



KINDER INSTITUTE
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | FALL 2018



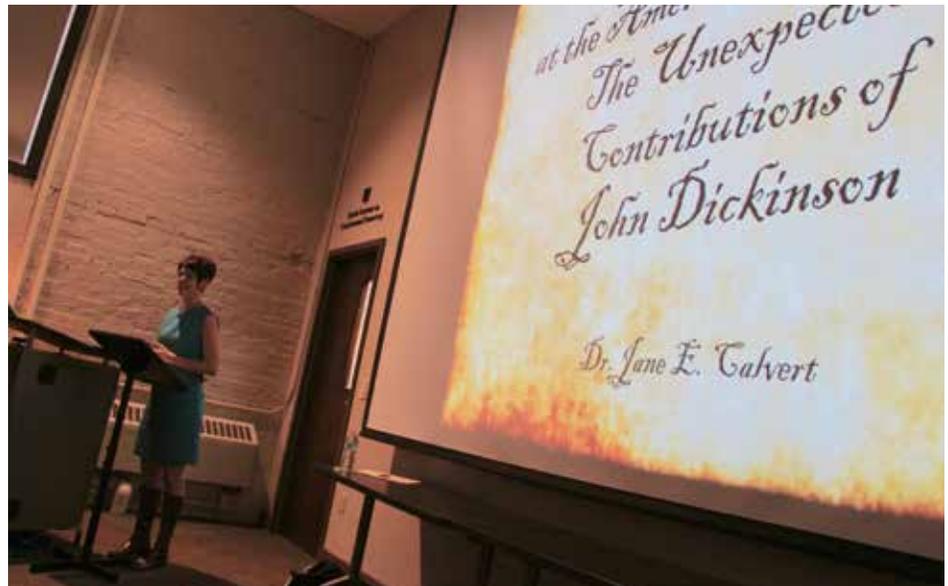
The COLUMNS



Spare Fridays are getting harder and harder to come by at the Kinder Institute. As are seats at our (almost) weekly Colloquium Series, which brings professors, graduate and undergraduate students, and community members together for faculty presentations on ongoing, or recently wrapped up, research projects.

What follows on pp. 6-9 are recaps of half of the eight colloquia that we hosted in Jesse 410 this semester, which featured faculty from as far away as Anchorage and as close as Jesse 411 giving talks on everything from new takes on Jackson's Bank Veto to the post-World War II roots of today's hyper-partisan political culture. We'll be back in the Winter 2019

Continued on page 6



There are always a series of firsts that come with the start of the fall semester. The first group photo of the Society of Fellows, taken on the steps of the Tiger Hotel (the first, it should be added, of many, given what seems like our Fellows' year-in-and-year-out resistance to all looking at the camera at once). And then there's the first talk in the new school year's History Colloquium series, the first official class session in the Kinder Institute seminar room, and the first wave of people to come looking for a master key after they locked themselves out of their offices.

These are annual traditions that we've become familiar with, but there was an additional first this fall that we were trying out fresh. As a result of the generosity of a pair of longtime friends of the Kinder Institute, we were able to satisfy the 2004 federal law that all publicly funded educational institutions provide programming on the history of the American Constitution on September 17 in an entirely new way: with our inaugural **James E. Fleming & Linda C. McClain Constitution Day Lecture**. For loyal readers of *The Columns*, those names likely ring a bell. Profs. Fleming and McClain, who respectively serve as the Honorable Paul J. Liacos Professor of Law and Professor of Law and Paul M. Siskind Research Scholar at Boston University, are frequent visitors to Columbia, having given talks and led workshops over the years on everything from the "ghost" of *Lochner v. New York* to the legacy of *Loving v. Virginia*. And now in addition to sharing their cutting-edge research on American constitutionalism and legal history with us, their endowed Constitution Day lecture will provide other scholars around the globe with the ability to do the same.

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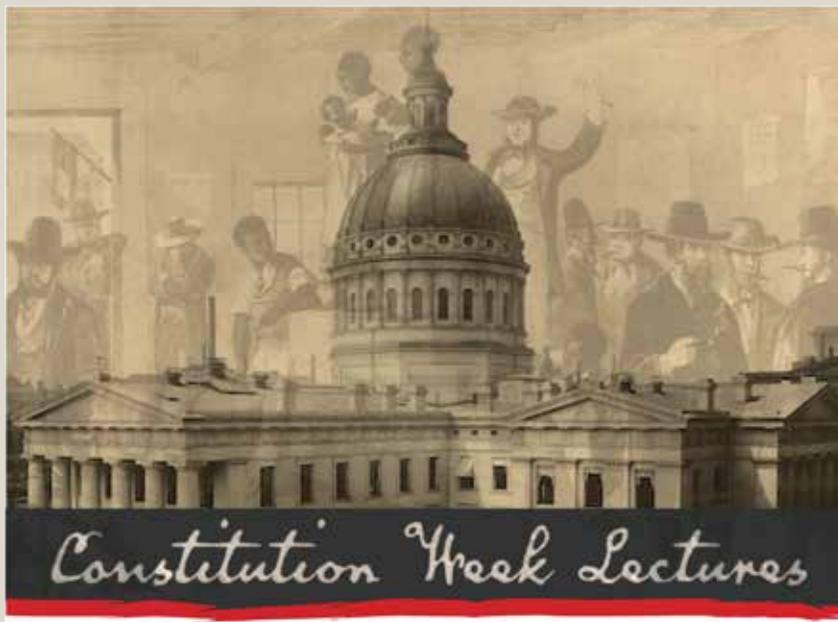
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Our utmost gratitude to Profs. McClain and Fleming for starting this new tradition, and we hope that everyone will read on to find out more about our first take at honoring this incredible gift.



Constitutional Principles and America’s Original Sin

University of Texas Professor of Government Gary Jacobsohn

The prevailing conception in the United States, Prof. **Gary Jacobsohn** noted in opening the inaugural James E. Fleming & Linda C. McClain Constitution Day Lecture, is that we are a nation constituted by our constitutional principles. The U.S. Constitution, the story goes, is the ur-text of a civic religion, a vital, formative component at the very heart of American national identity. That this reverential narrative *exists* is undeniably true; whether the narrative is entirely true, however, is up for debate.

Over the course of his September 17 talk, Prof. Jacobsohn laid out how a comparative examination reveals that the U.S. Supreme Court—and thus the U.S.—in fact has a far more equivocal relationship with constitutional principles than a number of other nations. Take the case of India. The basic structures doctrine in its constitution, which stipulates that some features of the constitutional project are so integral that they must remain immune from change, is very much derived from Article IV of the U.S. Constitution, which “guarantee[s] to every State in this Union a Republican Form of Government” (the Guarantee Clause). But whereas, in India, this principle is applicable at or to all levels of government, the U.S. Supreme Court, beginning with *Luther v. Borden* (1849), has repeatedly interpreted the Guarantee Clause in a way that limits, rather than extends, its application. As Prof. Jacobsohn explained, understanding the origins of the ruling in *Luther* is critical to fully grasping the decision’s jurisprudential significance. That the Guarantee Clause was deemed non-justiciable—that the Court determined it could not define for or dictate to a state what republican principles were constitutionally immutable—was not only a victory for



federalism but one that was pregnant with relevance to slavery. John C. Calhoun in particular saw Luther's petition to expand the franchise in Rhode Island via republican appeal as a threat to slavery. In turn, he saw the decision as a defense of the institution in so far as it protected states' rights against the threat of federal meddling and, in doing so, cut off at the knees the abolitionist argument that slavery was unconstitutional because it repudiated the republican principles that were outlined in the Declaration of Independence and subsequently incorporated in Article IV.

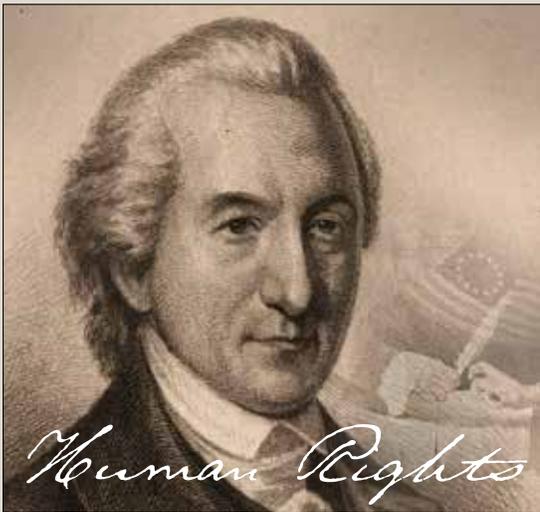
And Prof. Jacobsohn pointed out that this was neither the first nor the last time that regime commitment to federalism constrained the reach of constitutional principles. In 1833's *Barron v. Baltimore*, the Court unanimously ruled that the Bill of Rights' 5th Amendment did not apply to state governments, while the 20th and 21st centuries have seen a number of pro-state sovereignty decisions compromise the mandates of the 1965 Voting Rights Act. And whether directly or indirectly—*Barron*, like *Luther*, was seen as a blow to abolitionist arguments—these and many other instances show how the Court's commitment to preserving federalism often traces back to the historical blight of racial injustice in America.

In addition to this question of federal vs. state applicability, Prof. Jacobsohn went on to note how questions of public vs. private applicability likewise underscore the United States' comparatively limited reliance on constitutional principles. For example, he described a recent ruling in Germany that found constitutional provisions regarding human dignity and freedom to be both vertically and horizontally enforceable (a) as a "juridical *coup d'état*" for the universal constitutional protection of the highest republican ideals; and (b) as an instance of extending constitutional principles un-matched in U.S. jurisprudence. 1989's *DeShaney v. Winnebago County* was one of many decisions he turned to in illustrating how, in accordance with state action doctrine, the United States' high tribunal has upheld the interpretation that the protections, rights, and privileges established by the 14th Amendment apply to and restrict state and local governments but *not* private entities (i.e., that equality and citizenship are enforceable vertically, but *not* horizontally).

Though *DeShaney* might appear cleansed of any connection to America's original sin, there is no doubt that the limited reach of foundational principles that it and other contemporary decisions advance carries the stain of a history of racial injustice that, in terms of the Constitution, can be mapped as far back as the unamendable protection that the framing document provided to the slave trade. Because of this tainted connection, Prof. Jacobsohn closed, we should revisit the narrative with which his lecture began and which has become so widely accepted—the narrative that national identity is so inextricably intertwined with the Constitution. In its place, he posited, we should perhaps consider what Yale University Knight Professor of Constitutional Law Jack Balkin has proposed: that the Declaration of Independence is our Constitution, and that its dedication to the proposition of liberty is what we are truly constituted by.

Prof. Jacobsohn pointed out that this was neither the first nor the last time that regime commitment to federalism constrained the reach of constitutional principles. In 1833's Barron v. Baltimore, the Court unanimously ruled that the Bill of Rights' 5th Amendment did not apply to state governments, while the 20th and 21st centuries have seen a number of pro-state sovereignty decisions compromise the mandates of the 1965 Voting Rights Act.





*Human Rights
at the
American Founding*

Jane Calvert
Associate Professor of History at University of Kentucky
September 21 3:30 p.m. Jesse 410



 Kinder Institute on Constitutional Democracy
University of Missouri
democracy.missouri.edu

Human Rights at the American Founding: The Contributions of John Dickinson

University of Kentucky Associate Professor of History Jane Calvert

As University of Kentucky historian **Jane Calvert** noted in setting up her Constitution Week-concluding talk at the Kinder Institute, the United States was the first nation founded on the modern notion of rights for all, and rhetoric surrounding human rights has remained since then as a bedrock of American political discourse. But underscoring points like these belies the much larger point of how undefined, complicated, and unmoored this discourse has historically been in the U.S. Particularly if we roll the tape back to the era of the nation's birth, there is little understanding—or, at the very least, little agreement—about what, exactly, the Founders thought about the subject of rights. And what we can agree on—that their ideas were amorphous and dubiously applied, to be generous—bears little resemblance to discussion of rights today.

Which brings us to the subject of the September 21 talk: Delaware/Pennsylvania statesman John Dickinson, who Prof. Calvert positioned as being miles ahead of other leading founders in his radical (for its time) conception of human rights—so ahead and so radical, in fact, that his contributions to rights discourse were summarily dismissed by contemporaries and first-wave historians alike. (Note: in terms of who qualifies as a “leading founder,” Prof. Calvert included Adams, Jefferson, Franklin, Washington, Madison, and Hamilton, along with Dickinson).

As a frame of reference for Dickinson's contributions, she explained how, prior to and immediately after the Revolution, the going definitions of rights and rights-holders in America fell closely in line with the British's

exclusionary construction of the “Rights of Englishmen,” which traces back as far as the Magna Carta. And the Declaration of Independence’s bold proclamation that “all men are created equal”—a “salutary myth,” Prof. Calvert argued, but a myth nonetheless—did little to change this. Construing equality in corporate, versus individual, terms, the Declaration extended rights only to white, mainline-Protestant, property-owning males. All that said, there was one group notably pushing back against this highly segmented conception of rights: the Quakers, who believed that equality and dignity, understood as a freedom from ignorance and from worldly oppression of all kinds, were necessary for individuals to be able to realize their ability to experience the light of God. And as Prof. Calvert noted in transitioning to her assessment of Dickinson, his status as a Fellow Traveler who adopted many Quaker beliefs—and, moreover, his status as the only leading founder with close, meaningful ties to the Quaker faith—can serve as a backdrop for understanding just how radical his ideas about human rights were relative to the dominant currents of thought of the founding era.

Dickinson’s innovations are most apparent in regard to his thinking on two matters in particular: rights for African Americans and rights for women. As for the former, though cases have been made for framing Adams and Franklin as anti-slavery advocates, Prof. Calvert vehemently dismissed such claims in heralding Dickinson as the only disinterested abolitionist among the seven leading founders. She noted, however, that it wasn’t until *Somerset v. Stewart* (1772) established that chattel slavery was unsupported by English common law that Dickinson began to express a truly secular and humanitarian concern for enslaved persons, rather than a religiously rooted concern about slavery. And how this concern was expressed would evolve and gather intensity over the course of the two decades after the landmark British case. On one hand, *Somerset* can be seen as a leading factor in Dickinson’s opposing the American Revolution, given that it suggested to him how ending slavery was far more likely under the British constitution than under an undeveloped American legal and political system that was subject to the pro-slavery influence of the southern states. In a view that would take on various, similar tenors over time, it was under this logic that Dickinson deemed the not-yet-united states both the asylum and bane of liberty, claiming that the colonies could not bemoan their own slavery while holding men and women in bondage. During the Revolutionary and pre-Constitution periods, Dickinson would continue to lobby for the rights of enslaved persons brought into and born in the United States. He attempted, if unsuccessfully, to introduce strong anti-slavery clauses into the Articles of Confederation, as well as the constitutions of Pennsylvania and Delaware, and he unconditionally freed his

own slaves, with reparations, in 1786. He remained adamant in his stance on this matter—if equally unsuccessful in his adamancy—during the Constitutional Convention, where he rejected the slave trade on both moral and republican grounds; roundly questioned delegates’ ability to deliberate on a government aimed at preserving liberty while simultaneously withholding it; and openly declared the framers’ insistence on omitting explicit mention of slavery in the Constitution to be a tacit admission of shame.

As for the second arena in which Dickinson’s radicalism made itself known, much to the dismay of figures like Adams—who was utterly vexed that any man would accept the counsel of women—Dickinson’s thinking on everything from theology to politics to law was heavily shaped not only by his Quaker-influenced ideas about equality but, more practically, by the particular ideas of the women with whom he surrounded himself: Susan Wright, Elizabeth Graeme, Mercy Otis Warren, and Sarah and Mary Norris, to name only a few, the last of whom he married and lived with in what Prof. Calvert described as the Norris sisters’ “Quaker poet sorority” at Fair Hill. And in addition to promoting their voices in public discourse and their place in the literary marketplace, Dickinson was also aggressive in advocating for women’s legal and civil rights. For example, as seen in his defense of Rachel Francisco against accusations of infanticide and concealment, Dickinson was committed to advancing ideas concerning women’s equality under the law—as well as ideas about the injustice of the laws that they were singularly subject to—that were unheard of in his time; and in the language of his proposed constitutional provision concerning religious liberty, we see a shrewd attempt to establish for women not only a freedom of conscience but also a freedom of speech and practice that he envisioned extending outward from religious ceremony into society.

Can we call Dickinson a leader, Prof. Calvert asked in closing? That might be a small stretch, if only because of the fact that none of his radical ideas about human rights were actually realized in his time. But we might do well, she concluded, to use him as a marker by which to judge other leading founders and, in doing so, secure his rightful place near the beginning of a lineage of Quaker-influenced rights activists in the U.S. that includes William Lloyd Garrison, Elizabeth Cady Stanton, Dr. Martin Luther King, Jr., and many others.

In addition to Constitution Week events in Columbia, a cohort of students and faculty traveled across the state to attend Kinder Institute Chair **Jay Sexton** and Fall 2018 Distinguished Research Fellow **Lawrence Goldman’s** rollicking back-and-forth conversation in Kansas City that revisited the causes and consequences of Brexit two years after the “referendum heard ‘round the world.”

newsletter with a rundown of the remaining installments in the Colloquium Series, which will officially (and festively) conclude with University of Illinois-Springfield Professor and MRSEAH co-convener **Ken Owen's** talk on his new book, *Political Community in Revolutionary America*.

And speaking of the MRSEAH, we picked up where we left off with that as well, with the first of four AY 2018-19 meetings taking place on September 28 in Columbia, where two dozen scholars of early American history gathered for a lively discussion of Princeton University Assistant Professor of History **Michael Blaakman's** article-in-progress, "The Marketplace of American Federalism: Land Speculation across State Lines in the Early Republic."

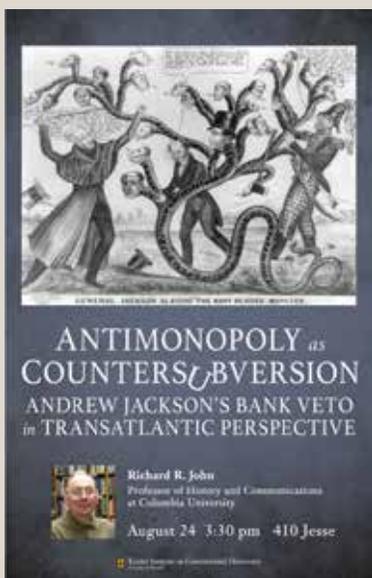
Antimonopoly as Countersubversion

Columbia University Professor of Communications
Richard R. John



As Columbia's **Richard R. John** noted in setting up his August 24 talk at the Kinder Institute—the first in a crowded fall Colloquium Series schedule—Andrew Jackson's 1832 veto of a bill to re-charter the Bank of the United States has long (and rightly) been heralded by historians as a defining act of the age. For Arthur Schlesinger, it embodied the promise of the liberal tradition, while for Charles Sellers, it marked the last, dying protest against the market revolution.

Indicative of a critical lens through which the veto is commonly refracted, analyses like these broadly speak to the degree to which Jackson's rhetoric



about the Bank wove anti-monopolistic concerns into the republican lexicon, presenting monopoly as antithetical to liberty and special interests as antithetical to equal rights. While Prof. John would go on to add additional layers to this reading, he first made sure to acknowledge the truth in it. Philosophically, a large motivation for the veto *was* Jackson's

steadfast belief that a monied aristocracy buoyed by federally-doled out privileges would destroy the morality and virtue of a happily governed republic.

However, as Prof. John focused on for much of the remainder of his talk, the going interpretation of the veto as protecting the welfare of the many against the predatory capitalistic interests of the few tends to suffocate other interesting aspects of Jackson's decision. And perhaps other interesting influences over how the decision was presented to the public might initially be more apt. Prof. John first pointed out how, particularly in the first draft of the veto address and in a circular published after (and in support of) the final, official draft, the heavy, xenophobic fingerprints of Postmaster General Amos Kendall are unmistakable. In each piece, Kendall both names and maligns the British aristocrats who benefited from being bank stockholders, and he doubles down on this anti-foreign animus in the circular by celebrating Jackson for saving the nation from British military conquest in 1812 and from monetary conquest 20 years later.

In addition to ignoring the way in which Anglophobia factored into the rhetoric of the veto—and it should be noted that said Anglophobia was not unique to Kendall but was prevalent during the era; "catnip," Prof. John deemed it—the reading we've fallen back on likewise pushes the influential institutional realism of figures like Roger Taney to the margins. For Taney, the problem was not so much that the state controlled the bank but that it should have been able to exert even more control over it, a form of administered centralization that was not the antithesis of anti-monopolism but rather its consummation. Moreover, Prof. John argued in drawing his talk to a close that the form of administered centralization that Taney promoted was likewise consistent with Jackson's belief that the optimal outcome when it came to the Bank was more government control, not less—and specifically, his belief that we might curb the danger of letting loose a speculative entrepreneurial maelstrom by consolidating more authority in the executive branch.

Chance, Control, and Self-Possession in Anti-Slavery Literature

Fall 2018 Distinguished Research Fellow Lawrence Goldman

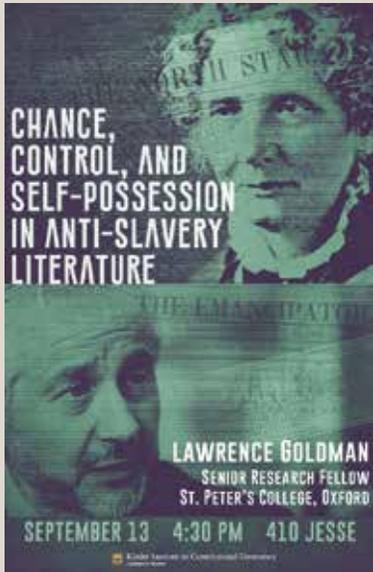
"Arbitrary." "Reversal." "Liable at every moment...to these frightful and unnecessary calamities." The vocabulary of the quotations with which Fall 2018 Distinguished Research Fellow **Lawrence Goldman** began his September 13 colloquium—quotations drawn from the narratives of former slaves Harriet Jacobs, Henry Bibb, and Josiah Henson—spoke to a condition at the heart of his talk: the mutability and precariousness of slave life; the position of being 'at every moment' at the mercy



of events and actions beyond one's own control.

Throughout his lecture, however, Prof. Goldman placed this being always subject to chance in conversation with an inverse condition emerging both in Jacksonian America

and in early-Victorian England: the increased predictability of bourgeois life. Rooted, at least in large part, in the rise of free contracts—as well as respect for their enforcement—this newfound stability took various forms. On both sides of the Atlantic, this era saw the development of institutions, such as well-capitalized banks and insurance companies, geared at taming risk (a



phenomenon that, as seen in the paintings of Thomas Cole, likewise extended to efforts to tame the environment itself). It was also an era in which social science and data collection became prominent mechanisms for asserting some predictive control over life events. The common denominator was a spirit of functional rationalization that Prof. Goldman traced into the 20th-century work of Max Weber and that afforded members of the antebellum bourgeoisie a capacity for self-possession—i.e., a capacity to rationally calculate, independently determine, and freely pursue their own best interests.

And this was a development, Prof. Goldman continued, that had a profound impact on bourgeois understanding of slavery and, in turn, on the rhetoric of both the anti-slavery movement and anti-slavery literature. As he described, a recognition of the contrast between the order of their own lives and the cruel, unpredictable, and despotic power to which enslaved persons were subject led leading anti-slavery figures like Angelina Grimké and Theodore Weld to pursue what they saw as the intertwined higher callings of self-denial and abolitionism. In terms of the world of anti-slavery literature, one person, Harriet Beecher Stowe, stood head-and-shoulders above contemporaries in the detail, sentiment, and clarity with which she represented not only the precariousness of the lives of slaves, but also the brutality and inhumanity with

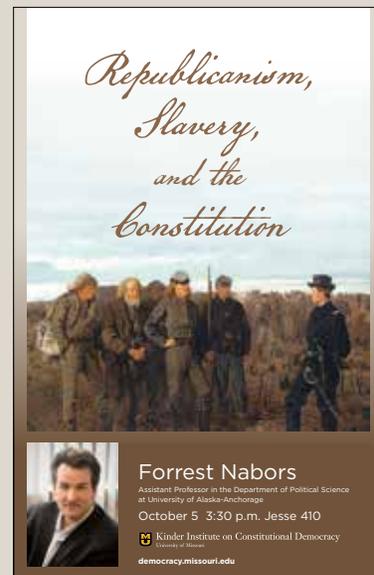
which precariousness was manifested. In a theme common to the anti-slavery genre as a whole, Stowe focused in *Uncle Tom's Cabin* (and elsewhere) on the family unit as particularly insecure, subject to violent fracture based entirely on the changing fortunes, conditions, and concerns of the lives of slave owners. And this contrast between order and disorder—between arbitrary misfortune and being arbiter of one's fortune—would ultimately come to define how emancipation was conceived: both as a freedom from risk and a freedom of rational self-possession.

Republicanism, Slavery, and the Constitution

University of Alaska-Anchorage Assistant Professor of Political Science Forrest Nabors



In late 2017, Prof. **Forrest Nabors** published *From Oligarchy to Republicanism: The Great Task of Reconstruction* as part of the Kinder Institute's *Studies in Constitutional Democracy* monograph series with University of Missouri Press. The book, which went to win APSA's American Political Thought Award for Best Book of 2017, reflects Prof. Nabors' abiding interest in regimes and systems, as he argues in it that antebellum republicans understood slavery as both the greatest direct and greatest indirect threat to a government that derives its authority from the people—first and foremost because it was



a moral blight that violated the ideals articulated in the Declaration of Independence, but also because it was an institution that facilitated structural shifts toward oligarchic rule of the wealthy, slave-owning few.

As he discussed in his October 5 colloquium at the Kinder Institute, his new book project works backward in time from *The Great Task of Reconstruction* to argue that many members of the founding generation likewise saw slavery not only as a flagrant violation of natural rights but also as the most significant impediment to enshrining republican government

throughout the nation. This was readily apparent in New England, where Lockean rhetoric about the universality of natural rights rang out before Locke even began writing, and where, in the years after the Revolution, this republican sentiment was quickly codified in the structure of state governments. Where Prof. Nabors focused his attention, however, was in the late-18th- and early-19th-century mid-Atlantic—particularly, Virginia—where a measure of anti-slavery, republican sentiment was developing in spite of the aristocratic, slaveholding form of government that prevailed in many parts of the region. And he noted how there was some push, even in Virginia, to match sentiment and structure, with figures such as Patrick Henry not only speaking out openly about slavery as a moral wrong but also looking to Massachusetts’ constitution as a model for how to secure republican self-government in the state.

Of course, this observation leaves a stark contradiction unresolved: why Henry and others’ enlightened rhetoric did not result in enlightened practice. Why, that is, did the southerly, state-by-state course of abolition in the years after the Revolution not continue from Pennsylvania to Virginia. As Prof. Nabors pointed out—and as was discussed further in Q&A—scale was certainly part of it. In New York, for example, slave owners held only 6% of the state’s legislative capital and thus had no means of preventing abolition; in Virginia, on the other hand, this number was closer to 40%, and slave owners predictably voted in ways that preserved their own financial self-interest (and, in this, in ways that raised questions about the substance of anti-slavery rhetoric).

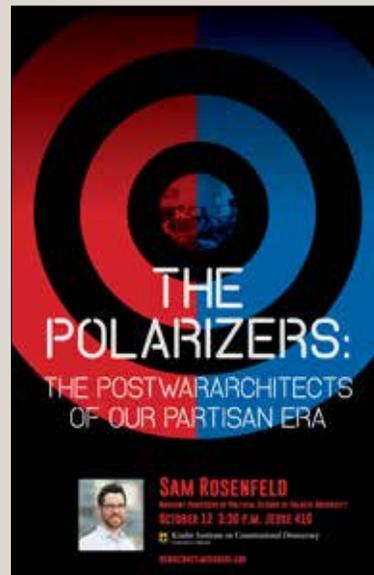
Still, Prof. Nabors argued that there are other aspects to the political narrative of pre-1820 Virginia that often go unexamined and that add dimension to the contradiction noted above. State delegates voted 5-2 at the Constitutional Convention, for example, to develop a national plan to end slavery. Manumission laws in the state were quickly eased after the Revolution. And as America hurtled toward the Missouri Crisis after the transatlantic slave trade was abolished in 1808, Virginia supported a policy of diffusion, which would have legalized slavery in western territories, not out of pro-slavery extensionist sentiment but out of a belief that this would put the U.S. on the path to national abolition.

To call Virginia’s support of diffusion a miscalculation would be an understatement. The 1820 Missouri Compromise, which permitted slavery in certain western lands, would splinter whatever anti-slavery coalition had begun to form between New England and the lower Mid-Atlantic, and the divide would only grow in the decades after, as a younger generation of southern statesmen gravitated toward favoring

and defending slavery over continuing to pursue reform projects that at least had the potential to advance the cause of abolition in the U.S.

The Polarizers: Postwar Architects of Our Partisan Era

Colgate University Assistant Professor of Political Science
Sam Rosenfeld



First, a definition. In recent times, ‘polarized’ has become ubiquitous in political discourse, and it has taken on multiple points of reference as its “star” has risen: a movement to extremes, for example, or a decline in civility. While these versions of the term certainly—too often, detrimentally—exist, Colgate University Professor **Sam Rosenfeld’s** October 12 talk at the Kinder Institute used a more historical lens, defining polarization as a deliberately choreographed sorting of parties by ideology that took place in the post-WW II era.

Though not an official origin point, he traced this phenomenon of polarization—as-“orchestrated gambit”

back to the lead up to the 1944 presidential election, when FDR and Republican hopeful Wendell Willkie mutually lamented that both parties had become hybrids and conspired to re-organize them more firmly along liberal and conservative lines. In spite of their efforts, the era of consensus lingered until the 1970s, when the nation saw a runaway increase in polarization. Still, Prof. Rosenfeld explained, while polarization may not have fully taken hold until the 70s, the need for greater party discipline remained a “live question” in the decades prior, with proponents of a more distinct liberal-conservative divide claiming that bipartisan cooperation thwarted policy goals, blurred lines of political accountability, and muddled voter choice.

As a case study, he then traced these claims into the work of the liberal, amateur activists who made headway in transforming the Democratic party in the post-New Deal era (roughly 1945-1960). For one, he noted how activists drew much of their vocabulary from the arguments of mid-century political scientists, like E.E. Schattschneider, who deemed the local and regional aggregation of party power to be an arcane practice that hamstrung the federal government on issues like civil rights and who, in turn, promoted programmatic, disciplined parties with mutually distinct agendas and coherent plans of action. On the ground, the theories of figures like Schattschneider translated into efforts to disempower Southern Democrats by gaining control of the party in states where it had become weakened and, in states where that wasn't possible, by establishing reform beachheads that lobbied to bring issues of national prominence more to the forefront of party rhetoric.

It was out of these coordinated efforts that larger scale innovations emerged. During his time as DNC Chairman, for example, Paul Butler introduced changes to steer the party toward greater coherence. He promoted the creation of a national council that would promulgate Democratic policy positions in the four years between conventions; and he also

pushed for new protocols in Congress aimed at undermining the pragmatic, consensus-building norms that he found overly timid: the development of an organized whip system, and the elimination of both the filibuster and committees structured around seniority. The Democratic party, Butler hoped, would no longer be seen as one of accommodation, compromise, and attainability, but rather as one of steadfast liberal principles that were clearly distinguishable from their conservative counter-positions.

So why did all of this go off the rails? How did we get from parties of principle to the bitter divisiveness that we see today? As Prof. Rosenfeld discussed at the end of his talk, the problem can be construed as both an institutional failure on the part of the reformers and as an individual failure on the part of voters and elected officials. Institutionally, those who aspired to create a more polarized D.C. falsely assumed that unified party control of the executive and legislative branches would persist. At the individual level, reformers simply underestimated the idiosyncratic laws of political psychology, specifically how severe issue- and party-identification would become and how destructive this would be to preserving any form of civil, deliberative capacity.



A Fire Bell in the Past

As part of the state's Bicentennial Alliance, the Kinder Institute has lent a hand in developing a wide variety of public programs associated with Missouri's upcoming 200th anniversary, including the traveling exhibit previewed here and on pp. 12-14. While most of these programs will be happening elsewhere, one will be taking place on our home field: February 2019's "A Fire Bell in the Past," the first international scholarly conference specifically devoted to re-assessing the Missouri Crisis of 1818-1821.

Convened and organized by Kinder Institute Associate Director **Jeff Pasley**, in partnership with the MU History Department and other members of the Bicentennial Alliance, the conference will be held on February 15-16, 2019, at the Reynolds Journalism Institute and other venues across campus. A sneak preview of some of the conference panels can be found on the following page, and we will update the Kinder Institute website, democracy.missouri.edu, with a full schedule.



In addition to the panels, there will be a series of individual talks associated with the conference, including CUNY Graduate Center Professor, and former MRSEAH presenter, **David Waldstreicher's** February 15 lunch lecture on "How John Quincy Adams Shaped the Missouri Crisis and How the Missouri Crisis Shaped John Quincy Adams."

"A Fire Bell in the Past": Re-assessing The Missouri Crisis at 200

February 15-16, 2019





Panel 1: The Origins of the Missouri Crisis

Chair: Jay Sexton (Kinder Institute/MU History)

- Bobby Lee (Harvard University), “The Boon’s Lick Land Rush and the Coming of the Missouri Crisis”
- Diane Mutti Burke (UMKC), “Jefferson’s Fire-Bell: Slavery in the American Borderlands”
- James Gigantino (University of Arkansas), “The First Compromise: Slavery and the Arkansas Territory, 1819”

Panel 4: Before Dred Scott: Practicing and Debating Black Citizenship

Chair: Daive Dunkley (MU Black Studies & History)

- Andy Lang (City University of New York), “A Second Compromise? Antislavery Politics and the Black Citizenship Debate in the Missouri Crisis”
- Anne Twitty (University of Mississippi), “Litigating Freedom During the Missouri Crisis”
- Mark Carroll (University of Missouri), “The Second Missouri Compromise and the Free Black Struggle Against Constitutional Exclusion in St. Louis, 1829-1861”

Panel 6: The Missouri Crisis in a Wider World

Chair: Alyssa Zuercher Reichardt (Kinder Institute/MU History)

- Peter Kastor (Washington University), “The Multinational History of Missouri Statehood and the Re-imagining of North American Politics”
- Tangi Villerbu (University of La Rochelle), “Ste. Genevieve in 1820: An Atlantic History”
- Martin Öhman (University of Gothenburg), “An Era of a Systematic Contest: Friends of Industry, International Competition, and the Missouri Question”
- Edward Green (Kinder Institute/MU History), “The Shadow of the British: Western Frontier Diplomacy in the Era of the Missouri Question”

Panel 8: The Missouri Controversy and Constitutional Democracy

Chair: Jonathan Gienapp (Stanford University)

- Aaron Hall (UC-Berkeley), “The Missouri Crisis of Constitutional Authority”
- Chris Childers (Pittsburg State), “The Missouri Crisis and the Uncontested Reelection of James Monroe”
- Jason Duncan (Aquinas College), “Southern Influence and African Slavery: Martin Van Buren, Party Building, and the Legacy of the Missouri Crisis, 1819-1836”

FACULTY AND GRAD STUDENTS

“Struggle for Statehood” Bicentennial Exhibit Preview

Much of what happens at the Kinder Institute—and, in turn, much of what’s covered in our quarterly newsletters—is what one might call “front-and-center”: a public lecture hosted in the heart of campus, for example, or a study abroad class that generates buzz across the MU undergraduate population. But it’s also important to note that a lot happens behind the scenes each year, as well, and 2018 has proven no exception to this rule.

Chief among these less visible happenings is one that, when all is said and done, will likely end up being the Kinder Institute’s most extensive and most successful public outreach endeavor yet. Throughout the Spring and Fall 2018 semesters, Kinder Institute Associate Director **Jeff Pasley**, Kinder Institute Assistant Professor **Christa Dierksheide**, and MU History Ph.D. candidate **Lawrence Celani** have been hard at work with Missouri Humanities Council Executive Director **Steve Belko** and Associate Director **Claire Bruntrager** on developing content for “The Struggle for Statehood,” a traveling public history exhibit that will tell the story of Missouri’s pre-admission years from long before European contact through the immediate aftermath of the Missouri Crisis.

“The exhibit opens with the statement, ‘Missouri shook the United States like no other new state before,’ and this is truly the exhibit’s theme,” Bruntrager said. “We want audiences to understand why Missouri statehood was controversial and what the nearly three-year long debate over it meant for the nation. To do this, it was especially essential that the exhibit address the difficult history of slavery in Missouri. It was also necessary that the exhibit lead visitors through the complex political and ideological questions that the Missouri Crisis raised regarding state sovereignty and the constitution.”

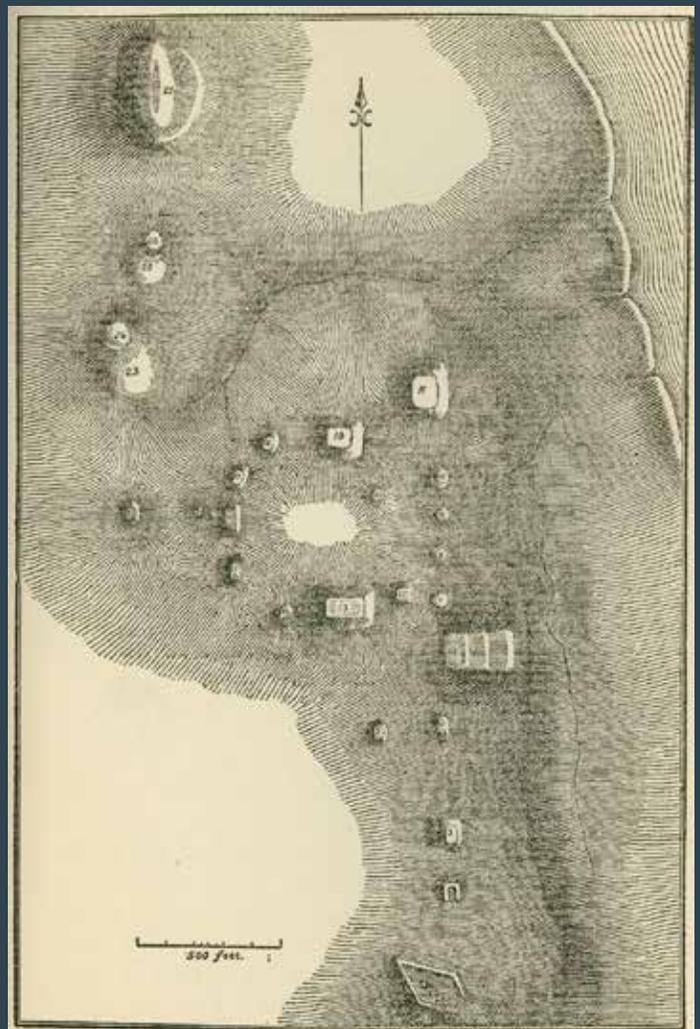
“The project team worked hard to tell this story in a way that was understandable, interesting, and inclusive for all Missourians,” she added, “and we are working now with our exhibit designers to create several graphics that I think will enhance this. For example, we will have a map showing the various boundary lines, proposed in Congress, as borders for slavery. By illustrating what these ‘alternative Missouri Compromises’ would have looked like geographically, we hope audiences will understand how different the future might have been.”

The exhibit will be available for viewing at local museums, historical societies, public libraries, and other non-profit cultural organizations across Missouri communities starting in January 2019 and running through December 2021, with up to

five sites selected annually to host the exhibit for six weeks. But if you can’t wait until then, here’s a *brief* sneak preview of what will be making the rounds in Missouri, come January.

from Missouri’s First Peoples

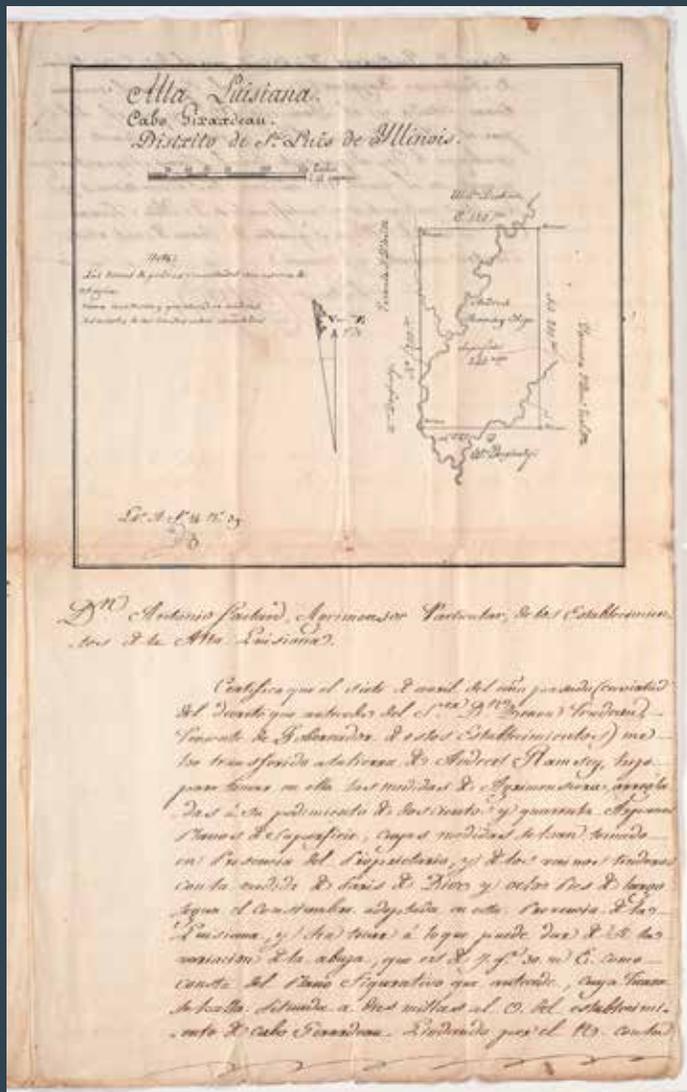
Before Europeans ever arrived in the land that would become Missouri, the region had a long history of being a center of human civilization. The landscape was dotted by hundreds of ceremonial mounds that gave St. Louis its nickname, “Mound City.” Only a few of these mounds remain visible today in places such as Cahokia Mounds State Park Historic Site in Illinois.



The Mound Builders’ descendants, the Missouria, still thrived when the first French explorers arrived in the area. The Missouria farmed along the many smaller rivers and hunted buffalo on the Plains to the west. Culturally and linguistically related to the Sioux peoples farther north and west, the Missouria’s main villages were on the Grand River near present-day Brunswick.

from Colonial Missouri, “The Spanish Interlude”

Negotiations at the end of the French and Indian War left Spain in control of the west bank of the Mississippi. Few Spanish settlers came to the land that became Missouri, and the population of the province remained largely French. During the Revolutionary War, Spain led the defense of St. Louis against a British-sponsored attack in 1780. Nevertheless, Spain struggled to attract settlers to the area, and thus offered land to those who who promised to be good Catholics and loyal subjects of the Spanish crown. Millions of acres were dispensed by Spanish land grants, including some of the best land along the Mississippi River. Eventually, in 1801, Spain sold the Louisiana territory back to France.



Spanish land grants brought men like the great Kentucky pioneer Daniel Boone and the eventual founders of Texas, Moses and Stephen Austin, to the region.

from Slavery along the Mississippi

Slavery in Missouri Territory differed from bondage on sugar and cotton plantations in the Deep South. Most enslaved people in territorial Missouri worked on smaller hemp and tobacco farms, or were leased out in the growing slave market in St. Louis.

Some viewed Missouri’s small-scale slaveholding as more benevolent than the large-scale plantations typical in the south. However, enslaved people in Missouri refuted this claim. William Wells Brown noted the frequent use of the whip on his owner’s plantation in St. Charles. The whip, made “of cowhide, with platted wire on the end of it, was put in requisition very frequently and freely.”



Brown, a Missouri slave, first tried escaping in 1833. He was eventually captured, but later ran away while a steamboat he was working on was docked in Cincinnati. He found his way to freedom in Canada and became a well-known abolitionist writer and speaker. Brown learned to read and write in the St. Louis printing office of the abolitionist newspaper editor Elijah P. Lovejoy.

from Living on the Edge of Statehood, Duels & Violence

Young politicians arrived on the Missouri frontier ready to violently fight their way to the top by any means necessary—beatings, duels, and riots were common. Missouri’s first representative to Congress was John Scott, “who always carried dirk and pistol in his pockets” and was elected by sending soldiers to violently harass the opposing candidate and voters with “fighting, stabbing, and cudgeling.”



One of Missouri’s first U.S. senators, Thomas Hart Benton, used his gun as a political tool as much as his mouth and pen. In 1817, after a drawn-out conflict between Benton and Charles Lucas, the two lawyers engaged in a series of duels on Bloody Island in the Mississippi River. During the second duel, Benton shot Lucas through the heart at ten paces—eliminating a major political and legal opponent.

from The Crisis in Public Opinion, The Anti-Missouri Movement

The Tallmadge Amendment drove a wedge into the country along regional lines. Anti-slavery public meetings on Missouri statehood were held throughout New York, New Jersey, Pennsylvania, Massachusetts, and Vermont, and eventually inspired similar anti-Missouri meetings further west. With black voters standing behind them, anti-Missouri leaders, like House leader John W. Taylor of New York, also spoke against racism.

Although the majority of northerners were not calling for the abolition of slavery where it already existed in the South, the local anti-Missouri movements ardently fought its extension into new territories. Petitions to Washington came from across the north demanding the restriction of slavery in Missouri “in the name of freedom and humanity.” State legislatures

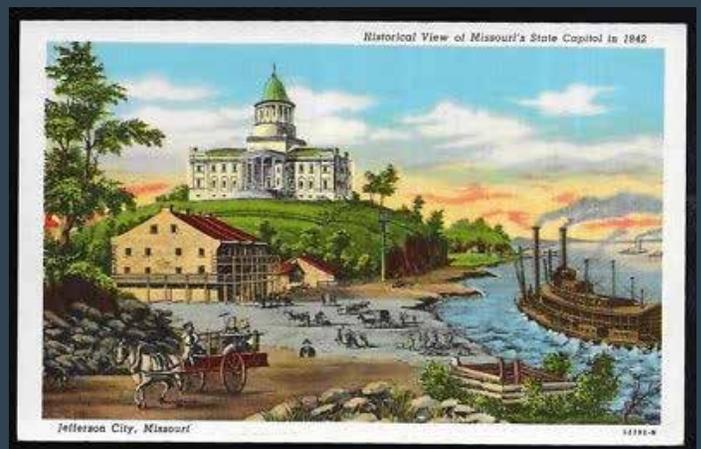
joined the debate, issuing statements reflecting the views of their constituents. These public meetings, petitions, and legislatures’ statements made Missouri’s admission a national question and emerging national crisis.



On November 17, 1819, more than 2,000 people crowded into a ballroom at the City Hotel in New York to denounce slavery as a “great political, as well as moral evil” whose further progress required “interdiction.”

from Aftermath

After nearly two years of debate, Missouri was officially recognized by President James Monroe as the 24th state on August 10, 1821. Geographically, the Missouri Compromise was an awkward solution to the sectional crisis over slavery. The new state’s growing slavery-based economy was surrounded on almost all sides by free territory. Missouri became a constant irritant to the Union, the setting for a series of national events that inflamed the sectional conflict again and again. Missouri became a powder keg helping to ignite the Civil War.



UNDERGRADUATE STUDENTS

On the long-form side of the ledger, we have notes from our two cornerstone undergraduate programs this time around, along with an excerpt from junior Bryce Fuemmeler's article-in-progress for Vol. 5 of the *Journal on Constitutional Democracy*. But that's far from all of our undergraduate news. We just closed applications for both the 2019 D.C. summer cohort and the intrepid group of historians who will traverse the Atlantic with Kinder Institute Chair **Jay Sexton** for the study abroad component of the Spring 2019 "Global History at Oxford" course, and also recently bid a fond (and temporary) farewell to senior English, History, and Political Science major **Sarah Jolley**, who left Columbia in late September to spend the Michaelmas term at Corpus Christi College, as the first ever participant in our Oxford Fellows program. And in addition to all of this, Kinder Institute Advisory Board Member and Political Science Professor **Jay Dow** re-launched the Jefferson Book Club in August, with students spending the fall exploring how the term 'liberty' has been used throughout American history; Kinder Institute Postdoctoral Fellow **Luke Perez** officially inaugurated our first class of Kinder Summit participants in a mid-September organizational meeting; and we hosted the first of three Fall 2018 Fellows events on September 21, with **Jane Calvert** dropping by the *Journal* class before her Constitution Week lecture (see pp. 4-5) to talk with students about identifying and pursuing a scholarly passion.

We'll provide an update on all of these programs and more in the Winter 2019 newsletter, when we'll also have the annual pleasure of introducing readers to our new class of Kinder Scholars.



KINDER SCHOLARS WRAP-UP

Finding the Future in the Past

with Mary Grace Newman



“I would hold up a ‘Huzzah’ sign to let the crowd know when to cheer.”

There are only a handful of scenarios to which the above sentence might apply, but on the morning of July 4, 2018, Mary Grace Newman found herself in the middle of one. While most of us were busying ourselves with BBQ prep, Newman was assisting with the National Archives’ annual Fourth of July celebration, a day of festivities that includes, among other things, well-timed ‘huzzahs’ for a live reading of the Declaration of Independence by the likes of John Hancock, George Washington, and Abigail Adams.

Newman was interning at the time with the Archives’ Education and Public Programs office through the Kinder Scholars summer program, and as she described in a note back to the Institute about her first month in the capital, the work was about

much more than gaining college credit or rubbing elbows with a costumed Benjamin Franklin. For her, it was about a passion for helping people better understand the abiding relevance of the nation’s political history and the importance of studying its nuances.

“I applied to the National Archives because I wanted to consistently engage my interests in education, history, and politics this summer,” Newman wrote in her mid-July update email to the Kinder Institute. “At my internship, I have been able to interact with the public, create activities for children and adults, and research, and I am excited to find other opportunities in the future where I can incorporate what I have learned at the Archives with my commitment to promoting civic literacy.”

In addition to bringing the past to life for Archives visitors, Newman also had the chance to draw some cross-era connections of her own through the program’s “Beltway History & Politics” course. She described, for example, how a class-related field trip to the Maryland State House in Annapolis took her back to her Fall 2017 “Constitutional Debates” course with MU Professor of Political Science and Kinder Institute Advisory Board Member Jay Dow.

“I remembered discussing the significance of Annapolis in the course,” she noted, “and how a convention there prompted the Constitutional Convention of 1787. I was elated just to walk inside the State House, because it reminded me why learning the past is essential to understanding the political discourse of today.”

Does the future hold more of the same for Newman? Quite possibly. While leading a group from Jefferson City on a tour of the Archives, she realized not only how much she would enjoy working at a museum post-college but also that D.C. might make for a wonderful second home. And by her standards, she’s at least part of the way to becoming a Washingtonian.

“I don’t necessarily consider myself a true D.C. resident *yet*, but I have had people ask me for directions.”

A junior from Jefferson City, MO, **Mary Grace Newman** is a Political Science major, a member of the Kinder Institute’s 2018-19 Society of Fellows, and currently in a close race to become the first MU undergrad to take all four courses in the Institute’s *Constitutionalism & Democracy* Honors course series.

SOCIETY OF FELLOWS SUMMER SEMINAR

Our dress rehearsal for the beginning of the school year, the Kinder Institute's fifth annual Society of Fellows Summer Seminar was held August 7-10 at the Tiger Hotel. A full schedule for the conference follows, along with recaps of the sessions that we managed to sneak out of the office to attend.

Session 1: *The American Tradition of Economic Equality*

2018-19 Kinder Institute Distinguished Research Fellow **Dan Mandell**

Working backward from the present, Truman State Professor of History Dan Mandell began his August 7 keynote lecture by pointing toward a certain cognitive dissonance that can sometimes cloud consideration of his topic. It should not come as new news, he suggested, that the U.S. today is more economically unequal than ever, a disparity that is at the forefront of both political discourse and conflict. Somewhat incongruously, however, the philosophical root of this problem—widespread commitment to classically liberal ideas regarding the unencumbered right to private property and wealth accumulation—receives far less, or at least far less focused, scrutiny than the problem itself, to the point that it is often taken for granted that this right has always been a core component of shared national values.

As he went on to show throughout the remainder of the talk, the opposite is true. For a majority of the 18th and 19th centuries, large swaths of the U.S. population believed that the concentration of wealth in the hands of the few would compromise the nation's republican foundations and that some semblance of equal property distribution was thus essential to maintaining a form of government beholden to serving the common good. Early Americans traced this tradition of economic equality back to a wide variety of theological and philosophical antecedents, including: the Hebrew Jubilee, as articulated in Leviticus, through which lands were returned to their original owners every 50 years; the Levellers of mid-17th-century England, who equated private property with original sin; and Locke's labor theory of value, which held that, because it is human labor that gives land worth, wasteland is claimable by the landless.

In fact, interpretations of these egalitarian traditions began appearing in the United States while the fate of the nation still hung in the balance. Delegates at the Pennsylvania Constitutional Convention of 1776 were so concerned that wealth concentration would be destructive to the happiness of humankind and the ends of government that they lobbied for constitutional provisions for the seizure of excessive property. And during the Revolution, vigilant efforts to prevent monopolization via price-fixing were undertaken as a result of similar beliefs that a superabundance of supply held by a single individual or corporation was morally destitute, and that the pursuit of wealth should never be permitted to infiltrate upon need.

However, Prof. Mandell noted that it was also during this time that a liberal counter-argument was coalescing around the idea that the right to control property without government or cultural meddling was not simply protected but was the very same sacred ideal over which the war was being fought.





America's first decades, he explained, would feature frequent republican/communitarian pushback against this growing liberal consensus regarding the right to private property. And not just from the fringes. Driven by an increasingly apparent correlation between property accumulation and political power, the 1780s and 1790s saw Jefferson lobby for progressive taxation; a nearly nationwide end to the practice of entail; and Thomas Paine's radical recommendation that, via a 10% tax on estates over 500 pounds, the national government should provide citizens with a lump sum payment at 21 years of age and a pension at 50. If property is a social right, Paine argued, it is thereby taxable for social need.



For a number of reasons—the association of wealth with good character in philosophy and literature; the widening gap between church and state; universal white male suffrage and the implication that political power should be considered as distinct from economic concern—individual property rights came to be accepted as a norm and wealth disparity as inevitable. But even as 19th-century political society progressed in this direction, the tradition of economic equality remained alive in manifestations ranging from harmony settlements and communal living phalanxes, to workingman's political parties, to the National Reform Association, which called for a 160-acre limit on land ownership, free homesteads for all, and a ten-hour workday.

The vision of a Great Republican Jubilee even re-surfaced in the post-Civil War era, with some members of Congress pushing for confiscated Confederate lands to be redistributed to recently freed slaves. Alas, Andrew Johnson thought otherwise, ruling that voting and civil rights should be ensured over property rights and that confiscation and redistribution violated basic political structures. If this normalized a pro-property, dichotomous thinking about rights, it did not by any means erase the tradition of economic equality, which has continued to fuel the work of the IWW, pro-New Deal economists, the Occupy movement, and many others.

Session 2: Everyone Quotes Tocqueville

MU Professor of Political Science **Marvin Overby**

Session 3: Arguments for Women's Suffrage

MU Professor and Chair of History **Catherine Rymph**

As Prof. Catherine Rymph explained in outlining “Phase One” of her August 8 talk on the history of women's suffrage in the United States, the suffrage movement's antislavery origins would also end up being the source of its early fault lines, with the 14th Amendment in particular driving a wedge between

suffragists. One faction of the movement—which included Sojourner Truth, Susan B. Anthony, and Elizabeth Cady Stanton—was appalled that the Amendment’s second clause introduced ‘male’ into the U.S. Constitution in relation to voting rights and demanded that language explicitly granting women the franchise be included in the 15th Amendment. Another faction—including Lucy Stone, Henry Blackwell, and Frederick Douglass—thought that efforts should be concentrated on securing black male suffrage and that expanding the argument’s frame to include women’s voting rights would compromise this objective.

Thus the 1869 fracture of the movement into the National Woman Suffrage Association (NWSA), which was led by Anthony and Stanton and pursued action at the national level, and the American Woman Suffrage Association (AWSA), led by Stone and Blackwell and focused on state-by-state change. It was soon after this schism, Prof. Rymph noted, that Anthony was famously arrested in New York for casting a ballot and a similar, though far less frequently told, story was unfolding in Missouri. Virginia Minor, a St. Louisan and first president of the Woman’s Suffrage Association of Missouri, attempted to register to vote in 1872, was denied, and went on to sue the state registrar, arguing that the 14th Amendment gave all citizens, including women, the right to vote. Her petition made its way to the U.S. Supreme Court which, in 1874’s *Minor v. Happersett*, ruled that had the writers of the Constitution meant for women to have the vote, they would have explicitly stated so much.

The ruling made clear that suffrage would not be won quietly, via constitutional reinterpretation, and it set the stage for “Phase Two” of Prof. Rymph’s talk, which began with a brief reunification of the NWSA and AWSA, under the leadership of Stanton and Anthony. Again, however, strategic disagreement over national vs. state-level action—exacerbated by some measure of success in state referendums—would divide the movement, this time into the National American Woman Suffrage Association (NAWSA), led by Carrie Chapman Catt, and the National Woman’s Party (NWP), led by Alice Paul. And this 20th-century schism would be even more pronounced than its 19th-century forebear. Having been in Great Britain during the successful push for woman’s suffrage there, Paul



emulated the confrontational, “un-ladylike” British model, publicly attacking whatever political party was in power throughout the nineteen-teens. NAWSA members, on the other hand, pursued the more “respectable” strategy of continuing to fight for voting rights on a state-by-state basis, with an eye toward eventually creating a network of national allies in Congress that was large enough for constitutional amendment to become a reality.

After a contentious WW I era—NAWSA supported the War, while the NWP picketed the White House, with signs highlighting the irony of Wilson so strongly advocating for the defense of Europeans’ right to self-determination and yet doing so little for women—suffrage was won in 1920. But as Prof. Rymph drew attention to in closing her talk, arguments for the franchise had changed since the *Declaration of Sentiments* was drafted in 1848. Specifically, the *Declaration’s* philosophical arguments concerning citizenship, equal rights, and equality before God remained, but they were supplemented, and in many respects overshadowed, by more pragmatic claims concerning what women would do if they received the vote: prohibit child labor, prevent war, stamp out prize fighting and alcohol abuse, and perhaps most notably, provide a middle-class counterbalance to the votes of black males.

And this was not the first time that the corrosive history of racism in the United States overlapped with the movement to secure women’s rights. When the suffrage movement first split, NWSA members, bitter over what they felt was betrayal by the radical republicans whom they had supported, appealed to Southern Democrats with the argument that granting the vote to women would neutralize the political capital of recently enfranchised black males. And when the 19th Amendment was taking shape, efforts were made to explicitly limit suffrage to white females alone, a condition which wasn’t reflected in the Amendment’s language, though it would still be decades before the Voting Rights Act of 1965 protected African American men and women from racist policy and violent intimidation at the polls.

Session 4: *Federalist and Anti-Federalist Republican Visions*

MU Professor of Political Science **Jay Dow**

Session 5: *The American Slave Empire*

Kinder Institute Assistant Professor of Constitutional Democracy **Christa Dierksheide**

Session 6: *The Politics of Slave Resistance*

Kinder Institute Chair in Constitutional Democracy **Jay Sexton**

Session 7: *The Future of Health Policy in the U.S.*

MU Assistant Professor of Political Science **Jake Haselswerdt**

Session 8: *Beauty and Politics in Wendell Berry’s Poems*

Kinder Institute & Truman School Assistant Professor **Sarah Beth Kitch**

In a talk that would double as her un-official introduction to the Kinder Institute’s undergraduate community, Prof. Kitch opened discussion by placing her subject—poet, novelist, essayist, and farmer Wendell Berry—within an intellectual tradition that includes, among others, Alexis de Tocqueville, Dr. Martin Luther King Jr., and Flannery O’Connor. Each was a healthy skeptic of democracy, Prof. Kitch remarked, viewing it both as an experiment full of the potential to positively shape what makes us humans, neighbors, and citizens and, when construed more rapaciously, as an invitation to a strain of individualism that was capable of obstructing, even destroying, this outcome.

As she went on to unpack, addressing the relationship between beauty and constitutional democracy, through examination of Berry’s “Sabbath Poems” or otherwise, also requires sorting through a certain degree of skepticism. An inherent suspicion often arises when beauty and politics are held within the same critical framework, Prof. Kitch noted, and she traced this back to Tocqueville as well, specifically to what he saw as Americans’ ingrained, Enlightenment-derived tendency to place a premium on utility (and, in turn, science and reason) at the expense of attending to the vital function that beauty can play in the political sphere. She added that the historical experience of unimaginable violence has also put a dent in our first confidence in beauty, resulting in the frequent association of it with abstractions that diminish its significance: nostalgia, romanticism, or adolescence.

This is, however, suspicion or skepticism that we can—many would argue that we must—overcome by reorienting ourselves to the conversation’s key terms, defining politics in the Aristotelian sense of how to live well together, and beauty as a pleasure that exalts the human mind and soul, and without which we are lost. As Prof. Kitch and this year’s Fellows teased out by going to the text of Berry’s poems, these new definitions allow us to see the many ways in which the experience of beauty can shape our conception of the point of politics: by allowing us, for example, to think beyond utility, and of particular importance to Berry, to think beyond utility in relation to the land; by giving us a language for difficult truths and for making communal the experience of the dyad of grief and hope; by spurring the recognition of universal rights; and by loosening our devotion to control.

Session 9: Behind “Enemy” Lines?: The Congressional Detailee Program and the American Constitutional System of Shared Powers

Kindred Institute Assistant Professor of Constitutional Democracy **Jennifer Selin**



JOURNAL ON CONSTITUTIONAL DEMOCRACY

The Hoovervillian Perspective: an Untold History of Perseverance

by Bryce Fuemmeler

Despite all the melancholy attached to the hip of the Great Depression, the year of 1932—on a national margin—is remembered fondly. The contemporary narrative is that of Governor Franklin Delano Roosevelt and his Progressive agenda, one which would change the course of the Depression and the nature of federal government. While Governor Roosevelt captivated the American electorate, he spoke often of the forgotten man and woman, a demographic that was admittedly large in those times.

Those forgotten included farmers whose land was sharply losing value; families who had saved for years, only to see their savings vanish as the stock market plummeted; and undoubtedly those hard-working Americans whose homes were being taken by the banks. This lattermost subset of people was perhaps the most extreme in terms of poverty, and in almost every conceivable fashion, 1932 was neither a good nor fondly remembered year for them.

Nonetheless, 1932 progressed. As thousands upon thousands of houses were being foreclosed upon, and as the unemployment rate neared a quarter of the country, homelessness became more prevalent. Shantytowns developed along rivers in rural areas and major cities alike, and the inhabitants of these towns grew in proportion with the Depression. These communities were perceived by the public to be desperately poor, without livable shelter or clothing, and a consistent combination of dirtiness and drunkenness. The emergence of these largescale shantytowns became a political black eye to the Hoover administration, and as their wound worsened, the

Democratic National Committee (DNC) made sure to allow it no time to heal.

A man named Charles Michelson was the DNC's main prizefighter. Just three years prior, the DNC had hired him for \$20,000 to be their full-time publicity director, a first for any American political party, and by 1932, Michelson was "the ghostwriter of hundreds of press releases attacking the Hoover administration." Arguably Michelson's most effective jab came in naming the shantytowns, "Hoovervilles," placing blame for their existence squarely on the sitting president and Roosevelt's opponent. As the nickname drew greater recognition, these shantytowns became emblems of the Depression and its horrors. To reside in a Hooverville, per the growing national perception, was unsightly; and to that end, Herbert Hoover—or, more aptly, a vote for Herbert Hoover—was unsightly, too.

Thus, while on the campaign trail, the deficiencies of the current Republican administration and its leader were often on Governor Roosevelt's mind. On August 27, 1932, standing before thousands of supporters in Columbus, Ohio, he hotly asked the following:

Has this party, I ask under this leader suddenly become the heaven sent healer of the country who will now make well all that has been ill? . . . Has the Republican elephant, spotted with the mire through which he has wandered blindly during these last four years, suddenly by miracle



overnight, become a sacred white elephant of spotless purity, to be worshipped and followed by the people, or has he merely been scrubbed and white-washed by cunning showmen in the hope that they can deceive a credulous electorate for four years more?

Roosevelt's point was presumably well-received, and implicit in his criticism of Hoover is his own self-ordained embodiment of what Hoover was not. If Hoover was not the "heaven sent healer," certainly someone was; and if Hoover had been "scrubbed and white-washed by cunning showmen," there must certainly have been a candidate who was made honestly. These comments, however, hold a subtler weight. By placing himself in counter-position to his opponent, Roosevelt rhetorically transforms himself into the redeemer that the American people have lacked under Hoover; and to American citizens, no demographic could need redemption more direly than the residents of Hoovervilles. The deeper implication of Roosevelt's address, then, is that poor Americans—and especially the poor Americans of the nation's Hoovervilles—lacked the agency to redeem themselves. And it is an implication that millions of voters wholeheartedly believed.

During the campaign, the implications continued. At a speech in Seagirt, New Jersey, Roosevelt gave what seemed like a sympathetic comment about temperance, stating that "[intemperance] is bound up with crime, with insanity and, only too often, with poverty." While Roosevelt's warning was likely kindhearted, it was also a demeaning overgeneralization. By tethering drunkenness to poverty

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in particular, he not only reinforces the causal relationship between Hoover and all facets of the nation's desperation; more importantly here, he also further promulgates the misconception that the impoverished citizens of America were unable—or unwilling—to rise out of these desperate conditions via their own agency.

In the above examples, Roosevelt is arguably indirect in his implications. It is in his discussion of poorhouses, however, that he more strongly, if also still inadvertently, helps to mold public perception of poverty. In the 19th century and beyond, poorhouses were government-run facilities for poverty-stricken individuals that provided shelter and food in exchange for labor. At a rally in Albany, New York, Roosevelt stated, "Any government, like any family, can for a year, spend a little more than it earns. But you and I know that a continuation of that habit means the poorhouse." In this context, poorhouses and their residents are degraded. From the mouth of Roosevelt, they seem to be shameful institutions to rely on, populated by individuals whose incurable lack of will-power forces them to do so—or, in the metaphorical case he creates here, by individuals who are forced to do so by their government's incurable lack of fiscal will-power.

In this way, the Hoovervillian stigma was seeded. Governor Roosevelt undoubtedly had the interests of poor Americans in heart and mind, but through his rhetoric and that of the DNC, the nation was subtly given a skewed lens through which to see the poor (a lens that to this day persists). Throughout the last century, the Hooverville has carried the false stigma of a failing Depression-era community where economic setback gave way to degraded, self-perpetuating hopelessness. Upon a more intimate view, however, the Hooverville functioned far more dynamically, in a way that provided hope, courage, and sanctuary for—and that fostered the agency and creativity of—a demographic of Americans who needed it most.

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Allows us to expand the scope of programming designed to engage our constituents in thoughtful dialogue about the nation’s experience with democratic governance, from the founding of the United States through the present day. These programs are essential to attracting the very best students and scholars to the University of Missouri and to heightening the quality and civility of discourse about matters of the utmost national importance on our campus and in our community.

For more information about contributing to the Kinder Institute, please feel free to contact Institute Director Justin Dyer, DyerJB@missouri.edu

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NEWS IN BRIEF

Lots of Kinder Institute faculty news to get to, but first, belated congratulations to Society of Fellows and Kinder Scholars alum **Greer Wetherington** on being selected to take part in the Alexander Hamilton Institute’s Washington Program on National Security last July . . . With the 2019 Shawnee Trail Conference on the horizon, an update from Shawnee Trails past: Profs. **James Endersby** and **Marvin Overby**’s paper on “The Eleventh Bill of Rights,” presented at the 2017 conference, recently received the Pi Sigma Alpha Best Paper Award from the Southwestern Political Science Association . . . Check out KICD Director **Justin Dyer** in short form, in his *USA Today* op-ed on intellectual diversity on college campuses, or in long form, in one of two volumes of the *American Constitutional Law* casebook, which he co-edited for West Academic Publishing . . . And just so we have all of our media bases covered, keep an ear out for news about the air date for KICD Chair **Jay Sexton**’s star turn as a commenter on Canadian TV’s “The World Without America” . . . More on our Chair, he also recently accepted an invitation to deliver a series of January 2019 lectures at the University of Tokyo’s Center for Pacific and American Studies . . . And the most important of all faculty news items, a big congratulations to Kinder Institute and Political Science Assistant Professor **Jen Selin** on being awarded the department’s Major E. Garrett Faculty Fellowship Award for excellence in research, teaching, and service

