

# KINDER INSTITUTE ON CONSTITUTIONAL DEMOCRACY



2016-17 ANNUAL REPORT

## TABLE OF CONTENTS

Kinder Institute Mission Statement

Year in Review

By the Numbers

### QUARTERLY REPORTS

Fall 2016

Winter 2016

Spring 2017

Summer 2017

### MEDIA COVERAGE

*Springfield News-Leader*, July 31, 2017

*Columbia Missourian*, September 20, 2017

*Kansas City Star*, August 22, 2017

*Mizzou Alumni Magazine*, Fall 2017

### APPENDICES

Appendix 1: New Faculty

Appendix 2: 2016-17 Postdoctoral and Graduate Fellows

Appendix 3: Grants Awarded and Received

Appendix 4: ACD Minor and Certificate Courses and Enrollment Data

Appendix 5: Kinder Institute Faculty Achievements

Appendix 6: *Studies in Constitutional Democracy* MU Press Catalog



Kinder Institute on  
Constitutional Democracy  
*University of Missouri*



## KINDER INSTITUTE MISSION STATEMENT

In planning the University of Virginia, Thomas Jefferson listed the teaching of “the principles and structure of government” as the first objective of public higher education. The purpose, Jefferson made clear, was to educate thoughtful and engaged citizens of the new nation. In the core curriculum for his “Academical Village,” he called for the study of “Government, Political Economy, Law of Nature and Nations, and History” to be “interwoven with Politics and Law.” The state of Missouri later followed Jefferson’s precepts by incorporating civic education into the missions of its public schools, colleges, and universities, with state law requiring “regular courses of instruction in the Constitutions of the United States and of the state of Missouri, and in American history and institutions.”

While the University of Missouri has maintained that mission, civic education still needs to be revitalized both on our campus and around the country. Easy cynicism about our institutions is widespread. Far too many Americans, including those with university degrees, have little practical knowledge of the American political system and its underlying values, and even less feeling for it. Students know who the president is, and the latest social media outrages, but the most basic concepts about the political process, government institutions, and American political thought elude many of them.

Centers such as the Kinder Institute on Constitutional Democracy can play a major role in changing this situation by reinvigorating civic education for the twenty-first century. We are committed to pursuing excellence in the study of the American constitutional and democratic traditions, and we have accomplished a lot in just over three years. Through our on- and off-campus undergraduate programs, educational outreach initiatives in the community and around the state, academic workshops, fellowships, faculty scholarship and teaching, and public events, the Kinder Institute has refocused attention and resources on the subjects that Jefferson tried to build into the heart of university education.

In laying the groundwork for a new intellectual community on the University of Missouri campus, we have taken a holistic approach, combining many aspects of academic life that are often sealed off from one another. Within the Kinder Institute, we have brought together different disciplines and departments, forged connections between teaching and research, connected faculty members with members of the community, and united scholars of different ideological perspectives, all in an atmosphere of collegial fellowship. There is much work left to do, but the first three years have marked a promising start to this important endeavor. Today, the Kinder Institute is poised to become a national leader in civic education and absolutely unique in the civility of discourse with which we function.

Justin B. Dyer,  
Kinder Institute Director

Jeffrey L. Pasley,  
Kinder Institute Associate Director





## YEAR IN REVIEW

---

In the year since the last time we published one of these, much has changed at the Kinder Institute. And a lot of what has changed was teased in the 2015-16 annual report: we were in the last stages of moving into a new office back then, we were hiring new faculty, we were building new partnerships and launching new programs (and this list could go on).

At this time last year, though, we didn't quite have a clear picture of what the fruit bearing process for these changes would look like, and the results, to put it mildly, have been promising so far. And it starts, in many ways, with no longer living in a geographically divided house on campus. The new central Kinder Institute office under the Jesse Hall dome (it just sounds better than in the Jesse Hall attic) has proven itself kinetic beyond our wildest dreams—a space that seems to be in a constant state of transformation from classroom to lecture hall, from lecture hall to study lounge, and from study lounge to movie theatre (which was inaugurated, appropriately, with Kinder Institute Associate Director Jeff Pasley's screening of *1776* for the 2016 Society of Fellows Summer Seminar). More than a space of near-constant foot traffic, it's also a space of vibrant academic energy. Just having everyone within arm's reach (or, more often, within earshot) of one another has given our faculty the unique opportunity to model every day for our students the kind of spirited, probing, cross-disciplinary dialogue that is the heartbeat of innovative scholarship.

And, of course, having more faculty to talk about books with over coffee hasn't hurt. Folding Endowed Chair Jay Sexton and Endowed Professor Adam Seagrave into the mix has not only brought added depth and expertise to the intellectual community we're building here. Almost immediately, both of our (then) new Kinder Institute faculty members also started

leading the charge on developing programs—from Prof. Seagrave's online journal, *Starting Points*, to Prof. Sexton's study abroad course at Oxford—that have already begun to grow the reputation of the Kinder Institute on both sides of the Atlantic.

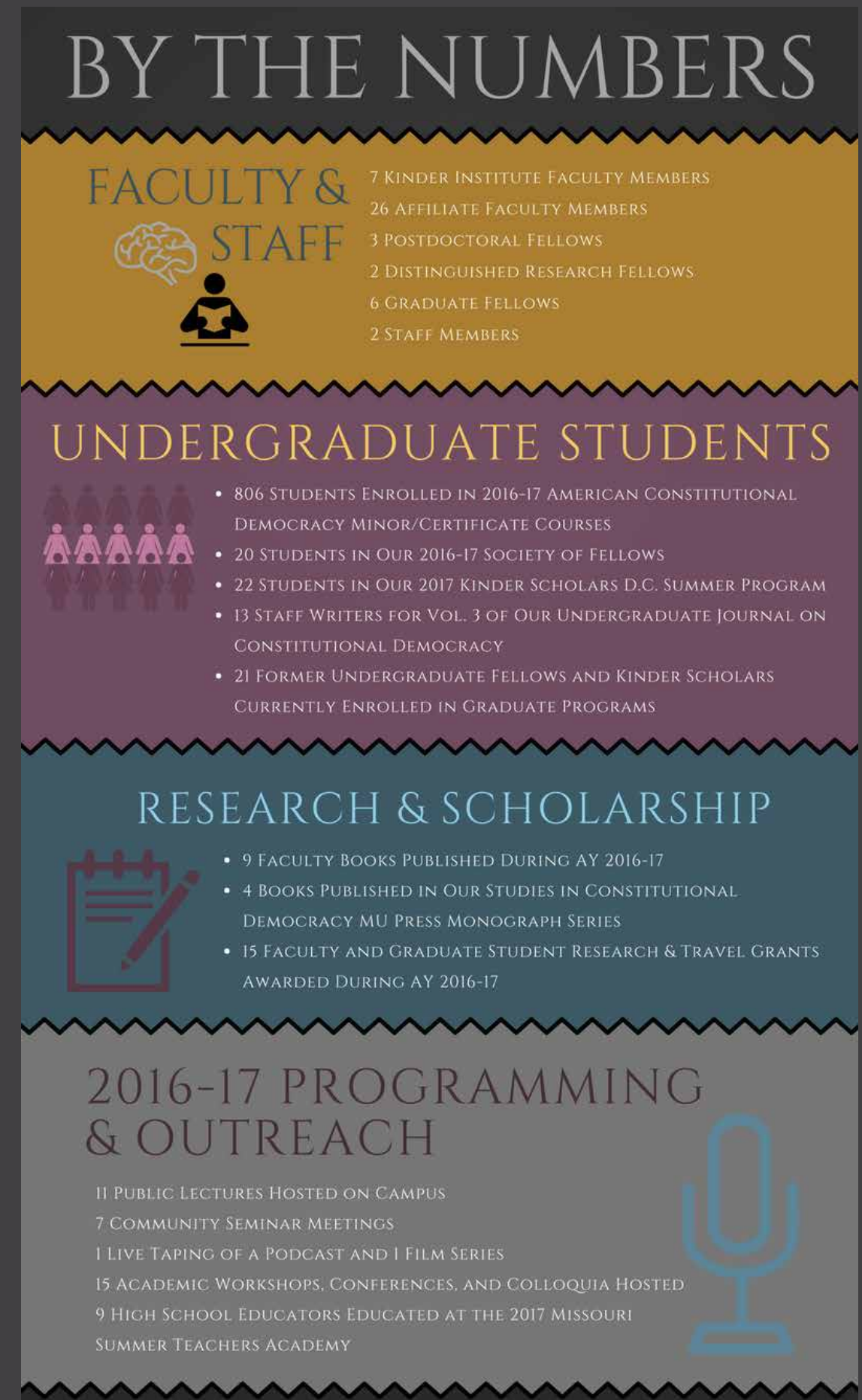
As you'll see in the chapters/seasons that follow, even with all of the activity at our home base, perhaps the biggest change of all during 2016-17 was to our calendar. Thanks to the support and generosity of our longtime friends at the Missouri Humanities Council, we had the chance to participate in two national grant programs, one sponsored by the NEH and another by the Pulitzer Foundation, that allowed us not only to host more events than we have in the past but also to get a little bit more creative with our programming, adding things like a film series, a live taping of a podcast, and an election-themed pair of talks to our regular slate of public lectures, community seminars, and colloquia.

While we're highlighting what changed here, it would be remiss not to note that much has also delightfully stayed the same. We're still sending undergrads to D.C. each summer and hosting them for dinner lectures throughout the academic year; we're still promoting the scholarship and professional development of graduate students and postdoctoral fellows who represent the next generation of university leaders; we're still publishing cutting edge work on all aspects of constitutional history and development both at home and around the globe; and we fully anticipate saying this again when writing the introductory remarks to next year's annual report.

We thank everyone who has come to an event or read a newsletter or perused our website for their support of the Kinder Institute, and we look forward to checking back in soon with a new round of updates.

# What do we do?

The Kinder Institute on  
Constitutional Democracy prepares  
students for **lives of thoughtful  
and engaged citizenship**  
by equipping them with knowledge  
of the ideas, events, and people that  
shaped our nation's history.



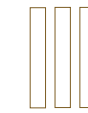


FALL 2016



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 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 “candid” 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 enliven the university community throughout the rest of the fall. For a spell at least, practicality must prevail.

At the Kinder Institute, however, we enjoyed the best of both worlds in August and September 2016. To be sure, the thrills (honestly) of writing syllabi were not lost on anyone here. 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



Society of Fellows class to the intellectual community that they will spend the next year forging.



## 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 History & Politics 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 “Adams 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 seminar room, with a dinner talk (recapped below) delivered by Chair in Constitutional Democracy and Professor of History **Jay Sexton**.

*Brexit: Constitutional Democracy in Action?*

Kinder Institute Chair in Constitutional Democracy Jay Sexton

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

In the case of the domestic implications, the surprise at the polls demands thorough, retroactive attention to the structural explanations for the “leave” vote. The first explanation Prof. Sexton touched on—and the one that had the highest profile and was driven most by misinformation—was the anti-immigration sentiment stoked among some voters by the EU’s common open borders policy. As Prof. Sexton pointed out, though, understanding the vote requires mapping immigration’s significance as a determining factor in the referendum onto other explanations. For one, it exposes how generational conflict contributed to the vote. In looking at the numbers, he showed how younger voters in urban areas—voters with greater proximity to the myriad cultural and economic benefits of diversity and cross-border interaction—largely sided with “remain,” while older citizens made up the bulk 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.

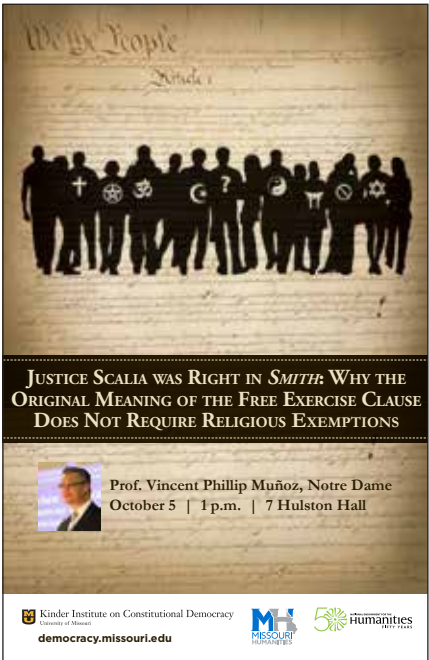
As for the consequences of the referendum in the U.K., they were catastrophic in the short-term: the pound historically plunged in value; parties “decapitated their leaders”; and in the first of many exoduses, Goldman Sachs cut 6,000 jobs in





Fall 2016 Fellows Events

While official Fall 2016 fellows events didn’t start until early October, with a lunch discussion with University of Notre Dame Tocqueville Associate Professor of Religion and Public Life **Vincent Phillip 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.



London, taking significant tax revenue with them. Going forward, Prof. Sexton suggested that the long-term shockwaves could be even greater, and he predicted 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 happened at the Kinder Institute during Fall 2016, it was easy to forget that, in between all of the lectures, films, and seminars, we had 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 Kinder Institute faculty members to pull back the curtain on the syllabus writing process for their Fall 2016 undergrad courses and name the three works on their syllabi that they think are the most essential readings for the class.

Kinder Institute Chair in Constitutional Democracy **Jay Sexton**, who taught *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 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 also assign Frederick Douglass [*Narrative of the Life of Frederick Douglass, an American Slave, Written by Himself*], which students really seem 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 taught *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

Thanks to a pair of grants administered by our longtime partners at the Missouri Humanities Council, we got an early start on fall semester programming. 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.

We were also one of a number of organizations in Missouri to develop 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 included 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 focused on the cinematic history of electoral politics and kicked off on September 6 with a screening of *Gabriel Over the White House*. Brief recaps of the Pulitzer lecture and September NEH events can be found in the following pages.

Rounding out the early Fall 2016 calendar, we hosted our annual Constitution Day lecture on September 20; launched a packed colloquium series docket on September 2; and brought scholars to Columbia on October 7 for the first of two fall meetings of the Missouri Regional Seminar on Early American History.



# PULITZER CENTENNIAL CAMPFIRE LECTURE

## *The Country’s Plight, and How We Escaped It*

University of California-Davis Professor of History 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 toward 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”*

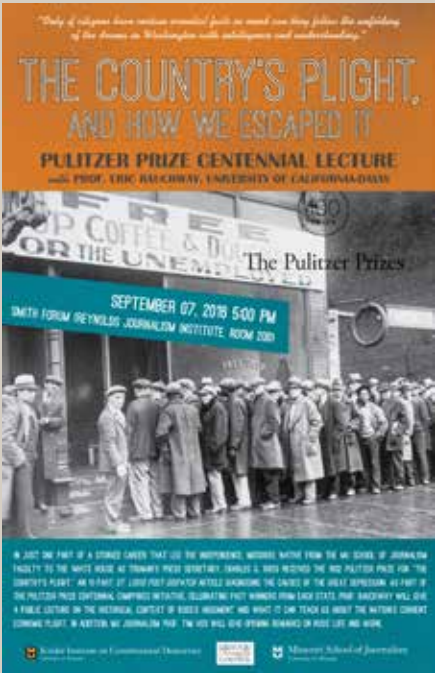
Coming off the heels of introducing Gregory La Cava’s 1933 utopian vision of fascist America, *Gabriel Over the White House*, as part of the Kinder Institute’s “Democracy at the Movies” film series, Prof. Rauchway noted that the very fact that pro-fascist sentiment existed at the time—let alone that 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, Professor Rauchway 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”







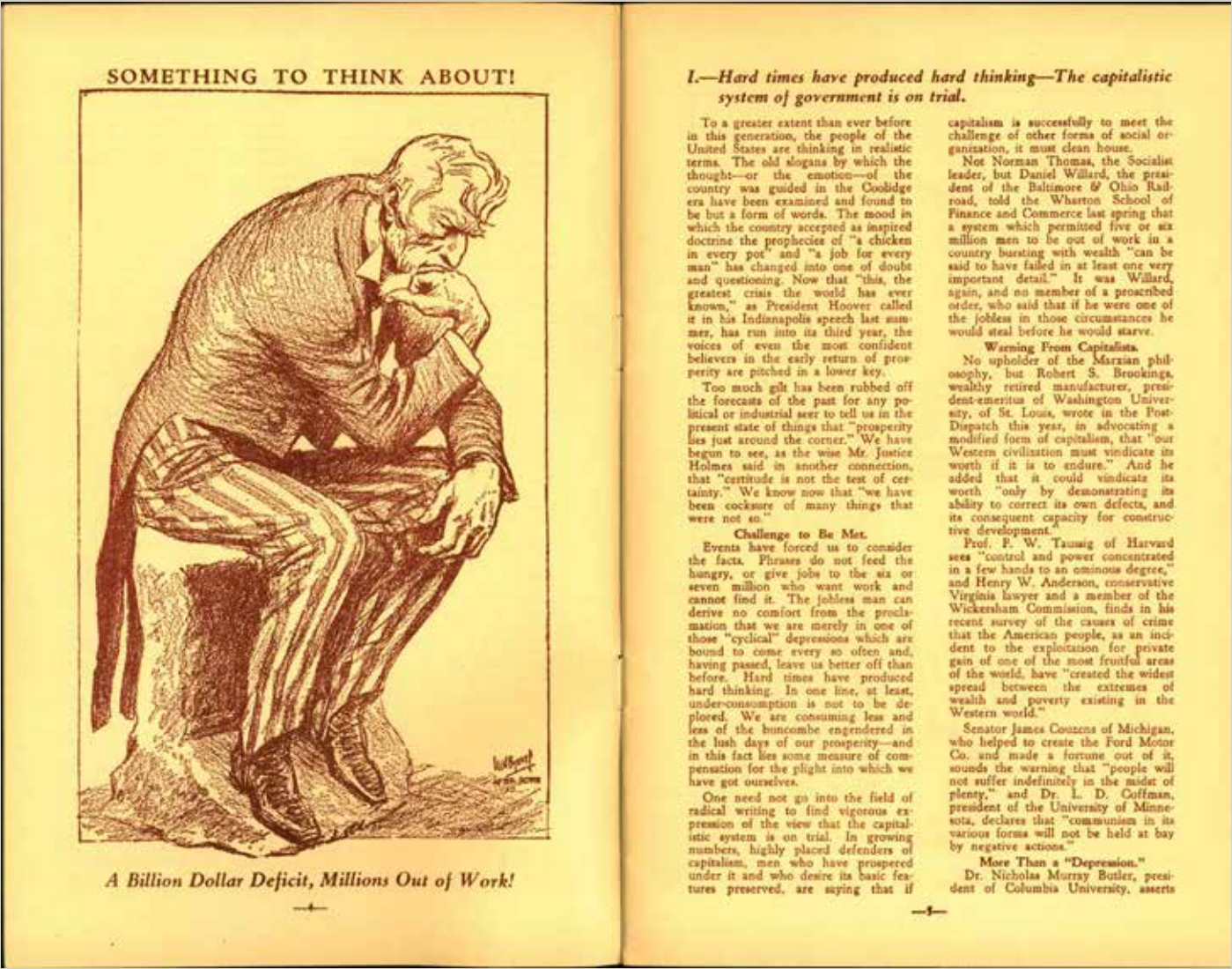
*Ross’ Viability as an Economist*

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 sights. 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.



*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



With the 2016 election bringing questions about the recent history of U.S. global influence and 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 such 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). In 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 toward 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 the legislature is the institution whose vitality is most closely bound to its functionality—an institution, Prof. Zeisberg stressed, uniquely born 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.





# 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** addressed 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’ initial inquiry 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 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. In 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 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

University of Chicago Law Professor Geoffrey R. Stone

As Professor **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 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 not only to 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 as well as a series of roundtable discussions on free speech on college campuses in relation 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 Jamieson

It would be understandable, Professor **Kathleen Hall Jamieson** 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 the 2016 elections but instead on the broader question of whether or not duplicitous advertising can affect elected officials’ capacity to govern. Using the 1988 presidential race 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. Jamieson 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. Jamieson 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. Jamieson 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

After years of bouncing between venues (and keeping our fingers crossed they were available), the new seminar room finally provided the geographical stability necessary to ramp up programming for our Friday Colloquium Series/“Pursuit of Happiness Hour,” which kicked off with 2016-17 Postdoctoral Fellows in History **Billy Coleman** and **Skye Montgomery** presenting snapshots of their dissertation research in a pair of September talks.

*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 in 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, where 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 southerners 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.





*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 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 Republic also requires acknowledging the significance of a conservative, Federalist counter-narrative.

In teasing out this counter-narrative, Prof. Coleman looked at a pair of letters John Adams wrote (one to Abigail and one to Charles Adams) lamenting the momentum gathering in Congress in support of the Jay Treaty. Crafting an argument derived from Pope, Adams told his son and wife how he longed to wield music’s persuasive power over congressional debates about the Treaty, not to enflame partisan passions but instead, and in true Federalist fashion, to encourage moderation and to rally the people behind the wisdom of the nation’s learned leaders. Fully on display here, Prof. Coleman further noted, is how figures like Adams, who were generally distrustful of popular democracy, saw music not so much as a way to forge a mutual bond between elitism and populism but rather as a means of exerting some degree of elite social and political control over the masses—a vehicle 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.



**‘HARNESSING HARMONY:  
MUSIC, POWER, AND POLITICS  
IN THE UNITED STATES, 1788 TO 1865**

Music is a familiar presence in the story of early American popular politics. But what motivated its political use? And how was its political function understood? This paper explores these questions by highlighting a conservative strain of American musical thought and action—one that emphasizes the transatlantic origins of American understandings of musical power and that underlines the importance of elitist ideals to the popular practices of American politics.

**Billy Coleman**, Kinder Postdoctoral Fellow in History  
September 23 4:15 p.m. 410 Jesse [democracy@missouri.edu](mailto:democracy@missouri.edu)

Kinder Institute on  
Constitutional Democracy



And for anyone interested in exploring the ins-and-outs of music in pre-civil War America, 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 Tyler, Too” (1840), Alexander Coffman 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 convened in Columbia on October 7, with Pacific Lutheran Visiting Professor **Sung Yup Kim** presenting on how the 1754 Five Pounds Act drew out contentious debate about legal development between conservative elites and the popular masses in colonial New York.



WINTER 2016

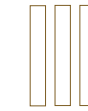




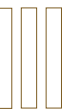
KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | WINTER 2016



# *The* COLUMNS



## CAMPUS & COMMUNITY

In conjunction with the final 2016 meeting of the Kinder Institute's Advisory Board, we officially introduced Professor **Jay Sexton** to the University of Missouri community on November 1, hosting the inaugural lecture for our Chair in Constitutional Democracy in the Great Room at Reynolds Alumni Center. In addition to our board, a standing room only crowd of MU faculty members, Kinder Institute undergraduate, graduate, and postdoctoral fellows, university leaders, community allies, and colleagues from across the state came together for Prof. Sexton's lecture, which examined the external forces that shaped U.S. politics during



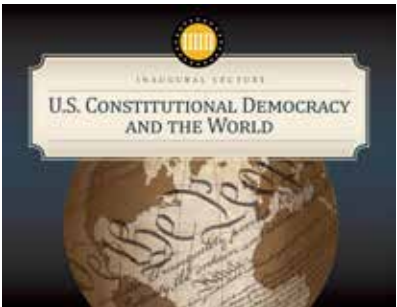
The winter transition from class-in-session to school-on-pause can be an eerie one at Mizzou. Where once there were crowds, in mid-December, there are only squirrels. In most cases, this sudden quiet is unsettling, but we have to admit that it was a little less unsettling this time around, since it allowed us a moment to reflect on (and decompress after) a seam-burstingly busy semester.

Between NEH lectures, job talks, history colloquia, selection committee meetings, and film screenings, hardly a week went by when we weren't rushing to a different corner of the campus or city to gather students, colleagues, and Columbia residents together for spirited conversations about topics ranging from the importance of the humanities in today's global marketplace to anti-masonic fervor in the early nineteenth century to John Travolta's spot on Bill Clinton impersonation. More than anything, though, when it was all said and done, we realized that the packed Fall 2016 calendar raised the bar in terms of both the volume and diversity of programming that we can bring to our community, and, to be sure, talks are ongoing around the office about how we can match, and hopefully exceed, the energy of last fall.



the period of national formation as well as the global impact of American political practices and ideas during the decades spanning from the American Revolution through the Civil War. For those who were unable to attend, a video of the lecture is available on the Kinder Institute website, [democracy.missouri.edu](http://democracy.missouri.edu).

### *U.S. Constitutional Democracy and the World*



Professor of History and Kinder Institute  
Chair in Constitutional Democracy  
Jay Sexton

What do a gold rush, the terrors of Jacobin extremism, and “Jingo Jim” Blaine have in common? As Professor Jay Sexton pointed out in introducing his inaugural lecture, on one hand, they all represent various national origin points for that guardian of democracy,

the secret ballot. More to the point of his talk, though, in tracing the advent of the secret ballot from Australia, to France, back to Australia by way of Victorian England, and finally to the 1884 U.S. presidential election, Prof. Sexton underscored just how borderless the narrative of U.S. constitutional democracy is and, in turn, how a global approach is imperative to any comprehensive study of the nation’s political history.

Driving his subsequent discussion of why we need to re-visit the American past with the praxis of global constellation in mind were two primary questions—what did the U.S. founding look like from an international perspective; and when and why did U.S. constitutional democracy start mattering to the wider world? As for the former, Prof. Sexton noted how establishing an international lens through which to view the founding means accounting for the various geopolitical pressures that the new nation faced in the 1780s: resurgent British power; frontier hinterlands without compulsion for national loyalty; and a plummeting post-war credit rating that needed servicing at precisely the moment when internal improvements required an infusion of foreign capital (to name but a few). This pall of uncertainty in mind, the fact that the Constitution empowered the federal government to engage with foreign nations—through diplomatic channels, treaty making, and declarations of war—not only helped ease some of these pressures but also, and perhaps more importantly, inspired international recognition of the United States’ commitment to establishing a globally responsible government: one which prioritized national interest while also discouraging the aggressive assertion of U.S. principles abroad.

The Constitution, Prof. Sexton added, was but one of two founding documents penned in 1787 that resonated internationally. An innovative, outward-looking blueprint for how to sustainably expand into and incorporate new territories, the Northwest Ordinance, with its carrot and stick policy of offering territories the right to self-governance after a period of federal control, was later echoed in colonial reforms in Victorian England that accelerated the integration of South Africa, Canada, and Australia into the empire and ultimately helped secure Great Britain’s capacity to resist German force in the early- and mid-twentieth century.

Answering the question of when and why U.S. constitutional democracy began mattering to the wider world, Prof. Sexton went on to explain, likewise starts with confronting national weakness. As a global trend toward both democratization and

emancipation emerged during the early-nineteenth century, the United States’ moral standing rightfully diminished, with critics at home and abroad decrying the nation’s toleration and expansion of slavery. But then Peoria happened; and then Gettysburg. And as news of a seismic philosophical shift circulated, Lincoln’s rhetorical (and the Union Army’s physical) attack on slavery as inconsistent with a government of, for, and by the people became a new touchstone for global approaches to understanding American politics. The reasons for this, Prof. Sexton noted in drawing his talk to a close, were numerous: Lincoln’s reaffirmation of the ideals of republican government came during a decade when nations around the globe were themselves composing democratic constitutions and struggling with national formation; his near mythical status as a self-made autodidact taking on slavery and hereditary privilege personified an international desire to widen the life chances of the individual; and finally, tying into Prof. Sexton’s current research, Lincoln became a global celebrity in part because the Civil War unfolded during a period of burgeoning communication networks, when steam power and the telegraph were rising to prominence and the printing press was becoming more and more ubiquitous.

Taken together, he concluded, examining national formation in terms of foreign pressure and examining the Civil War in terms of a global moment of constitutional construction should ultimately lead us to re-think how we tend to periodize and insulate the Founders and, in turn, should spur us to map out the many developmental traits that the U.S. has shared with other colonial societies and states from immediately after the Revolution, through the 1860s, and into the present.





Thanks to a generous invitation from our friends at the Missouri Humanities Council, we had the distinct pleasure of being one of a select group of state institutions to develop a slate of Fall 2016 programs for the NEH's nationwide "Humanities in the Public Square" grant initiative. As a whole, the Missouri contingent's programming focused on exploring the causes of and potential remedies for the forms of social, political, and economic fracture that plague society today and that ultimately obstruct the full realization of many core national ideals. Consistent with our mission, we largely approached this theme with an eye toward origins, bringing in scholars to speak on topics such as the raucous history of elections in the early republic and the consistency of twentieth-century Supreme Court rulings on religious exemption with the social compact constitutionalism of the American founders.

That said, the thematic scope of the NEH initiative, combined with the proximity to election season of the lecture series we developed for it, provided us with a unique opportunity to address questions of a more immediate nature and, moreover, to do so in a manner that added nuance, civility, and objectivity to a strain of public discourse too often animated by inherited, un-considered bias. The cornerstones of our more contemporarily-oriented programming were a pair of talks, detailed in the following pages, that used the 2016 presidential race as a springboard for raising questions about the future of party politics in America.

## NEH LECTURE SERIES

### *The Triumph of Bernie Sanders and the Future of the U.S. Left*

University of Pennsylvania Professor of Political Science Adolph Reed



As Professor **Adolph Reed** noted in his opening remarks, fully engaging with the topic of his October 27 lecture has to begin with sorting through the quantitative dissonance inherent in its title. Where, one would be fair in asking, do we locate the triumph in a presidential campaign that, at least as far as the horse race goes, fell well short of its goal?

As he went on to explain, though, questions of this nature are to some degree built on a false premise. While Sanders' candidacy certainly gathered momentum and thus understandably raised expectations, the chances of a victory in the Democratic primary, let

alone the general election, were always remote given the herculean task the campaign took on: building a counterhegemonic movement capable of altering the terms of mainstream political debate and, in this, the terms of the nation's policy agenda. Though many on both sides of the aisle might wish it otherwise, an outcome of this magnitude, Prof. Reed argued, cannot be achieved without a protracted struggle that unfolds over multiple election cycles.

This in mind, he proposed that the measures of success need to be re-calibrated when it comes to evaluating Sanders' candidacy. The question we should be asking is whether or not his campaign laid the groundwork necessary to more effectively contest for power going forward. And the answer to this question, Prof. Reed contended, is a resounding yes. Perhaps most importantly, he noted how the efforts to elect Sanders enabled organizers to identify a cadre of supporters disposed to do the work required to bring about a tectonic shift in the political landscape. In unpacking the nature of this base, he described it as a group capable of congealing into the "serious left" that the nation currently lacks ("There is," he declared at the beginning of his lecture, "no left to speak of in the U.S."). The serious left that began to form during the Sanders campaign, he further noted, consists of people driven by class-based, anti-capitalist ideas about issues such as wage scale and urban development;

people capable of marshaling a constituency broad enough and energized enough to intervene on behalf of the worker and to prevent public interest from being encroached upon by private capital. Though the Sanders campaign may not have been in a position to succeed by conventional metrics in 2016, Prof. Reed argued that, given the presence of this newly-formed "serious left," it still allowed us to begin asking the question of what policy would look like if it were actually crafted by individuals acting on behalf of the working class majority. All this said, Prof. Reed also noted how the gains that the Sanders camp made reveal two flaws in particular from which the left still suffers: (1) an inability to conceptualize the need to organize or, conversely, a misguided belief that what is perceived to be a correct issue agenda will produce votes for itself; and (2) an unwillingness to engage in cross-ideological discussion. This latter flaw, he concluded, is particularly crippling, since the work of demonstrating how candidates like Sanders are on the right side of issues that "most of the people are concerned with most of the time" requires spanning precisely the partisan boundaries that he saw the left repeatedly shy away from over the course of the Democratic primary and the general election.





*What is the Future of the Conservative Movement?*

University of Alabama Assistant Professor of Political Science George Hawley



Much like Professor Adolph Reed focused in his talk on the structural implications of the Sanders campaign for the American left, Professor **George Hawley** used his election day lecture to examine how Donald Trump’s candidacy might affect the U.S. conservative movement going forward, outlining three possible scenarios that were ordered according to what he saw at the time as the least-to-most likely outcomes. However, given the way that things played out in the hours after the lecture, it makes some sense to start at the end of his list and work backwards.

***Scenario #3: Trump loses by a smaller margin than Mitt Romney in 2012***

In this scenario, what then seemed to him to be the likeliest and most destructive to American conservatism, Prof. Hawley speculated that a narrative would have emerged that Trump had been stabbed in the back by the conservative establishment and that a less flawed but fundamentally similar candidate with more party support would have won. On a more systemic level, he detailed how this quasi-victory for Trumpism would have in turn exposed the degree to which a traditional conservative platform—built around the “three-legged stool” of fiscal conservatism, Christian morals, and strong national defense—no longer appeals to self-identified Republican voters.

***Scenario #2: Trump loses in a landslide and the Republicans retain control of the Senate***

Here, Prof. Hawley posited, anti-Trump conservative iconoclasts would have been praised, the Trump camp purged from the GOP, and if things broke in a certain way in the years after the 2016 election, a “true” conservative candidate may have been poised to succeed in 2020. As he was quick to point out, though, that’s a big ‘if.’ More specifically, he explained that this prognostication insufficiently accounts for how, for years, factors such as shifts in the demographic map and the secularization of American

society have made victory more difficult for traditionally conservative candidates. Conservative optimism in this case would be predicated on the somewhat far-fetched assumption that a tolerant, pro-immigration candidate who sold the American working class on the benefits of the free market could bring new constituencies into the conservative fold—a task, he noted, that the movement has failed at since the days of Milton Friedman.

***Scenario #1: Trump wins and the Republican party retains control of the Senate***

While this would intuitively seem to be a huge victory for the conservative movement, Prof. Hawley noted that the potential benefits of this scenario come with two significant and unlikely-to-be-fulfilled caveats: the conservative intelligentsia making peace with Trump and Trump forgiving members of an establishment that had spent the past year vehemently speaking out against him. He added, however, that a Trump White House and Republican House and Senate would almost certainly increase the legislative leverage of conservative think tanks like the Heritage Foundation and American Enterprise Institute, a clear win for the movement.

What is the common thread here, Prof. Hawley asked? That there is “no plausible scenario” in which the future of conservatism looks bright. As he argued in concluding his talk, given its funding, publications, and institutions, the conservative movement isn’t going anywhere anytime soon. Its visibility, though, belies the degree to which the movement is, as he described it, “a Potemkin Village.” Its principles speak to a center-right nation that doesn’t exist, and as seen in the degree to which Trump seized on conservative symbolism while more or less abandoning its dogma, the GOP is currently successful in spite of, not because of, the conservative movement.





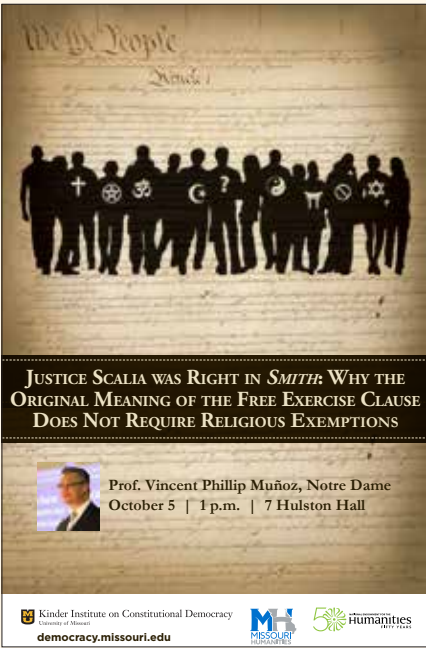
OTHER FALL 2016 NEH LECTURES

In addition to the twin lectures on the future of U.S. party politics, the Kinder Institute hosted or co-sponsored the following events as part of NEH programming in October and November.

Why Justice Scalia Was Right in Smith

University of Notre Dame Tocqueville Associate Professor of Religion and Public Life Vincent Phillip Muñoz

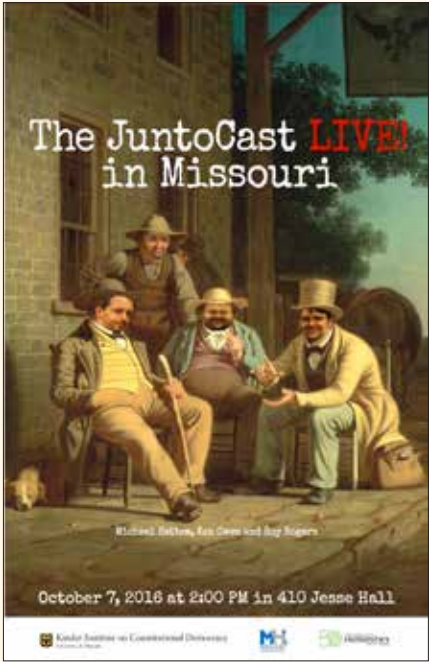
While the consensus among conservative legal scholars is that late Supreme Court Justice Antonin Scalia’s opinion in *Employment Division of Oregon v. Smith* (1990) was wholly out of touch with proper interpretations of the First Amendment—Prof. Michael Stokes Paulsen went so far as to call it “a constitutional disaster”—Professor Vincent Phillip Muñoz told a different story in his October 5 talk at the MU Law School, arguing that Scalia’s non-exemptionist ruling in *Smith* is, in fact, the only construction consistent with the American Founders’ natural rights philosophy and social compact constitutionalism. After tracing the history of case law related to religious exemption from 1879’s *Reynolds v. United States* to *Sherbert v. Verner* (1963) to *Smith*, Prof. Muñoz turned to the documentary history and philosophical foundations of early America to explain why he felt the rulings in *Reynolds* and in *Smith*—both of which claimed that there is no constitutional precedent for demanding that individuals be granted religious exemption from generally applicable laws—embodied the Founders’ intentions for the First Amendment’s free exercise clause. Specifically, he argued that, because the Founders conceived of religious freedom as a right so inalienable that it could not be ceded to the government, they thus crafted the First Amendment to be categorically prohibitive, stripping the state of any jurisdiction or authority over religious practice as such; which is to say that they crafted it with the intention of preventing the establishment of balancing standards, like exemptions, which weighed religious practice against state interest.



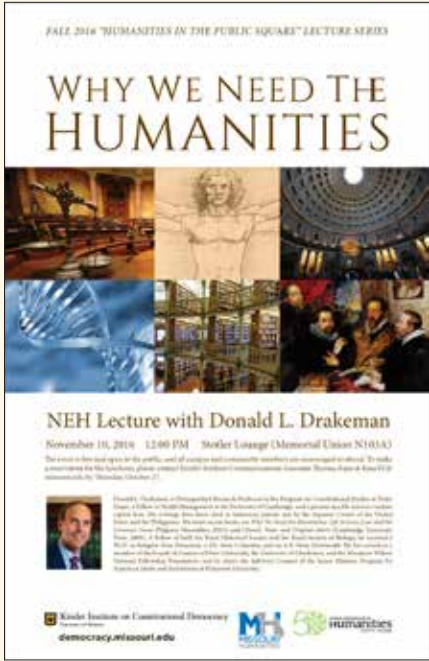
JuntoCast Live!

University of Illinois-Springfield Assistant Professor of History Ken Owen, Kinder Institute Associate Director Jeff Pasley, and Ph.D. candidates Michael Hattem (Yale University) and Roy Rogers (CUNY-Graduate Center)

A test run of sorts for future Kinder Institute media initiatives, Ken Owen, Michael Hattem, and Roy Rogers came to Columbia on October 7 to host a pre-MRSEAH live taping of the early Americanist podcast, *JuntoCast*. Focusing on the timely subject of electoral culture and processes from before the Revolution through the early nineteenth century, the three hosts plus our own Jeff Pasley touched on topics ranging from the communal ritualism of colonial elections to the uneven development of electoral policies after the implementation of the Electoral College. A link to the whole conversation can be found on the Kinder Institute website, [democracy.missouri.edu](http://democracy.missouri.edu).







*White Rage: The Unspoken Truth of Our Racial Divide*

Emory University Samuel Candler Dobbs Chair of African American Studies  
Carol Anderson

Drawing on her August 2014 *Washington Post* op-ed, penned in rebuke of the nature of popular discourse about protests in Ferguson, MO, Professor **Carol Anderson** focused in her October 14 talk, the keynote lecture for the Fall 2016 Black Studies Conference at Mizzou, on the various ways in which civil rights gains have been rolled back by policies which reflect white rage over minority aspiration, progress, and achievement. She discussed, for example, how the constitutionality of property tax-based school district funding, upheld in *San Antonio Independent School District v. Rodriguez* (1973), has subjected generations of minority students to a discriminatory financing mechanism that Thurgood Marshall described as merely substituting economics for race as a way to turn back the clock to a pre-*Brown v. Board* America. She looked, in addition, at Tulia, TX, lawman Tom Coleman, who, in pursuit of victory in Nixon and Reagan’s War on Drugs, fabricated distribution charges that resulted in the wrongful conviction and incarceration of nearly 50% of Tulia’s African American male population. In light of these and countless other, sadly similar events, Prof. Anderson concluded by noting how President Obama’s election cannot be viewed as a beacon of



progress but instead as an historical landmark that underscores the cross-class physical and political vulnerability of minority citizens in the United States. The Kinder Institute, along with a number of other organizations on campus, co-sponsored Prof. Anderson’s lecture with the MU Department of Black Studies.

*Why We Need the Humanities*

University of Notre Dame Distinguished Research Professor  
Donald Drakeman

Using a recent *Time* article examining many Japanese universities’ decisions to eliminate humanities and social science departments as a starting point, Professor **Donald Drakeman** began his November 10 talk, the last in our Fall 2016 NEH Lecture Series, by acknowledging how, in tough times, it is easy to see these courses of study as “luxury goods,” incapable of meeting society’s shifting needs in a STEM-fixated global economy. In unpacking the thesis of his talk, however, Prof. Drakeman countered this popular perception with the argument that, perhaps now more than ever, the humanities and social sciences are vital to the task of solving the unique problems that have arisen as a result of rapid innovation in science and technology. Contextualizing their significance, he went on to explain, requires momentarily putting aside (though by no means discounting) claims about the intrinsic worth of studying the humanities and instead focusing on a use-value

rarely associated with such academic pursuits. Take the example of the multi-trillion-dollar medical science industry, Prof. Drakeman argued, where ROI-driven calls to de-emphasize the humanities grossly miss the larger point of how they are imperative to answering pressing questions that the field faces. Who, he asked, is better equipped to deliberate over the ethical distribution of limited resources than a doctor of

philosophy? He concluded, though, by noting how the corrective course of action is not as simple as “we should invest more in English departments.” In assessing the current state of higher education, Prof. Drakeman suggested that certain philosophical shifts will have to take place in academia if we are to best tap into the humanities’ potential, including increasing fundamental preference diversity, de-stigmatizing the public humanities, and encouraging scholars in fields such as history and political science to embrace discussing the practical aspects of their work with audiences both inside and outside the university.

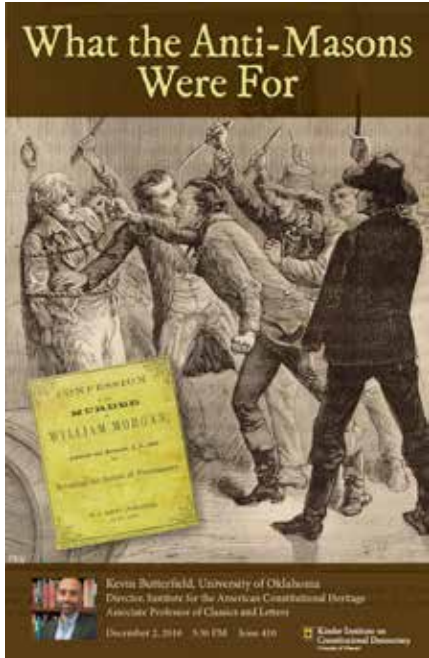
*Democracy at the Movies*

An election season film series co-curated with Ragtag Cinema

For the final two installments of the Kinder Institute’s “Democracy at the Movies” film series, MU Assistant Professor of History **Keona Ervin** led an October 4 post-movie discussion of Leo Hurwitz’s 1948 *Strange Victory*, a haunting documentary montage that explores the violent segregation of post-World War II America, while Associate Professor of History **Catherine Rymph** introduced the November 1 screening of Mike Nichols’ 1998 *Primary Colors* with remarks on the political climate during the Clinton administration.







## ACADEMIC WORKSHOPS

Not to be lost among the flurry of lectures, we also remained committed to providing on-campus and visiting scholars of American political history with various outlets for sharing their research with colleagues at MU and from around the region. The calendar for our Friday colloquium series doubled in size during the fall, and the Missouri Regional Seminar on Early American History continued its 2016 pattern of generating spirited discussion of colonial America, with Southern Illinois University-Edwardsville Assistant Professor **Robert Paulett** presenting his current work on the aesthetic origins of the Proclamation of 1763 during the November 4 meeting in St. Louis.

## FRIDAY COLLOQUIUM SERIES

### *What the Anti-Masons Were For*

University of Oklahoma Associate Professor of Classics & Letters  
Kevin Butterfield

For the final Friday Colloquium Series event of the semester, **Kevin Butterfield**, Director of University of Oklahoma's Institute for the American Constitutional Heritage, gave a December 2 talk on his current research project, which looks at the birth of the anti-masonic movement and, more broadly, at the relationship between private associations and legal and political structures in early-nineteenth-century America.

In discussing the title of his talk, a play on Herbert Storing's seminal work, *What the Anti-Federalists Were For*, Prof. Butterfield stressed how his objective for the new project is to use a narrative examination of the anti-masons to unpack the positive, substantive agenda of the movement. Answering the question of what the anti-masons actually were for, he went on to explain, begins with looking into the aftermath of Western New York freemasons' September 1826 kidnapping and (presumed) murder of William Morgan, himself a member of the fraternal order who was known to be collaborating with publisher David Miller on an exposé on masonic rituals. On a level of origin points, Miller's handbill denouncing the freemasons and the local judicial system that had been corrupted by them, published in the days after Morgan's disappearance, went on to spawn a network of anti-masonic newspapers as well as an organized political movement that found support from the likes of John Quincy Adams and Thaddeus Stevens. More importantly, though, Prof. Butterfield showed how Miller's demand in the handbill that the government aggressively work to counteract the threat to individual rights posed by the freemasons' accumulation of power set the ideological foundations for the movement going forward. In Miller's re-telling of the incident, Morgan was nothing short of a free speech martyr—a freeborn, peaceable American whose fate underscored both the vulnerability of ordinary citizens in a rapidly changing society and local and national political institutions' susceptibility to manipulation at the hands of private interests and actors.

Other touchstones of anti-masonic rhetoric, Prof. Butterfield added, likewise began to take shape in the handbill, including calls to preserve the sanctity of a superintending legal power; to recognize the parallels between domestic and republican ideals; and to at all times acknowledge the sovereignty of public opinion. And in many respects, he argued, the movement worked, as the decades

following the Morgan affair saw a marked decrease in masonic participation, along the eastern seaboard in particular. Still, Prof. Butterfield noted in concluding his talk, the importance of anti-masonry in the early republic can perhaps best be seen in the various ways in which leaders of other social movements drew on, and at times critiqued, its rise to prominence in their own literature. "All this fearful commotion," abolitionist William Lloyd Garrison wrote in the February 6, 1829, *Journal of Our Times*, "has arisen from the abduction of one man. More than two millions of unhappy beings are groaning out their lives in bondage, and scarcely a pulse quickens, or a heart leaps, or a tongue pleads in their behalf. 'Tis a trifling affair, which concerns nobody. Oh for the spirit that now rages, to break every fetter of oppression."

In addition to Prof. Butterfield's talk, the Kinder Institute hosted the following scholars in Jesse Hall 410 to present their research during the second half of the Fall 2016 semester.

### *The Feds and the Fur Trade*

University of Missouri Ph.D. Candidate in History Jonathan Jones

Discussing his dissertation research during a September 30 colloquium, **Jonathan Jones** focused specifically on how examinations of the historical development of American political economy too often give short shrift to the early republic period. For example, he argued that the collision of profit-seeking private actors with government officials and agencies that we usually associate with the Progressive Era was likewise a prominent feature of the fur trade industry in post-Louisiana Purchase America. If, on the one hand, the government frequently turned to traders who were familiar with the area to fill the leadership void created by the acquisition of land west of the Mississippi, the flip-side of this arrangement was that figures like Pierre Choteau and John Jacob Astor increasingly came not only to rely on but also to expect government support for their capital enterprises. These lines perhaps became blurriest, Jones noted, when it came to treaty negotiations with Native American tribes, as these treaties evolved into a subsidy of sorts for traders who, in the course of executing the annuity agreements whereby tribes received money and goods in exchange for land, often re-routed funds to themselves as debt repayment. And though the re-organization of the Indian Department in 1834 began to introduce greater competition to markets in the American West, hints of monopoly remained, with independent traders paying deposit and license fees to...you guessed it: large fur companies that then channeled much of this income into diversifying their business interests on the east coast.

### *Robert Dickson, Citizen of Convenience*

Washington State University Assistant Professor of History  
Lawrence B.A. Hatter

Continuing our Fall 2016 trend of traveling eighteenth-century North American fur trade routes, Professor **Lawrence Hatter** presented a chapter from his forthcoming University of Virginia Press book that focuses on provisions to the 1795 Jay Treaty that were designed to facilitate movement and commerce across the U.S.-Canada border. As he demonstrated in his November 3 talk, the ambiguous conceptions of citizenship created by these provisions were easily and readily exploited by British fur traders like Robert Dickson, who sidestepped the







naturalization process and moved freely throughout the United States, claiming or denying his status as a British subject according to convenience and profitability. Prof. Hatter went on to explain how, as one might expect, this lack of fetter drew the ire of isolationist American entrepreneurs like James Wilkinson, who unsuccessfully attempted to ban foreign trade on the Missouri River in the early nineteenth century. On the other side of the aisle from Wilkinson, however, were profiteers like John Jacob Astor, who, in seeing Dickson's chameleonic national status as a potential boon, attempted to enlist him as an agent of the American Fur Co. and openly lobbied for him to be appointed as a U.S. Indian Agent by the federal government. All of this changed, Prof. Hatter concluded, with the War of 1812, during which many of the same British traders who were exploiting loopholes in the Jay Treaty—including Dickson at Fort Michilimackinac—played key roles in mobilizing and leading Native American attacks on U.S. forts along border waterways.

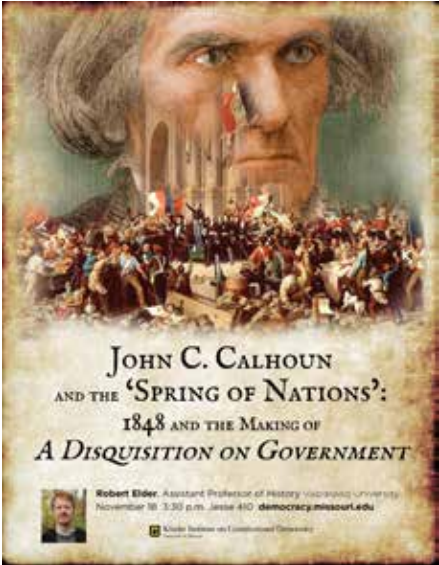
*John C. Calhoun and the 'Spring of Nations'*

Valparaiso University Assistant Professor of History Robert Elder

For the final colloquium before the Thanksgiving break, Professor **Robert Elder** came to campus to give a November 18 talk on his current book project, a cultural biography which seeks to identify South Carolina statesman John C. Calhoun's place in the Southern intellectual tradition. In particular, Prof. Elder focused in his talk on Calhoun's commentary on the rash of revolutions that swept across Europe during 1848. Contained largely in correspondence with his daughter Anna, who lived in Belgium at the time, these writings, Prof. Elder argued, provide new and illuminating context for reading Calhoun's *Disquisition*



*on Government*, as the upheavals in Europe gave Calhoun an opportunity to test the theories on government that he was developing and chronicling for that work. The case of France, for example, ultimately served to affirm Calhoun's belief that governments founded on a principle of natural equality extend the scope of liberty beyond its reasonable limits and, in doing so, open themselves up to the tyranny of the numerical majority and a subsequent descent into absolutism. By contrast, Prof. Elder noted that Calhoun was somewhat more optimistic about the post-revolution fate of Germany, whose proposed government he felt more closely resembled the United States' own federal structure. Specifically, while he had concerns about whether Germany would sufficiently empower its member states, Calhoun did think that it was moving in the direction of striking the balance between strong government and rationally circumscribed liberty and suffrage that he associated with the best and most stable of constitutional systems.







## UNDERGRADUATE

It wasn't just Kinder Institute faculty and staffers who were busy this fall. Our undergraduate fellows also had a whirlwind semester that included attending Prof. **Mariah Zeisberg's** Constitution Day lecture and Prof. **Jay Sexton's** inaugural chair lecture; having lunch with visiting scholars **Vincent Phillip Muñoz** and **Donald Drakeman**; and laying the groundwork for the third volume of the *Journal on Constitutional Democracy*, which tackles the theme "But let us begin..." (from JFK's inaugural address) through articles that explore topics and questions ranging from the efficacy of FCC regulation to whether or not the spirit of the Declaration of Independence supports the revolutionary pursuit and institution of non-democratic governments.

And much to our delight, our undergrads also spent the fall helping transform the fourth floor of Jesse Hall from an office space into a hive of activity, participating in colloquium series events, utilizing our common areas as group study lounges in their downtime, and, in the spirit of honesty, using us for our coffee when they were in between classes. That said, it proved to be slightly less active in the spring, as a pair of frequent fourth floor dwellers moved on to new and exciting pastures after December graduation. **Bishop Davidson**, an inaugural undergraduate fellow and founder of the Washington Society, took a job as an Associate Regional Director (Midwest) with the Intercollegiate Studies Institute in Wilmington, DE, while former Kinder Scholar and aspiring international lawyer **Kate Hargis** finished up her undergraduate career a semester early in order to take advantage of an incredible opportunity to attend The Hague University during Spring 2017, where she studied Dutch culture, European politics, EU decision making, and public international law.



## KINDER SCHOLARS

Easily the most difficult task of the semester, we chose the third class of Kinder Scholars in early December, following an initial review of applications and, for the first time, a day of group interviews at which each and every student excelled. After starting with a record number of applications from undergraduates across a wide range of academic majors and minors at MU, we are pleased to announce that the 21 students listed below were selected to live, study, and work in the capital as part of the 2017 Kinder Scholars Summer Program.

- Emilie Bridges** (Political Communication)
- Tom Coulter** (Data Journalism, History)\*
- Cole Edwards** (Agribusiness Management)
- Natalie Fitts** (Journalism)\*
- Katie Graves** (Journalism)
- Jane Kielhofner** (Health Sciences)
- Nicholas Knoth** (Political Science, History)
- Kiara Lewis** (Business, International Studies)
- Noelle Mack** (Communication, Political Science)
- Logan Malach** (Education, History, Political Science)
- Abas Pauti** (Journalism)
- Allie Pecorin** (Journalism)\*
- Hughes Ransom** (Journalism, Political Science)
- Claire Reiling** (Anthropology)
- Raymond Rhatican** (Political Science)\*
- Timothy Riordan** (Accounting)
- George Roberson** (Political Science)\*
- Lauren Russ** (International Studies)
- Tricia Swartz** (Political Science)\*
- Spencer Tauchen** (Philosophy, Sociology, Political Science)\*
- Greer Wetherington** (Psychology)\*

Students marked \* are current or former members of our Society of Fellows

Preparations for the summer began immediately after the class was chosen, with participants coming together for a December 8 meeting on internship hunting in D.C. Introductory meetings and outings continued on a monthly basis throughout the spring semester, so the cohort could begin to gel and gather the information necessary to succeed in the capital prior to the program's official start on June 5, 2017.



## Baseball and the Sherman Antitrust Act

by Thomas Groeller

In 1890, Congress passed the Sherman Antitrust Act, the first significant piece of legislation aimed at regulating monopolistic behavior among American businesses and one that arose as a direct result of a rapidly changing economic landscape in the post-Civil War U.S.<sup>1</sup> The decades leading up to the Sherman Act were full of technological growth, much of which connected America—and sectors of the American economy—more than ever before. In particular, the expansion of the railroad allowed goods to be shipped nationwide at a fraction of the former cost, which then allowed businesses to expand their local operations across state lines in an attempt to gain more profit and greater market share. The widened scope of operation and opportunity naturally led to the rise of large, national corporations, which, in turn, naturally led to the popular public fear that these corporations would compromise economic wellbeing.<sup>2</sup> Which bring us back to the Sherman Act, a legislative innovation intended to ease the public's fear by protecting local businesses and private actors against abuse at the hands of monopolies.

In 1953, George Toolson, a pitcher for the Newark Bears (the AAA affiliate of the New York Yankees), wished to seek a different employer, believing that his skills exceeded his minor league baseball status.<sup>3</sup> Under the rules of Major League Baseball (MLB), the Yankees' parent corporation, the team did not have to—and ultimately did not—grant Toolson the contract release he desired, a business decision that effectively ended Toolson's career in professional baseball. In most job markets, this would not have been the outcome, as Toolson would have simply switched to a different employer. In professional baseball, however, MLB owns almost 100% of the labor market, leaving Toolson nowhere else to go for employment in his chosen field. The story of Toolson raises the obvious question of why, given the presence of antitrust legislation, MLB was allowed to own so much of the market? Ironically, the answer is in large part because Major League Baseball was granted an exemption from the Sherman Act in 1922, which ensured that the league could not be broken up by any federal antitrust action.<sup>4</sup> This paper will use Major League Baseball as a case study for examining courts' application and interpretation of the Sherman Act over time, with a particular focus both on how the language of the Act creates the possibility of exemption from its terms and whether or not Major League Baseball's exemption status is due for an update.

### I.

Making sense of whether or not the MLB exemption effectively supports a monopolistic enterprise requires first attending to the language with which the Sherman Antitrust Act defines its purpose and, in turn, using this language to define exactly what kind of economic entity Major League Baseball is. The Act is broken into eight different sections, but only the first two (excerpted below) discuss the anti-competitive violations that are subject to punishment. Section One of the Sherman Act reads,

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal<sup>5</sup>

Section Two then states,

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the

trade or commerce among the several States, or with foreign nations, shall be deemed guilty.<sup>6</sup>

Though repeated multiple times, as if the very act of repetition lends it clarity, the word “monopolize” is never explicitly defined anywhere in the legislation. Similarly, the phrases “restraint of trade” and “among the several states” repeat in two of the first three sections but also do not have clearly elucidated meanings. To end the Act, Section Eight provides at least the façade of insight by telling the reader that “person” also includes corporations and associations in its definition.<sup>7</sup> In short, the Act tells us that persons, corporations, and associations are subject to fine and punishment if they “restrain trade” or “attempt to monopolize among the several states.” The vagueness of the Act's key terms is important, here, because of the degree to which it gives the courts latitude to manipulate and apply these terms—and, in this, to shape the purpose of the Act itself—however they see fit in any given case. MLB in particular stands to benefit from this vague language in so far as it would seem to present corporations like itself with a mechanism for slipping through the legislative and judicial cracks and becoming exempt from federal regulations.

It would be reasonable to wonder whether the vague language could perhaps be clarified if the conditions that led to the Sherman Act and how it was worded were better understood. While there is no unanimous interpretation of the Act's original cause, the two leading critical viewpoints posit that (a) it was passed to protect the American people from monopolistic price abuse or (b) it was passed to protect local businesses from the newly emerging trusts and nationalized markets. Defenders of the former viewpoint commonly argue that the Act was intended to maximize citizen welfare when corporations obtained a high market share across state boundaries.<sup>8</sup> Welfare abuse, historians go on to explain, could occur in a monopoly through price gouging of goods or wage cutting in employment. Supporters of the latter viewpoint usually say that the technological changes of the market were the main cause of the Sherman Act's passage.<sup>9</sup> Before sophisticated railroad systems, transporting goods across multiple states was rarely possible because of the costs associated with long distance travel. As the railroad system grew in America in the late 1800s, however, so did the opportunity for monopolization. Specifically, as the new transportation networks cut cargo costs, local businesses felt pressure from larger, national corporations who could now afford to move their products around the country...

<sup>1</sup>Sherman Antitrust Act. 26. 2 Jul. 1890. Stat. 209

<sup>2</sup>Robert H. Bork. “Legislative Intent and the Policy of the Sherman Act.” *The Journal of Law & Economics*, Vol. 9 (Oct., 1966), pp. 7-48

<sup>3</sup>Roger I. Abrams. “Before the Flood: The History of Baseball's Antitrust Exemption.” *Marquette Sports Law Review*, Volume 9 (1999), pp. 307-313

<sup>4</sup>*Federal Baseball Club of Baltimore, Inc. v. National League of Professional Baseball Clubs, et al.*, 259 U.S. 200 (1922).

<sup>5</sup>Sherman Antitrust Act. 26. 2 Jul. 1890. Stat. 209

<sup>6</sup>Sherman Antitrust Act. 26. 2 Jul. 1890. Stat. 209

<sup>7</sup>Sherman Antitrust Act. 26. 2 Jul. 1890. Stat. 209

<sup>8</sup>Robert H. Bork. “Legislative Intent and the Policy of the Sherman Act.” *The Journal of Law & Economics*, Vol. 9 (Oct., 1966), pp. 7-48

<sup>9</sup>Anne Mayhew. “The Sherman Act as Protective Reaction.” *Journal of Economic Issues*, Vol. 24, No. 2 (Jun., 1990), pp. 389-396





## POLITICAL SCIENCE JOB TALKS

As we have mentioned in the past, we believe that adding to our faculty ranks is key to sustaining—and steepening—the growth curve that the Kinder Institute is on. Not only do these new hires enrich intellectual life at the Institute and widen the breadth of our undergraduate curriculum. As we quickly learned with Professors **Jay Sexton** and **Adam Seagrave**, who joined us in August 2016, these new colleagues are also often at the fore of fostering the kinds of interdisciplinary, cross-institutional research networks that are essential to continued innovation in and re-evaluation of the fields of American political thought and history. So with a pair of open offices on the fourth floor of Jesse Hall, we embarked on searches for two Endowed Professors of Constitutional Democracy during the fall semester, one each in History and Political Science. While candidates for the history position did not interview in Columbia until February 2017, we had the pleasure of hosting the following political science scholars on campus during November to discuss their research. Below are brief recaps of each of their four job talks.

### *Delegation and Bureaucratic Responsiveness to Elected Officials*

University of Illinois Assistant Professor of Political Science Jennifer Selin

For the first job talk, Professor **Jen Selin** outlined her current research into how the amount of authority accumulated by administrative agencies affects their responsiveness to the legislative and executive branches, arguing that a range of factors—from access to information to relative ideological uniformity—advantage the president in dealings with bureaucratic actors.

### *The Psychology of American Constitutionalism*

North Carolina State University Associate Professor of Political Science Jim Zink

Tracing his work back to Madison and Jefferson’s competing ideas about constitutional veneration, Professor **Jim Zink** examined how, particularly on the level of national elections, we see a voter bias toward constitutional stability that stems chiefly from the difficulty of the amendment process.

### *The Unitary Executive as an Historical Variable*

Yale University Ph.D. Candidate in Political Science Patrick O’Brien

Beginning with Jefferson and Jackson’s conflicting experiences with attempting to dismantle the national bank, and from there looking at an array of test cases from across American history, **Patrick O’Brien** worked against the leading approach to examining presidential control to argue that the theory of the unitary executive—which relies on factors such as first-mover and information advantages to understand presidential power—ignores the degree to which changes in administrative context over time can determine executive agency.

### *Martin Luther King, Jr. and the Prophetic Voice: Interpreting King’s Contribution to American Political Thought*

Princeton University Thomas W. Smith Research Associate in Religion and Public Life Sarah Beth V. Kitch

Drawing on research for her current book project, Dr. **Sarah Beth Kitch** used a thorough examination of Dr. King’s participation in the Hebrew prophetic tradition—specifically through his vision of justice and his notion of creative suffering—to challenge critics of King’s contribution to American political life and thought who alternately claim that he was either dangerously idealistic or too dependent on a politics of respectability.

## RESEARCH AND TRAVEL GRANTS

Twice each academic year, once in the fall and again in the spring, the Kinder Institute awards research and travel grants to faculty and graduate students from across MU whose work demonstrates the potential to open new lines of scholarly inquiry into the nation’s democratic and constitutional traditions, broadly construed to span multiple eras and continents and to transcend any notion of disciplinary boundary. During the October 2016 award cycle, the Institute supported the projects of the following individuals.

### *Faculty*

**Jay Dow** (Political Science): To support archival research at the American Antiquarian Society and Historical Society of Pennsylvania for his current book project on elections in the early republic

**Harrison Kim** (History): For Summer 2017 travel to conduct research for an article that sorts through the history of elections in North Korea to inquire into their situationally democratic nature

**Lee Manion** (English): To conduct research at Harvard’s Houghton Library for his current book manuscript, *The King is Emperor: Sovereignty, Justice, and Theories of Empire in Pre-Modern Literature*

**Abigail Manzella** (English): For research at University of Illinois’ Gwendolyn Brooks Archives for an article on the intersection of literature and constitutional history in Brooks’ *Maud Martha*

**Bryce Reeder** (Political Science): To conduct field interviews for a current research project on the relationship between political beliefs and military service

### *Graduate Students*

**Jessica Anderson** (Political Science): To present at the International Studies Association’s February 2017 annual meeting

**Brandon Flint** (History): To conduct research at the National Archives in College Park, MD, for his dissertation, *God in This New World of Tomorrow: The Rise of Protestant Short-Term Missions*

**Ed Goldring** (Political Science): For travel to Seoul to conduct research on the use of U.S. aid in North Korea

**Michael Hendricks** (Political Science): For field research in Nicaragua on the influence of foreign infrastructure investment on democratic institutions in the developing world

**Joel Reed** and **Josh Bramlett** (Political Communication): To collect data for their joint project analyzing campaign communication in partisan and non-partisan elections

**Sean Rost** (History): To present at the October 2016 annual meeting of the Western Historical Society

SPRING 2017

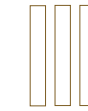




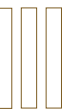
KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | SPRING 2017



# The COLUMNS



## NEW FACULTY

Late in the Fall 2016 semester, we received official word that Dr. Jennifer Selin, formerly of University of Illinois-Urbana Champaign, had agreed to join our faculty ranks as a Kinder Institute Assistant Professor of Constitutional Democracy and MU Assistant Professor of Political Science. With one job search wrapped up, we allowed ourselves a moment of celebration, and then turned our attention to the History search that was beginning to gather momentum.

After a call for applications that drew interest from California to Germany, followed by a series of



With all due respect to T.S. Eliot, we have to politely disagree with his stance on Aprils. Far from cruel, 2017's fourth month, a rare slow one at the Kinder Institute, gave us a chance to look back at a busy and productive first three of the year. Post-calendar turn, we: launched a new online, scholarly journal that is already attracting readers in droves; put ourselves on the verge of nearly doubling the size of our faculty; and saw our undergrads more than hold their own in philosophical discussions that were way over at least this writer's head. And as the spring 2017 recap reveals, this only scratches the surface.

Given everything else going on, we rarely get a chance to feature faculty work, but we would be remiss not to mention that early 2017 also brought a wave of faculty publications. New books or edited volumes by Professors **Steve Watts**, **Justin Dyer**, **Alasdair Roberts**, and **Adam Seagrave** are on shelves now, along with Professor **Jay Dow's** *Electing the House* and University of Colorado-Colorado Springs Professor **Joseph Postell's** *Bureaucracy in America*, the third title in our *Studies in Constitutional Democracy* book series with MU Press.

For more information on all new books, check out the "Book Series" and "Faculty Publications" pages on the Kinder Institute website.

Continued from page 1

preliminary interviews held at January's annual meeting of the American Historical Association in Denver, we brought three candidates for our endowed professorship in history to campus early in the Spring 2017 semester to present their research to Kinder Institute and History Department faculty, graduate students, and undergrads: the two Yale Ph.D. candidates whose talks are summarized below, **Alyssa Zuercher Reichardt** and **Michael Hattem**, as well as Monticello historian and University of Virginia faculty member **Christa Dierksheide**, whose presentation is featured in the "colloquia" section.

### *War for the Interior: Constructing Imperial Communications Infrastructure for the Heart of North America, 1755-1774*

Yale University Ph.D. Candidate in History Alyssa Zuercher Reichardt



In opening her February 3 job talk, Alyssa Reichardt noted that while there are many reasons the North American Interior was an important arena in the Seven Years War, perhaps chief among them was that it served as the key conduit for news and goods traveling from the frontier fringes to the east coast nerve centers of the French and British empires and, from there, across the Atlantic to Paris and London. As she would explain over the course of the rest of her presentation, given the interior's identity as a space shaped and re-shaped by human and material movement across it—as well as its strategic centrality to the War itself—it makes sense that British victory can largely be attributed to the construction and refinement of a superior communications infrastructure in the region.

A primary component of this new infrastructure was, of course, physically grafted onto the landscape in the form of new wagon roads and proto-canals, which, combined with advances in transportation technology, allowed for a swifter, more efficient circulation of wartime news and supplies. Drilling down further though, Reichardt argued, we see how a wide array of communications system changes and improvements—data regularization, information hub consolidation, military professionalization, newspaper subscription services, and state-funded postal networks (to name only a few)—also contributed significantly to the British empire's institutional advantage and eventual victory. To provide context for the magnitude of Great Britain's innovation—as well as France's failure to match it—Reichardt examined the transmission of news regarding the 1758 fall of Fort Duquesne (a turn of events, it should be added, made possible by Brigadier-General John Forbes' insistence that new roadways be cut across Pennsylvania). Relay of word that the fort had been destroyed and that British forces now controlled the convergence of the Allegheny and Monongahela Rivers began on November 25, with the news reaching New York by December 12, and London by January 19, 1759. By comparison, France's information hub in Montreal did not hear of the fall of Ft. Duquesne until January 20, and word did not reach Paris, via New Orleans, until April of 1759.

Reichardt ended her talk by pointing out how the same communications advantage that led to inter-imperial victory over France was, somewhat ironically, also at the root of intra-empire turmoil. As movement into the heart of the continent both stoked resistance to imperial control within individual colonies and strengthened connections between them, roads once used for war purposes quickly transformed into the primary routes for the anti-British newspapers that were booming in volume.

Infrastructural shifts like this, she concluded, might not have singularly accounted for the rise of revolutionary sentiment in the 1770s, but they certainly helped pave its course, and because of this, cannot be overlooked when studying the undoing of the British empire in the soon-to-be United States.

### *Creating the Colonial Past in the Revolutionary Historical Imagination, 1764-1813*

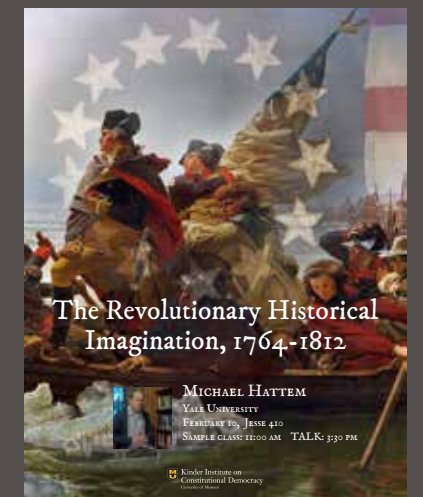
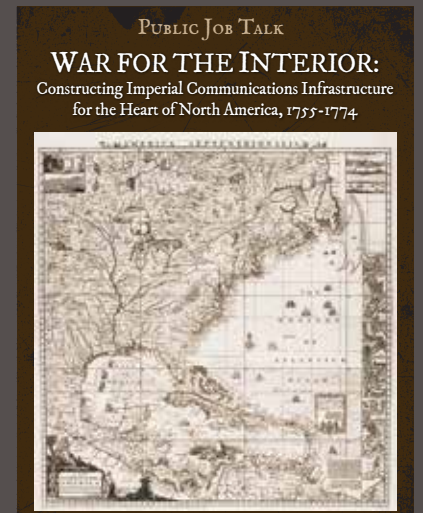
Yale University Ph.D. Candidate in History Michael Hattem



Drawing on research for a chapter from his dissertation, *Past and Prologue*, Michael Hattem used his February 10 job talk to frame the American Revolution as a pivot point in colonists (and, later, citizens) shedding their identity as British subjects and forging a shared history. As he noted in his introduction, though, charting this process requires careful methodological scaffolding, and so he began by describing the centrality of 'history culture,' a line of inquiry that utilizes representations of the past throughout a society's cultural production to better understand how a national historical narrative takes shape, to his larger project.

In the case of colonial and post-revolutionary America, this particular approach reveals how the outlines of a unique national narrative began to emerge in 1764, at the beginning of the imperial crisis. The growing fracture between the colonies and the mother country, Hattem argued, demanded the creation of a past that did not then exist: one that deconstructed connections with Great Britain and, in this act of deconstruction, provided stability amidst a landscape of heightened political hostility. The re-imagined past that ultimately began to take form, he went on to describe, focused largely on providing new context for and, in a sense, staking a new ownership claim to the history of settlement. Whereas the British stressed their own role in birthing the North American colonies, figures like Isaac Barre argued in Parliament that it was oppression that planted the colonists in the Americas, a re-envisioning in which claims of equality and distinction could be grounded and which would subsequently serve as a new first principle from which a singular American history could proceed.

In the early national period, this act of creatively revising the narrative on record continued. As Hattem explained, we saw, for example, a new and somewhat fine-spun emphasis placed on intercolonial unity; we saw affection for the mother country actively excised from American identity and a general minimization of the rupture of revolution trumpeted as a way to codify independence and stability and to project it back onto pre-war culture; and finally, he concluded, in works like Joel Barlow's *Visions of Columbus*, we saw a search for alternative national origin points and stories—anything that would help transform a history of subjecthood into one of citizenship.







*“I have been interested in politics for as long as I can remember (even back to elementary school).”*

*—Jen Selin*

*Jen Selin Profile*

In a back-and-forth conversation between Kinder Institute Communications Associate **Thomas Kane** and Prof. **Jen Selin**, it was perhaps the simplest sentiment—quoted in the left sidebar—that excited us most. This kind of “lifer-ism” is, to be sure, precisely what you want to hear from your newly hired Kinder Institute Assistant Professor of Constitutional Democracy. And while we have no official indicators (yet) of Professor Selin’s level of participation in fourth grade class elections, the rest of her C.V. more than backs up this commitment to political inquiry. From undergraduate majors in Political Science and American Studies at Lebanon Valley College, to summer internships in the Ohio Legislature and on Capitol Hill, to her Ph.D. at Vanderbilt, “the common thread through all of my experiences,” Prof. Selin noted, “was an interest in the political process.” Interestingly, though, it was an ever so slight detour from this common thread that led her to the fourth floor of Jesse Hall. After completing a J.D. at Wake Forest, she took a job with a boutique energy law firm in the nation’s capital, and it was there that she realized that her deep fascination with the big picture, policymaking aspects of the job—with the processes that related actors and institutions in the Beltway—might be better pursued in, and eventually in front of, the political science classroom.

Leaving lawyering for the graduate student life, however, didn’t mean leaving the law behind. Far from it. As she explained, her coursework in and practical experience with administrative law not only led to her gravitating toward the questions that political scientists tend to grapple with when it comes to bureaucratic policy but also sparked the realization that, given her past, “her approach to thinking about the administrative state was different than most political scientists’.” Included among the numerous projects that have since benefited from this unique approach is the *Sourcebook of United States Executive Agencies*, a report commissioned by the Administrative Conference of the United States (ACUS) cataloging the organization of the federal executive branch that has been referenced with admiration and gratitude by the Supreme Court and White House and which Jen and her co-collaborator on the project, Vanderbilt Professor David Lewis, presented to Congress after its initial publication in 2012. With a new administration in office, ACUS decided that a rewrite was in order, and Jen has taken on the bulk of that task, which we will continue to update readers on as the circulation date for the new *Sourcebook* grows closer.

Kinder undergraduate and graduate students will soon join U.S. Senators and Supreme Court Justices in the ranks of people who have reaped the rewards of Prof. Selin’s academic pursuits. As she pointed out, a thorough understanding of U.S. politics in the modern era requires close attention to why the administrative state has increasingly been turned to for assistance not only in implementing but also substantively crafting federal policy. Hers is thus a subfield, she went on to describe, where past and present come complexly together, making it a scholarly home for any student of American politics interested in examining the questions of legitimacy, efficacy, and accountability that surround “a part of our federal government that the Constitution does not explicitly reference but which currently employs over five million [...] unelected officials [who] make policy decisions in such areas as economics, civil rights and civil liberties, and the environment.” Scholarly discourse being at all times a delightfully two-way street, of course, Prof. Selin likewise added that she is excited for the various ways in which her research—much of which currently focuses on “how the accumulation of administrative authority affects administrators’ responsiveness to democratically elected officials”—will benefit from the expertise in political history and development that the Kinder Institute’s intellectual community offers.

SPRING 2017 EVENTS

In comparison to the fall, we had an equally, if differently, busy go of it in the spring, trading in large lectures for smaller workshops as the pillars of Institute programming. In terms of the breadth of subject matter examined, though, we may have actually surpassed what we covered in late 2016. From mid-twentieth century heartland politics to Russian Facebook to lead mining in antebellum Missouri, our history colloquia spanned eras and continents deftly, while attendees of our two political science workshops saw the influence of a pair of nineteenth-century philosophical icons traced into the modern day.

As the following two pages show, our community seminars also remain at the core of our programming agenda, with one concluding in late January and another picking up where it left off in March.



THE PROPERTY-CENTERED  
CONSTITUTIONALISM OF THE  
FOUNDING GENERATION AND ITS  
CONTINUING VITALITY TODAY



MARCH 21 12:00 PM ST. LOUIS CLUB  
REGISTER AT [HTTPS://GOO.GL/ONDMLK](https://goo.gl/ONDMLK) TICKETS \$25.00  
SEATING IS LIMITED SO REGISTER EARLY!


1.0 HOUR OF MISSOURI CLE CREDIT HAS BEEN REQUESTED




James W. Ely, Jr., is the Nelson R. Rockefeller Professor of Law, Executive, and Professor of History, Emeritus, at Vanderbilt University. He has written about a wide range of topics in legal history and is the author of numerous books including *The Guardian of Every Other Right: A Constitutional History of Property Rights* (Oxford University Press, Yale edition 2003; American Legal History: Cases and Materials, Oxford University Press, 4th edition 2011) (with Kenneth L. Hall and Paul Finkelman), *The Federal Court: Justice, Politics, and Legacy* (ABC-CLIO 2007), *Reynolds and the National Law University* (Pittsburgh Courier 2004), and *The Chief Justices of the Supreme Court* (University of South Carolina Press 1997; paperback edition 2012). His most recent book is *The Contract Clause: A Constitutional History* (University Press of Kansas, 2016). He was the recipient of the Stephen A. Coons Property Rights Prize, the second in a series of prizes of the *American Journal of Legal History* from 1987 to 1995.



THE 2ND AMENDMENT  
AND SLAVERY:  
GUN RIGHTS, GUN CONTROL,  
AND THE SEARCH FOR A USABLE  
CONSTITUTIONAL PAST



SAUL CORNELL, FRIDHAM UNIVERSITY  
APRIL 5 1:30 MIDDLETOWN 5:30 PM



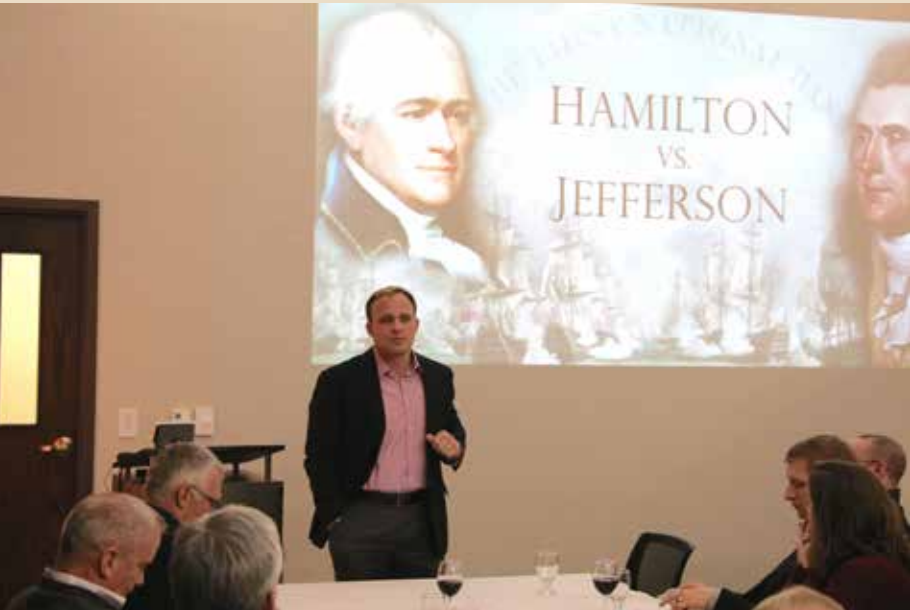


COMMUNITY SEMINARS

Hamilton vs. Jefferson in the Washington Administration

University of Nebraska-Omaha Associate Professor of Political Science  
Carson Holloway

The barbs exchanged between Alexander Hamilton and Thomas Jefferson show no love lost between the two historical giants. For Hamilton, Jefferson was a man continually machinating against public happiness; for Jefferson, his political foil was a threat to no less than the liberty of the country. As Professor **Carson Holloway** argued in his January 18 talk, the concluding lecture for Kinder Institute Director **Justin Dyer’s** *Hamilton vs. Jefferson* community seminar, at the root of the pair’s mutual distaste for one another were two competing visions of what was necessary to complete the nation’s founding. Front and center in their disagreement was Hamilton’s treasury program. Derived from his broad belief in the importance of an energetic, powerful central government, the treasury program was built around two primary pillars: the creation of a national bank, which Hamilton saw as necessary to establish public credit and international borrowing power, and the use of protective tariffs to galvanize (by subsidizing) American manufacturing. In regard to the former, Jefferson’s counterargument was that Congress had no enumerated power to create such a bank and that allowing it to do so would bend the constitutional meaning of “necessary and proper” beyond recognition. A government so empowered, Jefferson posited, bordered on monarchical, a claim Hamilton rebutted by suggesting that cleaving to Jefferson’s narrow notion of a federal government that could act upon only what was indispensably necessary for the general welfare would result in anarchy. Their animosity likewise spilled over into the realm of foreign policy, Prof. Holloway noted, reaching a crescendo during the *Pacificus-Helvidius* debates when Hamilton, writing in support of Washington’s 1793 Proclamation of Neutrality, argued for the executive office having a broad role in foreign policy, while Madison, speaking for Jefferson, deemed such a constitutional interpretation heretical and instead situated the ability to declare war (or neutrality) and reach treaty agreements firmly within the purview of the legislature.



Playing the Past

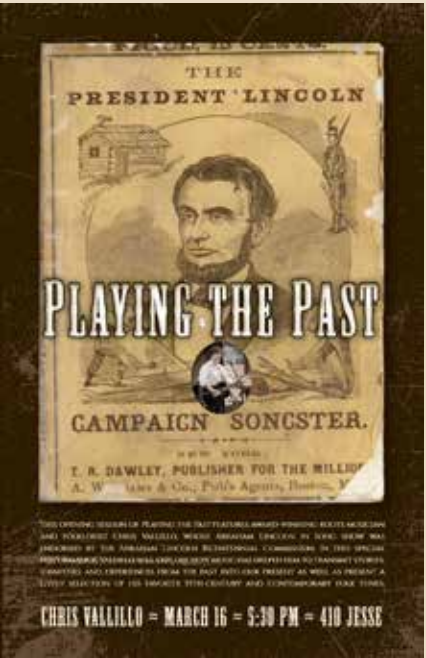
Spring 2017 Community Seminar by Kinder Postdoctoral Fellow in History  
Billy Coleman

While “Land of Lincoln” singer-songwriter **Chris Vallillo** would eventually return to his starting point—a serene and somewhat infamous April 1865 carriage ride through the countryside surrounding D.C.—the narrative of his March 15 one-man show at the Kinder Institute began in earnest shortly after Abraham Lincoln’s birth, at a junction of the Louisville-Nashville Turnpike in Knob Creek, KY. It was here, he noted, that politicians, traveling preachers, scientists, and pioneer ramblers spun the tales of a new Eden across the Ohio River in “El-a-Noy” that would ultimately set Lincoln on a westward (then eastward, then tragically back westward) trek into history. Weaving primary source research together with performances from the *Republican Songster* over the course of the evening, Vallillo brought this history to life by creating a biography that not only charted Lincoln’s rise from day laborer to savior of the Union but also underscored music’s central place in his life, specifically, and nineteenth-century democratic culture in general.

There were the work songs, like “Shawneetown,” that propelled flatboats down the Mississippi towards New Orleans and that first exposed Lincoln to the true scourge of slavery. There were the hammer dulcimer waltzes that a young bachelor twirled Mary Todd to in New Salem, Illinois, where, while failing at business after business, he discovered Blackstone’s *Commentaries* at the bottom of a barrel of mixed goods, soon after which he found himself a self-taught, itinerant lawyer on Illinois’ Eighth Judicial Circuit. There were the brass bands that preceded Stephen Douglas to the podium in Galesburg and Alton; the chants of the Wide-Awakes up and down the East Coast touting the rise of the Republican party; the abolitionist Hutchinson Family Singers’ “Lincoln and Liberty,” a campaign song to which Lincoln credited his victory in 1860; and “We Are Coming Father Abra’am,” a musical response to Lincoln’s 1862 call for 300,000 more Union troops, which promised a citizenry that would meet (and double) the President’s request.

There were, of course, also the songs of mourning that scored Lincoln’s funeral train as it wended its way to Illinois, tracing in reverse the same path that Lincoln had followed a few years prior as he made the presidential pilgrimage to D.C., as well as the folk tunes that were written in the decades and centuries after Lincoln’s death to commemorate his legacy. As Vallillo noted in closing his performance, it is these works—perhaps more than any—that demonstrate how Lincoln conceived of music as a vehicle for dignifying the individual, and communicating forms of personal and political affection that transcended race, class, and region.

For anyone interested in learning more about the music of the early Republic and Civil War-eras, copies of Vallillo’s “Abraham Lincoln in Song,” can be purchased at [ginridge.com](http://ginridge.com).





COLLOQUIA

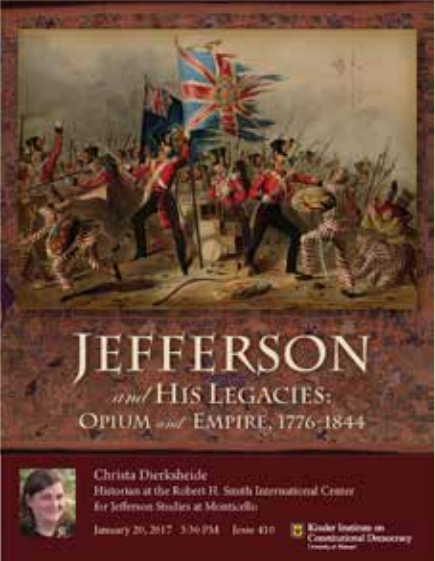
Jefferson and His Legacies: Opium and Empire, 1776-1844

Robert H. Smith International Center for Jefferson Studies Historian  
Dr. Christa Dierksheide



How, exactly, to tell the story of Thomas Jefferson is a question with which the nation has grappled for some time, while achieving little in the way of consensus. As Dr. **Christa Dierksheide** pointed out in the opening remarks for her January 20 talk at the Kinder Institute, this is due in large part to the fact that there is a certain zero sum divisiveness to contemporary discourse about Jefferson’s legacy, with one camp toeing the old line and championing him as an “apostle of American democracy” and the other characterizing him with equal forcefulness as a slaveholding hypocrite far more committed to oppression than liberty. Complicating matters even further, she noted, is Jefferson’s having told us on his tombstone how he would like to be remembered: as the author of the Declaration of Independence and the Virginia Statute for Religious Freedom, and as the father of the University of Virginia.

Engaging with Jefferson’s own belief that “every generation is an independent nation,” Dr. Dierksheide’s current book project veers from these conventional approaches to interpreting Jefferson’s legacy by examining how his visionary and often highly problematic ideas were embraced, revised, and at times even abandoned altogether by his actual heirs, the many grandchildren who scattered to all reaches of the nation and globe in the decades after Jefferson’s death. Playing integral roles in the continuation and expansion of slavery, for example, were grandsons Nicholas Trist, appointed U.S. consul in Havana by Andrew Jackson, and Meriwether Lewis Randolph, Jackson’s Secretary of the Arkansas Territory. There were also Jeffersonian heirs on both sides of the Civil War, including John Wayles Hemings Jefferson, who rose to the rank of Colonel in the Union Army, and Benjamin Franklin Randolph, an ardent secessionist and Confederate footsoldier. Finally, promoting the ideals articulated in the Declaration were granddaughters Ellen Wayles Hemings Roberts, who moved West and was an early voice in the movement to extend equal rights to African American citizens, and Mary and Cornelia Jefferson Randolph, founders of an independent boarding school in Virginia who were, at least for a very brief moment, responsible for paying off the significant posthumous debt with which Jefferson saddled his relatives.



Which brings us to the central figures of Dr. Dierksheide’s talk, Ellen Randolph Coolidge, Jefferson’s granddaughter and closest intellectual heir, and her husband Joseph Coolidge, Jr., whose experiences in China during the First Opium War can be used as a case study for examining the United States’ changing status in the global marketplace during the first half of the nineteenth century. For the Coolidges, as for many of the subjects of Dr. Dierksheide’s new book, the shifts in political and economic landscape that they observed and even helped initiate while overseas trace back at least in part to Monticello.

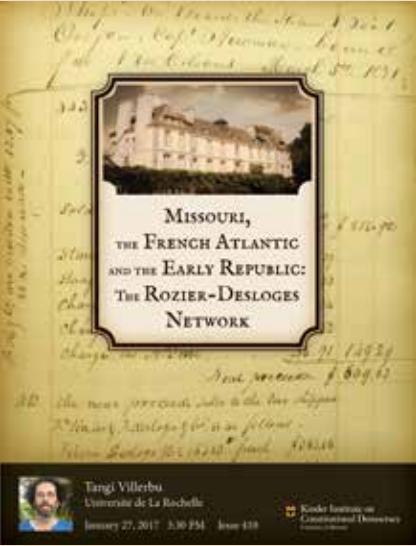
In response to British mercantile monopolies’ practice of obstructing American commercial entry into West Indies markets—in response, that is, to the fact that the Declaration of Independence did not the United States an equal nation make—Jefferson had advocated for U.S. free trade with China as early as 1784. These pursuits bore little fruit initially—for years, the U.S. bought far more in Canton than it sold—but this all began to change as a result of American neutrality, first in the Napoleonic Wars and, later, during the First Opium War. Now called upon to serve

as carriers of cotton, tea, and opium into, out of, and between markets from which the British were barred, the U.S. utilized its neutral status to build new alliances and accrue greater market knowledge, which, combined with the introduction of bills of exchange, decreased American economic dependence and began ushering the United States toward a seat at the table within the global free trade system. On one hand, the experience shipping for Britain during the Opium War raised fundamental questions regarding the basis of diplomatic relations for figures like the Coolidges—in this case, whether to support the hegemon with whom the United States shared certain customs and history or the underdog who, like the U.S. in the eighteenth century, was subject to British aggression. Ultimately, though, the appetite for scale and profit that came with increased market participation governed the United States’ approach to negotiating relationships in Canton. While Coolidge himself eventually came to endorse British aggression, the U.S., now fully converted to the gospel of free trade, sought to secure diplomatic stability with China in order to preserve and extend its burgeoning interests in the region. As Dr. Dierksheide noted in closing her talk, the 1844 Treaty of Wanghia—which, among other things, allowed the U.S. to buy land and erect churches in Chinese port cities, exempted U.S. citizens from Chinese law, and granted America “most favoured nation” status—embodied the United States’ rise from a second-rate economic player to a commercial equal of Great Britain, capable of applying its laws, extending its values, and wielding its power in the marketplace far beyond its own borders.

*The Rozier-Desloges Network: Missouri, the French Atlantic, and the Early Republic*

Université de La Rochelle Associate Professor of History Tangi Villerbu

Understandably, Potosi, Missouri, might not be the first city one associates with tracing the evolution of the French Atlantic world. As Professor **Tangi Villerbu** showed in his January 28 talk at the Kinder Institute, however, much can be learned about the early republic by examining the connections forged between the western coast of France and what is now the eastern border of Missouri during the early nineteenth century. His particular subject was Ferdinand Rozier, son of a Nantes merchant who, along with Jean Jacques (soon to be John James) Audubon, landed in Philadelphia in 1806 in search of new economic opportunity. Drawn to investments in the Mississippi and Ohio River Valleys, Rozier’s partnership with Audubon, as well as his time on the east coast, was short-lived, and he soon found himself in Ste. Genevieve, MO, surrounded by countrymen: merchant-refugees who had come north from Ste. Domingue, French priests who had fled the Revolution, and, soon after arriving, his nephew, Fernin Desloges. Together, Desloges, Rozier, and their offspring were at the center of a market revolution of sorts in eastern Missouri, purchasing and managing lead mines that integrated Potosi into major transnational trade routes: one running around the continent, from New Orleans to Philadelphia to New York, and another across it, from Louisville to Cincinnati to Pittsburgh. And it wasn’t long before the influence of the Rozier-Desloges network spread into civic life, with Rozier’s grandson running for U.S. Senate as a free-soil, Bentonian democrat opposed to the extension of slavery into the Western territories.







## Free Spirits or Free-Riders? Safeguarding the Soul while Benefitting Society

University of Colorado–Colorado Springs Assistant Professor of Political Science  
Steven Pittz

The first in an ongoing run of Political Science colloquia, Professor **Steven Pittz** came to campus on February 1 to workshop an article-in-progress that examines the role and potential value of Nietzsche’s free spirit in political society. As he acknowledged in introducing his topic, there is a certain paradox that must be overcome—or, at the very least, that we must submit to grappling with—if we are to engage in the line of inquiry that animates his current research. At face value, the free spirit’s native attributes—namely political detachment and seclusion—would seem to suggest someone inherently apolitical: not a valuable contributor to political society, but instead a non-actor philosophically disengaged and even physically displaced from it. In providing a brief overview of his article’s argument, though, Prof. Pittz laid out a case for why we should not be in a hurry to de-value such detachment. Specifically, he noted how the independence of mind that free spirits demonstrate in prioritizing inward freedom can serve as a model for resisting the dominance of popular opinion by promoting skepticism and scrutiny. In their unique rebelliousness, he argued, free spirits can, in fact, combat those prevailing forces—political parties, media, marketing—that, when acting in concert on the public consciousness and spirit, present a threat of majority tyranny.

## The Politics of Remembering: A Russian Poet on Facebook

University of Missouri Associate Professor of Russian Martha Kelly

For scholars who work at the intersection of literature and political life, the answer to the question guiding Professor **Martha Kelly’s** February 24 talk at the Kinder Institute—does poetry matter in the public sphere?—is (and has to be) self-evidently ‘yes.’ As Prof. Kelly would go on to demonstrate in presenting her research on Russian poet Olga Sedakova, though, the complexity and joyful nuance of this query lies in the sub-questions that it gives way to, namely: how and where can poetry be politically impactful?

For Sedakova in particular, the question of how poetry can matter must be placed in conversation with claims that her work’s radiant imagination and spiritual depth speak to its inherently apolitical, non-contributive nature (especially when set against the backdrop of the realism that characterizes large swaths of Russia’s present poetic landscape). Far from the case, Prof. Kelly argued that what critics deem escapist and impossibly disconnected about Sedakova’s poetry is actually indicative of a new language of politics and a new apparatus of memorialization that her work forges. The gentle desperation of a poem like Sedakova’s “A Mountain Lullaby,” for example, does not evade reckoning with historical trauma but instead constitutes a lyric mode of and voice for defying the patriotic, conservative suppression of unpleasant truths in which contemporary Russian political culture trades.

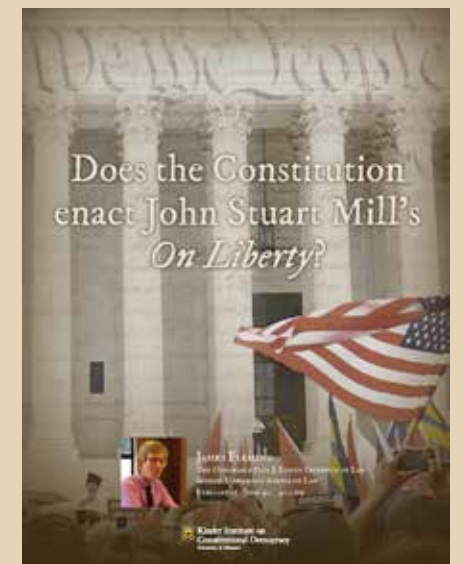
It is when we shift the frame to consider both how and where poetry can matter, Prof. Kelly continued, that we see more completely how Sedakova fashions remembrance as an act of resistance. For Sedakova, the answer to this question of where poetry matters—on Facebook of all places—might at first glance seem somewhat odd to American social media users accustomed to the platform’s critical thinness. As Prof. Kelly explained, however, Russian Facebook is actually a digital forum for public

intellectuals: a space, that is, where dissident poetry is taken seriously. Within this new context, Sedakova’s Facebook timeline cannot be approached as an expression of whimsy but rather as an ongoing ritual of commemoration. Much like Sedakova’s description of the act of reading religious icons, as our gaze shifts from center-to-periphery on her timeline, we bear witness to a performance of weaving together and un-weaving the solemn and the ephemeral. As meaning disappears only to be re-constituted, we understand memory as a moral, religious, and political imperative—as, Prof. Kelly concluded, a means of un- and recovering repressed stories and thus resisting those forces which condemn citizens’ recollection of what is difficult about their shared history.

## Does the Constitution Enact John Stuart Mill’s On Liberty?

Boston University Honorable Paul J. Liacos Professor of Law  
James E. Fleming

Making the annual trek to his undergraduate stomping grounds, Professor **James E. Fleming** came to Columbia on February 28 to workshop a chapter from his book-in-progress, co-authored with Prof. **Linda C. McClain**, which sets out to “analyze classical controversies over law and morality as they have arisen in contemporary struggles for the rights of gay men and lesbians.” At the center of the chapter in question is a challenge to Chief Justice John Roberts’ claim in his dissenting opinion in *Obergefell v. Hodges* (2015) that “[t]he Fourteenth Amendment does not enact John Stuart Mill’s *On Liberty* any more than it enacts Herbert Spencer’s *Social Statics*.” As Prof. Fleming would argue in presenting his research, rather than mount a meaningful critique of the majority opinion in *Obergefell*, Chief Justice Roberts’ assertion regarding Mill and Spencer, a knowing echo of Justice Holmes’ dissent in *Lochner v. New York* (1905), constitutes a “rhetorical trope or meme” of convenience for opponents of substantive due process and moral readings of the Constitution. In instances like this one, he explained, Mill in particular is often invoked as a way to create the façade of a Court willing to subvert the Constitution by drawing on outside authorities to promote specific moral theories or views. This line of logic, Prof. Fleming countered, is “substantively fallacious” for a number of reasons, two of which he highlighted in his talk. (1) It entirely misstates how harm principle arguments have historically been made in substantive due process cases from *Meyer v. Nebraska* (1925) forward. If Mill contends that government restriction of individual liberty is valid only to prevent harm to others—if he wields the harm argument affirmatively, as a sword that strikes down moral legislation—the opposite is true in *Obergefell*, where Justice Kennedy’s claim in the majority opinion that same-sex marriage “poses no risk of harm to [the couples themselves] or third parties” functions defensively, “as a *shield* against extending liberties to activities that *do* threaten to impose harm on others or on institutions like marriage.” (2) It opens the door to falsely presenting substantive due process cases’ protection of autonomy as efforts to promote a romantically or comprehensively liberal and Millian “right to be different.” Or, conversely, claims of the Court enacting *On Liberty* ignore how substantive due process case law is constitutionally tethered to the common law interpretive practice of utilizing precedent and analogical reasoning to define and extend only those basic liberties “already protected for some to others in order to enable them to pursue the same noble purposes and moral goods.”





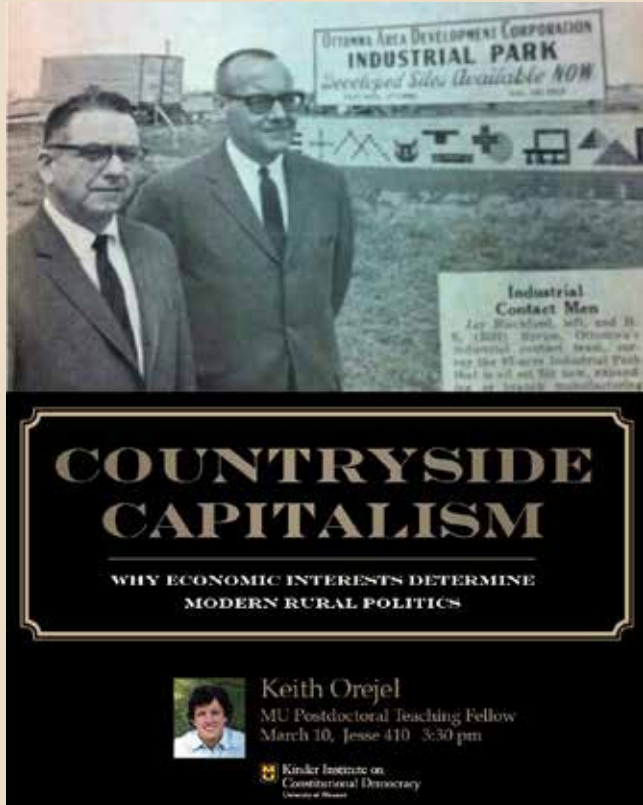
*Countryside Capitalism: Why Economic Interests Determine Modern Rural Politics*

University of Missouri Postdoctoral Teaching Fellow in History Keith Orejel

In 1968, Richard Nixon gave a speech in Des Moines that, among other things, underscored the importance the Republican Party placed on carrying Iowa (along with the rest of the blue-turned Midwest) in a post-Barry Goldwater political landscape. As Professor **Keith Orejel** noted in introducing his March 10 presentation, not only did Nixon’s speech acknowledge the economic decimation that the region’s agricultural industry had experienced in the years since World War II. When analyzed with a backward glance, its content also reveals a fundamental contemporary misconception about small-town, heartland politics. More specifically, little (if any) mention was made in Nixon’s speech of the “guns and Bible” cultural politics that many have come to associate with the region in the wake of Thomas Frank’s *What’s the Matter with Kansas?* Instead, with promises of better schools and roads and more extensive public utilities—promises, that is, of government investment in infrastructure that would continue to catalyze industrial growth in the region—Nixon made an appeal to Midwestern economic rebirth that still very much resonates today.

As Prof. Orejel would go on to explain, the origins of Nixon’s appeal can be traced back to a grassroots political movement started by small-town business leaders in the 1950s who aimed to reconstruct the rural economy—to solve the problems of outmigration and agricultural unemployment—by courting urban factories to relocate to the heartland. In unpacking this thesis, Prof. Orejel focused on Centerville, Iowa’s Robert K. Beck, a newspaperman-turned pro-industrial development drum banger-turned gubernatorial hopeful. Beck and Centerville’s shared narrative, he explained, was an all too familiar one in the 1940s-1950s Midwestern farm belt: when increased production failed to provide a solution to the structural revolution of the agricultural industry, small farmers sold out to their larger, technologically-endowed competition, and as a result, Centerville, like so many other cities at the time, saw its population decrease by nearly 50%.

From the ashes, though, was born Beck & Co.’s Iowa Development Commission (IDC) and its aggressive campaign to attract capital investment in the region through a self-described “middle of the road” platform of amenities that blended the pro-business “best” of New Deal liberalism and post-WW II conservatism: from the right, anti-union attitudes, low corporate taxes, and expensive subsidies; and from the left, an FDR-like commitment to liberal ideas about government spending on internal improvement. To some degree, the IDC’s efforts paid off, with rural far outpacing urban industrial growth during the 1960s and 1970s, and population in the area beginning to rebound as a result of new economic opportunities. And while Beck’s own run at the governor’s seat came up short, Prof. Orejel concluded by noting how his “better times ahead: and how” rhetoric not only laid out the path that Nixon would follow to victory in 1968 but also found its way into the most recent presidential election in the form of Trump’s promises to restore America’s manufacturing economy, in urban and rural areas alike, after its precipitous decline during the first decade of the new millennium.



UNDERGRADUATE

Establishing any temporal frame of reference for spring undergraduate programming at the Kinder Institute is mostly a losing battle, as it requires not only frenetically navigating between tenses but, at times, also inventing new ones. In what we might call present tense programming, our 2016-17 fellows were taken on a journey into the “Land of Lincoln” by singer-songwriter **Chris Vallillo** during a March 15 preview of **Billy Coleman’s** *Playing the Past* community seminar, and also treated to a deep dive into Islamic philosophy by Salve Regina University Associate Professor **Khalil Habib**, whose February 13 lunch lecture on the Golden Age debate between Avicenna and Al-Ghazali over whether the world was created or eternal focused on the complexity of Plato and Aristotle’s influence on Islamic thought and culture in the formative era as well as on questions, still being grappled with today, about the reconcilability of faith and reason.

At the midpoint between these two spring semester events, we got a rare (and exciting) glimpse into the future, with the coming and going of the February 28 application deadline for the 2017-18 Society of Fellows.

As for the past, we partnered with former fellow and newly-minted Mizzou Alumni Center Representative **Gunnar Johnanson** on the creation of an affinity group that will put all past undergrad program participants in touch with one another and with us—some sooner rather than later, it turned out, at an April 4 dinner and Q&A in Jefferson City with new University of Missouri System President **Mun Choi** that was sponsored by longtime friends of the Institute **Clyde and Sue Lear**.

In a tense trapped between present and future, this year’s class of Kinder Scholars met monthly during the spring with Undergraduate Programs Coordinator and Kinder Institute Associate Professor of Constitutional Democracy **Carli Conklin** to finalize internship plans for the summer and to start building a cohort in advance of heading to the east coast in May.





And finally, in the “tense: undefinable” category, a sitting-room-only audience of undergraduates from all corners of the Mizzou campus packed the Kinder Institute seminar room on March 13 for a Q&A with the Honorable **John L. Murray**, formerly of the European Court of Justice and the Supreme Court of Ireland, where he served as Chief Justice. On the practical side, Justice Murray, who also served as Ireland’s Attorney General, fielded comparative questions about the enforcement of opinions, term limits, caseload, and appointment process in Ireland, where there are no confirmation hearings. He also addressed a number of more philosophically- and geopolitically-oriented topics, touching, for example, on: the connection, in Ireland, between living constitution jurisprudence and a more easily amended national constitution; the effect Brexit might have on the Irish judiciary—“little,” he noted, though he added, “what it will be a catalyst for no one knows”; the precedence EU legislation and treaties hold over local laws and courts and the impact of this arrangement on national sovereignty; and the non-obstructive relationship between judicial philosophy and Ireland’s religious history.



## HONORS COLLEGE COURSE SERIES

Amidst all the Fall 2016 goings on, there was one new initiative—an initiative at the very core of our mission—that didn’t get the coverage it deserved: our *Constitutionalism & Democracy* course series, undertaken in partnership with the MU Honors College. Constructed as an outlet for undergraduates interested in examining the ideas and events that shaped American politics and culture from before the Revolution through the aftermath of the War of 1812, the series kicked off in August 2016 with Kinder Institute Associate Professor of Constitutional Democracy **Carli Conklin’s** “POL SC 2450H: Intellectual World of the American Founders,” a course that focuses, in essence, on what the Founders were reading when they were founding. Perhaps more specifically, by exploring the work of heavy hitters from Aristotle through John Adams, students immerse themselves in the study of intellectual origins: in, that is, the process of tracing the same lines of inquiry in which the nation’s early leaders rooted their consideration of how to give new and innovative life to the most vitally important of concepts—law, justice, rights, government, and revolution, to name but a few.

In talking with students after the semester, we found that what resonated most was the course’s collective aspect: the aspect, in a sense, that most closely mirrors the image of a group of revolutionary thinkers cloistered in a Philadelphia state house charting the future of a nation. They spoke, for example, about how the class’ discussion format enhanced their approach to reckoning with difficult primary source texts. One student noted how, even in the absence of group projects as such, it was “one of the few classes in which I bonded with and knew everyone by name,” adding that “at first I was intimidated during discussion, but not anymore.” And in an echo of the empowering anxiety that we imagine attendees of the First Continental Congress might have felt, another student cited the creative autonomy allotted for giving form to formlessness as a strength of the class, acknowledging both a certain nervousness that came with a deliberately vague early assignment as well as the ultimate reward of instructions that “allowed me to figure things out myself.”

But why take things second hand? For anyone interested in reading along at home with students in the “Intellectual World” course, see the sidebar to the right for five recommendations from undergraduate fellow and Kinder Scholar **Tricia Swartz**.



### *Tricia Swartz's Top 5 Readings from "Intellectual World of the Amererican Founders"*

1. Cicero, *On the Laws*—“After reading Cicero, I realized that I enjoy studying natural law philosophy.”
2. Locke, *Second Treatise of Government* and Price, *Observations on the Nature of Civil Liberty*—which ended up being the central texts for Tricia’s article for Vol. 3 of the *Journal on Constitutional Democracy*
3. Aristotle, *Politics*—“I believe Aristotle can inform our understanding of contemporary politics.”
4. *The Holy Bible*—“Some of my favorite readings were different texts, such as Biblical passages, that were part of the Founders’ education.”
5. Hooker, *The Laws of Ecclesiastical Polity*—“This author helped me to understand the relationship between reason, natural law, and just governance.”





## Q AND A

### *Kinder Institute Alum: Where are they now?*

with Samantha Franks

Now that there's not a single soul from our first class of fellows still enrolled as an MU undergrad, we figured that it was high time that we tracked some of them down (read: that we were long overdue in tracking some of them down) for updates on what they have been doing since graduation. In, what we hope will be a recurring feature, former undergraduate fellow and Kinder Scholar, and then-current Fulbright Scholar at Durham University, **Samantha Franks** emailed back-and-forth with Kinder Institute Communications Associate **Thomas Kane** about topics including her graduate studies, learning the nuances of a new political culture, the sad state of English breakfast food, and her jet-setting solution to this glaring problem. [Note: Some questions and answers have been edited for length.]

*Thomas Kane: I realized as I was putting these questions together that I don't think I could produce a full description of what all the program you're doing entails. Can we start with the nuts-and-bolts? A description of the Fulbright and a brief glimpse into the kind of work you've been doing while you've been in the UK?*

Sam Franks: Two things. The first is Fulbright. Studying as a Fulbright Scholar in the UK entails a couple of different responsibilities. You're supposed to serve as an ambassador between the United Kingdom and the United States, which means attending functions across the UK, if possible, to learn more about the culture of England, Scotland, Wales, and Northern Ireland. You're allowed out of the country for fourteen non-weekend, non-holiday dates.

My Masters [at Durham] is in Peace Building and Conflict Prevention. That's essentially a fancier way of saying international relations, with a few twists. This program is focused on practicality over theory—i.e., whereas most IR programs in the UK are pretty theoretical, this looks at the tangible ways that we can make a more peaceful world. It consists of five “core” classes and three intensive seminars that we choose from a wider selection. (My extra seminars focused on international negotiation, conflict mediation, and reconciliation after conflict.)

The rest of the Masters is research based and will come in the form of a dissertation. My research is a direct result of the Kinder Institute: My dissertation looks at global constitutionalism and how constitutional law is used to rebuild societies after conflict, particularly focusing on whether the influence of American lawyers has a substantial impact on the development of human rights and, if so, if that influence is a good thing or whether it's perceived as a form of neo-colonial control. Right now, I'm looking at Northern Ireland, South Africa, and El Salvador as examples, but I'm sure it'll include more than those by the end.

*Particularly when it came to forecasting vs. outcome, the Trump/Brexit narrative parallels were much discussed here, as I'm guessing they were there. I'd love to hear your thoughts on that, but on a more general level, I'm also really interested in hearing about what it's like for someone as engaged and aware as yourself to get a chance to learn/experience a new system of politics from the ground level. I can imagine it must be thrilling. How did you go about acquainting yourself with British politics? What nuances of discourse and concern have you noticed there that you don't see here?*

It is really interesting attempting to learn the British system, though it's been harder to acquaint myself with than I expected. The British don't talk as openly about politics as we do, at least not to people that they don't know well. It helps that my boyfriend is British, because we talk about politics, but I'm in a little bit of a bubble in Durham. As for Brexit and Trump they do have a lot of similarities, but there are also some important differences.

For one, the discourse surrounding the outcome of the referendum isn't as violent—and I don't mean that in a literal sense, though I suppose there's something to be said about that too. What I mean is that Americans are loud and that shows. We protest, a lot. We talk, a lot. We post about politics on social media. The British don't do that quite as much. They feel as strongly, but they don't express it as openly.

There's also a distinct difference in patriotism, which I think is a nuance of the former point. This can be good or bad, but Americans—and particularly the kind that I hang out with, by which I mean students of politics—are patriotic. We love our country even when we hate it. I take politics really personally, and I don't think I'm alone in that. The British are a little bit more detached. Even when they're angry, they're angry at people, not at the country itself, and they don't have the level of fear or depression that I've seen in a lot of my friends. The flipside of that is that I know more Americans that are actively engaging in things like voter drives and such.

The discussions around race are also different. It's easy to say that Brexit is a result of racism, but that's a very American view—because we view racism very differently than British people do. We also view immigration very differently, and while we have a stronger fear of Russia, they have a more pragmatic wariness about it. There's also less of a fear of terrorism, which is interesting to me.

*This is an unabashedly Kinder Institute-esque follow-up question, to be sure, but has/how has your knowledge of the foundations of American democracy and their evolution over time shaped this process of being an ex-pat engaged with and informed about local/national politics in the UK? And of equal (and probably greater) importance, how has enriched global perspective cast light back onto your previous studies, raising new questions and exposing new lines of global inquiry and international connection that I fear we too often gloss over (if we cover them at all) when considering/studying “American political history”?*

Well, for one thing, I'm literally always stressed out about their lack of a written Constitution.

I think that the biggest thing I've learned is that America matters more and less than I thought it did. I learned in high school and college that America is ethnocentric. We really like ourselves. We're proud of our country in a way that not a lot of places are and we identify as American before we identify as anything else. Even when I was studying American politics, I tried to be very aware of that—and indeed, part of why I wanted to come abroad was to learn more about how we were viewed from across the ocean.

And then I came to Europe and I talk about America every single day, not just because I'm American, but because people here are interested and invested in America. People love us or people hate us or they fall somewhere in between, but they definitely have an opinion on us.



And they should—because America matters in a way that I didn’t understand ten months ago.

We impact global policy hugely. We have a permanent seat on the Security Council in the UN, something that other nations have been fighting for since the UN’s creation. We fund NATO. Our military budget allows for exponential scientific growth. Our lawyers fight in the International Criminal Court and the Hague, but when America is up for war crimes, we don’t have to show up—and so we don’t. We have built countries and we have destroyed them, and yet the average American doesn’t think much about that. We’re an insulated society. We’re afraid of global terrorism and the rise of China but we don’t know much about either.

It hasn’t changed how I feel about America. I’m still proud of it. I still think our history is fascinating and I still think our politics are important. I still chafe at all the same injustices—but being in England has deepened my understanding of how we fit into the world.

It’s a strange thing to think about, particularly in the context of my studies of the American founding. Our Founding Fathers were so intimately tied to the international community. We were an international society by the nature of being a colony, and we’ve called ourselves a melting pot for centuries, even though that’s overly simplistic. And so, being here, I wonder about what happened. We live in a society that is more globalized than ever before, but as a society, we fight back against that. Because of Hollywood, and because of our schools, people still want to come to America, but I worry that it’s a waning desire, and that concerns and hurts me as someone who genuinely loves the country. I spend a lot of my time in England telling people that America is great and they should visit and I believe both of those things, but I think we need to expand how we think about American politics if we’re going to survive as a world leader in the 21st century.



## Lightning Round

*The three books in arm’s reach as you answer these questions?*

Gonna cheat because there’s a stack sitting next to me: *Grunt* by Mary Roach; *Milk and Honey* by Rupi Kaur; *Wintersong* by S.Jae-Jones; *The End of Power* by Moises Naim

*The BBC TV show that we’re not watching but that we should be watching?*

Oh! This is also cheating because it’s not out yet, but there’s a show called “Shibden Hall” coming out soon and everyone should watch it. It’s about a Victorian heiress who spent her twenties gallivanting around the world having adventures, then comes home to restore her family estate—and since she needs to marry, she decides to marry a woman of similar fortune. She’s considered England’s first modern lesbian and apparently it’s a true story and I’m super interested in seeing how the BBC handles that.

*Outside of family members/pets/friends, the one Missouri thing you’re struggling to live without?*

Breakfast. This isn’t a Missouri thing necessarily, but I just really don’t think English breakfasts hold a candle to ours.

*Your European trip that we should be most jealous about?*

Mwahaha. This is such good timing, especially because I haven’t gone anywhere in the last few months. In the next month I am:

Going to Belfast for nine days to study terrorism; Meeting my college roommates in Paris, then going to London with them for a week; Coming back to Durham to meet up with some friends here, with whom I’ll take a train up to Edinburgh; Then flying to Amsterdam to visit [fellow Kinder undergrad alum] **Kate Hargis** and the Hague and eat waffles; After which we’re taking a plane to Salzburg to see where Mozart was born; Then going to Vienna to look at the national library; And ending in Germany, where we’re going to see the castle that the Disneyland castle was based on and do some research on the Holocaust.

I’m very excited about all of that.

*Favorite British political figure and why?*

Nicola Sturgeon. She’s the Prime Minister of Scotland and I love her. She’s smart and witty and entirely dedicated to her people, especially in light of Brexit. If I ever run for office, I’d like to do half as well.

*British slang that you’re absolutely, 100% bringing back to the U.S. with you?*

Oh man. I love British slang. My favorite thing they say is “shattered” instead of “tired,” because it’s just so incredibly dramatic.



# JOURNAL ON CONSTITUTIONAL DEMOCRACY

## Impacting the Inaugural: The Evolution of Presidential Farewell Addresses

by Jordan Pellerito

*The Unity of Government which constitutes you one people is also now dear to you. It is justly so; for it is a main Pillar in the Edifice of your real independence, the support of your tranquility at home; your presence abroad; of your prosperity; of that very Liberty which you so highly prize.*<sup>1</sup>

—George Washington, “Farewell Address

*Akin to, and largely responsible for the sweeping changes in our industrial-military posture has been the technological revolution during recent decades. In this revolution, research has become central; it has also become more formalized, complex, and costly.*<sup>2</sup>

—Dwight Eisenhower, “Farewell Address”

In 1792, James Madison received a letter from President George Washington, who sought his advice on and assistance in constructing a valedictory address of modesty, thanks, and conclusion.<sup>3</sup> Though he would serve as executive for eight years, Washington had held the presidency for only three of those before he confided in Madison and a select few others that he wished to retire from public life.<sup>4</sup> He was weary of formalizing a goodbye, as he feared it could be construed as him painting his legacy in boastful strokes. Still, he deemed a proper parting necessary for a seamless transition of power due to the relatively new and fragile state of the country. Washington thus wished to issue a formal farewell that reiterated the broad ideals on which the country’s foundation was built and also addressed factors that could fracture this foundation—namely, partisan fighting, sectionalism, and foreign entanglement.

Madison, following Washington’s guidelines, went on to draft a series of remarks that underscored republican objectives, issued warnings of potential political dangers, and gave broad advice to the American people regarding choosing Washington’s successor(s). The President’s address was ultimately dedicated to the citizens as an explanation for his retirement, a conclusion of his legacy, and a reminder of national aspirations. Yet, by refraining from specific policy recommendations, it also seems to have been carefully designed to provide his successor, John Adams, the opportunity to mold the presidency in his own fashion without the pressure of precedent.

In 1960, the team of speechwriters preparing President Dwight Eisenhower’s farewell address received a letter from the President’s special assistant, Frederic Fox, which suggested that they consider George Washington’s farewell during the drafting process, as it seemed applicable to the time and thus might serve as a guide for Eisenhower’s own remarks.<sup>5</sup> Just as Washington’s presidency was preceded by international conflict, so was Eisenhower’s, a circumstance that led both administrations to shape the farewell address into a speech that would ideally contribute to the maintenance of peace in a post-war world. The only general to be elected to America’s highest office in the twentieth century, and the first president to be legally term-limited, Eisenhower

seemed to conclude the World War era of American culture and politics, and usher in the Cold War era, placing him at an inflection point not wholly unlike the one Washington faced in 1796.

On one hand, a similarity of circumstance certainly led to a similarity of tone and content in the two presidents’ farewell addresses, with Eisenhower, like Washington, seizing the opportunity of a formal departure to refocus the United States on its most basic principles—unity and liberty. The two speeches, though, were anything but identical. In contrast to the relatively blank slate that Washington left for Adams to inscribe his own executive narrative on, Eisenhower went into far more extensive and specific policy recommendations for John F. Kennedy. What began in 1796 as a proper parting with citizens that reemphasized broad American ideals and aimed to provide ease and tranquility in the transition of power had, by 1961, evolved into a last-gasp opportunity to build upon a legacy by publicly burdening the successor with particular ideas for the future path of the country.

### I.

Understanding the nature of Washington’s farewell address requires acknowledging that, while the American presidency was created with him in mind and thus became his to shape, he was often uncomfortable with that responsibility. James Madison recalled in a memorandum that Washington believed himself to be highly unqualified for the position and incapable of great political accomplishment without the help of those with more acumen than he, describing how “[Washington] had from the beginning found himself deficient in many of the essential qualifications.”<sup>6</sup> I would argue that this humble confession of deficiency speaks directly to the content of his address. Washington’s belief that his opinion was no longer necessary to validate policy—and perhaps never was necessary in the first place—might explain why he chose to provide such broad ideals, rather than a specific path for the country, as guidance for his successor...

<sup>1</sup>Washington, George. "Farewell Address - Transcription." Papers of George Washington. N.p., n.d. Web. Fall 2016.

<sup>2</sup>Eisenhower, Dwight. "Transcript of President Dwight D. Eisenhower's Farewell Address (1961)." Www.OurDocuments.gov. N.p., n.d. Web. Fall 2016.

<sup>3</sup>Washington, George. "Founders Online: To James Madison from George Washington, 20 May 1792." National Archives and Records Administration. National Archives and Records Administration, n.d. Web. Fall 2016.

<sup>4</sup>Tbid

<sup>5</sup>Fox, Frederic. "Memorandum To: Mac Moos." N.p., n.d. Web. Fall 2016.

<sup>6</sup>Madison, James. "Founders Online: Memorandum on a Discussion of the President's Retirement, 5 Ma ..." National Archives and Records Administration. National Archives and Records Administration, n.d. Web. Fall 2016.



SUMMER 2017





KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | SUMMER 2017

# The COLUMNS



## CAMPUS & COMMUNITY

Starting in mid-March and extending through mid-August, programming at the Kinder Institute—and at the University as a whole—starts to taper somewhat. ‘To taper,’ though, hardly means ‘to cease.’ In addition to the lectures and colloquia recapped in this section, we also hosted a number of smaller spring events both on our home field in Jesse Hall and on the road. Postdoctoral Fellow in History **Billy Coleman’s** *Playing the Past* Community Seminar met twice in Columbia, on April 20, for a performance and discussion of the first of its kind soundtrack



Each year it happens like clockwork, and each year it takes some getting used to. After nine months of hive-like activity, students head home for the summer, faculty retreat to work on book projects, and a quiet blankets the MU campus. Still, we find ways to keep things lively around the Kinder Institute offices. With high school teachers from all corners of the state coming our way each June for the Missouri Summer Teachers Academy, and faculty headed to D.C. every week for the Kinder Scholars Program’s “Beltway History & Politics” course, the summer can hardly be described as uneventful.

And then, of course, there’s always planning for the future that can be done in the “off” months. This summer, we had crews in to get office space ready for our 2017 faculty additions, **Jen Selin** and **Christa Dierksheide**, and architects working on designs for a new office that will house **Alyssa Zuercher Reichardt**, who will join our ranks in Fall 2018, after a postdoc year at Penn State’s Center for Humanities & Information. We also spent June and July prepping for our annual Society of Fellows conference and putting the finishing touches on a packed Fall 2017 calendar, while of course finding pockets of time here and there to recuperate after a busy 2016-17 academic year.



# PLAYING THE PAST

## SLAVERY AT SEA:

TERROR, SEX, AND SICKNESS IN THE MIDDLE PASSAGE


SECTIONS OF A SLAVE SHIP



THIS SESSION OF PLAYING THE PAST FEATURES **SOWANDE' MUSTAKEEM** (WASHINGTON UNIVERSITY IN ST. LOUIS) AND HER PERCUSSION BAND **AMALGHEMY**, WHO HAVE TOGETHER RECENTLY PRODUCED A FIRST-OF-A-KIND MUSICAL SOUNDTRACK FOR MUSTAKEEM'S CRITICALLY ACCLAIMED BOOK *SLAVERY AT SEA: TERROR, SEX, AND SICKNESS IN THE MIDDLE PASSAGE* (UI PRESS, 2016). IN THIS SPECIAL PERFORMANCE, MUSTAKEEM AND AMALGHEMY WILL PLAY A SELECTION OF PIECES FROM THIS PROJECT AND EXPLORE HOW MUSIC HAS HELPED THEM TO CONNECT READERS AND LISTENERS TO THE FEELINGS, VIBRATIONS, AND IMAGINATIONS OF THE MIDDLE PASSAGE.

**SOWANDE' MUSTAKEEM** ~ APRIL 20 ~ 6:00 PM ~ 410 JESSE

# MISSOURI RIVER CULTURAL CONSERVANCY AND DARREN HELLWEGE



## PLAYING THE PAST

THIS SPECIAL SESSION OF PLAYING THE PAST COMMUNITY SEMINARS AT THE MISSOURI RIVER CULTURAL CONSERVANCY WILL INVOLVE LONG-TERM ARCHIVISTS AND HISTORIC ARCHIVISTS OF THE HISTORY AND CULTURE OF THE CENTRAL MISSOURI RIVER REGION IN THE UNIQUE PRESENTATION. **DARREN HELLWEGE** AND **AMALGHEMY** WILL SHARE THE WORLD OF SLAVE SHIP DEPARTURES AND ARRIVALS, AND DISCUSS THE RECEPTION OF SCHOLARSHIP, COMPOSERS, AND ARTISTS FROM THE LOCAL AREA AND DISCUSS HOW THESE WORKS AND CREATIONS COLLABORATE CONNECTIONS BETWEEN THE PAST AND THE PRESENT.

**THURSDAY, MAY 4 ~ 5:30 PM ~ 410 JESSE**

Continued from page 1

to Washington University Associate Professor of History **Sowande' Mustakeem's** recent book, *Slavery at Sea: Terror, Sex, and Sickness in the Middle Passage*, and again on May 4, for local "Morning Edition" host **Darren Hellwege's** presentation on the great work being done by the Missouri River Cultural Conservancy, a non-profit group dedicated to archiving the history and culture of the Central Missouri River Region.

As for away games, Kinder Institute representatives **Allison Smythe** and Professor **Jay Dow** traveled to the St. Louis Club on March 21 for Vanderbilt University Professor of Law **James Ely's** lunch lecture on "The Property-Centered Constitutionalism of the Founding Generation," and a full Kinder cohort headed west on May 10 for **Jay Sexton's** dinner lecture, "U.S. Constitutional Democracy and the World," at the Kansas City Country Club.

And finally, our last two regional conferences of the year took place in April. On the 13th, near-and-far scholars of American political thought, history, development, and institutions descended on Austin, TX, for the Shawnee Trail Conference on American Politics and Constitutionalism. And in what has become a tradition here at the Kinder Institute, regular participants in the Missouri Regional Seminar on Early American History came to Columbia on April 21 for our annual double-header,



first discussing Washington University Professor of History **David Konig's** paper, "Thomas Jefferson: How a Real Estate Lawyer Became a Philosopher of the American Revolution," and then re-convening for a dinner lecture on "Alexander Hamilton's Hidden Life," delivered by Oklahoma University Assistant Professor of Classics & Letters **Andrew Porwancher**.



# THE PROPERTY-CENTERED CONSTITUTIONALISM OF THE FOUNDING GENERATION AND ITS CONTINUING VITALITY TODAY



**MARCH 21 12:00 PM ST. LOUIS CLUB**  
REGISTER AT [HTTPS://GO.GLONDAM/K](https://go.glondm/k) TICKETS \$25.00  
SEATING IS LIMITED SO REGISTER EARLY!

1.0 HOUR OF MISSOURI CLE CREDIT HAS BEEN REQUESTED



James W. Ely, Jr. is the Milton R. Underwood Professor of Law, Emeritus, and Professor of History, Emeritus, at Vanderbilt University. He has written about a wide range of topics in legal history and is the author of numerous works including *The Constitution of Early United States: A Constitutional History of Property Rights* (Oxford University Press, 3rd edition 2008), *American Legal History: Cases and Materials* (Oxford University Press, 4th edition 2011) (with Robert L. Hall and Paul Finkelman), *The Federal Courts: Structure, History, and Legacy* (ABC-CLIO 2009), *Roosevelt and American Law* (University Press of Kansas 2001), and *The Chief Justices of the United States: 1789-1989* (University of South Carolina Press 1995, paperback edition 2002). His most recent book is *The Founding Generation: A Constitutional History of the Founding* (Princeton University Press 2016). He was the recipient of the Benjamin Franklin Property Rights Prize. He served as assistant editor of the *American Journal of Legal History* from 1987 to 1990.

LEXANDER HAMILTON INSTITUTE

Kinder Institute on Constitutional Democracy



## PUBLIC LECTURE & HISTORY COLLOQUIA

### *The Second Amendment & Slavery: Gun Rights, Gun Control, and the Search for a Usable Constitutional Past*

Fordham University Paul and Diane Guenther Chair in American History  
Saul Cornell

For the final public lecture of a busy 2016-17 academic year, Fordham University Paul and Diane Guenther Chair in American History **Saul Cornell** came to campus on April 5 for a talk focused on examining the complex set of connections between race, history, contemporary gun culture, and the Second Amendment.

First up, though, was a lunch seminar with Kinder Institute faculty, postdoctoral fellows, and graduate students in which Prof. Cornell unpacked and critiqued the evolution of originalist jurisprudence before briefly looking at its current iteration in the context of the Supreme Court's landmark ruling in the 2008 Second Amendment case, *District of Columbia v. Heller*. Emerging, he argued, as a backlash to the Warren Court, originalism began as a form of judicial restraint that attempted to unearth the Founders' constitutional intentions and apply them to resolving then-contemporary judicial questions. Putting aside the fact that the very act of defining 'Founders' is itself fairly problematic, "Originalism 1.0," as he called it, was intellectually and judicially hamstrung by the impossibly complicated task of identifying singular intentionality within a text that reflects the distinct political visions of and the nuanced compromises reached between multiple voices.

"Originalism 2.0," he explained, doesn't fare much better as a viable judicial philosophy. Framing it as an attack of sorts on the New Deal regulatory state, he described how the second evolution of originalism exchanges judicial restraint for judicial engagement, and intentionality for Founding-era public meaning, as the bases for its jurisprudence. Here, too, he argued, multiplicity complicates matters. Specifically, the idea of a fictive reader on whose behalf the Founders were acting—a notion central to "Originalism 2.0" if already dismissed by literary critics—falters when considered in light of the range of interpretations that are inevitably born when any text travels into, and interacts with individuals within, the public sphere. The shortcomings of public meaning originalism are on display, Prof. Cornell noted in concluding his presentation, in late Justice Antonin Scalia's decision in *Heller*. For one, in a somewhat unprecedented move, Justice Scalia more or less avoided any analysis of the quite important historical context of the Second Amendment's preamble—most notably its reference to "a well regulated militia"—in his decision. Secondly, his interpretation of the late-eighteenth century public meaning of "arms"—particularly his false analogy between arms : guns : handguns—does not stand up to rigorous historical scrutiny, which reveals that handguns, in fact, made up a small and somewhat insignificant fraction of arms owned in post-Revolution America.

This vision of an eighteenth-century gun owner—and how it maps onto contemporary gun debates and cultures—served as something of a starting point for Prof. Cornell's standing room only public lecture later that evening in MU's Mumford Hall. Juxtaposed on his opening slide with a woodcut of a Virginia militiaman, long gun in hand and hatchet on his belt, were photos of a white couple gleefully wielding automatic weapons in a Starbucks and a young African-American male, openly and legally carrying a rifle through the Texas streets moments before being wrongfully detained as a suspect in the July 2016 shooting of five police officers in Dallas.



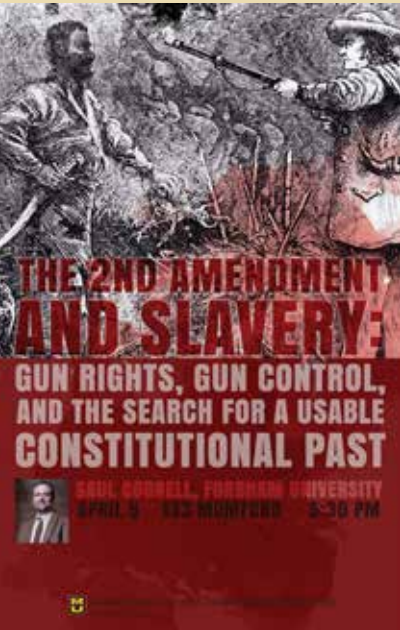
As Prof. Cornell would go on to show, reading images like these alongside current research on attitudes about gun ownership and gun control reveals the complicated reality of gun culture in contemporary America, generally, and today's problematic relationship between race and the Second Amendment, in particular. On a broad level, the images of guns being publicly brandished encapsulates how wildly disparate regional attitudes about guns and gun rights in the United States have become manifest in equally disparate laws that reflect and serve a divided national constituency. Drilling down further, though, Prof. Cornell explained, we also see how the legislative manifestation of this divide supports highly disturbing trends that relate to race and guns. On one hand, we confront how relatively lax purchase laws in different states and regions map onto gun trafficking into—and thus access to illegal guns in—urban centers plagued by high violent crime rates. Even more alarming, recent scholarship also shows an intensely troubling correlation between racial animosity and likelihood of gun ownership.

And we might turn to history, he added, to identify the roots of the present problem, which dates at least to the adage about the antebellum South being ruled by "the lash and the pistol" and, from there, to the disarming of freedmen and the rise of paramilitary organizations like the Klan during Reconstruction. This narrative, Prof. Cornell suggested, reflects more than a coming together in the South of two histories: a history of slavery and subsequent forms of institutionalized race-based oppression and a historically permissive regulatory tradition when it comes to guns. From thinly veiled racist rhetoric in NRA literature, to the emergence of gun control in California as a response to black militancy, to the volume of cases cited in the majority opinion in *Heller* that trace back to antebellum Southern judges, the problematic relationship between race and the Second

Amendment by no means ended with legally re-armed black militias bringing stability to the Reconstruction South but, instead, continues to mutate and rear its head today in communities nationwide.

While the problem admittedly won't solve itself over night, Prof. Cornell did identify certain steps that could be taken to begin enacting laws aimed at achieving the greatest common good at the least cost to gun owners, including: accounting for CDC and NIH research during the process of drafting gun legislation; instituting the kind of culture changes that were central to auto fatalities plummeting over the past twenty years; and acknowledging where common sense measures—such as establishing ATF databases for closed gun dealers—are both necessary and easily implementable.

In addition to his lunch talk and public lecture, Prof. Cornell also visited the April 6 meeting of the Kinder Institute's *Journal on Constitutional Democracy* course, as well as a Second Amendment class at the MU Law School later that afternoon, to speak with students about his current research.





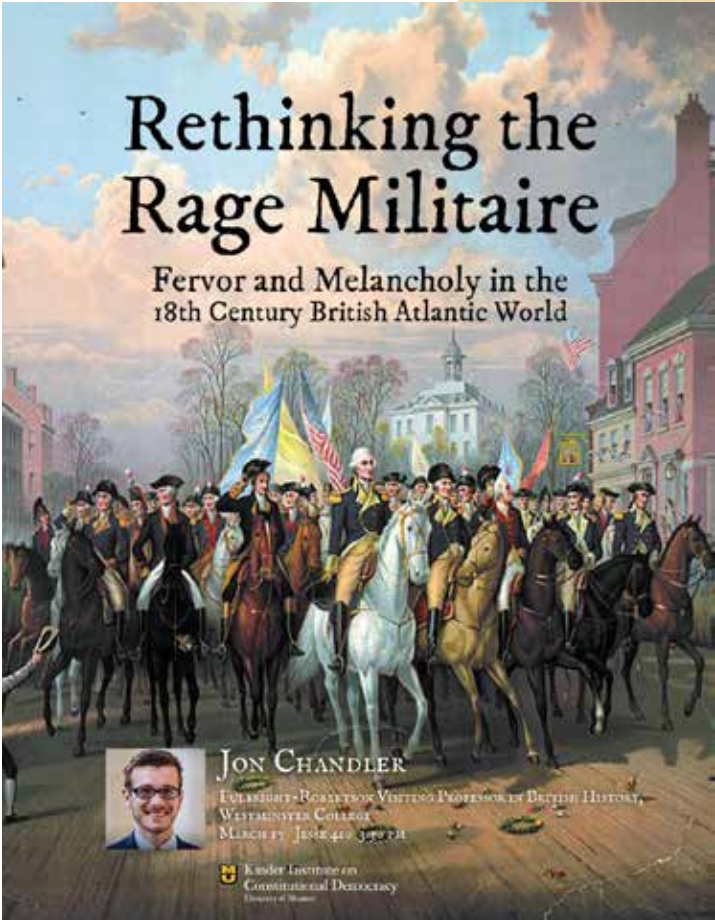


*Rethinking the Rage Militaire: Fervor and Melancholy in the 18th Century British Atlantic World*

Westminster College Fulbright-Robertson Visiting Professor Jon Chandler

In a letter written to Seven Years' War hero and Crown Governor of Virginia Jeffrey Amherst during the early stages of the American Revolution, a British commander known only as Capt. M personified the colonies as "hurried on" toward war "by a spirit of enthusiasm." As Westminster College Fulbright-Robertson Visiting Professor in British History **Jon Chandler** noted in introducing his March 17 talk at the Kinder Institute, these kinds of primary source descriptions are central to Charles Royster's notion of the *rage militaire*—the popular zeal for war—that animated the not yet United States immediately prior to and throughout the conflict with Great Britain.

It is true, Chandler conceded, that the wartime colonies certainly did not want for expressions of patriotic gusto when it came to the Revolution—though in instances like Israel Putnam throwing aside the plow to take up the sword, we do, perhaps, have to question how blurry the line between circulated myth and reported reality was. That said, even if we take some zeal for granted, Chandler proposed that there are still components of the relationship between emotion and social/political change that go unaccounted for in Royster's telling. For one, far from a North American



phenomenon, an "Age of Feeling" had in fact been shaping political decision making in Europe for some time before the rise of revolutionary frenzy in the colonies: there was the tale, for example, of Robert Jenkins producing his severed ear before Parliament as part of a contingent seeking to drum up popular and governmental support for a 1739 war with Spain (affectionately known now as the "War of Jenkins' Ear"). Throughout the eighteenth century, then, interests were very much inseparable from emotion. In addition, Chandler argued that studying the flow of information concerning wartime fervor in the colonies shows that a crucial actor is largely missing from Royster's theory. Specifically, we have to take into consideration how many of the accounts of the *rage militaire*—of a population that had lost control during the act of arming itself—were produced not by colonial revolutionaries but instead by North American loyalists for a mostly British audience. If we do, Chandler explained, we see how these stories of an unregulated people now supported by France were not so much instances of deliberately hawkish wartime correspondence but instead reports from the front that were intentionally designed to help citizens across the Atlantic process the depression that accompanied imperial crisis. Which is all to say, he concluded, that even if we narrow our view to the American Revolution, our analysis of the substantive interconnectedness of emotion and politics cannot be limited to examining colonial enthusiasm but must be broadened to include a study of British melancholy.

*The Man Behind the Cane: Preston Brooks and the Coming of the Civil War*

Virginia Tech James I. Robertson, Jr. Associate Professor of Civil War Studies  
Paul Quigley

As a history reading public, we know one thing about Preston Brooks for certain (and it is likely the only thing we know): on May 22, 1856, he walked onto the floor of the U.S. Senate and, for roughly a minute, brutally caned Massachusetts Senator Charles Sumner two days after Sumner had delivered "The Crime Against Kansas," a speech in which, among other things, he accused Brooks' second cousin, Senator Andrew Butler, of having taken the "harlot slavery" as a mistress. The one-dimensionality of our understanding of Brooks is limiting for a number of reasons, Virginia Tech Professor of Civil War Studies **Paul Quigley** explained, but perhaps most notably for how it obscures the way in which building out the context surrounding that day in history might help add depth, if not resolution, to ongoing discussions about the coming of the Civil War.

Drawing these kinds of through lines from 1856 to 1861 begins with examining what in many respects seem like expected sectional responses to Brooks' violent attack on Sumner. Brooks was immediately lionized in the South and demonized in the North, and his death a short time after the caning was met with similarly conflicting providential rhetoric: it was evidence of martyrdom below the Mason-Dixon line and of divine retribution above it. These divided responses, Prof. Quigley went on to show, map squarely onto familiar structural arguments regarding the causes of the Civil War. For Northerners, Brooks' attack on Sumner was emblematic of a region whose anti-democratic character had now begun to manifest itself not only in a support of slavery but also in a violent rejection of the humanity and equality of Northern citizens. For Southerners, coming on the heels of the Compromise of 1850 and the Kansas-Nebraska Act (and, going back further, the nullification crisis), the attack was a justified defense of the prerogative of class from invasive Northern interests.

While by no means inaccurate, Prof. Quigley argued that these fundamentalist interpretations of the event perhaps undersell the more intricate ways in which Brooks fits into the causal narrative of the Civil War. In particular, he noted how the Southern response to the caning was not quite as uniform as it is often made out to be. While the action itself was endorsed, Southern voices were less enthusiastic about its nature, extent, site, and implement, a fact made even more interesting when viewed through the lens of Whitfield Brooks' critique of his son as yielding too easily to mortifying expressions of emotion and as generally demonstrating a lack of restraint and spirit of indulgence that were indicative of a dearth of moral energy. Add to this nineteenth-century cultural conventions in the South concerning honor, masculine identity, and familial duty, and the story of Brooks becomes quite complex. Ultimately, Prof. Quigley concluded, incorporating these contingencies of biography and the history of emotions into an analysis of Brooks reveals questions being raised all over the country at the time about the use of violence for political ends and, in this, demands that we think in more broadly binary terms—inward/outward, public/private—when laying out exactly what put the United States on a trajectory toward national crisis.





# SHAWNEE TRAIL REGIONAL CONFERENCE



Shawnee Trail Conference was held on April 13 in Austin, TX, as part of the Southwestern Social Science Association’s annual meeting. A total of eleven past and present Kinder faculty and postdocs made the trip south for this year’s conference, the complete schedule for which is listed here.

Designed to provide scholars of American politics and constitutionalism with an opportunity to share and discuss research with colleagues from institutions located along (and afield) the former Shawnee Cattle Trail, this year’s

## American Constitutionalism and Political Development

Discussants: **Bat Sparrow** (University of Texas at Austin), **Dave Bridge** (Baylor University)

- “Legislative Elections in the Early Republic: 1789-1820,” **Jay Dow** (University of Missouri)
- “How music convinced a young man to vote for the first time in 1850,” **Billy Coleman** (University of Missouri)
- “Fragmented Citizenship in a Fragmented State: Ideas, Institutions, and the Failure of Reconstruction,” **Allen Sumrall** (University of Texas at Austin)
- “Complication #2: The Double Troubled Presidency of Grover Cleveland, 1893-1897,” **Curt Nichols** (Baylor University)
- “The Eleventh Bill of Rights: Proposal, Ratification, and Application of the Twenty-Seventh Amendment,” **James Endersby** and **Marvin Overby** (University of Missouri)

## The Melting Pot or the Wall? Interdisciplinary Perspectives on American National Identity

Discussant: **Adam Seagrave** (University of Missouri)

- “A Mongrel Nation Needs a Founding Moment: Observations on the Origins, Content, and Consequence of America’s Conceptual Identity,” **Alan Gibson** (California State University-Chico)
- “A Nation with the Soul of a Church: Principles and Practice in American National Identity,” **Sarah Houser** (American University)
- “The Democratic Lineage of Trump’s Ethnic Nationalism,” **Benjamin Park** (Sam Houston State University)
- “American Anthem: An Examination of the Significance of the National Anthem for African American Identity and Nationhood,” **Stephanie Shonekan** (University of Missouri)

## American Constitutionalism and Public Law

Discussants: **Kevin Pybas** (Missouri State University), **Kevin Stuart** (Austin Institute for Study of Family and Culture)

- “Blackstone, Jefferson, and the Improvement and Perfection of the Common Law,” **Carli Conklin** (University of Missouri)
- “Turgot and Adams on Modern Constitutionalism,” **Tim Burns** (Baylor University)
- “The Judges’ Bill, Discretionary Jurisdiction, and the Rights Revolution,” **Matt Brogdon** (University of Texas at San Antonio)
- “Informal Judicial Rules and American Constitutionalism,” **Roger Abshire** (University of Houston)

## American Political Thought

Discussant: **Jeremy Bailey** (University of Houston)

- “Political Science and American Political Thought,” **Justin Dyer** (University of Missouri)
- “Horizontal Rights: A Republican Vein in Liberal Constitutionalism,” **Christina Bambrick** (University of Texas at Austin)
- “Spiritual Freedom and American Liberalism,” **Steven Pittz** (University of Colorado–Colorado Springs)
- “Reading Fukuyama in the Wake of 9/11: The End of History vs. Islamist Fundamentalism,” **Georgi Areshidze** (Claremont McKenna College)
- “Natural Law and the Pamphlet Debates,” **Kody Cooper** (University of Tennessee-Chattanooga)

## The American Founding

Discussants: **Connor Ewing** (University of Virginia), **Alan Gibson** (California State University-Chico)

- “American Nature: From Settlement to the Revolution,” **Adam Seagrave** (University of Missouri)
- “Refiguring the Face of Democracy: Sight and Voice in American Separation of Powers,” **Thomas Bell** (University of Texas at Austin)
- “George Mason and the Problem of Executive Power,” **Jordan Cash** (Baylor University)
- “The Idea of Presidential Representation in the 1780s,” **Jeremy Bailey** (University of Houston)
- “Madison and the Disunity of Americans during the War of 1812,” **Armin Mattes** and **Nick Drummond** (University of Missouri)





# 2017 MISSOURI SUMMER TEACHERS ACADEMY

Developed in partnership with our friends at the Missouri Humanities Council, the Missouri Summer Teachers Academy is our most ambitious community outreach initiative to date:

a three-day seminar that brings high school educators from across the state to Columbia to study a theme from U.S. constitutional history alongside Kinder Institute faculty and other scholars from around the region.

After a successful launch in 2016, we expanded the program in 2017, bringing in a greater number of teachers and a more interdisciplinary faculty to take part in the Academy. The theme this year—“The Enduring and Evolving Legacy of the Bill of Rights”—was explored from a variety of perspectives, ranging from seminars that re-examined how the state’s high school social studies curriculum approaches teaching the American Founding to sessions that looked at new takes on the nation’s Prohibition years. A full rundown of all seminars taught as part of the Academy follows, as well as a list of this year’s participants, who descended on Columbia from as far northwest as Hamilton High and as far east as Parkway Central (the two of which are separated by, for now, an Academy record 240 miles).

## Day 1: Tuesday, June 13, 2017

### Origins

- 9:00 – 10:15: Libel and the First Amendment, English Roots to the American Present  
*University of Missouri Enoch H. Crowder Professor of Law Christina Wells*
- 10:30 – 11:45: Why Did the Anti-Federalists Want a Bill of Rights?  
*Sweet Briar College Assistant Professor of Government Nicholas Drummond*
- 1:00 – 2:15: Black Founders of the United States  
*University of Missouri Assistant Professor of Education LaGarrett King*

As Sweet Briar College Assistant Professor of Government (and former Kinder Postdoc) **Nick Drummond** noted in opening his June 13 seminar for the 2017 Missouri Summer Teachers



Academy, to answer the question that the title of his talk poses, one needs to first look at the broader debates that raged during the Constitutional Convention, as they provide a philosophical backdrop for the back-and-forth between Federalists and Anti-Federalists concerning the need for a Bill of Rights. In fact, he added, one might

do well to go back even one step further, to Shays’ Rebellion. The pre-Convention rising up of Western Massachusetts farmers against Boston political elites sparked anxiety among certain delegates regarding the levers of power falling into the hands of a majority uninterested in the common good, which in turn led Federalists to believe that an energetic national government might be necessary to quell perilous factionalism. What did the Federalists mean by ‘energetic,’ exactly? A government that would be empowered to meddle in the domestic policies of states. On the other side of the aisle, it was precisely this perceived license for state-level interference that drove the Anti-Federalists to view the Constitution, as it was presented in 1787, as a pathway to tyranny.

For New York Anti-Federalist judge Robert Yates, who published under the alias of “Brutus,” particularly concerning was the Constitution’s elastic “necessary and proper” clause, which he felt not only gave Congress unlimited power over the states but also opened up a way to abuse this power through coupling it with other clauses contained in the text: the commerce clause, for example, or the taxation, spending, or supremacy clauses. Compounding this potential problem, Yates argued, was Federalists’ practical and philosophical support for a large republic with a strong central government. As he famously hypothesized in “Federalist 10,” Madison believed that the sociocultural diversity inherent to large republics might prove the salvation of the new nation by providing a natural check on

the nefarious life of factions. Following Montesquieu’s critique of large republics, Yates countered that Madison’s vision was unsustainable and would inevitably descend into plutocracy and, eventually, tyranny. Why? For one, representation in a large republic would be imperfect, sequestering power in the hands of the few and thus creating a federal government that was ignorant, if not indifferent, to the interests of many pockets of society. Secondly, the difficulty of monitoring an energetic national government at a distance would, Yates feared, lead to iniquitous professionalism in Washington.

Circling back to where his talk began, Prof. Drummond concluded by showing how this fear of a central government with excessive power and license was the driving force behind Anti-Federalists’ call for a Bill of Rights. For their part, Federalists argued that such an annex to the Constitution wasn’t necessary, since the powers of the national government had been clearly and carefully enumerated and, by virtue of this, were strictly limited. A Bill of Rights, they added, might actually undermine its own purpose by supporting the skewed perspective that the government’s powers *were* unlimited so long as the Bill of Rights remained unviolated. The Anti-Federalists emphatically rejected this line of argumentation on both a textual and philosophical level. In regard to the former, they pointed out that the Constitution already contained safeguards to prevent certain rights violation (suspension of *habeas corpus*, subjection to *ex post facto* laws), a fact that betrayed a latent fear that the central government might extend its authority to include powers beyond those that it had been expressly granted. As for the latter, Agrippa, reiterating a central tenet of Anti-Federalist thought, warned that, without a sacred barrier, the rights of a minority would be trampled by a tyrannical majority, given the way in which the Constitution’s ambiguity promoted the corrosive ambition to which he and his compatriots believed humans were naturally given.



## Day 2: Wednesday, June 14, 2017

### Applications

- 9:00 – 10:15: What Is Freedom of the Press?  
*University of West Florida Associate Professor of Government David Ramsey*
- 10:30 – 11:45: How the Bill of Rights Came to be Applied Against the States  
*University of Missouri Associate Professor of Political Science Justin Dyer*
- 1:00 – 2:15: The Primacy of the 10th Amendment in the Jeffersonian Tradition  
*Missouri Humanities Council Executive Director Dr. Steve Belko*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

—Amendment X, U.S. Constitution

Picking up on a discussion of the Alien and Sedition Acts from the 9:00 session on June 14, Missouri Humanities Council Executive Director Dr. **Steve Belko** used the controversial 1798 Acts as a springboard for examining the somewhat chameleonic legacy of the Tenth Amendment in American history and politics. Before entering the 1798 fray, though, Dr. Belko laid out the pre-history of the Amendment, tracing its origins back to the Articles of Confederation and then explaining how, during the ratification debates, Anti-Federalists championed it as an absolutely necessary safeguard against the federal government seizing excessive power over state affairs (or, alternately, as a necessary safeguard *for* the perpetuity of a confederated, versus a consolidated, republic). As for the Alien and Sedition Acts themselves, both Madison (in the “Virginia Resolution”) and Jefferson (in the “Kentucky Resolution”) invoked the language and spirit of the Tenth in declaring the Acts null on the grounds that the Constitution did not expressly “delegate to the United States” a power to limit free press or suspend due process.

Out of Madison and Jefferson’s rhetoric, “the Principles of ‘98” emerged as a battle cry of sorts for those claiming that the federal government had overstepped its delegated bounds. As Dr. Belko went on to show throughout the remainder of his talk, perhaps most interesting about petitions to “the Principles of ‘98” is what he termed their “shifting locus.” On one hand, he noted, we might understand this “shifting locus” in geographical terms. Around the time of the War of 1812, for example, it was New England Federalists, rather than Jeffersonian Virginians, invoking the Tenth Amendment in protest of, among other things, what they perceived as coercive, overreaching national economic policies.



As Dr. Belko argued, we also see a trend beginning to form here, with those out of power using the Tenth as a means of obstructing the agendas of those who displaced them.

Continuing to follow the twists and turns of Tenth Amendment history, Dr. Belko then observed how, during the Jacksonian era, the locus expanded to encompass the nation itself and, in doing so, often pitted branches of government against one another. Specifically, he argued that “the Principles of ‘98” evolved into a partisan tool that pro-Jackson states could wield in support of—or to quash opposition to—their federal allies’ stances on contentious issues of the time (the Bank of the United States, internal improvements, etc.). In wrapping up, Dr. Belko noted how things reached a problematic peak in 1832, when Calhoun & Co.—using ‘null’ as a verb, rather than an adjective—unduly “pled the Tenth” in an attempt to free states from otherwise constitutional acts of legislation. What remained constant though, he concluded, was that the Tenth Amendment served as a historically complicated, important, and often self-promoting check on the central government that will continue to gymnastically rise to the surface of American politics so long as sectional and partisan interests remain in play.

Day 3: Thursday, June 15, 2017

Legacies

9:00 – 10:15: We Are Not Children: College Students and Constitutional Rights  
*University of Missouri Ph.D. Candidate in History and Kinder Institute Graduate Fellow Craig Forrest*  
10:30 – 11:45: President for Life: Simón Bolívar’s Constitutional Vision  
*University of Missouri Associate Professor of History Robert Smale*  
1:00 – 2:15: Prohibition Blues: New Understandings of America’s Dry Spell  
*Wilmington College Assistant Professor of History Keith Orejel*

To kick off the final day of the 2017 Teachers Academy, incoming Kinder Graduate Fellow in Political History **Craig Forrest** brought participants into the twentieth century with a talk on the history of *in loco parentis*—the college acting in place of the parent—a constitutional narrative that Mizzou found itself in the thick of in the 1970s. As Forrest noted in introducing the topic, this narrative began far earlier, in the decades after the Civil War. Specifically, in *Pratt v. Wheaton College* (1866), *Stallard v. White* (1882), and *Gott v. Berea College* (1913), the Supreme Court, siding with the defendant in each case, set a precedent of upholding the constitutionality of colleges’ *in loco parentis* right not only to regulate (or ban) anything from fraternity

membership to off-campus dining but also to punish offenders at their own discretion. What emerged from this precedent seems almost unimaginable by modern standards: campus rules that censored speech, prevented political activism, and imposed curfews on students (and, moreover, that suspended any notion of due process in litigating infractions). When it came to the University of Missouri, the central actor in the tale of the rise and fall of *in loco parentis* was former Dean of Students “Blackjack” Matthews, who, from 1950-1970, handed out punishments ranging from expulsion to rescinding completed credit hours for “crimes” as grave as tardiness and speeding tickets.

At Mizzou (and elsewhere), push back against this system started small, with juvenile transgressions such as the May 1950 publication of a “sex issue” of *ShowMe*, a student-run, university-sanctioned magazine at MU. The Cold War era, however, brought with it greater student vigilance. Forrest explained how, as mass culture became more pervasive and accessible during the late 1950s, students increasingly confronted a stark contradiction between the idealized, sitcom vision of the United States and the reality they were seeing on the news of a nation in which violent injustices had long festered and were being addressed on a collective, organized level. As a result, and in defiance of the rules in place, political activism spiked at colleges across the nation, with students becoming vocally and actively involved in the Civil Rights Movement’s push for equality in particular. From this participation in national politics, a revolt against campus politics spun off. At MU, the student rights movement began with planned protests against dress codes and quickly grew to engage with more recognizably constitutional issues. As Forrest noted in bringing his talk to a close, building on new precedents set in *Dixon v. Alabama* (1961) and *Tinker v. Des Moines Independent Community School District* (1969), 1972’s *Papish v. University of Missouri Board of Curators*, which secured college students’ First Amendment right to free speech on campus, effectively nailed the coffin shut on *in loco parentis*, before the ratification of the 26th Amendment put one more nail in, just in case.

The following teachers participated in this year’s Academy: **Cameron Poole** (Parkway Central HS, Chesterfield, MO), **Ben Strauser** (Kingston HS, Cadet, MO), **Andy Hanch** (Center HS, Kansas City, MO), **Lynette Williams** (Odessa HS, Odessa, MO), **Ashley McClain** (Wellington-Napoleon HS, Wellington, MO), **Jacob Sartorius** (Hamilton HS, Hamilton, MO), **Tim Hebron** (Trinity Catholic, St. Louis, MO), **Carrie Homan** (Cole Camp HS, Cole Camp, MO), **Mike Johnson** (Father Tolton Academy, Columbia, MO).

In addition to the seminars listed above, a pair of local lawyers and friends of the Kinder Institute, Missouri Public Defender **Chelsea Mitchell** and Haden & Haden Criminal Lawyer **Brent Haden**, treated Academy participants and faculty to dinner lectures on the 13th and 14th.

FACULTY AND GRADUATE STUDENTS

More faculty accomplishments from 2016-17 can be found in Appendix 5 to the annual report, but below are a few Spring 2017 accolades that we wanted to highlight.

Spring 2017 Research & Travel Grants

During our March 2017 research and travel grant award cycle, we funded four projects for scholars who are all frequent and active participants in our various events and programs. Current Postdoctoral Fellow **David Golemboski** and History Ph.D. candidate **Luke Schleif** each received conference travel awards to present at the annual meetings of the Midwest Political Science Association and Society for Historians of American Foreign Relations, respectively. Additionally, Political Science Ph.D. candidate **Laila Farooq** received an award to conduct summer 2017 research in Pakistan on the impact NGO-implemented projects have on social trust and democratic participation, while MU Professor of Economics and Kinder Institute Affiliated Faculty Member **Jeff Milyo** received funding for undergraduate research assistance related to his “Outside Political Spending in Perspective” project.

Faculty Publications

In a piece of news that you will likely hear much more about in next year’s annual report, Kinder Institute Chair in Constitutional Democracy and MU Professor of History **Jay Sexton** has signed on with longtime collaborator **Kristin Hoganson** (University of Illinois) to co-edit the second, nineteenth-century volume of the recently contracted *Cambridge History of America and the World*, an incredibly ambitious scholarly project that “will redefine the study of the complex and varied relations between the United States and foreign nations over the entire course of U.S. history, including the colonial era.” Additionally, we had a trio of faculty members see their hard work rewarded with books that came out in the late summer: **John Wigger** (History), *PTL: The Rise and Fall of Jim and Tammy Faye Bakker’s Evangelical Empire*; **Keona Ervin** (History), *Gateway to Equality: Black Women and the Struggle for Economic Justice in St. Louis*; and **Peverill Squire** (Political Science), *The Rise of the Representative: Lawmakers and Constituents in Colonial America*.

Job Placement

Continuing our strong track record of job placement, we get to share good news on behalf of four Jesse Hall fourth floor dwellers. During the spring semester, 2015-17 Kinder Postdoctoral Fellow in Political Science **Nick Drummond** accepted a tenure-track assistant professorship in the Department of Government at Sweet Briar College in Virginia; 2016-17 Graduate Fellows **Clint Swift** (Political Science) and **Brandon Flint** (History) followed suit shortly thereafter by accepting a visiting assistant professorship at Sewanee and a lectureship at Lioaning Normal University in China, respectively; and just a week or so shy of his successful dissertation defense, 2016-17 Grad Fellow in Political Science **Kenneth Bryant** signed on to join the faculty ranks at University of Texas-Tyler as an Assistant Professor of Political Science.







## NEW FACULTY Q & A

After a decade-plus in Charlottesville, with the last eleven years spent at Monticello's Robert H. Smith International Center for Jefferson Studies, **Christa Dierksheide** joined the Kinder Institute faculty in August 2017 as an Assistant Professor of Constitutional Democracy. The author of *Amelioration and Empire: Progress and Slavery in Plantation America, 1770-1840* (University of Virginia Press, 2014) and *The Sun Never Set on Jefferson's Empire: Race, Family, and Fortune in America, 1820-1880* (Yale University Press, forthcoming), Prof. Dierksheide was kind enough to field a few questions from Kinder Institute Communications Associate **Thomas Kane** before embarking on the westward trek to Columbia.

### *Four Questions with Kinder Institute Professor Christa Dierksheide*

**Thomas Kane:** *I was wondering if you might be able to fill out the C.V. that we have on file with a little bit more of the “educational awakening”-to-Ph.D. in History-to Monticello Historian back story—what first pulled you into the world of history/what prompted the shameful [Ed. Note: The unapologetic editorializing of an English Ph.D.] abandonment of literature as a course of study; the draw of UVa for graduate work; what led to sticking around Charlottesville; etc.*

**Christa Dierksheide:** I always knew I would study literature because I loved words. I loved language. But in college I became less interested in literary theory and more interested in the historical contexts of the works I was reading. That was when I shifted my attention over to history. But I haven't given up on language. My first book was about a single word: “amelioration”!

My college English professors encouraged me to get a PhD in literature, or an MFA. But I wanted to go the history route. I liked British imperial history. I had my sights set on Johns Hopkins. But I was wait-listed there. I was crestfallen, but a graduate student at UVa told me I should meet a professor there named Peter Onuf. I asked him why, since I didn't even like Thomas Jefferson (Onuf was the Thomas Jefferson Professor at the time). But I met with Onuf anyway, and it was one of the best things I've ever done in my life. He was the best mentor in the world—and still is, in addition to being a close and wonderful friend.

I didn't mean to work on Jefferson. It was serendipitous. A guy hired me as his research assistant for a book on Jefferson when I was a poor graduate student. I spent hours each week in front of the microfilm machine, reading TJ's letters. I really was seduced by him in this way, reading his words. I found the man to have the most creative intellect—one that really knew no bounds. I still find his mind endlessly fascinating, even if I cannot forgive him for owning hundreds of people.

I didn't really make a decision to work for Monticello. One day when I was in my office—as a dissertation fellow at the Robert H. Smith International Center for Jefferson Studies—the Assistant Curator walked in and asked whether I'd like to do some work on some new exhibitions. I said yes. That's when it started, in 2006. Then I stayed eleven years. I think I'll always be drawn to Monticello. It's one of the most beautiful places in the world—and also one of the most fraught.

**TK:** *As someone coming off a stint as a historian at Monticello, can you talk a little bit about your work's relationship with Jefferson—where it fits in the massive historical orbit that surrounds him? what it pushes back against? what new avenues it works to open up? Or, maybe a different way to ask a similar thing, can you talk a little bit about the figures and narratives and, more broadly, the ideas and connections that animate your own research.*

**CD:** I really like being a historian who does a lot of against the grain scholarship. I like doing what's not trendy, or fashionable. In the world of Jefferson, it's popular to either put him on a pedestal or to vilify him. I want to do neither. I want to understand him, because I don't think we understand him well enough. To a certain extent, I think understanding Jefferson (the good and the bad) is a way of better understanding ourselves—and our collective past—as a people.

And increasingly, I'm convinced that the best way to understand Jefferson is to get outside of him. Get outside the world he constructed, the self he constructed. I think it's crucial to look at him through an outside lens. Currently, I'm trying to look at Jefferson—and his legacy—through the lens of his white and mixed-race grandchildren.

**TK:** *I'm contractually obliged to ask, “what was the draw of the Kinder Institute,” so...what was the draw of the Kinder Institute?*

**CD:** Well, a good reason is that Jefferson's tombstone is here at Jesse Hall. The original tombstone. There is a replica at Monticello. Being at a place with the real thing—I think that's auspicious.

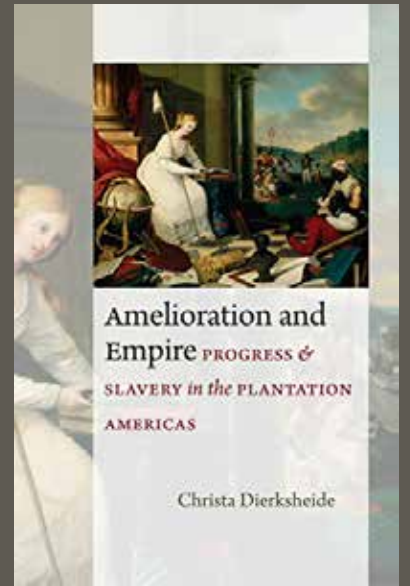
And Jay Sexton was very persuasive.

I also think the Kinder Institute's mission is important and novel. I cannot think of any other interdisciplinary institute committed to bringing together academic historians, students (undergrad, grad, post-grad), and the wider community to better understand the Founding Era. Seems like a pretty necessary endeavor to me.

**TK:** *I saw that you're signed on to teach the public history course next spring, a field that I think people have, at best, an un-nuanced grasp of. Especially when it comes to undergraduate learning, what are some innovations/aspects of the field that might help people better understand what placing that adjective ‘public’ before the umbrella of ‘history’ does (or doesn't) mean?*

**CD:** A big theme that the undergraduates will touch on in the public history course is “who is the public?” and “whose history is it?” I want to get them to think more about how our own national history has informed how we memorialize, interpret, and preserve sites and museums across America. I'm really looking forward to spending more time with the students, to being back in the classroom. It was the worst day in the world for me when I had to leave school, when I got my PhD. I'm glad that I am now able to return to it, to try to give back to my own students hopefully at least a portion of what my own teachers imparted to me.

*Note: The Q & A has been excerpted in places for length*





# UNDERGRADUATE PROGRAMS

It's always with hearts both heavy and lifted up that we pen the undergraduate section of our summer newsletter. On one hand, summer means that three of our most exciting undergraduate programs are in full swing: we're on the verge of officially inaugurating our new class of Fellows; we're in the final stages of editing our undergraduate-run *Journal on Constitutional Democracy*; and we're receiving weekly cables from students in the capital detailing their summer working and studying in D.C.

On the other hand, though, it also means that we're in the midst of what is usually a summer-long process of saying goodbye to Fellows and Kinder Scholars past. We're sad to see them go, of course, but this year, like all others, we're also excited about the post-graduate paths that the class of 2017 has already begun blazing, some of which are listed below.



**Tom Groeller**  
(Economics & Political Science):  
University of Southern California Law School



**Hunter Norton**  
(Political Science):  
University of Virginia Law School



**Jordan Pellerito**  
(History & Political Science):  
University of Missouri Graduate School (M.A., History)



**Derek Van Becelaere**  
(History):  
Washington University Law School



**Aryn Williams-Vann**  
(Psychology & Sociology):  
University of Missouri Law School

# 2017-18 SOCIETY OF FELLOWS

On Wednesday, April 26, we announced the fourth class of our undergraduate Society of Fellows at a reception in the Kinder Institute seminar room in Jesse Hall. Chosen from a record number of applications, the 2017-18 Fellows class is comprised of majors from eleven different academic departments at MU (listed in parentheses below), with an additional eight disciplines represented in students' minors. The Fellows program officially commenced on Tuesday, August 8, with the kickoff reception for our annual summer seminar at the Tiger Hotel in downtown Columbia, a recap of which can be found in our Fall 2017 newsletter.

- Isaac Baker** (Secondary Education)
- Dylan Cain** (Political Science)
- Zeb Charlton** (Physics, Political Science)
- Bailey Conard** (Journalism, English)
- Joe Davis** (Finance)
- Megan Dollar** (Investigative Journalism)
- Claire Jacobs** (Political Science)
- Carley Johansson** (Interdisciplinary Studies/Women's and Gender Studies)
- Sarah Jolley** (History, English)
- Abigail Kielty** (History, Political Science)
- Gabriela Martinez** (Journalism, Political Science)
- Riley Messer** (Political Science)
- Matt Orf** (History, Political Science)
- Nathan Owens** (History)
- Raymond Rhatican** (Political Science)
- George Roberson** (Political Science)
- Faramola Shonekan** (History)
- Heath Snider** (Classics)
- Greer Wetherington** (Psychology, English)
- Rylie White** (Biochemistry)

Bios for all members of the fourth class of our Society of Fellows are available on the Kinder Institute website, [democracy.missouri.edu](http://democracy.missouri.edu).





# 2017 KINDER SCHOLARS D.C. SUMMER PROGRAM

Each year, a crew of 20 of Mizzou’s emerging academic stars spend June and July living, working, studying, and exploring in the nation’s capital as part of our Kinder Scholars D.C. Summer Program. Combining classroom and experiential learning, the program requires that all participants enroll in the three-credit hour “Beltway History & Politics” course and intern at least 30 hours per week at an organization in D.C. whose mission relates to their academic and professional interests, as well as their coursework on the United States’ constitutional history and principles. Ranging from think tanks, to bi-weekly papers devoted to raising public awareness about issues related to homelessness and poverty, to offices on Capitol Hill, below is a complete list of where our Kinder Scholars spent their workdays this summer.

Following that is the first round of notes and pictures that students sent back from the capital, detailing some high points from the first few weeks and D.C. Additional “Notes from the Capital” are available in our Fall 2017 newsletter.

- Emilie Bridges** (Political Communication): Let America Vote
- Tom Coulter** (History & Journalism): *Street Sense*
- Cole Edwards** (Agribusiness Management): Monsanto
- Natalie Fitts** (Journalism): SurvJustice
- Cheyenne Garrett** (Political Science): Senator Claire McCaskill’s Office
- Katie Graves** (Strategic Communication): The Federalist Society
- Jane Kielhofner** (Health Sciences): Congressman Sam Graves’ Office
- Nicholas Knoth** (History & Political Science): Congressman Blaine Luetkemeyer’s Office
- Kiara Lewis** (International Business): Polsinelli
- Noelle Mack** (Communication & Political Science): The Humane Society Legislative Fund
- Logan Malach** (History, Political Science, & Educational Studies): Let America Vote
- Abas Pauti** (Journalism): Congressman Steven Cohen’s Office
- Allison Pecorin** (Journalism): NBC D.C.
- Hughes Ransom** (Journalism & Political Science): Congressman Sam Graves’ Office
- Claire Reiling** (Anthropology & Spanish): The Person Project
- Ray Rhatican** (Political Science): D.C. Superior Court
- Tim Riordan** (Accounting): Smithsonian Woman’s Committee
- George Roberson** (Political Science): Victory Fund
- Lauren Russ** (International Studies): Congressman Emanuel Cleaver’s Office
- Tricia Swartz** (Political Science): Congresswoman Vicky Hartzler’s Office
- Spencer Tauchen** (Philosophy, Political Science & Sociology): US Citizen & Immigration Services
- Greer Wetherington** (Psychology): National Governors Association





## Notes from the Capital

At various points over the course of the summer, Kinder Scholars participants are kind enough to take time out of their busy schedules to write in with news about their time in D.C. A handful of longer profiles of individual students are available on the Kinder Institute website, but here are some tidbits from the first installment of our “Notes from the Capital” update series.

### On why they chose the Kinder Scholars Program...

**Tricia Swartz** (Junior, Political Science): In the past, when I’ve asked other people about their experiences in D.C., I was never given the exact same answer—some people love the environment in D.C., and others believe D.C. is not the right place for them. I figured it would be best for me to experience the city myself, and then from there, I could decide if D.C. is something I want to pursue after graduating college.

### On internships...

**Kiara Lewis** (Senior, International Business Marketing): Internship is going great! I’m with the Polsinelli Law Firm’s public policy group, and their main focus right now is the healthcare bill. A lot of their clients represent nurses, and my job is to attend hearings and write memos. So I’m not in the office all day; I get to go back and forth to the Capitol even though I’m not technically working on the Hill. They are giving me actual and important tasks with deadlines and standards. I love it here!

**Katie Graves** (Junior, Strategic Communication): At the Federalist Society, I’ve been a part of the external relations team, mainly focusing on state courts. I’ve helped the team compile data for a new website and interactive map on State Attorneys General that we plan to launch next week, and I’ve been revising another website on State Supreme Courts. My internship has also encouraged me and the other interns to attend as many events in D.C. as possible. We had the opportunity to witness Comey’s Senate hearing a few weeks ago, and we went to the Supreme Court to hear them hand down landmark decisions on June 19.

### On the “Beltway History & Politics” Seminar...

**Katie Graves:** I especially enjoyed learning about the architectural design and layout of Washington, D.C. I love the landscape here, and it’s so incredible to see how intentionally everything was constructed. It’s also been amazing to take what I am learning from my internship into the class discussions and to take what I am learning in class into my experiences throughout the city. Each part of this “holy trinity” [Ed. Note: The program components of living, studying, and working in D.C.] has informed where I want to be after I graduate from law school and what kind of law I plan to study.

### On life in the Capital City...

**Kiara Lewis:** So far I’ve made it around to the Shaw neighborhood where Howard University is, which was a really cool place, and I’ve come to trust the Metro for wherever I need to go. And I’ll also be starting dance lessons again at the Dance Institute of Washington.

**Tricia Swartz:** I have been keeping an eye out for any well-known figures in politics. One night at LiLLiEs Restaurant, which is right down the street from our WISH housing, I and a few other Kinder Scholars saw Kellyanne Conway eating dinner with her husband. You never know who you may run into!

**Katie Graves:** I’ve started a bucket list to ensure that I get to see and do as much as possible in D.C., and my roommate is creating an interactive map of all the coffee shops we go to. And I’ve been amazed at how many restaurants there are for just salad—do people here really love salad that much?





## JOURNAL ON CONSTITUTIONAL DEMOCRACY

### *Balancing a Suspect's Right to a Fair Trial with the Public's Right to Know*

by Peyton Rosencrants

The full essence of a jury trial is both not at all and quite difficult to capture. In the Fifth and Sixth Amendments, the U.S. Constitution describes jury trials in a way that can be generally understood, yet certain elements remain elusive.

No person shall be...deprived of life, liberty, or property, without due process of law.<sup>1</sup>

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed.<sup>2</sup>

In regard to citizens' understanding of jury trials, "speedy" and "public" are familiar enough concepts, and "innocent until proven guilty" provides a functionally colloquial frame of reference for arguably the most imperative component of trials: impartiality leading up to a verdict. The more complex element is what exactly the "process" component of "due process" entails. On one hand, a total understanding of due process by the general public is not essential; after all, we have to put some degree of trust in professionals and elected officials in the legal community to ensure this element. However, it is still incumbent on the public to have a broad understanding of how integral due process is to preserving impartiality. Ironically, it is in "learning" more about the former that our grasp of the latter loosens. Specifically, as the public increasingly relies on various forms of media to learn

about jury trials and legal procedures, the misinformation about the legal process that these sources trade in ultimately obstructs the maintenance of impartiality, particularly for defendants.

Take, for instance, the long-running *Law and Order* series. In 2012, a blogger created a spreadsheet of the outcomes of all 20 seasons of the show, which adds up to 450 different judicial storylines.<sup>3</sup> He found that 80 percent of the episodes ended in wins for the prosecution—either an outright or implied guilty verdict, or a plea bargain. By the final season in 2010, 0 percent of the cases ended in "not guilty" verdicts. Like most procedural dramas, *Law and Order* and its numerous spin-offs are relentlessly and problematically formulaic. In essence, the flawed equation is this: The police chase down a winding trail of leads that eventually brings them to the real perpetrator. After a brutal interrogation, the investigators get the damning piece of evidence needed to send the defendant to a quickly approaching trial. The prosecution, always a beacon of justice, manages to overcome a laundry list of obstacles to ensure that justice is served. (Of course, the dedicated viewer already knew that Prosecutor Jack McCoy or District Attorney Adam Schiff would win the day.) On the other hand, the soon-

to-be-found-guilty defendant is represented either by a bumbling, over-matched public defender, who nobly strains to grasp even the rudiments of legal procedure, or an expensive, amoral defense attorney who attempts at every turn to circumvent justice. In the end, whether we get to see it or not, that bombshell the prosecution uncovered in the middle of the trial is always enough to persuade the unbiased, representative jury. All of this adds up to a show, like so many other crime dramas, that misrepresents process in a way that creates a strong correlation between arrest and guilt that is not at all reflective of reality. And when this misrepresentation is shown hundreds of times to millions of viewers, it eventually has the potential to create and reinforce a bias that compromises impartiality.

Of course, we tell ourselves, these portrayals are only fictional. And while this often inaccurate and nearly always pro-prosecution depiction of the criminal justice system can perhaps be expected from entertainment television, we should expect much more from "respectable" news outlets like mainstream print and broadcast journalism. Unfortunately, mainstream media oftentimes present various aspects of the legal process in ways that similarly compromise impartiality in the audience.

The purpose of this article is to show the failings of mainstream media in crime reporting, specifically. To demonstrate that failure, I first will discuss how many Americans get their news and provide brief context for how news acquisition relates to the overall issue that this paper is examining. Next, I will provide an overview of the Society of Professional Journalists' Code of Ethics, which governs the work of journalists, and then use the Code of Ethics to analyze the language, structure, and extent of crime coverage to expose both the failings of the mainstream media in regards to meeting these standards as well as these failings' ultimate consequences for the viewing public's (mis)understanding of process. Finally, I will consider how journalists can avoid these ethical failings and, instead, promote the due process and impartiality provisions of the Constitution by reporting on crime in a way that upholds the requirement that journalists be both transparent and accountable.

#### How we get our news

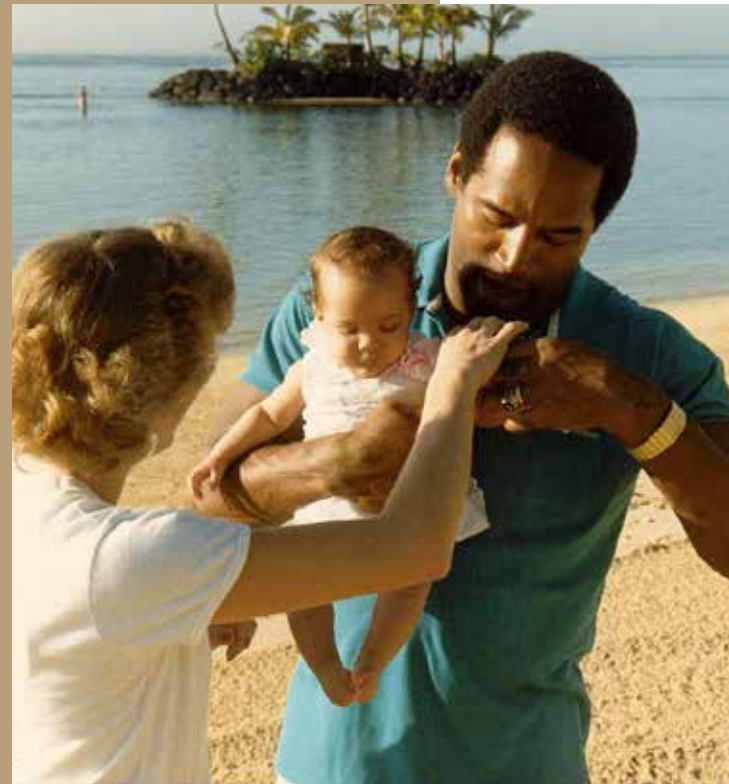
In 2016, television continues to be the most widely used news platform, with 57 percent of adults getting their news from TV "often,"<sup>4</sup> a statistic that presents itself as problematic only when we take into account how frequently the content of the news still looks like it did during the trial of Pamela Smart...

<sup>1</sup>U.S. Constitution. Art./Amend. V.

<sup>2</sup>U.S. Constitution. Art./Amend. VI

<sup>3</sup>Matthew Belinkie. "The Law and Order Database: All 20 Seasons." Overthinking It. Accessed 13 November 2012. <https://www.overthinkingit.com/2012/11/13/the-law-and-order-database-all-20-seasons/> Accessed 15 October 2016.

<sup>4</sup>Amy Mitchell, Jeffrey Gottfried, Michael Barthel and Elisa Shearer. "The Modern News Consumer: News attitudes and practices in the digital era." Pew Research Center: Journalism & Media. 7 July 2016. <http://www.journalism.org/2016/07/07/pathways-to-news/> Accessed 1 October 2016.





# MEDIA COVERAGE



Central High graduate test drives the nation’s capital through prestigious summer program

News-Leader staff

The path from college campuses around the globe to Washington, D.C., is a well-beaten one. However, as Central High graduate and rising University of Missouri junior Tricia Swartz noted in discussing why she applied to the Kinder Institute on Constitutional Democracy’s Kinder Scholars D.C. Summer Program, well-beaten does not always mean well-chosen.

“In the past, when I asked other people about their experiences in D.C., I was never given the exact same answer: some people love the environment there, and others believe D.C. is not the right place for them. I figured it would be best for me to experience the city myself, and then from there, I could decide if D.C. is something I want to pursue after graduating from college.”

The Kinder Scholars Program brings up to 20 Mizzou undergrads to the capital each year to intern with government offices, nonprofits, and media outlets throughout Washington, and study the nation’s constitutional history and traditions in the eight-week “Beltway History & Politics” seminar.

Schwartz attended Missouri Girls State in high school and later participated in a youth leadership exchange to Beijing organized by the Midwest-US China Association and Missouri Boys and Girls State programs. On campus at MU, where she majors in Political Science and minors in American Constitutional Democracy, she is a 2017 Sue Shear Leadership Academy Fellow; a staff writer and editor for the Kinder Institute’s Journal of Constitutional Democracy and an alumnus of its undergraduate Society of Fellows program; an active participant in the Missouri Students Association’s Student Court; a recipient of the J.G. Heinberg Scholarship; and an officer in the Pi Sigma Alpha Political Science Honor Society, through which she co-organized a fall 2016 public forum on campus for Boone County’s candidates for the state House of Representatives.



While much of Swartz’s recent coursework has focused on the early history of the United States, as well as the natural law philosophy that shapes the nation’s moral aspirations, she described how her position as a summer intern in Congresswoman Vicky Hartzler’s office has already provided a unique opportunity to begin drawing connections between the origins and present state of American government.

To go along with “learning more about the different causes that Congresswoman Hartzler supports, such as efforts to reduce human trafficking,” Swartz cited witnessing the collaboration of the public and private sectors as an early highlight from the summer.



New Class on Race in America Meant to Continue MU Conversation

By Myles Poydras Sep 20, 2017

As the need for productive conversation about race in America continues, two MU professors have created a class to keep the discussion moving forward.

This spring, Adam Seagrave, an associate professor who specializes in American politics, and Stephanie Shonekan, an associate professor who chairs the Department of Black Studies, will launch “Race and the American Story.” The goal is to create more thoughtful and aware students regarding race. The one-credit course will deal with the ways race is talked about in America.

“We want to engage students in the evolution of the ways in which we talk about race,” Shonekan said. “We would like for students to look at what we’re hearing in 2017 with Charlottesville or Mike Brown or Black Lives Matter and contextualize (it) in the very deep history of the ways in which race has been talked about.”



The idea came from her colleague Seagrave, who approached her with the project about a year ago.

“I just thought it was such a great idea because at the time I was thinking about ways of carrying on our conversations that we start at the Citizenship@Mizzou sessions into the classroom,” Shonekan said.

Citizenship@Mizzou is a mandatory entry program for all new undergraduate students. The first sessions were held in spring 2016 as a response to race-related protests in the fall of 2015. The program was called Diversity@Mizzou at that time, but it was redeveloped before the fall 2016 semester to become Citizenship@Mizzou. Shonekan said the name isn’t

as loaded as Diversity@Mizzou, which might cause some students to turn away from its message.

The two-hour interactive program largely centers around music and features a live band. The program was created to orient students about the expectation that all students should feel welcome at MU, Shonekan said, and it’s also a way to bring students together.

Seagrave said he was impressed with Shonekan’s work with Citizenship@Mizzou and knew she was looking for ways to extend those conversations.

“I thought she’d be receptive to doing something like this, and she really was,” Seagrave said. “We’ve been on the same page from the beginning.”

“Race and the American Story” will try to keep productive conversations about race flowing. Students will examine texts that span from the American Revolution to current times, focusing on one text a week in a 50-minute session.

One reason the course is only one credit is so these conversations are more accessible for students who may not be interested in making a larger time commitment, Shonekan said.

“It’s really a pilot — we want to see how it works,” Shonekan said. “We’re trying to get 20 students in each section, and we’re trying to kick it off with five sections.”

She and Seagrave will each teach one of the sections while three other MU professors will teach the remaining three sections.

The two wanted to offer the class for free, but MU’s current budget restricts that plan, Shonekan said.

“We wanted to offer students an opportunity to take this course free of charge, but we’re in a budget situation right now, and so we decided that we would go ahead and offer it as a regular one-credit course,” she said. “Maybe in the future we can get to the point where we can offer it free.”

Shonekan said this class is different from many other offerings at MU because it is a collaboration across departments. She works in the Black Studies Department



and the School of Music, in ethnomusicology, and Seagrave works in the Political Science Department and the Kinder Institute on Constitutional Democracy.

“I think that is really going to help bring together the different students that we want to bring together in these courses,” Seagrave said. He said the collaboration of the departments is important symbolically to show unity among the departments on campus that generally don’t do much together.

“Also, I think the timing of this is unique because, in this country, we are at a point where clearly even at the the highest level, we’re looking sideways at the ways in which race is being talked about,” Shonekan said.

At MU on Monday, results released of a fall 2016 campus climate survey showed race and racism were noted in more respondents’ comments than any other concern.

Although Shonekan thinks there is still much work to be done to get MU’s environment where it needs to be, she praised her colleagues for creating discussions about race in their own courses.

“I think that my colleagues have figured out ways to engage their students, whether it’s through literature, or with me it’s music,” she said. “Professors are scholars themselves, so they have brought that scholarship into the classroom.”

There are plans for a speaker series to broaden the outreach of the new class — “a big speaker that would really engage with our students and also with the larger community,” Shonekan said.

They plan to bring someone in to do a public lecture every semester the class is offered and make it open to everyone on campus, she said.

Seagrave said they have some people in mind, “but we’re going to hold off on mentioning names until we’ve got something more definite, but that’s coming in the next month or two.”

Other ways of getting students to participate in these discussions are being considered.

“The class and the speaker series are sort of the initial phases, but we hope from the class to also do some things that will help project what’s going on in the class,” Seagrave said.

He talked about publishing in some form the reflective journals written by students throughout the course as well as hosting events where people can just get together to have discussions and hang out.

“The more that we can talk across gaps and build relationships and friendships across those gaps over time is what will really change the campus culture,” Seagrave said.

MU has a lot of work to do around race, Shonekan said, and that’s a reflection of what is happening all over the country. Seagrave said it’s important to take advantage of MU’s past spotlight to showcase steps being taken to change the school’s culture and serve as a model for other universities.

It will take effort, intention and consistency, Shonekan said, but it is possible. “It just takes work.”

## *The Academic Spirit is Alive and Well at MU*

Special to *The Star*

August 22, 2017 8:30 PM

By Justin Dyer and Jeff Pasley

American universities have come off in recent news as lonely, dangerous and polarizing places. The University of Missouri in Columbia has been at the center of this storm, and yet our experience of American academia has been very different from the simplified reports in the media.

Take the authors of this commentary: One of us is a conservative straight out of central casting, a pro-life evangelical who is an unapologetic admirer of the American Founding Fathers and the U.S. Constitution. The other is an enthusiastic Bernie Sanders supporter who co-edited a book urging Americans to go “Beyond the Founders” in understanding their past. Still, we have found common ground and worked together on intellectual projects for years.

In fact, the general spirit of boundary-crossing goodwill on the MU campus has allowed us, in the middle of all the unrest, to create what may be the first self-consciously interdisciplinary and, if we may, “inter-ideological” center for the study of American political thought and history.

At Mizzou’s Kinder Institute on Constitutional Democracy, we have created a unique place where scholars and students from a variety of disciplines and perspectives can come together to learn, teach, research and write in an environment free of artificial boundaries and entrenched orthodoxies. Political opinions can still be intensely held, but as Thomas Jefferson said, “every difference of opinion is not a difference of principle.”

When our classes and public lectures take on controversial topics, we keep it on a philosophical and historical plane while still tackling difficult issues and highlighting different perspectives. Just before the 2016 elections, we had a socialist critic of the Democratic Party speak on the future of the left,

and a conservative critic of the Republican Party speak on the future of the right. Very few people agreed with either speaker about everything, but everyone who listened to each speaker learned something.

At another event, we had a student activist known for advocating the removal of the campus Jefferson statue on a panel with two leading Jefferson scholars. Everyone said their piece and mostly held their ground, but the whole panel was taking selfies together by the end.

Our inter-ideological approach has given us the unique opportunity to model for our students the virtues of civility, reasoned debate and rigorous intellectual inquiry, to show them that discussion and disagreement are not only

possible but desirable in an academic institution. The students, for their part, have responded enthusiastically to this inter-ideological mission, not only by signing up for our programs and classes but by combining themselves in unexpected ways.

This summer, for example, we had 22 students living, working and studying together in Washington, D.C., as part of our Kinder Scholars program. They were spread out across the capital city working for Republicans and Democrats, progressive and conservative think tanks and trade associations, museums and governmental agencies. Past graduates of the program have gone on to work for Republicans and Democrats and for organizations ranging from the conservative Intercollegiate Studies Institute to the progressive American Constitution Society. More importantly, they have been united by rigorous inquiry into the theoretical and historical foundations of American politics and have developed the ability to listen to and learn from one another.

Despite recent headlines, the true spirit of academia does still exist on campus, and it is strengthened all the more when scholars and students of goodwill reach out across the aisle to work together — an increasingly vital endeavor in our hyperpartisan times.





# “WE THE PEOPLE...”

*Putting the “thought” in American political thought and history*

*Can civility reach the top of political discourse? Leaders at MU’s Kinder Institute on Constitutional Democracy show the way.*

Story by Eric Ferguson

Illustration by Mark Smith

As he sits modeled in bronze on Francis Quadrangle, a thoughtful Thomas Jefferson appears to gaze placidly beyond today’s political polarization and incivility. But Jefferson would recognize our current climate all too well. His own time was rife with discord, and he cautioned his contemporaries against partisan bickering in his first inaugural address. “Every difference of opinion is not a difference of principle,” he said.

The sentiment, succinct enough for contemporary political discourse via Twitter, offers insight into the history of our political institutions and traditions. Launched in 2015 with an eye toward drawing connections between our political past and present, MU’s Kinder Institute on Constitutional Democracy provides a venue where Mizzou students and faculty across disciplines can build a more united future.

“History is a great teacher,” says Rich Kinder, BA ’66, JD ’68, executive chairman of Kinder Morgan Inc. and the institute’s eponym. “It’s useful in understanding the issues that confront you in business or anything else in life to have some kind of understanding of how people in circumstances throughout history have handled problems. To me, that’s worth a lot more than the how-to-do-business books or self-help books.”

When Kinder, long a generous supporter of Mizzou, began thinking about making another gift to the university, he had a clear goal in mind. “We have to make certain that each generation understands the foundations of America. It’s not a matter of political persuasion — it’s just understanding what the Founding Fathers really did, how the Constitution was formed and how the government was formed. I don’t think you can be an intelligent voter, or a leader in a democracy, if you don’t have that kind of understanding.”

To help foster that insight in generations of MU students, the Kinder Foundation, founded by Rich and his wife, Nancy, gave \$25 million to Mizzou to create the institute. The unit encourages interdisciplinary study and discussion of American political thought and history. Guided by an advisory board that includes Alan Atterbury, BA ’65, JD ’69, and Sara Scholes Morgan, BA ’66, the institute features programs such as the undergraduate Society of Fellows; a Washington, D.C., internship program; an academic minor and certificate program in American Constitutional Democracy; graduate and postdoctoral fellowships; study abroad opportunities; publication of the undergraduate *Journal on Constitutional Democracy*; and the Missouri Summer Teachers Academy for high school teachers across the state. Taken as a whole, the institute’s scope ranges from the intellectual (What have been the ramifications of the U.S. single-member district electoral system?) to the practical (How does an undergraduate interning in Washington, D.C., get to Nationals Park from Capitol Hill without a car?).



## *The Kinder Institute’s Founding Father*

“My parents bought a World Book Encyclopedia set when I was about 6 years old,” Kinder says. “They say I sat down on the floor and went through the whole set. I don’t quite remember it that way.”

Regardless of how voraciously Kinder devoured that set of encyclopedias, the Cape Girardeau, Missouri, native has maintained a lifelong passion for history and biography. His interests led him to study at the University of Missouri, where he earned a bachelor’s degree in history and a juris doctor degree.

“The biggest thing that I learned at MU was how to think on my feet, how to analyze problems and hopefully solve them,” Kinder says.

After graduating from MU, Kinder served as a captain in the U.S. Army in Vietnam before embarking on a career in business. As executive chairman of Kinder Morgan Inc., he directs one of the country’s largest



energy infrastructure companies, which he co-founded in 1997 with fellow Mizzou alumnus Bill Morgan, BA '65, JD '67. Kinder received the Morningstar CEO of the Year award; chairs the Kinder Foundation; serves as a life trustee and chairs the board of the Museum of Fine Arts in Houston; and serves as a member of numerous corporate and nonprofit boards.

Despite Kinder's many commitments, he doesn't simply make time to attend the institute's activities and follow its scholarship. He is passionate about the subject. "If you send him a book, he reads it and asks you questions about it," Pasley says. "Not like he's cross-examining you — he just wants to talk about it."

As with any worthy endeavor, the institute's success starts with people, says Justin Dyer, professor of political science and the institute's director.

Kinder agrees. "It's not every day you get somebody to come from Oxford [Jay Sexton, chair in constitutional democracy] to the University of Missouri, but we did. Now we've got one coming from Yale [Alyssa Reichardt, assistant professor] and one from the University of Virginia [Christa Dierksheide, assistant professor]. We're something unique, and that's part of the reason we're able to attract these people."

The institute welcomes faculty and students from across the political spectrum. Although polarization and partisanship characterize American politics, the institute cultivates exchanges of ideas that are far more civil than those found on Twitter or cable TV. "We have discussions," says Jeffrey L. Pasley, professor of history and journalism and associate director of the institute. "People make arguments, but we don't really have arguments. A lot of the students haven't seen that before."

Although many of the program's students study political science or history, the institute welcomes all disciplines. "It's not meant to just be future politicians," Pasley says.



Peyton Rosencrants, BJ '17, says the institute gave her more interaction with those across the proverbial aisle. "The faculty were always open and willing to have conversations, and a lot of times they came about just because people were loitering after an event," she says. "You got to be with a lot of people from a lot of different areas of campus. There was someone who interned for [U.S. Sen.] Roy Blunt and someone who interned for [former Missouri Rep.] Stephen Webber, JD '13, and [former Missouri Secretary of State] Jason Kander."

Spencer Tauchen, a junior triple major in philosophy, political science and sociology, appreciates how the institute challenges him to think harder. "It's an intellectually and ideologically diverse group of professors and students who shake you out of the rut of talking to the same sort of people about the same sort of things."

Decades after his time at MU, Kinder echoes these sentiments. "I still think a high percentage of the value you get out of the college experience is just going away from home and, in essence, being forced to live with other people and get along with other people."

The institute's core intellectual challenge — Dyer calls it learning how to "disagree well" — grapples at times with Jefferson's legacy: How could the revered founding father who called slavery a "moral depravity" have owned hundreds of slaves in his lifetime? In October 2015, the Jefferson statue symbolized this debate, when students attached Post-It notes — both positive and negative — to the bronze figure. A recent institute colloquium with Jefferson scholars Annette Gordon-Reed and Peter Onuf, titled "Jefferson and His Legacies," gathered people with opposing views to discuss the issue without resorting to personal animus. "We had Jefferson scholars sitting down next to [a graduate student] who put Post-Its on Jefferson's statue," Pasley says. "They didn't agree. But they took a selfie at the end."

Kinder likes to say he has made more mistakes by dreaming too small than by dreaming too big. Two years after its creation, the Kinder Institute on Constitutional Democracy continues to dream big about what it can be and how it can help educate future generations of citizens. "Getting the American student body to have a better grasp of what this country is based on will pay long-term dividends," Kinder says, "not just for the University of Missouri or the state of Missouri but for the whole nation."



# APPENDICES



## APPENDIX 1: NEW FACULTY

During AY 2016-17, we brought Jay Sexton and Adam Seagrave into the Kinder Institute faculty fold to serve as our inaugural Chair and Professor of Constitutional Democracy, respectively. As a result of faculty searches undertaken in Fall 2016 and Spring 2017, we also hired three additional new professors during AY 2016-17—Christa Dierksheide, Alyssa Zuercher Reichardt, and Jennifer Selin—who will join the Kinder Institute over the next two years.

### 2016-17 New Kinder Institute Faculty



**Jay Sexton** is the inaugural Kinder Institute Chair in Constitutional Democracy and Professor of History. A native of Salina, Kansas, and graduate of KU, he returned to the Midwest to the University of Missouri in 2016 after spending the better part of two decades at Oxford University in England.

Sexton started in Oxford as a grad student Marshall Scholar and worked his way up to being Director of the Rothermere American Institute and, upon his departure, being elected to the honorary title of Distinguished Fellow. Sexton specializes in the political and economic history of the nineteenth century. His research situates the United States in its international context, particularly as it related to the dominant global structure of the era, the British Empire. He is the author of *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873* (Oxford, 2005; 2nd ed. 2014) and *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (Hill and Wang, 2011). He also has published two major collaborative projects: *The Global Lincoln* (co-edited with Richard Carwardine, Oxford, 2011) and *Empire's Twin: U.S. Anti-Imperialism from the Founding to the Age of Terrorism* (co-edited with Ian Tyrrell, Cornell, 2015).

Currently, Sexton is at work on a book that explores how steam infrastructure conditioned the connections and relations between the United States and the wider world in the second half of the nineteenth century. He also is working with Kristin Hoganson (University of Illinois-Urbana Champaign) on a collaborative project

on “transimperialism”—the crossings and intersections between empires in the nineteenth century.

Sexton enjoys working with enterprising students, undergrad or grad, who set their own intellectual agenda. When he is not reading or talking history, he is cheering for KC sports teams and following British politics.



**S. Adam Seagrave** received his Ph.D. in Political Science from the University of Notre Dame and currently serves as an Endowed Professor of Constitutional Democracy at the Kinder Institute, an Associate Professor in the MU Political Science Department, managing editor of the journal *American Political Thought*,

and editor-in-chief of the Kinder Institute’s new online journal *Starting Points*. His first book, *The Foundations of Natural Morality: On the Compatibility of Natural Rights and the Natural Law*, was published by the University of Chicago Press in 2014, and his second book, *Liberty and Equality: The American Conversation*, was published in 2015 by the University Press of Kansas. He has recently produced a modern re-phrasing of selected Federalist Papers entitled *The Accessible Federalist* (Hackett Publishing Co., 2017), and he is also at work on a book project that will provide an account of “nature’s” relevance to American political thought and development.

### 2016-17 Kinder Institute Faculty Hires



**Christa Dierksheide** joins the Kinder Institute faculty as an Assistant Professor of Constitutional Democracy and Assistant Professor of History after two decades in Virginia, where she most recently held the position of Historian at the Robert H. Smith International Center for Jefferson Studies at Monticello. She completed her M.A. and Ph.D. at the

University of Virginia. Her first book, *Amelioration and Empire: Progress and Slavery in Plantation America, 1770-1840* (University of Virginia Press, 2014), examined how planters embraced the European Enlightenment idea of “improvement” on New World plantations. At Monticello, she conceptualized and wrote exhibitions, including “The Boisterous Sea of Liberty” and “The Landscape of Slavery: Mulberry Row at Monticello,” and she is also co-author of “Thomas Jefferson’s Worlds,” Monticello’s introductory film. At the University of Virginia, she served as a lecturer in the Corcoran Department of History and as co-director of the Early American Seminar.

Dierksheide’s research focus is on Early America and Anglo-American imperialism in the late 18th and early 19th centuries. She is particularly interested in the political thought of Thomas Jefferson, race and slavery, and the legacy of the Founding generation. Dierksheide is currently at work on two book projects—one that chronicles the rise of the 19th century American empire through the eyes of Jefferson’s grandchildren, both white and mixed-race, and a new book on Jefferson’s antislavery ideas.



**Alyssa Zuercher Reichardt** received her Ph.D. at Yale University and will join the Kinder Institute faculty in Fall 2018 as an Assistant Professor of Constitutional Democracy and Assistant Professor of History, after spending a year as a junior visiting fellow at the Center for Humanities & Information at the Pennsylvania State

University. Her research revolves around 18th century European and indigenous empires in North America and the Atlantic World. Her current project examines the contest for the American Interior in the decades before the American Revolution, mapping the development of communications infrastructure over the long Seven Years’ War, and her next project will turn toward the spatial politics of native and Euro-American transportation landscapes, from the colonial period through the rise of the early American state.



**Jennifer L. Selin** joins the Kinder Institute as an Assistant Professor of Constitutional Democracy and Assistant Professor of Political Science. Professor Selin’s research illustrates that the structure of the federal administrative state has important implications for political influence. She is a coauthor of the Administrative Conference

of the United States’ *Sourcebook of United States Executive Agencies*, and her scholarship has been published in political science, public administration, and law journals. Prof. Selin holds a Ph.D. from Vanderbilt University and a J.D. from Wake Forest University. Prior to pursuing her Ph.D., she practiced administrative law and specialized in electricity market regulation and alternative energy development, licensing, and regulation.

We also added the following MU Professors to our affiliated faculty ranks during the year: J.D. Bowers (Honors College), Keona K. Ervin (History), Sheena Greitens (Political Science), Sam Halabi (Law), Jake Haselwerdt (Political Science), Ilyana Karthas (History), LaGarrett King (Education), Thom Lambert (Law), Paul Litton (Law), and Robert Smale (History).



## APPENDIX 2: 2016-17 POSTDOCTORAL AND GRADUATE FELLOWS

During AY 2016-17, the following individuals served as Postdoctoral and Graduate Fellows at the Kinder Institute.

### 2016-17 Postdoctoral Fellows



**Billy Coleman** completed his PhD in History at University College London (UCL) in 2015. His dissertation, which is currently being revised into a book, explores the significance of why and how music was incorporated into nineteenth-century American political culture.

A selection from this project about Federalists and “The Star Spangled Banner” has been published in *Journal of the Early Republic*, and his research has received support from the Newberry Library, the Royal Historical Society, the Library Company of Philadelphia, and the Maryland History Society. In 2013, he was a doctoral exchange scholar at Yale University, and he also has recently held teaching posts at Queen Mary University of London and the University of Portsmouth. Born in Houston but raised in Sydney, Australia, he earned a B.A. with honours and the University Medal from the University of New South Wales. He joined the Institute in 2016 as a Kinder Postdoctoral Fellow in American Political History.



**Nicholas Drummond** received his B.A. in International Affairs from Florida State University and his M.S. in Defense and Strategic Studies from Missouri State University. He completed his doctoral degree in Political Science at the University of North Texas in 2015. His

dissertation, titled *Montesquieu, Diversity and the American Constitutional Debate*, investigated heterogeneous republics from the perspective of Montesquieu and the American political founders. His research interests center on political theory, diversity, and the American Constitution, and his publications have examined the topics of multiculturalism and the impact of religion and human rights on American foreign policy. He has taught courses on American Government and Political Theory in the Political Science Department at Mizzou and he also served as an Editorial Assistant at the *American Political Science Review*. He served

as a Kinder Postdoctoral Fellow in American Political Thought and Constitutionalism from 2015-17, and currently is an Assistant Professor of Government at Sweet Briar College.



**David Golemboski** completed his Ph.D. in Government at Georgetown University in May 2016. He works in the area of political theory, focusing on topics in law and philosophy, religion in politics, and political stability, and his doctoral dissertation explored the issue of religious

accommodation, advancing a neo-Hobbesian, stability-based approach to exemptions from generally applicable laws. He has published articles on impartiality in Adam Smith in *European Journal of Political Theory*, and on the Catholic principle of subsidiarity in *Publius: The Journal of Federalism*, and he maintains an interest in the tradition of Catholic social thought. David holds a B.A. in Philosophy from the University of Louisville and an M.T.S. in Religion, Ethics, and Politics from Harvard Divinity School. He joined the Kinder Institute in 2016 as a Postdoctoral Fellow in American Political Thought & Constitutionalism.



**Armin Mattes** earned his Ph.D. in History at the University of Virginia, working with Peter Onuf on the origins of American democracy and nationhood. Dr. Mattes then spent the 2012-2013 academic year as the Gilder Lehrman Research Fellow at the Robert H. Smith International

Center for Jefferson Studies, where he completed his first book, *Citizens of a Common Intellectual Homeland: The Transatlantic Context of the Origins of American Democracy and Nationhood, 1775-1840*, which was published by University of Virginia Press in 2015. His newly translated and annotated edition of Francis J. Grund's *Aristocracy in America* will be published in Spring 2018 as part of the Kinder Institute's *Studies in Constitutional Democracy* monograph series with University of Missouri Press, and he is also currently at work on a book project that explores the transformation of the meaning and practice of political patronage in America from 1750 to 1850. Dr. Mattes has taught at the University of Virginia and Eberhard Karls University of Tübingen

(Germany), and he served as a Kinder Institute Research Fellow in American Political History from 2014-2017.



**Skye Montgomery** earned her DPhil in History from the University of Oxford, completing a dissertation on perceptions of Anglo-American kinship and national identity in the nineteenth-century South. She also holds a Master's Degree in American History from Oxford and

in Victorian Studies from the University of Manchester. Her current research concerns the ways in which American political and social institutions accommodated alternative languages of national self-expression in the Early Republic and Civil War Era, and she is particularly interested in the role that Great Britain played in the formation of American national identity, publishing most recently on the Prince of Wales' 1860 American tour as a defining moment of Anglo-American relations. She joined the Kinder Institute on Constitutional Democracy in 2016 as a Postdoctoral Fellow in American Political History.

### 2016-17 Graduate Fellows



**Kenneth Bryant, Jr.** completed his B.A. in Political Science and African-American Studies at Wright State University in Dayton, Ohio, and his M.A. in Political Science at the University of Missouri. His dissertation at the University of Missouri examined the history of

policing in communities of color and assesses perceptions of police performance, with a particular focus on how police response to protests shapes public trust toward policing and preferences for crime control policy. In addition to his research, Kenneth has served as president of the Graduate Student Association (GSA) and as an executive board member of the Association of Black Graduate and Professional Students (ABGPS). For his service as a graduate student leader, he was inducted into the Graduate Professional Council's Rollins Society in 2015. Kenneth also has been awarded the Dean L. Yearwood Scholarship for Excellence in American Policy Research and the Bryan L. Forbis Scholarship by the MU Department of Political Science. He joined the Kinder Institute as a Graduate Fellow in American Political Thought & Constitutionalism during

2016-17, and he currently serves as an Assistant Professor of Political Science at University of Texas-Tyler.



**Zachary Dowdle** earned his B.A. and M.A. in History from Angelo State University in San Angelo, Texas. His dissertation at the University of Missouri looks at shifting conceptions of race and gender in the political culture of nineteenth-century Missouri and

the United States through an examination of the career of James Sidney Rollins, a slave owner who was a leading Whig politician and pro-Unionist. Rollins served as a representative at both the state and national levels, working to establish the University of Missouri in the 1830s and providing a crucial swing vote in Congress that approved the Thirteenth Amendment. Zachary has presented his work at conferences in Columbia, New Orleans, and San Diego, has received a travel grant from the Kinder Institute on Constitutional Democracy, and was a Fellow at the JMC Summer Institute in Philadelphia. In his free time, he enjoys spending time outdoors, either cycling on country roads or hiking along local trails. Zachary joined the Kinder Institute as the Spring 2017 Graduate Fellow in American Political History.



**Brandon Flint** completed his B.A. in History at Patrick Henry College in Purcellville, VA, and his M.A. in History at the University of Louisiana at Lafayette. His dissertation at MU examined the early history and growth of Protestant short-term missions from the end of the Second World

War through the 1970s, with close attention paid to the role of overseas missionaries as they negotiated between their identities as Christians and as Americans. More specifically, while missionaries have always been important in shaping how America's democratic values are interpreted abroad, the dissertation focuses on how, under the long shadow of the Cold War, short-term missionaries in particular fought on the front lines to combat communism in the Soviet Union and to promote the image of the United States in the developing third world. Brandon served as a Kinder Graduate Fellow in American Political History during the Fall 2016 semester.





**Jonathan Jones** earned a B.A. in History and Political Science at Arkansas Tech University and a JD from Washington University School of Law in St. Louis. He then went on to work in the United States Senate, before going back to school and earning an M.A. in History at

the University of Arkansas. An interest in the history of lobbying and interest group politics led to a focus on the special role that the fur trade played in the development of early American political economy, and his dissertation as a Ph.D. candidate at MU examines the ways in which this industry influenced early American state formation and argues for a symbiotic relationship between the fur trade and the federal government. He joined the Kinder Institute as a 2016-17 Graduate Fellow in American Political History.



**Aaron Kushner** earned his B.A. in Politics from Saint Vincent College and his M.A. in Political Science from Northern Illinois University. His research interests include political partisanship, party identity in the electorate, and the intersection of religion and politics. His dissertation

research at MU examines the effects of elite polarization on the electorate, how partisanship has ebbed and flowed over time, and the implications that these changes have for representation in America. He has taught American Government at Northern Illinois University. He served as a Spring 2017 Graduate Fellow in American Political Thought & Constitutionalism, and remains with the Kinder Institute during AY 2017-18 as a continuing grad fellow and editorial assistant at *Starting Points*.



**Sean Rost** completed his B.S. in History Education at William Woods University in Fulton, MO, and his M.A. in History at Lincoln University, in Jefferson City, MO. His dissertation at MU examines the revival of the Ku Klux Klan during the 1920s, with a particular focus on

the efforts of anti-Klan activists to use their power at the polls, in the pulpit, and in the press to stymie the growth of the “Invisible Empire” in Missouri. Sean has received research grants from the James S. Rollins Slavery Atonement Endowment, the William A. Wilcher Endowment, and the

Cushwa Center for the Study of American Catholicism at the University of Notre Dame. He has taught American History to 1865 at the University of Missouri, American History to 1877 and American History Since 1877 at Columbia College-Jefferson City, and on-campus and online history courses at William Woods University. He joined the Kinder Institute as a 2016-17 Graduate Fellow in American Political History.



**Clint Swift** earned his B.A. in Political Science from Whittier College and his M.A. in Government from California State University-Sacramento. His research interests include state legislative institutions and behavior and electoral accountability, and his dissertation at MU focused on the

determinants of state legislative committee system structure as well as its effects on legislative outcomes. His work has been published in *Political Science Research and Methods* and *State Politics & Policy Quarterly*, and has also been featured on the London School of Economics’ *American State Politics and Policy* blog. Clint is the past recipient of a research grant from the Kinder Institute, the J.G. Heinberg Scholarship for comparative political research, and the Dean L. Yarwood and Bryan L. Forbis Awards for the study of American politics and public policy. He taught courses on American politics in the MU Department of Political Science. He joined the Kinder Institute as a 2016-17 Graduate Fellow in American Political Thought & Constitutional, and he currently serves as a Visiting Assistant Professor at Sewanee.

## APPENDIX 3: GRANTS AWARDED AND RECEIVED

As part of our biyearly program of research and travel grants, the following faculty members and graduate students received awards during AY 2016-17 from the Kinder Institute to fund the projects and conference presentations detailed briefly below. Following these details about awards given is information on grant funds received by the Kinder Institute during AY 2016-17 for a series of on-campus initiatives and outreach programs.

### *Fall 2016-Faculty*

**Jay Dow** (Political Science), \$3,000 for archival research related to his current book project on elections in the early Republic at the American Antiquarian Society, Library Company of Philadelphia, and Historical Society of Pennsylvania

**Harrison Kim** (History), \$3,000 (un-used) for Summer 2017 research in Seoul, South Korea, for an article on the history of North Korea’s electoral process

**Lee Manion** (English), \$2,500 for Summer 2017 research at Harvard’s Houghton Library to complete work on his book-in-progress, *The King is Emperor: Sovereignty, Justice, and Theories of Empire in Pre-Modern Literature*

**Abigail Manzella** (English), \$1,000 to conduct research at the Gwendolyn Brooks Archives at the University of Illinois

**Bryce Reeder** (Political Science), \$3,000 for travel and data collection costs related to his ongoing “Military Service, Political Beliefs, and Personality” project

### *Fall 2016-Graduate Student*

**Jessica Anderson** (Political Science), \$500 for travel to the International Studies Association annual meeting in Baltimore, MD

**Brandon Flint** (History), \$1,692 to conduct research at the National Archives related to completing his dissertation, “God in This New World of Tomorrow: The Rise of Protestant Short-Term Missions”

**Ed Goldring** (Political Science), \$1,500 for travel to conduct on-the-ground research in South Korea on the use of U.S. aid

**Michael Hendricks** (Political Science), \$3,075 for field research in Nicaragua on the relationship between infrastructural change and political participation

**Joel Reed** (Political Communication), \$500 for data purchase and coding costs related to a joint project on campaign communication in partisan and non-partisan elections

**Sean Rost** (History), \$500 for travel to present at the October 2016 annual meeting of the Western History Association in St. Paul, MN

### *Spring 2017-Faculty*

**David Golemboski** (Political Science/Kinder Institute), \$500 for travel to present at the April 2017 meeting of the Midwest Political Science Association in Chicago

**Jeff Milyo** (Economics), \$3,000 for undergraduate research assistance related to his “Outside Political Spending in Perspective” project

### *Spring 2017-Graduate Student*

**Laila Farooq** (Political Science), \$2,000 to conduct field research on NGOs in Pakistan

**Luke Schleif** (History), \$500 for travel to the June 2017 meeting of the Society for Historians of Foreign Relations

### *Grants Received*

Fall 2016: \$4,000 from the Pulitzer Prizes Centennial Campfires Initiative, administered by the Missouri Humanities Council (MHC), to support University of California-Davis Professor of History Eric Rauchway’s September 6, 2016, lecture, “The Country’s Plight, and How We Escaped It”

Fall 2016: \$16,000 from the National Endowment for the Humanities, administered by the MHC, to support a Fall 2016 lecture series related to the NEH’s nationwide “Humanities in the Public Square” programming initiative

Summer 2017: \$20,000 from the Missouri Humanities Council to support programming for our June 2017 Missouri Summer Teachers Academy



APPENDIX 4: ACD MINOR AND CERTIFICATE COURSES AND ENROLLMENT DATA

In total during AY 2016-17, **775 students** in the **25 three-credit hour courses offered** as part of the Minor and Certificate in American Constitutional Democracy, as well as **31 students** in the **six one-credit hour Honors College tutorials** that apply to the ACD Minor and Certificate. All courses offered during AY 2016-17 are listed below, with \* indicating courses that saw a year-over-year increase in enrollment and \*\* indicating courses that were taught for the first time last year.

Fall 2016

- HIST 1540: England Before the Glorious Revolution
- HIST 2430: History of American Religion\*
- HIST 4000: Age of Jefferson
- HIST 4004: Constitutionalism in the Americas\*
- HIST 4040: Slavery and the Crisis of Union\*\*
- HIST 4060: Period of the American Revolution
- POL SC 2450H: Intellectual World of the American Founders\*\*
- POL SC 4130: African-American Politics
- POL SC 4140: Congress and Legislative Policy\*
- POL SC 4150: The American Presidency\*
- POL SC 4830: Democracy in America and Elsewhere
- GN HON 2010: Give Me Liberty or Give Me Arbitration\*
- GN HON 2010: The Affordable Care Act and Constitutional Order\*

Spring 2017

- CL HUM 3100: Age of Pericles
- ECON 4367: Law and Economics\*
- HIST 2100H: The Revolutionary Transformation of Early America\*\*
- HIST 2445: American Constitutional Democracy-Online\*
- HIST 4400: History of American Law
- POL SC 2860: American Political Thought\*
- POL SC 4004: Natural Law and Natural Rights\*\*
- POL SC 4140: Congress and Legislative Policy\*
- POL SC 4150: The American Presidency\*
- POL SC 4170: Politics of the American South\*
- POL SC 4210: Constitutional Rights
- POL SC 4790: Age of Democratization\*\*
- PHIL 4610: Philosophy of Law
- GN HON 2010: The Inalienable Right to the Pursuit of Happiness\*
- GN HON 2010: Idea of Human Rights\*\*
- GN HON 2010: Overview of Liberal Democratic Theory and Practice
- GN HON 2010: Whitman’s Democratic Legacy\*

APPENDIX 5: KINDER INSTITUTE FACULTY ACHIEVEMENTS

Though far from a complete list, what follows is a rundown of some of our faculty members’ notable scholarly achievements from the past year, beginning with abstracts and praise for faculty books released during AY 2016-17 and then shifting to select conference presentations, article publications, and book contracts.

Faculty Books

*C.S. Lewis on Politics and the Natural Law* (Cambridge University Press, September 2016), Professor of Political Science and Kinder Institute Director Justin Dyer and Micah Watson (Calvin College)

Conventional wisdom holds that C.S.Lewis was uninterested in politics and public affairs. The conventional wisdom is wrong. As Justin Buckley Dyer and Micah J. Watson show in this groundbreaking work, Lewis was deeply interested in the fundamental truths and falsehoods about human nature and how these conceptions manifest themselves in the contested and turbulent public square. Ranging from the depths of Lewis’ philosophical treatments of epistemology and moral pedagogy to practical considerations of morals legislation and responsible citizenship, this book explores the contours of Lewis’ multi-faceted Christian engagement with political philosophy generally and the natural-law tradition in particular. Drawing from the full range of Lewis’ corpus and situating his thought in relationship to both ancient and modern seminal thinkers, *C. S. Lewis on Politics and the Natural Law* offers an unprecedented look at politics and political thought from the perspective of one of the twentieth century’s most influential writers.

“..Justin Buckley Dyer and Micah J. Watson, associate professors at the University of Missouri and Calvin College, show in their groundbreaking new book, *C. S. Lewis on Politics and the Natural Law*, Lewis’s understanding of truth and human nature, of what constitutes the good life and the good society, had significant political implications... Professors Dyer and Watson write that Lewis had ‘a very limited view of government’s role and warrant,’ was skeptical of its capacity to inculcate virtue and worried about its paternalistic tendencies. The duty of government was to restrain wrongdoing. Because he believed in the fallen nature of humanity, Lewis was concerned by the concentration of political power.”

—Peter Wehner, *The New York Times*

*JFK and the Masculine Mystique: Sex and Power on the New Frontier* (Macmillan, December 2016), Professor of History and Kinder Institute Faculty Advisory Council and Advisory Board Member Steven Watts

From very early on in his career, John F. Kennedy’s allure was more akin to a movie star than a presidential candidate. Why were Americans so attracted to Kennedy in the late 1950s and early 1960s—his glamorous image, good looks, cool style, tough-minded rhetoric, and sex appeal?

As Steve Watts argues, JFK was tailor made for the cultural atmosphere of his time. He benefited from a crisis of manhood that had welled up in postwar America when men had become ensnared in bureaucracy, softened by suburban comfort, and emasculated by a generation of newly-aggressive women. Kennedy appeared to revive the modern American man as youthful and vigorous, masculine and athletic, and a sexual conquistador. His cultural crusade involved other prominent figures, including Frank Sinatra, Norman Mailer, Ian Fleming, Hugh Hefner, Ben Bradlee, Kirk Douglas, and Tony Curtis, who collectively symbolized masculine regeneration.

*JFK and the Masculine Mystique* is not just another standard biography of the youthful president. By examining Kennedy in the context of certain books, movies, social critiques, music, and cultural discussions that framed his ascendancy, Watts shows us the excitement and sense of possibility, the optimism and aspirations, that accompanied the dawn of a new age in America.

“In brilliantly dissecting the style of JFK, Steven Watts has elucidated the substance of Kennedy’s time—its politics; its culture; its social, gender, and domestic arrangements. No more discerning book has been written about Kennedy.”

—Benjamin Schwartz, National Editor, *The American Conservative*

*A Guide to the Missouri Constitution* (W.W. Norton & Co., February 2017), Justin Dyer and University of Missouri Professor of Political Science (Emeritus) Greg Casey

Through a combination of expert historical and contextual commentary and a concise apparatus that deploys diagrams and tables to summarize key concepts, Dyer and Casey have crafted the most efficient and engaging text for understanding the structure of Missouri’s government, the provisions and



politics of its lengthy constitution, and the relevance that this document has to contentious issues in the state today.

*Electing the House: The Adoption and Performance of the U.S. Single-Member District Electoral System* (University Press of Kansas, March 2017), Professor of Political Science and Kinder Institute Faculty Advisory Council Member Jay Dow

*Electing the House* is the first book-length study to explore how the US came to adopt the single-member district system, how it solidified into a seemingly permanent fixture of American government, and whether it performs well by the standards it was intended to achieve. Dow traces the history of the present system from its origins in the Jacksonian Era to its solidification with the enfranchisement of women in the early twentieth century and African Americans in the Civil Rights Era, persuasively arguing that the single-member district system became the way we elect our representatives because it fits especially well within the corpus of political thought that informs our collective understanding of good governance.

“Jay Dow shows that this critical feature of the US electoral system is best understood through a historical developmental approach that includes a blend of Founding ideas, institutions, social and political changes, and strategic choices. The book contributes mightily to the American political development literature on Congress, debates over the vitality of the American electoral system, and congressional reform.”

—Daniel Palazzolo, Professor of Political Science, University of Richmond

*The Accessible Federalist* (Hackett Publishing, March 2017), Kinder Institute Associate Professor of Constitutional Democracy and Associate Professor of Political Science S. Adam Seagrave

This modern English version of sixteen of Publius’ most important essays is designed to set forth their argument in the clearest terms: the promise of the U.S. Constitution. Though *The Federalist* was itself written for the same purpose, the complexity of its prose and the meaning of several of its key terms have now passed out of currency—with the result that the original texts are now less able to communicate effectively to the uninitiated than they were when the first essays were published in 1787. Faithfully re-phrased for modern readers by an established and respected

scholar of American political thought—and supplemented by quotations from the original texts—the selected essays included here offer today’s readers a judicious and effective first approach to *The Federalist*’s most important ideas.

“I assign students to read *The Federalist* so they will grasp the ideas. But too often they can’t get past the words. Adam Seagrave’s *The Accessible Federalist* will enable readers of all backgrounds to understand the ideas that shaped the Constitution. It will also spur many readers onward to study and appreciate the original texts. I hope it gets wide attention and classroom use.”

—James H. Read, College of Saint Benedict and St. John’s University

*Gateway to Equality: Black Women and the Struggle for Economic Justice in St. Louis* (University Press of Kentucky, July 2017) Assistant Professor of African-American History and Kinder Institute Affiliate Faculty Member Keona Ervin

Like most of the nation during the 1930s, St. Louis, Missouri, was caught in the stifling grip of the Great Depression. For the next thirty years, the “Gateway City” continued to experience significant urban decline as its population swelled and the area’s industries stagnated. Over these decades, many African American citizens in the region found themselves struggling financially and fighting for access to profitable jobs and suitable working conditions. To combat ingrained racism, crippling levels of poverty, and sub-standard living conditions, black women worked together to form a community-based culture of resistance—fighting for employment, a living wage, dignity, representation, and political leadership.

*Gateway to Equality* investigates black working-class women’s struggle for economic justice from the rise of New Deal liberalism in the 1930s to the social upheavals of the 1960s. Author Keona K. Ervin explains that the conditions in twentieth-century St. Louis were uniquely conducive to the rise of this movement since the city’s economy was based on light industries that employed women, such as textiles and food processing. As part of the Great Migration, black women migrated to the city at a higher rate than their male counterparts, and labor and black freedom movements relied less on a charismatic, male leadership model. This made it possible for women to emerge as visible and influential leaders in both formal and informal capacities.

In this impressive study, Ervin presents a stunning account of the ways in which black working-class women creatively

fused racial and economic justice. By illustrating that their politics played an important role in defining urban political agendas, her work sheds light on an unexplored aspect of community activism and illuminates the complexities of the overlapping civil rights and labor movements during the first half of the twentieth century.

“In this masterful work, Keona Ervin makes a concrete case that African American working-class women’s self-organization not only shaped the black freedom movements and trade unionism but also embodied the larger possibilities for a democratic social contract for all. *Gateway to Equality* uses gender not only as a means of identifying the full scope of black women’s work and activism, but also as a tool for interrogating the meanings of ‘civil rights’ and ‘labor’ themselves. In accomplishing this, Ervin pushes to the next level the study of black working-class community and struggle in St. Louis and beyond.”

—Clarence Long, author of *Grassroots at the Gateway*

*The Rise of the Representative: Lawmakers and Constituents in Colonial America* (University of Michigan Press, July 2017) Professor of Political Science and Kinder Institute Affiliate Faculty Member Peverill Squire

Representation is integral to the study of legislatures, yet virtually no attention has been given to how representative assemblies developed and what that process might tell us about how the relationship between the representative and the represented evolved. *The Rise of the Representative* corrects that omission by tracing the development of representative assemblies in colonial America and revealing they were a practical response to governing problems, rather than an imported model or an attempt to translate abstract philosophy into a concrete reality. Peverill Squire shows there were initially competing notions of representation, but over time, the pull of the political system moved lawmakers toward behaving as delegates, even in places where they were originally intended to operate as trustees. By looking at the rules governing who could vote and who could serve, how representatives were apportioned within each colony, how candidates and voters behaved in elections, how expectations regarding their relationship evolved, and how lawmakers actually behaved, Squire demonstrates that the American political system that emerged following independence was strongly rooted in colonial-era developments.

“*The Rise of the Representative* demonstrates that there is considerable untapped information on colonial legislatures,

there is a lot to learn from this information, and taking the time to probe this era will greatly enhance our understanding of the type of legislative politics that emerged in the Revolutionary and post-Revolutionary period. Well-developed and well-written, it will become an instant classic.”

—Lawrence C. Dodd, University of Florida

*PTL: The Rise and Fall of Jim and Tammy Faye Bakker’s Evangelical Empire* (Oxford University Press, August 2017) Professor and Chair of History and Kinder Institute Faculty Advisory Council Member John Wigger

In 1974, Jim and Tammy Bakker launched their television show, the *PTL Club*, from a former furniture store in Charlotte, NC, with half a dozen friends. By 1987, they stood at the center of a ministry empire that included their own satellite network, a 2300-acre theme park visited by six million people a year, and millions of adoring fans. The Bakkers led a life of conspicuous consumption, perfectly aligned with the prosperity gospel they preached. They bought vacation homes, traveled first-class with an entourage, and proclaimed that God wanted everyone to be healthy and happy.

When it all fell apart, after revelations of a sex scandal and massive financial mismanagement, all of America watched more than two years of federal investigation and trial as Jim was eventually convicted on 24 counts of fraud and conspiracy. He would go on to serve five years in federal prison.

*PTL* is more than just the spectacular story of the rise and fall of the Bakkers, John Wigger traces their lives from humble beginnings to wealth, fame, and eventual disgrace. At its core, *PTL* is the story of a group of people committed to religious innovation, who pushed the boundaries of evangelical religion’s engagement with American culture.

Drawing on trial transcripts, videotapes, newspaper articles, and interviews with key insiders, dissidents, and lawyers, Wigger reveals the power of religion to redirect American culture. This is the story of a grand vision gone wrong, of the power of big religion in American life and its limits.

“Captivating...outstanding...Anyone interested in the theological underpinnings of certain contemporary strains of right-wing American politics, as well as those more particularly interested in the Bakkers or televangelism, should find this book rewarding.”

—*Publishers Weekly*, starred review



*Other Distinctions, Kinder Institute Faculty*

**Justin Dyer**, Kinder Institute Director and Professor of Political Science

*Articles*

- “Thomas Jefferson, Nature’s God, and the Theological Foundations of Natural-Rights Republicanism,” *Politics & Religion* (co-authored with Kody W. Cooper)
- “Political Science and American Political Thought,” *PS: Political Science and Politics* (2017)

*Presentations*

- “Political Science and American Political Thought,” Shawnee Trail Regional Conference on American Political Thought and Constitutionalism, Austin, TX (April 2017)
- “The Most Notable Cases, *Roe* and *Dred Scott*: Two Views,” Substantive Due Process Conference, Georgetown Center for the Constitution, Washington, D.C., (April 2017)

*Awards*

- MU Alumni Association Faculty-Alumni Award
- 20 Under 40—*Columbia Business Times*

**Jeff Pasley**, Kinder Institute Associate Director and Professor of History & Journalism

*Books (New Edition)*

- *The First Presidential Contest: The Election of 1796 and the Beginnings of American Democracy* (University Press of Kansas, paperback ed., 2016)

*Book Chapters (Accepted)*

- “Big Trouble in Little Tammany: The Pendergast Machine and the Liberal Transformation of the Democratic Party,” in Diane Mutti Burke, John Herron, and Jason Roe (eds.) *Wide Open Town: Kansas City Between the Wars* (University Press of Kansas, forthcoming)
- “‘Hamilton’ as Founders Chic: A Neo-Federalist, Antislavery, Usable Past?” (with David Waldstreicher), in Renee Romano and Claire Potter (eds.) *Hip Hop*

*History: Historians on “Hamilton”* (forthcoming, Rutgers University Press)

*Presentations*

- “Back to the Future: Learning from the Old Partisan Press,” Tobin Project History of Democracy Conference, Cambridge, MA (June 2017)

**Jay Sexton**, Kinder Institute Chair in Constitutional Democracy and Professor of History

*Book Contracts*

- *A Nation Forged by Crisis: A New American History* (forthcoming on Basic Books, 2018)
- *Powering Up the Global: Taking U.S. History into Transimperial Terrain*, co-edited with Kristin Hoganson (forthcoming on Duke University Press, 2018)
- *The Cambridge History of America in the World, Volume 2*, co-edited with Kristin Hoganson (forthcoming on Cambridge University Press, 2021)

*Book Chapters*

- “The Monroe Doctrine in the Nineteenth Century,” in Andrew Preston and Doug Rossinow (eds.), *Outside In: The Transnational Circuitry of U.S. History* (Oxford University Press, 2016)
- “The Civil War and U.S. World Power,” opening essay in Don Doyle (ed.), *American Civil Wars: The United States, Latin America, Europe and the Crisis of the 1860s* (University of North Carolina Press, 2017)

*Presentations*

- “Steam and Sovereignty in North America,” Columbia University International History Workshop, New York, NY (April 2017)

**Carli Conklin**, Kinder Institute Associate Professor of Constitutional Democracy, Associate Professor of Law, and Kinder Institute Director of Undergraduate Studies

*Presentations*

- “Blackstone, Jefferson, and the Improvement and Perfection of the Common Law,” Shawnee Trail Regional Conference on American Politics and Constitutionalism, Austin, TX (April 2017)

- “Arbitration in the Media: Insights and Resources for Practitioners, Academics, and Journalists” (Moderator), Showcase Panel at the American Bar Association Section of Dispute Resolution Annual Conference, San Francisco (April 2017)
- “Discussions in Dispute Resolution—Arbitration” (Discussant), Southeastern Association of Law Schools Annual Conference, Boca Raton, FL (August 2017)

**Adam Seagrave**, Kinder Institute Associate Professor of Constitutional Democracy and Associate Professor of Political Science

*Presentations*

- “American Nature: From Settlement to Revolution,” Northeast Political Science Association Annual Meeting, Boston, MA (November 2016)
- “Encountering Nature in Early America,” Midwest Political Science Association Annual Meeting, Chicago, IL (April 2017)
- Jack Miller Center Lincoln Symposium in American Political Thought (Invited Guest), Philadelphia, PA (August 2017)

**Christa Dierksheide**, Kinder Institute Assistant Professor of Constitutional Democracy and Assistant Professor of History

*Book Contracts*

*The Sun Never Set on Jefferson’s Empire: Race, Family, and Fortune in America, 1820-1880* (under contract with Yale University Press)

*Presentations*

- “Jefferson and Generations: Opium and Empire,” Rothermere American Institute (February 2017)
- “Anglo-American Free Trade Imperialism,” Monticello-Notre Dame “Ireland, Britain, and America: Empires” Conference, Ireland (May 2017)
- “Our Man in Havana: Nicholas Trist and the Illegal Slave Trade in Cuba,” Society for Historians of the Early Republic Conference, Philadelphia, PA (July 2017)

**Jen Selin**, Kinder Institute Assistant Professor of Constitutional Democracy and Assistant Professor of Political Science

*Articles*

- “Understanding Employee Turnover in the Public Sector: Insights from Research on Teacher Mobility,” *Public Administration Review* (co-authored with Jason A. Grissom and Samantha L. Viano)
- “Don’t Sweat the Details!: Enhancing Committee Capacity Through the Use of Detailees,” *Legislative Studies Quarterly* (co-authored with Russell W. Mills)

*Presentations*

- “*Marbury v. Madison* 2.0: Agency Independence and Judicial Review of Bureaucratic Policymaking,” American Political Science Association and Southern Political Science Association Annual Meetings, Philadelphia, PA, and San Juan, PR (September/October 2016)
- “Behind Enemy Lines?: Congressional Detailees and Executive Branch Influence over Policy Formulation,” Midwest Political Science Association Annual Meeting, Chicago, IL (April 2017)
- “Who Has the Power? Measuring the Diversity of Delegated Power Among Federal Agencies,” Midwest Political Science Association Annual Meeting, Chicago, IL (April 2017)

*Grants*

- Dirksen Congressional Center 2016 Congressional Research Grant for “Behind Enemy Lines?: Congressional Detailees and Executive Branch Influence over Policy Formulation”

In addition to the individual accolades above, during AY 2016-17, Kinder Institute faculty members mentored undergraduates who have gone on to: leadership positions with the First Lady of the State of Missouri and the Intercollegiate Studies Institute; a fellowship with the American Constitution Society; and graduate school at Duke Law School, University of Southern California Law, University of Virginia Law, Washington University School of Law, University of Missouri Law, and in the University of Missouri Department of History. Not limited to undergraduates, faculty members also mentored graduate and postdoctoral fellows who achieved tenure-track or visiting professorships at: Sweet Briar College, University of Texas-Tyler, Sewanee, and Lioaning Normal University (China).



APPENDIX 6: STUDIES IN CONSTITUTIONAL DEMOCRACY

MU PRESS CATALOG

At the time of the 2016-17 annual report’s release, the following four books had been published or submitted to advance reviewers as part of the Kinder Institute’s *Studies in Constitutional Democracy* monograph series with University of Missouri Press. We will continue a two titles-per-year publication schedule going forward, with books by Kinder Institute Professor Carli Conklin and former Kinder Institute Research Fellow Armin Mattes among those forthcoming.

*Lloyd Gaines and the Fight to End Segregation* (March 2016), University of Missouri Professors and Kinder Institute Affiliate Faculty Members William T. Horner and James Endersby

In 1935, Lloyd Gaines’ application to the University of Missouri Law School was denied, based solely on the grounds that the state’s constitution called for “separate education of the races.” Along with the NAACP, Gaines challenged the university’s admissions policies in the nation’s high court, and *Missouri ex rel. Gaines v. Canada* (1938) became the first in a long line of Supreme Court cases regarding race, higher education, and equal opportunity, and in many respects paved the way for 1954’s *Brown v. Board*. The case drew national headlines, and the NAACP moved Gaines to Chicago after he received death threats. Before he could attend law school, however, Gaines vanished, never to be seen or heard from again.

This is the first book to focus entirely on the *Gaines* case and the vital role played by the NAACP and its lawyers—especially Charles Houston, known as “the man who killed Jim Crow”—as they advanced a concerted strategy to produce political change. Horner and Endersby also discuss the African American newspaper journalists and editors who mobilized popular support for the NAACP’s work in the courts. In chronicling the pioneering efforts of Gaines, who the *New York Times* said “might be in the pantheon of civil rights history with the Rev. Dr. Martin Luther King Jr., Thurgood Marshall, and other giants,” this book sheds light on an important and too often overlooked first step in the legal fight to end segregated public education in the United States.

“This is a work of great significance to those who seek a mature, straightforward account of the life and times of Lloyd Gaines. A splendid achievement and a wonderful

contribution to the history of civil rights in the era after *Plessy v. Ferguson* and before *Brown v. Board of Education*.”

—Gary M. Lavergne, University of Texas at Austin, author of *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice*

*John Henry Wigmore and the Rules of Evidence* (June 2016), University of Oklahoma Assistant Professor of Classics & Letters Andrew Porwancher

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

“[This book] will become the standard work on the subject, and more than that, will contribute to emerging clarity in the field of early twentieth-century legal ideas more broadly”

—Noah Feldman, Harvard University Law School Professor, author of *Cool War: The Future of Global Competition*

*Bureaucracy in America: The Administrative State’s Challenge to Constitutional Government* (June 2017), University of Colorado-Colorado Springs Assistant Professor of Political Science Joseph Postell

The U.S. Constitution requires laws be made by elected representatives. Today, most policies are made by administrative agencies whose officials are not elected. Not coincidentally, many Americans increasingly question whether the political system works for the good of the people.

In this trenchant intellectual history, Postell demonstrates how modern administrative law has attempted to restore the principles of American constitutionalism but has failed to be as effective as earlier approaches to regulation.

“The labyrinthine edifice of administrative law can be neither wholly reconciled with the nation’s deepest principles nor wholly efface them, and Postell’s clear explication of what is at stake in this complex subject will make this book a landmark in the field.”

—Johnathan O’Neill, Georgia Southern University, author of *Originalism in American Law and Politics: A Constitutional History*

*From Oligarchy to Republicanism: The Great Task of Reconstruction* (December 2017) University of Alaska-Anchorage Assistant Professor of Political Science Forrest Nabors

On December 4, 1865, members of the 39th United States Congress walked into the Capitol Building to begin their first session after the end of the Civil War. They understood their responsibility to put the nation back on the path established by the American Founding Fathers. The moment when the Republicans in the Reconstruction Congress remade the nation and renewed the law is in a class of rare events. The Civil War should be seen in this light.

In *From Oligarchy to Republicanism: The Great Task of Reconstruction*, University of Alaska-Anchorage Professor Forrest A. Nabors shows that the ultimate goal of the Republican Party, the war, and Reconstruction was the same. This goal was to preserve and advance republicanism as the American founders understood it, against its natural, existential enemy: oligarchy. The principle of natural equality justified American republicanism and required abolition and equal citizenship. Likewise, slavery and discrimination on the basis of color stand on the competing moral foundation of oligarchy, the principle of natural inequality, which requires ranks.

This book presents a shared analysis of the slave South, synthesized from the writings and speeches of the Republicans who served in the 38th, 39th, or 40th Congress, from 1863-1869, to show how the Republican majority, charged with the responsibility of reconstructing the South, understood the South. In particular, Nabors focuses on how these writings and speeches reflected a deep understanding of the degree to which slavery’s existence transformed the

character of political society not only in the nation but also the region, and thus how the insurrectionary states’ government had to be reconstructed at its very foundations for full political liberty to be restored.

“Forrest Nabors has performed a tremendous service. Aided by Aristotelian regime analysis, he uncovers—or recovers—an understanding of ‘the supreme cause’ of the American Civil War. Delving deeply into original source material (especially the speeches and writings of the Republicans who served in the Reconstruction Congresses), Nabors establishes that the ‘irrepressible conflict’ should be understood, and was understood at the time, as a conflict between oligarchy and republicanism. This landmark contribution ought to reshape our understanding of the Civil War, the difficulties and failures of Reconstruction, and the Guarantee Clause of the Constitution. Nabors listens, philosophically, to historical actors, and thereby achieves a fuller understanding of the motive force behind the perversities of racism and white supremacy.”

—Diana J. Schaub, Professor of Political Science, Loyola University Maryland