

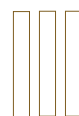


KINDER INSTITUTE
on CONSTITUTIONAL DEMOCRACY

NEWSLETTER | FALL 2016



The COLUMNS



The beginning of each fall semester is a cusp for undergraduate programming here, with our Kinder Scholars returning home from the front lines in Washington and our new class of fellows breaking a bottle over the stern of their yearlong exploration of the history, theory, and practice of constitutional democracy in the United States. True to this period of transition, what follows in the newsletter's first section is a brief series of wrap-up interviews with participants in the D.C. program as well as notes on kicking off this year's Society of Fellows with our third annual residential summer seminar.



At least on college campuses, newsletters put together in mid-September are typically low on material. Maybe you get a short bio of a new hire. Some “candidats” from a department picnic. The fact that early semester reports often come in at a robust four pages makes sense. Between syllabus writing, faculty meetings, and finding the office in the bottom of a parking garage where HR forms need to be submitted, there's little time to host the kinds of newsworthy events that will enliven the university community throughout the rest of the fall. For a spell at least, practicality must prevail.

At the Kinder Institute, however, we've enjoyed the best of both worlds this August and September. To be sure, the thrills (honestly) of writing syllabi were not lost on anyone here (see p. 7 for a brief glimpse into that process). But given our participation in two major nationwide grants—the Pulitzer Prizes Centennial Campfires Initiative and the NEH's “Humanities in the Public Square” program—we were likewise able to bring or help bring a handful of elite scholars to MU during September for talks on topics ranging from how the 1930s political landscape influenced economic recovery policy during the Great Depression to the demise of fact in political discourse.

In addition, we welcomed 18 students back from a summer in D.C., bid farewell to undergrad alumni who are moving on to new pastures, and introduced our next

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Kinder Institute on Constitutional Democracy
University of Missouri

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Society of Fellows class to the intellectual community that they will spend the next year forging. We hope everyone enjoys learning more about our early-fall endeavors, and be sure to check the back page of the newsletter for information about events coming up in October and November. If you can make it to one (or all), we would love to see you there.



KINDER SCHOLARS WRAP-UP

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



2016 SOCIETY OF FELLOWS
SUMMER SEMINAR

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, on August 10, twenty University of Missouri undergraduates descended from near and far on the Tiger Hotel in downtown Columbia 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 of 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




Fall 2016 Fellows Events


While official Fall 2016 fellows events won't start until early October, with a lunch discussion with University of Notre Dame Tocqueville Associate Professor of Religion and Public Life **Phillip Vincent Muñoz**, programming unofficially got under way with a lecture and Q&A with **Jennifer Hochschild**, Henry LaBarre Jayne Professor of Government and African and African American Studies at Harvard University. Held in partnership with (and during) Kinder Institute Associate Professor of Constitutional Democracy **Adam Seagrave's** African American Politics class, Prof. Hochschild's talk focused first on looking at various historiographical and social scientific approaches to understanding the origins of race-based exclusion in early America and then on applying these analytical lenses to examinations of the racial transformation of the United States during the Civil Rights Era as well as the obstacles that we currently face as we continue to work toward forging a more equitable and just nation.

We the People


Article I




JUSTICE SCALIA WAS RIGHT IN *SMITH*: WHY THE ORIGINAL MEANING OF THE FREE EXERCISE CLAUSE DOES NOT REQUIRE RELIGIOUS EXEMPTIONS



Prof. Vincent Phillip Muñoz, Notre Dame
October 5 | 1 p.m. | 7 Hulston Hall



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University of Missouri
democracy.missouri.edu



MISSOURI HUMANITIES

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*.



FALL 2016 CLASSES

Given the volume of events that we’ve had happening at the Kinder Institute so far this fall, it’s been easy to forget that, in between all of the lectures, films, and seminars, we have professors teaching and students reading. To re-ground us in our primary mission—promoting excellent undergraduate scholarship on the nation’s political traditions and history—we asked two of our new Kinder Institute faculty members to pull back the curtain on the syllabus writing process for their undergrad courses this semester and name the three works on it that they think are the most essential readings for the class.

Kinder Institute Chair in Constitutional Democracy **Jay Sexton**, who is teaching *Slavery and the Crisis of Union: the Civil War Era, 1848-1877* (HIS 4040), and who never passes up an opportunity to remind all of us at MU of his privileged fan status as a KU alum:

- The core of the class I’m teaching are the two classics from the vintage year of 1988: James McPherson’s *Battle Cry of Freedom* and Eric Foner’s *Reconstruction*. These are two of the best history books written by Americans in modern times. What a year 1988 was - Kansas cutting down the nets in Kemper, but I digress.
- I’m also assigning Frederick Douglass [*Narrative of the Life of Frederick Douglass, an American Slave, Written by Himself*], which they really seemed to get much out of. They understand how biography can lead them to bigger themes, better than they can start with bigger themes and work backwards.

Kinder Institute Associate Professor of Constitutional Democracy **Adam Seagrave**, who is teaching *African American Politics* (POL SC 4130):

- Frederick Douglass, “What to the Slave is the Fourth of July?”: In this speech Douglass powerfully argues both for the promise of American ideals and the shortcomings of American practice in living up to these ideals.
- W.E.B. Du Bois, *The Souls of Black Folk*: This book provides a profound narrative of the psychological effects of racism and discrimination on African Americans. These psychological effects relate in interesting ways to John Locke’s idea of self-ownership as the foundation for natural rights.
- Martin Luther King, Jr. “Letter From a Birmingham Jail”: In this famous essay, King provides a wonderfully clear statement of natural law principles in their relation to issues of racial justice.



CAMPUS AND COMMUNITY EVENTS

Though the fall semester is barely a month old, we're already almost up to a full semester's worth of programs, thanks to a pair of grants that have allowed us the flexibility to host and support more on-campus events than ever before. The first of the two opportunities came through the Pulitzer Foundation's Centennial Campfires Initiative, a program to celebrate the Prizes' 100th Anniversary with a nationwide series of lectures focused on highlighting the life and work of past winners in their home states (see pp. 9-11 for a recap of the Pulitzer event we hosted in September).

We're also one of a number of organizations in Missouri developing programs for the NEH's nationwide "Humanities in the Public Square" grant initiative. Designed to promote public discourse on the causes and consequences of—and potential remedies for—social and political fracture in the United States, our programming for the NEH grant includes lectures on (among other topics): the future of the left and right in America, the importance of the humanities in contemporary society, and the often overlooked contributions of African American WW II veterans to the Civil Rights movement. In addition, the grant allowed us to partner with local cultural beacon Ragtag Cinema on our first ever film series, which focuses on the cinematic history of electoral politics and which kicked off on September 6 with a screening of *Gabriel Over the White House*. For anyone in the Columbia vicinity, the series will pick back up on October 4, with a screening of *Strange Victory*, followed by a screening of *Primary Colors* on November 1. All screenings are free and begin at 5:30 PM at Ragtag (10 Hitt Street). Brief recaps of the two September events that we co-sponsored through the NEH grant can be found on pp. 14-16.

Both the Pulitzer and the NEH grant came our way through the generosity of our longtime partners at the Missouri Humanities Council.

Rounding out the early Fall 2016 calendar, we hosted our annual Constitution Day lecture on September 20 (p. 12); launched a packed colloquium series docket on September 2 (pp. 17-18); and are on schedule to bring regional scholars to Columbia on October 7 for the first of two fall meetings of the Missouri Regional Seminar on Early American History (p. 19).



PULITZER CENTENNIAL CAMPFIRE LECTURE

The Country's Plight, and How We Escaped It

UC-Davis Prof. Eric Rauchway

Observing the fallout from the Great Depression from his post in the capital, where frustration over soaring unemployment rates had not only caused faith in democratic institutions to wane but had boiled over into pro-fascist rumblings, Charles G. Ross filed "The Country's Plight" in November 1931, while serving as the *St. Louis Post-Dispatch's* Chief Washington Correspondent. An 11-part, demand-side excoriation of fiscal policy under Hoover, the essay, for which Ross received the 1932 Pulitzer Prize for Journalism, identified the "maldistribution of wealth" as the primary causal factor behind the Depression and lobbied for a ratcheting up of progressive taxation as a way to end it. As MU Associate Professor and Faculty Chair of Journalism Studies **Tim Vos** noted in his opening remarks on Ross' life and work, while "The Country's Plight" at times descends into punditry, the essay as a whole still reflects the commitment to objectivity as an epistemological norm for journalists that Ross championed, years ahead of others in the industry, while serving as a pioneer faculty member at the MU School of Journalism under founding dean Walter Williams. For Ross, the journalist's primary task was to explain, for it was only in laying out the facts that the press could equip citizens to actively and knowledgeably participate in public life.

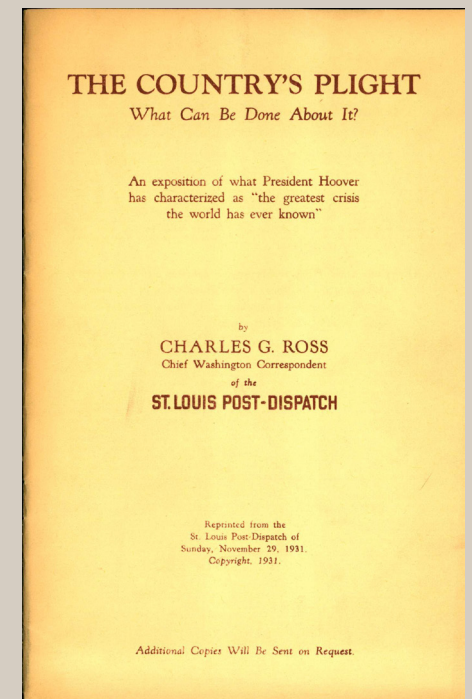
A noble pursuit, to be sure, but as University of California-Davis Professor of History **Eric Rauchway** pointed out in setting the stage for his Pulitzer Prizes Centennial lecture on "The Country's Plight," praising Ross for his objective approach leaves an important question unanswered: Did he actually get the facts right? Did he accurately unpack for *Post-Dispatch* readers both the causes of the nation's economic crisis and the steps that government and industry would have to take to lead the United States out of the Depression? In working towards an answer to this question of whether Ross got it right (spoiler alert: kind of, but also not really), Prof. Rauchway, true to the form of Ross' article, divided his lecture into three parts.

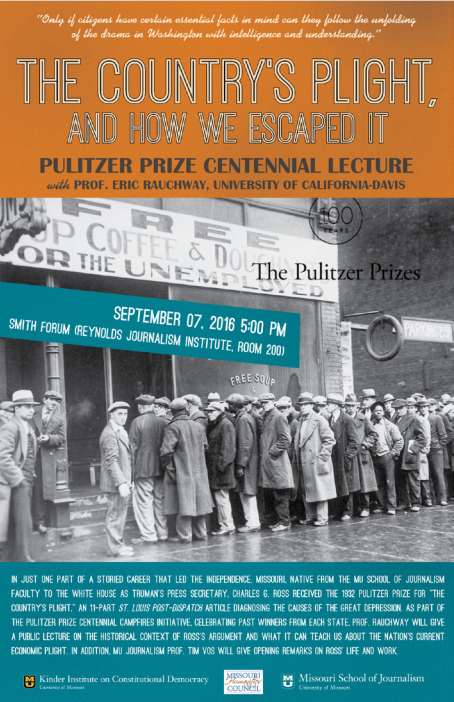
How Severe Was the Problem: "We must know the facts"

Coming off the heels of introducing Gregory La Cava's 1933 utopian vision of fascist America, *Gabriel over the White House*, as part of the Kinder Institute's "Democracy at the Movies" film series, Prof. Rauchway noted that the very fact that pro-fascist sentiment existed at the time—let alone that it was stoked by "America First" media mogul (and *Gabriel* co-writer) William Randolph Hearst—underscored just how serious the country's plight was as it approached the March 1933 nadir of the Depression. In terms of economic indicators of the crisis-level, he pointed out that Ross' essay came roughly in the middle of an unprecedented 43-month period of GDP contraction, nearly all of which occurred during the Hoover administration. By the time the Depression reached its inflection point in 1933, after which the country finally began to show signs of economic recovery under Franklin Roosevelt, unemployment rates were at approximately 25%, and questions about whether or not the nation's capitalistic and democratic systems could even survive gravely rang out. The economic crisis wasn't simply different in magnitude, he argued, but different in kind from anything the United States had previously known.

Events have forced us to consider the facts. Phrases do not feed the hungry, or give jobs to the six or seven million who want work and cannot find it. The jobless man can derive no comfort from the proclamation that we are merely in one of those "cyclical" depressions which are bound to come every so often and, having passed, leave us better off than before.

—Charlie Ross, "The Country's Plight: What Can Be Done About It?"





Ross’ Viability as an Economist

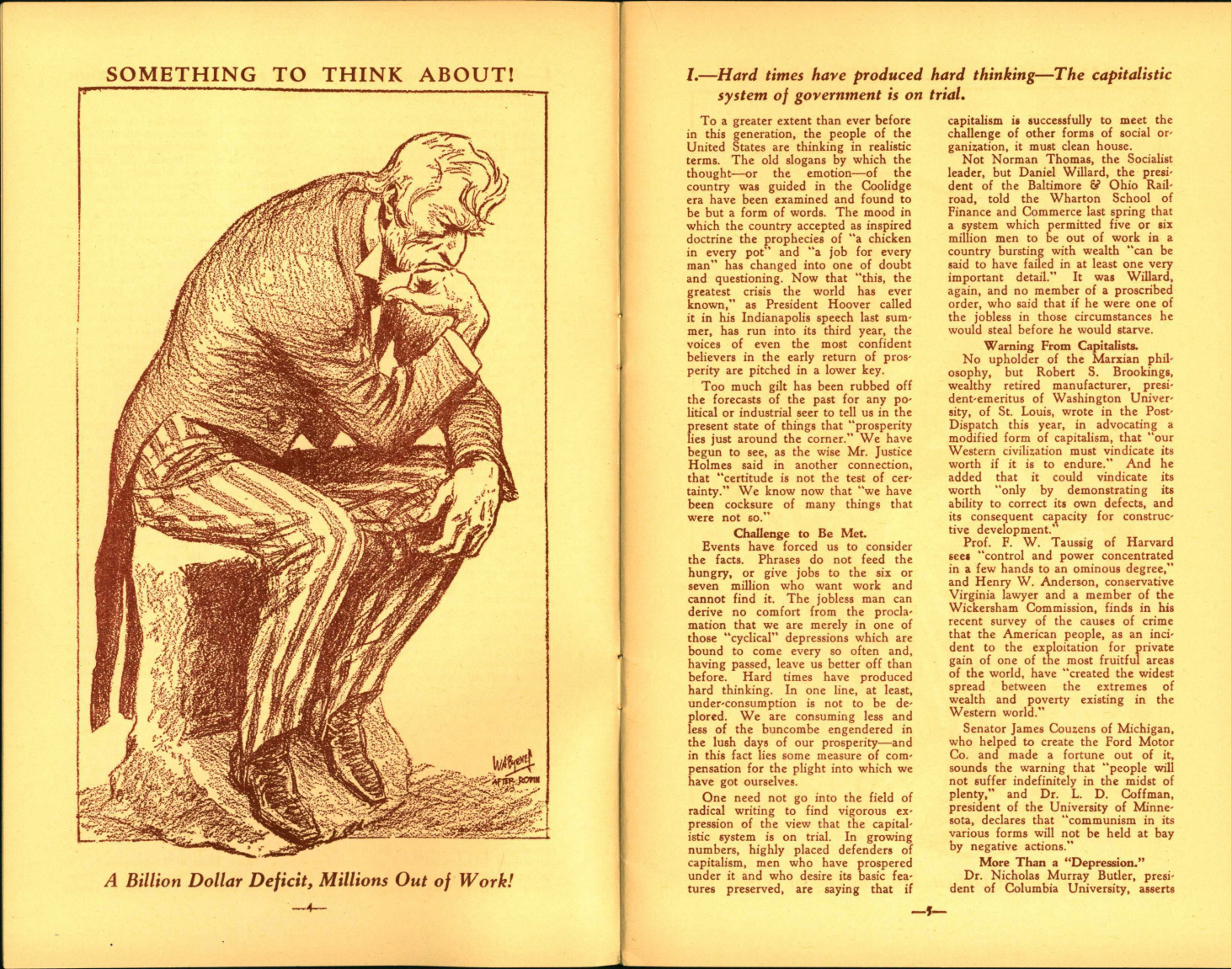
As for Ross’ theory that a maldistribution of wealth led to the Depression, Prof. Rauchway explained that it largely aligned both with the causal analysis of the era’s leading demand-side economist, John Maynard Keynes, as well as with the economic history and trajectory of the United States in the early 20th century. Prior to the 1929 stock market crash, borrowing rates were high, as “ordinary people buying ordinary things” on credit became a norm. Following the crash, however, borrowing to buy dried up as expectations about the nation’s economic future changed, and the result, further fueled by Hoover’s deflationary monetary policy, was a self-sustaining collapse: merchants lowered prices to chase scarce dollars; profit margins tightened and employment decreased; debts went unpaid and banks failed; people lost access to money and the problem compounded. Which is all to say that Ross’ two basic premises—(a) that a deficiency of purchasing power among the working class was a leading cause of the Depression and (b) that re-invigorating demand by putting money in the hands of those who would spend it might stimulate the economy—held water.

The Country’s Plight, and How We Escaped It

Of the major bullet points that comprised Ross’ proposed solution to the Depression, some certainly had a place in FDR’s recovery plan. Ross’ insistence on the importance of public ownership of utilities, for example, at least partially came to bear with the creation of the Tennessee Valley Authority. Similarly, if indirectly, his demand for decreased work hours became a calling card of labor unions’ collective bargaining platforms during Roosevelt’s time in office. In terms of the policies and programs actually enacted during the New Deal, however, Ross missed the mark significantly in two instances. For one, nowhere in his essay did he suggest the kind of large scale public work programs that were central to the New Deal’s creating jobs and increasing purchasing power among the once-unemployed. Most notably, though, the linchpin of Ross’ argument—that progressive taxation would lead to the redistribution of wealth—wasn’t in FDR’s plans. Rather than tweak fiscal policy, Prof. Rauchway showed how the president instead pursued a reflationary course of action that used going off the gold standard to generate monetary shock that in turn manufactured demand and induced spending.

Prof. Rauchway concluded the lecture by fielding questions on topics ranging from the successes and failures of President Obama’s Keynesian approach to stimulating the economy during the “current unpleasantness”—he didn’t ask for enough, Prof. Rauchway argued—to whether or not there was, in fact, any consideration of progressive taxation during the New Deal (Keynes, for his part, didn’t necessarily object to stimulating economic growth through progressive taxation, but he also believed that preserving some inequality might make individuals rapacious with their money rather than toward their fellow citizens). In addition to the lecture and film introduction, Prof. Rauchway also discussed his publishing pursuits with History and Political Science faculty and graduate students during a September 7 lunchtime panel in the Kinder Institute offices in Jesse Hall.

The lecture was part of the Pulitzer Prizes Centennial Campfires Initiative, a joint venture of the Pulitzer Prizes Board and the Federation of State Humanities Councils in celebration of the 2016 centennial of the Pulitzer Prizes. The initiative seeks to illuminate the impact of journalism and the humanities on American life today, to imagine their future, and to inspire new generations to consider the values represented by the body of Pulitzer Prize-winning work.



For their generous support for the Campfires Initiative, we thank the Andrew W. Mellon Foundation, the Ford Foundation, Carnegie Corporation of New York, the John S. and James L. Knight Foundation, the Pulitzer Prizes Board, and Columbia University.


3RD ANNUAL
CONSTITUTION DAY LECTURE

Our Global Constitution: U.S. Imperialism and the Separation of Powers

University of Michigan Associate Professor of Political Science, Mariah Zeisberg

★ CONSTITUTION DAY LECTURE ★

SEPTEMBER 20 3:30 P.M. 410 JESSE HALL



OUR GLOBAL CONSTITUTION:
U.S. IMPERIALISM AND THE SEPARATION OF POWERS

Mariah Zeisberg will deliver the Kinder Institute's annual Constitution Day Lecture, giving a talk titled "Our Global Constitution: U.S. Imperialism and the Separation of Powers". With the strongest military force in the world, the largest economy, and a pivotal place in international institutions, the United States sits atop a global hegemony. Fast-track negotiations, treaty-mandated responsiveness to the security needs of other countries, and global economic coordination all seem to favor presidential authority in international affairs while diminishing the role of Congress. Is this consistent with the U.S. Constitution's design? How should we approach the Constitution's separation of powers between Congress and the president in light of U.S. global leadership?



Mariah Zeisberg
Associate Professor of Political Science
University of Michigan

 Kinder Institute on
Constitutional Democracy

 Political Science
University of Missouri

democracy.missouri.edu

With the election bringing questions about the recent history of U.S. global influence and international shows of force to the fore, University of Michigan Associate Professor of Political Science **Mariah Zeisberg** opened her September 20 Constitution Day lecture by noting that these circumstances make the iron hot for assessing how shifts in the balance of power between the president and Congress since World War II have affected the nation's status and behavior as a global leader.

In further unpacking the objective of her talk, Prof. Zeisberg lobbied against relying too heavily on the conventional approach of examining and critiquing matters related to the separation of powers in terms of constitutionality. For better or worse, the fact is that the United States has amassed a vast and transformative amount of extra-territorial power and responsibility, particularly over the past century. Accepting the reality of the U.S.'s current global leadership position, Prof. Zeisberg argued, might allow us to re-frame questions about the separation of powers in such a way that discourse becomes more animated by political creativity and, in this, aspires to ideas and solutions that more adequately address the complex issues presented by the United States' influence over peoples who are not subject to its domestic laws.

As she would explain, the need to advocate for more innovative methods of assessing the present state of U.S. global influence is due in large part to the fact that the nation has not always wielded its extra-territorial power particularly well (and at times has wielded it disastrously). With regard to the nation's international failures, Prof. Zeisberg posited that they have often stemmed from the legislative and executive branches being united somehow in constitutional violations. During the early- and mid-19th century, for example, the branches acted as a unified front to wage genocidal war against Native American populations without abiding by the constitutional mandate that war be declared or the moral tradition, derived from the Declaration of Independence, that the just causes for war be acknowledged. Similarly, during the era of profit-seeking "imperial adventure" in the late-19th and early-20th centuries, Congress remained quiescent as a fact-pattern of modest grievances repeatedly triggered instances of presidential foreign intervention that resulted in gross human rights violations. In these and other instances, there was no clarification of the stakes of or variances in executive and legislative authority; there was no public deliberation over international exertions of force; and there was no respect for the autonomy of foreign audiences. The nation's foreign affairs successes, Prof. Zeisberg added, can also be examined through the lens of the separation of powers in so far as they often arise when one branch (typically the legislature) is eclipsed to fair results. The creation of the United Nations and the

subsequent promotion of global liberalism, for example, traces back to an instance of institutional creativity that privileged presidentialism.

One of the many things that Prof. Zeisberg's examination of a broad shift towards presidentialism revealed was the importance of legislatures on both a domestic and a global scale. By putting off abstract, theoretical conceptions of legislative power, and by using both Locke and recent scholarship on bicameralism as touchstones, she showed how we can see the degree to which the legislature is the institution whose vitality is most closely bound to its functionality—an institution, Prof. Zeisberg stressed, uniquely borne out of and most responsive to the needs and creative energy of the people. Re-grounding our understanding of the legislature in these practical terms could, she went on to argue, have profound implications for our thinking about the United States' extra-territorial responsibilities. Specifically, and as an example of the kind of institutional innovation that has often been at the root of large-scale progress, she applied this line of inquiry to envisioning the creation of a new governing body tasked with advising the president and Congress on matters of extra-territorial significance. Composed of U.S. citizens as well as citizens of those nations over which the U.S. wields influence, she described how an institution like this one might have the potential to bring to light many of those issues that the nation has long addressed inadequately: it would stoke globally aware public debate and deliberation; it would bring transparency to the United States' exertion of its foreign influence; it would strengthen the link between global public law and global political processes as well as multiply the forums for addressing and the diversity of voices contributing to discourse on international affairs. In thinking through the pragmatic relationship between self-expansion and productive contribution that energizes legislatures, we might, she concluded, create a body motivated by and accountable to a global notion of public good.

A photograph of Mariah Zeisberg, a woman with dark hair and glasses, wearing a white shirt with red floral patterns. She is standing behind a black podium, smiling and looking towards the audience.

A photograph of two men in dark suits standing and talking. The man on the left is wearing glasses and has his hands clasped. The man on the right is older with grey hair and glasses.

A photograph of Mariah Zeisberg in a lecture hall, standing at a podium and addressing an audience. A large projection screen behind her displays the same graphic seen on page 12, including the title "OUR GLOBAL CONSTITUTION: U.S. IMPERIALISM AND THE SEPARATION OF POWERS" and the date "SEPTEMBER 20 3:30 P.M. 410 JESSE HALL". The audience is seen from behind, seated in rows of chairs.

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CO-SPONSORED NEH LECTURES

Price Sloan Symposium Opening Remarks

Kansas City, Missouri Mayor Sly James

In his introductory remarks for the first annual Price Sloan Symposium for Media, Ethics, and Law, Kansas City Mayor **Sly James** posed a question that, at first blush, seemed to stand somewhat at odds with the symposium's focus on First Amendment rights: Can free speech help remove the wedge that has been driven into contemporary American society, Mayor James asked? And, in this, can it help revive a moral commitment to approaching public policy with compassion and common sense? His answer: Maybe.

Far from a challenge to free speech and expression, though, Mayor James' question would prove essential to his examination of forms of communication that fuel ideological and political polarization and, in this, that obstruct culturally aware policymaking. Using Missouri's recently passed Senate Bill 656 as a touchstone, he discussed how, in manufacturing a dogmatic pro-Second Amendment/anti-Second Amendment binary, the various parties influencing current discourse on gun ownership have effectively closed down the potential for any productive discussion in Jefferson City about the unique needs of different communities and the unique obstacles they face when it comes to gun laws—for example, how a law drastically reducing restrictions on gun purchase, ownership, and possession might have a vastly different and more catastrophic effect on the state's urban centers versus its rural communities.

As for what has led to the current environment of conflict, Mayor James noted that the drivers of this polarizing discourse are many: big businesses tied to constitutional carry legislation that profit from promoting an urban/rural cultural divide; media outlets that reinforce viewers' partisan beliefs and distemper by propagating a message that "whoever is not us is an enemy"; politicians at all stops on the party spectrum who eschew sincere issue advocacy out of fear that they might alienate contributors and thus jeopardize their chances for re-election and career advancement. With regard to solutions, he concluded by noting that the process of repairing public discourse will require that college campuses and law schools lead a free speech renaissance by modeling the kinds of spirited, civil debates about the merits and demerits of legislation that are sensitive to cultural differences and thus have the potential to mend the rifts that currently plague us.

Free Speech on Campus: A Challenging Time for Universities

Professor Geoffrey R. Stone, University of Chicago Law

As Prof. **Geoffrey Stone** noted in the introduction to his keynote address, which was delivered by University of Missouri Professor of Law **Robert H. Jerry II**, the crossroads at which institutions of higher learning nationwide currently find themselves is at least a somewhat familiar one. Even after the 1870s intellectual revolution in universities led to new emphasis being placed on the preservation of non-traditional ideas, the "pall of orthodoxy" continued to periodically cast a long, obstructive shadow over academic freedom. Big business was behind it in the 1890s; un-patriotic dissent and even indifference became fireable offenses in the WW I-era; following McCarthy's lead, Yale President Charles Seymour declared in 1949 that "there will be no witch hunts at Yale, because there will be no witches."

What has changed in today's environment, though, Prof. Stone explained, is that it's now the students themselves, rather than administrators or donors, who are demanding censorship. As discussion on campuses about the right to free speech has slowly morphed into discussion about the right to be shielded from free speech, universities face a number of questions, chief among them how to balance what are perhaps their two most vital functions: fostering a learning environment that acknowledges and champions the dignity of all individuals within it while also supporting intellectual inquiry and the free exchange of ideas with the broadest latitude possible.

As Chair of the University of Chicago Committee on Freedom of Expression, Prof. Stone was recently in a position to grapple with this question, and he devoted much of the remainder of his talk to outlining and explaining the Committee's report on these matters, published in August 2016 and already adopted by a number of other universities and colleges around the United States. "It is not the proper role of the University," the report reads,

to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

In terms of the philosophy underlying the Committee's conclusion that unpopular speech must not be equated with unsafe speech—the conclusion that the university's role is to support the free advancement of all ideas and, in this, to encourage fearless and vehement discussion and debate—Prof. Stone (citing Oliver Wendell Holmes) noted first that it is important that we remain at all times aware that certainty is quite different from truth. We must, that is, be at all times willing to let that about which we are certain be challenged and questioned, so if we're wrong, we might be proven so. He also pointed out that suppression breeds further suppression and that calls to censor views we find offensive invites like treatment of our own free expression.

Prof. Stone's remarks concluded with the acknowledgment that marginalized groups often bear the heaviest burden of this kind of free speech and exchange and that it is thus the responsibility of the university to not only demand sensitivity from all individuals engaged in debate over contested ideas but also to encourage at all costs members of these marginalized groups on campus to condemn in vehement terms ideas to which they are opposed. In all cases, he noted in ending his talk, the goal of the university should be to develop tough critics and fearless advocates and to put students in positions where they will be able to win the intellectual and political battles they will have to fight after leaving college.

Co-presented by the MU Schools of Law and Journalism, the symposium was made possible by an endowment established by alumnus Price Sloan and also included a September 16 keynote debate featuring CNN Political Analyst Kirsten Powers and CNN Political Commentator and Columnist Sally Kohn and a series of roundtable discussions on free speech on college campuses as it relates to the sub-topics of "Law & Culture," "Social Sciences," and "Student Press."



The Demise of ‘Fact’ in Political Discourse

University of Pennsylvania Professor of Communication Kathleen Hall Jameison

It would be understandable, Prof. **Kathleen Hall Jameison** noted in introducing her September 23 distinguished lecture, if people read her title and arrived expecting a talk on candidate rhetoric in 2016. Understandable, she added, but in this case, off the mark. While the current media landscape certainly abounds with what she termed “fact-challenged political advertising,” the focus of her lecture would not be on the immediate impact of these kinds of ad campaigns on this year’s elections but instead on the broader question of whether or not duplicitous advertising can affect elected officials’ capacity to govern. Using the 1988 presidential campaign as one of two primary case studies, she answered this question with an emphatic ‘yes.’

In the lead-up to the ‘88 election, spurred by a horrific crime committed by furloughed prisoner William Horton, a TV ad ran that outed Democratic candidate Michael Dukakis for his “soft” stance on crime by attacking him for supporting a program that, at least according to the commercial’s dire voiceover, recklessly granted violent criminals weekend release. As we might expect, a rebuttal ad attacking Republican candidate George H.W. Bush on more or less the same grounds shortly followed. In unpacking the ways in which the advertisements from both sides were fact-challenged and the consequences of their deceptiveness, Prof. Jameison singled out how they wholly ignored both the actual literature on the efficacy of furloughs as well as the actual furlough data in Massachusetts and Texas. Specifically, by falsely presenting incidents like Horton’s crime as typical outcomes of prisoner release—decidedly not the case—the ads obscured the overwhelmingly positive relationship between furlough programs and recidivism rates. The result, of course, was that publicly supporting these programs became an enormous liability for governors seeking re-election, leading to a 59% decrease in the number of furloughs granted in the U.S. despite the fact that, it warrants repeating, furloughs had been proven to be highly successful in decreasing the number of released prisoners who relapse into criminal behavior. In other words, as the aftershocks of national political messaging trickled down, a very real fear of castigation at the polls had a significant effect on state-level governance and policymaking throughout nation.

There are a number of specifiable factors, Prof. Jameison went on to explain, that contribute to the likelihood of deceptive advertising having this effect: the ease with which message can be traced to action; whether or not the deception is consistent with party heuristics; evidence of media magnification; and, perhaps most importantly, whether the evocative claim naturally elicits a rebuttal that is abstract and thus far less convincing to a generally inattentive electorate. At the same time, there is some degree of overlap, she noted in concluding her talk, between these specifiable factors and the ways in which we might go about minimizing the likelihood that deceptive advertising will work. While data alone often fails to displace misinformation, when paired with an evocative counter-narrative, it can activate a chain of corrective mechanisms.

The author or co-author of 15 books and hundreds of scholarly articles, Prof. Jameison serves as Elizabeth Ware Packard Professor of Communication at University of Pennsylvania and as Walter and Leonore Annenberg Director of Penn’s Annenberg Public Policy Center. The Kinder Institute co-sponsored this lecture with the MU Department of Communication, the Reynolds Journalism Institute, and Mizzou Advantage.

ACADEMIC WORKSHOPS

With a beautiful seminar room now at our disposal, we’ve been able to ramp up programming for our Friday Colloquium Series/“Pursuit of Happiness Hour,” starting with our two new Postdoctoral Fellows in History, Skye Montgomery and Billy Coleman, presenting snapshots of their doctoral research during September.

Kin Beyond the Sea: The Politics of Anglo-American Kinship in Southern National Identity, 1830-1890

Kinder Postdoctoral Fellow in History, Skye Montgomery

As **Skye Montgomery** noted when opening her September 2 talk, while articulating political dissatisfaction through transnational modes of self-identification is nothing new—“I am moving to Canada if [fill in the blank]” being today a ubiquitous means of venting frustration for liberals and conservatives alike—this tradition was especially alive in the nineteenth-century American South, when growing sectional tensions resulted in southerners drawing on metaphors and narratives of Anglo-American kinship to craft an alternative mode of forging national identity.

This perceived familial bond with England, Prof. Montgomery explained, was expressed in multiple ways and with varying degrees of legitimacy. On one hand, southerners found points of connection in language and literature, eschewing native authors in favor of claiming Shakespeare, Herbert, and Sir Walter Scott as literary kin and asserting that southern dialect cleaved far more closely to the grammar and diction of the mother tongue than did its peculiar northern counterpart.

Far more significant, though, Prof. Montgomery added, were the ways in which they rooted their kinship with England in biogenetic logic as well as in what they saw as shared political and religious institutions. They emphasized the Methodist and Episcopalian churches as being descended from the Church of England; they argued that the South’s commitment to liberality and liberty mirrored British political sentiment and principles in ways that Northern extremism never could; they drew connections between the institution of slavery and Great Britain’s former baronial system in spite of England’s overwhelming anti-slavery attitude; and they traced it all back to sharing a racial stock with the British that northern citizens did not.

The objective of proving kinship was not simply to solidify a national identity devoid of northern ties. Transnational affiliations were also crafted in hopes that they might generate a sense of reciprocal responsibility across the sea and result in diplomatic acknowledgment of and financial assistance for the Confederate States during the Civil War. This support never materialized, of course, but the language of kinship persisted in the decades following the War, as Southerners never fully confronted the various fabrications on which their trans-Atlantic family was founded.

PUNCH, OR THE LONDON CHARIOT—JULY 6, 1861.

NAUGHTY - JONATHAN.

“YOU SHAN’T INTERFERE, MOTHER—AND YOU OUGHT TO BE ON MY SIDE—AND IT’S A GREAT BLAME—AND I DON’T CARE—AND YOU SHALL INTERFERE—AND I WON’T HAVE IT.”

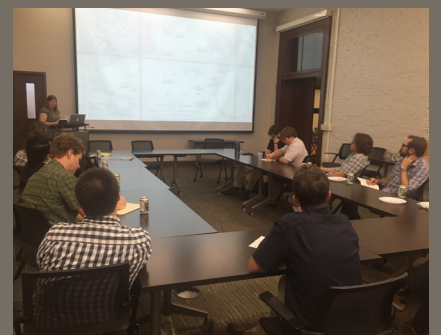
KIN BEYOND THE SEA:

The Politics of Anglo-American Kinship in Southern National Identity, 1830-1890

In recent years, scholars have delineated the political uses of Anglophobia in the nineteenth-century United States, yet the role played by Anglophilia remains comparatively little understood, especially in the South. Even as pro-slavery apologists decried the hypocrisy of British abolitionists, white Southerners exhibited a profound reverence for the former Mother Country that found expression most frequently in metaphors of family relationships. This paper, and the larger project it represents, examines the ways in which Southerners drew upon a language of kinship with Great Britain predicated on both biogenetic and cultural factors to legitimize competing national projects in the Civil War era and beyond.

Skye Montgomery, Kinder Postdoctoral Fellow in History
September 2 3:30 p.m. 410 Jesse democracy.missouri.edu

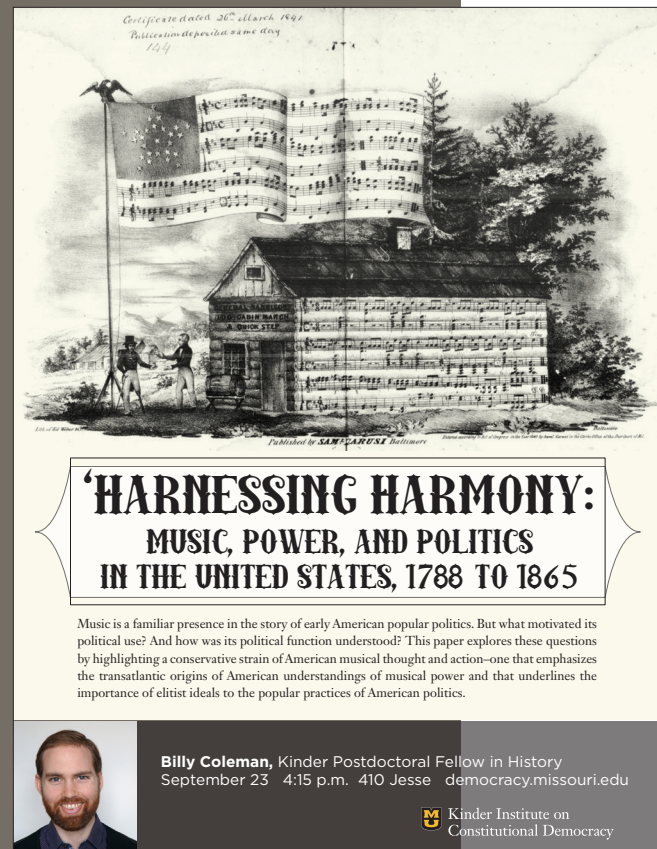
Kinder Institute on Constitutional Democracy
University of Missouri



Harnessing Harmony: Music, Power, and Politics, 1788-1865

Kinder Postdoctoral Fellow in History, Billy Coleman

Among many other salient points, one thing that recent protests surrounding the national anthem have shown us is the degree to which patriotic music is by no means an ideologically neutral form of cultural production. As Kinder Postdoctoral Fellow **Billy Coleman** argued in introducing his current book project during a September 23 colloquium, the political utility and heft of the American songbook in fact traces back to the early Republic, when music was firmly embedded into the narrative of the development of cultural and political life in the United States. Scholarly approaches to understanding music's significance to this development, Prof. Coleman went on to explain, have traditionally and admirably minimized a top-down power dynamic and instead focused on the ways in which song often gave political voice to marginalized peoples. While acknowledging the wealth of important information un-earthed by this line of inquiry, he noted how one collateral effect of this approach is that it tends to understate how reckoning with the function of music in the early-to-mid nineteenth century also requires acknowledging the significance of a conservative, Federalist counter-narrative.



Billy Coleman, Kinder Postdoctoral Fellow in History
September 23 4:15 p.m. 410 Jesse democracy.missouri.edu



for tamping down radical ideas and re-routing democracy onto a more conservative path to moral improvement. In fielding questions about his research after the talk, he added that the inverse of this equation likewise proved true later in the nineteenth century, when utopian radicals themselves turned to song to present their causes in a more palatable, because tempered, light.



And for anyone interested in exploring the ins-and-outs of music in the early Republic, Prof. Coleman generously put together a playlist of must-listens from the era.

1. “A Toast” (1788), Francis Hopkinson
2. “Adams and Liberty” (1796), Robert Treat Paine
3. “Hunters of Kentucky” (1815), Samuel Woodworth
4. “Tippecanoe and Tayler, Too” (1840), Alexander Coffin Ross
5. “Lincoln and Liberty” (1860), Jesse Hutchinson, Jr.

Fall 2016 Missouri Regional Seminar on Early American History

The other staple of our academic workshops programming, the Missouri Regional Seminar on Early American History will convene twice during the Fall 2016 semester, once in Columbia on October 7, and again in St. Louis on November 4. For the Columbia meeting, Pacific Lutheran Visiting Professor **Sung Yup Kim** will present on how the 1754 Five Pounds Act drew out contentious debate regarding legal development between conservative elites and the popular masses in colonial New York. Participants in the November meeting will discuss Southern Illinois University-Edwardsville Assistant Professor **Robert Paulett**'s recent research on how the Proclamation of 1763 and the acquisition of Florida reflect a British aesthetic of nation and empire that emerged in the middle decades of the 1700s.

September Colloquium Series programming concluded while the newsletter was going to print, with Graduate Fellow Jonathan Jones giving a talk on his dissertation, which focuses on how fur traders helped shape the political economy and extend the federal government's reach in the early Republic.



KINDER FACULTY IN THE NEWS

A cyclical lesson in inversely proportional relationships here at the Kinder Institute, as the number of days before an election dwindles, the volume of media requests for Kinder faculty to provide analysis starts to tick up accordingly. In recent weeks: Kinder Institute Chair in Constitutional Democracy **Jay Sexton** spoke with *USA Today* about the role expat voters have played in recent presidential elections and whether that contingent is likely to influence the 2016 race; Political Science Professor and core Kinder Institute faculty member **Marvin Overby** sat down for an interview with Newsy on the history of Democratic party loyalty among African American voters and also lent his expertise on the rise of voter micro-targeting this election season to our local ABC affiliate; and the *Kansas City Star* reached out to Political Science Professor and Kinder affiliated faculty member **Peeverill Squire** to comment on Missouri's status as a potential battleground state. And in non-election-related (but still relevant) news, Kinder Institute Director **Justin Dyer's** new book, *C.S. Lewis on Politics and the Natural Law*, was reviewed by Peter Wehner in the September 24 *New York Times*.

Links to each of these stories can be found in the News section of the Kinder Institute website at, democracy.missouri.edu

UPCOMING EVENTS

For anyone in or around the Columbia area, our October calendar will be roughly as packed as our September one, and we encourage all to join us at one of the following events.

October 4: Free screening of *Strange Victory* (1948) as part of our "Democracy at the Movies" film series (RagTag Cinema, 10 Hitt Street, 5:30 PM)

October 5: "Why Scalia Was Right in *Smith*," NEH Lecture with University of Notre Dame Tocqueville Associate Professor of Political Science **Phillip Vincent Muñoz**

October 7: Live taping of early American history's leading podcast, the JuntoCast (Jesse Hall 410, 2:00 PM)

October 14: "Red Tails, Black Soldiers, and the Civil Rights Movement," Black Studies Conference Keynote Lecture with Emory University Professor **Carol Anderson** (Leadership Auditorium, 6:00 PM)

October 27: "On the Future of the American Left," NEH Lecture with University of Pennsylvania Prof. **Adolph Reed** (Mumford Hall 133, 5:30 PM)

And to give a brief November preview, Prof. **Jay Sexton** will give his inaugural chair lecture on November 1 at 4:00 PM in the Great Room at Reynolds Alumni Center, and we will host Notre Dame Research Professor **Donald Drakeman** on November 10 at 12:00 PM in Stotler Lounge for a lunch lecture on the importance of the humanities in contemporary society. Reservations for either event can be made by contacting Kinder Institute Communications Associate Thomas Kane at KaneTC@missouri.edu.



STUDENT VIDEO

Stay Tuned: Thanks to the incredibly gracious help of students and faculty, we're making the last push to complete a promo video for our undergraduate programs, which we hope will launch with our revamped website in early October. Trust us, it's worth the wait.

