

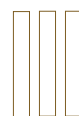


KINDER INSTITUTE
on CONSTITUTIONAL DEMOCRACY

NEWSLETTER | SPRING 2018



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 (recapped on pp. 2-7) and a Town & Gown dinner lecture (see pp. 8-9) 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. Our second installment of programming for this

Continued on page 2



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 (see pp. 5-7); our continued streak of undergraduate fellows becoming M.A., J.D., and Ph.D. candidates (see p. 23); the evolution of our regional seminars into national conferences (see pp. 19-21).

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, 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."



Kinder Institute on Constitutional Democracy
University of Missouri

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initiative, a conference on undergraduate scholarship that addresses all aspects of the grant’s overall theme, will take place in November 2018, with more details about that forthcoming in our summer newsletter.

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.

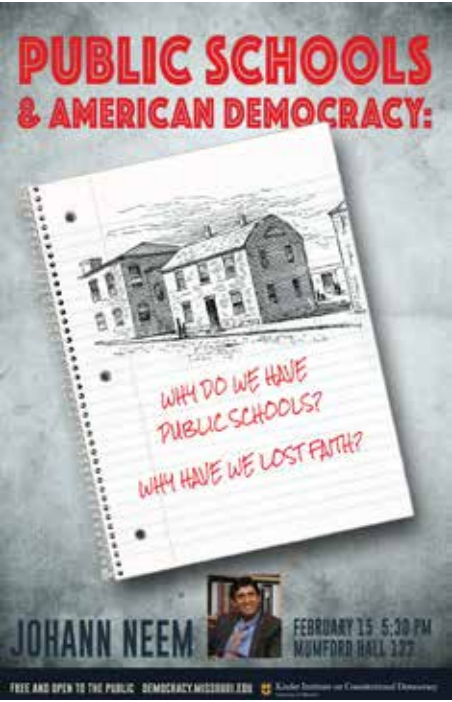
“A Republic, if you can keep it”

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 inculcated in 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 tyrannical 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. 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



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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.

“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

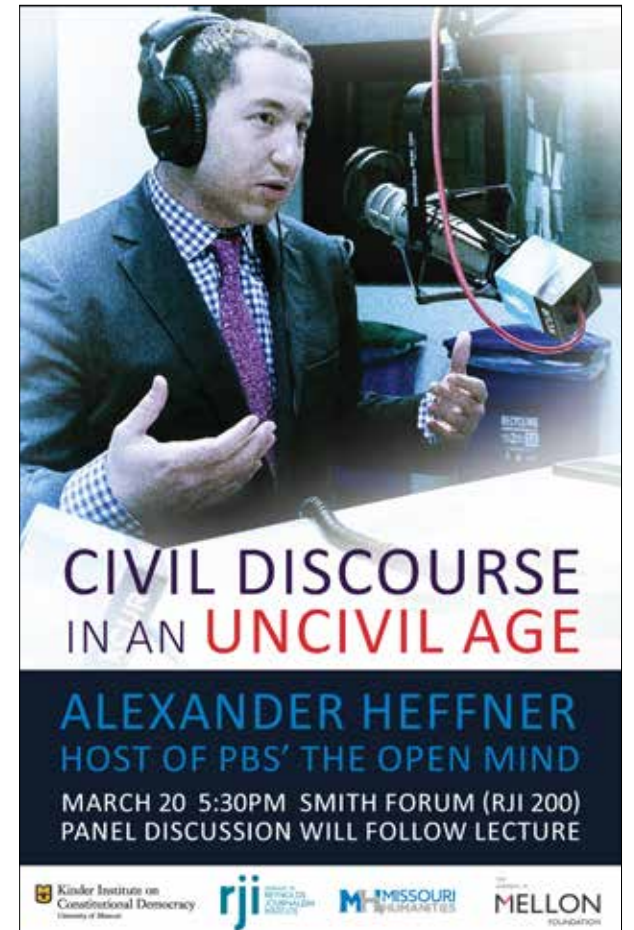
“There’s concern about incivility in the air right now,” PBS’ **Alexander Heffner** bluntly noted in opening his standing room only March 20 public lecture at the Reynolds Journalism Institute’s Smith Forum. But rather than plunge directly into the present abyss, Heffner asked attendees to first reflect 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 current tax plan; and an incivility of dysfunction, evident in leaders’ widespread abdication of responsibility to process—their inability, he added, to even get to the table.

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. And while

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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* case of Greensboro, North Carolina. Though the city's rhetoric of embracing the decision and of 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.

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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 statue 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, as well as 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

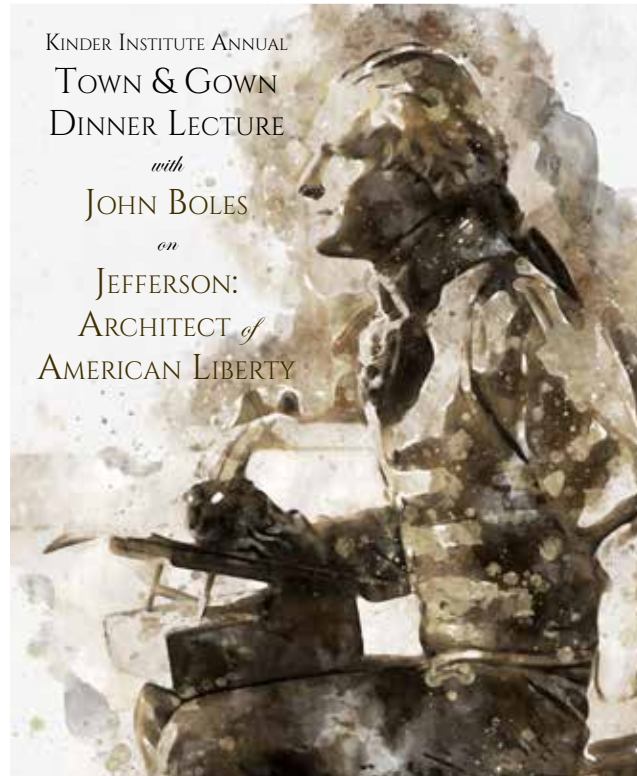
Constructing a story of Thomas Jefferson's contributions to defining the purposes and powers of government, and to defending the liberties of citizens, could begin in any number of places, but for Rice University William P. Hobby Professor of History **John Boles'** April 10 Town & Gown Dinner Lecture, 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 added, would ultimately settle for sending notes south, and they would arrive too late to be integrated into his home state's framing document.

These notes, 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, Jefferson's ideas about both the structure of government and the rights of citizens likewise informed his 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 case of 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 rather 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.

See democracy.missouri.edu for a video of Prof. Boles' full April 10 talk.



COLLOQUIA

As is standard every spring (and every fall for that matter), our more campus-oriented 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. One spring event, Prof. **Andy Robertson’s** inaugural Distinguished Research Fellow colloquium, fell outside the printing window for this newsletter, but we’ll recap that and preview the Fall 2018 calendar in August.

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 his talk, 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 adjudicating this issue.

Justice Kennedy’s determination fits within the history of re-districting cases on two fronts. 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.

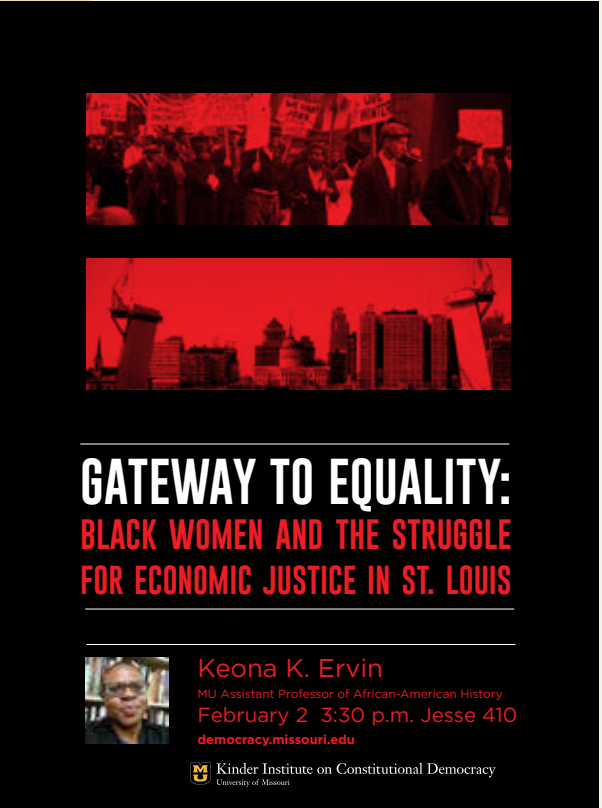
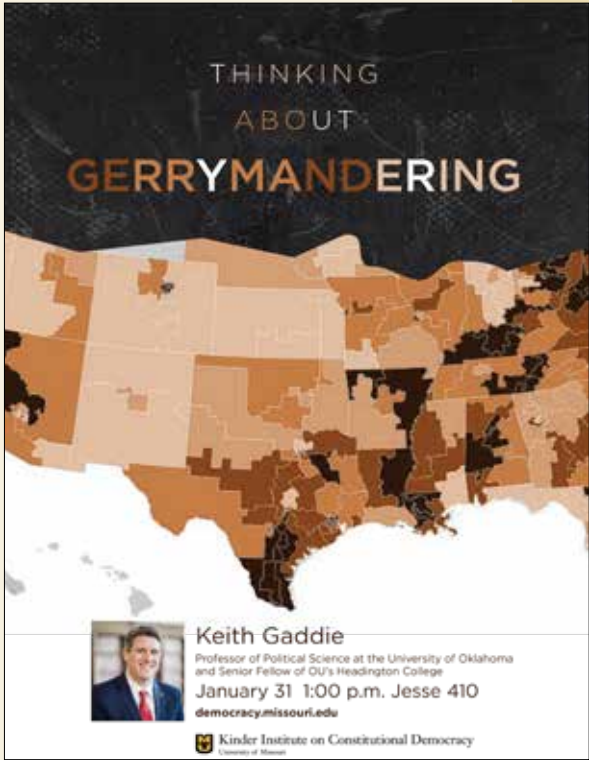
Gateway to Equality

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 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.



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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.

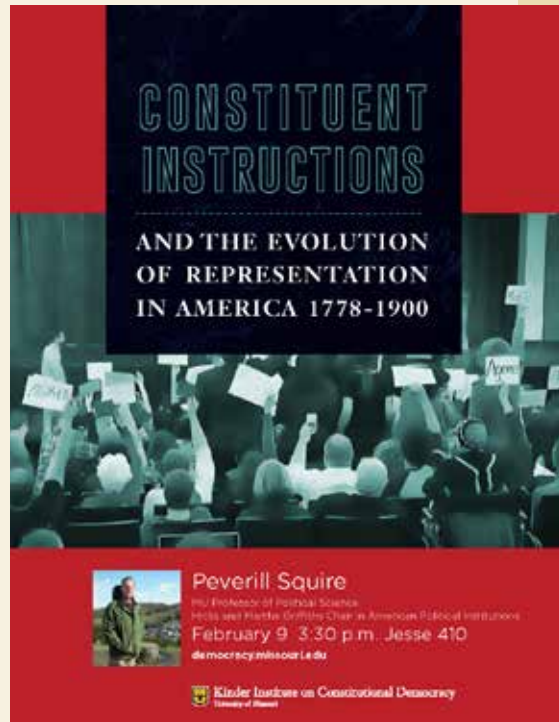
Settler Colonialism and the History of U.S. Women's Property Rights

Western University Assistant Professor of History Laurel K. Shire

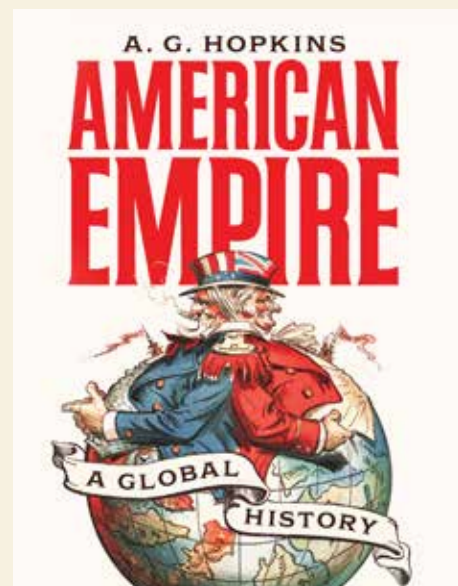
To trouble the premise of the provocative question that served as the official title for her March 16 Women's History Month keynote address, "What's the Matter with White Women," Western University Prof. **Laurel Shire** did not turn to the question's contemporary correlative—the 53% of white women voters 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 the 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, 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.



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, she noted, 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 system, 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 inextricably 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 hegemon’s success, a crisis of empire embodied by the American colonies’ revolt against the financially extractive mother country.

However, his larger purpose in summoning this imperial narrative 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 new 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 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 Reykjavik 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 detailed and 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 to 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 exceed 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. Of 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 pp. 20-21, 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

There will be more to come on all of these fronts (and others) in the Summer and Fall 2018 newsletters, but we can start the reporting just by noting some of the fires that were being kindled during late winter and early spring by Kinder Institute faculty and grad students. **Jeff Pasley**, **Christa Dierksheide**, and History Ph.D. candidate **Lawrence Celani** were all busy with work related to programming for

the Missouri Bicentennial, ranging from developing content for the Missouri Humanities Council’s traveling public history exhibit, to ironing out early logistics for a Spring 2019 scholarly conference revisiting the Missouri Crisis of 1818-1821, to furiously digging through the archives to unearth material for the live-tweeting of the state’s anniversary at @MO_Crisis200 (glance left for a sampling of this day-by-day record of Missouri history). And while the team of Kinder Institute representatives, led by the intrepid **Henry Tonks**, were breaking a bottle over the bow of the “Global History at Oxford” study abroad program (see pp. 26-27 for a student travelogue of the trip), Kinder Institute Chair **Jay Sexton** was working behind the scenes on expanding the weeklong Spring Break jaunt to Oxford into a yearlong study abroad fellowship.

In between getting these new endeavors off the ground, we were also hosting potential graduate students, interviewing for soon-to-be-vacant Kinder Postdoctoral Fellow positions, and preparing offices for a pair of new faculty members who will officially join the Kinder Institute ranks in August 2018. While all of these items are still in the “ongoing” category, we did officially select a new round of recipients for our Spring 2018 travel grants. On the graduate side, a quintet of applicants, including three Kinder Grad Fellows, received awards to help fund spring and summer conference travel: **Jordan Butcher** (to the State Politics & Policy Conference at Penn State); **Elizabeth Dorssom** (to the Institute for Human Studies’ “Future of Liberty” Conference at Bryn Mawr); **Craig Forrest** (to the Midwestern History Conference in Grand Rapids); **Aaron Kushner** (to the Shawnee Trail Conference in Colorado Springs); and **Ted Masthay** (to the Western Political Science Association Conference in San Francisco). Faculty award news to come in August.



SOCIETY OF FELLOWS

Ever the polestars, our undergraduates were a steadying 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” (see pp. 5-7 for a recap). 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 newsletter 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 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 Wisniewski: J.D., University of North Carolina

KINDER SCHOLARS D.C. SUMMER PROGRAM

Given late-March and early-April application deadlines, much of the roster of internship sites for this year’s class of Kinder Scholars was in flux at press time, though we do have these early placements to report on:

Regina Anderson (Strategic Communication & Political Science): The Office of Senator Catherine Cortez Masto
Gabriel Gassmann (Economics & Spanish): Bellwether Education Partners
Sarah Jolley (English, History, & Political Science): Center for International Policy
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
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)

Joining the full cohort in D.C. for the eight-week “Beltway History & Politics” seminar will be Professors **Carli Conklin**, **Justin Dyer**, **Jen Selin**, **Christa Dierksheide**, **Jay Sexton**, **Jeff Pasley**, **Jay Dow**, and **Marvin Overby**.



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:

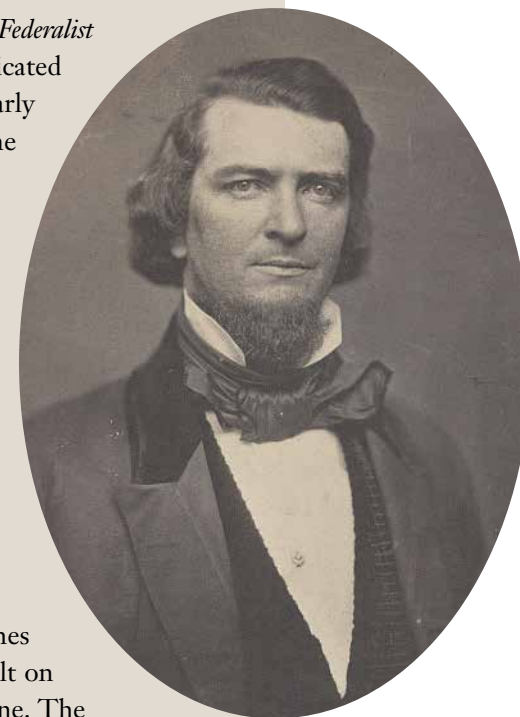
Menendez took 19 free rides on Melgen’s private jets to luxury resorts around the world, sometimes bringing guests...Over a period of four years, Menendez held several meetings with U.S. health officials to help Melgen settle an \$8.9 million Medicare payment dispute... Melgen made more than \$600,000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



¹Cambridge (Mass.) Citizens. “The Sumner Outrage. A Full Report of the Speeches at the Meeting of Citizens in Cambridge, June 2, 1856, in Reference to the Assault on Senator Sumner, in the Senate Chamber at Washington.” National Archives Online. The Library of Congress. 15 October 2017.

²Cambridge (Mass.) Citizens. “The Sumner Outrage. A Full Report of the Speeches at the Meeting of Citizens in Cambridge, June 2, 1856, in Reference to the Assault on Senator Sumner, in the Senate Chamber at Washington.” National Archives Online. The Library of Congress. 15 October 2017.

³Cambridge (Mass.) Citizens. “The Sumner Outrage. A Full Report of the Speeches at the Meeting of Citizens in Cambridge, June 2, 1856, in Reference to the Assault on Senator Sumner, in the Senate Chamber at Washington.” National Archives Online. The Library of Congress. 15 October 2017.

⁴Sinha, M. “The Caning of Charles Sumner: Slavery, Race, and Ideology in the Age of the Civil War.” *Journal of the Early Republic* 23.2 (2003): pp. 233-262.

⁵Sinha, M. “The Caning of Charles Sumner: Slavery, Race, and Ideology in the Age of the Civil War.” *Journal of the Early Republic* 23.2 (2003): pp. 233-262.

⁶Woods, M. “‘THE INDIGNATION OF FREEDOM-LOVING PEOPLE’: THE CANING OF CHARLES SUMNER AND EMOTION IN ANTEBELLUM POLITICS.” *Journal of Social History*, 44.3 (2011): 689-705.

⁷Woods, M. “‘THE INDIGNATION OF FREEDOM-LOVING PEOPLE’: THE CANING OF CHARLES SUMNER AND EMOTION IN ANTEBELLUM POLITICS.” *Journal of Social History*, 44.3 (2011): 689-705.

⁸Phillips, A. “Everything you need to know about Sen. Robert Menendez’s corruption trial.” *The Washington Post*. (2017).

⁹Friedman, M., and Hutchins, R. “Justice Department drops corruption case against Menendez.” *Politico*. (2018).



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 that 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 a natural 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.



Lightning Round

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.

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Kinder Institute on
Constitutional Democracy
University of Missouri

409 Jesse Hall
Columbia, MO 65211
573.882.3330
democracy.missouri.edu

NEWS IN BRIEF

Congratulations to MU Political Science Prof. and Kinder Institute Board Member **Marvin Overby**, who will spend AY 2018-19 in D.C. as a John W. Kluge Center Resident Scholar at the Library of Congress . . . and congratulations to Kinder Institute Professor and Director of Undergraduate Studies **Carli Conklin** for receiving the Mizzou '39 Faculty Mentor Award . . . and to MU History Professor and KICD Board Member **Steve Watts** on being chosen to deliver University of Mary Washington's William B. Crawley Lecture . . . and to former Kinder Institute Postdoc **Ben Park** on the publication of his first book, *American Nationalisms: Imagining Union in an Age of Revolutions*, with Cambridge University Press . . . The first foreign language publication that we know of in Kinder Institute history, Chair **Jay Sexton** recently placed "William H. Seward, el vapor, y el imperialismo estadounidense, 1850-1875" in *Historia Mexicana* . . . If you see him, shake the hand of undergraduate fellow **Nathan Owens**, who recently got word that he received a much-deserved A&S Scholarship . . . In more fellows news, **Matt McKeown**, a member of our inaugural Society of Fellows class, reported that he'll be attending University of Washington's MPA program in Fall 2018 after a few years in Chicago . . . And it isn't just our former undergrads who are moving to new pastures. We got news right before printing that 2017-18 Graduate Fellow **Ted Masthay** has accepted a Visiting Assistant Professorship in Political Science at Wabash College in Indiana

