



Kinder Institute on  
Constitutional Democracy  
*University of Missouri*



## KINDER INSTITUTE MISSION STATEMENT

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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.”

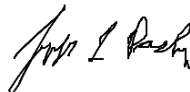
While the University of Missouri has maintained that mission, civic education still needs to be revitalized both on our campus and around the country. Easy cynicism about our institutions is widespread. Far too many Americans, including those with university degrees, have little practical knowledge of 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 our first four 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 last four years have marked a promising start to this important endeavor. Today, the Kinder Institute is well on its way to becoming a national leader in civic education and already unique in the civility of discourse with which we function.



Justin B. Dyer,  
Kinder Institute Director



Jeffrey L. Pasley,  
Kinder Institute Associate Director





With three turns around the sun under our collective belt, we hit the ground for year four with a new momentum. In some respects, this momentum was channeled into sustaining the energy of our existing programs, a target we hit before the school year even started with a particularly lively Society of Fellows summer seminar, which kicked off with longtime friend of the Institute and MU Professor of Ancient Mediterranean Studies Dennis Trout's keynote lecture on "Imagined Romes and Virtuous Republics."

And there were a number of other ways in which success was measured by not fixing what wasn't broken. We continued bringing leading, cutting-edge scholars of American political thought and history to campus, including Pulitzer Prize-winning historian Alan Taylor and Bancroft Prize-winning Professor of Law Mary Sarah Bilder. We supported and featured the production of high caliber scholarship on campus through our program of research and travel grants as well as through a series of faculty book talks. And when the calendar turned to June, we once again sent a group of 22 Mizzou undergraduates to D.C., to spend the summer studying, working, and exploring in the nation's capital.

But what defined AY 2017-18 more than anything at the Kinder Institute was a contagious spirit of innovation that resulted in a number of new aspects and offerings being introduced into our ever-growing, ever-evolving list of campus and community programs. Constitution Day, for example, became Constitution Week. We partnered with C-SPAN on a number of occasions during the fall to bring our academic workshops to a wider audience. And we tweaked the Colloquium Series to include an emphasis on highlighting books-in-progress and books-just-completed.

Perhaps even more exciting than the programs that we expanded were the ones that we added.

Nowhere was this more apparent than on the undergraduate side of the ledger, where two Spring 2018 classes stood out as emblematic of the growth that we experienced over the past year. One was "Race and the American Story," a one-credit hour topics course exploring the confrontation between American political principles and the practice of racial injustice throughout history that then-Kinder Institute Professor Adam Seagrave and then-Chair of Black Studies Stephanie Shonekan began developing in Spring 2017. Interest in the class was immense—so much so that five sections had to be opened—and perhaps the clearest indicator of its positive impact on discourse at Mizzou is the fact that there are early signs that it will be taught on multiple campuses across the nation in coming years. The other new spring class was Kinder Institute Chair Jay Sexton's "Global History at Oxford," a four-credit hour, first-of-its-kind seminar that focused on the vital importance of taking a transnational approach to examining American history and that brought students across the Atlantic over spring break to spend a week embedded at Oxford's Corpus Christi College studying with leaders in this field who are housed there. (Note to readers: You, too, can spend a week studying at Oxford through the alumni/friends of the Institute trip that runs concurrently with the class' undergraduate study abroad component).

And rest assured that our undergraduates weren't the only ones reaping the benefits of new programs. Faculty and grad student work was greatly enriched by the yearlong presence of our inaugural Distinguished Research Fellows, Boston College's Ken Kersch and CUNY-Graduate Center Professor Andy Robertson, who holed up in Jesse Hall for 2017-18 finishing a pair of book projects, as well as by the weekend-long presence of over two dozen globally-acclaimed historians, who descended on Columbia in May 2018 for the *Cambridge History of America and the World* book conference.

# 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 and events that have shaped  
our nation's history.

# BY THE NUMBERS

## FACULTY & STAFF

8 Kinder Institute Faculty Members  
30 Affiliate Faculty Members  
3 Postdoctoral Fellows  
2 Distinguished Research Fellows  
6 Graduate Fellows  
2 Staff Members



## UNDERGRADUATE STUDENTS



934 Students Enrolled in 2017-18 American Constitutional Democracy  
Minor/Certificate Courses  
66 Students Enrolled in *Constitutionalism & Democracy* Honors College Courses  
21 Students in Our 2017-18 Society of Fellows  
22 Students in Our 2018 Kinder Scholars D.C. Summer Program  
14 Staff Writers for Vol. 4 of the *Undergraduate Journal on Constitutional Democracy*  
13 Students in Our *Constitutional Democracy* Freshman Interest Group  
27 Former Undergraduate Fellows and Kinder Scholars Enrolled in Graduate Programs

## RESEARCH & SCHOLARSHIP

5 Faculty Books Published in the Last 12 Months  
6 Books in Our *Studies in Constitutional Democracy* MU Press Series  
17 Research & Travel Grants Awarded



## PROGRAMMING & OUTREACH

7 Public Lectures Hosted on Campus  
18 Academic Workshops  
3 Scholarly Conferences Hosted  
15 High School Educators Educated at the 2018  
Missouri Summer Teachers Academy







FALL 2017





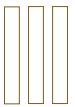
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# *The* COLUMNS



## UNDERGRADUATE NEWS

We finally did the math and there are, in fact, three days each year—the Saturday-to-Monday in August between when our Kinder Scholars check out of D.C. housing and our new Society of Fellows members report to campus for the program’s kickoff—when we have zero irons in the undergraduate fire. Upon realizing this, a general pall of “what do we do with ourselves” hung over the Jesse Hall dome. As the next few pages indicate, though, said pall lifted quickly, as things picked up before they could really slow down. Reports from students returning from D.C. started pouring in before their planes home taxied, and we spent the free Monday putting the finishing touches on our fourth annual Society of Fellows Summer Seminar.



By some twist of fate, our Fall 2017 calendar ended up taking on a rather ark-like quality: a pair of Constitution Day lectures, a pair of visits from Pulitzer Prize winners, a pair of Society of Fellows dinner discussions (in fairness, this always happens), and a pair of workshops on forthcoming books with two leading, Boston-based scholars of twentieth-century American legal and constitutional history (the odds of this happening again, let alone happening in the first place, however, are mighty, mighty long).

In addition to accidentally creating eerie programming symmetry, thanks to support from a number of on- and off-campus collaborators, we were also lucky enough to test out a handful of different projects during fall, ranging from 30-minute “conversation starter” podcasts with Institute guests, to a cross-institutional undergraduate colloquium, to C-SPAN-broadcast lectures. Add in our regular slate of community seminars, bimonthly Friday talks, and graduate and undergraduate classes, and it was a busy few months at the Kinder Institute. Keep reading for more on everything from Ben Franklin to post-Wall Berlin, and we invite those of you who haven’t already to follow or find us on Twitter, @MUDemocracy, for links to the less analog-friendly ventures mentioned above.



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## KINDER SCHOLARS WRAP UP

Question: Who collectively owns more than two replica Civil War-era bonnets and still meets for group dinners a year after leaving D.C.? Answer: The 2017 Kinder Scholars. As you have probably already gleaned from the pictures—and if not, as you’ll certainly glean from the students’ own notes from the summer—our third class of Kinder Scholars was a vibrant, adventurous bunch. As every professor who came back from D.C. went out of their way to note, though, they weren’t just lively, and they weren’t just smart (though they definitely were both of these things). To a person, our faculty returned to Columbia with high praise regarding how participants were deeply committed to the specific intellectual project that is at the heart of the Kinder Scholars program: exploring the many ways in which the philosophical foundations and early history of the United States continue to inform the practice of American constitutional democracy in the present.

Which is to say that students brought new takes on elections in the early republic with them to their work with Let America Vote; that an exploration of natural law philosophy made its way to Federalist Society debates; and that greater understanding of the founding of D.C. was used to grapple with and report on issues that the city faces today. Without further ado, we now turn to a handful of this year’s Kinder Scholars for closing remarks on their summer in the capital.







*Without actually seeing the distance Frederick Douglass walked from his home in Anacostia to the heart of the city every day, even in his old age, I wouldn't have been able to fully appreciate his dedication to the abolitionist cause.*

### ***A Day in the Life***

Thanks to **Tom Coulter** (Journalism/History) and **Lauren Russ** (International Studies) for reporting back with extended profiles on all things Kinder Scholars.

*from Tom...*“Through the Kinder Scholars class, I’ve gotten the opportunity to explore the complexity of ideas that shaped the city we’re living in this summer. Whether discussing the varying opinions among women during their battle for political and economic equality or the grizzly history of the city’s ever-changing neighborhoods, I have enjoyed digging into the nuances of Washington, D.C. Likewise, working as an editorial intern at *Street Sense* has allowed me to confront the city’s complicated issues firsthand. Before coming to D.C., I knew America was far from perfect, but seeing the everyday lives of people experiencing homelessness has forced me to reckon with this fact on a more intimate level. The topics we are reading about and discussing in class have helped me reconcile with this experience, as they underscore how my feelings mirror those of people from other moments in history. Several historic figures we’ve studied fought to improve the world in which they lived, and their examples have helped me understand my role in a society that still has a lot of work to do.

While it’s been tough to see the conditions of many District residents, I’ve thoroughly enjoyed interning at *Street Sense*. The paper operates on a much tighter budget than most publications, and producing journalism under these constraints makes for a fun challenge every week. Since my first day, I’ve gained a much clearer idea of how a large city like D.C. operates, allowing me to pursue stories that would’ve been difficult for me to write beforehand. I was particularly proud of one I wrote about D.C.’s new diversion program. When the D.C. Attorney General tweeted a link to the article, I knew I had accurately captured the city’s efforts to improve conditions for youth experiencing homelessness.







The field trips every Friday have added crucial depth to topics we've explored in class. Like my experiences reporting around the city, each trip has reminded me that researching and studying topics from a room only goes

so far. Without actually seeing the distance Frederick Douglass walked from his home in Anacostia to the heart of the city every day, even in his old age, I wouldn't have been able to fully appreciate his dedication to the abolitionist cause. The field trip highlight for me so far has been visiting Monticello. Exploring how Jefferson's home mirrors his complexity and contradictions was a real treat, and Dr. Dierksheide provided useful perspective from the Smith Center, underscoring how historians play a critical role in shaping people's thoughts on figures like Jefferson."

*from Lauren...* "This summer, I interned with Congressman Emanuel Cleaver (MO-5th). When I accepted a position with Congressman Cleaver, I was a bit intimidated, it being the first internship I'd ever held on Capitol Hill. From what I'd seen on TV, the workplace in Congress was fast paced and waited for no inexperienced interns. Luckily, when I began the Tuesday after Memorial Day, the House was in recess, and I was able to learn my way around before all the Representatives returned.

Once Congress was back in session and the great whirlwind of tasks came my way, I was more than prepared. Whether it was helping log mail and calls or writing a statement for the Congressman to use in an online video, I was beginning to feel like I could hold my own. Most importantly, if any of the staff members needed assistance, I was the first one in line to help.

The most exciting moment of my internship came out of left field so to speak! I was sitting at my desk writing up a memo, when the Congressman walked up and told me we were going to a Minority Senior Whip Meeting. I could not believe my luck (or the fact that the Congressman knew my name!). Walking with the Congressman through the Capitol, he explained to me the purpose of these meetings and how important they are to the party. It was such a great experience, being able to sit in on a meeting with some pretty famous members of Congress, all discussing policy and ideas for the future. Now that I've interned in D.C., I can really see myself living and working here one day! It had always been a dream these past few years at Mizzou to be able to work for the Federal Government out on the East Coast. From the University of Missouri campus, though, Washington, D.C., felt like a fictional place that I would never get to experience. After college and possibly law school, I am confident that I will come back to D.C. Not only is this city the hub of all national politics, it's also a city of great opportunity!"



## ***Lightning Round***

In what we hope is an annual tradition in the making, for the second year running, we asked a few students to complete a lightning round as part of the Kinder Scholars Program's exit survey. What follows is a sampling of some of their fondest memories and proudest moments from the summer.

*What was the highlight of your internship?*

**Jane Kielhofner:** Having unlimited access to nearly the entire Capitol building, meeting Joseph Kennedy III, and going to medical briefings which inspired me to change my career path.

**George Roberson:** Having the research I spent part of my internship working on featured in a Frank Bruni column in the *New York Times*!

**Spencer Tauchen:** Helping out at a naturalization ceremony!

*Did the time in D.C. clarify future plans?*

**Tricia Swartz:** I learned that I enjoy working in congressional politics, and I realized which policy areas I hope to work with in the future. After having the opportunity to attend meetings and complete tasks for the Congresswoman's [Vicky Hartzler's] Values Action Team, it became evident to me that there is a need for protecting constitutional rights such as religious liberty. At the moment, I still do not have a specific post-college plan. However, my experience has helped me to discover where I hope to be someday, which is fulfilling a role where I can inform congressional members about issues pertaining to the intersections between constitutional law and natural law philosophy.

**Noelle Mack:** Definitely. Prior to the summer, my plan had been to attend law school following my upcoming graduation. However, I learned that with the career goals I had in mind, I do not need to attend law school but can instead obtain a Master's degree in Public Administration/Affairs. This took a huge worry and doubt off my shoulders. Without D.C., I never would have had the chance to speak with the amazing people I did who helped me come to this conclusion.

*Favorite reading from the "Beltway History & Politics" seminar?*

**GR:** *The Mississippi Plan* by Nicholas Lemann, from Overby's week. It illustrated a dark and readily forgotten part of the South's history.

**ST:** Frederick Douglass' "What to the Slave Is the 4th of

July." It should be mandatory reading for all Americans; no clue how I hadn't seen it up until this point.

*Field trip you will always remember?*

**NM:** My favorite field trip was Annapolis. We all had such a great time touring the town and the Naval Academy, followed by a boat trip. I loved how the trip was structured in some ways, with the tours, but then we also had a few hours to ourselves to explore.

**GR:** I loved Gettysburg. I had never been fascinated by the Civil War until that field trip. I could have spent a whole week hiking those battlefields.

*Most "D.C. thing" you did/saw/that happened to you?*

**JK:** By the end of the trip I was so bitter at "escaleftors," AKA tourists who stand on the left side of the escalator during rush hour.

**ST:** Seeing Rep. Chaffetz solemnly eating breakfast alone in a DC café.

*Favorite place to find a moment of quiet (or delightful noisiness) in D.C.?*

**JK:** Library of Congress reading room, the empty Rotunda after a long day of tours, Korean War Memorial, running through Dupont Circle...

**GR:** The National Cathedral, maybe my favorite spot in D.C.

**TS:** I think this question is a bit ironic, because there are not too many quiet spots in the city! If I ever needed a spot for reading or completing homework, I would walk to Philz, a coffee shop located in the Adams Morgan neighborhood.

*When you shut your eyes, what's the first D.C. image that will come to mind?*

**JK:** The mall at night in the pouring rain (which is the last way I saw it—and I came home drenched).

**TS:** When I shut my eyes, I can't help but think of the House Chamber in the Capitol Building. I had the opportunity to visit the House Chamber multiple times throughout my internship, and one of my favorite moments [there] was watching Congresswoman Hartzler debate with other congressional members about an amendment she proposed.

**ST:** The Metro Station ceilings.



## SOCIETY OF FELLOWS SUMMER SEMINAR

Held every year in the weeks leading up to the start of the fall semester, our Society of Fellows Summer Seminar brings each new Fellows class to the Tiger Hotel in downtown Columbia to spend three days studying the landmarks and nuances of American political thought and history alongside Kinder Institute faculty and other members of our intellectual community. Providing students with an introduction to the Institute's interdisciplinary mode of scholarly inquiry—as well as with an opportunity to begin bonding as a cohort—the 2017 crash course in constitutional democracy took place August 8-11. The following pages contain a full list of the nine seminar sessions that students attended this year, including notes from a pair of perennial favorites led by MU Professors **Marvin Overby** and **Jeff Milyo**. But first, a brief recap of Professor **Dennis Trout's** opening night keynote lecture.

### *Imagined Romes and Virtuous Republics*

MU Professor of Classical Studies Dennis Trout

To kick off our fourth annual Summer Seminar, MU Professor of Classical Studies Dennis Trout took the 2017-18 class of undergraduate fellows on a journey back-and-forth between the 18th century and the ancient world—and across terrains both real and imagined—as a way to examine what exactly attracted Enlightenment-era thinkers, and the American Founders in particular, to the narrative of Rome's transition from monarchy, to republic, to empire.

As Prof. Trout noted in opening his keynote, when it comes to the actual history of ancient Rome, the dividing lines between these three stages of government aren't quite as clean as the above statement of transition makes them out to seem. Especially







in the period on which the lecture focused—the 2nd century B.C., near the beginning of the fall of the republic—Rome was, in effect, a constitutional monarchy that looked like a republic that was already in the process of empire building. The innovation of this mixed constitutional form, he went on to explain, was what enabled Roman philosophers and historians including Livy, Cicero, and Polybius to envision a state that could break out of the then familiar cycle of monarchy devolving into tyranny, aristocracy into oligarchy, and democracy into mob rule. More than just believing this arrangement a basis for stability, theorists at the time also saw the cooperation and checks and balances that came with mixed government as having the potential to inculcate citizens with a spirit of civic virtue—and specifically, a willingness to sacrifice for the common good—that they felt was necessary for a state to prosper.

Interestingly, Prof. Trout pointed out, the relationship between constitutional form and civic virtue is what led 18th-century thinkers to focus their attention not so much on the heyday of the Roman republic but, instead, on the history of its decline. For figures like John Adams, observing a causal link between waning civic-mindedness, decreased commitment to constitutionalism, and the collapse of the state underscored the broader threat to republican welfare posed by conditions such as disunion in the body politic or a notion of individual liberty untethered to an inclination for individual sacrifice. And during the Founding era, Prof. Trout concluded, the fascination with Rome extended beyond political theory and into creative life and popular culture in the new nation. In their own ways, Trumbull's Revolutionary War paintings, Addison's *Cato* (quite in vogue with late 18th-century Americans), and even Patrick Henry and Nathan Hale's famous declarations of patriotic devotion all drew on the imagery and tropes of the Roman republic in treating narrative as a morally educative means of revealing to citizens both the importance of civic virtue and the political stagnancy and devolution that come when it flags.



## DAY 1: WEDNESDAY, AUGUST 9, 2017



9:00 – 10:10	“Political Philosophy and the <i>Declaration of Independence</i> ” <b>Dr. Justin Dyer</b> , Political Science
10:30 – 11:40	“Federalist and Anti-Federalist Republican Visions: Virtue, the Good, and Tyranny” <b>Dr. Jay Dow</b> , Political Science
1:30 – 2:40	“An Introduction to Alexis de Tocqueville” <b>Dr. Marvin Overby</b> , Political Science

On one hand, our undergraduate Fellows came away from Prof. Overby’s August 9 talk with invaluable, if not specifically Tocqueville-ian, practical knowledge: that ‘amateur’ is derived from the Latin *amare* (to love); that you have to see *Life of Brian* and *Papillon* if you haven’t yet; that you can always spot a 19th-century French aristocrat by the number of pairs of gloves he brings with him on his trip to the United States. In between life lessons, they also got an introduction to said aristocrat’s *Democracy in America*, a seminal work of history, political theory, and sociology that Harvard Professor of Government Henry Mansfield described as perhaps both the best book ever written about democracy and the best book ever written about America.

Understanding the book and the trip that spawned it, Prof. Overby began, first requires understanding its author and the times in which he lived. The son of a prefect under Napoleon and the friend of famous French Romantic François-René de Chateaubriand, Alexis de Tocqueville grew up with family connections both at home and abroad; a keen sense of *noblesse oblige*; and a hand-me-down, post-Reign of Terror aristocrat’s notion of the causes and effects of democracy gone awry. It is also important to remember, Prof. Overby added, that the lecture’s protagonist lived in a time of discovery and enlightenment—as Tocqueville himself described it, a democratic age—when global implementation of the theories of Locke and Hobbes had rendered monarchy all but dead. In the more immediate context of the trip itself, while Tocqueville was sent to America to escape the upheaval of the July Revolutions in France, he was re-thrown into a turbulent crucible as soon as he touched shore, arriving in the states in the thick of the Jacksonian era, when regional tensions were beginning to boil over.

The result of the trip—despite its official purpose being to study U.S. penitentiaries—was a groundbreaking, two-volume study of political life and culture in America, the first published in 1835 to great success, and the second published in 1840 to much less fanfare and much more criticism. The first volume, which Prof. Overby categorized as broadly observing what Americans had done to democracy, was light-hearted and optimistic. Yes, Tocqueville communicated in it his general fear about how an accumulation of wealth among the few might result in democratic society trending toward isolation and, eventually, landscape-shifting turmoil. At the same time, though, Tocqueville devoted much time in Volume One of *Democracy in America* not only to documenting the mores and habits of Americans but also to commenting on how citizens’ native impulses toward association and cooperation might well be enough to ward off the unraveling that he saw wealth disparity potentially inspiring. The second of the two volumes, a broad observation of what democracy had done to Americans,



provided a much bleaker forecast of the United States' future. Specifically, Prof. Overby noted that Tocqueville focused in it on warning how the centralization of government in the U.S., when combined with the uneven distribution of wealth, could create an industrial aristocratic class that lacked a sense of the *noblesse oblige* which he believed central to national well-being.

And while some of Tocqueville's observations of course proved more prescient than others, the book's impact on how we think about and critique American democracy today is undeniable. To give but one of many, many examples of *Democracy in America's* influence on contemporary political life and discourse, Prof. Overby ended his talk by reading from U.S. Supreme Court Justice Anthony Kennedy's opinion in *Obergefell v. Hodges* (2015), in which Kennedy quotes at length from Tocqueville's comments on marriage in articulating his support for extending this right to same-sex couples.

3:00 – 4:10 “Back to the Future/Forward to the Past: The American Political Press in Historical Perspective”  
**Dr. Jeff Pasley**, History

## DAY 2: THURSDAY, AUGUST 10, 2017

9:00 – 10:10 “The American Experiment”  
**Dr. Carli Conklin**, Law

10:30 – 11:40 “A Social Science Perspective on the Voter ID Debate”  
**Dr. Jeff Milyo**, Economics

In providing an August 10 overview of how social scientists have approached the task of parsing debates about the potentially discriminatory effect and, ultimately, the constitutionality of voter ID laws in the United States, Prof. Milyo began by showing how these debates' somewhat circuitous 21st-century timeline really boils down to one major takeaway: though they have been examined and re-examined in courts, and though they have taken on many different forms over time, both strict and non-strict photo ID laws have been consistently on the rise since the issue came to the fore in 2000.

With broad context set, Prof. Milyo then turned to outlining some of the normative conclusions that social scientists have drawn regarding three questions in particular that are central to partisan arguments for and against photo ID laws.

1. **Is voter fraud a myth?** While there is circumstantial evidence that the frequency of illegal voting at least exceeds the low conviction rate for it, more important to the larger conversation about voter ID laws, Prof. Milyo explained, is the fact that statistical analysis shows no correspondence between stricter ID laws and a decrease in voter fraud.
2. **Is there a correlation between voter ID laws and voter turnout?** The answer here, Prof. Milyo noted, is a bit more complicated. Most notably in Wisconsin, arguments have successfully been made in court that voter ID laws should be struck down on the grounds that even the smallest change in the cost of voting could have significant, negative impact on the probability of





voting. However, he went on to show that, by using a slightly more complex voting calculus, one can arrive at a different conclusion. Particularly in studies that track how public perception of the integrity of the electoral process is affected by voter ID laws, we see two things: (a) along partisan lines, ID laws do have a differential and not necessarily inconsequential effect, with democrats' confidence and subsequently their turnout depressed by ID laws; (b) that even in accounting for this, there is no net effect of ID laws on turnout.

3. **Statistically-speaking, are voter ID laws racially discriminatory?** Contrary to a highly publicized and since debunked study on the sizable discriminatory effects of photo ID laws, bipartisan teams of scholars at Harvard and Cal Tech (among other places) have gathered significant amounts of data showing that, on balance, ID laws neither place an undue burden on nor discriminate against minority voters.

Prof. Milyo closed with an important reminder: while these conclusions might present a different narrative than the one we hear shouted across the aisle in Congress, they also by no means tell the full constitutional story. Specifically, he pointed out that the studies he cited draw conclusions from very large sample sizes; which is to say that, while they might show that a large number of minority voters are not burdened by ID laws, they likewise reveal that a small, and not at all insignificant because it is small, number of voters *are* affected, and we must remember that rights exist as much for this latter group of voters as they do for the former.

1:30 – 2:40	“We Are Not Children: College Students and Constitutional Rights” <b>Craig Forrest</b> , Ph.D. Candidate in History
3:00 – 4:10	“Crisis in U.S. History” <b>Dr. Jay Sexton</b> , History

### DAY 3: FRIDAY, AUGUST 11, 2017

9:00 – 10:10	“Democracy: America’s Other ‘Peculiar Institution’” <b>Dr. Andrew Robertson</b> , History (CUNY Graduate Center)
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Following the 9:00 seminar on Friday, students trekked up to the Kinder Institute offices in Jesse Hall for a lunchtime presentation by **Tim Parshall**, Director of Mizzou’s Fellowships Office, and a brief introduction to the *Journal on Constitutional Democracy* with Drs. **Carli Conklin** and **Thomas Kane**.



## UNDERGRADUATE COLLOQUIUM

### *Frederick Douglass in the American Mind*

Linfield College Associate Professor & Chair of Political Science Nicholas Buccola

Given his status as one of the nation's most vitally significant statesmen, it is to our collective benefit that Frederick Douglass continues to play a role in shaping contemporary political discourse. Still, as Linfield College Professor **Nicholas Buccola** noted in introducing his keynote lecture for the October 7 undergraduate colloquium on "The Essential Frederick Douglass," while it is of the utmost importance *that* Douglass' ideas remain in circulation, how they are invoked in the course of partisan debate should in no way escape scrutiny. Even accounting for the vast scope and careful nuance of his writings, the sheer number of ideological camps that adopt Douglass as a co-signer on their agendas suggests that, somewhere along the way, interpretational slippage must occur.

We should be careful, however, not to mistake slippage for wholesale invalidity. Take, for instance, the case of "The Libertarian Douglass." In its principled focus on natural rights, self-ownership, and self-reliance, Douglass' thinking about the individual absolutely overlaps at points with present day libertarianism. However, as seen in Justice Clarence Thomas' dissenting opinion in *Grutter v. Bollinger* (2003), which opens with a lengthy quote from Douglass' speech, "What the Black Man Wants," this congruency can be bent too far to fit the needs of particular arguments. Specifically, in the introduction to his opinion in *Grutter*, Justice Thomas invokes Douglass' response to Americans' post-emancipation anxiety concerning "what they shall do with" freed slaves—"Do nothing with us!" Douglass writes—in opposing the majority's decision to uphold affirmative action policies and practices at University of Michigan. As Prof. Buccola argued, this constitutes a misreading—or, at the very least, an incomplete reading—of Douglass' call for justice over benevolence, in so far as Thomas wholly ignores Douglass' insistence that justice be coupled with fair play, a notion that, for him, implied the government's obligation to take affirmative steps to address historical injustices.

Similar issues arise, Prof. Buccola went on to show, when we examine progressives' appropriation of Douglass. On one hand, Douglass' speaking out against economic inequality and his support for material aid from the state reveal a belief in fraternity as a cornerstone of democratic governance and behavior that is a hallmark of contemporary progressive politics. On the other hand, though, in drawing on Douglass to support their own views, some progressives fall prey to the temptation to selectively ignore Douglass' vocal critique of the utopian socialist strain in abolitionist rhetoric as little more than "errant nonsense."





In bringing his talk to a close, Prof. Buccola pointed out how the potential for over-determination that comes with “wanting Douglass on our side” is metaphorically exemplified in how radicals and conservatives mutually claim him as an ideological ally, with the former citing his desire for fundamental social and political transformation and his critique of dogmatic law and order conservatism as points of connection, and the latter latching onto a stern moralism that manifested itself in Douglass’ pro-prohibition stance and, more broadly, in his belief that it was the moral responsibility of African Americans to prove themselves worthy of citizenship.

What can we take away from this sometimes messy tangle of appropriation, Prof. Buccola asked in concluding his lecture? That Douglass was a model of epistemic humility, a devotee of principle over ideology, and that, because of this, he will be eternally valuable as an intellectual resource for determining how to navigate complicated political terrain.





The “Essential Douglass” colloquium, in which 38 MU students participated, including a number of our 2017-18 undergraduate Fellows, was made possible by generous support from The Institute for Humane Studies at George Mason University and the John Templeton Foundation.



## STARTING POINTS JOURNAL

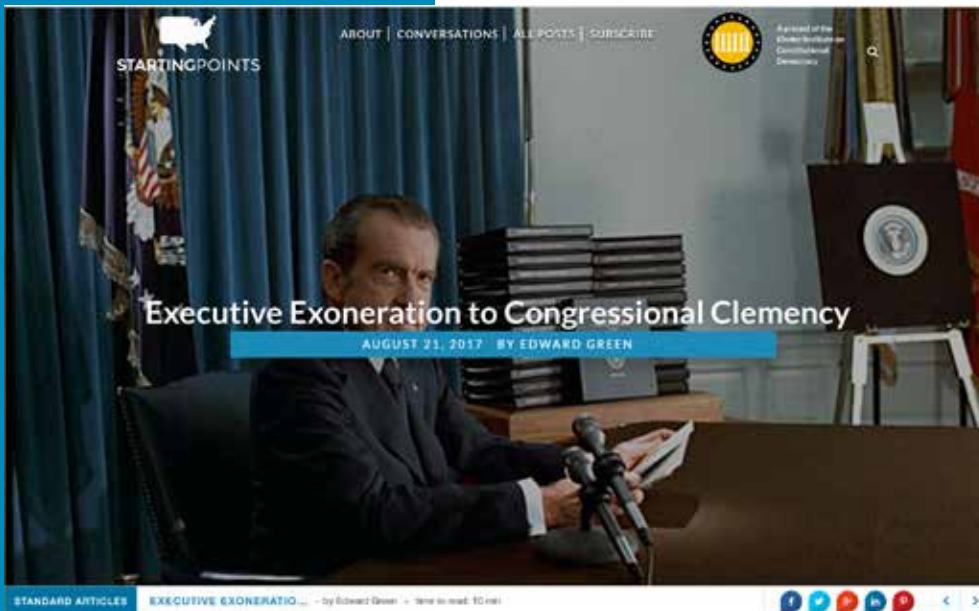
While you can formally introduce yourself to **Ed Green** in the “2017-18 Graduate Fellows” appendix at the end of this report, below is an excerpt from his August 21, 2017, essay for *Starting Points*, which doubles as a wonderful example of the kind of groundbreaking scholarship that our M.A. and Ph.D. students are producing in the graduate bullpen in 401 Jesse Hall.

### *from “Executive Exoneration to Congressional Clemency”*

by Kinder M.A. Fellow in Political History Edward Green

One of the most unique aspects of the US Constitution is the presidential power to pardon those who have committed crimes. What began as a single line

contained within Article II of the Constitution has ballooned to an aspect of governance that requires its own office and specialized attorney. The professionalization of the process indicates that a shift in scope and scale has occurred. The pardon retains value, but must be circumscribed to a much greater extent than it currently is if it is to continue to have a positive effect on the governmental system of the United States. The most efficient remedy to the problem is a joint relationship with Congress in the exercise of the pardoning power.



The right of a president to pardon comes from a single sentence

in Article II of the US Constitution. The president “shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.” What is striking about this is the lack of limits imposed on this power. There can be no objection by the other branches of government and there is no substantive explanation of what purpose the pardon is actually supposed to serve. It is probably the most powerful act that the Constitution permits a single actor – it allows the president to interfere in the sentencing of criminals, commute death sentences, or even eliminate criminal proceedings entirely.

We might first examine what need there is for a presidential pardon in the first place. A return to the time of the Founding Fathers is necessary in this regard. Anti-Federalists in the late 18th century were concerned about the permanent election of justices; their life tenure raised the spectre of monarchy. In *The Federalist*, particularly in “Federalist 78,” Hamilton penned an explanation of the reasoning

behind the justice system, arguing that it would be the “least dangerous” branch of government. He suggested that, since legislative power was vested in Congress and military power in the executive, the Court would have little ability to actively affect the way in which policy was made and the nation was run. Nonetheless, despite the assurances of the Founding Fathers, many feared in the early years that the Court would erode the independence of the states or force judgments upon them, backed up with the assurance of non-removal.

It is within this discussion that the presidential pardon made sense to the Founders. It functions as an additional check to judicial power – in pardoning or granting a reprieve to an individual, the president could prevent the Court from overstepping the mark, or respond to an overstep by making the case (quite literally) disappear. The choice to vest this power in the president is similarly coherent within the 18th century political understanding – he was to be elected indirectly by the Electoral College and to serve as a figurehead without party affiliation. There could be no danger of him abusing the pardon to serve a partisan end, therefore, as he had none. Within the theory of separate powers, the pardon thus served as an important check on an otherwise uncontrollable judicial branch.

The pardon served another important function which only became clearer as actual governing began. It was a method to defend the inviolability of the laws of the land while also allowing an exit route when political expediency demanded another outcome. Two examples might make this point clear: one very early on in the Republic’s life and one far more recent. The first was George Washington’s (and later John Adams’) decision to pardon leaders of the Whiskey Rebellion in the 1790s. Within the climate of the early US, there was a clear need to put down sedition and prevent further outbreaks, while recognizing that the rebellion contained valid objections. By releasing the leaders, Washington and Adams hoped to allay fears of a rampant federal government running over the will of the states, but could also maintain that the legal process had been followed. The pardon served as a vital release valve, releasing the pressure that had built up in the nation.

The more recent example comes from Barack Obama’s second term in office and the decision to release Chelsea Manning...

To continue reading Ed Green’s “Executive Exoneration to Congressional Clemency,” and for more recent work on topics ranging from “Natural Justice and the Amistad” to “What Did the Constitutional Convention Do with Slavery,” visit [startingpointsjournal.com](http://startingpointsjournal.com)



THE CHANGING ROLE OF THE PRESIDENTIAL PARDON  
IS PART OF A BROADER PATTERN OF POWER SHIFTING  
WITHIN THE EXECUTIVE BRANCH.

## CAMPUS AND COMMUNITY

In addition to the public lectures and history colloquia recapped here, there was much happening behind the scenes at the Kinder Institute during September and October, including the launch of Kinder Institute Director **Justin Dyer's** new community seminar on the meaning and practice of 'Justice' and the first 2017-2018 meeting of Associate Director **Jeff Pasley's** Missouri Regional Seminar on Early American History, during which participants discussed a precirculated draft of University of Virginia Thomas Jefferson Foundation Chair in History **Alan Taylor's** paper, "Premature Independence: Student Defiance and Republican Citizenship."

**JUSTICE**  
WHAT'S THE RIGHT THING TO DO?  
**MICHAEL J. SANDEL**



## CONSTITUTION WEEK LECTURES

Given that Constitution Day proper fell on a Sunday in 2017, we took the liberty of extending our celebration of the 230th anniversary of the signing to a Constitution Week, with festivities including the soft release of our undergraduate *Journal on Constitutional Democracy* on September 20, a Missouri Humanities Council-sponsored (and C-SPAN documented) evening lecture with TCU's **Gene A. Smith** on September 21, and a September 22 keynote with Boston College's **Mary Sarah Bilder**.

### *Madison's Hand*

Boston College Founders Professor of Law Mary Sarah Bilder

Though James Madison's *Notes on the 1787 Constitutional Convention* bear the Library of Congress' rare distinction of being one of the nation's "top treasures," the mystique (and shroud of secrecy) that come with this title might to some degree skew approaches to establishing the document's historical significance. As Professor Mary Sarah Bilder noted in introducing her September 22 talk at the Kinder Institute, in spite of its being archival royalty, we shouldn't treat Madison's famous work as a relic to be enshrined as an unimpeachable, definitive account of exactly what happened at the Convention. Given that we now know the degree to which Madison revised the *Notes*, she offered that we should instead read them as a textual artifact which reveals both his own and other leaders' experience of contentious national politics in the early republic as well as their shifting understanding of the Constitution itself.

Even if we put Madison's own *ex post facto* revisions aside, Prof. Bilder added that the process by which the *Notes* were crafted introduced certain contingencies that make any hope for a verbatim transcript impossible to sustain. Because the various note takers re-shaped "rough copy" into "fair copy" twice per week, on Wednesdays and Sundays, their accounts naturally fell victim to both the limitations and liberties of memory. For example, Saturday speeches were understandably the most fully and poetically rendered, given that they were freshest on the documentarians' minds. Objectivity, she went on to explain, was further compromised by the revisionist license that came into play when note takers were creating records of their own speeches.

At the center of Prof. Bilder's talk, however, were the more deliberate revisions that Madison made to his original fair copy, and how they enable us to view the *Notes* as a legislative diary of his thinking about the future of the nation under the new Constitution both during and long after ratification. Perhaps the most important factor to keep in mind when assessing the significance of these revisions, Prof. Bilder argued, is that no one truly grasped the magnitude of the Convention during the actual proceedings, and as a result, they tempered political optimism in the years after the signing with lingering concerns about the fate of the young republic. Nowhere is this better seen, she pointed out, than in Madison's "Federalist 37," where he warns against seeking "regular symmetry"

*... no one truly grasped  
the magnitude of the  
Convention during the  
actual proceedings...*

CONSTITUTION WEEK LECTURE

MARY SARAH BILDER  
BOSTON COLLEGE FOUNDERS PROFESSOR OF LAW

MADISON'S HAND

James Madison

FOR THE SECOND INSTALLMENT IN OUR CONSTITUTION WEEK LECTURE SERIES, BOSTON COLLEGE FOUNDERS PROFESSOR OF LAW MARY SARAH BILDER WILL GIVE A TALK ON HER RECENT RESEARCH INTO MADISON'S NOTES ON THE 1787 CONSTITUTIONAL CONVENTION, WHICH USES DIGITAL TECHNOLOGIES AND RIGOROUS TEXTUAL ANALYSIS TO REVEAL INVISIBLE, AND PREVIOUSLY UNSUSPECTED LAYERS OF REVISION IN HIS ACCOUNT OF THE CONVENTION'S CHARISMATIC FIGURES, CRUSHING DISAPPOINTMENTS, AND MIRACULOUS TRIUMPHS. A BRIEF RECEPTION WILL FOLLOW PROF. BILDER'S LECTURE.

SEPTEMBER 22, 3:30PM, JESSE HALL 410

Kinder Institute on Constitutional Democracy  
University of Missouri





*...the idyllic simplicity of Jefferson's "a plot for every yeoman farmer" vision belied the political divisions that the Louisiana Purchase exacerbated and the national problems that would remain unresolved long after Louisiana and Missouri achieved statehood.*

in a document that had to account for, and somehow surmount, the difficulties posed by individual and regional differences of opinion, principle, and agenda.

This cautious uncertainty, and the ambiguity of language that came with it, had to be theoretically and textually re-considered when it became clear that the 1787 Constitution would survive ratification intact. It is no coincidence, Prof. Bilder showed, that many of Madison's most noticeable revisions were thus made in the years after the document's fate was sealed: certain speeches were removed wholesale; Madison re-imagined himself as moderate, dispassionate, and thoughtful (versus the moody figure he actually cut in Philadelphia); and perhaps most tellingly, he substituted in a more official language for political turns of phrase that, in retrospect, proved overly equivocal. And what might seem to some like small changes were, in reality, of incredible significance: in one of many examples, while the original language of

a 'federal constitution' was theoretically broad enough to account for a nation existing under the Articles of Confederation, the revised 'federal system of government' closed the door on that possibility.

Madison's tinkering, Prof. Bilder noted in concluding her talk, did not stop with ratification, nor with the addition of the Bill of Rights. In the late-1790s, for example, he made further changes to show his support for Jeffersonian Republicanism (though he stopped short of honoring Jefferson's request to publish the *Notes* in 1799 as a shot across Adams' bow during their heated contest for the presidency). After his own turn in the executive office, Madison once again went back to his original record, revising it to increase the appearance of comprehensiveness and, in doing so, to alleviate his persistent worry that another note taker's version would be published and raise questions about the integrity of his own account.

### ***Fulfilling Jefferson's Empire of Liberty? The Louisiana and Missouri Constitutions***

Texas Christian University Professor of History Gene A. Smith



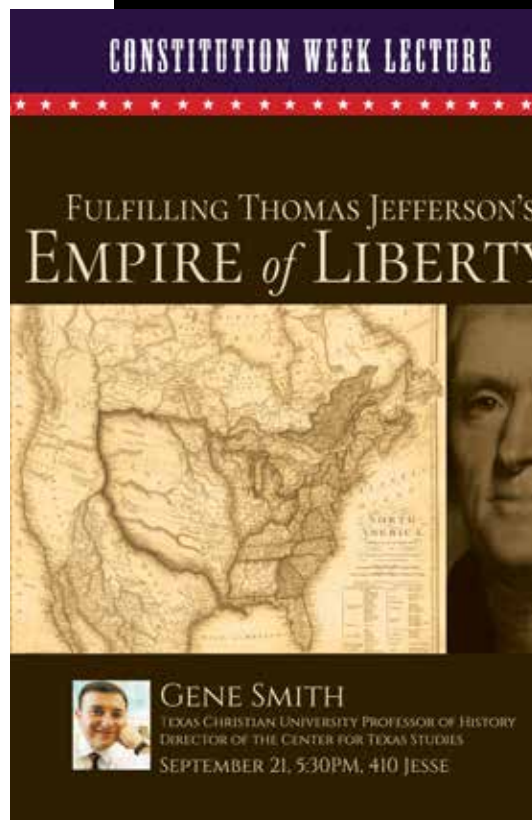
To understand just how much nineteenth-century politicians relied on political expediency—and, in this, evaded political reality—in the course of incorporating Louisiana and Missouri into the union, we have to first look at Jefferson's aspirations for an "empire of liberty." Specifically, TCU Professor Gene Smith began his lecture by explaining how, for Jefferson, the land acquired through the Louisiana Purchase not only neutralized outside threats to national security but also provided a living canvas for the advancement of his vision of a republic expansive enough—and a government energetic enough—to allow all citizens a true share in their own rule.

As Prof. Smith went on to show, the idyllic simplicity of Jefferson's "a plot for every yeoman farmer" vision belied the political divisions that the Louisiana Purchase exacerbated and the national problems that would remain unresolved long after Louisiana and Missouri achieved statehood. For example,



he explained how incorporating Louisiana stoked the ire of New England Federalists for a variety of reasons: because of questions surrounding the constitutionality of the Purchase itself; because of moral and political opposition to the extension of slavery into the territories; and because of their own vested economic interest in developing the Ohio Valley. The particular cause of backlash on which Prof. Smith focused, however, was born out of xenophobic fear of and prejudice against integrating foreign citizens into the union, and he noted that the solution to this problem that Jefferson ultimately reached—a long, somewhat oligarchic process of inculcating Louisiana residents with American political values and processes—did very little to adequately address the larger issue of how to equitably extend fundamental freedoms to pre-Purchase inhabitants of newly acquired territories.

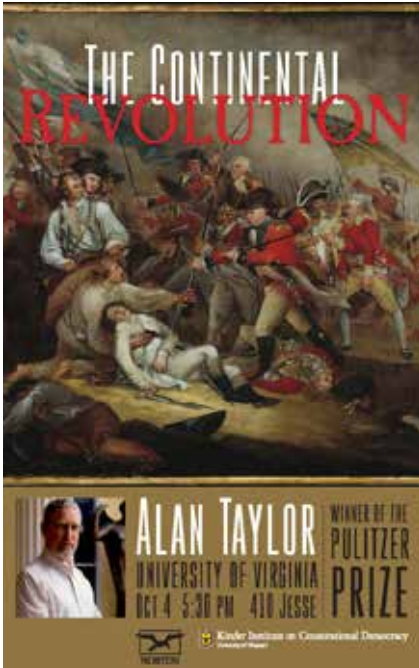
As for his other case study, Prof. Smith noted how the federal government allowing slavery to extend into Louisiana merely foisted the pressing need to find a satisfactory solution to this problem onto the process of incorporating Missouri. While the 1820 compromise that was ultimately reached is familiar, the ways in which the state constitution then attempted to fortify the institution of slavery and the slaveholding interest in Missouri gets less attention. As an expression of their intense dissatisfaction with the lack of control they had over the terms of their incorporation, the drafters of Missouri's constitution not only made it illegal for the state to end slavery but also established laws preventing free blacks from settling there. And while the less-heralded 1821 compromise prevented the second of these provisions from becoming law, the practice of excluding free blacks nonetheless continued, further showing, Prof. Smith concluded, how fulfilling Jefferson's "empire of liberty" often meant avoiding resolving those issues that most vehemently contradicted its underlying ideals.



## PUBLIC LECTURE SERIES

### *The Continental Revolution*

University of Virginia Thomas Jefferson Foundation Chair in History  
Alan Taylor



Though they are likely the two words most frequently used by undergraduates when discussing U.S. expansion on the North American continent, as University of Virginia Professor **Alan Taylor** noted in framing his October 4 public lecture at the Kinder Institute, ‘manifest’ and ‘destiny’ might be the two least accurate terms when it comes to actually characterizing the nation’s push westward in the decades after the American Revolution.

As Prof. Taylor went on to explain, it was not that the United States didn’t want to push its borders past the Appalachian Mountains; in fact, there was something of a domestic imperative to do so. As the fastest growing polity on earth, not to mention a heavily majority agricultural society, acquiring more land was integral to maintaining social peace. Nor was it that the United States lacked license to expand, as the favorable terms of the Treaty of Paris granted it military control over territory as far west as the Mississippi River.

Instead, Prof. Taylor argued, a number of structural factors initially prevented the post-Revolution U.S. government from satisfying the need to grow (or, as undergraduates would have it, from realizing its providential destiny). For one, the limits of the Articles of Confederation rendered what control the U.S. did have over western lands more or less theoretical. Without a power to levy taxes or regulate commerce, the national government had no means of functionally administering the process of expansion. The fact that rival empires occupied the choke points of trade in the region—the Great Lakes (Britain) and the mouth of the Mississippi in New Orleans (Spain)—only compounded the difficulties that the U.S. faced in establishing its western presence.

The greatest threat to expansion, however, came from the native peoples who had long occupied the land that the U.S. government coveted. In particular, Prof. Taylor noted how alliances formed between the British and Spanish empires and tribes west of the Appalachians shut down land sales and trade route and port access to the point that the very possibility of western settlement was effectively eliminated. And rivalry begat rift, with the British in the north and the Spanish in the south then attempting to use promises of land grants and commercial privileges to woo U.S. settlers in Vermont, Kentucky, and Tennessee to secede from the union (a ploy that found success with none other than Daniel Boone himself).

This rift began to compound as a result of politics east of the Appalachians, most notably John Jay’s proposal to sacrifice any claim to the Mississippi River for up to 20 years on the grounds that the Spanish would then open up various other ports to U.S. mercantile interests (which were, of course, consolidated largely in the northeastern states). The Southern response, led by Jefferson,

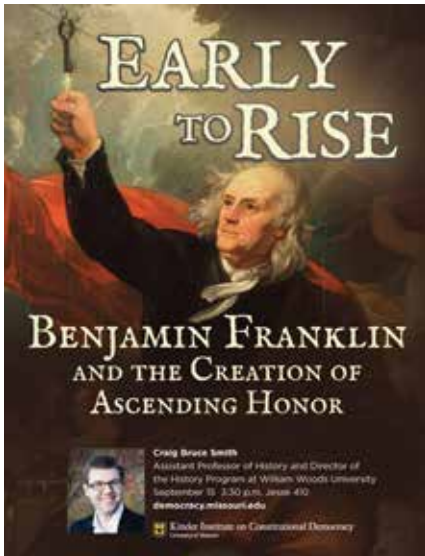


not only pointed out the collateral damage this would create—namely, that it would forsake the best means of paying down debt—but also threatened secession should the terms of Jay’s plan be accepted.

Observing the multiple fault lines that were created by these obstacles to expansion demands that we in turn re-think what drove the states to concede to the terms of the Constitution. Rather than as an expression of American nationalism, we must re-read ratification, Prof. Taylor argued in drawing his talk to a close, as an agreement entered into by mutually distrustful states because of their shared desire to stave off secession, war, and, in their doomsday scenario, a political arrangement in which the new nation was broken up into regions that were little more than funded pawns of rival European empires.

There is, he added in concluding, a broader historiographical point to be made here. Studying the fear of implosion that led the U.S. to abandon the Articles of Confederation and seek out a more stable governing apparatus—and, more importantly, studying the drivers of domestic tension and anxiety in the nation’s first decade—reveals a story of contingency in which native peoples’ very real political power factored prominently. And while the field of American history has been generally gravitating toward viewing the early U.S. through a more continental lens, this focus often recedes when dealing with the years between the Revolution and the Constitutional Convention, leaving much of the narrative of the American founding, especially native peoples’ role in it, un-told.





## FALL 2017 COLLOQUIUM SERIES

### *Early to Rise: Benjamin Franklin and the Creation of 'Ascending Honor'*

William Woods University Assistant Professor and Director of History  
Craig Bruce Smith

Drawing on research at the heart of his forthcoming University of North Carolina Press book, *American Honor: The Creation of the Nation's Ideals during the Revolutionary Era*, William Woods Professor **Craig Bruce Smith** began his September 15 talk at the Kinder Institute by noting the slipperiness of his key term. In the time period being examined, he explained, the meaning of 'honor,' like related concepts such as 'virtue' and 'ethics,' was difficult to pin down, though we can safely say that what we most commonly associate with it now—Burr and Hamilton with dueling pistols drawn in the shadows of the Palisades—hardly suits as a functional definition.

As for the primary subject of his talk—Benjamin Franklin's rejoinder to the aristocratic conception of honor as tied to birth status—Prof. Smith traced Franklin's notion of 'ascending honor' back to his early fascination with literature. From Bunyan's *Pilgrim's Progress* and Cotton Mather's *Essays to Do Good*, Franklin began to derive a definition of honor as lived: the product of a religious commitment to dignifying God when presented with an opportunity for goodness. From his reading of Plutarch and *The Spectator*, a more secular iteration of this idea started to take shape. Through Plutarch, he came to see behaving honorably as a way for people of limited means to advance in society. And in a literary turn of fate especially relevant to the scope of Prof. Smith's talk, Franklin found in Volume 3 of *The Spectator* a sharp-tongued critique of the expectation that honor, even if initially earned through virtuous behavior, would transfer to younger generations based on grandeur of station rather than merit of action.

It was the moral artifice of a notion of honor rooted in birth that his alter ego, Mrs. Silence Dogood, took aim at in lampooning Harvard College for allowing "dunces and blockheads" to ascend to prominence and title based on the contents of their purses, and that would remain central to Franklin's thinking about honor during its somewhat serpentine evolution: a hedonistic left turn in London that he recanted on the return trip to Philadelphia; a diligent pursuit of the thirteen virtues that expediently deviated from the Christian equation of self-denial and virtuousness; and most importantly, a slow-to-form, patriotic tethering of honor to Revolutionary era colonists acting on behalf of the state.

The implications of Franklin's connecting honor to behavior in service of the common good in many ways crystallized in his critique of the 1783 founding of the Society of the Cincinnati. His issue was not so much with the Society itself, a fraternal order of Continental Army officers, but instead with the fact that future membership in it would be limited to blood descendants of these officers, rather than extended to all individuals who embodied in their actions the revolutionary spirit of sacrifice...



## *Berlin Calling: Subculture and the Fall of the Berlin Wall*

Author and Journalist Paul Hockenos

In a rare Monday installment of our Colloquium Series—and one that took the form of an interview led by MU Associate Professor of History **Catherine Rymph**—author and journalist **Paul Hockenos** was at the Kinder Institute on October 9 to discuss his most recent book, *Berlin Calling*, which tells the story of “the birth of the New Berlin” not through the familiar lens of WW II history and the high drama of its diplomatic aftermath, but instead by focusing on the subcultures that developed in both the East and West in the decades before the fall of the Berlin Wall.

Weaving between topics from legalized squatting to industrial music pioneers Einstürzende Neubauten, Hockenos painted the picture of a West Berlin that, by virtue of its being subsidized to the gills by western capital interests, had accrued a large enough crew of draft evaders and “brilliant dilettantes” by the late 1970s that it essentially operated as an alternate universe. Specifically, it was a city in which free universities, transportation, health care, and occasionally rent produced the *freizeit* (free time) and *freiraum* (free space) necessary for the simultaneous development of numerous subcultures: a thriving punk rock scene, a burgeoning gay community, and a virtual army of Frankfurt School Marxist grad students (to name only a few). While the West may have shown little interest in the East, Hockenos described how similar, sometimes even stronger movements were born out of the conditions on the other side of the “Death Strip.” Punk rockers in East Berlin, for example, saw their music less as a mode of political expression and more as a weapon to be used against an oppressive regime, an aggressiveness perhaps best captured by the “Church from Below,” a radical anarchist group that, in Hockenos’ telling, played a key (if rarely acknowledged) role in the Wall’s collapse.

Though developers’ dream of a unified Berlin as a global center of finance never materialized, and though the subsidies West Berlin enjoyed largely dried up when the Wall tumbled, the city would continue on as a cultural mecca throughout the 1990s, as the remaining vestiges of *freizeit* and *freiraum* attracted a creative class that brought with it publishing houses, record labels, art galleries, and, eventually, start-ups. In wrapping up the interview portion of the talk, Hockenos touched on two collateral consequences of the rapid and drastic social, political, and economic changes that the city underwent after the Wall fell: the inevitable gentrification and commodification of its distinct subcultures; and the rise of nationalist political groups whose resentment festered in the post-unification wake of skyrocketing unemployment rates and a disappearing social safety net.







WINTER 2018





KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY

NEWSLETTER | WINTER 2018



## The COLUMNS



### PUBLIC LECTURE SERIES

While all public lectures are uniquely valuable, we take a particular delight in bringing Mizzou alum and current Boston University Honorable Paul J. Liacos Professor of Law **James Fleming** back to his old stomping grounds to present his research to members of our intellectual community. After delivering the Kinder Institute's 2015 Constitution Day Lecture, and returning during Spring 2017 for a discussion of his work on Mill's *On Liberty* and American jurisprudence, he was back in October 2018 for a public lecture on the much-maligned but oft-invoked decision in 1905's *Lochner v. New York*.

*Continued on page 40*



Make no mistake: whether it is a six-person, 8am book club or an informal Friday afternoon talk in our seminar room, we are always excited to engage the community in inquiry into and dialogue about the nation's early history and intellectual foundations, and their continued relevance to contemporary political culture. Still, there was a special pleasure that came with being able to bring together over 1,500 residents of Columbia and beyond for what felt like an intimate, kitchen table chat about presidents past and present with Pulitzer Prize-winning historian **Doris Kearns Goodwin**.

As wonderful as the evening of the lecture was, the energetic response that followed was almost more inspiring. Columbians packed the Old Hawthorne Country Club the next morning to hear more from Goodwin in a Q&A led by bestselling local author and Unbound Book Festival founder **Alex George**; we had students stop by the office to tell us how much they loved going to the lecture with their parents; and we received emails from attendees for weeks letting us know how important they thought it was for Goodwin to bring a sense of balance to what she described in her lecture title as our "turbulent times."

And now that our second Distinguished Lecture is in the books, it's on to planning the third. While Goodwin and **David McCullough** will be difficult (impossible?) to top, we're currently accepting recommendations for Fall 2019 speakers.

*Continued on page 38*



Kinder Institute on Constitutional Democracy  
University of Missouri



## *Leadership in Turbulent Times: Where Do We Go from Here?*

Pulitzer Prize-Winning Historian Doris Kearns Goodwin

In drawing her November 6 Kinder Institute Distinguished Lecture to a close, Pulitzer Prize-winning historian Doris Kearns Goodwin shared with the capacity audience at Jesse Auditorium how she came of age as a storyteller listening to her mother recount the places books had carried her and re-creating for her father the full nine-inning narrative of Brooklyn Dodger games using only the encrypted numbers and traced base paths of a scorecard. From these experiences, Goodwin recalled, she learned the beauty of a story's beginning and middle, as well as the importance of weaving tales as if you don't know how they will end.

Far from a fanciful coda to her talk, Goodwin's meditation on the intricacy—and sometimes the mystery—with which the stages of a narrative unfold was at the center of her lecture as a whole, which approached the tall task of making sense of today's turbulent times by plumbing the depths of presidential history for

insight into our present. For example, she began by noting how it's helpful to simply keep in mind that, as unprecedented as it may seem, our current administration did not materialize out of history's thin air. True, we have never seen a president step directly from the business world to the White House; while we have had ex-bankers, peanut farmers, and oil men occupy the executive seat, each president prior to Donald Trump had served in the public theatre in some capacity before assuming the nation's highest office. That said, Goodwin reminded the audience that the combination of anger, fear, hope, and anxiety from which the Trump campaign sprung is not altogether new. The widening income gap and sense of rural alienation that came with the Industrial Revolution birthed an anti-Wall Street, anti-immigration, anti-Washington populist movement in the turn-of-the-century American South and West that was not entirely different from what we see today.

As Goodwin went on to show, the purpose of summoning our history is not so much to establish these kinds of parallels but, instead, to use knowledge of the struggles and triumphs of our past to improve our present and safeguard our future. In terms of the particular subject matter of her lecture, this meant revisiting three of our nation's most successful leaders—Lincoln, Teddy Roosevelt, and FDR (or “her guys,” as she fondly called them)—to figure out what traits they held in common.

First and foremost, she noted that all three demonstrated an enduring capacity to sustain their ambition in the face of adversity, whether it came in the form of humble beginnings, political defeats, the death of loved ones, or their own medical trauma. For Lincoln in particular, resilience implied more than just an ability to bounce back. The personal losses that he experienced in his early life—his mother, sister, and his first love, Ann Rutledge—haunted him, to be sure, but they also inspired him to contemplate the basis of legacy and, in doing so, to realize that his memory would live on not because he held office or wielded power but only if he left the world a better place. In this sense, Goodwin explained, the most important character trait that adversity produced in all





*her lecture ... approached the tall task of making sense of today's turbulent times by plumbing the depths of presidential history for insight into our present.*

three men was not fortitude but rather the sense of empathy that is necessary to identify with, and to be at all times animated by a desire to ease the suffering of, those people to whom fate has dealt an unkind hand.

A natural byproduct of this alloy of ambition and empathy was humility. In the example of Lincoln, humility manifested itself in a recognition that the war torn country needed a leader who surrounded himself with people who did not limply affirm but who vigorously challenged him, resulting in his famous inclusion of political rivals William Seward, Salmon Chase, and Edward Bates in his presidential cabinet. Goodwin then described how, if we re-examine FDR's experience of the national distress caused by the Great Depression and the national tragedy caused by World War II, we can see humility take the form of an acknowledgement of, and a subsequent insistence on learning from, his mistakes. And while she observed that, at 100 days, our current president did sound more wistful than ever, even admitting that running a country was harder than he initially believed, she quickly added that we have no evidence yet that he has a temperament suited for the kind of probing self-reflection that led his most regarded predecessors to shoulder the blame for a lack of success, to determine the errors of their ways, and to re-fashion failure into victory.

Though the delivery methods have certainly changed over the years, Goodwin also noted that, like many who came before him, Trump has a noticeable, era-specific communications savvy. Just as Teddy Roosevelt's punchy, headline-brief turns of phrase were perfectly suited to the rise of the national press—and just as FDR's conversational style fit the radio age to a tee—campaign-trail Trump seemed to have mastered new media. As she pointed out, however, there is a significant gap between campaigning and governing, and when it comes to negotiating this gap, Lincoln might again serve as a model for Trump. In his refusal to speak extemporaneously, and in the “never sent, never signed” hot letters into which he privately channeled his

anger, Lincoln demonstrated an impulse control that Goodwin suggested our sitting president might singularly benefit from.

From understanding the importance of staying close to the ground, to recognizing the necessity of disconnecting and replenishing energies, there are countless other lessons about “leadership in turbulent times” that we can glean from presidents past. Returning to Lincoln one last time, though, Goodwin provided a final anecdote that summed up what might come of our present and future leaders actually heeding these lessons. As Leo Tolstoy told the *New York Times* in 1909, once, when travelling the remote reaches of the Caucasus, he was the guest of a Circassian chief who he regaled with tales of the technological innovations and great statesmen of recent history. As for the latter, Tolstoy spoke of Napoleon, Frederick the Great, and former Czars, but, as he described, “something was missing.” “You have not told us a syllable,” Tolstoy recalled the Circassian chief saying chidingly, “about the greatest general and greatest ruler of the world. He was a hero. He spoke with a voice of thunder...He was so great that he even forgave the crimes of his greatest enemies and shook brotherly hands with those who plotted against his life. His name was Lincoln.” This was, in many ways, a posthumous affirmation of Lincoln's desire to lead a life worth remembering, and Goodwin ended her trek through presidential history by noting how perhaps the greatest lesson this subject teaches us is embedded here—in a statement from a Circassian chief deep in the Caucasus Mountains that reveals the degree to which the greatest legacies are tied to an unyielding commitment to the common moral mission of advancing liberty, social justice, and prosperity for all.

## *What Was It That the Supreme Court Did in Lochner v. New York That Was So Horrible?*

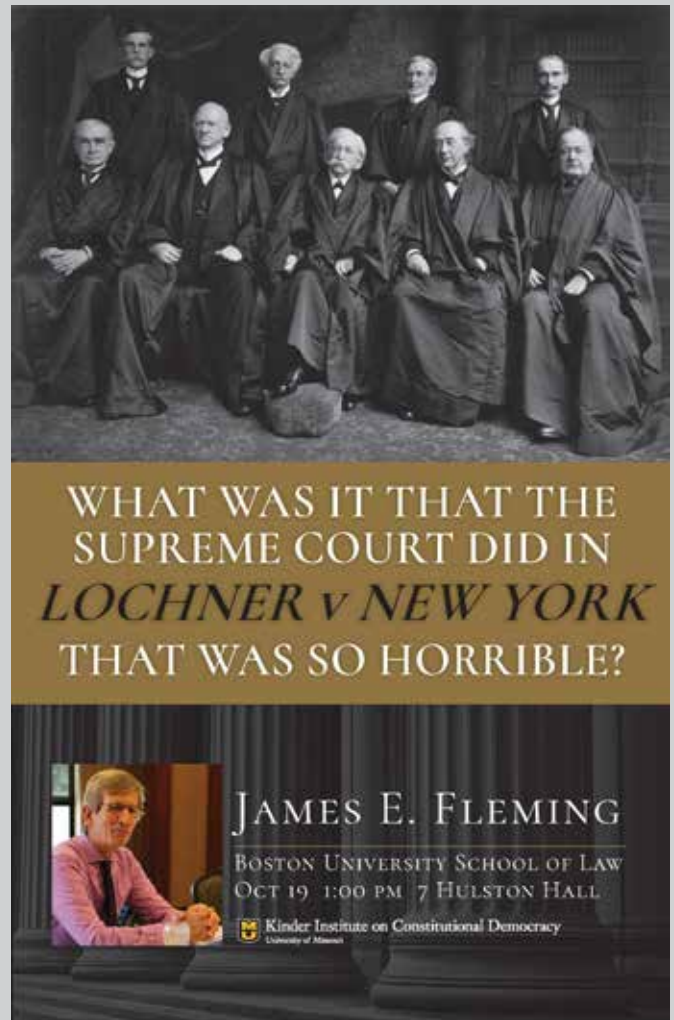
Boston University Honorable Paul J. Liacos Professor of Law  
James Fleming

As Prof. Fleming noted in introducing his October 19 lecture at the MU Law School, in order to finally vanquish “the ghost of *Lochner*,” we should first acknowledge how jurists and legal scholars currently wield the Supreme Court decision in question: not always with thorough consideration, he argued, but more frequently as “a rhetorical club” or meme to criticize opponents and express discontent with majority opinions.

This out of the way, we can then revisit *Lochner v. New York* itself, tracing the decision’s implications over time in order to systematically deduce what it means, in the modern day, to charge someone with “Lochnering” (and whether or not these charges hold water). The 1905 case, which determined that a New York state law preventing bakers from working more than 10 hours per day and more than 60 hours per week was unconstitutional on the grounds that it violated the 14th Amendment’s Due Process Clause, was an immediate, turn-of-the-century lightning rod. Not only did the *Lochner* majority deem the New York law a breach of freedom of contract and an instance of undue meddling in individual rights; they also deemed the state’s regulatory end—the protection of bakers—a pretext for other motives, not least among which was the advancement of a socialist agenda. On the other side, Justice John Marshall Harlan argued in the minority that the law was simply the rational extension of a state government’s legitimate interest in protecting its citizens, while Justice Oliver Wendell Holmes famously contended that the laissez-faire, anti-paternalistic strain of capitalism protected by *Lochner* was at odds with the fact that the U.S. Constitution does not embody a single economic theory.

In what Prof. Fleming referred to as “the first death of substantive due process,” the decision in *Lochner* was rolled back in 1937’s *West Coast Hotel Co. v. Parrish*, which curbed aggressive judicial protection of economic liberties under the Due Process Clause by upholding Washington state’s minimum wage legislation. But while the decision itself was overturned, the ghost of *Lochner* did not vanish. Far from it. Instead, overturning *Lochner* in many ways empowered critics of subsequent, similarly-decided cases, most notably *Roe v. Wade* (1973), *Planned Parenthood v. Casey* (1992), and *Obergefell v. Hodges* (2015). If the Court admitted mistake in *Lochner*, these critics reasoned, how was it not making the *same* mistake in relying on substantive due process arguments to justify judicial protection of personal liberties such as the right to terminate a pregnancy, to use contraception, or to marry whom one chooses?

Over the course of the middle portion of his talk, Prof. Fleming



detailed the various explanations that critics have used in recent decades to articulate what was (or wasn’t) wrong with *Lochner* and, by analogical extension, what was (or wasn’t) wrong with *Roe*, *Casey*, and/or *Obergefell* (see the lecture recap at [democracy.missouri.edu](http://democracy.missouri.edu) for a more complete unpacking of this and other topics addressed in the lecture). Interestingly, however, it was a modern revival of pro-*Lochner* sentiment that ultimately allowed Prof. Fleming to move forward in casting out the specter haunting today’s courts.

Specifically, he pointed out how conservative jurists and legal scholars have recently taken to making two related arguments: (1) that *Lochner* was, for the most part, decided rightly and that the courts can and should resume aggressively protecting *enumerated* economic liberties using the Takings or Contracts Clauses; and (2) that because they are *unenumerated*, personal liberties are not constitutionally eligible for protection under the Due Process Clause. (By contrast, he showed how Libertarian scholars and jurists, in reviving *Lochner*, argue that the rulings in





*Roe* and *Obergefell* also represent justifiable, due process protections of basic liberties.) In responding to this conservative swing of the pendulum back toward *Lochner*, Prof. Fleming laid out two counter-claims. Firstly, while he acknowledged that the Constitution does presuppose economic liberty and property rights, he argued that these rights and liberties are so fundamental that they do not need aggressive judicial protection; in their vulnerability, however, basic personal liberties very much do.

Secondly, he asked that the audience consider the long list of fundamental rights that the Supreme Court has protected over the years: “liberty of conscience and freedom of thought; freedom of association, including both expressive association and intimate association...the right to travel or relocate; the right to marry, whatever the gender of one’s partner...the right to direct the education and rearing of children...and the right to exercise dominion over one’s body.” This list is not, he contended, a “subjective, lawless product of judicial fiat” that is “indefensibly indeterminate and irredeemably undemocratic”; it is not reflective of the “spooky, idiosyncratic moral predilections of rogue justices.” Instead, he concluded, the list is constructed through the common law



*If the Court admitted mistake in Lochner, these critics reasoned, how was it not making the same mistake in relying on substantive due process arguments to justify judicial protection of personal liberties such as the right to terminate a pregnancy, to use contraception, or to marry whom one chooses?*

constitutional interpretive tradition of reasoning by analogy and thus “represent[s] a coherent practice of protecting basic liberties significant for personal self-government [and] empowering individuals to make the most important decisions in their lifetimes by themselves.” And it is with this recognition, he ended, that we can see the ghost of *Lochner* for what it is—“an apparition fabricated by opponents of the modern practice of substantive due process”—and, at long last, vanquish it once and for all.





## COLLOQUIA & WORKSHOPS

To complement Fall 2017 public lectures, we soldiered energetically on with our slate of smaller—in number of seats, though not vastness of scope—events, with scholars far and wide stopping by the Kinder Institute to present research on everything from the history of American foster care to forgotten gold rushes of the nineteenth century. In addition to the colloquia and book conference recapped in the coming pages, we also held an October 19 workshop with Boston University Professor of Law and Paul M. Siskind Research Fellow **Linda McClain**, where participants discussed a chapter from her book-in-progress, *Bigotry, Conscience, and Marriage: Past and Present Controversies*, which focused on the legacy of *Loving v. Virginia* (1967) and how the decision “illustrates the theme of moral progress in our constitutional jurisprudence.”



## *Raising Government Children*

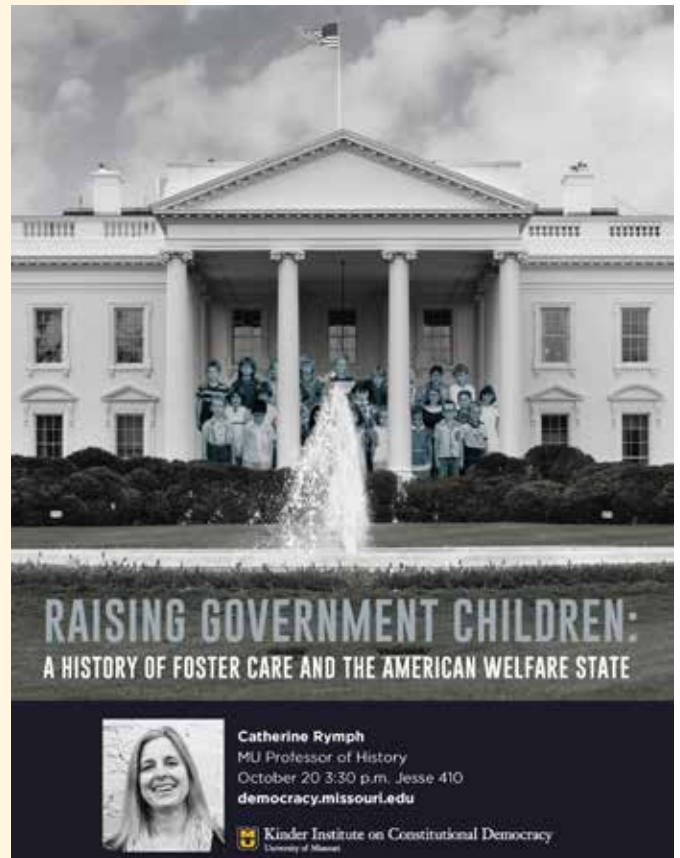
University of Missouri Associate Professor of History  
Catherine Rymph

At the heart of MU Prof. **Catherine Rymph's** new book, *Raising Government Children: A History of Foster Care and the American Welfare State*, is a struggle not necessarily unique to her research's 20th-century focus. From indentured servitude in the 17th century, to Dickensian alms houses and adult prisons, to the orphan trains of mid-19th-century America, which sent the eastern seaboard's homeless children west to work on heartland farms, the global community has long flailed at answering the questions of what society's responsibility toward children is and how best to act upon it.

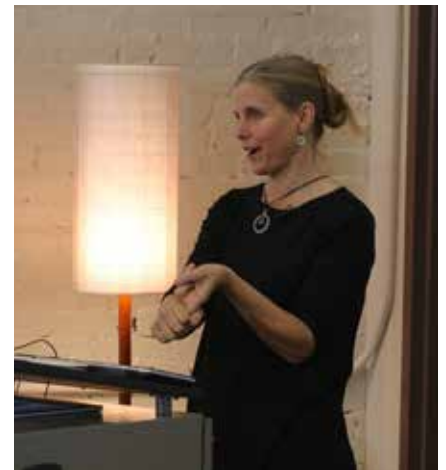
As Prof. Rymph detailed in her October 20 colloquium at the Kinder Institute, while it might be a point on a larger continuum, the 20th-century history of foster care in the United States sheds important light on tensions that existed (and still exist) within the foster care system, in particular, and the American welfare state in general. When it comes to the former, these tensions began to take nascent shape around the 1909 Conference on the Care of Dependent Children. Here, Prof. Rymph noted, the central tenet of the Progressive-era child welfare system—that no child should be separated from his/her family of origin for reasons of poverty—rose to the surface. More importantly, though, with the introduction of mothers' pensions and increased state interest in boarding houses, we also see a blurring of the line between public and private responsibility that would become far more pronounced in later decades.

State involvement in promoting family security would ramp up during the New Deal, particularly with the passage of the 1935 Social Security Act, which, in providing unemployment insurance and aid to dependent mothers, both stabilized and professionalized the system of child welfare services. Though considered an option of last resort, it was also during this time that foster care began to emerge as a state-funded program more widely available than the forms of aid which still tethered families' access to child welfare resources to poverty alone. (The qualifier 'more' before 'widely available' should be carefully heeded, Prof. Rymph stressed, as a reminder that access to these resources did not then extend to African-American families.).

It was also during the 1930s and 40s that the state's ideal conception of the foster care system—as a therapeutic, temporary, individualized, and quasi-professional form of aid provided by licensed foster families—collided with the distressed economic landscape of mid-20th-century America. Specifically, Prof. Rymph outlined how two separate but very related financial realities—(1) that the foster care system would require significant government subsidization; and (2) that it served as a viable income option for women who, at the time, had few such options—came directly into conflict with legislators' and reformers' widespread anxiety that a vocational notion of foster parenting might attract applicants more interested in profit than a desire to help. Add in the emphasis placed on the temporariness of foster care, and the result was an almost impossibly narrow definition of a "normal" foster family: a married, financially-independent, licensed



*It was also during the 1930s and 40s that the state's ideal conception of the foster care system—as a therapeutic, temporary, individualized, and quasi-professional form of aid provided by licensed foster families—collided with the distressed economic landscape of mid-20th-century America.*



*...a fear of Californians bringing this vigilante-ism with them to the mining settlements of New South Wales inspired a swift and harsh pursuit of justice within the region's circuit courts that...mapped broadly onto a developing transatlantic distinction between American myths of self-reliance and a British devotion to institutions.*

couple who were of child-bearing age and whose legitimate care and concern for the child would not trend toward extreme love or “unbridled attachment.”


For the state apparatus in control of the foster care system, attracting these normal candidates—i.e., not attracting profit seekers—required keeping the rate of payment to foster families low. The negative consequences of this were both specific to foster care and more universal. Locally, the scant compensation for foster parents meant that private families—oftentimes families of limited-to-modest means to begin with—ultimately ended up subsidizing the state’s responsibility for maintaining child welfare standards. In a broader sense, this arrangement also depressed the salary and status of care workers in general, who then, as now, were largely women. The end result, Prof. Rymph argued in closing, is not only that a narrative of poverty has been woven through the history of foster care from the early-20th century to the present, but also that this narrative has continually reinforced larger trends related to inequality and the gender pay gap.

### *Toward an Intellectual History of Gold*

#### An Evening with the Gold Rush Trio

As the trio of presenters at our November 7 colloquium stressed in unpacking their research, making sense of the 19th and early-20th-century surge of gold rushes in a way that moves the needle forward on the history of global integration means venturing beyond (though not altogether leaving behind) California and the Yukon and exploring New Zealand, the Gold Coast of Africa, and, as University of Melbourne Professor **David Goodman** offered in the talk’s first act, what is now Lumpkin County, Georgia.

Though more or less lost to popular historical memory, the 1829 Georgia rush, sparked by the discovery of rich deposits on Cherokee land in the northernmost reaches of the state, empowered a radical strain of democratic thought, the ripple effect of which was felt all the way around the globe. Specifically, Prof. Goodman focused in his research presentation on the association of individual wealth seeking and reimagined democratic norms that congealed as a counter-argument to Georgia Governor George Rockingham Gilmer’s classically republican proposal to reserve a majority of extracted precious metals for public use. Ultimately, he explained, Gilmer’s fear that the gold rush would overstimulate an anti-democratic love of gain was re-cast by successful gubernatorial challenger Wilson Lumpkin as an aristocratic plot to withhold wealth from the patriotic poor that was hopelessly out of touch with the people’s right to self-government. This pro-individual rights sentiment re-surfaced in Australia in 1854, Prof. Goodman went on to show, in the form of a successful rebellion against state license fees that cemented miners’ status as symbols of resistance




**TOWARDS A GLOBAL INTELLECTUAL HISTORY of GOLD**

with THE GOLD RUSH TRIO

Stephen Tuffnell University of Oxford	Benjamin Mountford La Trobe University, Australia	David Goodman University of Melbourne
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November 7 5:00 to 7:00 p.m. Jesse 410 [democracy.missouri.edu](http://democracy.missouri.edu)

 Kinder Institute on Constitutional Democracy  
University of Missouri



to conservative, paternalistic oppression (a characterization, he added, that remains a touchstone of democratic history and lore in Australia to this day). As he noted in wrapping up, though, in revisiting these moments in gold rush history—and particularly in revisiting them with the horizons of environmental history in mind—we must raise the question of why republican public interest arguments are *not* remembered as advancing an equally, if differently, democratic agenda.

Shifting the lens slightly, La Trobe University Research Fellow **Benjamin Mountford** examined the differing transatlantic conceptions of national character that emerged out of the struggle for order within gold rush settler societies. In

San Francisco, for example, mounting anxiety over the police and courts' failure to curb what was perceived as the lawlessness of Telegraph Hill's "Sydney Ducks" led to the 1851 creation of the San Francisco Committee of Vigilance, whose violent, extralegal campaigns for justice were praised by Americans as embodying the stabilizing and fiercely independent frontier will that was being forged in and by mining communities. By contrast, a fear of Californians bringing this vigilante-ism with them to the mining settlements of New South Wales inspired a swift and harsh pursuit of justice within the region's circuit courts that, as Dr. Mountford argued in bringing his presentation to a close, mapped broadly onto a developing transatlantic distinction between American myths of self-reliance and a British devotion to institutions. Moving forward in time to the more mechanized gold rushes of the later 19th century, University of Oxford's **Stephen Tuffnell** argued that the evolving nature of mining began to bridge the kinds of transnational gaps on which Dr. Mountford focused. For example, the shift from the crude panning of gold rush "Argonauts" in the 1840s to the machine-driven, capital-intensive extraction methods of the 1880s was accompanied by the formation of trade organizations like the Institute of American Mine Engineers and, in turn, the professionalization and standardization of the industry. While the rise of such organizations on both sides of the Atlantic initiated intra- and international exchanges of ideas through the creation of centralized databases and trade journals, Prof. Tuffnell concluded by noting how it also exposed race- and gender-based lines of division and modes of exclusion within the mining world.







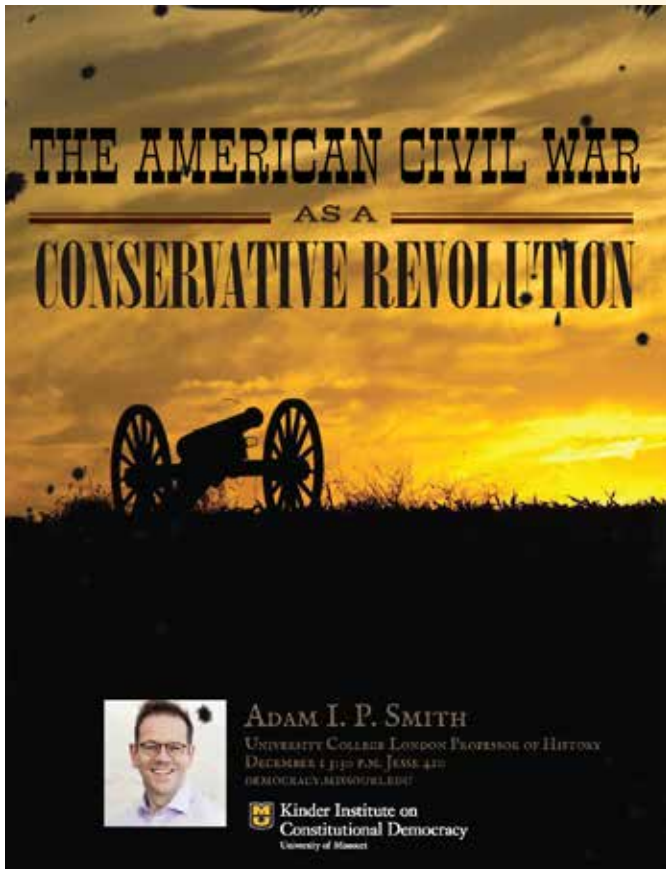
*...the single most guiding principle in the early republic was a conservative impulse to preserve the nation's revolutionary settlement.*

## ***The American Civil War as a Conservative Revolution***

University College London Professor of History Adam I.P. Smith

In framing out his December 1 presentation on his recent University of North Carolina Press book, *The Stormy Present*, UCL Prof. **Adam I.P. Smith** argued that the first step in truly understanding antebellum conservatism and its broader implications is rescuing the term ‘conservative’ from a critical tradition that has long downplayed its significance in and to early American history. Specifically, though everyone from republicans to nativists to secessionists staked out conservative corners, histories still largely present this position as inherently counter-intuitive to both the anti-tyrannical American spirit and the rise of liberal democracy. As Prof. Smith explained, though, this line of thinking ignores the degree to which perhaps the single most guiding principle in the early republic was a conservative impulse to preserve the nation’s revolutionary settlement. This by no means suggests that conservatism was equated with anti-progress attitudes, but instead points to a shared belief among citizens—or, as Prof. Smith was careful to clarify, among white male citizens—that continued moral, intellectual, and technological innovation should aspire to safeguarding the institutions that the Revolution had put in place. For these citizens, he noted, there was simply nothing to be gained, and everything to be lost, from radical change.

If we take for granted the preponderance of pre-Civil War northerners who self-identified as conservative—and given the volume of empirical data that supports this, there is no reason that we shouldn’t take it for granted—the larger question we have to then ask is how these claims to conservatism intersected with the vast majority of northerners’ unwavering anti-slavery stance. Again, answering this question requires salvaging an often overlooked narrative from the scrap heap. Rather than understand the northern manifestation of anti-slavery sentiment and the coming of the Civil War in partisan terms—as a mass 1860 exodus to the Republican party—Prof. Smith contended that we should instead examine the changing political tides of the mid-19th century through the lens of a series of individual choices made at moments of crisis and historical inflection: the Free Soil schism in 1848, for example, and the 1854 Kansas-Nebraska Act and 1858 Lecompton Constitution. Doing so, he noted in drawing his talk to a close, paints a political landscape that is far more complicated than we often assume. For one, he showed how parsing antebellum politics on an individual level reveals a surprising number of anti-slavery, pro-popular sovereignty, states’ rights northerners who did *not* leave the Democratic party. And without minimizing the force of moral outrage, this approach also leaves room to discuss how a deep concern for the Slave Power’s control over the federal government—how a conservative fear for and desire to preserve the fate of the Union—factored into northern Republicans’ eventual embrace of radical solutions to eradicating the blight of slavery.



## Conservatives and the Constitution

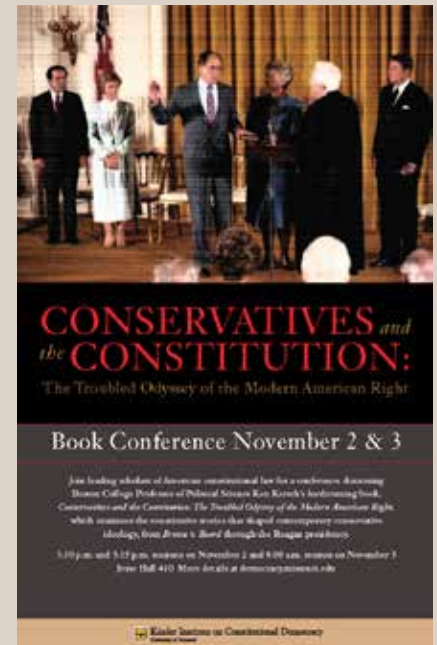
Fall 2017 Book Conference

In providing an overview of the topic of conversation for the November 2 and 3 conference-slash-workshop at the Kinder Institute, Boston College Professor of Political Science and 2017-18 Kinder Institute Distinguished Research Fellow **Ken Kersch** began by noting that focusing too intently on the time frame covered by his new book, from *Brown v. Board* (1954) through the 1980 election of Ronald Reagan, might be a bit misleading, given that there is little discussion of Supreme Court judicial opinions in his work, and even less discussion of Reagan.

Instead, Prof. Kersch explained, the guiding principle for his manuscript, currently titled *Conservatives and the Constitution: The Troubled Odyssey of the Modern American Right*, is to explore conservative ideas about the Constitution as they “lived in” popular politics during the era and were shaped by and filtered through intermediary cultural institutions including: mass market publications like *Reader’s Digest*; radio programs like Notre Dame Law School Dean Clarence Manion’s *Manion Forum*; and the personalities of movement luminaries like Barry Goldwater. As he went on to describe, the diversity of sources that his book plumbs—not only in number and genre but also in rhetoric and agenda—is necessary if one is to adequately convey how the period in question can be seen, alternately, as a time when the American conservative movement was “wandering in the wilderness” or as one in which what constituted conservative identity and thought was rapidly evolving through exchanges of ideas across and within multiple ideological boundaries.

On one hand, capturing the full scope of these inter- and intra-group exchanges is a daunting task, given the sheer number of branches of the conservative movement that existed and/or were under development in the 1950s, 60s, and 70s. On the other hand, though, this thicket of opinion presents a methodological opportunity to be more discursive in approach and to show how, even in disagreement, these sub-divisions of American conservatism were in a near constant process of bonding over the formation of a common project. As Prof. Kersch noted, it is only in attending to the various acts of bridging that were taking place during this era that we can begin to close present day knowledge gaps about conservatism, such as a lack of understanding of the ideological lineage of certain contemporary commentary, or a reductive tendency to define conservatism by synecdoche: as “all neo-Confederate,” “all Ayn Rand,” or “all Cato Institute.”

Following Prof. Kersch’s opening remarks, a trio of panels convened, two on Thursday evening and another on Friday morning, so early readers could comment on the manuscript. For the first panel, on “Theories of Constitutional Interpretation & Stories about Constitutional Development,” Yale University Knight Professor of Constitutional Law and the First Amendment **Jack M. Balkin** and Princeton University William Nelson Cromwell Professor of Politics **Keith E. Whittington** discussed questions related to the congealing of the movement in the 1980s, such as: who got left out of this process, how did historical memory lead to surprise bonds being formed, how were liberal and progressive ideas appropriated and re-oriented, and at what point did the intellectual debate shrink and give us the finely-tuned policy machine that we see today. The second panel, which featured Kinder Institute Associate Professor **Carli Conklin**, Kinder Postdoctoral Fellow **David Golemboski**, and independent scholar **Richard Izquierdo**, tackled issues of “Constitutional Designs & Structures,” while the third panel on “Civil Rights & Civil Liberties,” with Kinder Institute Associate Professor **Adam Seagrave**, MU Associate Professor of History **Catherine Rymph**, and UM



System counsel and Kinder Institute Board Member **Jenelle Beavers**, looked at issues ranging from the preservation of Founding-era radicalism in modern conservative thought to the historical and philosophical development of contemporary conservative views on abortion and same-sex marriage.

## UNDERGRADUATE NEWS

It was a busy—based on candy intake, extraordinarily busy—Fall 2017 semester for members of our undergraduate Society of Fellows. Of course there were the quarterly dinner discussions, during which they were treated to presentations on “Dirty Money,” by MU Professor of Economics **Jeff Milyo**, and the true constitutional story behind congressional appointees, by Kinder Institute Assistant Professor **Jennifer Selin**. And of course there was the hard work put into articles for Volume 4 of our undergraduate journal. And then there were the study breaks, tutorials and classes, and pop-up events that filled the rest of the time.



On top of all this, it was also application season, and throughout November and December, we worked with seniors who were looking at graduate programs in law, public policy, political science, and media studies at institutions all over the map, from Albuquerque to Ithaca. While they started their next chapters in August 2018, one Kinder alum got a headstart. In late October 2017, Convergence Journalism major **Allison Pecorin**—who has done more or less everything that the Kinder Institute has to offer, including starring in our undergraduate programs video—was selected to receive the MU School of Journalism’s 25th David Kaplan Memorial Fellowship, and spent the Spring 2018 semester of her senior year working behind the scenes at ABC News’ Washington Bureau.

## 2018 KINDER SCHOLARS

Over the past two years, we’ve seen a trend forming when it comes to applications for our undergraduate programs that is both exciting and, behind the scenes at least, a little bit agonizing. Specifically, not only have we seen the number of applications for our Society of Fellows and Kinder Scholars Program grow each year; we’ve seen the quality of applications grow in lockstep. This is, of course, wonderful, and a true testament to the elite undergraduate scholarship and service that is taking place at Mizzou. At the same time—and especially when you factor in the interview stage that is now part of the application process for the D.C. program—it makes the process of selecting new classes of Fellows and Scholars positively excruciating. Still, after lengthy deliberation, we emerged on the other side of these interviews with a vibrant, exceptional cohort of students who headed east in June for our 2018 Kinder Scholars D.C. Summer Program. The new class of Scholars is listed to the right, with \* denoting past, present, and future members of our undergraduate Society of Fellows.

**Regina Anderson** (Strategic Communication)  
**Isaac Baker** (Secondary Education, History)\*  
**Bailey Conard** (Journalism, English)\*  
**Brian Dugan** (Business Marketing, Political Science)  
**Mackenzie Elliott** (Convergence Journalism)  
**Bryce Fuemmeler** (Political Science, Economics)  
**Alex Galvin** (History)\*  
**Gabriel Gassmann** (Economics, Spanish)  
**Grace Hodson** (Public Health)  
**Karina Jaimes** (History, Political Science)  
**Anna Jaoudi** (Political Science)\*  
**Sarah Jolley** (History, English, Political Science)\*  
**Hailey Markt** (Political Science, International Studies)  
**Mateo Mateo-Mateo** (Accounting)  
**Luke Mouton** (Political Science, Psychology)  
**Mary Grace Newman** (Political Science)  
**Anthony Newsome** (Political Science)  
**Brianna Salas** (Health Sciences)  
**Faramola Shonekan** (History)\*  
**Jennifer Sutterer** (Political Science, Philosophy)  
**Rylie White** (Biochemistry, Political Science)\*



## THE JOURNAL ON CONSTITUTIONAL DEMOCRACY

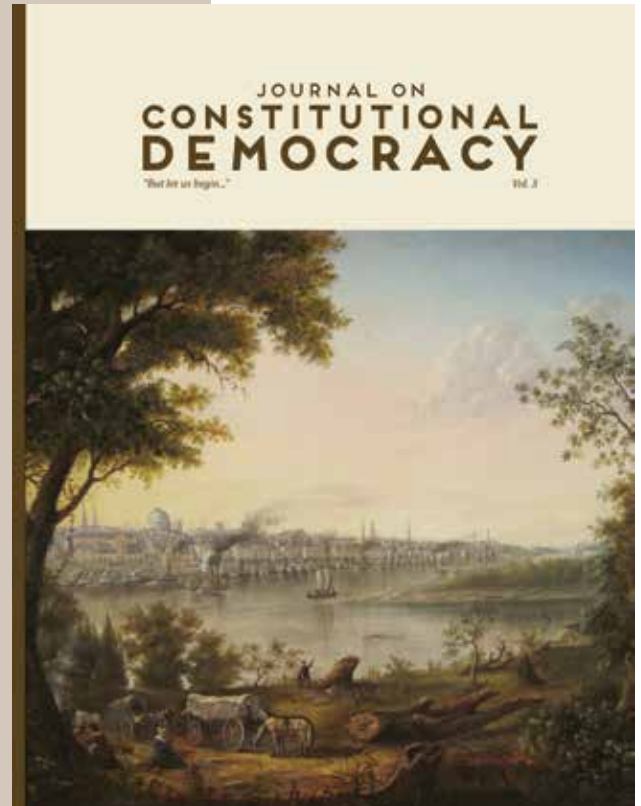
from “*The Voice That Grows with Using*”: *Appropriating Tennyson in Stanton’s Waterloo Address*”

by Abigail Kielty

A year after Alfred, Lord Tennyson’s 1847 *The Princess: A Medley* was initially published, approximately 300 women and men assembled for two July days in Seneca Falls, New York, for the first American convention on women’s rights...

While Elizabeth Cady Stanton contributed at-length to the Seneca Falls Convention, there is no official evidence to substantiate the widely-accepted claim that her first speech took place there, nor at the August women’s rights convention at Rochester. Instead, research suggests that Stanton’s first public address took place at Waterloo, NY, in September 1848. The editorial note to the version of Stanton’s Waterloo address published in Rutgers University Press’ *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony* confirms this, stating that “[n]o contemporary record of Seneca Falls noted a major speech by Stanton, though small parts of her address might match her several contributions to the meeting...Lucretia Mott, present at both [the Seneca Falls and Rochester] Conventions, referred to Stanton’s speech in September at Waterloo as ‘thy maiden speech’” (*ECS*, 1). Stanton would go on to use the content of the speech as a source for short articles for three years after Waterloo, and it is believed, via notations on the cover sheet made by Susan B. Anthony, that Emma Robinson Coe borrowed the speech from Stanton upon visiting her in 1851...Eventually, possession of the manuscript fell to Stanton’s daughters, who then turned the speech over to Susan B. Anthony. Anthony, in turn, delivered the manuscript to its final resting place—the Library of Congress (*ECS*, 1).

Though an enjoyable exercise in its own right, tracing the history of Stanton’s first speech back to Waterloo in 1848 serves the larger purpose of providing a definitive answer to the question of how her personal politics related to the discussions and agendas at Seneca Falls and Rochester. For example, though there was much debate at Seneca Falls over whether the *Declaration of Sentiments* should include a demand for suffrage, Stanton’s Waterloo address was unwavering in its call for the franchise for women. In crafting her pro-suffrage argument, Stanton begins by asserting that the question of “Woman’s rights” is the most important and impactful public issue ever raised, and she goes on to note the ever-changing “habits, manners, and customs” of the nations of the old world as a way to propose that the stagnancy of discourse about woman’s rights in the U.S. runs counter to the natural course of the evolution of political societies (*ECS*, 2). Before laying out her and the suffragettes’ approach to changing voting norms, Stanton anticipates the counterarguments they will face: namely, the notion of man as intellectually, morally, and physically superior, and therefore singularly fit for electing officials...In rebutting claims concerning man’s physical superiority, Stanton re-purposes her sentiment concerning men as intellectual superiors, stating that until men and women have had the same physical education for many years, no comparison can be made. The physical and intellectual converge in Stanton’s subsequent attack on phrenology, a “science” used at the time to perpetuate unequal rights by linking measurements of the human skull to greater (male) and lesser (female) brain functions. And it is here that one encounters the first instance





of her appropriating *The Princess*. Weaving Tennyson's verse (highlighted in red in the passage below) into her own argument, she condemns the patriarchal appropriation of the theory and terminology of phrenology, a field of study popularized in the United States after a series of lectures delivered in 1834 by Auguste Compe, a leading phrenologist who, interestingly enough, was cited in an anti-feminist explanatory note on Tennyson's politics that introduced an 1897 reprinting of *The Princess*:

The Phrenologist says that woman's head has just as many organs as man's and that they are similarly situated. He says too that the organs that are the most exercised are the most prominent. They do not divide heads according to sex but they call all the fine heads masculine and all the ill shaped feminine, for when a woman presents a remarkably large well developed intellectual region, they say she has a masculine head, as if there could be nothing remarkable of the feminine gender and when a man has a small head very little reasoning power and the affections inordinately developed they say he has a woman's head thus giving all glory to masculinity. *Some say our heads are less./Some men's are small, not they the least of men;/For often fineness compensates for size;/Beside the brain/is like the hand and grows,/With using—.* (ECS 7)

For context, the exact wording of the lines from *The Princess* that Stanton incorporates into her speech (highlighted in blue below) read:

Here they might learn whatever men were taught:

Let them not fear: *some said their heads were less:*  
*Some men's were small; not they the least of men;*  
*For often fineness compensated size:*  
*Besides the brain was like the hand, and grew*  
*With using...* (TP 40, II.130-35).

This unbroken embedding of a near-replica of Tennyson's verse into her own prose marks a re-appropriation of the male voice that has multiple significances. On a somewhat abstract level, by using Tennyson's language to bolster her own anti-phrenological claim, Stanton creates a convergence of male voices that strips the two concurring patriarchal figureheads who are in play (the poet/Tennyson and phrenologist/Compe) of their logical agency by placing them in a framework in which they are now arguing against one another. In terms of the intersection of historical and literary significance, Stanton, in revoking male agency, transfers all authority to the voice of Lady Psyche, the speaker of the lines in the poem, and to the voice of the women's rights movement as a whole. Specifically, the quoted lines are part of a lesson taught by Lady Psyche in which she argues for equality by highlighting the historical accomplishments of women as a way to dispel the myth that they will never be able to achieve the highest echelons of intellectualism on account of their small head sizes...

*Before laying out her and the suffragettes' approach to changing voting norms, Stanton anticipates the counterarguments they will face: namely, the notion of man as intellectually, morally, and physically superior; and therefore singularly fit for electing officials...*

## ALUMNI Q&A

### *Four Questions (and a Lightning Round) with Faaris Akremi*

**Thomas Kane:** Just going off of past updates and conversations, I know your interests to be delightfully broad, but it seems like, somewhere along the line, environmental law rose to the surface as a particular area of professional/scholarly focus. I was wondering if you might go into the motivation behind this pursuit, not just “why environmental law” but also a little bit on what you see as the primary issues that we collectively face within this field and where/how you hope to make an impact in that regard.

**Faaris Akremi:** Early in law school, I was deeply ambivalent about choosing a substantive focus. I knew I wanted to do public interest (rather than private or corporate) work in the long run, but I was having trouble deciding whether I could do the most good through systemic work or front-line direct services to communities in need. And, still more fundamentally, I was trying to decide between environmental advocacy and other substantive areas of the law.

Then a friend of mine shared with me a metaphor that changed the way I think about my career. In this metaphor, there are kittens floating in a toxic river. They are struggling to stay above water, and won’t be able to make it to shore without some help. So, in this metaphor, direct services lawyers are the ones with nets on the banks pulling the beleaguered critters out of the current. The systemic advocates—impact litigators, policy advocates and the like—are upstream attempting to get the maniac throwing kittens into a river to quit it. No doubt both of these roles are important to the kittens.

The kittens represent any number of causes I care about. But then there’s the question of the hospitality of our planet. It underlies all other issues—including whether the kittens in the tortured (torturous?) metaphor above will find any solace in the world they inhabit once they’re rescued. The metaphor, perhaps strained, helped me to see that, while my peers working on other issues are incredibly important, there need to be advocates toiling to secure the predicate to all other freedoms: a world to live in. The scientific consensus really is clear. Unless truly fundamental changes are made soon, our planet will not remain the verdant, life giving place we’ve always known it to be. The poorest people on Earth are already living through the first of many dire implications of a changing climate.

I hope to, in the short term, lend my voice to advocating for the profound changes that might allow us to avoid some of the grizzliest, most catastrophic consequences of environmental degradation. And, frankly, if we fail, I want to be in a position to demand that the more fortunate among us—those with wealth and power—pay our share of the costs of adapting, and that the poorest and most vulnerable among us are not left to carry the social and physical burden.

So, in a nutshell, I’m passionate about a lot of issues. Immigrants’ rights, LGBTQ and gender issues, criminal justice reform, human rights, voter suppression, and any number of other topics really get me going. But I also recognize that, in the long term, none of the rest of it really matters if humanity faces extinction in 150–200 years

**TK:** Following up on the last part of that answer, has your work with environmental advocacy had any effect on how you think about these “bigger picture,” philosophically-grounded concepts like fundamental equality, individual liberties, human rights, etc.?

**FA:** I do think that my path to environmental law has changed the way I think. Most significantly, it’s helped me to see how closely connected the major issues facing humans are. The “environment” is a massive, amorphous thing that captures technical indicia

*Mizzou’s inaugural Betty Anne McCaskill Scholar and a participant in our first Kinder Scholars D.C. Summer Program, recent Stanford Law graduate Faaris Akremi (MU Class of 2015, Political Science & Geography) took time out of a busy final year to chat with the Kinder Institute’s Thomas Kane about his time in law school and on the west coast. Answers, which touch on everything from toxic river metaphors to niche California ballot initiatives, have been edited slightly for length.*



like water quality, air pollution, and wildlife conservation, sure, but also less often considered outputs, like environmental justice and cultural health.

My approach amounts to an acknowledgment of how interwoven environmental, cultural, and political issues are. For instance, if you dig deep enough, environmental issues like resource scarcity underlie or at least shape most or all of the human rights crises we face. In ISIS-controlled Syria, water scarcity and control has been a point of major tension. Water shortage has also shaped many of the battle lines—metaphorical and literal—in the Israel-Palestine conflict. Indeed, if you go far enough into the past—really not *that* far in the grand scale of things—much of the modern cultural strife that exists in the Middle East, Southeast Asia, and elsewhere can be traced to the writ large environmental impacts—physical and cultural—of extractive and abusive colonial relationships.

In short, environmental justice, in its broadest sense, is closely related to issues like gender, racial, and other forms of cultural justice. Realizing this has been sort of freeing for me; by choosing to spend the foreseeable portion of my career working on traditional environmental issues, I'm not siloing myself away from other issues I care about. Rather, I'm working on one piece of a larger puzzle.

Semi-obligatory shout out: I principally credit Mizzou's Geography and Political Science departments for helping me to initially see these connections and Stanford Law School for helping me to explore my role in helping to address them.

**TK:** I asked this to **Sam Franks** too, but in general, I'm really curious about what it was like for people who are as intelligent and as comprehensively informed about contemporary politics as you and she are to learn about the new, non-Missouri political arenas in which you found yourselves—her overseas in the U.K., and you, of course, in Northern California?

**FA:** I noticed a couple of things when I moved across the country to Northern California. The first is born not only of moving to a new place, but also of studying law. Being in Northern California and taking classes on things like land use, property, and local government helped me understand how much of politics is exclusively local. Local laws, priorities, and values shape everything from traffic systems to environmental policies to social safety programs. This was thrown into the starkest relief for me on election night when my boyfriend Ryan was reporting for the Bay Area NPR affiliate on local returns. The national election did not go the way I would have preferred, and at about 10:30pm local time I was ready to go to bed and hope it had all just been a dream. But when I texted Ryan to see when he'd be home, he reminded me that there were still many hours of local returns to be counted and reported...

A second difference is California's fixation on ballot initiatives. Everything from condoms in adult films to the death penalty was on the ballot last November. In fact, there were no fewer than *seventeen* propositions on the ballot on election day. I'm not convinced of the wisdom of the California Constitution's super robust guarantee of direct democracy, but it's undeniable that it has a unique effect on politics and policy here.

Politically, I'm pretty progressive, so the move was also really interesting for me because the political norm in the Bay Area is on the progressive end of the spectrum. Here, debates around critical issues of the day are typically between those on the left and those in the political center. On the one hand, this was refreshing for me, coming from a state like Missouri where we struggle so hard to elect leaders and enact policies that are anywhere *near* the political center. But on the other hand, the political culture in Northern California also made me uncomfortable. When a single ideological bloc has such dominant control, compromise becomes a dirty word and reaching out to the other side becomes an act of political treason. I think that's a shame, and that the lack of compromise in state and local politics is a symptom of the same disease from which our national politics suffer so acutely. After all, the people we disagree with aren't going away anytime soon.

**TK:** Last one: I was wondering how the two clerkships that you have lined up serve as logical extensions of what we've talked about so far?

**FA:** One of my professors likes to say that legal education is one of the last bastions of generalism in the professional world. Unlike in medicine or accounting, if you're purposeful about it, you can dabble in a lot of areas of substantive law, gaining basic familiarity with the doctrine, and all the while amassing a set of skills that are more or less universal to lawyering. And I would argue that such a generalist approach is supremely valuable; no matter the area of law you hope to practice, other areas will inevitably arise in unexpected ways...

In a given week clerking, you might interact with criminal law issues involving the federal Racketeer Influenced and Corrupt Organizations Act (RICO); an administrative law question involving the Food and Drug Act; an intellectual property matter involving the Copyright or Patent Acts; and any number of state law contracts and torts disputes peripheral to federal law issues...

Mind you, not all clerkships are precisely the same. But the unifying theme is mentorship in critical skills from a brilliant legal mind—your judge. (As the child



of a family that owes a lot of success to labor unions, I'd liken this to a sort of legal apprenticeship where your teacher just happens to be the best of the best of the best.)

So how does a clerkship fit in with my interests in life and work? As I've shared, I've got particular interests in environmental and refugee issues. But my work during my clerkship years is pretty unlikely to focus on those matters. Instead, I'm clerking because I want to get the invaluable skills and training as a generalist that clerkships offer. I have big goals for the impact I want to have in the world, but I first have to eat my proverbial vegetables. After all, I'm not likely to have much influence on anyone if I don't have the analytical chops and writing skills necessary to win an argument. The fact that a clerkship will expose me to myriad areas of the law I would otherwise be wholly ignorant of is also a wonderful bonus.

### ***Lightning Round***

**TK:** What books are in arm's reach as you're typing your response to this question?

**FA:** I'm sitting at my desk and there's a bookshelf within reach, so I won't go through the entire list. But I'm in the middle of *The Golem and the Finni* by Helene Wecker and just finished *Never Let Me Go* by Kazuo Ishiguro and *The Book of Dust* by Philip Pullman. On a less exciting note, I also have Volumes 1 and 2 of *Intellectual Property in the New Technology Age* immediately at hand, but that's not exactly pleasure reading.

**TK:** Best Supreme Court Justice ever and why?

**FA:** Really hard question. I think I'd choose William Brennan, though, based on his unparalleled ability to use humanity to animate the cold words of the law.

**TK:** Bay Area meal that will make everyone back in Missouri jealous?

**FA:** The Bay Area has lots of good food. The obvious choices, though, are fresh seafood and burritos (and Latin American food in general).

**TK:** The most sublime natural wonder you've experienced on the West Coast?

**FA:** Yosemite is more unbelievable in person than a photograph could ever capture. Half Dome is just the tip of the iceberg; the whole park is simply magical.

**TK:** Worst cinematic representation of a lawyer/lawying?

**FA:** I don't think there are many good representations, honestly. I recently watched *Marshall* about Thurgood Marshall's early career, which I really enjoyed. But it's sort of the exception to the rule. Most cinematic representations of lawyers emphasize the more romantic, palatable parts of the job and simply ignore the innumerable hours of preparation and busy work that go into something like appearing in court. I think that's a small part of the reason so many people think they want to be lawyers until they actually get a taste for the work.

SPRING 2018







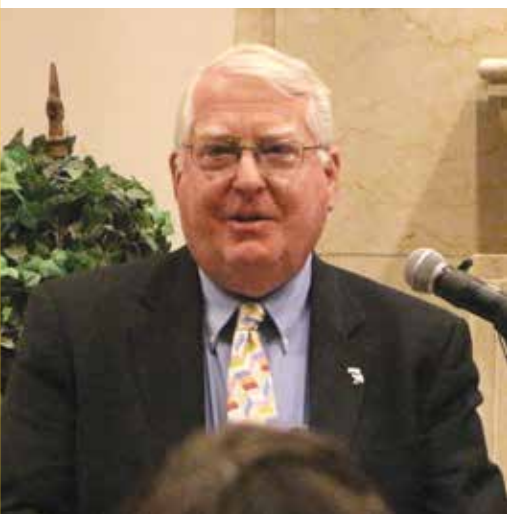
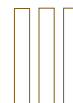
KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



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## *The* COLUMNS



### PUBLIC LECTURE SERIES

After a fall semester that featured our biennial Distinguished Lecture, we were back to a regular programming schedule in the spring, with a pair of public lectures and a Town & Gown dinner lecture that all fully embodied the Kinder Institute's mission to promote interdisciplinary, cross-era, and inter-ideological inquiry and discourse. And we would like to offer a special thanks to our longtime collaborators at the Missouri Humanities Council, as well as the Andrew W. Mellon Foundation, for co-sponsoring the March 20 public lecture on "Civil Discourse in an Uncivil Age" as part of the 2018 "Democracy and the Informed Citizen" grant initiative.

*Continued on page 58*



There are any number of directions we could have gone when it came to determining a cover feature for this issue of *The Columns*—our long-in-the-works lecture and panel discussion on civil discourse; our continued streak of undergraduate fellows becoming M.A., J.D., and Ph.D. candidates; the evolution of our regional seminars into national conferences.

At the end of the day, though, there really was only one option. Over the course of the pre-Spring Break weekend, waves of Kinder Institute faculty, staff, undergrads, grad students, and supporters traversed the Atlantic to launch "Global History at Oxford," an on-campus/study abroad hybrid program that immerses students for a week in the scholastic life and ancient traditions of Corpus Christi College.

On one hand, participants got a crash-course in Oxford's unique pedagogical model, attending daily tutorial-style sessions on topics ranging from "The 19th Century World in Three Objects" with St. Peter's College's **Stephen Tuffnell**, to "Lincoln's Humour" with Corpus Christi's legendary American historian **Richard Carwardine**. And as Program Director/Inventor **Jay Sexton** pointed out, in addition to further cultivating a burgeoning academic relationship between MU and Oxford, there are also geopolitical implications of developing initiatives like this one.

"As the state of the special relationship enters an uncertain future," Sexton noted, it is more important than ever that our institutions of higher education continue to collaborate and continue to train the next generation of leaders who might restore the partnerships that brought much stability to the world after 1945."



## *Public Schools and American Democracy*

Western Washington University Professor and Chair of History Johann Neem

Why did we have public schools in the first place? What was their historical purpose, and why do we seem to be losing faith in them? In introducing the central questions that guided his February 15 lecture at the Kinder Institute, Western Washington University Professor and Chair of History **Johann Neem** took care to point out that these are *not* the questions about public education that we are asking today. Our current lines of inquiry or, perhaps more accurately, our current points of deep contention—regarding charter vs. district schools; whether or not teachers’ unions will improve the quality of public education; and about school choice—concern means rather than ends. As he unpacked over the course of his talk, though, there is new perspective and insight to be gained by reversing course and reinvigorating first-order, origins- and ends-based examination of public schools and American democracy.



### *“A Republic, if you can keep it”*

Understanding the rise of American public schools begins with framing early discussions about the importance of education within the context of widespread anxiety about the fragility of the—of *a*—republic. With the relatively short-lived Roman republic and the Cromwellian turn toward tyranny in England likely in mind, Benjamin Franklin, commenting on the new government at the close of the Constitutional Convention, described it as “a Republic, if you can keep it.” People, conventional wisdom of the time dictated, were by nature ignorant, flawed, and sinful, and thus subject to the sway of demagogues. For this reason, Prof. Neem noted, many post-Revolution leaders saw the fate of liberty and order as being tethered to schools’ capacity to educate the populace as to why the common good should be valued above their own personal ambition.

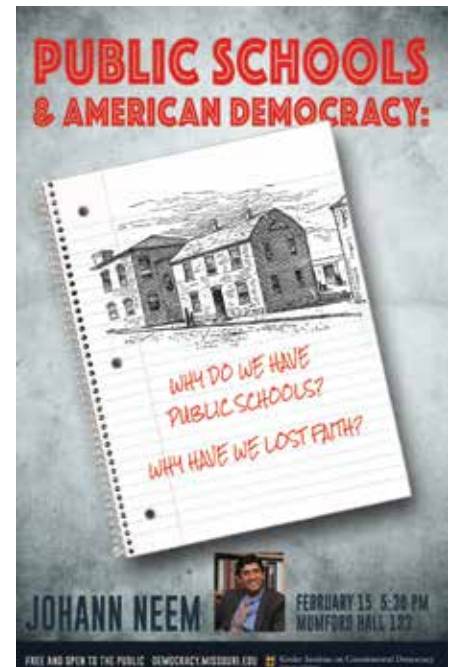
This shared belief in the need for education should not, however, be mistaken for unanimity among early proponents of public schools. On one side, we had Benjamin Rush, who thought that public education would protect the elite few against the potentially destructive impulses of the many by producing what he deemed “republican machines”—“common” citizens who understood the importance of civic virtue and



thereby less inclined to be guided by regional, class, and individual interests. On the other side, we had Jefferson, who stressed that diffusing knowledge to all Virginians would be instrumental in holding the governing elite accountable and dissuading them from acting upon their more factious urges. Though they may have approached conceiving of the importance of education from opposite directions, figures like Rush and Jefferson ultimately found common ground in the conviction that it must be treated as a public good in order to prepare citizens to govern themselves.

In antebellum America, Prof. Neem went on to describe, citizenship and creative power came to be inextricably entwined, as theorists and advocates of public education increasingly posited that promoting equality, dignity, and self-making required cultivating the “seed bed of imagination” through expansive liberal arts schooling that would bring forth the treasures of the past and inspire citizens to create worlds of their own in the present. During this time, the relationship being forged between education, citizenship, and equality also became part of a larger conversation about national diversity. Many, but perhaps most notably Horace Mann, saw education as an invaluable tool for bringing together and harmonizing the diverse, sometimes discordant elements of society in a way that would encourage individuals to understand themselves as being with and for others and, in turn, to grasp the comprehensively negative impact of any form of segregation. Prof. Neem added, however, that two caveats to this progressive vision should be noted: Throughout the south, and in many parts of the north, African Americans were excluded from this educational model of inclusivity and civic cooperation; conversely, many Catholic immigrants called for the formation of separate educational institutions on the grounds that they saw public schools as incapable of teaching religious values.

The emphasis placed on presenting schools as spaces of civic harmonization emerged from the fear that diversity would lead to the economically well-off abandoning institutions of public learning. As Prof. Neem pointed out in concluding the first section of his talk, though, this concern actually speaks directly to why public schools thrived in the period between the American Revolution and Civil War: because of mobilization at the local level that vigilantly upheld these schools as a necessary investment in the community and thus a necessarily public good.



*... many post-Revolution leaders saw the fate of liberty and order as being tethered to schools' capacity to educate the populace as to why the common good should be valued above their own personal ambition.*







*“But we know that in the long run, the path to jobs and growth begins in America’s classrooms”*

Early American ideas, and early American optimism, about the purpose of public education certainly spilled over into the 20th century. The post-World War II creation of the G.I. Bill and National Endowment for the Humanities, for example, are emblematic of continued recognition of both schools’ and the liberal arts’ vital civic role. Still, Prof. Neem argued, growing disenchantment with public education since the fall of the Berlin Wall is undeniable, and he devoted the second half of his talk to outlining the factors that are driving changing perceptions of and dwindling faith in public schools.



Perhaps most significantly, he described how globalization has produced a paradigm shift in how we think about public education. Specifically, less jobs and greater global competition have led to the civic language with which Jefferson framed schools’ function being usurped by an economic language of college and career readiness. Students have been transformed into educational products consumed by the business community, and developing marketable skills is now prioritized over promoting liberal arts education.

*...revitalizing our schools might require revitalizing the spirit with which early Americans embraced them—as places in which we learn to see ourselves in others, and as institutions whose care we willingly entrust to our partisan rivals because of an implicitly shared commitment to investing in the common good of our communities.*



While economic globalization might be the primary driver of changing perception, there are other factors that contribute to answering the question of why we are losing faith in public education. For one, Prof. Neem traced the groundswell of support for charter schools—and the weakening institutional and local commitment to public education that this support implies—back to our spending decades trying, but consistently failing, to better serve schools in urban, high poverty, largely minority communities. He added that we have also seen history repeat itself. Increased diversity, coupled with Supreme Court-mandated secularization of the classroom, has resulted



in a growing number of religious groups, led by evangelical protestants, opting out of public schools for many of the same reasons that Catholics did in the mid 19th century.

What does mapping the decline of faith in public education tell us? Ultimately, that the concerns of the founding generation haven’t necessarily disappeared and that revitalizing our schools might require revitalizing the spirit with which early Americans embraced them—as places in which we learn to see ourselves in others, and as institutions whose care we willingly entrust to our partisan rivals because of an implicitly shared commitment to investing in the common good of our communities.

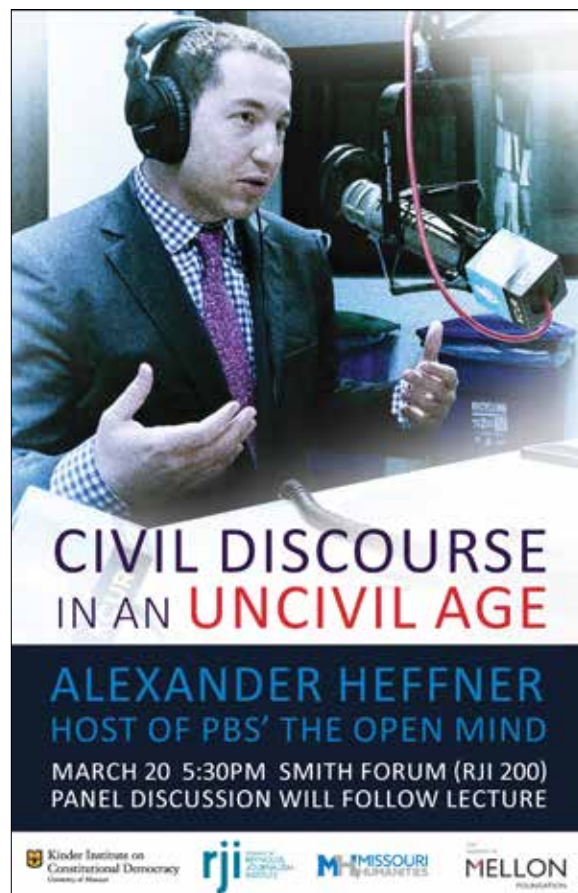
## *Civil Discourse in an Uncivil Age*

Open Mind Host Alexander Heffner

“There’s concern about incivility in the air right now,” PBS’ **Alexander Heffner** bluntly noted in opening his standing room only March 20 public lecture at the Reynolds Journalism Institute’s Smith Forum. But rather than plunge directly into the present abyss, Heffner asked attendees to first reflect on the 2008 presidential election, when an audience member at a public forum confronted Republican candidate, Senator John McCain, with one of many falsehoods being circulated at the time about his opponent. “No ma’am,” McCain responded in regard to the woman’s claim that she couldn’t trust President Obama because ‘he is an Arab,’ “he’s a decent family man [and] citizen that I just happen to have disagreements with on fundamental issues, and that’s what this campaign is all about.”

McCain’s response functioned as an early inflection point in Heffner’s talk, indicative of what he deemed both the civility with which we comported ourselves in 2008 and the “high velocity cycle of incivility” that we’ve been mired in since then. Working toward a solution, he argued, begins with categorizing the problem we face: an incivility of bigotry that is not only racial and ethnic but also ideological, as seen in the nightly warfare on cable news; an incivility of obstructionism that prevents red and blue state legislators from using reason to reach consensus, or at least compromise, on issues ranging from Merrick Garland’s Supreme Court nomination, to the Affordable Care Act, to the recent tax plan; and an incivility of dysfunction, evident in leaders’ widespread abdication of responsibility to process.

As Heffner went on to outline, the first priority is thus identifying where this incivility has rooted itself, and he devoted the next section of his lecture to sourcing the problem in part to the silos of hate and harassment created by an “anti-social media complex” comprised of unaccountable, publicly traded companies. We need look no further than the verification that Infowars received from Twitter and Facebook to see how these companies have, as he suggested, monetized and normalized the dissemination of misinformation, proven falsehood, conspiracy, and fraud.



*Working toward a solution, he argued, begins with categorizing the problem we face: an incivility of bigotry that is not only racial and ethnic but also ideological, as seen in the nightly warfare on cable news; an incivility of obstructionism that prevents red and blue state legislators from using reason to reach consensus, or at least compromise...*

And while the crisis of hate currently being played out in 280 characters or less has driven some users to deliberately withdraw from these platforms, such conscientious objectors are few and far between, which raises the necessary question of how to inject moral leadership into this media apparatus so that it promotes, rather than assaults, the journalistic values of honest deliberation and human connectedness and the best practice of employing constructive vs. destructive, and pro-social vs. anti-social, speech.





On a macro-level, Heffner proposed shareholder activism as a potential answer to this question, but he also pointed to a recent, innovative stride taken by European news sites as an effective, more on-the-ground option. These sites, he explained, require users to take a rudimentary quiz before commenting on an article to prove that they've actually read it. Even seemingly small measures such as this—or Wikipedia's policy of requiring sources and evidence for page modification—are guided by a recognition of the glaring need to restore classification and moderation to information exchanges that have become increasingly defined by polarization and falsification.

Heffner closed by noting how ideological bigotry and toxic partisanship have not only migrated into but are also being combatted within the human arena. As for the former, he cited how, during the 2016 New Hampshire primary, he and the Director of the Marlin Fitzwater Center engaged in a joint endeavor to bring presidential candidates from both sides together for a roundtable dialogue about issues central to the lives of the state's residents, only to be thwarted from on high by word that any participants would subsequently be barred from sanctioned RNC and DNC events. As for the latter, he highlighted recent student activism in Parkland, Florida, not only as evidence that civic pride and political imagination still course through society's veins but also as a mandate that we re-double efforts to orient the motivating impetus of media culture toward policies that affect our shared livelihood, with the Postman-ian goal of "amusing our democracy back to life."



Immediately following Heffner's lecture, the Kinder Institute and Truman School convened a panel of five MU faculty members, including moderator and Chair of Black Studies **Stephanie Shonekan**, to discuss and field questions about civil discourse, in general, and specifically as it applies to recent violent protests about Civil War monuments. The first panelist to reflect on Heffner's lecture, Arvarh E. Strickland Distinguished Professor of History and Black Studies **Devin Fergus**, led off by noting how, as important as civility might be, we must also keep in mind its pitfalls and unintended consequences. Take the post-*Brown v. Board* example of Greensboro, North Carolina. Though the city's rhetoric about embracing the decision and its devotion to a "nation of laws" marked a thoroughly civil response to the Supreme Court ruling, it took 20 years for Greensboro



schools to actually be desegregated, evidence, Prof. Fergus contended, of how civility is often wielded by the hegemon as a tool to retain power over marginalized groups. Conversely, he drew attention to the value of incivility, quoting Frederick Douglass' 1857 "If There Is No Struggle, There Is No Progress" to underscore the degree to which comfortable situations at times obstruct meaningful change.



*...it took 20 years for Greensboro schools to actually be desegregated, evidence, Prof. Fergus contended, of how civility is often wielded by the hegemon as a tool to retain power over marginalized groups.*

Picking up on this latter strain, Kinder Institute Assistant Professor of Constitutional Democracy **Christa Dierksheide** argued that any reasonable vision of a civilized future must include engaging in the uncomfortable act of confronting the contested history that is inscribed on the nation's landscape. More history—importantly distinct, she reminded the audience, from the historical memory captured by twentieth-century Confederate monuments—is necessary if we are to meaningfully address the fault lines that have emerged around divided (and divisive) ideas not only about what America is but also about what America was. In his remarks, MU Professor of Journalism **Berkley Hudson** provided a visual tour of this contested history, transporting the audience to Tupelo, Mississippi, where monuments to Confederate and Union soldiers are juxtaposed with one another; and to Oxford, where, in line with the more vs. less history argument, a statute of James Meredith sits outside the university's Lyceum, nearby a Confederate memorial that was recently contextualized with a plaque making note of both the troubling “lost cause” narrative forwarded by the twentieth-century raising of such memorials and the millions of people freed because the Confederacy fell.

Finally, Kinder Institute Director **Justin Dyer** tied the reflections on Heffner's talk together with brief comments on the primary medium of civility. Speech, he noted, is central to what makes us human, not necessarily because it is a vehicle for articulating interest, but because it is a vehicle for communicating what we find just and unjust. And these ideas about justice, of course, exist in important and complicated relationship with the unique American tradition of free speech. Both principled and prudential cases for the First Amendment, Prof. Dyer explained, provide some measure of protection for speech that many might find unjust, with the former contending that the search for truth requires that it and error meet so that error might be vanquished, and the latter contending that the unpredictability of who will be in power makes any provision that allows for the easy suppression of speech a dangerous, potentially justice-obstructing proposition. In wrapping up his comments, Prof. Dyer added that defenses of free speech also make room for a somewhat problematic moral relativism—the argument that “one's man vulgarity is another's lyric,” which sits counter both to a belief in the importance of norms of civility and to a conviction that some ideas are true and some not, some language just and some not.



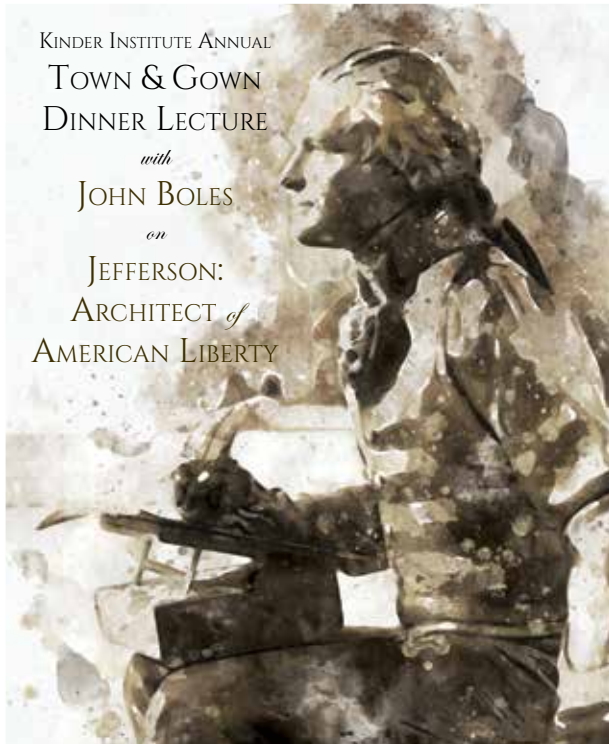
## *Jefferson: Architect of American Liberty*

Rice University William P. Hobby Professor of History John Boles

Constructing a story of Thomas Jefferson's contributions to defining the purposes and powers of government, and to defending the liberties of citizens, could begin in any number of places, but for Rice University William P. Hobby Professor of History **John Boles'** April 10 Town & Gown Dinner Lecture, that starting point was 1776

Philadelphia, during the Second Continental Congress. Why? Not, as one might expect, because the convention led to the adoption of the *Declaration of Independence*, but instead because of Jefferson's desire to leave Philadelphia for Williamsburg, in order to be present for the drafting of the first Virginia Constitution. Jefferson, Prof. Boles noted, would ultimately settle for sending ideas south, but they would arrive too late to be integrated into his home state's framing document.

These ideas, though, and later variations on them, would be instrumental in shaping Jefferson's legacy. Included among his recommendations were provisions that called for: separation of the legislative, executive, and judicial branches, as well as the formation of a bicameral legislature in which the popularity of the House was balanced by the wisdom—and, importantly, not the wealth—of the Senate; universal suffrage for all white males; required purchase of land from indigenous peoples; and religious freedom and freedom of the press. Many of these points were underscored in his 1783 proposed revisions to the state constitution, which were published as an appendix to his famous *Notes on the State of Virginia*, and which also called for: free public education for men and women; the development of a penitentiary system and significant restrictions on capital punishment; and the abolition of the importation of slaves into Virginia, with the near-term goal of emancipation and colonization.



*And while Jefferson was excited about the intellectual spirit guiding the Constitutional Convention—if not actually present for it—he was disappointed by the end result on two primary counts: the lack of an executive term limit (he described the Constitution as likely to produce “a bad edition of a Polish King”); and the lack of a Bill of Rights.*

Zooming out, these ideas about both the structure of government and the rights of citizens likewise informed Jefferson's thoughts on the national constitution. As Prof. Boles described, Jefferson believed the Articles of Confederation fine, if the goal was to remain a confederation of states, but that building a stable republic would require addressing the Articles' shortcomings when it came to levying taxes, entering into foreign treaties, and regulating western expansion, among other things. And while Jefferson was excited about the intellectual spirit guiding the Constitutional Convention—if not actually present for it—he was disappointed by the end result on two primary counts: the lack of an executive term limit (he described the Constitution as likely to produce “a bad edition of a Polish King”); and the lack of a Bill of Rights.

After noting how the second of these anxieties was quickly resolved, Prof. Boles shifted his focus to debunking Jefferson's overstated reputation as a strict, states' rights constructionist. Much of this reputation, he posited, is derived from the Kentucky Resolution; and while Jefferson did use the Resolution to demand that states be permitted to nullify laws in instances when the federal government had trespassed its designated limits, this proposition was made, Prof. Boles argued, primarily in defense of individual civil liberties. Moreover, he noted how Jefferson also demonstrated a willingness to finesse and expand federal agency. Take, for example, the Louisiana Purchase. While territorial acquisition of this extent was not a power delegated to the federal government by the Constitution, Jefferson still supported





the Purchase on the grounds that legislators should—and, in fact, must—consider strict observance of written law in relation to higher necessity. And this was not, Prof. Boles concluded, a fast-and-loose stretching of the constitutional seams but indicative of Jefferson’s abiding belief that laws should evolve hand-in-hand with progress and that opportunity would sometimes require revisiting and revising the nation’s original governing document.





## COLLOQUIA

As is standard every spring semester, our more campus-oriented spring programs ran the full gamut of forms, with MU professors and visiting scholars climbing the stairs to Jesse 410 for book talks, research presentations, and works-in-progress discussions, and in-house personnel heading east and west on I-70 for our regularly scheduled out-of-town conferences.

### *Thinking about Gerrymandering*

OU President's Associates Presidential Professor of Political Science and Journalism Keith Gaddie

There is a question that comes prior to—or, at the very least, a question that is Gordian-ly knotted up with—the guiding one for University of Oklahoma Professor **Keith Gaddie's** January 31 talk at the Kinder Institute. Specifically, before we can go forward with constructing and implementing a judicial test for assessing the constitutionality of partisan gerrymanders, we have to first determine whether or not partisan gerrymandering is justiciable in the first place. And as Prof. Gaddie noted in opening, the fate of answering this first order question hangs on one man, Supreme Court Justice Anthony Kennedy, who concurred with the plurality opinion in 2004's *Vieth v. Jubelirer*, which found partisan gerrymanders to be non-justiciable, but who also left the door open to being persuaded by the development of new judicial standards for ruling on this issue.

Justice Kennedy's determination fits within the history of re-districting cases. As his ruling suggests, unlike in instances of population and racial gerrymandering, where constitutionality is tied to Article 1 and Amendment 14 of the Constitution, there is no clear cut legal theory in place to support claims of voter discrimination based on partisan affiliation. Perhaps for this reason, Prof. Gaddie explained, the partisan gerrymander is one we have traditionally allowed ourselves under a "spoils of war" logic. But as he went on to show, the consequence of this passive acceptance is that we run the risk of undermining a fundamental assumption of democracy by inoculating incumbents and incumbent parties against the variability of popular support.

If the way in which partisan gerrymandering compromises free expression of political will is enough to suggest that the practice *can be* unconstitutional, how to determine *when it is* unconstitutional remains un-settled. During his recent work on challenged district maps in Wisconsin, however, Prof. Gaddie developed a test for addressing this judicial question of 'when' that revolves around a three-pronged query: Is the map so asymmetrical that it falls outside the acceptable range of seat bonus distortion that can occur within justly drawn single-member districts? Is the map responsive to shifts in popular support? And, to paraphrase Huck Finn, "was they made or did they only just happen"—i.e., were districts constructed with discernible discriminatory partisan intent (a more difficult question to answer, to be sure, but one which we can begin to tackle by looking at factors such as caucus continuity)?

The final hurdle, Prof. Gaddie concluded, is developing a usable legal theory to combat the counter-claim that partisanship is simply too unstable to be considered



a political class. Polarization, he argued, might be a key to fleshing out this theory, but regardless, we'll know more soon, as a pair of re-districting cases, *Gill v. Whitford* and *Benisek v. Lamone*, are on the federal Supreme Court's 2018 docket.

### *Gateway to Equality*

University of Missouri Assistant Professor of African-American History  
Keona K. Ervin

The story of MU Prof. **Keona K. Ervin's** recent book, *Gateway to Equality*, begins with Ora Lee Malone, a civil rights stalwart who had come to St. Louis from Mississippi in 1951 and about whom Prof. Ervin had set out to write a biography. During the course of her research, however, histories began to entwine with one another—the biographical and the political, broadly, but also the histories of the labor and Black Freedom movements in the mid-20th-century Gateway City. From these connections, a new book was born, one which charted not only the overlapping pursuit of racial and economic justice in St. Louis, but also black women's central leadership role in politicizing the needs of the city's black working class and in making dignity casually and contractually tangible.

But why St. Louis? As Prof. Ervin outlined in her February 2 book talk at the Kinder Institute, because of its particular industrial landscape—high on light industry work but lacking in the historically gendered-male spaces of production seen in urban peers like Pittsburgh, Chicago, and Detroit—black women effectively engineered the Great Migration to the city. On top of this, Prof. Ervin explained, there was a distinctly racial component to marginalization within the female workforce, with black women consistently denied access to higher-paying factory jobs, as well as a concerted effort among St. Louis media members and government officials to conceal black dissidence in the city. The result, on the one hand, was an environment that fomented political experimentation via liberal coalition building between workers', women's, and civil rights activists. On the other hand, the relatively diffuse civil rights leadership structure that existed because of these conditions provided avenues for black women to emerge as power brokers and agenda shapers within the Black Freedom Movement, where they advanced a re-conceptualized, egalitarian notion of unionism that prioritized the voices of female leaders and that framed calls for civil rights as inextricable from calls for workers' rights.

And so we have labor militants like Carrie Smith and Cora Lewis, architects of the 1933 shellers strike against R.E. Funsten Nut Co. that, in addition to refusing red-baiting and critiquing liberal reformism, broadened the scope of civil rights activism by raising the bread and butter concerns of working people to a newfound level of political import. As Prof. Ervin noted in closing her talk, the work of pioneers like Smith, Lewis, and the politically actualized young women of grassroots organizations like the Colored Clerks Circle make later events such as the 1969 rent strike legible not only as instances of labor struggle but also as women-led efforts to make economic dignity foundational to how justice is understood and to wrest control over resource allocation and decision making away from oppressive institutional forces.



## **GATEWAY TO EQUALITY: BLACK WOMEN AND THE STRUGGLE FOR ECONOMIC JUSTICE IN ST. LOUIS**



**Keona K. Ervin**

MU Assistant Professor of African-American History

February 2 3:30 p.m. Jesse 410

[democracy.missouri.edu](http://democracy.missouri.edu)



Kinder Institute on Constitutional Democracy  
University of Missouri

*...there was a distinctly racial component to marginalization within the female workforce, with black women consistently denied access to higher-paying factory jobs...*



## ***Constituent Instructions and the Evolution of Representation in America, 1778-1900***

MU Hicks and Martha Griffiths Chair in Political Institutions Peverill Squire

As University of Missouri Professor of Political Science **Peverill Squire** noted in introducing the subject of his February 9 Colloquium Series talk at the Kinder Institute, he didn't necessarily mean to start researching and writing about "Constituent Instructions and the Evolution of Representation in America, 1778-1900." As part of work on his most recent book, *The Rise of the Representative*, he had examined constituent instructions in colonial America, tracing them back to a Tudor notion of representatives acting as attorneys on behalf of constituents and charting the continuation of the right to instruction in the not yet-United States even after its fade in Great Britain. But the question of what happened after the Revolution remained.

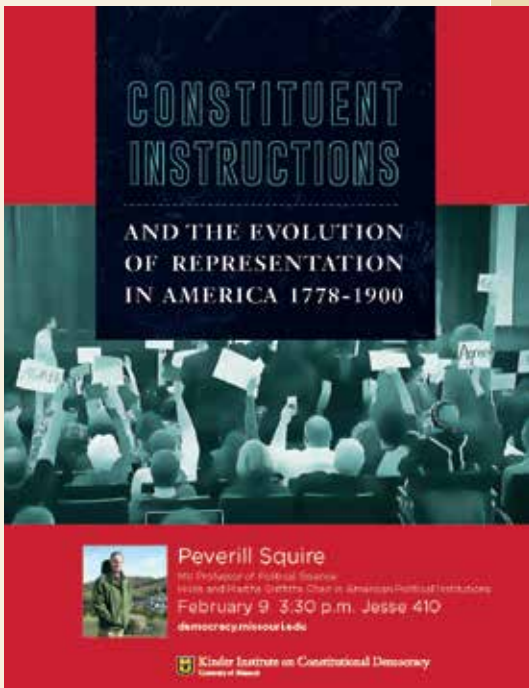
Compounding his interest in this question was the fact that conventional wisdom—derived mainly from the work of political scientist William Riker and historian Clement Eaton—curiously dismisses this post-Revolution history, limiting the significance of constituent instructions to a primarily Southern phenomenon that more or less became obsolete after 1860. After compiling two unique data sets on actionable communications—instructions or requests for state or congressional lawmakers to take specific policy actions—Prof. Squire realized that this conventional wisdom was flawed on four counts:

**Who issued instructions and requests:** In a sample set of ~5,000 examples culled from newspapers, town histories, county records, and other somewhat off the beaten path archival sources, it became clear that instructions and requests were not largely issued by state legislators to U.S. Senators, as Riker and Eaton would have it, but also with considerable frequency by constituent groups to state legislators. On top of this, Prof. Squire added that, during the period in question, we also see a shift from issuing instructions to issuing requests, as well as a change in the origin of actionable communications from town meetings, to mass meetings, to local representative bodies.

**When they were issued:** Prof. Squire found in his research that more instructions and requests were issued over a longer period of time than conventional wisdom dictates and that, in fact, we see a spike in issuance, rather than a descent into obsolescence, after the Civil War.

**Where they originated:** In short, not only in the South. While Riker focused in his research on high profile instances in Virginia and North Carolina, Indiana, Iowa, and California actually register the highest 19th-century frequency of constituent instruction and request issuance.

**What the nature of these instructions and requests was:** Whereas Riker and Eaton map the content of instructions onto issues of national scope—the Articles of Confederation in 1778, for example, and secession in 1861—this was hardly true at other junctures in history, when the majority of communications from constituents to state legislators focused on local issues, and the majority of communications from legislators to members of Congress focused on issues of infrastructural and economic development: navigable rivers, safe harbors, bridges, ferries, mail routes, post offices, and military pensions.





And in examining the nature of instructions, Prof. Squire discovered that the narrative of responsiveness advanced by Riker—that, because of a lack of recall protocol, legislators could and did ignore instructions and requests with impunity—likewise didn't match the data, which showed a surprising number of occasions in which Senators disagreed with an instruction, yet still obeyed it.

What does reconsidering conventional wisdom tell us? For one, it speaks to the 19th-century rise to prominence of political parties and organized interest groups as intermediaries in the relationship between represented and representative. In addition, Prof. Squire concluded, studying the true story behind constituent instructions enriches the picture of how federalism worked during this era, with younger states logically appealing more frequently to legislators because of different economic conditions and expectations.



### ***Settler Colonialism and the History of U.S. Women's Property Rights***

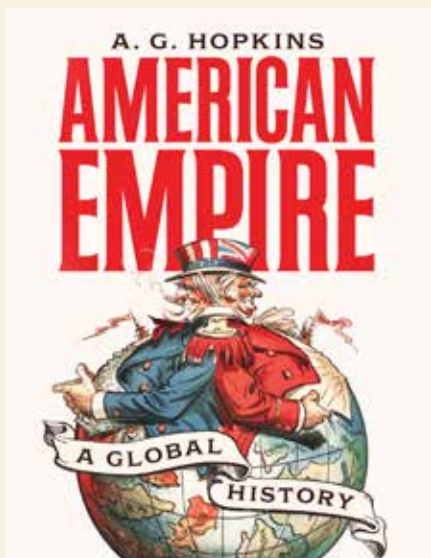
Western University Assistant Professor of History Laurel K. Shire

To trouble the premise of the provocative question that served as the official title for her March 16 Women's History Month keynote address, "What's the Matter with White Women," Western University Prof. **Laurel Shire** did not turn to the question's contemporary correlative—the 53% of white women voters who supported a presidential candidate in spite of allegations leveled against him of sexual assault, harassment, and discrimination—but instead to the history of territorial Florida. Drilling down even further, she focused on a legal loophole that secured property rights for *certain* married women in Florida during an era when coverture was still the common law as a way to expose the flawed logic of assuming that "white women" can culturally, historically, or politically be analyzed as a monolithic, coherent category.

Consider, for instance, what is ultimately revealed by the 1831 case of *Victoria LeSassier vs. Pedro de Alba* that Prof. Shire cited in introducing her study of Florida legal history. As she explained, that the court felt obliged to protect LeSassier's estate from the unscrupulous reach of her husband reflects the unique rights that some women enjoyed under the territory's hybrid legal structure. Specifically, per the Spanish civil law that was in place up until the 1819 Adams-Onís Treaty, which ceded Florida to the U.S., married women had the right not only to all property owned before marriage but also to half of property accrued during marriage. And while the United States initially attempted to impose prevailing common law norms in Florida, an 1824 statute reverted the governing doctrine back to the pre-treaty standard, marking the first time in U.S. history that a married woman's legal and property rights were *not* subsumed by those of her husband.

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*...the United States continued to exist in a neo-colonial economic relationship with Great Britain long into the 19th century, so much so that Henry Clay painted citizens of the early republic as “politically free” but “commercially slaves”; in addition, Prof. Hopkins cited the future poet that Emerson envisions in his 1837 “The American Scholar” as evidence of the degree to which the United States’ cultural independence from Great Britain was in no way an immediate byproduct of the Revolution.*



However, Prof. Shire added, cases like LeSassier’s are not primarily significant because of the legal anomaly they draw back the curtain on but because of the implications of the notion of ‘whiteness’ that they introduce. For one, that the Spanish LeSassier was even treated by the courts as white reflects how whiteness was constructed in Florida around a functionally different perception of the need to establish white supremacy—not as a way to draw hierarchical distinctions between Europeans but instead as a way to create and strengthen a united, “civilized” line of defense against Native Americans and free blacks who were seen as a threat to the United States’ colonizing ambitions. As she went on to discuss, this construction of race is likewise necessary for understanding the broader, interlocking importance of the uneven application of Spanish civil law in Florida and the U.S.’s underlying motivations for reverting back to it in the first place. Though the language of Articles 6 and 8 of the Adams-Onís Treaty seemed to protect the property rights of *all* Florida women who married prior to 1819, the courts rarely—and even then, sporadically—extended this protection to non-white women. This unpredictable drawing of the color line, Prof. Shire argued, shows how the history of property rights in Florida is not at all a progressive one, but rather one in which white women were a necessary cog in the larger effort to support and expand the purview of white, patriarchal settler colonial societies and the many ills that came with them.

As the example of Laura Wirt Randall shows, the consequences of supporting colonization in Florida were comprehensively destructive. As members of an elite frontier planter class, Randall and her husband were part of the extension of slavery into the new territory; they were likewise part of a migration boom to Jefferson County which drove land prices up and spurred the displacement of indigenous peoples from central Florida; and though she was part of a group that wielded its power and perceived supremacy broadly and often violently, Laura Wirt Randall herself was not at all empowered by her anomalous property rights but was only a carrier of wealth from father, to husband, to son.

### *American Empire: A Global History*

University of Cambridge Emeritus Smuts Professor of Commonwealth History  
A. G. Hopkins

In providing what he described as a “scamper” through three centuries of U.S. international history, University of Cambridge Professor **A. G. Hopkins** emphasized the importance of charting the nation’s evolution alongside, and often in lockstep with, other Western territorial empires. And understanding how the United States fits within this imperial narrative, he contended, requires careful attention to an often invoked, though also often under-analyzed, term: globalization, particularly in its context as a dialectical process for which these territorial empires long served as prime agents.

In the first of three phases into which he divided his April 9 talk, Prof. Hopkins examined a period of proto-globalization which spanned the 17th and 18th centuries. Defined largely by the actions of pre-industrial, dynastic European states, the era saw, on the one hand, empire tightly bound up with the need to finance rapidly modernizing armies. As Prof. Hopkins pointed out, though, the fiscal strain of an arms race also exposed the limits of these military hegemonies’ success, a crisis of empire embodied by the American colonies’ revolt against the financially extractive mother country.

However, his larger purpose in summoning this moment of colonial revolution was to shine light on a 1783 historical parting of the waves—or parting of the historical waves—that he deemed both odd and understandable. It is understandable, Prof. Hopkins first noted, that this moment produced an historiographical shift in focus inward in the United States, toward framing out the story of the new nation. Still, he went on, it is odd that this shift seems to have tacitly demanded *not* addressing the slow process of de-colonization that took place from 1783-1861, as the United States, like Germany and Italy at roughly the same time, struggled to transform formal into effective independence. Prof. Hopkins pointed out, for example, how the United States continued to exist in a neo-colonial economic relationship with Great Britain long into the 19th century, so much so that Henry Clay painted citizens of the early republic as “politically free” but “commercially slaves”; in addition, he cited the *future* poet that Emerson envisions in his 1837 “The American Scholar” as evidence of the degree to which the United States’ cultural independence from Great Britain was in no way an immediate byproduct of the Revolution.

He then transitioned from examining proto- to examining modern globalization, broadly characterized by the rise of the constitutional, industrialized nation-state. From 1850 to 1950, the United States and much of Europe existed on parallel trajectories of extraordinary political development. The first half of this period saw reform in Austro-Hungary and France; the formation of Germany and Italy; Great Britain widening the franchise; and, of course, the American Civil War. At the same time, by the turn of the century, the consequences of a burgeoning manufacturing sector also began to reveal themselves. For one, social hierarchy and class division were turned on their heads, leading to the development of ameliorative forms of capitalism and the growth of the welfare state from New Zealand to the U.S. In addition, with the Spanish American War resulting in control over Cuba, Puerto Rico, Guam, and the Philippines, America found itself engaged in an imperial process of nation welding, which Prof. Hopkins described as a microcosm of what was being undertaken by the larger British and French empires in so far as U.S. territorial expansion was likewise driven by: (a) the standard, center-to-periphery exchange of raw materials for manufactured goods; and (b) notions of both racial and technological supremacy.

Global control proved difficult to maintain in the wake of World War II, ultimately ushering in the final, post-1950 phase of Prof. Hopkins’ “scamper”: post-colonial globalization. It is here, he argued, that our current, international order began coming into being through, among other things, challenges to concepts and constructions of racial supremacy, as well as confluence in discussions about and notions of civil and human rights. The era of post-colonial globalization, he described, brought the formation of institutions like the United Nations to advance new moral ideas; it brought new, inter-industry networks of global economic integration that undid the center-to-periphery exchanges of the modern era and that had a profound effect on assessing the need for empire; and finally, it brought green uprising against elite constitutional nationalism that produced widespread de-colonization between the end of WW II and 1960. Interestingly, it was only after 1945 that people began speaking in earnest about the United States as an empire, a line of discourse, he noted in closing, that relies on a geostrategic rather than territorial understanding of the term.





*...what we lack is a book-length historical assessment of foreign policy during the Reagan administration's eight years that delves deeply into figures other than the president, such as Secretary of State George Schultz, and that carves out space to explore bigger picture, structural topics like the National Security Council as an instrument of decision making.*

## ACADEMIC WORKSHOPS

### *Reagan Revisited*

University of Texas-Austin Associate Professor of Public Affairs Will Inboden

In offering introductory remarks for the Kinder Institute's March 5 academic workshop, Prof. **Will Inboden**, who also serves as Executive Director and William Powers, Jr. Chair of University of Texas' Clements Center for National Security, began with a brief comment on what his new project is *not*: a Ronald Reagan biography. Those, he noted, have been written, but what we lack is a book-length historical assessment of foreign policy during the Reagan administration's eight years that delves deeply into figures other than the president, such as Secretary of State George Schultz, and that carves out space to explore bigger picture, structural topics like the National Security Council as an instrument of decision making.

Further elaborating on the "why, what, how" of his current work, he mentioned that the timing for the project was fairly felicitous, not only because partisan passions that raged during the Reagan era have cooled enough for a re-examination to be undertaken, but also, and more pragmatically, because the last two years have seen hundreds of thousands of the administration's foreign policy-related documents declassified.

As for the manner in which the book will tackle its subject, Prof. Inboden described how the chronological structure that he plans to deploy was designed with two primary objectives in mind—to temper narratives of historical inevitability with careful attention to the contingencies that shaped foreign policy under Reagan; and to draw

out the interesting simultaneities that he has unearthed in the course of archival research: the temporal proximity of the U.S. invasion of Grenada and the bombing of U.S. Marine Corps barracks in Beirut (two days apart), for example, or of the end of the Reykjavík Summit and the beginning of the Iran-Contra scandal. Within this chronological structure, and as presented in the introductory chapter being discussed at the workshop, Prof. Inboden outlined how the study would be organized around the four thematic spokes briefly contextualized below:

#### **Force and Diplomacy:**

How Reagan's commitment to a historic buildup of military infrastructure (see: SDI) and generally bellicose rhetoric existed in a fascinatingly paradoxical relationship with his actual reluctance to use force

**Use of History:** How we can trace Schultz's policies in Asia to his World War II service time as a Marine in the Pacific Theatre, or how the looming specter of the Vietnam War influenced the administration's approach to interventionism

**Religion and Religious Freedom:** How Reagan's commitment to protecting Russian Jews likewise traced back to World War II, when, as an actor in military training videos,



he received footage of the liberation of the first concentration camps, and the significance of how and why he aligned himself with Pope John Paul II during the Cold War.

**Allies and Partners:** How his time in office was consumed by the development of relationships with center-right counterparts around the globe—Margaret Thatcher and Helmut Kohl, for example—but also how these relationships were behind some of his most notable vexations and missteps



In drawing the introductory remarks to a close, Prof. Inboden touched on how his goal of structuring the book around these interpretive themes, rather than a single hypothesis, will widen the lens of his examination and allow him to transcend and enrich more Cold War-centric approaches to his subject in a number of important ways: (1) by shedding more extensive light on the administration's policy initiatives in Asia and North America; (2) by emphasizing the globalization of economic and information systems that often goes under-explored in narratives of the end of the Cold War; and (3) by connecting certain aspects of Reagan-era foreign policy to the modern day, opening up room to examine the implications of how, if you stripped them of specific details, many memos issued within the administration—those pertaining to pre-emptive militarism, for instance, or to the root causes of terrorism—could just as easily have been written in 2015.

### ***Religion and the Postwar Politics of Immigration Reform***

Binghamton University Associate Professor of History Wendy L. Wall

If we took the word of the President who signed it into law—or the subsequent cues of many historians of mid 20th-century U.S. history—the 1965 Immigration Act requires no serious revisiting. In LBJ's eyes, the legislation, which removed longstanding national origins quotas and put a ceiling on immigration from Western Hemisphere countries, would have a negligible effect on the lives of Americans. As Binghamton University Professor **Wendy Wall** described in introducing her March 9 colloquium-slash-workshop at the Kinder Institute, Johnson's prognosis could not have been more wrong. Among its many consequences, the Act transformed and diversified national identity, generated and sustained illegal immigration to the U.S. from within the Western Hemisphere, and is still relevant to contemporary debates about education, religion in the public sphere, and border control, to name only a few of the many policy areas in which its impact continues to be felt.

As for the Act's historiographical profile, Prof. Wall pointed out how it is rarely written about at great length, and even when it is, it is often treated, far too simplistically, as the inevitable product of a liberal consensus. First and foremost, she argued, this reading glosses over how both arms of Congress overwhelmingly, and in spite of Truman's executive veto, supported the passage of the 1952 McCarran-Walter Act, which more or less maintained the same restrictive immigration policies that the 1965 legislation set out to overturn. Because of this, Prof. Wall continued, the received history of the

*... how his time in office was consumed by the development of relationships with center-right counterparts around the globe—Margaret Thatcher and Helmut Kohl, for example—but also how these relationships were behind some of his most notable vexations and missteps.*



*...mainline Protestant groups, not unlike their Catholic counterparts, were morally opposed to national origins quotas and, even more than this, passionately in support of immigration reform as a means of better assisting refugees, escapees, and displaced persons. The point of departure, however, was the surplus population argument for a right to migration, which many Protestant organizations deemed “foolhardy” and responded to both by encouraging restraint and family planning in overcrowded areas as a better solution to the problem and by associating the problem itself with Catholic doctrine’s stimulation of population growth.*

Immigration Act fails to address two primary questions: (1) how and why emphatically pro-status quo sentiment morphed into widespread pro-reform sentiment in just 13 years; and, with this in mind, (2) whether consensus can realistically capture the nuance of what drove and defined liberal changes to existing norms.

As she outlined in the remainder of her talk, her current project attempts to restore drama and contingency to this historical narrative by examining the wide range of groups that stoked public support for reform in the years between McCarran-Walter and the 1965 Immigration Act, including the various religious actors who were front-and-center for the March 9 discussion. The vital role of religious actors within this history, Prof. Wall explained, emerges out of Truman’s post-McCarran-Walter attempt to galvanize “public conscience” through the creation of the Presidential Commission on Immigration and Naturalization, a handpicked group of seven pro-reform leaders from multiple faith traditions tasked with outlining ways in which to bring immigration law “into line with our national ideals and our foreign policy.” Interviews conducted by the Commission reflected broad (though by no means unanimous) public belief that the status quo perpetuated by McCarran-Walter repudiated, among other things, basic religious concepts concerning the brotherhood of man. Still, Prof. Wall countered, the media-driven idea that the Commission’s work thus revealed a “tri-faith” consensus among Catholics, Jews, and mainline Protestants about not only the need for but also the nature of sweeping immigration reform is quite overstated.

In fact, while each group certainly did want to have a hand in shaping the contours of immigration reform, there were sometimes deeply-seated intra- and inter-faith divisions about how and why to go about this. Within the Catholic Church, for example, the National Catholic Welfare Conference initially came out in public support of McCarran-Walter, claiming that it was marginally preferable to the status quo and that passing a more suitable alternative was politically impossible, only to be showered with active dissent from a number of high-ranking church officials, most notably (and most vocally) Monsignor John O’Grady, who would sit on Truman’s Immigration Commission.

As for inter-faith divisions, cracks began to form around a number of issues, but particularly when discussion of reform bled into discussion of surplus population. Within the Catholic Church, there was widespread belief in a moral obligation to relieve economically and ecologically strained nations of surplus population on the grounds that doing so not only aligned with humans’ natural right to migrate but also placed a natural check on the spread of Communism. This reform logic, Prof. Wall showed, set Catholics subtly but importantly apart from the other two tri-faith consensus members. Jewish organizations, she noted, were less focused on relieving global population and economic pressures and more interested in the symbolic value of reform: erasing the Anti-Semitic stigma conveyed by, and the Anti-Semitic attitudes sustained by, national origins quotas. For their part, mainline Protestant groups, not unlike their Catholic counterparts, were morally opposed to national origins quotas and, even more than this, passionately in support of immigration reform as a means of better assisting refugees, escapees, and displaced persons. The point of departure, however, was the surplus population argument for a right to migration, which many Protestant organizations deemed “foolhardy” and responded to both by encouraging restraint and family planning in overcrowded areas as a better solution to the problem and by associating the problem itself with Catholic doctrine’s stimulation of population growth.



## REGIONAL CONFERENCES

'Regional' has come to have a relatively fluid meaning for Kinder Institute events. For example, while the Spring 2018 meetings of the Missouri Regional Seminar on Early American History were certainly regional in location, the invited speakers came from much farther afield. The February 16 gathering in St. Louis featured discussion of a draft of Western Washington University Professor of History **Johann Neem's** article-in-progress, "From Polity to Exchange: The Fate of Democracy in the Changing Field of Early American Historiography," and participants in the April 6 MRSEAH in Columbia, our annual, end-of-the-school-year double-header, discussed University of Pennsylvania Assistant Professor of History **Sarah L.H. Gronningsater's** paper, "Expressly Recognized by Our Election Laws': Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic" (that's 3,166.9 miles away from regional, for anyone counting at home). In fairness, the second half of the April 6 twin-bill was not only as regional but as local as it gets, with Kinder Institute Postdoctoral Fellow **Billy Coleman** performing selections from the soundtrack for his new book, *Harnessing Harmony: Music, Power, and Politics in the United States, 1788-1865*, which is forthcoming on University of North Carolina Press.

In addition to the regular MRSEAH meetings, and in partnership with Washington University's John C. Danforth Center, the Kinder Institute co-sponsored a March 1-4 conference in St. Louis that brought scholars from all over the nation and across multiple disciplines together to present and discuss recent work on "Religion and Politics in Early America, Beginnings to 1820." Panel series put together for the conference covered topics including "William Penn and Quaker legacies," the material culture of religion and politics, and the processes of religious disestablishment in the American states. Papers discussed in the last of these panel series, which was co-organized by University of Northwestern Associate Professor of History (and former Kinder Institute colloquium presenter) **Jonathan Den Hartog** and MU Professor of Law and Kinder Institute Affiliate Faculty Member **Carl Esbeck**, are being converted into a collection of essays to be published as part of the Kinder Institute's book series with MU Press. A full cohort of faculty and grad students, including Kinder Institute Director **Justin Dyer** and Associate Director **Jeff Pasley**, traveled back and forth to St. Louis for the weekend.

On the Political Science side of the ledger, the host of the fourth annual Shawnee Trail Regional Conference on American Politics & Constitutionalism, University of Colorado-Colorado Springs' Center for Government and the Individual, ensured that we stayed true to the geographical mandate of the conference's name. The same can't be said, however, of all of this year's participants, a handful of whom—including a pair of former Kinder Institute Postdoctoral Fellows—trekked from the East Coast to give papers. In addition to the four panels outlined on the following pages, University of Texas Associate Professor of Government **Jeffrey Tulis** gave the conference's keynote address on "Legacies of Losing in American Politics."



# SHAWNEE TRAIL REGIONAL CONFERENCE



*Colorado Springs ~ Friday, April 20, 2018*

## PANEL 1

American Political Thought (8:30-9:45am)

Discussant: **Curt Nichols**, Baylor University

“Madison v. Monroe: Echoes from the First Congressional Election”

**James Endersby** and **Marvin Overby**, University of Missouri

“Rocked in the Cradle of the Revolution: The Development of the House of Representatives under the Clay Speakership”

**Samuel Postell**, University of Dallas

“Madison and the Vigilant Spirit of Fathers, Citizens, and Patriots”

**Nicholas Drummond**, Sweet Briar College

“Practical Modes of Politics in American Political Thought”

**Steven Pittz**, University of Colorado-Colorado Springs





## PANEL 2

Constitutionalism and American Institutions (10:00-11:15am)

Discussant: **Tom Cronin**, Colorado College

“American Constitutional Exceptionalism Revisited: Judicial Review and the Postwar Paradigm”

**Sung-Wook Paik**, York College of Pennsylvania

“Demagoguery and the American Presidency: A Preliminary Investigation”

**Charles U. Zug**, University of Texas

“The Isolated Presidency: The Extent and Limitations of Constitutional Presidential Power,” Report from the Graduate Development Workshop

**Jordan Cash**, Baylor University



## PANEL 3

American Constitutionalism and Public Law (12:45-2:00pm)

Discussant: **Joe Postell**, University of Colorado-Colorado Springs

“Commercial Republicanism and the Origin of the Contract Clause”

**Austin R. Nelson**, University of Texas

“Bringing Equality to Civil Society: The Politics of Public and Private in India and the United States”

**Christina Noriega Bambrick**, University of Texas

“Atonement and the Fourteenth Amendment: A New Birth of Freedom”

**Ashleen Menchaca-Bagnulo**, Texas State University

“Necessary Truths and the Law”

**Justin Dyer**, University of Missouri



## PANEL 4

Political Theory and American Citizenship (2:15-3:30pm)

Discussant: **Timothy Fuller**, Colorado College

“From Predicate to Object: Constitutionalizing Sovereignty in the American Political Order”

**Connor M. Ewing**, University of Virginia

“The Imposition of Freedom: Emancipation and Citizenship in Tribal Lands”

**Aaron Kushner**, University of Missouri

“The Murrayist Turn: Americanizing the Catholic Right and Catholicizing the American Founding”

**Ken Kersch**, Boston College

“The Moral Ontology of the Founders”

**Paul R. Dehart**, Texas State University





## FACULTY AND GRADUATE STUDENT UPDATES

Though they won't burn brightly until the 2018-19 school year, a number of fires were certainly being kindled by faculty and graduate students during the Spring 2018 semester. Kinder Institute Associate Director **Jeff Pasley** and Professor **Christa Dierksheide**, along with History Ph.D. candidate **Lawrence Celani**, were all busy with various aspects of Institute programming for the Missouri

Bicentennial, including: digging through the archives for material for the Bicentennial Twitter account, @MO\_Crisis200 (see left); working with undergraduates on developing content for the Missouri Humanities Council's public history exhibit celebrating the state's upcoming anniversary; and ironing out logistics and beating the bushes for participants for a major scholarly conference on the Missouri Crisis of 1818-1821, to be held in February 2019 in Columbia. Shifting from past to present, and from middle America to Europe, while members of the Kinder Institute traveling party, led by the intrepid **Henry Tonks**, were breaking a bottle over the bow of the first "Global History at Oxford" trip, Kinder Institute Chair **Jay Sexton** was working behind the scenes to grow the program from a weeklong immersion to a yearlong study abroad fellowship for select MU students.

In between getting these endeavors off the ground, and getting postdoc, grad fellow, and faculty offices ready for new occupants, we reviewed applications for our biannual program of research and travel grants. All Spring 2018 awards are detailed in the "2017-18 Research & Travel Grant" appendix to this report,

but we were particularly thrilled to be able to support conference travel for five Ph.D. candidates, including Kinder Institute Grad Fellows **Aaron Kushner**, **Craig Forrest**, and **Ted Masthay**, and also to help advance the final stages of work on a pair of faculty book projects, Arvarh E. Strickland Chair and Kinder Institute Affiliate Faculty Member **Devin Fergus'** *Land of the Fee*, and Kinder Institute Associate Professor and Director of Undergraduate Studies Carli Conklin's *The Pursuit of Happiness in the Founding Era*.



## UNDERGRADUATE STUDENTS

### *Society of Fellows*

Ever the polestars, our undergraduates were a steady presence during a busy February and March, reliably parked at the table outside Jesse 409 tweaking grad school applications (and celebrating grad school admissions), workshopping *Journal* essays, looking for summer internships, and asking us to print things for them. Breaking up their day-to-day routine were a pair of scheduled events and a surprise drop-in from Jefferson City. On the evening of February 1, for the first official Spring 2018 Society of Fellows event, Missouri Supreme Court Judge and former Chief Justice **Mary Rhodes Russell** gave a dinner lecture at the Kinder Institute outlining jurisdictions and procedures at the state level and testing the group's constitutional wherewithal (spoiler alert: the faculty got lapped by the students). For the second spring event, Fellows had a casual lunch discussion about the 21st-century state of journalism on March 20 with **Alexander Heffner**, who was on campus to give a talk on "Civil Discourse in an Uncivil Age." Sandwiched in between was one of those pop-up events that are unique to the Kinder Institute's undergraduate experience. State COO **Drew Erdmann** happened to be on campus on February 23, and he graciously took a couple hours out of his schedule to chat about his career arc—which includes stops as the National Security Council's Director for Iran, with the

U.S. Department of State, at Harvard University, and as a partner at McKinsey & Co.—his work with the state of Missouri, his theoretical approach to governance, and what students can do to get involved.

As is the case every year, the spring semester also means that the time is drawing close for us to bid a teary farewell to our seniors, a particularly special class in so far as their first year at MU was also ours. Their accomplishments are too bountiful to list—that would be a newsletter unto itself—but we would like to congratulate some of our past and present Fellows who are heading off to (or staying home for) grad school next year.

**Dylan Cain:** M.P.A., Truman School of Public Affairs

**Nora Faris:** J.D., Georgetown Law School

**Sam Franks:** J.D., University of Michigan Law School

**Abigail Kielty:** Ph.D. in Political Science,  
Ohio State University

**George Roberson:** M.A. in Media Studies,  
Indiana University

**Andrew Wisniewsky:** J.D., University of  
North Carolina Law School



## JOURNAL ON CONSTITUTIONAL DEMOCRACY

### *Defining Political Corruption in the Founding and Modern Eras*

by Riley Messer



Outrage occupied the minds of Cambridge citizens gathered on the humid evening of June 2, 1856. A formal report of the town hall meeting explained: “Finding Lyceum Hall wholly insufficient to accommodate the crowd of people, the meeting adjourned to Rev. Dr. Albro’s church, which in a few moments was completely filled with an assemblage of the highest respectability.” Once the residents settled, a concerned attorney—Mr. Green—expressed the impassioned sentiments of the room: “How profound is the feeling which these few words excite! How intense and wide-spread, and all but universal is the sensation produced among us,—as witnessed by this vast assembly,—produced throughout this whole community!”

Each utterance of feeling was accompanied by symphonies of cheers. Emotions in Massachusetts had heightened after an infamous incident within the American legislature, described in a speech by Mr. Huntington as “evil in all [its] ramifications” and by Mr. Green as “brutal, murderous and cowardly.” What was the act that stirred up such fierce opposition? Historians refer to May 22, 1856, as the day of “The Caning of Charles Sumner”—a moment of unprecedented, violent misconduct in Congress. Ongoing tensions among pro-slavery and abolitionist representatives reached a boiling point when South Carolina Congressman Preston Smith Brooks approached Senator Sumner of Massachusetts from behind and smashed him in the head with a metal-topped cane. Sumner fell to the ground, unconscious and covered in blood from serious wounds exposing

his skull. From the sheer force of the hits, the cane “shattered from the attack, and Brooks pocketed its gold head, declining the Senate page’s offer to retrieve the fragments from the floor.” Brooks, unashamed of his actions, left the premises to face few consequences for the harsh ambush. In fact, a resolution to remove Brooks from the House failed. The frustrating lack of institutions in place to penalize Representative Brooks understandably generated anger among Northerners.

The powerlessness felt by constituencies when public officials evade consequences for misconduct and corrupt activity is a pervasive sentiment across time. More recently, the American public witnessed the case of Senator Robert Menendez unfold in the courts. As early as 2006, Senator Menendez received lavish gifts from a wealthy eye doctor, Salomon Melgen. *The Washington Post* highlighted the nature of their relationship in an editorial by journalist Amber Phillips:

Menendez took 19 free rides on Melgen’s private jets to luxury resorts around the world, sometimes bringing guests...Over a period of four years, Menendez held several meetings with U.S. health officials to help Melgen settle an \$8.9 million Medicare payment dispute... Melgen made more than \$600,000 in campaign donations to super PACs to get Menendez reelected in 2012...

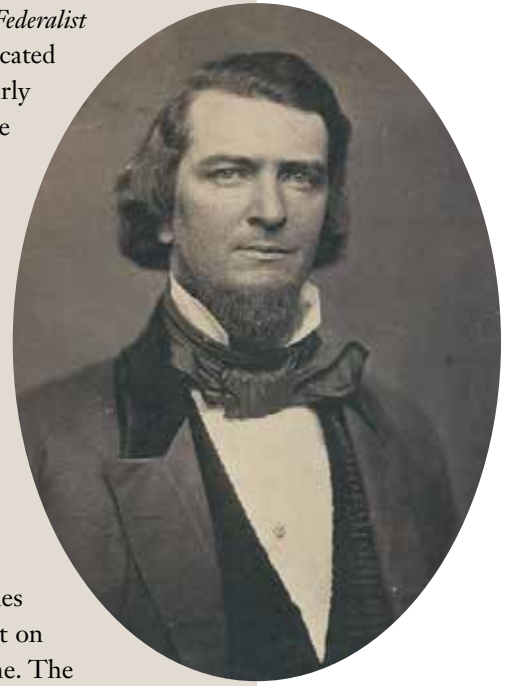
Responding to the public outcry that this editorial prompted, Senator Menendez and Dr. Melgen held fast to their claim that the lavish vacations and political activities had no direct connection, and in January 2018, the Justice Department dropped the case against Menendez and Melgen. While the verdict was frustrating to Americans who understandably perceived the Senator’s actions as corrupt, the determination that he was operating within the scope of the law was technically consistent with the legal definition of corruption, which maintains high standards for proving *quid pro quo*. This contemporary example of unpunished misconduct by an elected official, although much different from the violent



caning of Charles Sumner, illustrates a similar disconnect between the standards by which the public perceives and the standards by which the law defines and adjudicates corruption, the latter of which date back to (and, in fact, to before) the era in which the U.S. Constitution was drafted and debated.

## I. Corruption, as Defined by James Madison

As a delegate to the Constitutional Convention of 1787, one of three authors of the *Federalist Papers*, and eventually, the fourth President of the United States, James Madison dedicated a great portion of his life to expanding his political influence. Madison was particularly keen on, and remarkably successful in, establishing his political philosophy within the American system of laws. The Virginia statesman's essays for the *Federalist* continue to influence American constitutional law in the modern era. Of particular interest in this article, James Madison spelled out a conceptually narrow interpretation of corruption within the *Federalist* that created more lenient institutions and institutional standards for public officials to work within. As seen in two landmark corruption cases of the Supreme Court, *Skilling v. United States* (2010) and *McDonnell v. United States* (2016), the implications of Madison's interpretation are especially clear. However, in order to fully understand the contemporary impact of Madison's views on corruption, an examination of his political philosophy more broadly is necessary...



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## GLOBAL HISTORY AT OXFORD

Thanks to the strength-of-memory of three of our undergraduate Fellows who made the trip to Oxford over Spring Break, anyone who wasn't there can now vicariously experience at least some of the highlights of spending a week at one of the globe's most storied institutions of higher learning.

### *Corpus Christi College in Three Questions (Plus Five More)*

**Thomas Kane:** Of the five lectures you attended, which one did you take the most away from and why?

**Sarah Jolley:** I absolutely loved Steve Tuffnell's lecture, *The 19th-Century World in Three Objects*. Dr. Tuffnell's work focuses on technology and empire, and he discussed three small technologies that shaped the nature of 19th-century imperialism. The three things he identified as globalizing technologies were copper plating, quinine, and ice. Each of these innovations contributed to the mobilization of commerce and empire. Copper plating the bottom of ships revolutionized the shipping industry by curtailing the devastating effects of ship worm, which in turn eased the transportation of goods and people. The widespread use of quinine prevented malaria outbreaks, and prompted empires to increase their colonizing efforts in Africa, South America, and Asia. The ice industry revolutionized the shipping of agricultural products and inadvertently led to American foreign intervention on behalf of U.S. fruit companies in Central America. I enjoyed this lecture because I believe one of the most fascinating things about studying history is making connections between the micro and the macro. I love to investigate how individual people, places, and things are influenced by the larger historical context, and how they themselves influenced the era. After listening to Dr. Tuffnell's lecture, I can't wait to read his next book!

**TK:** In 20 years, what site/sight—natural, architectural, artistic, or otherwise—will you most associate with the trip?

**Carley Johansson:** The view from Corpus Christi terrace. Standing on the terrace allows you to look at the college itself and its garden on one side, and a meadow





with trails to the River Thames on another. If you peer over the side of the terrace furthest from Corpus Christi, you can see the bees that are kept at the college. The founder—Bishop Richard Foxe—had a vision that Corpus Christi would operate like a hive of intellectual (and religious) ideas. So, the college keeps bees and does not take their honey from them, letting them instead prosper of their own accord, much like a student should. The last side of the terrace looks right out onto the Christ Church cathedral and part of the college. During the first champagne reception, Professor Cowley and I were looking out over that side of the terrace, talking about how much I loved the rich literary history of Oxford. In particular, I mentioned Lewis Carroll, whose poem “The Walrus and the Carpenter” has remained one of my favorites. This was when Prof. Cowley directed my attention to a tree just over the terrace and fence that separates Christ Church and Corpus Christi. He informed me that Lewis Carroll sat underneath that very tree and wrote *Alice in Wonderland* (and therefore “The Walrus and the Carpenter”).

**TK:** Any favorite personal moments from the trip?

**Isaac Baker:** One of my colleagues and I went on a walk one afternoon after our lecture and discussion with Professor Darwin. We walked down a path that headed away from Corpus Christi toward the river. It was a sunny day in England, with the slowly softening light of the midafternoon and clouds rolling by creating an atmosphere that was truly relaxing. The dirt path we walked along and the grassy sides of the river lined with trees left an irreplaceable memory of the natural beauty of England and the sense of calm it offered. We discussed the lectures, our excursions into town, our upcoming essays, and the changing nature of our academic ambitions as we walked. As I reflect on my memories and experiences, I will cherish most the moments I had when I got to get away from the tourist aspects of picture taking and social media updating. The most memorable moments came when I could immerse myself in the environment and the people. I almost forgot I was visiting, because with comradery and immersion, this place had qualities that made it feel like home and made me long to stay.



**Object from the Tuffnell lecture that you most identify with?**

**CJ and IB:** Copper bottoming on boats

**SJ:** Ice

**Book that you now feel like you have to read (and that everyone else has to read, too)?**

**CJ:** *Lincoln: A Life of Purpose and Power*, by Richard Carwardine, and *I Know Why the Caged Bird Sings*, by Maya Angelou

**SJ:** *The Making of Politics*, by John Watts

**Sexton vs. Dyer in real tennis... who wins?**

**CJ:** Jay would annihilate Dr. Dyer.

**IB:** Are there draws in real tennis?

**Unforgettable Oxford pub?**

**IB:** TIE! The Kings Arms or The Bear

**SJ:** The Eagle and Child

**Most embarrassingly American thing you did abroad?**

**CJ:** I spent the first five days paying only with paper money and pound coins because I couldn't figure out which other coins were worth how many pence, and it was incredibly stressful.

**IB:** Saying cheers with a defined American accent.

**SJ:** Speaking ten decibels louder than everyone around us.





SUMMER 2018







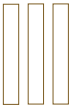
KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | SUMMER 2018



## *The* COLUMNS



### *Kinder Scholars D.C. Summer Program*

As usual, Kinder Institute Director of Undergraduate Studies **Carli Conklin** and Director **Justin Dyer** made the trip out to D.C. for the June 5 kickoff of the 2018 Kinder Scholars program, and (also as usual) they were followed throughout the remainder of the summer by a steady wave of MU faculty members who descended on the capital to teach a week of the “Beltway History & Politics” seminar that all program participants are required to take, and that tackled everything from broad concepts (“Economic Equality” with Prof. **Devin Fergus**) to major events (“The Civil War in Global Context” with Prof. **Jay Sexton**), and from institutions politically understood (“Political

*Continued on page 100*



In Fall 2016, when we brought in our first two Kinder Institute faculty members, we only had the future in mind. But this is academia, and forward-looking vision can quickly transform into fond recollection. And so it’s with obvious sadness—but also, and far more importantly, the utmost gratitude—that we announce that **Adam Seagrave** departed Columbia in August 2018 to take on the new role of Associate Director of Arizona State University’s School of Civic and Economic Thought and Leadership.

A brief note in a newsletter does no justice at all to everything Adam did while at the Kinder Institute over the past two years, but it would likewise be unjust not to make mention of some of his accomplishments. As thousands of readers a day will attest to, *Starting Points*, the online journal he created from scratch, has quickly become a go-to source for insight into connections between contemporary political life and the guiding ideas and ideals of the American republic. “Race and the American Story,” a one-credit hour topics class that Adam co-developed with then Chair of Black Studies Stephanie Shonekan, continues to profoundly impact discourse on the MU campus. And somewhere in between starting a journal, developing curriculum, and teaching oversubscribed undergraduate courses in the Political Science Department, he also managed to make progress on a major book project that breaks new ground in how we understand the lasting and evolving legacy of the nation’s intellectual and political traditions.

It goes without saying that Adam is already sorely missed on the fourth floor of Jesse Hall and in classrooms across campus. But this is also an incredible and well-deserved opportunity for a tremendous colleague, and we wish Adam nothing but the best in



this new endeavor and fully expect to get a steady stream of news about his achievements down in Tempe.

In other August farewell news, postdoctoral fellows **David Golemboski** and **Billy Coleman**, first-rate scholars and even better officemates who joined us in 2016, headed out to Augustana University and University of British Columbia, respectively (and keep an eye out in the next year or so for Billy's first book, *Harnessing Harmony: Music, Politics, and Power in the United States, 1788-1865*, on University of North Carolina Press). And while a trio of graduate fellows—**Henry Tonks**, **Ed Green**, and **Aaron Kushner**—re-upped for another year, our two 2017-18 Dissertation Fellows, **Craig Forrest** and **Ted Masthay**, left the grad student bullpen in Jesse Hall 401 for new climes.



## FACULTY & GRADUATE STUDENTS

### *2018-19 Postdoctoral Fellows*

And now that we've bid our good-byes, we're pleased to be able to introduce our 2018-19 Postdoctoral Fellows below and our new 2018-19 Graduate Fellows on the following page.

**Luke M. Perez** completed his Ph.D. at the University of Texas at Austin and is also a 2018 Lincoln Fellow with the Claremont Institute. Luke's research focuses on religion, political theory, and U.S. foreign policy, and his dissertation examines the rise of religious freedom as a core component to American grand strategy. While at Texas, he was a graduate fellow of the University's Center for Politics and Governance and Clements Center for National Security, and he served during the 2016-2017 academic year as a graduate fellow with the Donald Rumsfeld Foundation. A native of California, Luke completed his B.A. in Greek and Latin at The Ohio State University and his M.A. in Political Philosophy at Villanova University. Prior to his doctoral studies, he worked for the Jack Miller Center in Philadelphia, PA, and he is a 12-year veteran of the Air National Guard. Luke joins the Kinder Institute as a 2018-2019 Postdoctoral Fellow in Political Thought & Constitutionalism.

**Rodolfo (Rudy) Hernandez** earned his B.A. in Liberal Arts from St. John's College in Annapolis, MD, and his Ph.D. in Political Science from Louisiana State University. His work focuses on political theory and American political development, and his dissertation considers the political economy of Abraham Lincoln's thought, especially as it relates to the principle of equality expressed by the Declaration of Independence. As a graduate student, he was awarded the Huel D. Perkins Fellowship by LSU and the Richard M. Weaver Fellowship by the Intercollegiate Studies Institute. Rudy previously taught as a Visiting Instructor at Louisiana Tech University and as a Senior Lecturer at Texas State University, and he also has prior government experience, including serving in Americorps, working as a tax examiner in the U.S. Treasury Department, and eight years in the U.S. Army Reserve. He joins the Kinder Institute as a 2018-2019 Postdoctoral Fellow in Political Thought & Constitutionalism.

**John Suval** earned his Ph.D. in History from the University of Wisconsin-Madison. His research interests include Jacksonian political culture, the American West, public lands, and the nature of democracy, and his dissertation—"Dangerous Ground: Squatters, Statesmen, and the Rupture of American Democracy, 1830-1860"—explores how white squatters on western lands came to occupy a central and destabilizing position in U.S. political culture in the decades leading up to the Civil War. John's work has appeared in the *Oregon Historical Quarterly*, *Wisconsin Magazine of History*, and numerous other publications. He has received support for his research from the Bancroft Library, University of Chicago Library Special Collections Research Center, Kansas State Historical Society, Library Company of Philadelphia, Oregon Historical Society, and other institutions. He joins the Kinder Institute as a 2018-2019 Postdoctoral Fellow in Political History.







### ***2018-19 Graduate Fellows***

**Nicholas Brothers** is a fourth-year Ph.D. student in the MU Department of Political Science, focusing on American politics and international relations, with particular research interest in the formation and internal workings of interest groups and social movements in the U.S. and throughout the world, especially those involved with environmental activism and land use. A long-time Missouri resident, he attended Missouri Western State University, graduating with a degree in Political Science. He was also the first graduate of MWSU to attain a minor in Peace and Conflict Studies, an interdisciplinary field with areas of focus in Political Science, Religious Studies, and Legal Studies. Nicholas presented his own research at the Southwestern Social Science Association's annual conference in 2017, and research he co-authored was presented at the Midwest Political Science Association conference in 2015. He joins the Kinder Institute as a Fall 2018 Dissertation Fellow in American Politics.

**Jordan Butcher** received her B.A. in American Political Studies from Drury University and is currently a Ph.D. candidate in MU's Department of Political Science. Her research focuses on legislative institutions, and specifically on how various factors constrain the function of a legislature, and her dissertation explores the topic of term limits and how they influence state legislatures by examining components of legislative institutionalization and professionalization. She joins the Kinder Institute as a Spring 2019 Dissertation Fellow in American Politics.

**Joseph Ross** completed his B.A. in History at The Ohio State University and his M.A. in History at Ohio University, and he joins the Kinder Institute as a 2018-2019 Ph.D. Fellow in Political History. His research focuses on the early American West from the eighteenth to the nineteenth century, with particular attention paid to how political and economic ideologies informed the policies of Great Britain and the United States; how those policies remained the same or changed over time; and the effects they had on Native American relations and western land development. He is also interested in the emergence of the early American state on the frontier and how federal institutions like the land office became sites for political development in the western territories. In his spare time, he enjoys hiking, kayaking, film, and retro video gaming.

## PUBLIC LECTURES & CONFERENCES

The recaps that follow in the “Public Lectures & Conferences” section aren’t merely glances back at Spring/Summer 2018 happenings. They’re also signs of growth. On one hand, we have two firsts—our first Distinguished Visiting Research Fellow lecture and our first international conference—that represent the reputation as a destination for the study of American political thought and history that the Kinder Institute is developing within the global scholarly community. On the other hand, we have news about our biggest ever Missouri Summer Teachers Academy, evidence of growth in both the present- and future-tense impact that the Kinder Institute is having as we continue to expand our outreach programming.



### *Democracy in the Age of Jefferson*

CUNY Graduate Center Professor and 2017-18  
Kinder Institute Distinguished Research Fellow  
Andrew W. Robertson

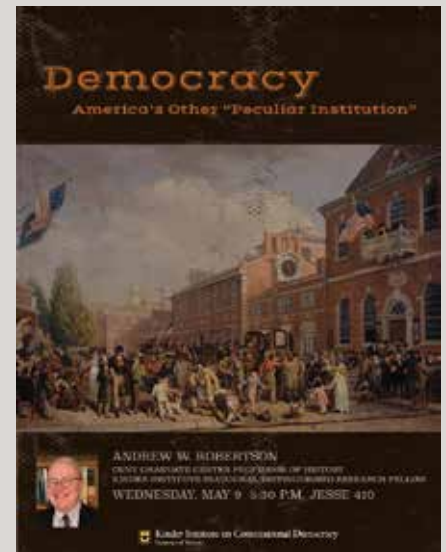
It was fitting that CUNY-Graduate Center and Lehman College Professor **Andrew W. Robertson** began his inaugural Distinguished Research Fellow lecture with an homage to someone over 1,200 miles away: Dr. Philip Lampi of the American Antiquarian Society, whose tireless efforts to collect local, state, and

national election returns from the ages of Adams and Jefferson—returns once thought lost to history—have yielded the source material for the book that Prof. Robertson was working on while at the Kinder Institute.

As he described in his May 9 talk, the 500,000-plus individual voting records that Dr. Lampi has un-earthed and digitized on the *New Nation Votes* website since embarking on his search allow us to push back against the once commonly-held belief that the parties, elections, and voting behaviors of the founding era and early republic were simply embryonic versions of Jacksonian politics. Dr. Lampi’s discovery of “The Lost Atlantis of American Politics” thus enables us, Prof. Robertson continued, to minimize the role that teleology plays in discussions about democracy in the age of Jefferson and more dutifully attend to the idiosyncrasies that characterize pre-1824 elections.

In working toward the larger conclusions that we can begin to draw from studying the particularity or peculiarity of Jeffersonian-era politics, Prof. Robertson identified four defining traits of elections during the period: that they were heavily issue-driven and marked by consistently high voter turnout; and that they exhibited both strong party competition and a sustained sense of party identification among citizens. As a result of these traits, he explained, early 19th-century electoral maps are patchworked along a variety of lines—pre-existing colonial rivalries, economic divisions, and party solidarity rooted not only in domestic issues but also in transatlantic modes of political affiliation.

Especially when it comes to cracking the puzzle of high voter turnout, the Lampi data adds new and de-mystifying layers of nuance to the process of thinking through the relationship between the extension of suffrage to all white males and what Prof. Robertson termed the “high tide” of Jeffersonian democracy. Specifically, and contrary to popular assumption, looking at peak turnout data vs. suffrage extension dates reveals no timely correlation between the two but instead underscores the idiosyncratic narrative of political participation in the early United States and the importance of



considering the variety of factors that drove it. For example, Prof. Robertson cited how upward trends in northeastern turnout might be traced back at least in part to the rise of a new deliberative regime—regional newspapers that gave a more aggressive voice and typography to electoral culture (a voice, he added, that we neither “hear” nor see reflected in voting data south of the Potomac).

In addition, and as he explored in closing his talk, the *New Nation Votes* data sheds light on an electoral story rarely told in American history textbooks. Using the example of New Jersey to contextualize the potential consequences of a shift from a Lockean, property-based notion of voting rights toward an Athenian, ascriptive notion, Prof. Robertson showed how the extension of suffrage to all white males actually narrowed the franchise. Why? Because it excluded propertied women and free blacks who, up until that point, had access to the polls in New Jersey (and who made up a reliable Federalist voting bloc). And so, he concluded, as democracy expanded on one axis, it contracted on another, a peculiarity that speaks to how the redemptive promise of the new political system was continually compromised by the nation’s original sin.





### *Cambridge History of America & the World Book Conference*

“This is the time for this project.” So began the May 17-19 conference for the second, 19th-century volume of Cambridge University Press’ ambitious, four-volume series, *Cambridge History of America and the World*. As Kinder Institute Chair **Jay Sexton** described in his introductory remarks for the conference, the second volume, which he’s co-editing with longtime collaborator **Kristin Hoganson** of University of Illinois, provides an opportunity to disprove once and for all the misguided perception of the 19th century as the “great desert” of American foreign relations. To do this, he explained, requires destroying the celebratory, Whiggish interpretations of U.S. history that anachronistically project the nation’s 20th-century power back onto its ante- and postbellum narratives. And displacing these accounts will require the dogged commitment to scholarly pluralism that both editors noted was already beginning to shine through in the volume’s first chapter drafts, which exchange the one-dimensionality of previous approaches to understanding America and the world in the 19th century for histories that focus on volatility, unpredictability, and contingency, and that draw out the countless ways in which American politics were conditioned by external forces during this period.

### *Session Notes*

#### **Session 1:** “Situating the U.S. in the World,” Christa Dierksheide (Chair)

Fittingly, Indiana University Associate Professor of History **Konstantin Dierks** opened the session on “Situating the U.S. in the World” with a discussion of the commercial innovations in material culture that made it possible for the very notion of a world in which the U.S. was situated to be envisioned. As he explained, an early-century sentiment of global indifference in America was due at least in part to the fact that, in 1820, very few U.S. citizens had access to images of a world beyond their own relatively small radii of movement. By 1850, however, mass production and competitive industry formation ensured that maps and globes were no longer luxuries of the elite but instead semi-fixtures in American homes and classrooms. With this, how people noticed the world and what they knew of it slowly gathered nuance. And as expectations began to form concerning what people would do with this new knowledge, a number



of other outward-facing outlets emerged. The lyceum movement of the mid-19th century, for example, was imagined as an international lecture circuit; print culture increasingly placed the world in front of American eyes and vice versa, as networks of publication exchange developed; and the federal government assumed more agency in the production, collection, and diffusion of global knowledge through the creation of institutions like the Smithsonian. And as Prof. Dierks noted in concluding the summary of his chapter on “Geographic Understandings,” these advances point to a second question that his chapter must grapple with: one of distance vs. interaction and how much Americans’ greater knowledge of the world actually involved encounters with other people living in it.



In introducing his work on “Borderlands and Border Crossings,” University of New Mexico Associate Professor of History **Sam Truett** touched first on his overarching goal of recovering what we don’t typically associate with the idea of a borderland:

how they were often amphibious, shifting shape between terrestrial and aqueous, or how they could be more ‘node’ than ‘land’ (the idea of a port as a borderland). He then went on to outline some of the eras and liminal spaces that his chapter examines and preliminary takeaways that arose in the course of his early research. For example, he noted how the primacy of national identity was called into question as he explored the post-Revolution contest for and movement across the borders between Georgia and West Florida and between Spanish Louisiana and Anglo Kentucky; progressing toward the Louisiana Purchase, he stressed the possibility of the first American frontier being maritime, as well as the critical role that indigenous peoples played in negotiating and legislating the “water world” of borders in the interior, particularly the Lakota, who dictated who moved up and down the Missouri River; and he explained how, in looking southward toward post-independence Mexico, he began to consider the extent to which people were crossing borders to stay on the other side vs. the extent to which border crossing was an incorporative mechanism. And while his chapter was already close to the allotted word count, there were still many other borders that could be woven into it and subsequent issues that could be broached: questions of race and the gold rush, Asian and Mormon exclusion, and how a transnational America was knit together by the railroads, to name only a few.



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To wrap up the first panel, **Ian Tyrrell**, Scientia Professor in University of New South Wales’ School of Humanities & Languages, laid out some of the considerations, definitions, and reservations that drove his approach to the topic of “Inter-imperial Entanglements in the Age of Imperial Globalization”: that we must be careful in how we wield the term globalization in order to ensure that due attention is paid to the process’ unevenness, periods of regression, and animating forces beyond the economic; that empire is not purely legal but must be defined in terms of the use of coercive force to change the sovereignty of a people; that while it might not be a singularly self-determining factor, technological innovation—the completion of the Suez Canal, the increasing global ubiquity of telegraph cables, the emergence of the steamship—accounts for much of why U.S. relations with the wider world sped up in the second half of the 19th century; and finally, in a point much discussed in Q&A, that conceiving of the U.S. as an empire requires acknowledgement of the vital significance of both its rivalry with, and the tutelage it received from, its British counterpart.



**Session 2: “North American History as Foreign Relations History,” Catherine Rymph (Chair)**

- **Nicholas Guyatt** (University of Cambridge), “The United States Between Nation and Empire, 1776-1820”
- **Brian DeLay** (University of California-Berkeley), “Foreign Relations Between Indians, 1820-1900”
- **Jeffery Ostler** (University of Oregon), “Settler Colonialism”

**Session 3: “Empire of Liberty,” Daive Dunkley (Chair)**

As Dartmouth College Professor and Chair of History, and Kathe Tappe Vernon Professor in Biography, **Bob Bonner** noted in introducing his chapter on “Slavery and Empire,” the binary of slavery vs. free soil must, of course, be at the center of any parsing of 19th-century political contestation both within the U.S. and between America and the world. At the same time, though, there is room for the frame to be enlarged. As he outlined both in his presentation and during Q&A, to fully understand the spatial dynamics of imperial projects during this period, we must also think beyond those that were explicitly pro-extension or pro-abolition and consider empire-building objectives not directly connected to slavery (the relationship in the United States, for example, between territorial expansion and national security).



Discussion of opposition to the evils of slavery and the slave trade would continue throughout the remainder of the panel. Following Prof. Bonner’s opening volley, Vanderbilt University Andrew Jackson Professor of History **Richard Blackett’s** presentation on “The Antislavery International” focused on the development of institutions capable of pressuring change through global cooperation. On one hand, this methodology of understanding “what people think by way of what they do” reveals an expansive 19th-century effort to construct a moral cordon around the U.S., with the goal of isolating America from the liberal world until it finally deemed slavery ethically indefensible (or, in the oft-used metaphor of the time, an effort to construct a ring of fire around the States until the scorpion of slavery stung itself to death). This approach, Prof. Blackett pointed out, also widens the spectrum of voices associated with the antislavery movement to include ex-U.S. slaves, Caribbean abolitionists, and working-class citizens of Great Britain who, as he notes at the beginning of his chapter, had been on the front lines of attacking the institution since the late 18th century.



Rounding out the “Empire of Liberty” panel, recent Yale History Ph.D. **Alice Baumgartner**, who will assume an assistant professorship at University of Southern California in Fall 2019 after a postdoctoral year at Harvard, offered a corrective to what have become default historiographical approaches to her topic, “The Mexican-American War.” For too long, she noted, scholars have shoehorned the War into two parallel, national-historical frameworks—a crushing defeat for Mexico, and a harbinger of sectional conflict in the U.S. And while these approaches aren’t wholly unfit for their task, they do obscure important lines of intersection between the two sides. Specifically, more dutifully attending to the dialogue between



these frameworks unlocks the geopolitical importance of the Mexican government's responding to the secession of Texas by abolishing slavery throughout the country. The reverberations of this 1837 (not 1829) decision were felt throughout the next three decades in the United States, most notably as a pre-Civil War philosophical and political obstacle to expansion. As Prof. Baumgartner argued, because of the abolition of slavery in Mexico, not to mention the widespread international support it garnered, the U.S. was faced with a pair of risks: the Wilmot Proviso-inspired risk of fanning the flames of sectional conflict by banning slavery in any future Mexican territorial acquisitions or the risk of enraging the global community by establishing slavery where it had already been abolished and, in doing so, violating the moral order of the world. More comprehensively acknowledging the rhetorical and tactical significance of abolition in Mexico, she concluded, thus eschews the reductive strength vs. weakness narrative for one in which Mexico is far from powerless and instead serves as a key cog in understanding the structural causes of the Civil War.

**Session 4: "The Reconfiguration of the Atlantic,"** Skye Montgomery (Chair)

- **Brian Schoen** (Ohio University), "Containing Young Hercules: The U.S. and the World in the Civil War Era"
- **Leslie Butler** (Dartmouth College), "The Liberal North Atlantic"
- **Donna Gabaccia** (University of Toronto), "Transatlantic Migrations, 1820-1940"

**Session 5: "The Nation State in Global Context,"** Billy Coleman (Chair)

- **David Sim** (University College London), "Integration & Opportunities, Failure & Discontent, 1865-1895"
- **Max Edling** (King's College London, in absentia), "The American Fiscal-Military State and the Conquest of a Continent, 1783-1900"
- **Dirk Bönker** (Duke University), "The Military and U.S. Engagements with the World, 1865-1900"
- **Eileen Scully** (Bennington College), "Legal Frameworks"

**Session 6: "Beyond the Continent,"** Craig Smith (William Woods University, Chair)

- **John Lawrence Tone** (Georgia Tech), "America's First Overseas Empire"
- **JoAnna Poblete** (Claremont Graduate University), "The American Island Empire"
- **Luis Martinez Fernández** (University of Central Florida), "America in the Greater Caribbean, 1763-1900"



**Session 7: "Cross-border Connections,"** Jeff Pasley (Chair)

Leading off the panel, Michigan State University Assistant Professor of History **Emily Conroy-Krutz** laid out the primary thematic spokes of her chapter on "Missionary Ventures and Religious Associations," which examines what America in the 19th-century world looked like (and what the 19th-century world looked like to Americans) through the lens of religious actors in global spaces. Though not at all a full list of what the chapter will tackle, included among the broad subject headings that Prof. Conroy-Krutz drew out were: differing visions of missionary objective, and specifically the "Christ vs. culture" or evangelization vs. civilization question; issues related to the selection of locations for missionary work—why, for example, India before Africa; missionaries as producers of knowledge about the world for Americans at home; the role of women in missionary movements of the era, both as potential converts and active participants; and missionary ventures as a means of international institution building.

Texas A&M University Associate Professor of History **Brian Rouleau** then discussed his work on "Mobilities: Travel, Tourism, and Expatriation," a title that functions in some respects as a condensed version of the progression through time that his chapter examines. Using three travel narratives as organizing pillars—Richard Dana's *Two Years Before the Mast*, Mark Twain's *Innocents Abroad*, and William Wells Brown's *The American Fugitive in Europe*—Prof. Rouleau's chapter tracks a critical pivot in how Americans interacted with the world, from labor-oriented travel toward tourism and expatriation. While sailors were arguably the first generation of American foreign relations conductors, this form of working-class diplomacy collapsed after the Civil War with the demise of the merchant marine and the steep decline in U.S. whaling ventures. As Prof. Rouleau explained, if tourists and expatriots would ultimately





replace sailors as bridges between America and the world, how they did so was drastically different, with many of the latter, including ex-slaves like William Wells Brown, pushing back against the exceptionalist, sometimes jingoistic narratives that tourists from the elite classes trafficked in.

The second volume's "Cross-border Connections" section will also include a pair of in absentia papers from the conference: University of Toronto Professor of History **Daniel Bender's** "Flowers for Washington: Cultural Production, Consumption, and the U.S. in the World," and Trinity College Assistant Professor of American Studies **Christina Heatherton's** "Radical and Resistance Politics."

**Session 8: "Forms and Means of Engagement,"**  
Victor McFarland (Chair)

- **Dael Norwood** (Binghamton University), "Commerce, Trade, Investments, and Finance"
- **Peter Shulman** (Case Western Reserve University), "Technologies and American Foreign Relations in the Nineteenth Century"
- **Andrew Isenberg** (University of Kansas), "The Environment, the United States, and the World in the Nineteenth Century"
- **Tessa Winkleman** (UNLV, in absentia), "Intimate Fictions and Realities in the United States' Colonial Histories"

**Session 9: "In an Imperial World,"** Dominic Yang (Chair)

- **Jeannette Jones** (University of Nebraska), "'To enter America from Africa and Africa from America': The United States and Africa, 1807-1900"
- **Karine V. Walther** (Georgetown University), "Islamic World Encounters"
- **Bruce Cummings** (University of Chicago, in absentia), "East Asian Engagements"
- **Madeline Hsu** (University of Texas, in absentia), "Diplomacy and the Origins of Asian Immigration Restrictions"



## *Missouri Summer Teachers Academy*



Our third annual Summer Teachers Academy brought high school educators from all over the state—from Trenton to Ste. Genevieve to Willard, and from Kansas City to St. Louis—to Columbia to spend June 12-14 studying Missouri history alongside Mizzou faculty and invited guests of the Kinder Institute and Missouri Humanities Council, our co-sponsors for the event. In addition to the regular seminars, teachers also were treated to an historic campus tour with MU Emeritus Director of Admissions **Gary Smith**, a pair of lunch discussions with Kinder Institute Postdoc **Luke Perez** and KBIA Senior Reporter **Kristofor Husted**, and a keynote dinner lecture on “The State the Union Couldn’t Swallow” with Kinder Institute Associate Director **Jeff Pasley**. Though not full recaps, included in the list of seminars that follows are some of the highlights from those sessions that we were able to sneak out of the office to attend.

**Session 1:** “Border State Conservatism and Political Abolition during the Civil War,” with Kinder Institute Graduate Fellow in American Political History **Zach Dowdle**

...In a letter to ally James Broadhead written in the wake of his failed 1857 run at the Missouri Governor’s office, a race he lost to Democrat and New York transplant Robert Stewart, James Sidney Rollins chalked his defeat up to being soft on slavery and suggested to Broadhead that he would become electable only by out-slaving the slave democracy. The idea appalled the letter’s reader, but it was a strategy that Rollins would nonetheless deploy, appealing to pro-slavery sentiment in the heart of the state on his way to winning the 1860 and 1862 House elections. And at least initially, this would continue while Rollins was in D.C., where, as a Constitutional Unionist, he may have been dismayed by southern secession but still voted and spoke out against efforts to end slavery.

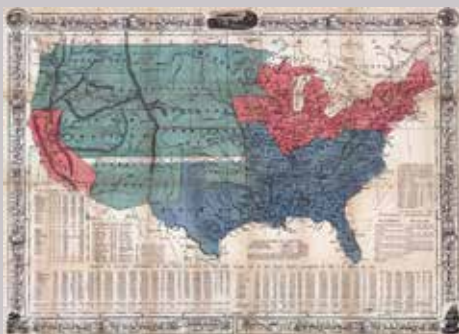


And then, on January 31, 1865, everything changed, and Rollins cast a critical swing vote that led to the passage of the 13th Amendment. But why? What happened in the six or so months between June 1864, when he voted against the Amendment, and January 1865? As Dowdle argued, there are various approaches we can take to answering this question. On one hand, from a perspective of political maneuvering, appealing to pro-slavery Missourians had become strategically moot. Not only had Rollins committed to retire from politics, but Missouri had also abolished slavery in the state just weeks before the January vote in the House. At the same time, though, the rhetoric that Rollins used in speaking to Congress and the press about the need to abolish slavery suggests at least some moral motivation underlying his shift. He thanked God, for example, that the nation would no longer defend such a heinous violation of natural rights, and he would later publicly champion fellow Missouri Representative John Brooks Henderson, the author of the Thirteenth Amendment, for crafting a text Rollins deemed as heroically important as the Declaration of Independence...

**Session 2:** “The Political Crisis of the 1850s along the Missouri-Kansas Border,” MU Professor of History and Kinder Institute Chair in Constitutional Democracy **Jay Sexton**

...Often overlooked in conversations about the violent, pre-Civil War chaos that broke out along the border of Kansas and Missouri are the international changes that helped trigger it. By the late 1840s, Prof. Sexton explained, the U.S. had become a secure power for the first time in its history, a fact that is significant here for how it underscores the degree to which American statecraft during the late-18th and early-19th centuries was driven by fear of international threats to the young nation. Particularly in the territories east and then west of the Mississippi, concerns that foreign intervention could fragment the union—that settlers’ political allegiance might be for sale to the highest bidder—led the United States to prioritize stability over meaningfully addressing the issue of slavery. And as seen in the Northwest vs. Southwest Ordinances, this resulted in the U.S. “leading from behind” when it came to territorial policy, deferring to existing labor practices or structures in legislating slavery in new states.

The Mexican-American War, Prof. Sexton went on to note, marks a critical, though also somewhat overlooked, inflection point in this narrative. That Great Britain not only supported but also financed the nation’s post-war acquisition of California and other western territories points to a broader shift in European interest away from testing the United



States’ authority and toward fostering—and profiting from—North American economic development. With this, the need to promote geopolitical security at all costs could no longer reasonably serve as a binding force of nation for the U.S. and, in turn, the slave question could no longer be sidestepped. Instead, it would become central to national administration, and as the federal government feebly attempted to

address this question—with the Compromise of 1850 and the 1854 Kansas-Nebraska Act—a cycle of violence was quickly developing in and around Lawrence...

**Session 3:** “Mormonizing Political and Religious Dissent in 19th-century Missouri,” Arent Fox LLP Attorney **Stephen S. Davis**

**Session 4:** “Missouri’s Native Population in the Early 19th Century,” Missouri State Archives Curator of Exhibits and Special Projects **Greg Olson**

**Session 5:** “The Disestablishment of the Catholic Church in Louisiana Territory and Religious Liberty,” Missouri State University Associate Professor of Political Science **Kevin Pybas**

**Session 6:** “Constitutional Revision in Missouri: The Convention of 1943-44,” MU Professor of Political Science and Kinder Institute Director **Justin Dyer**







...Though many predate the U.S. Constitution—Massachusetts’, for example, is the longest standing constitution in the world—state constitutions rarely make headlines, a lack of attention that belies their importance. From education to property rights to drinking water legislation, much of what government does—much of what government is designed to do—happens at the state level and is thus determined by state constitutions.

In the case of Missouri, the act of arriving at a workable constitution has been uniquely circuitous. The original 1820 Constitution was replaced in 1865 with the ardently unionist “Drake Constitution,” which was itself supplanted ten years later. Stable by Missouri standards, the 1875 Constitution would be in place for almost 70 years, though in a plot twist at the heart of Prof. Dyer’s talk, it would be altered early in the 20th century to allow for constitutional amendment by initiative. And this is exactly what happened in 1942, when Missourians voted to convene a new constitutional convention. And so with the support of newspaper editorial boards, civic groups, and business leaders—academics even composed manuals for how to go about organizing and executing an endeavor of this scope—a bipartisan cohort of 82 delegates plus Chairperson Robert Blake gathered in Jefferson City to draft the current Missouri Constitution, ratified in 1945 (though amended countless times since) and modernized to address what were considered key issues of the World War II/post-Depression era, including home rule for big cities, judicial selection processes, balanced budgets, and municipal taxation powers...

**Session 7: “Paving over Paradise: Black Columbians’ Struggle for Statehood,”** MU History Ph.D. Candidate **Mary Beth Brown**

**Session 8: “Missourians and their Environment,”** MU Emeritus Professor of History **Susan Flader**

...As Prof. Flader noted in framing out her talk, at the core of the history of the conservation movement in Missouri is a clash of political cultures. For example, due to a disproportionately rural and traditionalist state legislature around the turn of century, Missouri could only muster modest budgetary support for conservation efforts, despite being led by the progressive Herbert Hadley. Under Governor Arthur Hyde, however, and thanks in large part to the rise of pro-conservation citizen groups like the Izaak Walton League, a 5% cut of fishing and hunting licenses for state forests became 25%, and this trend of support would continue to gain traction. In the years following, citizen petition initiatives incrementally pushed back against the mistrust of government fomented in Ozark-area political culture, and after World War II, conservation victories started to roll in: the passage of the State Forestry Act, the establishment of the Missouri State River System, and more than one successful bid to secure tax-based funding to support the Missouri Department of Conservation. But no victory has been more significant than Leo Drey’s steady acquisition of land that would become the Pioneer Forest, a nearly 160,000-acre demonstration forest that reveals the myriad values of sustainable eco-management and serves as a metaphor of sorts for the state as a whole’s growing commitment to building a premier park system and to preserving Missouri’s environmental crown jewels...

**Session 9: “Separation of Church & State: Missouri’s Prohibition on State Funding for Religion and the Case of Trinity Lutheran,”** Kinder Institute Postdoctoral Fellow in American Politics **David Golemboski**

## UNDERGRADUATE STUDENTS

politically understood (“Political Control of the Administrative State” with Prof. **Jennifer Selin**) to institutions more heroically construed (“George Washington and the Ideological Origins of the American Superhero” with Prof. **Jeff Pasley**). In addition to regular class meetings, the seminar included in- and out-of-town field trips to the CIA, Monticello, the Library of Congress, Annapolis, and more. Other faculty members who led weeks of the seminar were Professors **Christa Dierksheide**, **Jay Dow**, and **Marvin Overby**.

If studying in D.C. is one of the program’s three core pillars, the other two are working and living in the capital. As for the nine-to-five component, see the next page for a list of the sites where students interned this summer.

And as for the living in D.C. component of the program, it is one of many things that students reported back about in our “Notes from the Capital” update series, excerpts of which follow.

*Not only are my fellow students amazing, but I have found the readings, classes, and field trips to be invigorating.*



## *Notes from the Capital*

**KICD:** How was the first week (or two, or three weeks) of work? Responsibility-wise, is there anything about the internship that's surprised you so far and/or anything that you're particularly excited to do more with?

**Grace Hodson:** I am doing research with the Psychology Department at George Washington University on how intersectionality impacts HIV/AIDS patients. I was given hundreds of pages of previous research to examine for my first week and took advantage of many public spaces to read. I've sat on a blanket under a tree on the Mall, by the fountain in the Sculpture Garden, and today it's raining, so I'm typing this response in the main reading room of the Library of Congress.

**Rylie White:** I am interning in the science and technology department at the Potomac Institute for Policy Studies, which is a think tank and nonprofit that focuses on national security. At the end of my internship, I'll be required to write a 5-page research paper containing a policy recommendation and to give a presentation on an issue related to science and technology. At this time, I believe my research topic will focus on how hypersonic weapons development could affect national security and nuclear deterrence theory.

**Sarah Jolley:** This summer I'm interning at the Center for International Policy, a nonprofit research organization dedicated to promoting transparent, accountable foreign policy. I work on two different programs: the Arms & Security Project, and the Foreign Influence Transparency Initiative. I'm currently researching trends in U.S. military aid to Egypt over the past decade and creating a database to compare foreign lobbying efforts with U.S. arm sales. I initially applied for my internship with the Arms & Security Project in mind, but I've been pleasantly surprised by how much fun I'm having with the Foreign Influence Transparency Initiative. I'm excited to continue educating the public about what lobbyists are doing on behalf of foreign governments and corporations.

**KICD:** I know it's only been a week or two, but any highlights from the seminar yet? Anything that you've already looked at that you're hoping will come up again in some form in a later class session?

**Anna Jaoudi:** Being able to live in the same city we are learning about is really impactful. As far as class discussion goes, I took an Immigration and Urban Politics class last semester and learned a lot about gentrification, poverty, and changing cities, and so I'm hoping we talk more about these issues in relation

## 2018 Kinder Scholars Internship Sites

Regina Anderson (Strategic Communication & Political Science): The Office of Senator Catherine Cortez Masto

Isaac Baker (Secondary Education & History): Jumpstart, Washington, D.C.

Bailey Conard (Journalism & English): The Homeless Children's Playtime Project

Brian Dugan (Marketing & Political Science): FleishmanHillard Public Relations & Digital Marketing Agency

Mackenzie Elliott (Convergence Journalism): Girls, Inc.

Bryce Fuemmeler (Economics & Political Science): The Office of Congressman Blaine Luetkemeyer

Alex Galvin (History & Political Science): The Office of Congresswoman Vicky Hartzler

Gabriel Gassmann (Economics & Spanish): Bellwether Education Partners

Grace Hodson (Public Health): George Washington University Public Health Research Intern

Karina Jaimes (Political Science & History): National Association for the Education of Young Children

Anna Jaoudi (Political Science): Child Welfare League of America

Sarah Jolley (English, History, & Political Science): Center for International Policy

Hailey Markt (Political Science & International Studies): The Office of Congresswoman Marcia Fudge

Mateo Mateo-Mateo (Finance & Political Science): The Office of Senator Claire McCaskill

Luke Mouton (Psychology & Political Science): The Office of Senator Claire McCaskill

Mary Grace Newman (Political Science): Boeing Learning Center Intern at the National Archives' Office of Education and Public Programs

Anthony Newsome (Political Science): Polsinelli Law Firm-D.C. Office

Madison Plaster (International Business): The Department of State

Brianna Salas (Health Sciences): LEAP Intern with First Ask

Faramola Shonekan (History): Mehri & Skallet Law Firm

Jennifer Sutterer (Political Science & Philosophy): The Offices of Senator Roy Blunt (May 28-July 6) and Congresswoman Ann Wagner (July 9-August 3)

Rylie White (Biochemistry): The Potomac Institute for Policy Studies



to how D.C. is changing demographically.

**Jennifer Sutterer:** Although we have only met a couple times, my favorite part of this experience has been the Kinder program. Not only are my fellow students amazing, but I have found the readings, classes, and field trips to be invigorating. I very much enjoyed reading about and visiting the CIA—so much that I am considering giving up law school to apply for an intelligence agency. And I hope the intricate balance between covert action for national security and transparency for democratic values comes back up in another class. It is such an interesting debate that applies to more than just intelligence agencies, and I feel that we have only just scratched the surface of it.

**Mackenzie Elliott:** The field trips have been fascinating, but I would have to say that Mount Vernon has been my favorite trip so far. While there, we talked about what we discussed in the classroom a day earlier, and just getting to analyze the material in person—the grounds where Washington lived, the bed he died in, the gardens where his slaves worked—really helped me see history come alive.

**KICD:** Have you found a spot/seen a site/had a meal/visited a neighborhood/gone to an event that you're particularly excited about?

**SJ:** In typical D.C. fashion, I am absolutely enamored with the National Mall. The endless variety of monuments, museums, and events available to the public never ceases to amaze me. I especially enjoy the National Gallery of Art Sculpture Garden. For most of the week it's a quiet, shady refuge, free from packs of tourists, but on Fridays it hosts "Jazz in the Garden," a fun summer concert series.

**GH:** Myself and a few other Scholars have decided to forgo the vivid brunch culture of the city and instead spend each Sunday lunch at a restaurant from a different ethnicity. We've tried Lebanese, Laotian, Chinese, Irish, Ethiopian, Indian, and South African. We can't get enough of the new spices and styles of eating (though our bank accounts are pretty tired of it). I am particularly stoked about the farmers markets in D.C. as well. I'm eating more fresh fruit and veggies than I ever did back home, and I've even gotten all the other Scholars into composting, since the farmers markets collect scraps to decrease waste.

**ME:** Let me start by saying that D.C. is my city! I'm not sure if I have my favorite place yet, because each week I am finding a new spot to fall in love with. The coffee shops are fantastic and the buildings are beautiful. If I had to choose one spot that makes me feel most at home, it would be The Wharf District, because I just love the harbor. There are places to kayak and paddleboard and the restaurants are absolutely amazing.

*During Summer 2018, Dr. Carli Conklin served as academic supervisor for Maya Hill's internship with United States District Judge Stephen Bough, Western District of Missouri. Maya, a junior Sociology major from Kansas City, first met Dr. Conklin in Fall 2017, when she took POL SC 2450H: Intellectual World of the American Founders, the first course in the Kinder Institute's Constitutionalism & Democracy Honors College course series.*

## *A Summer to Remember*

Maya Hill



When I was seven years old, my first-grade class did a worksheet that was to be given to us on our graduation weekend. We answered questions about favorite songs, favorite colors, and what we wanted to be when we grew up. At my high school commencement dinner, I read through my first-grade musings and was unsurprised by my answers until I got to what I wanted to be when I grew up. I wrote "lawyer." When asked why, I said, "to help people." 12 years later, my goals have not changed, and neither have my reasons.

This summer, I was given the incredible opportunity to serve as an intern in the chambers of the honorable Judge Bough in the Western District Court of Missouri and the Probation Office. I was given access to different databases to do my own case research before observing sentencing; I have observed many different judges in their courtrooms; I have watched two jury trials; and I have completed projects for the judge in the Jury Office and for the Probation Office.

I was charged with researching the jury diversity issue and brainstorming ways to potentially remedy the situation. For this project, I worked with the Jury Office and sorted 3,000 undeliverable jury summonses into different zip codes to negate a hypothesis that diversity was lacking because zip codes with diverse populations were simply not receiving the summonses.

In the Probation Office, I updated spreadsheets about the success or failure of people on supervised release with or without participation in reentry court. I provided some statistics for the office about how effective the programs were and which demographics were most successful in the process. The office also allowed me to screen potential participants in the reentry court program.

All in all, I have had an incredibly interesting summer, and I will take the lessons learned in this building with me into law school and the rest of my life.

## *Undergraduate Q&A*

It is not entirely beyond the scope of reasonable expectation that two students from Stockton, MO, would be in the same class of our undergraduate Society of Fellows. That both of those students also served *together* as Chairman and Vice Chairman of Stockton's Parks Department while in high school? That surpassed the reaches of even the wildest imagination and called for some follow-up. Thanks to MU junior **Joe Davis** (Finance) and first-year Truman School M.P.A. candidate **Dylan Cain** for letting Kinder Institute Communications Associate **Thomas Kane** pick their brains about small-town governance, painting basketball courts, the practical aspects of their studies, and much, much more. (Note: Answers have been edited for length)

### *Parks & Education*

**Thomas Kane:** I don't want to bury the lede here. That the two of you had the opportunity as high schoolers to serve in leadership positions on the Parks Board seems entirely rare and entirely awesome. Did this experience at all shape your current academic pursuits and/or lead you to the Kinder Institute, even if subconsciously?

**Dylan Cain:** So many of my experiences in Stockton, Missouri, shaped my interest in public affairs and public policy. Though I've always loved politics from a historical perspective, Stockton is where I grew to enjoy the struggle of government. Because of the limits of our budget, tackling many of the issues in our town's parks was quite difficult. These issues became even more overwhelming after a wave of sudden retirements placed me and Joe as Park Board Chairman and Vice Chairman, respectively. Joe was 17 years old, and I was 18 at the time. Some of the issues we faced were quite large for a couple of teens with no city government experience. For example, parts of our community building had asbestos in the walls, the bricks on the outside of the building were falling apart, the structural integrity of a large stone wall was concerning to city leaders, and repairs needed to be made on both the basketball and tennis courts.

Joe and I couldn't complete all of these tasks: for instance, we simply didn't have the funds from our capital improvement section of the budget to bring down the dilapidated wall. However, at each turn, we navigated the processes of local government as much as we could. Sometimes, if the spending was small enough, we could even make the repairs ourselves. Joe and I spent multiple days one summer painting the town's outdoor basketball court in order to circumvent the delays that come with government bureaucracy. In fact, what I enjoyed most was learning about the problems that faced our home and learning how best to tackle them in the political realm. In my view, Political Science and Public Policy fall right into this skill set.

**Joe Davis:** As chairman of the Park Board, I got to work with the city clerk on the board's budget. She showed me the historical P&L (profit and loss) of the budget over the past few years and the change in revenue from the quarter-cent sales tax that funded the Park Department. I was fascinated with the ability to know so much about an organization from one piece of paper. This was my first exposure to financial statements.

As I got involved with our municipality, I also began to realize its impact on our community. In city government, there is no congress or corporate lobbying apparatus. Your colleagues are the people who seat you at a local restaurant or sit next to you in church. I discovered from this that politics can be based upon organic relationships and not ground wars. Local decisions may not be as impactful as national policies, but



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the change is more visible. I loved how people in Stockton could get things done if they just did it. I wanted to be in the Kinder Institute to share my experience and show my peers the impact local governments can make and how conservative or liberal philosophies are irrelevant to most city business ordinances.

**TK:** What I found most interesting about your answers to Question 1 was that each of you discussed how the Park Board led you to Finance and Political Science in a way that was both nitty gritty and very big picture. Inverting that first question a little bit, have your studies at MU provided new insight into how the hurdles of local government can be cleared and the immense potential of municipalities like Stockton best capitalized on?

**JD:** Apart from being a great academic institution, Mizzou is a social ecosystem. There are many players and opinions. Within this ecosystem, Greek Life is a smaller and therefore more digestible setting, and it has allowed me to observe and be a leader of small groups (like in Stockton) and also to see how people are affected by decisions. In Greek houses, decisions can be executed faster than in a local government, and the high frequency of decision making and close observation of “cause and effect” have really impacted my learning about community politics.

I’ve also realized that to get anyone to do anything (worth being proud of), you cannot be pulling or dragging a group. Community leaders must be behind a group pushing and supporting its members toward a fulfilling goal.

**DC:** Studying political science here at the University of Missouri has really informed how I think about tackling the everyday problems faced in government. Even the classes about federal governance or governance abroad teach lessons about how to address issues in a town like Stockton. For example, if there is anything I have learned from discussing democratization, it is that making things better can be slow, arduous, and taxing. Suffrage movements often came in waves, each facing decades of push-back (e.g., suffrage in Great Britain). And even if large communities come together, united in support for change, one person can derail monumental international agreements (e.g., the U.S. withdrawing from the 2015 Paris Climate Accords). But my education here has also taught me that somewhere within this chaotic tangle of organizations, meetings, court cases, and competing interests, there is room for advancement that can genuinely contribute to the public good. Quite often, too, this advancement seems to take place in the dullest and most ordinary contexts.

Many of the changes we study demonstrate that by making the right connections, setting up plenty of meetings, and most of all, getting plenty of support from others in politics and the communities they serve, politicians have been making progress for centuries. Looking back, I do think there could have been value in [Joe and I] meeting more with other community-wide organizations or the public, generally. That’s certainly how I’d approach the Park Board today.

**JD:** Scaling a small town’s population, infrastructure, or maybe just the standard of living, like any project, takes leadership and consensus from the public. The smaller the community, the richer the history and traditions, and the higher the reluctance



to an outsider's vision. You have to go to luncheons and high school sports games and meet with assemblies like the chamber of commerce or city council. My point is, a public or private initiative would be most appealing if it's coming from someone who is a part of the community's fabric. That's why I hope to return to Stockton one day to work or serve.

And one way to capitalize on a quaint community's potential is to take advantage of the small but tailored work force. Rural areas traditionally have less graduates attending four-year colleges. However, this is partially made up for by students attending technical schools. This leads to a specialized and skilled labor force. Many rural laborers are self-employed and run their own business—or at least apprentice until they are ready to run their own operation. This kind of flexibility, skillset, and grit may be hard to find in larger cities.

**TK:** You find yourself mayor of a small Missouri town for 24 hours, and you have carte-blanche power to implement an initiative or two that couldn't be rolled back for five years. What would it/they be and why?

**DC:** 1. Establish a strong, city-wide WiFi network. In order for rural education to be at its most competitive, students and teachers need to have dependable internet access (ideally, throughout the county). This not only has implications for students and educators, but also for business owners and agriculturalists, who would be better in tune with best practices through the wealth of online resources that dependable internet can provide.

2. Create a half-cent historic downtown maintenance tax. Most towns in rural Missouri have a "square" with shops, banks, restaurants, etc. Stockton's square is one of the town's relative strong suits, but many others in the region have seen a decline in business activity (e.g., squares in Hermitage, Fair Play, and Weaubleau). There should be a maintenance tax in place to ensure that the revenues that the town generates go back to the core of its historic economic activity. This should also go toward road maintenance near and around town squares and "main streets."

**JD:** I think public education is the best way to prepare the existing labor pool for economic activity. I would try to create work programs at the high school level, like apprenticeships. Were those in place, it would be easier to retain and support potential entrepreneurs locally, rather than having to attract new ones from outside of the community. The program could be symbiotic for both parties—the firm gets free labor, and the student a free education. I would personally rally local businesses and pitch the school board to allow structured training to supplement certain credit hours.

And that's what is imperative for local officials, in my eyes: not just passing the right legislation but being able to put common stakeholders on the same project. It's the most essential thing I think communities need to focus on.

## ***Lightning Round***

*Most essential piece of playground equipment and why?*

**JD:** Swings—rock at your own speed, alongside others or by yourself

**DC:** The swing set; I don't care how old you are, it never stops being enjoyable

*Book that everyone should read to better understand (and potentially to better) small-town Missouri?*

**DC:** *To Kill a Mockingbird*, which captures the tumultuous road to inclusion in rural America

**JD:** If you live around or have interest in central Missouri, *Huck Finn*

*What's your dream government position?*

**JD:** County Economic Developer

**DC:** City Councilman—it provides enough influence to work on passion projects without being too managerial

*Favorite place to spend a day in Stockton?*

**DC:** Playing catch on the baseball field behind the Stockton Lake Dam

**JD:** The lake!

*Best media representation of a government official*

**DC:** *Milk*, a biopic featuring the first openly gay elected politician in U.S. history, Harvey Milk

**JD:** *Alexander Hamilton*, by Ron Chernow, for revealing integral foundations + providing background to the musical



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## The American republic rests on a democratic foundation

By Justin Dyer and Adam Sengco April 9, 2018 10:30

**ILLUSTRATION: JEFFREY**



Lin-Manuel Miranda's fabulously successful musical "Hamilton" is playing this month at the Fabulous Fox Theatre. The musical, based on Ron Chernow's prize-winning biography of Alexander Hamilton, uses hip-hop to tell the improbable story of Hamilton, a "bastard, orphan, son of a whore and a Scotsman/ dropped in the middle of a forgotten spot in the Caribbean by Providence/ impoverished in squalor/ [who grew] up to be a hero and scholar."

One criticism of the musical has been about what it leaves out rather than what it includes. Hamilton envisioned a commercial republic with a national bank and strong executive branch administered by a corps of talented elites, and this has led some of Miranda's critics to insist he papered over Hamilton's disdain for democracy.

Many no doubt would hear that criticism, shrug and react as if the Founders were republicans, not democrats. As scholars housed in the Kinder Institute on Constitutional Democracy at the University of Missouri, we are occasionally admonished that the Founders created a republic and not a democracy. Whether that is a distinction that makes a difference depends on what we mean by those terms.

At a basic level, both republic and democracy simply refer to what Abraham Lincoln described as government "of the people, by the people, and for the people." The Greek word *demokratia* and the Latin word *res publica* at root point to government by the people, as in rule by the people (democracy) or the people's affair (republic). Yet in the Federalist Papers, Hamilton, James Madison and John Jay decided to write under the Roman pseudonym "Publius" rather than, say, the Greek pseudonym "Demosthenes." They were defending a constitution that took its bearings from the ancient republics rather than the ancient democracies, and they were happy to say as much.

In Madison's famous Federalist 10, though, the terms tend to blend together. Madison begins with the general principle of majority rule, which he calls "the republican principle" and which he identifies with the "form of popular government." The problem is popular government and its republican principle lead first and most naturally to "pure democracy" or a society where all the citizens meet and make laws in person.

Madison knew pure democracy was unworkable and could not adequately deal with the problem of factions. For this reason, he thought it was necessary to have a form of government "in which the scheme of representation takes place." In Federalist 10, Madison identified the principle of representation with republicanism, but in other places the Founders called this form of government representative democracy, such as when Thomas Jefferson wrote of "the excellence of representative democracy compared with the misrule of kings."

Major political differences between Hamilton, Madison and Jefferson form much of the plot line of the "Hamilton" musical, but on these basic points about representative government they agreed. After criticizing pure democracy at the New York Ratifying Convention, Hamilton advocated a system in which "the people should choose whom they please to govern them." In other words, we should have a republic or representative democracy.

The American political order envisioned during the Founding Era was representative, but with strategic modifications to render representative government workable, sustainable, just and good. On the one hand, government by the people — "the republican principle," "popular government," or "representative democracy" — is a basic requirement of the Founders' political philosophy. This is the necessary starting point. On the other hand, the goal of every government should be to render justice and secure the common good. Pure democracy fulfills the basic requirement but historically has fallen disastrously short of the end goal. America would attempt — however imperfectly — to do both.

One of the most important of the strategic modifications designed to maintain democratic legitimacy while establishing justice and promoting the general welfare is our written constitution. The Constitution establishes a framework within which representative government can aspire to good government, first at the local and state level and then finally in the nation as a whole.

In this important sense, the American republic rests on a democratic foundation. Of course, looking back, it was not as representative in practice as we wish it were. Through anxious struggle, we have over time made our union more perfect by making it more representative of the myriad people who call America home. The "Hamilton" musical depicts this progress symbolically and powerfully through its multiracial cast, even as it celebrates the starting points of our representative, constitutional democracy through the life of its orphaned, immigrant Founding Father.

Justin Dyer and Adam Sengco are on the faculty of the Political Science Department and Kinder Institute on Constitutional Democracy at the University of Missouri.

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## The American Republic Rests on a Democratic Foundation

Lin-Manuel Miranda's fabulously successful musical "Hamilton" is playing this month at the Fabulous Fox Theatre. The musical, based on Ron Chernow's prize-winning biography of Alexander Hamilton, uses hip-hop to tell the improbable story of Hamilton, a "bastard, orphan, son of a whore and a Scotsman/ dropped in the middle of a forgotten spot in the Caribbean by Providence/ impoverished in squalor/ [who grew] up to be a hero and scholar."

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*Justin Dyer and Adam Seagrave are on the faculty of the Political Science Department and Kinder Institute on Constitutional Democracy at the University of Missouri.*

# Take it from a conservative professor: Hand-wringing over intellectual diversity is overblown

Justin B. Dyer, Opinion contributor Published 5:00 a.m. ET Aug. 30, 2018

*Conservatives do face challenges in some disciplines and on some campuses, but most professors are committed to the free exchange of ideas.*



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Universities at their best are places where smart and intellectually curious people make arguments and are prepared to defend them against other smart and intellectually curious people with whom they disagree, free from predetermined results or stifling

orthodoxies.

There is a problem, however. Faculty are becoming more and more [ideologically and politically homogeneous](#), and this has the potential to protect commonly held ideas from scrutiny. Data from the Higher Education Research Institute at UCLA found that between 1995 and 2010, an already left-leaning academy moved significantly further to the left. The window of academic discourse narrows as a result, and scholars become more susceptible to confirmation bias.

One group seeking to draw attention to the problem and propose solutions is Heterodox Academy, an ideologically-diverse [group of professors who](#) "believe that university life requires that people with diverse viewpoints and perspectives encounter each other in an environment where they feel free to speak up and challenge each other." I joined two years ago.

## Liberal colleagues have supported my work

My support for the idea of having a heterodox academy stems not from any grievance but rather from a deep appreciation for the ways I have benefited from viewpoint diversity throughout my time as a student and professor. Faculty from across the political and ideological spectrum invested time and energy in my education, and my work has been improved from conversations and interactions with colleagues who push me to think differently about important questions.

Much of the hand-wringing about viewpoint diversity comes from conservative corners and stems from a perception that universities are hostile places for conservative students and faculty, but that hasn't been my experience.



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As a conservative who has taken some intellectual risks in my career, I have been supported in my work by most of my colleagues, regardless of their political views. Some may disagree with what I have to say, at times pretty vigorously, but there has never been an attempt to silence or punish me for holding an opposing view. Rank-and-file faculty members are professional and collegial, and the vast majority I have encountered (of whatever ideological stripe) are committed to the life of the mind and the free exchange of ideas.

This is not to be Pollyannaish about the challenge conservatives face in some disciplines and on some campuses. Data assembled in the book ["Passing on the Right: Conservative Professors in the Progressive University"](#), published by Oxford University Press in 2016, offer plenty of anecdotal evidence of conservatives in the academy who have been stigmatized by their colleagues and suffered professionally as a result. But the authors of the study, political science professors Jon Shields and Joshua Dunn, [also warn](#) that conservatives looking at the university from the outside "should be careful not to overstate the intolerance inside its walls."

## The case for intellectual humility

Part of the narrative outside the walls of the academy has been that the culture of campus activism and protest is somehow hostile to free-speech rights. Lost in that critique seems to be any recognition that peaceful campus activism and protests are themselves forms of free speech. Recently the University of Missouri, where I teach, responded to high-profile and controversial protests by doubling down on its commitment to free speech and adopting a [robust statement](#) of guiding principles modeled after a similar statement at the University of Chicago.

Still, what is needed in the academy is not simply intellectual diversity and free expression, but also intellectual humility and curiosity. One very real threat to the culture of free speech nationally is that people are increasingly unwilling and uninterested in talking to the other side. "The beliefs which we have most warrant for have no safeguard to rest on," John Stuart Mill [wrote](#) in 1859, "but a standing invitation to the whole world to prove them unfounded."

The original case for free speech and viewpoint diversity from people like Mill was that truth would emerge from a free and open airing of different perspectives. To [paraphrase](#) G.K. Chesterton, the point of having an open mind is to close it on something solid. Far too many people today, however, have imbibed the cultural message that there is nothing solid to close our minds on — no truth to discover and defend — and so no reason to listen to those with whom we disagree. The conclusion is that discourse is solely about power, a notion that ultimately undermines the case for free speech and the value of having diverse perspectives in the first place.

Diversity of thought is necessary but not sufficient for our universities to be places where the open airing of ideas leads to discovery and knowledge. To be about more than power, the diversity of views must be combined with a shared commitment to truth-seeking and civility. Teachers and mentors modeled that commitment for me, and it remains essential to the free exchange of ideas that characterizes university life at its best.

*Justin B. Dyer is professor of political science and director of the [Kinder Institute on Constitutional Democracy](#) at the University of Missouri.*

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# APPENDICES



# DISTINGUISHED RESEARCH, POSTDOCTORAL, AND GRADUATE FELLOWS

## Distinguished Research Fellows



**Ken I. Kersch** is Professor of Political Science at Boston College and joined the Kinder Institute as a 2017-18 Distinguished Research Fellow. While in Columbia, he completed a book entitled *Conservatives and the Constitution: The Troubled Odyssey of the Modern American Right* (Cambridge University Press). Kersch's previous

work, which has been awarded the Edward S. Corwin Prize from the American Political Science Association, the J. David Greenstone Award from APSA's Politics and History Section, and the Hughes-Gossett Prize from the Supreme Court Historical Society, includes *The Supreme Court and American Political Development* (2006), with Ronald Kahn, *Constructing Civil Liberties: Discontinuities in the Development of American Constitutional Law* (2004), and *Freedom of Speech* (2003), as well as many chapters, articles, and reviews.



**Andrew W. Robertson** teaches at the CUNY Graduate Center and Lehman College. He received his D.Phil. from Oxford University and served during the 2017-18 academic year as one of the Kinder Institute's inaugural Distinguished Research Fellows. His research and teaching interests include political, cultural,

and intellectual history in the early American republic. He has written about political language, electioneering, and voting and violence, and how they relate to political history, broadly defined. He has also sought to define political history in a transnational context, including through scholarship on political language in Britain and the U.S. as well as on contentious elections in the Western Hemisphere, from Canada to Argentina and Chile in the nineteenth century. He is the author of *The Language of Democracy: Political Rhetoric in the United States and Britain, 1790-1900*, and he is the co-editor, with Jeffrey Pasley and David Waldstreicher, of *Beyond the Founders: New Approaches to Political History in the Early American Republic*. He is presently at work on a

new book, *Democracy in the Early Republic: America's Other 'Peculiar Institution,' 1776-1860*. He is also the co-editor, with Eduardo Posada-Carbó, of the recently published *Oxford Handbook of Revolutionary Elections in the Americas, 1800-1910* (New York: Oxford University Press, 2018).

His recent research includes extensive collaboration on voting behavior with Philip Lampi of the American Antiquarian Society and the *New Nation Votes* website, which features the most extensive collection of early national voting records and attempts to explore "the Lost Atlantis of American Politics": the era of late eighteenth and early nineteenth century political culture that is unfamiliar to many scholars and to most of the public at large.

## Postdoctoral Fellows



**Billy Coleman** completed his PhD in History at University College London (UCL) in 2015, and his first book, *Harnessing Harmony: Music, Power, and Politics in the United States, 1788-1865*, is forthcoming on University of North Carolina Press. A selection from the manuscript about Federalists and "The Star Spangled

Banner" was published in the *Journal of the Early Republic*, and his research has received support from the Newberry Library, the Royal Historical Society, the Library Company of Philadelphia, and the Maryland History Society. In 2013, he was a doctoral exchange scholar at Yale University, and he also has 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 served from 2016-2018 as the Kinder Institute's Postdoctoral Fellow in Political History, and he is currently a Visiting Assistant Professor at University of British Columbia in Vancouver.



**David Golemboski** received his Ph.D. in Government from Georgetown University, and he works in the area of political theory, focusing on topics in law and philosophy, religion in politics, and political stability. His 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 also 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 served from 2016-2018 as the Kinder Institute's Postdoctoral Fellow in Political Thought & Constitutionalism, and he is currently an Assistant Professor in the Department of Political Science, Government, and International Affairs at Augustana University in Sioux Falls, SD.



**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 served from 2016-2018 as a Kinder Institute Postdoctoral Fellow in American Political History and is currently a fixed-term lecturer in American History at the University of Durham.

## Graduate Fellows



**Craig Forrest** earned his B.A. and M.A. at the University of Missouri, where he is currently a Ph.D. candidate in the Department of History. His doctoral dissertation at MU examines *in loco parentis* in American higher education from the 1860s through the 1970s and the conflicts over definitions of adulthood, citizenship, and constitutional rights that are the

central narrative in this history. Craig has presented his work at conferences in Columbia, St. Louis, and Malibu, and he has received travel and research grants from the History Department at Mizzou. He is married with four children and enjoys family activities in his free time. Craig served during 2017-2018 as the Kinder Institute's Dissertation Fellow in Political History.



**Ed Green** completed his B.A. in History and Politics at the University of Oxford and is currently an M.A. Fellow in History at the Kinder Institute. His research focuses on native Americans and their relationship with the federal government, and he is currently at work on a project that examines the development of federal bureaucracy during the forced

removals of the 1830s, with a focus on the ways that native Americans influenced and negotiated the development of these structures. Examining the federal and local relationships during this period allows the story of removal to become more nuanced whilst simultaneously providing a lens to understand the evolution of the American state. He also maintains an interest in political theory, particularly in the duties and obligations produced by acts of historic injustice.



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

how partisanship has ebbed and flowed over time, and the implications that these changes have for representation in America. He has taught American Government at Northern Illinois University and is currently a Ph.D. Fellow in Political Thought and Constitutionalism at the Kinder Institute and Editorial Assistant at *Starting Points*.



**Ted Masthay** received his B.A. in Political Science and Religious Studies from the University of Dayton and his Ph.D. from MU's Department of Political Science. His research broadly focuses on legislative careers, and his dissertation examined the personal and institutional factors that drive retirement decisions in the

U.S. Congress and European Parliament. During his time at the University of Missouri, Ted received the Outstanding Graduate Student Award from the Graduate Student Association, the J.G. Heinberg Scholarship, the Jeffery D. Byrne Scholarship, and the David M. Wood Excellence in Political Science Research Award, and he also served as president of the Graduate Association of Political Science. His research has been published in *Political Research Quarterly* and on the London School of Economics *American Politics and Policy* blog, and he has given numerous presentations at professional conferences and taught multiple courses about American politics at MU. He joined the Kinder Institute as a 2017-2018 Dissertation Fellow in Political Thought and Constitutionalism, and currently serves as a Visiting Assistant Professor at Wabash College.



**Henry Tonks** completed his B.A. (Hons) in History at Corpus Christi College, at the University of Oxford, where his undergraduate thesis, winner of the 2013-2014 Bushell Prize for History, examined the ideology of 'movement conservatism' in the early post-war period. During the 1950s, a number of writers,

activists, and public intellectuals set out to develop the ideological structure for an organised political movement, central to which were both a reinterpretation of American constitutional democracy along 'Judaean-Christian' lines and a radical rejection of bipartisan consensus in politics and policymaking. Building on this, his research interests include conservative political thought, the role of bipartisanship in American history, and the character of élites in modern politics. After graduating from Oxford, Henry worked as a researcher in the UK Parliament and as a policy advisor on strategic and local government issues for a business improvement district (BID) in Birmingham. Henry was raised in Birmingham, UK, though, through his mother, he has family roots in Gentry County, MO, and Granite City, IL. He is currently an M.A. Fellow in Political History at the Kinder Institute.



## GRANTS AWARDED

During the Fall 2017 and Spring 2018 award cycles, the following MU faculty and graduate students received research and travel grant funding from the Kinder Institute for book projects, conference travel, archival research, and more.

### *Fall 2017-Faculty*

MU Political Science Professors **James Endersby** and **Marvin Overby** each received awards of \$3,500 to conduct research at venues including the National Archives, Chicago Historical Society, and the Lyndon B. Johnson Presidential Archives for their current co-authored book project on critical congressional elections in American history.

Associate Professor **Martha Kelly** (Russian & German Studies) received a grant of \$3,500 to travel to Rome and Kiev to conduct research and interviews necessary to complete her book project on the public life of Russian poet and intellectual Olga Sedakova.

MU Professor and Chair of History **Catherine Rymph** received a grant of \$3,500 to conduct Summer 2018 research at the British National Archives for her new book, *America's Conscience and the Wagner-Rogers Refugee Aid Bill*.

### *Spring 2018-Faculty*

MU Associate Professor of Law and Kinder Institute Associate Professor of Constitutional Democracy and Director of Undergraduate Studies **Carli Conklin** received an award of \$1,000 to support indexing for her recently completed book manuscript, *The Pursuit of Happiness in the Founding Era*, which will be published in March 2019 as part of the Kinder Institute's *Studies in Constitutional Democracy* series with MU Press (See Appendix 4).

University of Missouri Arvarh E. Strickland Distinguished Professor of History and Black Studies **Devin Fergus** received a grant of \$3,500 to support indexing and copyediting necessary to complete *Land of the Fee: Hidden Costs and the Decline of the American Middle Class*, which was published in August 2018 by Oxford University Press (See Appendix 5).

University of Missouri Assistant Professor **Jake Haselswerdt** (Political Science) received an award of \$3,500 to purchase a module on the 2018 Cooperative Congressional Election Study database.

Assistant Professor of English **Lynn Itagaki** received a travel grant of \$500 to present her paper on "Asian American Civic Engagement, from Reagan to Trump" at the Policy History Conference in Tempe.

Associate Professor of History **Ilyana Karthas** received a travel grant of \$500 to attend the Reacting to the Past conference in St. Louis.

### *Fall 2017-Graduate*

Political Science Ph.D. candidate **Hanna Brant** received an award of \$3,000 to cover a one-year subscription to LegiStorm Pro Premium, a database necessary to advance her dissertation research on the role congressional staff plays in agenda setting and issue definition.

Political Science Ph.D. candidate **Ed Goldring** received a grant of \$2,500 to travel to South Korea to conduct interviews for his dissertation on how the Internet affects international democratizing pressures and processes.

History Ph.D. candidate **Carey Kelley** received a travel grant of \$500 to attend the November 2017 National Women's Conference in Houston.

### *Spring 2018-Graduate*

During the Spring 2018 award cycle, these four Ph.D. candidates received \$500 grants designed to support attendance and presentation at the following conferences:

**Jordan Butcher** (Political Science/Kinder Institute), the June 2018 State Politics & Policy Conference at Penn State.

**Craig Forrest** (History/Kinder Institute), the June 2018 Midwestern History Conference in Grand Rapids, MI.

**Aaron Kushner** (Political Science/Kinder Institute), the April 2018 Shawnee Trail Conference on American Politics & Constitutionalism in Colorado Springs.

**Ted Masthay** (Political Science/Kinder Institute), the March 2018 Western Political Association Conference in San Francisco.

## GRANTS RECEIVED

Through our ongoing partnership with the Missouri Humanities Council, the Kinder Institute received the following two outside grants:

\$25,000 from the MHC to host our annual Summer Teachers Academy for Missouri high school social studies educators in Columbia.

\$8,000 to develop programming for the Andrew W. Mellon Foundation's nationwide "Democracy and the Informed Citizen" grant initiative, designed to promote greater public awareness of how the humanities and journalism help develop depth, perspective, and understanding of important issues affecting communities and the nation.

In addition, we received a grant of \$10,000 from the John Templeton Foundation to partner with the Institute for Humane Studies at George Mason University on the October 2018 undergraduate colloquium on "The Essential Works of Frederick Douglass."

## COURSES TAUGHT

In total during AY 2017-18, we had 934 students enrolled in three-credit hour courses for our Minor & Certificate, 28 students enrolled in one-credit hour tutorials, and 84 students enrolled across five sections of the one-credit hour “Race and the American Story” topics class co-developed by Profs. Adam Seagrave of the Kinder Institute and Political Science Department and Stephanie Shonekan of the Black Studies Department. (\* denotes classes that are part of the curriculum for our four-course *Constitutionalism & Democracy* Honors College Course Series).

### ***Fall 2017***

HIST 4000: Age of Jefferson

HIST 4004: Music & Politics in the U.S.

POL SC 2450H: Intellectual World of the American Founders\*

POL SC 2455H: Constitutional Debates\*

POL SC 2800: Liberty, Justice, and the Common Good

POL SC 4130: African-American Politics

POL SC 4150: The American Presidency

POL SC 4200: The American Constitution

POL SC 4230: Constitution & Civil Liberties

GN HON 2010: Justice

GN HON 2010: Give Me Liberty or Give Me Arbitration

GN HON 2010: Hamilton and the Constitutional Foreign Affairs Power

GN HON 2010: The Impeachment Power & American Constitutional Balance

### ***Spring 2018***

BL STU 2425: Race and the American Story

CL HUM 4800: Political Thought in Classical and Christian Antiquity

HIST 2100H: The Revolutionary Transformation of Early America\*

HIST 2120H: The Young Republic\*

HIST 2150: The American Civil War—A Global History

HIST 4004: Global History at Oxford

HIST 4100: American Cultural and Intellectual History to 1865

POL SC 2800: Liberty, Justice, and the Common Good

POL SC 2860: American Political Thought

POL SC 4140: Congress and Legislative Policy

POL SC 4150: The American Presidency

POL SC 4170: Politics of the American South

POL SC 4200: The American Constitution

POL SC 4210: Constitutional Rights

POL SC 4810: Modern Political Theory

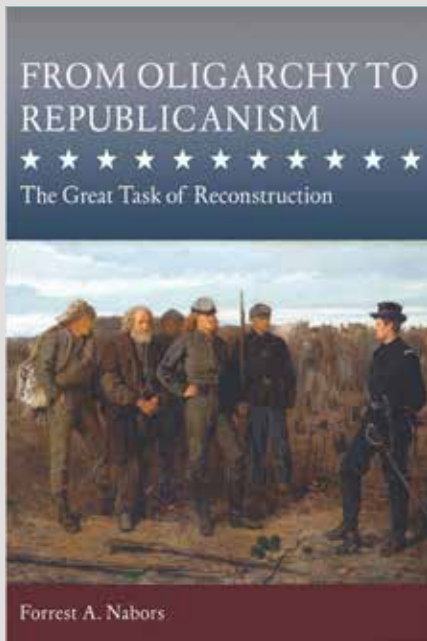
POL SC 4830: Democracy in America and Elsewhere

GN HON 2010: Dynamic Disequilibrium in American Markets & Politics



## STUDIES IN CONSTITUTIONAL DEMOCRACY, RECENT AND UPCOMING TITLES

Of the following four titles, the first two were released during AY 2017-18 as part of our *Studies in Constitutional Democracy* monograph series with University of Missouri Press, and the final two are on schedule to be published during AY 2018-19.



### **From Oligarchy to Republicanism: The Great Task of Reconstruction (October 2017)**

by *Forrest Nabors*

\*\*\*Winner of the APSA American Political Thought Book Award for Best Book of 2017\*\*\*

Most Americans think of Reconstruction as a period when blacks' hopes for equal citizenship were encouraged but then cruelly dashed, and scholars of Reconstruction have typically identified black American citizenship as the central concern of congressional Republicans. Although this work does not contest that assessment, it does contest the idea that we should frame Reconstruction in this way. Specifically, Nabors begins by examining how political development in the South deviated from the path established by the Founders, in the direction of oligarchy—not white over black, but a minority of whites over a ruled class of blacks *and* whites—causing decades of inter-regime conflict and finally war. Post-Civil War congressional Republicans thus regarded the work of Reconstruction in the same way they regarded the work of the Founding: as regime change, from monarchy in the one case, and from oligarchy in the other, to republicanism.

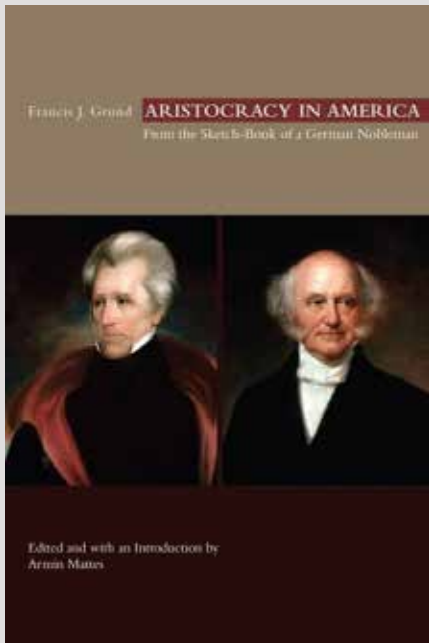
While not denying the importance of slavery and civil rights, Nabors ultimately argues that both were subsumed by this greater issue of Southern oligarchy.

In unpacking this argument, Nabors surveys the political analysis of the antebellum South by Republicans in the 38th through 40th Congress (1863–1869), in their writings and speeches dated before, during, and after those years. These figures constitute the core of a Republican School of thinkers who—in contrast to the later Dunning School, revisionist, and post-revisionist historians of Reconstruction—identified Southern oligarchy (tightly linked to slavery) as the problem of the age. Chapters 1–2 cover the Republicans' common understanding of their duty to both re-found the American democratic regime and undo the oligarchic regime that opposed them. Chapters 3–5 cover their political history of the rise of Southern oligarchy before the war, showing how oligarchy contended against republicanism and altered national political development. In chapter 6, “The Evidence,” Nabors analyzes three institutional dimensions of the oligarchic regime—education, property, and the organization of government—and arrives at findings that support the Republican School. In a final chapter, he explains how twentieth-century historians caught up in the battle over civil rights lost sight of the regime context in which that battle had been fought during Reconstruction, and discusses the reasons for the failure of Reconstruction.

“This path-breaking, passionately argued study frames Reconstruction rightly for the first time since Reconstruction itself. Returning to what politicians North and South actually said and did, Forrest Nabors shows how the Confederacy masked a regime of oligarchy with such slogans as ‘States’ Rights’ and the ‘positive good’ of slavery. He further shows how Reconstruction aimed to settle the Civil War by restoring the rebel states to the genuine republicanism they had espoused during the American Revolution and had pledged to honor in the Constitutional Republican Guarantee Clause.”

—Will Morrissey, Chair in the American Constitution at Hillsdale College and author of *Self-Government, the American Theme: Presidents of the Founding and Civil War*

**Forrest Nabors** is an Assistant Professor of Political Science at the University of Alaska-Anchorage and a former high-technology business executive.



## Aristocracy in America: From the Sketch-Book of A German Nobleman (June 2018)

by Francis J. Grund, translated and with an introduction by Armin Mattes

In Jacksonian America, as Grund exposes, the wealthy inhabitants of northern cities and the plantation South may have been willing to accept their poorer neighbors as political and legal peers, but rarely as social equals. In this important work, he thus sheds light on the nature of the struggle between “aristocracy” and “democracy” that loomed so large in early republican Americans’ minds.

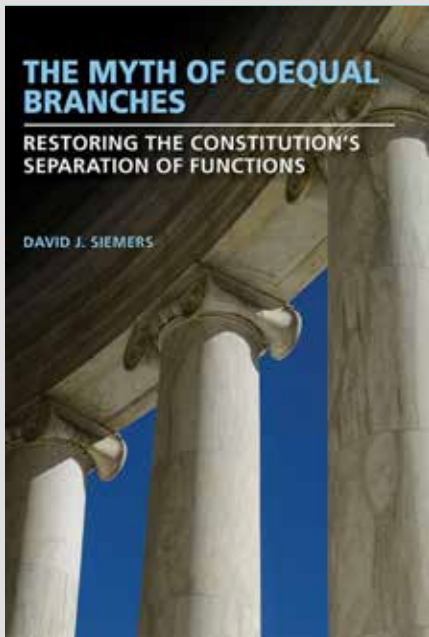
Francis J. Grund, a German emigrant, was one of the most influential journalists in America in the three decades preceding the Civil War. He also wrote several books, including this fictional, satiric travel memoir in response to Alexis de Tocqueville’s famous *Democracy in America*. Armin Mattes provides a thorough account of Grund’s dynamic engagement in American political life and brings to light many of Grund’s reflections previously published only in German. Mattes shows how Grund’s work can expand our understanding of the emerging democratic political culture and society in the antebellum United States.

“Mattes has done historians a real service by contextualizing and annotating a primary source that, among its many discernments, finds inequality in America not in the political and economic spheres, but in a pseudo-aristocratic social elitism.”

—Kevin Butterfield, Director of the Institute for the American Constitutional Heritage at University of Oklahoma and author of *The Making of Tocqueville’s America*

Armin Mattes served from 2014–17 as the Kinder Institute’s inaugural Postdoctoral Research Fellow.

## The Myth of Coequal Branches: Restoring the Constitution’s Separation of Functions (December 2018)



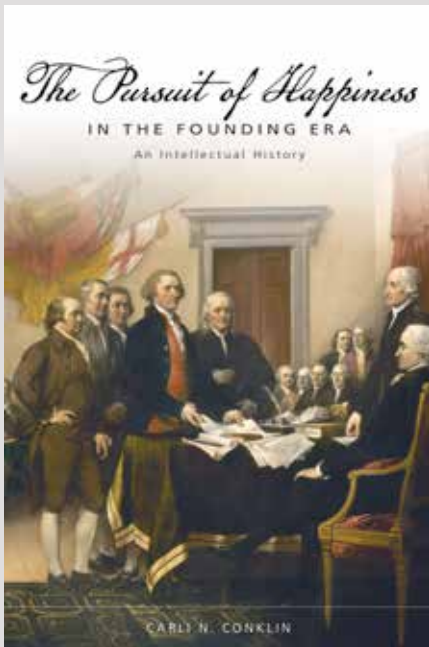
by David Siemers

The idea that the three branches of U.S. government are equal in power is taught in classrooms, proclaimed by politicians, and referenced in the media. But, as David Siemers shows, that idea is a myth, neither intended by the Founders nor true in practice. Siemers explains how adherence to this myth normalizes a politics of gridlock, in which the action of any branch can be checked by the reaction of any other. The Founders, however, envisioned a separation of functions rather than a separation of powers. Siemers argues that this view needs to replace our current view, so that the goals set out in the Constitution’s Preamble may be better achieved.

“This book takes on a ubiquitous topic in original and useful ways. It ought to have a substantial impact on how we think about the separation of powers in the United States and lead us to better appreciate how our constitutional scheme does and should work.”

—Keith Whittington, William Nelson Cromwell Professor of Politics at Princeton University and author of *Constitutional Construction*

David J. Siemers is a Professor of Political Science at the University of Wisconsin–Oshkosh and the author of three books, including *Presidents and Political Thought*.



## The Pursuit of Happiness in the Founding Era (forthcoming, March 2019)

by Carli N. Conklin

Scholars have long struggled to define the meaning of the phrase “the pursuit of happiness” in the *Declaration of Independence*. The most common understandings suggest that the phrase is a direct substitution for John Locke’s conception of property or that the phrase is a rhetorical flourish that conveys no substantive meaning. Yet, property and the pursuit of happiness were listed as distinct—not synonymous—rights in eighteenth-century writings. Furthermore, the very inclusion of “the pursuit of happiness” as one of only three unalienable rights enumerated in the *Declaration* suggests that the drafters must have meant something substantive when they included the phrase in the text.

This book seeks to define the meaning of “the pursuit of happiness” within its eighteenth-century legal context by exploring the placement and meaning of the phrase within two of the eighteenth century’s most important legal texts: William Blackstone’s *Commentaries on the Laws of England* (1765-1769) and the *Declaration of Independence* (1776). Ultimately, this book concludes that “the pursuit of

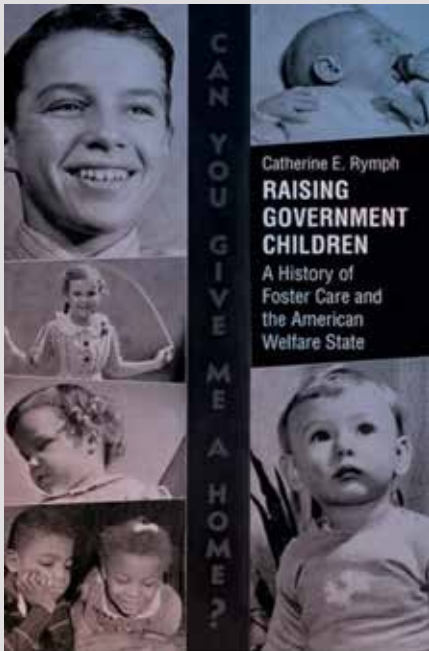
happiness”—which was understood to be both a public duty and a private right—evoked an Enlightenment understanding of the first principles of law by which the natural world is governed, the idea that those first principles were discoverable by man, and the belief that to pursue a life lived in accordance with those principles was to pursue a life of virtue, with the end result of happiness, best defined in the Greek sense of *eudaimonia* or human flourishing.

**Carli N. Conklin** is an Associate Professor of Law at the University of Missouri Law School, an Associate Professor of Constitutional Democracy at the Kinder Institute, and the Kinder Institute’s Director of Undergraduate Studies.



## FACULTY BOOKS AND DISTINCTIONS

The following three faculty books were published during AY 2017-18 by Kinder Institute faculty or affiliated faculty, with the fourth set to be released while the Annual Report is in its final production stages.



### **Raising Government Children: A History of Foster Care and the American Welfare State (University of North Carolina Press, October 2017)**

by Catherine Rymph

In the 1930s, buoyed by the potential of the New Deal, child welfare reformers hoped to formalize and modernize their methods, partly through professional casework but more importantly through the loving care of temporary, substitute families. Today, however, the foster care system is widely criticized for failing the children and families it is intended to help. How did a vision of dignified services become virtually synonymous with the breakup of poor families and a disparaged form of “welfare” that stigmatizes the women who provide it, the children who receive it, and their families?

Tracing the evolution of the modern American foster care system from its inception in the 1930s through the 1970s, Catherine Rymph argues that deeply gendered, domestic ideals, implicit assumptions about the relative value of poor children, and the complex public/private nature of American welfare provision fueled the cultural resistance to funding maternal and parental care. What

emerged was a system of public social provision that was actually subsidized by foster families themselves, most of whom were concentrated toward the socioeconomic lower half, much like the children they served. Analyzing the ideas, debates, and policies surrounding foster care and foster parents’ relationship to public welfare, Rymph reveals the framework for the building of the foster care system and draws out its implications for today’s child support networks.

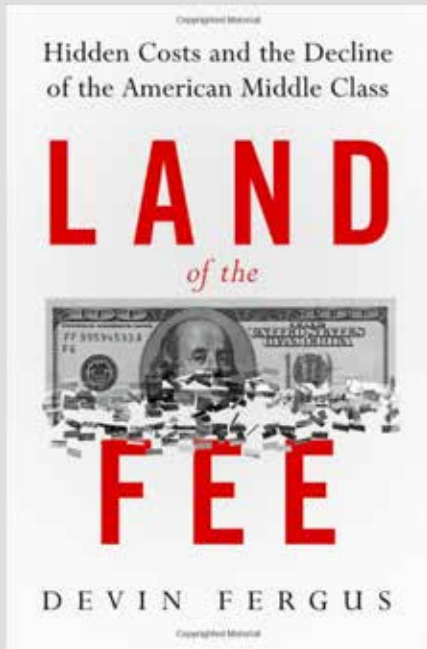
“Rymph’s book, supplemented by studies on the black tradition of self-help and child caring, provides a first step in understanding potential ways to better serve families and their children.”

—Stacey Patton, *Women’s Review of Books*

“Catherine Rymph narrates a remarkably unknown and important story: how a system designed to dignify poor children and help poor families became a source of additional trauma in their lives. This deeply researched and compassionate book exposes the cultural anxieties over child care, motherhood, poverty, and family structure that have produced enduring contradictions in American public policy.”

—Ellen Herman, University of Oregon

**Catherine Rymph** is Professor and Chair of History at the University of Missouri and author of *Republican Women: Feminism and Conservatism from Suffrage to the Rise of the New Right*.



## **Land of the Fee: Hidden Costs and the Decline of the American Middle Class (Oxford University Press, August 2018)**

*by Devin Fergus*

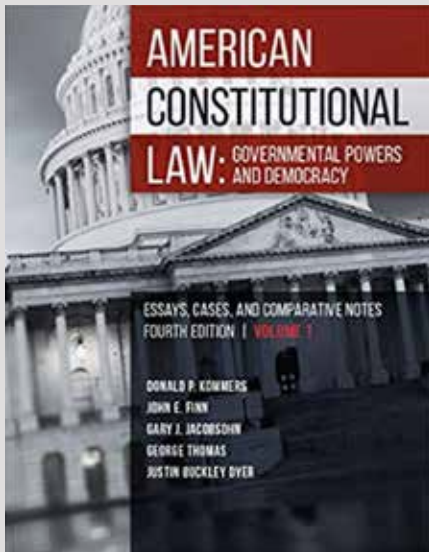
Politicians, economists, and the media have put forth no shortage of explanations for the mounting problem of wealth inequality: a loss of working class jobs, a rise in finance-driven speculative capitalism, and a surge of tax policy decisions that benefit the ultra-rich, among others. While these arguments focus on the macro problems that contribute to growing inequality, they overlook one innocuous but substantial contributor to the widening divide: the explosion of fees accompanying virtually every transaction that people make.

As Devin Fergus shows in *Land of the Fee*, these perfectly legal fees are buried deep within the verbose agreements between vendors and consumers, agreements that few people fully read or comprehend. The end effect, Fergus argues, is a massive transfer of wealth from the many to the few: large banking corporations, airlines, corporate hotel chains, and other entities of vast wealth. Fergus traces the fee system from its origins in the deregulatory wave of the late 1970s to the present,

placing the development within the larger context of escalating income inequality. He organizes the book around four of the basics of existence: housing, work, transportation, and schooling. In each category, industry lobbyists successfully influenced legislatures into transforming the law until surreptitious fees became the norm.

The average consumer is now subject to a dizzying array of charges in areas like mortgage contracts, banking transactions, auto insurance rates, college payments, and payday loans. The fees that accompany these transactions are not subject to usury laws and have effectively redistributed wealth from the lower and middle classes to ultra-wealthy corporations and the individuals at their pinnacles. By exposing this predatory and nearly invisible system of fees, *Land of the Fee* will reshape our understanding of wealth inequality in America.

**Devin Fergus** is the Arvarh E. Strickland Distinguished Professor of History, Black Studies, and Public Affairs at the University of Missouri and author of *Liberalism, Black Power, and the Making of American Politics*.



## **American Constitutional Law, Vol. 1: Governmental Powers and Democracy**

### **American Constitutional Law Vol. 2: Liberty, Community and the Bill of Rights (West Academic Publishing, August 2018)**

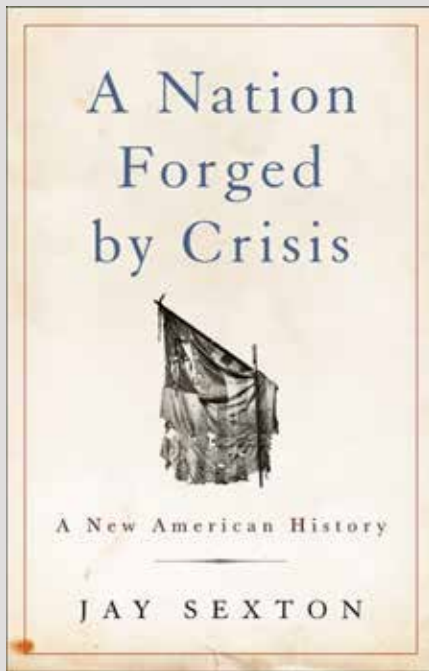
*Justin Dyer, co-edited with Donald Kommers, John Finn, Gary Jacobsohn, and George Thomas*

*American Constitutional Law* is a unique, two-volume casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order. In addition to its distinguished authorship, the book has two prominent features that set it apart from other books in the field: an emphasis on the social, political, and moral theory that provides meaning to constitutional law and interpretation, and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order. While the focus of the book is entirely on American

constitutional law, it asks students to consider what, if anything, is unique in American constitutional life and what we share with other constitutional democracies. Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts. This new edition offers updated and expanded treatment of a number of important and timely topics that have been addressed by the Supreme Court in recent years.

**Justin B. Dyer** is Professor of Political Science at the University of Missouri, Director of the Kinder Institute on Constitutional Democracy, and author most recently of *C.S. Lewis on Politics and the Natural Law* (with Micah Wilson) and *A Guide to the Missouri Constitution* (with Greg Casey).





## A Nation Forged by Crisis: A New American History (Basic Books, October 2018)

by Jay Sexton

In *A Nation Forged by Crisis*, historian Jay Sexton contends that our national narrative is not one of halting yet inevitable progress, but of repeated disruptions brought about by shifts in the international system. Sexton shows that the American Revolution was a consequence of the increasing integration of the British and American economies; that a necessary precondition for the Civil War was the absence, for the first time in decades, of foreign threats; and that we cannot understand the New Deal without examining the role of European immigrants and their offspring in transforming the Democratic Party.

A necessary corrective to conventional narratives of American history, *A Nation Forged by Crisis* argues that we can only prepare for our unpredictable future by first acknowledging the contingencies of our collective past.

“The learned and wise Professor Sexton invokes three crises of America’s present—national security, globalized capitalism, and exploding immigration—to reinterpret America’s past in illuminating, lucid, and—yes—exciting analyses.”

—Daniel Walker Howe, Emeritus Professor of History at UCLA and Pulitzer Prize-winning author of *What Hath God Wrought: The Transformation of America, 1815-1848*

“With U.S. constitutional democracy on alarmingly high alert, eminent scholar and prizewinning teacher Jay Sexton reminds us that the nation has been forged by crises. Though turbulent times have yielded extraordinary opportunities for change, outcomes have neither been certain nor up to Americans alone to decide. This is an essential read for anyone inclined to believe that the United States has determined its own destiny.”

—Kristin Hoganson, Professor of History at University of Illinois and author of *Consumers’ Imperium: The Global Production of American Domesticity*

“Bold in conception and rich in ideas, *A Nation Forged by Crisis* delivers a scintillating new reading of United States history. Jay Sexton places pivotal episodes in the American past within a broad framework of periodic disruptions brought about by international economic and strategic shifts. He triumphantly vindicates the interpretive possibility of entangled global history, confirms his reputation as one of the most accomplished historians of his generation, and offers a lesson on the dangers that follow the nation’s prioritising inward-looking objectives over international ones.”

—Richard Carwardine, President of Corpus Christi College (Oxford) and author of *Lincoln: A Life of Purpose and Power*

**Jay Sexton** is Professor of History at the University of Missouri, the Kinder Institute Endowed Chair in Constitutional Democracy, and author of *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* and *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873*

## SELECT DISTINCTIONS, KINDER INSTITUTE FACULTY

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

#### *Articles*

- “The Substance of *Dred Scott* and *Roe v. Wade*,” *Georgetown Journal of Law and Public Policy* (2018)
- “James Wilson, Necessary Truths, and the Foundations of Law,” *Duquesne Law Review* (2018)

### ***Jeffrey L. Pasley, Kinder Institute Associate Director and Professor of History and Journalism (by courtesy)***

#### *Book Chapters*

- “Profiles in Triangulation: John F. Kennedy’s Neoliberal History of American Politics,” in *Presidents as Historians: How Presidents Interpret the Past to Control the Future* (University of Virginia Press, in press)

#### *Online Scholarship*

- “Harbinger of the New Deal Coalition: The Pendergast Machine and the Liberal Transformation of the Democratic Party,” for the Kansas City Public Library website project on *The Pendergast Years: Kansas City in the Jazz Age & Great Depression*

#### *Presentations*

- “Reporting the News in the Partisan Press: The Age of Competitive Advocacy,” at the Huntington Library’s *Rise of the Newspaper in Europe and America, 1600-1900* Conference (October 2018)

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

#### *Books Completed* (forthcoming)

- *The Pursuit of Happiness in the Founding Era: An Intellectual History* (University of Missouri Press, forthcoming March 2019)

#### *Essays*

- “Julius Henry Cohen and Kenneth Dayton, ‘The New Federal Arbitration Law,’” invited essay for Virginia Law Review special issue on “Seminal Articles in Dispute Resolution” (forthcoming 2019)

#### *Awards & Distinctions*

- Student Selected Faculty Honor Tap for MU Mortar Board, Faculty Mentor for Mizzou ‘39

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

#### *Edited Books* (forthcoming)

- *Powering Up the Global: Taking U.S. History into Transimperial Terrain*, co-edited with Prof. Kristin Hoganson (Duke University Press, forthcoming 2019)
- *The Cambridge History of America and the World, Volume 2*, co-edited with Kristin Hoganson (Cambridge University Press, forthcoming 2020)

#### *Articles and Book Chapters*

- “William H. Seward, el vapor, y el imperialism estadounidense, 1850-1875,” *Historia Mexicana* (Julio – Septiembre de 2018)
- “Foreword,” co-authored with John Darwin in *Gold Rush: A Global History* (University of California Press, 2018)
- “Steam Transport, Sovereignty, and Empire in North America, c. 1850-1885,” *The Journal of the Civil War Era* (December 2017)

#### *Invited Lectures*

- “The Legacy of WW I,” C-SPAN broadcast with Sir Hew Strachan at the World War I Museum & Memorial in Kansas City (November 2017)

#### *Awards*

- 2018 Stuart Bernath Lecture Prize, awarded by the Society of Historians of American Foreign Relations for outstanding scholar under the age of 41

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

#### *Select Recent & Forthcoming Book Chapters*

- “Slave Hiring at Thomas Jefferson’s Monticello,” in Lawrence Aje, Catherine Armstrong, and Lydia Plath, eds., *The Many Face of Slavery: New Perspectives on Slave Ownership in the Americas* (Bloomsbury, 2019)
- “‘Taking Root Deeper Than Ever’: Jeffersonians and Slavery,” in Joanne B. Freeman and Johann N. Neem, eds., *Jeffersonians in Power* (University of Virginia Press, 2018)
- “Slavery in Jefferson’s Worlds,” in Andrew Bobby and Dustin Gish, eds., *Jefferson and His Contemporaries* (University of Virginia Press, 2018)

#### *Invited Talks*

- “Jefferson’s Grandchildren: War, Slavery, and Independence in Latin America, 1830-1850,” Monticello-Notre Dame Conference, Santiago, Chile (December 2018)
- “The Other People of the Plantation,” *Thomas Jefferson’s Private and Public Worlds*, NEH Summer Teacher Institute in Charlottesville, VA (July 2018)
- “Amelioration, Slavery, and the State,” *Changing Histories of the State* conference, University of Notre Dame (March 2018)

### ***Sarah Beth V. Kitch, Kinder Institute Assistant Professor of Constitutional Democracy and Harry S. Truman School of Public Affairs Assistant Professor of Public Affairs***

#### *Articles*

- “Martin Luther King, Jr. and the Prophetic Voice,” *Journal of Politics* (under review)

#### *Awards*

- Best Female Political Scientist Paper, 2017 Northeastern Political Science Association (awarded 2018)

#### *Invited Conference Presentations*

- “The Political Sermons of the Revolutionary Era” (Discussant), American Political Science Association (September 2017)



***Alyssa Zuercher Reichardt, Kinder Institute Assistant Professor of Constitutional Democracy and Assistant Professor of History***

*Fellowships*

- 2017-18 Junior Visiting Fellow, Center for Humanities and Information, The Pennsylvania State University

*Awards*

- 2018 Allan Nevins Dissertation Prize Nominee, Society of American Historians

*Articles and Book Chapters*

- “Translation,” *Early American Studies* special issue on “Keywords in Early American Material Texts” (Fall 2018)
- “Deconstructing the Imperial Map and Reconstructing Indigenous Sovereignty,” in *Indigenous Archives in the Digital Age* (University Press of New England, forthcoming 2019)

*Invited Talks and Select Conference Presentations*

- “Paths of Empire and Roads to War in the American Interior, 1727-1754,” Omohundro Institute of Early American History and Culture Colloquia, College of William & Mary (March 2018)
- “‘That the Roads and Waters may be free and open to us all’: Haudenosaunee Pathways and Politics in the Eastern Great Lakes, 1763-1794,” Society for Historians of the Early American Republic Annual Meeting (July 2018)
- “The Paperwork of Empires in the French and British Atlantic,” American Historical Association Annual Meeting (January 2018)

***Jennifer L. Selin, Kinder Institute Assistant Professor of Constitutional Democracy, Assistant Professor of Political Science, and Harry S. Truman School of Public Affairs Assistant Professor of Public Affairs (by courtesy)***

*Books (forthcoming)*

- *Sourcebook of United States Executive Agencies* (second edition), co-authored with David E. Lewis (forthcoming 2018)

*Grants*

- Dirksen Congressional Center 2018 Congressional Research Grant (with Hanna K. Brant) for “Brain Drain? An Analysis of Congressional Committee Staffers’ Legislative and Oversight Capabilities”

*Invited Talks and Select Conference Presentations*

- “Behind ‘Enemy’ Lines?: Executive Branch Influence over Legislative Policy” (with Russell W. Mills), Rooney Center for the Study of American Democracy, University of Notre Dame (February 2018), and *The Empirical Study of Agency Policymaking Conference*, University of Wisconsin (March 2018)
- “The Devil is in the Details: Enhancing Administrative Capacity Through Congressional Detailees” (with Russell W. Mills), 2018 Annual Meeting of the Midwest Political Science Association
- “Who Has the Power? Measuring the Diversity of Delegated Power Among Federal Agencies,” 2017 Annual Meeting of the Midwest Political Science Association