributions to this cause with his two current book projects, one of which is a modern re-phrasing of selected *Federalist Papers* and the other of which is “an account of the role of ‘nature’ in American political history from settlement to the present.” As for future plans, he has already begun to make good on a desire to expose “the clarity and importance of the Kinder Institute’s mission” to a larger audience by founding *Starting Points*, an online journal that will “serve as an interdisciplinary forum for the study and discussion of the principles of the American political tradition.”



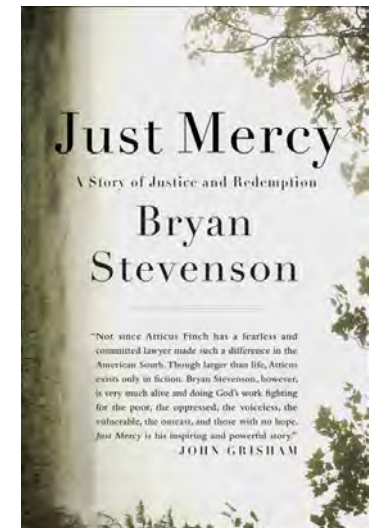
PERHAPS MORE SO THAN EVER, OUR COMMUNITY PROGRAMS DURING LATE SPRING BRIDGED THE GAP BETWEEN THE NATION’S PAST AND PRESENT. IN MARCH, *JUST MERCY* AUTHOR BRIAN STEVENSON GAVE A PUBLIC TALK TRACING THE ROOTS OF RACIAL INJUSTICE IN TODAY’S SOCIETY BACK TO AMERICA’S EXPERIENCE WITH SLAVERY, AND IN APRIL, MU GRADUATE STUDENT MAXWELL LITTLE JOINED PROFESSORS ANNETTE GORDON-REED AND PETER S. ONUF ON A PANEL TO DISCUSS THE CONTEMPORARY LEGACY OF THOMAS JEFFERSON.

American Injustice: Mercy, Humanity, and Making a Difference

In partnership with the University of Missouri Honors College and numerous other departments and organizations on campus, the Kinder Institute co-sponsored a March 20, 2016, public lecture delivered by Equal Justice Initiative Executive Director and *Just Mercy* author **Bryan Stevenson**. Weaving together analysis and firsthand accounts of the injustices that currently plague American society, Stevenson focused in his talk on mapping out certain action points that might put us on a path toward becoming a more just, compassionate, and equitable nation.

He began by underscoring the importance of meaningful engagement in areas where the issues of societal abuse and neglect are most manifest. Proximity, Stevenson argued, not only grants us the power to see the consequences of these problems more clearly but also provides us with a working knowledge of both the precedents underlying their perpetuation and the complex processes—constitutional and otherwise—that go into solving them. “Where would we be,” Stevenson asked, “if lawyers had not become proximate to abuse during the Civil Rights era?”

Still, he noted, proximity alone is not enough. Comprehensively addressing the problems we face requires identifying and changing the narrative that underlies the nation’s history of racial injustice and, moreover, that has allowed it to fester and grow. Because of a collective failure on our part to realize that we live in what he termed “a post-genocidal society,” we have become numb to the fact that an attitude of racial difference continues to perpetuate the same ideology of white supremacy that supported slavery. And the result, he argued, is that the legacy of slavery haunts us to this day, whether it be in the form of a politics of fear and anger that has led us to incarcerate more and more African-American males at younger and younger ages or in how domestic terror still shapes American cities in a way that sustains generational poverty. Also integral to the solution, he noted, are hopefulness and discomfort. In closing his talk, he insisted that we remain at all times aware that the goal of establishing more powerful and effective frameworks for justice is difficult but possible to attain and requires that we commit ourselves to doing and witnessing uncomfortable and saddening things.



One of the most acclaimed and respected lawyers in the nation, Bryan Stevenson is the founder and executive director of the Equal Justice Initiative (EJI) in Montgomery, AL, and Professor of Clinical Law at New York University School of Law. He is the recipient of numerous awards, including the MacArthur Foundation’s Genius Grant and the NAACP Image Award for Best Non-Fiction, and, in 2015, he was named one of Time magazine’s 100 most influential people.

Kicking off the national book tour for their co-authored “*Most Blessed of the Patriarchs*”: *Thomas Jefferson and the Empire of the Imagination* in Columbia, Harvard’s **Annette Gordon-Reed** and University of Virginia’s **Peter S. Onuf** visited the University of Missouri campus on April 4, 2016, for a day of programs devoted to examining one of American history’s most revered, complicated, and controversial figures. In addition to having lunch with current and former members of the Kinder Institute’s undergraduate Society of Fellows, during which they discussed topics ranging from their collaborative process to contemporary re-interpretations of the meaning and significance of the term ‘empire,’ Professors Gordon-Reed and Onuf participated in the following events during their stay at MU.

Where do we put Thomas Jefferson today?: A public forum



The Institute hosted an open forum on the afternoon of April 4 to discuss approaches to placing Thomas Jefferson’s legacy in contemporary context, with a particular focus on recent debates concerning public memorials to the nation’s third president and other historical figures. University of Missouri graduate student **Maxwell Little**, whose petition to remove the Jefferson statue from the MU quad has been covered in publications including *The Washington Post* and *Inside Higher*

Ed, provided opening remarks for the event, using Frederick Douglass’ 1852 “What to the Slave is the Fourth of July?” as a starting point for reevaluating Jefferson’s legacy in light of current events and discussions on campus. Specifically, Little focused on Jefferson’s status as a Virginia slaveholder and argued that Jefferson’s legacy is inconsistent not only with the founding ideals articulated in the Declaration of Independence but also with the University of Missouri’s own core values. The statue of Jefferson, Little argued, “does not represent excellence, respect, or responsibility.”

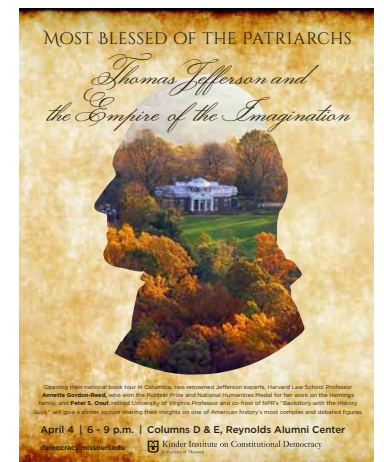
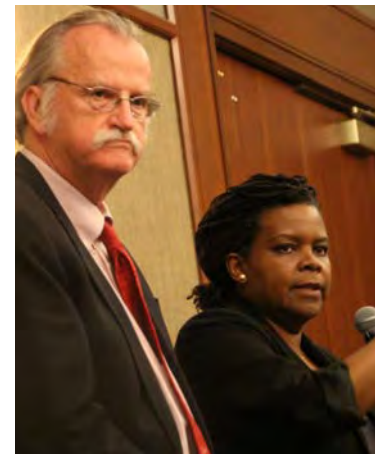
In continuing the conversation, Prof. Onuf noted that Jefferson is one of many figures whose legacies *should* discomfit us, because they underscore the nation’s historical failure and current struggle to realize the social and political ideals on which the United States was founded. It’s thus important, he went on to explain, that discourse about Jefferson has shifted away from blind veneration in recent decades. At the same time, both he and Prof. Gordon-Reed agreed that it would be equally dangerous to avoid discussing Jefferson altogether. As

Prof. Gordon-Reed pointed out, the fact that African-American leaders from Douglass to the present have grappled with the Declaration of Independence and have drawn on its language in the course of advancing civil rights speaks to how Jefferson and the contradictions he poses provide us with a unique opportunity to talk about, analyze, and work towards eradicating the causes and current manifestations of racial injustice. We can, Prof. Onuf added, learn from Jefferson’s achievements and his shortcomings equally. Though he often failed to live them out or fully commit to making them a reality, his ideas about justice and his vision of a future republic more enlightened than the one he was a part of can still contribute to the nation’s continued progress toward greater equality. “Jefferson believed in a better future; he had hope for justice, he had hope for us,” Onuf said. “We still receive guidance from Jefferson because we believe in the future, and we have hopes for a better Mizzou, a better country and a better world.”

“Most Blessed of the Patriarchs”: Town & Gown Dinner Lecture

In providing an overview of some of the lines of inquiry at the heart of his and Prof. Gordon-Reed’s new book, Prof. Onuf began the Institute’s Spring 2016 Town & Gown Dinner Lecture by noting how many of the tensions that Jefferson presents us with are captured in the book’s main title, “Most blessed of the patriarchs” (how Jefferson once described himself in a 1793 letter to Hamilton’s sister-in-law, Angelica Schuyler Church). On the one hand, Prof. Onuf suggested, Jefferson’s self-applied moniker reflects both his deep commitment to fostering the growth of the United States in the decades following the Revolution as well as his abiding faith that the next generations of citizens would continue to refine and broaden the scope of the government for which he served as a contributing, paternal architect. At the same time, Jefferson’s almost wistful use of the term ‘patriarch’ brings with it a difficult, and one might argue impossible, task: reconciling his participation in chattel slavery with his belief that the perfection of American democracy required a proliferation of voices and a prolific respect of liberty from the national to the county to the familial level. For Jefferson, Prof. Onuf noted in concluding his opening remarks, it seems that the majority was indispensable to the health of democracy up until the gates of the plantation.

Complicating matters even further, Prof. Onuf later explained, is having to square Jefferson’s commitment to majority rule with his being not only a slaveholder but also a proponent of emancipation coupled with repatriation of freed slaves back to their homelands. In commenting on this inconsistency, Prof. Gordon-Reed showed how, in actuality, a lack of economic foresight, coupled with issues of political expedience, prevented Jefferson’s ideas regarding emancipation from ever materializing. For example, his belief that the expansion of slavery would diffuse it and foster social conditions





hospitable to its termination was woefully, almost willfully, ignorant of the fact that achieving this outcome was made virtually impossible by the degree to which the profitability of slavery had warped society. With regard to the obstruction that expedience posed, Prof. Gordon-Reed went on to describe how Jefferson responded with a similar ineffectualness to the political reality that ending slavery was a legislative non-starter in Virginia. That he did nothing to publicly advance and inculcate Virginians in the moral importance of the cause of emancipation and that he ultimately came to see slavery as a problem that future generations would have to resolve reflects, she argued, a recurring emotional inability on Jefferson's part to act on his intellectual beliefs. Though he prayed for the enlightenment of society on the issue of slavery, and though he wrote extensively of enlightened conceptions of justice and equality, he came to be paralyzed by not only how entrenched the culture of slavery had become in America but also how it would take an act of force—for Jefferson, an unthinkable threat to the fabric of the union—to displace it.



The forum was made possible in part by a major grant from the National Endowment for the Humanities and was conducted in partnership with the Missouri Humanities Council. Any views, findings, conclusions, or recommendations expressed during the forum do not necessarily represent those of the National Endowment for the Humanities.

*Annette Gordon-Reed is the Carol K. Pforzheimer Professor at the Radcliffe Institute for Advanced Study, the Charles Warren Professor of American Legal History at Harvard Law School, and a Professor of History at Harvard University. She received the 2008 National Book Award and the 2009 Pulitzer Prize in History for *The Hemingses of Monticello: An American Family* (W.W. Norton, 2008). Prof. Gordon-Reed also is the author of *Thomas Jefferson and Sally Hemings: An American Controversy* (University of Virginia Press, 1997) and *Andrew Johnson* (Times Books, 2010); the co-author, with Vernon Jordan, Jr., of *Vernon Can Read!: A Memoir* (PublicAffairs, 2001); and the editor of *Race on Trial: Law and Justice in American History* (Oxford University Press, 2002). Her honors include the National Humanities Medal, a Guggenheim Fellowship, a fellowship from the Dorothy and Lewis B. Cullman Center for Scholars and Writers at the New York Public Library, a MacArthur Fellowship, and the National Organization for Women in New York City's Woman of Power and Influence Award.*



*Peter S. Onuf received his A.B. and Ph.D. from Johns Hopkins University and currently serves as Thomas Jefferson Memorial Foundation Professor (Emeritus) at the University of Virginia. Prof. Onuf is the author of *The Mind of Thomas Jefferson* (University of Virginia Press, 2007), *Jefferson's Empire: The Language of American Nationhood* (UVA Press, 2001), *Statehood and Union: A History of the Northwest Ordinance* (Indiana University Press, 1987), and *Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (University of Pennsylvania Press, 1983). He also is the co-author of numerous books, most recently *Nations, Markets, and War: Modern History and the Civil War* (UVA Press, 2006), and co-editor of a number of scholarly collections, including *The Revolution of 1800: Democracy, Race, and the New Republic* (UVA Press, 2002). Prof. Onuf is known for his role as "the 18th Century Guy" on the Virginia Foundation for the Humanities' award-winning public radio program and podcast, "Backstory...with the American History Guys."*

HELD ANNUALLY AT CAMPUSES ALONG THE FORMER SHAWNEE CATTLE TRAIL, WHICH RAN FROM MISSOURI TO TEXAS, THE SHAWNEE TRAIL CONFERENCE BRINGS TOGETHER SCHOLARS FROM AROUND THE REGION TO DISCUSS THEIR RESEARCH ON TOPICS RELATED TO AMERICAN CONSTITUTIONAL AND POLITICAL DEVELOPMENT AND AMERICAN POLITICAL THOUGHT AND HISTORY. AS PART OF THIS YEAR'S PROGRAMMING, UNIVERSITY OF OKLAHOMA PROFESSOR ANDREW PORWANCHER GAVE A LUNCHTIME TALK ON THE WORK AND ERA OF LEGAL SCHOLAR JOHN HENRY WIGMORE, THE SUBJECT OF HIS RECENTLY PUBLISHED *JOHN HENRY WIGMORE AND THE RULES OF EVIDENCE: THE HIDDEN ORIGINS OF MODERN LAW*, WHICH IS THE SECOND TITLE IN THE KINDER INSTITUTE'S *STUDIES IN CONSTITUTIONAL DEMOCRACY* BOOK SERIES WITH UNIVERSITY OF MISSOURI PRESS.



In building up to his primary argument regarding “networks and novelty in the ivory tower,” Prof. **Andrew Porwancher** began by unpacking the paradigm shift toward legal realism that, as the common narrative goes, figures like Wigmore (in academia) and Oliver Wendell Holmes (on the bench) helped to introduce. Specifically, by promoting a jurisprudence based on accounting for the practical consequences of law, Wigmore, Holmes, and others are often credited by scholars with helping to displace a formalist legal philosophy that, because it relied too heavily on abstraction and syllogism, failed to adjust to and remedy the inequalities created by the social, political, and economic innovations of modernity—most notably widespread industrialization.

Prof. Porwancher stressed that there is certainly some truth to this narrative. The late-19th and early-20th century courts *were* slow to recalibrate to modern exigencies, and, moreover, Wigmore and Holmes’ ideas on jurisprudence were consistent with (then) modern trends in American intellectual history. Still, the suggestion of a binary opposition between legal formalism and legal realism—and the subsequent casting of Wigmore, Holmes, & co. as pragmatic conquerors of a bloodless, conceptions-obsessed court system—is, Prof. Porwancher added, a bit overstated. Problematic in its own right, this act of



overstatement, he went on to note, also exemplifies the “scholarly oedipalism” that springs from an incentive structure, like that of academia, which prizes originality and divergence at the expense of acknowledging—and sometimes at the high cost of defacing—the vast importance of “networks of intellectual patronage.”

Take, for example, the case of Roscoe Pound, a legal scholar and eventual dean of Harvard Law whose ascension in academia Wigmore helped jumpstart. In his 1908 “Mechanical Jurisprudence,” Pound issued a realist critique of the Supreme Court’s ruling in *Lochner v. New York* (1905), claiming that, in its interpretation of liberty of contract, the Court fell prey to the formalist error of ignoring the facts on the ground. As Prof. Porwancher pointed out, though, what Pound’s own

argument conveniently failed to account for was the degree to which the Court actually *did not* ignore these facts but merely read them differently than he did. Just as Pound somewhat speciously took the Court to task as a means of proving his own academic originality, Karl Llewellyn would do the same to Pound less than 30 years later, counter-factually arguing, in the *Columbia Law Review*, that Pound himself was guilty of the cardinal, formalist sin of producing scholarship divorced from the consequences of the law.

While insistent on celebrating his own intellectual debts, Wigmore, like Pound, was no stranger to the assaults of a younger generation of legal thinkers. Both Felix S. Cohen and Jerome Frank, for example, inaccurately critiqued Wigmore for holding positions overly wedded to abstraction—a claim that, while it may have produced an “illusion of ingenuity” for Cohen and Frank, was hardly defensible given Wigmore’s wide-ranging and longstanding denunciation of exactly this jurisprudence. The problem with this kind of “scholarly oedipalism,” Prof. Porwancher noted in concluding his talk, is both practical and philosophical. In defacing their intellectual debt to Wigmore, not only were Cohen and Frank wrong in their facts. They also advanced a form of reputation building-by-divergence, still practiced today, that threatened to marginalize the immense significance of Wigmore’s 1904 *Treatise* on evidence, a text that, as both a practitioner’s bible and a profound work of legal theory, transformed the modern jury trial and, in doing so, helped the courts adjust to the breakneck pace of change in early-20th century America.

Professors and graduate students from University of Texas-San Antonio, Baylor University, Missouri State University, University of Missouri, and University of Texas-Austin attended this year’s conference. Some of the papers presented at the 2016 meeting are listed in the sidebar.



“After Propaganda: Legacies and Anti-Legacies of the American Revolutionary Press,” Prof. **Jeff Pasley** (University of Missouri)

“A Pragmatic Approach to the Second Amendment: *Friedman v. Highland Park* and Beyond,” **Austin Nelson** (Baylor University)

“The New World’s Old World: Europe in American Revolutionary Political Thought,” **Armin Mattes** (University of Missouri)

“The Forms and Processes of Authority: Tocqueville and the Separation of Powers,” **Thomas Bell** (University of Texas-Austin)

From June 13-16, 2016, the Kinder Institute hosted its inaugural Missouri Summer Teachers Academy at the Tiger Hotel in downtown Columbia. Developed in partnership with, and generously funded by, the Missouri Humanities Council, the Summer Academy was designed to provide high school American history and government teachers from throughout Missouri with an opportunity to spend three days studying various aspects of the foundations and evolution of constitutional democracy in the United States alongside Kinder Institute faculty and other scholars from around the region. Organized each year around a new theme drawn from the state curriculum for secondary social studies education, the 2016 Academy took on the task of exploring the relationship between majority rule and minority rights and its central importance to both the origins and development of American government and society.

Day 1 June 14, 2016

Kody Cooper, Kinder Research Fellow in Political Science, “Thomas Jefferson and Religious Establishment”

Dan Mandell, Truman State University Professor of History, “From Sovereignty to Subjugation to Autonomy: The Evolving Legal Status of Native Americans, 1790-1960”

Carli Conklin, Kinder Institute Undergraduate Programs Coordinator and Associate Professor of Law, “Perfection, Improvement and Unalienable Rights”

Beginning with definitions taken from Samuel Johnson’s 1755 *Dictionary of the English Language* and concluding with the 14th Amendment, with stops along the way to look at the Virginia Declaration of Rights and the Articles of Confederation (among other texts), Prof. Conklin’s seminar examined the documentary history of claims to liberty in early America. In particular, Prof. Conklin focused on the philosophical argument colonists constructed “for asserting and vindicating their rights,” noting how they appealed to the immutable laws of nature (as articulated in the Magna Carta) as a foundation for all men’s basic right to individual freedom while also citing the need for a system of rule that was adaptable to the unique conditions of North America to justify the colonies’ claim to self-governance. The necessity of an adaptable government, Prof. Conklin noted in concluding her seminar, is perhaps most evident in the shift from colonial representatives’ 1775 claim that “our union is perfect” to the Preamble’s language of “a more perfect union”—a shift that underscores the constant re-evaluation of rights, liberties, and conditions that is at the heart of the democratic process and, in relation to the Academy’s theme, instrumental to promoting and protecting minority rights.

Day 2 June 15, 2016

Armin Mattes, Kinder Research Fellow in History, “The Great Friendship Tested: Jefferson and Madison on Majority Rule and Minority Rights”

In a seminar that in many ways provided the backbone for all others at the Academy, Prof. Mattes laid out the theoretical basis for majority rule and minority rights by examining the writings and friendship of Madison and Jefferson. He first looked at Madison’s secular application of the insights on the issue of minority rights that he gained during debates in Virginia regarding religious freedom and toleration. Specifically, Prof. Mattes argued that it was during these debates that Madison began to develop the extended sphere theory of “Federalist 10” through observations of the degree to which rivalries between and the multiplicity of interests could secure minority rights—or, alternately, could prevent majority trespass—in a way that appeals to principle could not. In his subsequent examination of the famous “Earth belongs to the living” letter, Prof. Mattes noted how, rather than share in Madison’s skepticism regarding

representatives’ character and commitment to the public good, Jefferson demonstrated an unwavering belief that the common people could (and must) be able to govern themselves and, in this, that the will of the majority should always prevail. And while many scholars use these differences as evidence of an unbridgeable philosophical divide between the two leaders, Prof. Mattes concluded by pointing to Madison and Jefferson’s mutual acknowledgment of the importance of the Bill of Rights as a sign of the harmony (if not identity) of their respective political principles and ideas about the structure of government.

Dr. Steve Belko, Executive Director Missouri Humanities Council, “Jacksonian Democracy versus the American System”

Adam Seagrave, Kinder Institute Associate Professor of Constitutional Democracy, “Natural Rights, Majority Rule, and Slavery”

Day 3 June 16, 2016

Kris Maulden, University of Missouri Ph.D. (History), “‘Just remember...I was a man’: Jack Johnson and the Struggle Against White Supremacy, 1900-1915”

On one hand, in examining the life and career of heavyweight champion Jack Johnson, Dr. Maulden provided a sobering reminder of the extent and horrific consequences of white supremacy in early-20th century America. From the *L.A. Times* invoking the language of slavery in its reporting on Johnson’s victory over Jim Jeffries to the rampant violence African-American citizens faced in the match’s wake, the “fight of the century,” Dr. Maulden pointed out, sadly captured the institutionalized forms of dehumanization and persecution that minorities suffered from in 1910. He also noted, however, that studying Johnson can very much enrich the historical narrative of the efforts made by individuals in the struggle against white supremacy. For one, he argued that Johnson’s commitment to choice and individualism—the fact that he ignored the customs of white supremacy—adds an interesting dimension to classroom discussions that focus on DuBois and Washington’s debates over how best to respond to and counteract the various institutions and laws that were in place at the time to disenfranchise African Americans. In wrapping up his seminar, Dr. Maulden added how the legal persecution that Johnson faced under the Mann Act became an important talking point for DuBois in particular in the quest for progress, change, and equality.



Justin Dyer, Kinder Institute Director and Associate Professor of Political Science, “Equal Protection and Racial Discrimination”

Jeff Pasley, Kinder Institute Associate Director and Professor of History and Journalism, “The Racial Transformation of the Democratic Party in Missouri”

In addition to the daily seminars, participants in the Academy also attended dinner lectures on Tuesday and Wednesday, with Arent Fox LLC Attorney **Stephen Davis** giving a talk on the history of religious freedom in the state of Missouri and Lt. Gen. **Rich Harding** (USAF, retired) presenting on steps taken in recent decades to better protect and promote minority rights in the military. Participants in the inaugural Academy included: **Andrew Hanch** (Center High School), **Carrie Homan** (Cole Camp), **Kimberly Thielen-Metcalf** (Rock Bridge), **Kim Plemmons** (Marshfield), **Lynnette Williams** (Odessa), **Martha Burich** (Riverview Gardens School District), **Benjamin Strauser** (Kingston), and **Tim Hebron** (Trinity Catholic).



AN ANNUAL TRADITION, AS THE SCHOOL YEAR WOUND TOWARD AN END, AND AS WE PREPARED TO SEND OUR KINDER SCHOLARS TO WASHINGTON D.C. FOR THE SUMMER, WE WELCOMED OUR NEWEST CLASS OF UNDERGRADUATE FELLOWS (LISTED BELOW) INTO THE KINDER INSTITUTE RANKS AT A MAY 4 RECEPTION FEATURING THREE GENERATIONS OF PROGRAM PARTICIPANTS.

Tom Coulter (Sophomore, Journalism & History)

Emma Earley (Junior, History & Political Science)

Natalie Fitts (Junior, Journalism)

Alexander Galvin (Sophomore, History & Political Science)

Thomas Groeller (Senior, Political Science & Economics)

Kate Hargis (Senior, Political Science)

Bryanna Leach (Sophomore, Journalism)

Ryan Loftis (Senior, Political Science)

Hunter Norton (Senior, Political Science)

Jordan Pellerito (Senior, History & Political Science)

Nick Perryman (Sophomore, Political Science)

Peyton Rosencrants (Senior, Journalism)

Logan Smith (Senior, Political Science)

Tricia Swartz (Sophomore, Political Science)

Spencer Tauchen (Junior, Philosophy, Political Science & Sociology)

Taylor Tutin (Senior, Political Science & Philosophy)

Derek Van Becelaere (Senior, History)

Isaac VanDyne (Sophomore, Economics)

Tessa Weinberg (Sophomore, Journalism)

Aryn Williams-Vann (Senior, Psychology & Sociology)



A competitive, yearlong academic fellowship program open to all sophomores, juniors, and seniors at the University of Missouri, the Society of Fellows provides undergraduates interested in American politics and history with an opportunity to build an intellectual community dedicated to engaging in an in-depth inquiry into the origins, development, and contemporary practice of constitutional democracy in the United States and around the globe. See pp. 78-79 for a recap of the Third Annual Society of Fellows Residential Summer Seminar, held August 10-13 at the Tiger Hotel in downtown Columbia.

In late August, three 2016 Kinder Scholars participants—Kate Hargis, Delan Ellington, and Andrew Wisniewsky—graciously took time out of their schedules to answer a few questions about their internships, the Beltway Politics & History seminar, the program’s weekly field trips, and living in the nation’s capital. Below is an abbreviated account of the highlights of their D.C. experiences.



Kate Hargis (*Senior, Political Science*)
Bromberg, Kohler Maya & Maschler, PLLC

On spending the summer working at an immigration law firm...

The highlight from my internship was definitely working with the clients and getting to know them on a personal level. It’s so easy in some ways to wish we had stricter immigration laws and policies, but once you get the chance to meet people with spouses and children that they will have to leave or when you learn that their lives would be at risk if they returned to their home country, your perspective really changes.

On where she plans to go from here...

I realized I want to address the causes of immigration issues, so my next step is looking into international conflict resolution, especially in the Middle East. I don’t think I can solve all of the world’s problems, but it’s worth a shot!

On drawing a connection between her internship and the study of constitutional democracy...

I saw firsthand this summer where U.S. law and immigration laws diverge and how immigrants are often denied the same protections as citizens. So this summer showed me that the Constitution and our government still have room for expansion and improvement. Protecting non-citizens is a duty of the United States, as the 14th Amendment states that our government cannot “deny to any person within its jurisdiction” equal protection of the laws.

On what she’s bringing back to the MU classroom from the summer...

I think I’m coming back more confident. I’m someone who is very

internationally oriented. I would rather read a book about the Taliban than Thomas Jefferson. As a result, I’m usually really quiet when people discuss things like the Constitution or Civil War. However, upon returning, I felt like I had an intense crash course in U.S. constitutional democracy, and now I love discussing and learning more about our nation’s history.

Lightning Round

Most “D.C. thing” you did...

Got my arm stuck in the Metro doors. Good times

Best D.C. meal...

Dukem on U Street

Favorite non-class field trip...

Union Market—hands down the coolest place with the best food

When you shut your eyes, what’s the first D.C. image that comes to mind...

Dupont Circle. Favorite area in D.C. for sure

Delan Ellington

 (*Senior, History*)

National Parks Service, Interpretation, Education & Park Planning

On an elevator pitch about his internship...

I worked at the Parks Service doing a historical project on Native American Voices in the National Parks areas of Interpretation, Education, and Park Planning/General Management. I chose this because I love looking at how systems work with disenfranchised groups and because this particular relationship has historically proven to be tenuous at best.

On drawing a connection between his internship and the study of constitutional democracy...

I was able to see just how powerless a group can be when not allowed to participate in a constitutional democracy that literally engulfs them and how the actions of figures such as Madison, Jackson, and Jefferson allowed and sometimes applauded the destruction of Native Americans while ignoring their sovereignty.

On the team-taught seminar...

I think when students fully engage with the format, they open themselves up to new ideas and insights by connecting the different perspectives and letting themselves be challenged to truly explore why our government and history are the way they are.



On the importance of the field trips...

The fact that we went to the Sewall-Belmont House in conjunction with reading about the Woman's Party and to Monticello when we were talking about Jefferson makes these political and historical actors real. Maybe it's just me, but to touch, feel, and see history as historical figures did makes me care more and inspires me. There was just something about looking out onto the horizon at Monticello and thinking about what Thomas Jefferson saw as he looked out on the same horizon.

Lightning Round

Most "D.C. thing" you did...

Be completely unbothered by the Metro shutting down in the middle of a ride

Best D.C. meal...

Ben's Chili Bowl

Favorite non-class field trip... Going and exploring U-Town

When you shut your eyes, what's the first D.C. image that comes to mind...

The Washington Monument

Andrew Wisniewsky (*Junior, History*)

National Parks Service, White House & White House Visitors Center

On the highlight of working at the White House...

When people would come up to me with really no idea at all about the White House or Washington, after a short conversation, they would know some important history and have a much better idea of how to spend their time in D.C., educating themselves as citizens. That's awesome.

On where he drew a connection between his internship and the study of constitutional democracy...

Most clearly when I was working on exhibits, particularly in the "President as a Diplomat" section, which conveyed the importance of a singular figure in the executive branch. That's a specific instance, but all the time I saw examples of separated powers performing the roles they were designed for.

On the structure of the seminar...

The main thing is that each professor tackled his or her topic differently. For example, Dr. Conklin had the most structured, "classroom"-like seminar, whereas Professor Dow's felt the most like a casual group discussion. Both were great, and it helps keep you on your toes and keeps you from getting into a rut.

On the importance of the field trips...

The field trips are the best part! Otherwise, it wouldn't be any different than a class I can take in Columbia. Looking back on it, those field trips were the most memorable part of my summer, and it was a memorable summer.

They do quite a few positive things: (1) You get to see cool places; (2) You get a chance to talk to professors outside of a classroom environment about whatever. It's awesome, and now I say hello to quite a few professors when I see them on campus, when I wouldn't have before; (3) Learning about Jefferson's life and his treatment of slaves is much more effective when you're standing in his backyard as opposed to in your apartment, and that applies across the board.

Lightning Round

Best book you read while you were there...

Just Mercy (Non-fiction), *Jonathan Strange & Mr. Norrell* (Fiction)

Best D.C. meal...

Cream of crab soup, in Annapolis technically, but I'm going to count it

Favorite non-class field trip...

I walked, alone, to Rock Creek Cemetery to see a statue called the "Adam's Memorial." It was beautiful, tragic, and I won't forget it. I still can't believe the CVS lost my pictures

When you shut your eyes, what's the first D.C. image that comes to mind...

Walking through Woodley Park in the afternoon with no particular destination in mind





For some, stories of students cutting their summers short and starting class a week early might (understandably) seem blissfully far-fetched: a Rockwell painting in narrative form. And yet, twenty University of Missouri undergraduates descended from near and far on the Tiger Hotel in downtown Columbia in August for the third annual Society of Fellows residential summer seminar, an immersive three-day crash course in the Kinder Institute's interdisciplinary approach to examining the history and theory of constitutional democracy across multiple time periods and around the globe.

This year's programming kicked off high atop Jesse Hall, in the Institute's new seminar room, with a dinner talk (recapped below) delivered by recently minted Chair in Constitutional Democracy and Professor of History **Jay Sexton**.

Brexit: Constitutional Democracy in Action?

Chair in Constitutional Democracy Jay Sexton

In some respects, and as Professor Sexton hinted at throughout his lecture, the fact that no one saw the United Kingdom's vote to leave the European Union coming makes the broader trends and the potential sea change that the June 2016 Brexit referendum signaled, both in the U.K. and around the globe, stand out in even sharper relief.

In the case of the domestic implications, the surprise at the polls demands thorough, retroactive attention to the structural explanations for the "leave" vote. The first explanation Prof. Sexton touched on—and the one that had the highest profile and was driven most by misinformation—was the anti-immigration sentiment stoked among some voters by the EU's common open borders policy. As Prof. Sexton pointed out, though, understanding the vote requires mapping immigration's significance as a determining factor in the referendum onto other explanations. For one, it exposes how generational conflict contributed to the vote. In looking at the numbers, he showed how younger voters in urban areas—voters with greater proximity to the myriad cultural and economic benefits of diversity and cross-border interaction—largely sided with "remain," while older voters largely made up the contingent of anti-immigration "leave" voters who, in the weeks leading up to the referendum, decidedly polled as a minority. Peeling back one layer of the data easily resolves this seeming contradiction: the problem—and one certainly not exclusive to the U.K.—was that younger citizens turned out to vote in far fewer numbers, and thus history was made. In addition, Prof. Sexton proposed that we can trace a line between isolationist feeling and the decline of intermediate social organizations as a way of illuminating

the referendum's broader context. And what also can't be lost in the shuffle, he added, is the degree to which contingent or immediate causation played a significant role in the results. Simply put, "leave" campaigners made their case more thoroughly and charismatically (if not always accurately) than their "remain" counterparts. Democratic processes, he concluded in a theme he would return to later, still matter.

As for the consequences of the referendum in the U.K., they were catastrophic in the short-term: the pound historically plunged in value; parties "decapitated their leaders"; and in the first of what might be many exoduses, Goldman Sachs cut 6,000 jobs in London, taking significant tax revenue with them. Going forward, Prof. Sexton suggested the long-term shockwaves could be even greater, predicting that the "leave" vote could spell the end of both the European Constitution and the United Kingdom as it has existed since 1707.

Shifting the discussion to international vistas, Prof. Sexton stressed that, far from confined to the United Kingdom, the causes underlying the "leave" vote speak more broadly to the changing landscape and unraveling orthodoxy of global politics. For example, all of the factors that we could look to in order to explain the outcome of the referendum in the U.K. not only represent lines along which political society is divided in the United States and elsewhere but also demand that we re-think these divisions not in terms of ideology or party but, instead, in demographic terms. Moreover, and in spite of the victory of "raised drawbridge" sentiment in the Brexit vote, the discourse sparked by the entire episode speaks to the likelihood of further shifts toward a politics of market integration and thus also to the greater attention we must pay as scholars and citizens to the ways in which transport, communications, and technology have historically shaped, and will continue to shape, political culture and order. Finally, and particularly in the U.S., the vote requires us to re-consider the dialectical terms in which we have long understood the relationship between democracy and constitutions and, specifically, to acknowledge, rather than minimize, the role that democratic processes play in constitutional change.

Two days of seminars, film screenings, dinners with faculty, and community building followed the opening night lecture, and after a Saturday morning breakfast talk by MU Economics Professor **Jeff Milyo** on the role of money in American politics, seminar programming officially concluded with fellows being briefly introduced to the *Journal on Constitutional Democracy*.



The following faculty members received research and travel awards from the Kinder Institute during 2015-16 to fund the projects described below:

Moises Arce (Political Science), to compile and prepare subnational protest data for Bolivia and Peru for ongoing research with the Comparative Constitutions Project and to travel to the International Conference of the European Network of Political Ecology in Stockholm, Sweden

Kody Cooper (Political Science), to travel to Oxford University for archival work on John Aubrey's papers and to participate in a May 2016 panel on "Hobbes, Locke, Natural Law, and the U.S. Constitution" convened by the Rothermere American Institute

Bryce Dietrich (Political Science), to code data for his paper, "Using Exchanges Between Floor Speeches to Understand Congressional Incivility and Friendship," co-authored with Matthew Hibbing of University of California-Merced

Jay Dow (Political Science), to conduct archival research for his new book project, which traces Federalist and Democratic-Republican electoral strength from 1792-1824, at the American Antiquarian Society and Massachusetts Historical Society

Jerry Frank (History), to conduct research at the National Archives in College Park, MD, Kansas City, and Denver, for his current book project, under contract with University of Nebraska Press and tentatively titled, *Playing with Western Water: History, Ecology, and Policy*

Martha Kelly (German & Russian Studies), to travel to Moscow to conduct research for her current book project, which studies Russian poet and public intellectual Olga Sedakova

Michael Wahman (Political Science), to travel to Malawi to participate in conferences related to his recent co-edited volume, *The Malawi 2014 Tripartite Elections-Is Democracy Maturing?*

In addition, we funded research projects and conference presentations for the following graduate students during this period:

Jessica Anderson (Political Science), to present "Following the Story: The Influence of Media on Case Selection in the International Criminal Court" and "Universal Justice? The Incorporation of Marginalized Groups in Transnational Justice" at the 2016 International Studies Association annual meeting in Atlanta

Dana Angello (Political Science), to conduct research in Seattle for her doctoral dissertation, *Service Accessibility: Local Government Institutions and the Equitable Spatial Distribution of Public Services*

Chris Deutsch (History), to conduct research at the National Archives for his doctoral dissertation, *Democratic Beef: Modernizing the American Diet, 1945-1975*, and to present his paper, "This Animal Must Have Been Eating

Straight Insecticide': Toxic Pathways and Cattle Bodies in Mid-Twentieth Century United States Food Production," at the 2016 meeting of the American Society of Environmental Historians in Seattle

Zachary Dowdle (History), to attend the Southern Historical Association's November 2015 meeting in Little Rock, AR

Tom Guarrieri (Political Science), to present his manuscript, "Party Machine Effects on Contemporary Legislative Institutions," at the April 2016 annual meeting of the Midwest Political Science Association in Chicago

JoyAnna Hopper (Political Science), to present her research on federal- and state-level environmental policy at the April 2016 annual meeting of the Midwest Political Science Association in Chicago

Jeffrey King (Political Science), to present the first chapter of his dissertation, *Neoliberalism and Leadership: The Effect of Shared Neoliberalism on Sanctioning Behavior*, at the 2016 International Studies Association annual meeting in Atlanta

Alexis Miller (History), to conduct archival research at the Shropshire Record and Research Centre and National Library of Wales on the legal identity in medieval Wales

Marc Polizzi (Political Science), to present "Universal Justice? The Incorporation of Marginalized Groups in Transnational Justice" and "Advocating for Change: How Transnational Advocacy Networks Impact Transnational Justice" at the 2016 International Studies Association annual meeting in Atlanta

Christopher Patane (Political Science), to present "Protest Accessibility and Government Use of Force," at the 2016 International Studies Association annual meeting in Atlanta

Sean Rost (History), to conduct archival research at Duke University's Rubenstein Library for his dissertation which examines anti-Klan activism in the 1920s.

Luke Schleif (History), to conduct research at the National Archives, Burke Library, United Methodist Archives and History Center, and Seventh Day Adventist Office of Archives for his doctoral dissertation, *Battle for the Bodies and Souls of a Continent: The Politics of American Missions in Africa*

Payel Sen (Political Science), to collect data for his research into how media framing determines the democratic ideals of Indian citizens and to present "The \$106,250 Question: Red or Blue?" at the April 2016 annual meeting of the Midwest Political Science Association

T. Murat Yildirim (Political Science), to present "Budgeting in Authoritarian and Democratic Regimes" at the December 2016 Political Budgeting Across Europe conference

The following three-credit hour courses for our Minor and Certificate in American Constitutional Democracy were taught during the 2015-16 school year:

CL HUM 4800: Political Thought in Classical and Christian Antiquity (Spring)
 ECON 4320: History of Economic Thought (Fall)
 HIS 1500: Foundations of Western Civilization (Fall)
 HIS 1540: England Before the Glorious Revolution (Fall)
 HIS 2445: American Constitutional Democracy-Online (Spring)
 HIS 4000: Age of Jefferson (Fall)
 HIS 4004: 18th Century Atlantic Revolutions (Spring)
 HIS 4060: Period of the American Revolution, 1760-1789
 HIS 4400: History of American Law (Fall)
 POL SC 2860: American Political Thought (Fall)
 POL SC 4004: Topics in Modern Political Theory (Spring)
 POL SC 4130: African American Politics (Spring)
 POL SC 4140: Congress and Legislative Policy (Spring)
 POL SC 4150: The American Presidency (Spring)
 POL SC 4170: Politics of the American South (Spring)
 POL SC 4200: The American Constitution (Spring)
 POL SC 4210: Constitutional Rights (Spring)
 POL SC 4830: Democracy in American and Elsewhere (Fall)
 PHIL 4610: Philosophy of Law (Fall)

In addition, the Political Science and Law School faculty members named below taught the following one-credit hour Honors College tutorials (all listed as GN HON 2010) during the Fall 2015 semester:

Crisis and Constitutional Government (Prof. Justin Dyer)
 Give Me Liberty or Give Me Arbitration (Prof. Robert Bailey)
 The Unalienable Right to the Pursuit of Happiness (Prof. Carli Conklin)
 Constitutional Interpretation (Prof. Paul Litton)
 Liberal Democratic Theory and Practice (Prof. Marvin Overby)

Listed below are primary topics, faculty leaders, and field trip locations for each week of the Kinder Scholars “Beltway Politics & History” seminar as well as where all participants interned during the summer.

Week 1: “Revolutionary Constitutionalism,” with Professors **Justin Dyer** and **Carli Conklin**

Week 2: “James Madison and Constitutional Paternity,” with Professor **Bill Horner** (field trip to the National Archives)

Week 3: “Thomas Jefferson,” with Kinder Research Fellow **Armin Mattes** (field trip to Monticello)

Week 4: “Kings of Democracy: Congress vs. the Presidency in the 19th Century Party System,” with Professor **Jay Dow** (field trip to Annapolis)

Week 5: “Reconstruction,” with Professor **Michael Minta** (field trip to the Frederick Douglass National Historic Site and the African American Civil War Memorial and Museum)

Week 6: “The New Deal,” with Professor **Marvin Overby** (field trip to the Smithsonian Museum of American Art with a guest lecture by **David A. Taylor**, who will speak about his book *Soul of a People: The WPA Writers’ Project Uncovers Depression America*)

Week 7: “Equal Rights and Equal Protection,” with Professor **Catherine Rymph** (field trip to the Sewall-Beimont House & Museum, home of the National Woman’s Party archives)

Week 8: “Constitutional Democracy Challenged: The Cold War and the National Security State,” with Professor **Cooper Drury** (field trip to the Pentagon and the Navy Museum)

2016 Kinder Scholars Internship Sites

Ashleigh Atasoy: National Academy of Public Administration

Bishop Davidson: The Heritage Foundation’s Center for Principles and Politics

Delan Ellington: National Park Service Office of Native American Cultural Resources

Rachelle Engen: The Institute for Justice (as the 2016 Maffucci Fellow)

Nora Faris: FLM+ Public Affairs Group

Sarah Gillespie: The Board of Governors at the Federal Reserve

Kate Hargis: Bromberg, Kohler Maya & Maschler, PLLC

Blake Harting: US Commodity Futures Trading Commission

Lindsay McManus: The Children’s Defense Fund

William Neer: Public Citizen

Jacob Otto: Department of Defense

Paige Ondr: Lupus Foundation

Leslie Parker: The Office of Missouri Congressman Sam Graves

Jennifer Prohov: SCOTUSblog

Anne Russell: FCC Media Division

Kalli Sikes: International Justice Mission

Andrew Wisniewsky: President’s Park at the White House

Below is a partial list of articles, book chapter, and books that Kinder Institute faculty members published or signed contracts to publish during the 2015-16 school year:

Carli Conklin, “The Origins of the Pursuit of Happiness,” in *Washington University Jurisprudence Review* (2015)

Jay Dow, *Electing the House: The Adoption, Institutionalization and Performance of the U.S. Single-Member District Electoral System* (University Press of Kansas, forthcoming Spring 2017)

Justin Dyer, “Lewis, Barth, and the Natural Law,” in *Journal of Church & State* (May 2015) and *C.S. Lewis on Politics and the Natural Law* (Cambridge University Press, 2016), co-authored with Professor **Micah Watson**

Bill Horner and James Endersby, *Lloyd Gaines and the Fight to End Segregation* (University of Missouri Press, 2016)

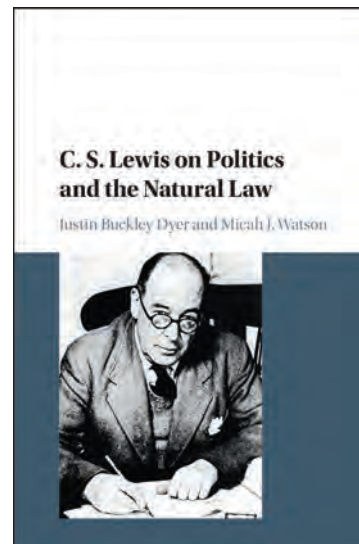
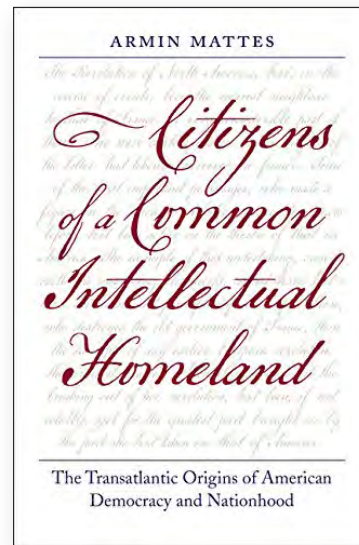
Armin Mattes, *Citizens of a Common Intellectual Homeland: The Transatlantic Origins of American Democracy and Nationhood* (University of Virginia Press, 2015)

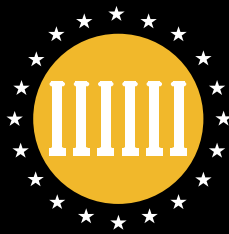
Jeff Pasley, “The Devolution of 1800: Jefferson’s Election and the Birth of American Government,” in *America at the Ballot Box* (University of Pennsylvania Press, 2015), and “Whiskey Chaser: Democracy and Violence in the Debate over the Democratic-Republic Societies and the Whiskey Rebellion,” in *The Politics of Violence in the American Revolutionary Era* (University of Virginia Press, 2015)

Alasdair Roberts, *Four Crisis of Democracy* (Oxford University Press, forthcoming December 2016)

Dennis Trout, *Damasus of Rome: The Epigraphic Poetry* (Oxford University Press, 2015)

Steve Watts, *JFK and the Masculine Mystique: Sex and Power on the New Frontier* (MacMillan, 2016)





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